Local Bankruptcy Rules, Forms and Procedures

United States Bankruptcy Court
for the Southern District of Ohio

Effective: January 1, 2004

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The Philosophy and Policy of
The Local Rules, Forms and Procedures Committee
for the Bankruptcy Court for the
Southern District of Ohio

In reviewing our existing local rules, forms and procedures for revision, the Committee, composed of six members from each court location, has adopted certain policies and philosophy to guide its work. The Committee will strive to:

(a) Revise the local rules to accommodate all periodic statutory and national rule changes and to make all rules comply with the requirement of Bankruptcy Rule 9029 that local rules be consistent with and non-duplicative of governing statutes and national rules.

(b) Attempt to incorporate any relevant existing and viable general orders into the local rules and to discourage the creation and use of such general orders.

(c) Streamline procedures and practices by eliminating motions, applications, or orders wherever possible, consistent with the requirements of the Bankruptcy Code and Rules. If an order appears necessary for an uncontested matter, a determination will be made if the matter is susceptible to a default form entry by the clerk or whether discretionary authorization to approve in lieu of an order should be delegated to a standing chapter 12 or 13 trustee.

(d) Attempt to standardize the rules, forms and procedures for practice under chapters 12 and 13 throughout the district.

(e) Recognize the significance of electronic case filing. [See Southern District of Ohio Administrative Procedures for Electronic Case Filing available at the court's website at http://www.ohsb.uscourts.gov.]

(f) Encourage, by example, order, education, consequence, and other means, careful observation of these rules by the bench, clerk, and bar throughout the district.

PART I

1002–1 PETITION — GENERAL

(a) Filing. The clerk shall accept any petition duly presented for filing, except that the clerk may refuse to accept for filing a petition not accompanied by the proper filing fee, unless otherwise authorized by law. The clerk shall time stamp all petitions presented for filing.

(b) Form of Petition. All petitions shall comply with the appropriate Official Bankruptcy Form. The debtor's address shall include the domicile address, as well as the mailing address, if different.

(c) Disclosure of Prior Petitions. If a petition indicates the debtor has filed a prior bankruptcy, the debtor shall also disclose by way of addendum the chapter under which relief was sought and whether discharge was granted, denied or revoked. If the prior case was a case under chapter 13 which was confirmed, paid out and discharged, and the current case is a chapter 7 case, the debtor shall disclose the percentage paid to unsecured creditors in the chapter 13 case.

(d) Requirement of Local Rule 1015–2 Statement. The Local Rule 1015–2 statement must be filed with the petition.

(e) Requirement of Designation.

(1) Purpose. The purpose of this rule is to ensure accurate statistical reports to the Administrative Office of the United States Courts and to aid the court and interested parties in making an informed and accurate determination of the debtor's purpose for filing the bankruptcy petition as well as the debtor's general status.

(2) Designation. All petitions shall indicate whether the case is a consumer case or a business case. A consumer case is one in which the debtor is an individual who is not engaged in business and owes consumer debt only or one in which the debtor was formerly engaged in business and has more consumer debt than business debt. A business case is one in which either the debtor is a corporation, a partnership, an individual currently engaged in business, an individual formerly engaged in business who owes more for business debts than for consumer debts, or where the case was commenced under chapter 12.

(3) Signature by Attorney. The designation shall be signed by the debtor's attorney or *pro se* debtor.

(f) Copy Requirements. An original and three (3) copies of the petition in chapter 7, 12 and 13 cases and an original and five (5) copies of the petition in chapter 11 cases shall be filed with the clerk.

1004–1 PETITION — PARTNERSHIP

(a) Attorney Required. No partnership or entity other than an individual shall file a petition nor shall it appear as a debtor in any case or proceeding unless it is represented by an attorney.

(b) Authorization for Filing. A copy of the duly attested partnership resolution or other appropriate authorization of the filing of a voluntary petition shall be filed by the debtor within fifteen (15) days after the filing of such petition.

(c) Responsible Person. The natural person or persons occupying the following positions shall be responsible for any and all acts required by the Code or the Rules to be performed by a debtor partnership and shall attend on behalf of the debtor any examination, meeting or hearing unless the court orders otherwise:

(1) an individual who is a general partner; or

(2) an individual who is the chief executive officer of a corporation that is a general partner; or

(3) an individual who bears the relationship described in (1) and (2) above to a partnership that is a general partner of the debtor.

(d) Designation of Responsible Person. No later than fifteen (15) days after the filing of the petition in a voluntary case or the entry of the order for relief in an involuntary case, an individual who occupies the position designated in (c) above, shall be identified by name and title in a pleading or other paper filed with the clerk.

(e) Change in Designation of Responsible Person. If any party in interest or any individual designated pursuant to this rule deems any individual so designated inappropriate, a motion shall be made to the court for relief from this rule and for the designation of some other individual. The motion shall be served pursuant to the requirements of LBR 9013–3 and upon the individual designated under (d) above and upon the individual whom the movant suggested to be designated.

1005–1 PETITION — CAPTION (Reserved)

1006–1 FEES — INSTALLMENT PAYMENTS

The clerk may refuse to accept any payment tendered as an installment filing fee that does not conform to the court's order entered pursuant to Rule 1006(b)(2). Unless otherwise ordered by the court, any installment payment tendered to the clerk shall not be in an amount less than $30.00.

1007–1 LISTS, SCHEDULES AND STATEMENTS

(a) Copy Requirements in Chapter 7, 12 and 13 Cases. An original and three (3) copies of each schedule, statement or list required under Rule 1007 and any plan required by Rule 3015 shall be filed with the clerk.

(b) Chapter 11 Cases.

(1) Copy Requirements. An original and five (5) copies of each schedule, statement or list required under Rule 1007 shall be filed with the clerk.

(2) Schedules of Contingent, Unliquidated or Disputed Claims. In addition to the information required by Rule 1007 and Official Form 6, within fifteen (15) days after the filing of a petition or the entry of an order for relief, the debtor in possession shall file a schedule listing separately those creditors whose claims are contingent, unliquidated or disputed. Such schedule shall include the name and address of each such creditor, the amount claimed by each such creditor, the basis of the claim, and a brief statement of the reason the claim is considered contingent, unliquidated or disputed. The schedule shall be accompanied by a certification that service has been made by the debtor, in addition to the service required by LBR 9013–3, upon all creditors listed in the schedule.

(c) Schedules or Statements Filed After Petition Date. If a petition is filed without schedules or statement of financial affairs, such schedules or statement, when filed, shall be accompanied by one of the following:

(1) Certification. A certification by the case attorney for the debtor, or by the debtor if not represented by an attorney, that the schedules or statement do not contain any creditors in addition to or different from those named in the list of creditors filed with the petition; or

(2) Amendment to List of Creditors. An amendment to the list of creditors which consists of the names and complete mailing addresses of all creditors in the schedules or statement which did not appear, or appeared with a different name or address, in the original list of creditors filed with the petition. This amendment shall contain the unsworn declaration of the debtor, shall be accompanied by the appropriate filing fee, and is subject to the service requirements of LBR 1009–1(a).

1007–2 MAILING — LIST OR MATRIX (Hard Copy and Disk)

(a) Time to File; Format for Paper Submissions. In addition to the requirements of the Rules, unless otherwise ordered, the debtor at the time of filing a petition in a voluntary case, or not later than fifteen (15) days after the entry of an order for relief in an involuntary case, shall file a mailing list of creditors and other parties in interest on hard copy or computer disk in the following format:

(1) Print style shall be Courier 10 pitch, Times New Roman or Letter Gothic.

(2) List shall be printed in a single column, centered on a page with letters no closer than one inch from any edge.

(3) Addresses must be no longer than four lines with at least one blank line separating each entry on the mailing list.

(4) Each line must be 40 characters or less in length.

(5) Mailing lists should not include the debtor(s), attorney for the debtor(s) or the office of the United States trustee.

(6) If a computer disk is used, a standard computer disk, 3 ½", is required with lists in ASCII format following the same requirements as the paper submissions listed in (a) above.

(b) Verification. The mailing list shall be verified pursuant to Rule 1008 on a separate page for both paper and computer disk submissions.

(c) Amendments. Any amendment to the debtor's schedules which amends, deletes or adds to any of the information contained in the original mailing list shall be accompanied by an amended or supplemental mailing list or computer disk.

(d) Computer Disks Required for Large Cases. Debtors who have five hundred (500) or more creditors and parties in interest shall submit mailing lists on computer disk following the requirements listed in (a) above.

1007–3 STATEMENT OF INTENTION (Reserved)

1009–1 AMENDMENTS TO LISTS AND SCHEDULES

(a) Pending Cases. When the debtor amends schedules to add or make any change concerning any creditor or party in interest, the debtor's attorney shall serve a copy of the amendment as required by LBR 9013–3. If the debtor files schedules after the petition date which include creditors not on the original list of creditors or if creditors are added by a separate amendment, the debtor also shall serve a copy of the notice of the original meeting of creditors and any amendments or additions thereto upon each such added creditor. Any such amendment must comply with the copy requirements for an original filing, must be accompanied by the proper filing fee, and to ensure subsequent notices from the clerk, such amendment must be accompanied by an amendment to the mailing list which sets forth only creditors added or modified. The format of any mailing list(s) is prescribed by LBR 1007–2. The debtor shall file a certificate of service of any amendment or order for meeting of creditors required by this rule.

(b) After Reopening Case to Add Creditor. When the debtor wishes to amend schedules to add a creditor in a closed case, a motion to reopen the case must be filed and served with appropriate notice pursuant to LBR 5010–1 and 9013–3. If the court enters an order reopening the case, the amendment must be filed in accordance with (a) above, accompanied by the proper filing fee, within fifteen (15) days of the entry date of the order reopening the case.

(c) Amendment to Exemptions. If Schedule C, Property Claimed as Exempt, is amended, the debtor's attorney shall serve a copy of the amendment on the trustee and the United States trustee and shall file a certificate of service. Objections to the amended claim of exemption shall be filed within thirty (30) days from the date of such service.

(d) Separate Document. Each amendment of schedules shall be by separate document and shall not be combined with a plan modification or other document.

(e) Date of Debt. Any amendment to add a creditor shall disclose the date the debt arose.

1010–1 PETITION — INVOLUNTARY (Reserved)

1014–1 TRANSFER OF CASES (Reserved)

1014–2 VENUE — CHANGE OF (Reserved)

1015–1 JOINT ADMINISTRATION/CONSOLIDATION (Reserved)

1015–2 RELATED CASES

(a) Definition. If venue is otherwise proper in the Southern District of Ohio, a petition involving a companion case shall be filed at the court location where the first related case was filed. Companion cases include cases in which the debtors are:

(1) Identical individuals or entities, e.g., DBAs, FDBAs, other cases of the same person;

(2) A corporation and any major shareholder thereof. (see e.g. §§ 101(2) and (31) of the Code);

(3) Affiliates (see § 101(2) of the Code);

(4) A partnership and any of its general partners;

(5) An individual and his or her general partner or partners;

(6) An individual and his or her spouse; or

(7) Entities having substantial identity of financial interests or assets.

(b) Disclosure of Related/Companion Cases.

(1) Form; Mandatory Requirement. A "Local Rule 1015–2 Statement" in the form attached shall be filed in every case along with the petition. Where the debtor or a relative/companion, as defined in section (a) above, has filed a prior bankruptcy case within the last six (6) years or has a pending case in any bankruptcy court regardless of when such case was filed, the information requested in section (2) below shall be completed for each such case. If no such cases exist, "None" shall be indicated on the Statement.

(2) Contents. The Local Rule 1015–2 Statement shall be executed by the petitioner under penalty of perjury and shall disclose, to the petitioner's best knowledge, information and belief:

(A) Whether any related/companion cases are pending or have been filed within the last six (6) years;

(B) The name of the debtor in each related/companion case and the date each such related/companion case was filed;

(C) The case number and chapter of each related/companion case;

(D) The district and division in which each related/companion case is or was pending;

(E) The judge to whom each related/companion case was assigned;

(F) The current status of each related/companion case;

(G) The manner in which the cases are related; and

(H) Any real property included in Schedule A that was filed with each related/companion case.

(3) Sanctions. The failure to fully and truthfully provide all information required by the Local Rule 1015–2 Statement may subject the petitioner and its attorney to the sanction of dismissal of the case with prejudice, conversion, or the appointment of a trustee in addition to the sanctions in LBR 9011–3.

(c) Assignment of Related/Companion Cases by Clerk. When the petition or a Local Rule 1015–2 Statement discloses a related/companion case which is or was pending in this district, the newly–filed case shall be assigned by the clerk to the judge to whom the related/companion case was most recently assigned.

(d) Reassignment of Cases.

(1) By the Court. The judge before whom a later–filed case is pending may, with or without motion, notice, or hearing, order the reassignment of such case to the judge before whom a prior related/companion case is pending or was pending. The judge before whom a prior case is pending or was pending may, with or without motion, notice, or hearing, order the reassignment to his or her docket of a later–filed case pending before another judge. The judges to whom related/companion cases have been assigned may, by mutual consent, order the assignment of a prior related/companion case to the judge to whom a later–filed case has been assigned for good cause based upon the convenience of the parties or where justice otherwise requires.

(2) Judicial Concurrence Required. Any reassignment of a case pursuant to (1) above shall require the concurrence of the judges to whom and from whom such case is to be reassigned.

(3) By Motion. Motions by parties in interest to request reassignment or consolidation of related/ companion cases or adversary proceedings shall be made to the judge to whom the prior case is or was assigned. Such motions shall be served according to LBR 9013–3.

1017–1 CONVERSION — REQUEST FOR/NOTICE OF (Reserved)

1017–2 DISMISSAL OR SUSPENSION — CASE OR PROCEEDINGS (Reserved)

1019–1 CONVERSION — PROCEDURE FOLLOWING

Upon conversion of a case from one under chapter 13 to one under chapter 7, the debtor's attorney shall file a statement of compensation as required under § 329(a) of the Code.

1020–1 CHAPTER 11 SMALL BUSINESS CASES — GENERAL (Reserved)

1070–1 JURISDICTION (Reserved)

1071–1 DIVISIONS — BANKRUPTCY COURT

(a) Locational Assignment of Cases and Proceedings. The filing of cases or proceedings properly venued within this district shall be assigned to the court in the division serving the following counties:

EASTERN DIVISION:	COUNTIES:
Columbus	Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington

WESTERN DIVISION:	COUNTIES:
Cincinnati	Adams, Brown, Butler, Clermont, Hamilton, Highland, Lawrence, Scioto, and Warren
Dayton	Butler, Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, and Warren

NOTE: Butler County and Warren County cases may be filed in either **Cincinnati** or **Dayton**.

(b) Proper Filing Location. A case or proceeding must be filed in accordance with the proper location assignment (LBR 1017–1(a)); and, if not, the clerk shall without further order forward the case or proceeding to the proper location assignment and advise the debtor, any case attorney, and all parties who received notice through the clerk's office, that the case has been forwarded from the initial filing location to the proper location assignment, unless the initial petition is accompanied by a separate motion and memorandum of authority, served in accordance with LBR 9013–3, requesting the case remain at the initial filing location, in which instance the proper filing location court will enter an order concerning the proper location assignment. If a case or proceeding is filed in an improper location, the debtor's attorney or *pro se* debtor has a duty to advise the clerk that the case or proceeding is being improperly filed.

(c) Change of Location of Properly Filed Case or Proceeding. A party in interest may request by motion that a case or proceeding be reassigned to another court location within this district. In addition to service under LBR 9013–3, all creditors in a case or parties in a proceeding shall be served.

(d) Court Addresses. The following are the mailing addresses, telephone numbers, and telecopier (fax) numbers of each Court, as of the effective date of these local rules:

United States Bankruptcy Court
Atrium Two, Suite 800
221 East Fourth Street
Cincinnati, Ohio 45202
(513) 684–2572 – telephone
(513) 684–6727 – telecopier (fax)

United States Bankruptcy Court
170 North High Street
Columbus, Ohio 432l5
(614) 469–6638 – telephone
(614) 469–2478 – telecopier (fax)

United States Bankruptcy Court
120 West Third Street
Dayton, Ohio 45402
(937) 225–2516 – telephone
(937) 225–2954 – telecopier (fax)

1072–1 PLACES OF HOLDING COURT

The **Cincinnati** court holds regularly scheduled proceedings in the cities of **Cincinnati** and **Portsmouth**. The **Columbus** court holds regularly scheduled proceedings in the cities of **Columbus**, **Steubenville**, **St. Clairsville**, and **Zanesville**. The **Dayton** court holds regularly scheduled proceedings in the city of **Dayton**. Hearings scheduled by the court may also be held at any other location in the district.

1073–1 ASSIGNMENT OF CASES

(a) Core and Related to Matters and Proceedings. Proceedings and matters arising in or related to a case shall be assigned to the bankruptcy judge to whom the case is assigned.

(b) Unavailability of Assigned Judge. In the event of the absence of a bankruptcy judge from the judge's office or court, any other bankruptcy judge at the absent judge's court location or, if no other bankruptcy judge is available at the absent judge's court location, then any other bankruptcy judge of the district who is available, may act temporarily for the absent bankruptcy judge and determine any matter in a case or proceeding assigned to the absent bankruptcy judge.

(c) Unavailability of Chief Judge. The chief judge for the United States Bankruptcy Court for the Southern District of Ohio may designate any other active bankruptcy judge in the district to perform the duties of the chief judge in the absence of the chief judge.

1074–1 CORPORATIONS

(a) Attorney Required. No corporation or entity other than an individual shall file a petition nor shall it appear as a debtor in any case or proceeding unless it is represented by an attorney.

(b) Authorization for Filing. A copy of the duly attested corporate resolution or other appropriate authorization of the filing of a voluntary petition shall be filed by the debtor within fifteen (15) days after the filing of such petition.

(c) Responsible Person. The individual occupying the position of chief executive officer, or the individual who most recently served in that capacity if no such individual is serving in that capacity as of the date of the petition, shall be responsible for any and all acts required by the Code or the Rules to be performed by a debtor corporation and shall attend on behalf of the debtor any examination, meeting or hearing unless the court orders otherwise. The individual occupying or who most recently occupied the position of president is presumed to be the chief executive officer.

(d) Designation of Responsible Person. No later than fifteen (15) days after the filing of the petition in a voluntary case or the entry of the order for relief in an involuntary case, an individual who occupies the position designated in (c) above, shall be identified by name and title in a pleading or other paper filed with the clerk.

(e) Change in Designation of Responsible Person. If any party in interest or any individual designated pursuant to this rule deems any individual so designated inappropriate, a motion shall be made to the court for relief from this rule and for the designation of some other individual. The motion shall be served pursuant to LBR 9013–3 and upon the individual designated under (d) above and upon the individual whom the movant suggested to be designated.

PART II

2002–1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) Notice of Information Required from Debtor(s).

(1) § 341 Notice. Included with the notice sent pursuant to § 341 of the Code, the clerk shall make a reference to the requirements of LBR 4002–1(a)(2).

(2) § 342 Notice. Included with the notice sent pursuant to § 342(b) of the Code, the clerk shall also transmit to debtor and debtor's counsel a list of the documents required to be brought to the § 341 meeting pursuant to LBR 4002–1(a)(2).

(b) Service by the Chapter 13 Trustee.

(1) Notice of Meeting of Creditors. The trustee shall give the debtor, debtor's attorney, creditors and other entities originally scheduled by the debtor not less than twenty (20) days notice by a method authorized by Civil Rule 5(b) of the meeting of creditors pursuant to § 341 of the Code, and the trustee shall attach to the notice a copy of the plan and a blank proof of claim form.

(2) Other Notices. The trustee shall give the debtor, debtor's attorney, creditors and other entities originally scheduled by the debtor, and added creditors where appropriate, notice of:

(A) the time fixed for filing objections to, and the date of the hearing on, objections to confirmation of the plan;

(B) the order for relief under chapter 13;

(C) plan completion and, in completed cases, the filing of the trustee's final report and account; and

(D) other matters relating to the administration of a case as ordered by the court.

(3) Certificate of Service. The trustee shall file a certificate of any service made pursuant to this rule or any other service the court orders the trustee to make.

(4) Limitation of Service. Except for the final report and account, the trustee shall not be required to serve under this rule any scheduled creditor or creditor added by amendment who fails to file a proof of claim. Notwithstanding the above, the

trustee shall serve any creditor who files a proof of claim whether or not such creditor was scheduled.

(5) Miscellaneous Notices. In conjunction and consultation with the clerk, the trustee may, consistent with the periods prescribed by these rules, fix times for filing pleadings and other papers and give notices of hearings, including but not limited to, confirmation and valuation hearings.

(c) Returned Notices.

(1) Chapter 13 Cases. The trustee shall use the debtor's attorney's address, or *pro se* debtor's address, as the return address on all § 341 Notices and final orders of discharge it sends, unless multiple notices sent to the same entity are batched in a single envelope as a cost savings device. The debtor's attorney or *pro se* debtor shall correct any address errors by amending the proper schedule or list, renoticing the creditor and filing a certificate of service. The debtor's attorney or *pro se* debtor shall also notify the trustee of any trustee's office error which the trustee shall then correct by renotice where appropriate. Neither the trustee nor the clerk will maintain a permanent record of or retain returned notices.

(2) Chapter 7, 11, and 12 Cases. The clerk shall use the debtor's attorney's address, or *pro se* debtor's address, as the return address on all § 341 notices and final orders of discharge it sends, unless multiple notices sent to the same entity are batched in a single envelope as a cost savings device. The debtor's attorney or *pro se* debtor shall correct any address errors by amending the proper schedule or list, renoticing the creditor and filing a certification of such noticing. The debtor's attorney or *pro se* debtor shall also notify the clerk of any clerk's office error which the clerk shall then correct by renotice where appropriate. The clerk will not maintain a permanent record of or retain returned notices.

2002–2 NOTICE TO THE UNITED STATES OR FEDERAL AGENCY (Reserved)

2002–3 UNITED STATES AS CREDITOR OR PARTY (Reserved)

2003–1 MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

(a) Rescheduled § 341 Meeting. Any request for the rescheduling of a § 341 meeting shall comply with the requirements prescribed by the United States trustee and shall be addressed in the first instance to the case trustee or, in a chapter 11 case, to the United States trustee. If a rescheduling is granted prior to the meeting being convened, the debtor's case attorney shall be responsible for renoticing all creditors and parties in interest of the rescheduled meeting date, time, and location, and shall file a certification of such service with a copy to the case trustee, or in a chapter 11 case, to the United States trustee. If the § 341 meeting is called and then adjourned to a later date, the notice required by this subsection may be limited to parties in attendance at the prior § 341 meeting convened.

(b) Motion and Response. Only upon denial of a request for rescheduling of a § 341 meeting directed to the case trustee or, in a chapter 11 case, to the United States trustee, may the party whose request was denied move that the court grant such rescheduling of a § 341 meeting. The memorandum accompanying any such motion must state the steps taken to secure a rescheduled meeting. Any response to the motion shall be filed within seven (7) days from the date of service as set forth on the certificate of service attached to the motion.

2004–1 DEPOSITIONS AND EXAMINATIONS (Reserved)

2007.1–1 TRUSTEES AND EXAMINERS (CHAPTER 11)

(a) (Reserved)

(b) Service of Papers Relating to Election of Chapter 11 Trustee. Any request under Rule 2007.1(b)(1) to convene a meeting of creditors for the purpose of electing a trustee in a chapter 11 reorganization case, any report and application under Rule 2007.1(b)(3)(A) for approval of the appointment of the elected person, and any report under Rule 2007.1(b)(3)(B) concerning a disputed election shall be served as required by LBR 9013–3 and upon the person elected trustee.

2010–1 TRUSTEES — BONDS/SURETY

(a) Recovery of Chapter 7 Blanket Bond Premiums. Chapter 7 panel trustees covered by the blanket bond may apportion and pay their blanket bond premium, when the bill is received, according to the rules and regulations promulgated by the Office of the United States trustee.

(b) Application of Joint Procedural Guidelines for Closing Chapter 7 Cases. The amount of bond premium paid from each estate account shall be reflected on the appropriate form designated by the Joint Procedural Guidelines for Closing Chapter 7 Cases. Pursuant to those Guidelines, notice of the amount paid from the estate shall be sent pursuant to the Code and Rules. To the extent the court determines any such payments were improperly made, such payments may be subject to reimbursement by the trustee to the estate.

2014–1 EMPLOYMENT OF PROFESSIONALS

(a) Application Required. A trustee or debtor in possession pursuant to § 327 of the Code, or appointed committee pursuant to § 1102 of the Code, requesting the appointment of a professional person shall apply to the court for such appointment in accordance with this rule, and any such person appointed shall be subject to the jurisdiction of the court for approval of all fees.

(b) Required Contents of Application. Any application for appointment as a professional shall conform to the requirements of the Code and to Rule 2014 and shall further state:

(1) the professional's customary and proposed hourly rates of compensation or other proposed formula for determining compensation,

(2) the amount, date paid, and source of any fees paid to the applicant from a period of one (1) year prior to the filing of the petition through the time of application, and

(3) the amount, date paid, and source of any retainer sought or received by the professional within such period.

(c) Required Contents of Affidavit. The affidavit or verified statement of the person to be employed which accompanies the application for appointment, in addition to the requirements set forth in Rule 2014, shall:

(1) set forth any known past or present relationship to the debtor, the trustee, or any creditor or equity security holder of the debtor. For every past or present relationship so disclosed the applicant shall provide a separate affidavit to the United

States trustee stating the gross revenues received for the preceding twelve months from any such party where said gross revenues exceed one percent of the applicant's total gross revenues;

(2) establish the lack of any adverse interest to the estate; and

(3) establish that the proposed employment is not prohibited by or improper under Rule 5002.

(d) Appraisers, Auctioneers, Brokers and Real Estate Agents. The affidavit or verified statement of an appraiser, auctioneer, broker, or real estate agent shall contain, in addition to the information required by (c) above, the following:

(1) a statement that the appraiser, auctioneer, broker, or real estate agent is not an officer or employee of the Judicial Branch of the United States or the United States Department of Justice;

(2) a statement that gross proceeds of any sale conducted by the auctioneer or real estate agent will be immediately turned over to the trustee or debtor in possession unless otherwise ordered by the court; and

(3) an acknowledgment that the appraiser, auctioneer, broker, or real estate agent will not under any circumstances, directly or indirectly, purchase or acquire any interest in any of the property to be appraised by or sold by that appraiser, auctioneer, broker, or real estate agent.

(e) Notice. Notice of the application shall be given in accordance with LBR 9013–3. If no response to the application is filed on a timely basis, the court may grant the relief requested. If the application is granted, the appointment shall be effective as of the date the application was filed unless otherwise ordered by the court.

(f) Supplemental Disclosure. Promptly after learning of any additional information required to be disclosed pursuant to Rule 2014 or this subsection relating to such appointment (such as potential or actual conflicts of interest), the professional appointed or to be appointed shall file and serve a supplemental affidavit setting forth the additional information.

(g) Optional Forms. Optional forms for use in chapter 11 proceedings, are available via the court's web site at http://www.ohsb.uscourts.gov.

2015–1 TRUSTEES — GENERAL (Reserved)

2015–2 DEBTOR–IN–POSSESSION DUTIES (Reserved)

2015–3 TRUSTEES — REPORTS AND DISPOSITION OF RECORDS (Reserved)

2015–4 TRUSTEES — CHAPTER 12 (Reserved)

2015–5 TRUSTEES — CHAPTER 13

(a) Fees and Expenses of Trustee in Unconfirmed Cases.

(1) Administrative Fee. The trustee is authorized to charge an administrative fee of fifty dollars ($50.00) in any case which is dismissed or converted prior to confirmation.

(2) Percentage Fee. The trustee is authorized to charge the percentage fee authorized for trustee compensation and expenses on any unconfirmed case where the trustee is authorized to make disbursements prior to confirmation.

(b) Prescribed Fees for All Cases. In addition to the fees promulgated under authority of 28 U.S.C. § 1930 and collected by the clerk at the time filings are made, chapter 13 debtors may be assessed chapter 13 trustee noticing fees and claims processing fees. The fee for each notice generated by the trustee shall be fifty cents ($.50) plus actual postage. The fees shall be payable only from the estate and only to the extent there is an estate. The noticing fees, if assessed, must be assessed in all cases prior to the time the final report and account is filed with the clerk. The total of those fees paid to the trustee will be shown on the trustee's final report and account.

(c) Addresses for Chapter 13 Trustee Offices. As of the effective date of these local rules, addresses, telephone numbers, and telecopier (fax) numbers for chapter 13 trustee offices for the district are as follows:

Columbus: 130 E. Wilson Bridge Rd.
Suite 200
Worthington, OH 43085
(614) 436–6700 – telephone
(614) 436–0190 – telecopier (fax)

Cincinnati: 36 East Fourth Street
Suite 700
Cincinnati, OH 45202
(513) 621–4488 – telephone
(513) 621–2643 – telecopier (fax)

Dayton: 131 North Ludlow Street
Suite 900
Dayton, OH 45402–1161
(937) 222–7600 – telephone
(937) 222–7383 – telecopier (fax)

2016–1 COMPENSATION OF PROFESSIONALS

(a) Compensation of Professionals in Chapter 11 Cases.

(1) Interim Fees for Professional Persons.

(A) Content of Application. An application for compensation or reimbursement of expenses shall include the following:

(i) a description of the services performed that identifies each service separately in sufficient detail to allow evaluation of the benefit derived from the service, the date each service was performed, and the time expended for each service.

(ii) the professional time expended set forth either (i) by each professional or paraprofessional in chronological order, or (ii) by day in chronological order showing all professionals or paraprofessionals that expended time on each day; and

(iii) an itemized list by category and amount of expenses for which reimbursement is sought.

(B) Optional Form. An optional form for an interim allowance of compensation and reimbursement of expenses and an accompanying notice are available via the court's website at http://www.ohsb.uscourts.gov.

(C) Privileged Information and Work Product. Should compliance with this rule require disclosure of privileged information or work product, then, upon leave of the court on motion with proper notice, such information may be separately tendered for filing *in camera*, unless to do so would constitute an *ex parte* communication concerning matters before the court. If

leave is given to file *in camera*, such materials may be omitted from the copies served on other parties and their counsel.

(D) Service: Courtesy Copy. A copy of the application for compensation and reimbursement for expenses shall be served by the applicant in accordance with LBR 9013–3 and on any party requesting copies pursuant to the Rules. The applicant shall file a certificate of service.

(E) Notice.

(i) Notice of the application shall be given in accordance with LBR 9013–3 and on any party having requested copies pursuant to the Rules. The notice shall specify the identity of the professionals requesting compensation and reimbursement of expenses, the period covered by the interim application, the specific amounts requested for fees and reimbursement of expenses, and the deadline for objections. A notice that conforms substantially to Form 2016–1(B) satisfies the requirements of this section.

(ii) Objections to the application shall be served in accordance with LBR 9013–3 and on any party having requested copies pursuant to the Rules.

(F) Monthly Compensation and Reimbursement of Expenses. A professional may file a motion with the court for approval of procedures for the monthly compensation and reimbursement of expenses of professionals retained by order of the court.

(G) Optional Form. An optional form motion for approval of procedures for the monthly compensation and reimbursement of expenses of professionals retained by order of the court is available via the court's website at http://www.ohsb.uscourts.gov.

(2) Final Fee Applications.

(A) Contents. Applications for final fee awards shall contain all information required of interim fee applications under section (a)(1) above.

(B) Notice. Notice of the application shall be given in accordance with LBR 9013–3 and on any party having requested copies pursuant to the Rules. The notice shall specify the identity of the professionals requesting compensation and reimbursement of expenses, the period covered by the final application, the specific amounts requested for fees and reimbursement of expenses, and the deadline for objections. A notice that conforms substantially to Form 2016–1(b) satisfies the requirements of this section.

(b) Fees Through Confirmation in Chapter 13 Cases.

(1) Application and Disclosure Required. At the time the petition is filed, the attorney for each debtor shall file with the clerk, in the same number as the petition, a combined statement of compensation containing the disclosures required by § 329 of the Code and Rule 2016(b), and, if fees are to be paid from the estate, an application for allowance and payment of fees. Such document shall be titled "Application for the Allowance of Fees and Statement Pursuant to § 329 of the Code and Rule 2016(b)." If the attorney and each debtor contemplate fees to be paid from the estate in an amount subject to section (2)(B) below, the application should indicate that supplementation will be filed at the time of confirmation.

(2) Itemization and Hearings.

(A) Hearing and Itemization Not Required. Applications or disclosures which do not exceed an amount considered reasonable for an average case from initial interview through confirmation of the plan, or as further provided in an Order Allowing Fees, may be allowed up to $1500 without actual hearing or specific itemization.

(B) Itemization Required. Applications or disclosures for fees where the total is in excess of the amounts set forth above must include an itemization of all legal services performed, the amount of the total fee requested and the actual time spent by the case attorney and by any other attorney, paralegal or professional person for whom fees are sought. Such application must be supplemented as appropriate before confirmation.

(C) Hearings. Any fee application may be set for hearing or may be allowed on review of the documentation.

(D) Order of Allowance. The amount of the initial fee allowed to the attorney for the debtor may be specified in the order confirming chapter 13 plan.

(c) Additional Attorney Fees in Chapter 13 Cases. Additional attorney fees for services performed by the debtor's attorney after confirmation must be requested by separate application.

(1) Application Contents. The application shall include:

(A) the legal services performed;

(B) the result obtained by the legal services;

(C) the actual time spent by the case attorney and by any other attorney, paralegal or professional person for whom fees are sought;

(D) a statement that no previous application has been made for the services for which the application is made;

(E) the date of plan confirmation, the original proposed percentage payment to unsecured creditors, and date of the last confirmed modified plan; and

(F) the amount of fee requested.

(2) Service. The attorney shall serve the application for additional fees pursuant to LBR 9013–3 with a notice that the court may allow the fee without further notice unless an objection to the allowance of the fee is filed within twenty (20) days from the date of service as set forth on the certificate of service attached to the application; provided, if the debtor signs the fee application, the application need not be served on the debtor. If the request exceeds $1,000, all parties shall be served.

(3) Separate Application. Applications for additional attorney fees shall not be combined with any other pleading or other paper.

(4) Proposed Order. The attorney shall submit a proposed order for additional fees after expiration of the period for notice and objection.

(d) Payment of Allowed Fees in Chapter 13 Cases. This rule shall be interpreted by the trustee and applied as is administratively efficient to carry out the intent that allowed attorney fees for customary and ordinary work in a case be paid within a year from the date of the confirmation order, and any additional allowed attorney fees shall be paid only after full payment of the original allowed attorney's fees.

2019–1 REPRESENTATION OF MULTIPLE PARTIES (Reserved)

2020–1 UNITED STATES TRUSTEES (Reserved)

2070–1 ESTATE ADMINISTRATION (Reserved)

2071–1 COMMITTEES

Within seven (7) days of the first meeting of an official committee, unless previously filed by the United States trustee, such committee shall file with the clerk and serve as required by LBR 9013–3, a report designating the name and address of the chairperson and the name and address of the person designated for purposes of service, if different from the chairperson.

2072–1 NOTICE TO OTHER COURTS (Reserved)

2080–1 CHAPTER 9 (Reserved)

2081–1 CHAPTER 11 — GENERAL (Reserved)

2082–1 CHAPTER 12 — GENERAL

Reporting and other requirements, including administrative fees if applicable, will be imposed by specific orders entered in each case.

2083–1 CHAPTER 13 — GENERAL

A motion for a hardship discharge pursuant to § 1328(b) of the Code shall be served by the debtor's attorney pursuant to LBR 9013–3 and upon all parties in interest. Such motion shall also inform the parties that the period to file a complaint seeking to except a debt from discharge under § 523(c) of the Code shall expire thirty (30) days after the entry of an order by the court under Rule 4007(d).

2090–1 ATTORNEYS — ADMISSION TO PRACTICE

(a) Admission. Membership in good standing of the bar of the highest court of a state and admission to practice in any United States district court, including any bankruptcy court, shall constitute admission to practice in the bankruptcy court for this district, except that any attorney not admitted to practice before the United States District Court for the Southern District of Ohio shall, at the time of the attorney's initial filing or appearance before the court in every case or adversary proceeding, file a notice of appearance evidencing the basis for the attorney's admission. The judges of this bankruptcy court, should they so determine as a group, may also impose additional admission requirements based upon the unique requirements of bankruptcy practice.

(b) Case Attorney. Unless otherwise ordered by the court, in all cases and adversary proceedings filed in, referred to, transferred to or removed to this court, all parties not appearing *pro se* shall be represented by a "case attorney" who is admitted to practice pursuant to this rule.

2090–2 ATTORNEYS — DISCIPLINE AND DISBARMENT

(a) Relevant Codes and Rules. The Code of Professional Responsibility adopted by the Ohio Supreme Court, as amended from time to time, applies in this court, except that the United States Bankruptcy Court has determined that service on a debtor as required by these rules shall not be a violation of the Ohio Code of Professional Responsibility as an unauthorized contact with a represented person. Disciplinary standards governing the conduct of attorneys, as provided in the Model Federal Rules of Disciplinary Enforcement as adopted by the United States District Court for the Southern District of Ohio, will be enforced by the bankruptcy judges except as set forth in (c) below.

(b) Court's Inherent Power. Whenever appropriate, this court, through its inherent powers, may discipline attorneys who practice before it. Such disciplinary actions, for substantial cause or repetitive actions shown, will be taken only after proper notice and due process, and may include the imposition of monetary sanctions.

(c) Special Procedure for Suspension or Disbarment.

(1) Bankruptcy Judge to Hear and Recommend. After notice and actual hearing, a bankruptcy judge may recommend suspension of an attorney from practice in the United States Bankruptcy Court for the Southern District of Ohio for a finite period of time, or under such other terms or conditions as the bankruptcy judge deems appropriate.

(2) Filing and Disposition of Recommendation. If a bankruptcy judge recommends suspension, the suspension recommendation (with an attached proposed order) shall be filed with the clerk of the district court and transmitted to the chief

judge of the United States District Court for the Southern District of Ohio. Upon receipt, the chief district judge will consider the suspension recommendation without hearing, and will enter an interim order adopting the bankruptcy judge's recommendation or will reject the recommendation by order.

(3) Finality of District Judge Order. If the chief district judge adopts the recommendation and enters an interim order, the interim order shall become a final order upon the expiration of the objection period set forth in (4) below or, if a timely objection is filed, upon the conclusion of any proceedings in the district court convened to review that recommendation and the issuance of an order therefrom.

(4) Objections and Hearing. An attorney objecting to any interim order issued under (3) above must file such objection and a memorandum in support of the objection with the clerk of the district court within ten (10) days from the date the chief district judge's interim order is entered by the clerk of the district court. Any hearing on such an objection will not be a de novo hearing, but will be based upon the chief district judge's review of the bankruptcy judge's recommendation and the record of the bankruptcy court hearing.

(5) Preclusion from Practice and Notice. Unless otherwise specifically authorized by an order of the chief district judge, any attorney suspended pursuant to an interim or a final order under the above procedure shall be precluded from engaging in the practice of law, in a representative capacity, before the United States Bankruptcy Court for the Southern District of Ohio, including, but not limited to, meeting with and counseling bankruptcy clients, reviewing and/or signing bankruptcy-related pleadings, attending creditors' meetings and bankruptcy court hearings, and communicating with creditors, debtors, trustees and parties in interest with reference to any bankruptcy case. Nothing in an interim or final order shall be construed to prohibit or excuse such a suspended attorney from compliance with applicable disciplinary and ethical requirements of the Supreme Court of the State of Ohio or any other governing body or jurisdiction. All bankruptcy clients of record of the suspended attorney will be notified of the suspension by the clerk of the bankruptcy court. The presiding bankruptcy judge(s) shall issue appropriate orders to obtain the assignment of the suspended attorney's cases to new counsel.

(d) Applicability. An attorney admitted to practice before this court pursuant to LBR 2090–1(a) shall be subject to the disciplinary processes of this court.

2091–1 ATTORNEYS — WITHDRAWALS

(a) Substitution or Withdrawal of Case Attorney. The substitution or withdrawal of a case attorney shall be permitted only upon the following:

(1) With the Client's Signature. Upon filing and service pursuant to LBR 9013–3 of a notice of a substitution of attorney signed by the withdrawing attorney, the client and a substitute attorney; provided, however, the client's signature is not required if the withdrawing attorney is a member of the same partnership or legal professional association as the attorney to be substituted and the notice affirmatively states that the substitution is made with the client's knowledge and consent, or

(2) Without the Client's Signature. Upon written motion for substitution or withdrawal served upon the client, a showing of good cause and upon such terms as the court shall impose.

(b) Limitations on Substitution and Withdrawal. Unless otherwise ordered, an attorney shall not be permitted to withdraw from a case or proceeding at any time later than twenty (20) days in advance of a trial or hearing on any matter. Unless otherwise ordered, the substitution of an attorney shall not serve as the basis for a postponement of any trial or hearing. Until a motion for withdrawal is approved, an attorney must continue to act as case attorney.

(c) Disclosure. An attorney appearing in substitution for a case attorney shall, at the time of substitution, make all disclosures required of a case attorney by § 329 of the Code, Rule 2016, and LBR 2016–1.

PART III

3001–1 CLAIMS AND EQUITY SECURITY INTERESTS — GENERAL

(a) Number of Copies. In chapter 7 asset cases, chapter 12 and chapter 13 cases, a proof of claim shall be filed in duplicate with the file stamped duplicate copy retained by the clerk for delivery to the trustee. The duplicate copy shall contain copies of all attachments to the original proof of claim. Any claimant requesting return of a file-stamped copy must provide an additional copy of the claim and a stamped, self-addressed envelope.

(b) Supersession by Duplicate. A timely filed proof of claim which duplicates an earlier claim filed by the same entity, in the same amount, based upon the same transaction(s) and containing at least the same supporting documentation, and which is in all material aspects a "duplicate" claim, shall be deemed to supersede the earlier claim without need for an objection by any party or a court order to that effect.

(c) Address of Claimant. Failure of the claimant or its agent to maintain a correct and updated address may cause the return of distribution checks.

(d) Chapter 12 and 13 Cases. Any unsecured creditor and any creditor asserting secured status as to property of the debtor or the estate, shall, in order to receive payments under a confirmed plan, file a proof of claim. Such proof of claim shall include appropriate documentation for any asserted secured status.

(1) Effect of Relief from Stay. An entity holding an allowed secured claim that obtains relief from the automatic stay shall not continue to receive the payments provided for in a confirmed plan on account of such secured claim, and such entity may file an amended proof of claim for any deficiency claim after the collateral has been sold or otherwise disposed of. In the event the debtor retains the collateral after the stay has been lifted, however, payments to the creditor from the trustee may continue upon the filing of an agreement to that effect between the debtor, or, if represented, the debtor's attorney and the creditor, or, if represented, the creditor’s attorney. Such agreement shall be served on the trustee.

(2) Payment of Claims. Payment of claims shall be as provided for under the provisions of a confirmed plan or an order confirming a modified plan and the trustee is not required to accumulate funds for any claim for which a proof of claim has not been filed.

(3) Status. Except as otherwise provided by law, by specific order of the court, or by stipulation, the status of a claim as secured or unsecured will be determined from the claim as filed rather than as scheduled.

(e) Transferred Claims. The transferee shall serve a notice of transfer of claim upon the transferor and all entities as required by LBR 9013–3(b) and (c). Said notice shall include the date the affected proof of claim was filed, the amount of the claim, and the proof of claim number assigned by the clerk. This local rule does not abrogate the clerk's duty to notify the transferor of a transferred claim under Rule 3001(e).

3006–1 CLAIMS — WITHDRAWAL

Any creditor withdrawing a filed proof of claim shall state with specificity the date the affected proof of claim was filed, the amount of that claim, and the proof of claim number assigned by the clerk.

3007–1 CLAIMS — OBJECTIONS

(a) Filing and Service. An objection to a proof of claim shall be filed and served on the claimant whose claim is challenged at the claimant's address as set forth on the proof of claim, its attorney of record if such attorney's name and address is clearly identified on the proof of claim or by separate notice filed with the clerk, and any party required to be served by LBR 9013–3. If the objection is to a claim of the United States for federal taxes, the objection shall be served by the objecting party on the Special Procedures Section of the Internal Revenue Service, the local United States Attorney and the Attorney General of the United States. See LBR 5003–1(d)(2).

(b) Contents. An objection shall identify the claimant by name and address, the date the claim was filed, and any claim number assigned by the clerk or a standing trustee. As to each claim, the objection shall further contain a concise statement of the grounds for which the objection is being asserted and a specific request for how the claim shall be treated. The objection shall also include or be accompanied by the mandatory notice set forth in Official Form 20B (Notice of Objection to Claim) except that no hearing date need be set. Such notice shall fix the response and service of response date for thirty (30) days after the date set forth on the certificate of service. Parties are encouraged to combine multiple objections into one filing with attachments as appropriate.

(c) Response. The claimant whose claim is the subject of a filed objection shall file a response to the objection and serve a copy thereof as directed by the notice not later than thirty (30) days after service of the objection. Any response shall state clearly in its caption the objection to which it is responding.

(d) Failure to Respond. If a claimant fails to file a timely response to an objection, the claimant shall be deemed to have waived any objection to the relief sought and the objecting party shall submit an appropriate order.

3008–1 CLAIMS — RECONSIDERATION (Reserved)

3009–1 DIVIDENDS — CHAPTER 7 (Reserved)

3010–1 DIVIDENDS — SMALL (Reserved)

3011–1 UNCLAIMED FUNDS

Unless otherwise ordered, the clerk shall deposit unclaimed funds into a registry account designated by the United States Treasurer.

3012–1 VALUATION OF COLLATERAL

In chapter 13 cases objections to the value of personal property are governed by this rule.

(a) General Rule. Unless otherwise ordered by the court, stipulated between the parties, or evidenced by uncontested appraisal, personal property secured by valid consensual or judicial liens shall be valued for purposes of § 506(a) of the Code at the lower of the claimant's representation on its proof of claim or the debtor's representation in the schedules. Any amount by which a proof of claim exceeds that valuation shall be allowed and treated as an unsecured claim unless such unsecured claim is otherwise subject to objection.

(b) Objection and Hearing.

(1) Form of Objection. An objection to value or an objection to confirmation based on value in an original or modified plan shall be in writing and shall identify specific items of property to which the objection relates. Blanket objections are not permitted.

(2) Time of Hearing. A written objection to value is treated as an objection to confirmation, is heard at the time of confirmation, and is governed by LBR 3015–3(a).

(c) Time to Object. An objection to confirmation based on the value of personal property scheduled by the debtor and upon which there is a consensual or judicial lien, or an objection for failure to list an item of personal property as being secured by a consensual or judicial lien and to indicate a value therefor, shall be filed and served upon the trustee, United States trustee, the debtor, and the debtor's attorney within ten (10) days after the § 341 meeting is concluded. If the objection is filed after the deadline, it must be accompanied by a separate motion to file objection out of time. The motion must state a valid reason for the delay and must be served on the same entities as the objection.

(d) Appraisals and Other Evidence of Value.

(1) Time of Appraisal. If there is no agreement as to value at the conclusion of the § 341 meeting of creditors, a mutually agreeable time for appraisal of the property shall be established prior to the conclusion of the meeting of creditors, which time for the appraisal shall be within six (6) days, including Saturdays and Sundays but not holidays, after the meeting of creditors. The appraisal shall occur at the debtor's residence unless otherwise agreed in writing.

(2) Service of Appraisal. The creditor shall file and serve on the debtor, the debtor's attorney, the trustee and the United States trustee a copy of the appraisal not less than sixteen (16) days after the § 341 meeting attended by the debtor.

(3) Condition to Appraisal. If there is an objection to valuation and if the creditor or its attorney does not attend the meeting of creditors, the creditor or its attorney shall have no right to schedule an appraisal unless otherwise ordered by the court or agreed to by the parties.

(4) Motor Vehicles. Nationally recognized value guides for the month the debtor's petition was filed may be used as evidence of value.

(e) Resolution of Objection by Agreement. If an objection to value or an objection to confirmation based on value is resolved by agreement, a stipulation determining the value shall be signed by the parties and the trustee and filed.

3014–1 ELECTION UNDER § 1111(b)(2) BY SECURED CREDITOR IN CHAPTER 9 MUNICIPALITY OR CHAPTER 11 REORGANIZATION CASE (Reserved)

3015–1 CHAPTER 13 — PLAN

(a) Service of Plan.

(1) Plan Not Filed with Petition. If the chapter 13 plan is not filed with the petition or within five (5) days thereafter, the attorney for the debtor shall serve a copy of the plan on all parties in interest. Proof of such service must be supplied pursuant to LBR 9013–3. A time-stamped copy of the plan or any modified plan shall be served on the trustee.

(2) Service of Plan in Converted Case. If a case is converted from a chapter 7 case, the trustee shall serve a copy of the plan on all parties in interest. If the chapter 13 plan is not filed within five (5) days of the order of conversion, the attorney for the debtor shall serve a copy of the plan on all parties in interest. Proof of such service must be made pursuant to LBR 9013–3.

(b) Contents of Plan.

(1) Minimal Requirements. The plan shall be signed by the debtor and shall clearly set forth the specified payment to be made to the trustee, the estimated length of the plan, and provisions showing compliance with § 1322(a) of the Code.

(2) Payment to General Unsecured Creditors. The plan must set forth the percentage payments to be made to general unsecured creditors or the total amount to be paid to the trustee under the plan. If the plan calls for a specific amount to be paid, an estimated percentage shall be set forth which assumes all claims will be filed as scheduled or estimated by the debtor.

(c) Treatment of Motor Vehicle and Personal Property Leases and Executory Contracts.

(1) Proposed Treatment. The plan shall state clearly the treatment and payment proposed for each unexpired lease or executory contract. If the plan proposes to assume a lease or executory contract, the debtor shall provide a copy of the lease or executory contract to the chapter 13 trustee no later than the § 341 meeting. If regular monthly payments on the lease or executory contract are to be disbursed by the trustee, the plan shall specify for what month the trustee's regular monthly disbursement on the lease or executory contract shall begin and the debtor is responsible for direct payment on the lease or executory contract of all lease or executory payments due after the petition was filed and up to, but not including, the month specified for the trustee to commence disbursement.

(2) Method of Payment. Unless otherwise authorized by the court, all payments for unexpired leases of personal property or executory contracts shall be made through the trustee if the lease or contract expires by its own terms during the term of

the plan or if payments under such lease or executory contract are two or more months in arrears at the time the petition is filed.

(d) Treatment of Real Estate Mortgages.

(1) Method of Payment. A plan payment on a real estate mortgage pursuant to § 1322(b)(5) of the Code shall be made by the trustee if the obligation is in arrears as of the petition filing date, unless otherwise ordered by the court.

(2) Regular Monthly Payments to Mortgage Creditor. If regular monthly payments to a mortgage creditor are to be disbursed by the trustee, the plan shall specify for what month the trustee's regular monthly disbursement to the mortgage creditor shall begin. The debtor is responsible for direct payment to the mortgage creditor of all mortgage payments due after the petition was filed and up to, but not including, the month specified for the trustee to commence disbursement.

(3) Duty of Mortgage Creditor. A mortgage creditor shall inform the trustee of any change in the payment amount to be paid by the trustee.

(e) Payment Method. Unless otherwise ordered by the court, funding shall be by payroll deduction. Payroll deduction may be effected by order of the court upon motion by the chapter 13 trustee or the chapter 13 debtor. Said motion shall be made by the debtor with the filing of the plan or by the chapter 13 trustee immediately after the conclusion of the § 341 meeting and shall be served in accordance with LBR 9013–3.

(f) Exclusive Payment Through Plan. Unless otherwise ordered by the court, a debtor shall not pay directly a debt which the plan provides shall be paid by the trustee.

3015–2 CHAPTER 13 — AMENDMENTS TO PLAN

(a) Preconfirmation Modifications. A plan modification proposed prior to confirmation must be filed at least three (3) days prior to the confirmation hearing. For cases heard in **Portsmouth**, **Zanesville**, **Steubenville** or any other satellite location, the notice setting the meeting of creditors or court order will specify the time requirements for modifications. All such modifications shall be served on the trustee and upon all adversely affected parties in interest pursuant to LBR 9013–3. The service shall give the trustee and affected parties twenty (20) days to object in writing to the modification.

(b) Postconfirmation Modifications. A plan modification proposed after confirmation must be filed and served on the trustee and all affected parties in interest, including, where appropriate, the debtor and the case attorney. Proof of service must be supplied pursuant to LBR 9013–3. All such proposed modifications will be treated as motions and shall conform to and be governed by LBR 9013–1 and 9013–2. Submission of proposed orders related to

such motions is governed by LBR 9072–1. When appropriate, proposed plan modifications shall include:

(1) A particular reference to the provisions of the confirmed plan that are being modified, including any proposed percentage to be paid to unsecured creditors and the approximate number of months required to complete payment of the proposed plan;

(2) The extent to which the proposed modification affects the rights of creditors or other parties in interest;

(3) The date(s) of the confirmation order of the original plan and of any previous modified plan(s);

(4) If a motion to modify the plan proposes to decrease the dividend to unsecured creditors or to extend the length of the plan, the reason for the modification, including any change in circumstances since confirmation;

(5) If the motion to modify proposes to change the amount of each periodic payment to the plan, an amended monthly family budget; and

(6) If the motion to modify proposes to change the payment to holders of allowed unsecured claims from one hundred percent (100%), an appraisal of any real estate in which the debtor has an interest.

(c) Objections to Modifications. Objections to modifications are governed by LBR 3015–3(b) and must be filed and served within twenty (20) days after the date of service of the modification, or as otherwise noticed by the trustee or ordered by the court.

(d) Separate Motion. A motion to modify a plan may not be combined with any other pleading or other paper.

(e) Modification for Temporary Suspension or Temporary Reduction of Payments to Extend Length.

(1) Procedure. Any request for temporary suspension or temporary reduction of payments to a confirmed plan shall be initiated by motion. The motion shall state the reason for the suspension and the period of time requested.

(2) Notice and Hearing. The motion shall be accompanied by the notice required in LBR 9013–1(a) and shall specify that a failure to file a response may cause the motion to be granted and must be served on all secured creditors, all unsecured creditors who have filed proofs of claim, and the trustee. Any response to the motion will be set for hearing.

3015–3 CHAPTER 13 — CONFIRMATION

(a) Objections to Confirmation.

(1) Time and Service Requirements. Objections to confirmation of a plan shall be in writing, filed and served on the debtor, the debtor's attorney, the trustee, and the United States trustee, and shall bear a certificate of service dated not later than ten (10) days after the § 341 meeting is concluded. If the objection is filed after this deadline, it must be accompanied by a separate motion to file objection out of time. The motion must state a valid reason for the delay and must be served on the same entities as the objection. For cases heard in **Steubenville**, **Zanesville**, **Portsmouth**, or other satellite locations, the notice to creditors of the filing of the petition and meeting of creditors may authorize a different date for filing objections to confirmation. If the last date to object to confirmation is less than seven (7) days before the date scheduled for the confirmation hearing, any hearing on the objection will be rescheduled.

(2) Contents. The objection to confirmation (and objection to value) shall include:

(A) the specific number and letter section(s) of the Code upon which the objection is grounded;

(B) the specific alleged facts which support the objection to confirmation and;

(C) a brief memorandum in support of the objection.

(3) Hearing. All parties shall be prepared to present all witnesses and other evidence at the confirmation hearing.

(4) Separate Objection. The objection to confirmation shall not be combined with any other pleading, paper, or request for relief, including a motion for relief from the automatic stay.

(5) Mootness. If a modified plan is filed after an objection to confirmation, such objection shall not be considered moot unless withdrawn.

(b) Objections to Modified Plans. Objections to confirmation of a modified plan shall be in writing, filed and served on the debtor, the debtor's attorney, the trustee, and the United States trustee. Such objection shall conform to the requirements of (a)(2) above.

(c) Consent Docket. Cases with plans which appear to the court to meet all statutory tests for confirmation and to which no objections to confirmation have been filed may be confirmed without actual presentation. Such cases may be read into the record at the confirmation hearing. It will be the duty of the debtor's attorney, the trustee, or parties in interest to inform the court of any existing bar to confirmation. Cases with pending

objections will not be placed on a consent docket. Deficiencies in the plan noted by the trustee at the § 341 meeting must be cured in a manner which is evident upon review of the case file or the plan will not be scheduled on a consent docket. The courtroom deputy assigned to each judge will indicate on the docket if a case has been assigned to a consent docket.

(d) Confirmation Orders. The trustee shall prepare the confirmation order. Any other party may submit a proposed order of confirmation at the time of the confirmation hearing. The clerk shall serve a copy of the entered confirmation order on the debtor, the debtor's attorney, the trustee and the United States trustee.

(e) Special Confirmation and Postconfirmation Requirements.

(1) Initial Payments. Unless otherwise ordered by the court, a debtor shall commence making the payments proposed under the plan by payment to the trustee on or before the date first set for the § 341 meeting of creditors. Such payment shall be in the amount proposed in the plan to be paid over the period of not less than one month, and shall be made only in the following form: money order, certified check, cashier's check, check drawn on an attorney's trust account, or in such other form as the trustee may direct. Pursuant to § 1326(a)(1) of the Code, payments must continue on a regular basis, at least monthly, from the date of the first payment until confirmation is granted or denied. All such payments will be held in trust pending confirmation. Failure to pay on time may be cause for dismissal or conversion.

(2) Time to Perform Other Confirmation Requirements. The debtor's attorney shall file all amendments, appraisals, stipulations, pleadings and other papers necessary to place the plan in a posture for confirmation at least three (3) days prior to the confirmation hearing.

(3) Appraisals of Real Property. Unless otherwise ordered by the court, an acceptable appraisal must be filed and served on the trustee for each parcel of real property in which the debtor has a legal, equitable, or beneficial interest when the dividend to unsecured creditors is less than 100%.

(4) Effect of Oral Denial of Confirmation. Unless otherwise ordered, if confirmation of a proposed plan is denied orally at the time of the confirmation hearing, the debtor shall have a period of time to modify the plan to cure any deficiency. Such time will be stated by the judge at the confirmation hearing and followed by written order. If such modifications are not timely filed and served, the case will be dismissed.

(5) Business Records and Periodic Reports.

(A) Duty of Debtor Engaged in Business. Prior to the confirmation hearing a debtor engaged in business shall supply financial records and information as requested and within the time frame suggested by the trustee.

(B) Postconfirmation Reporting. In addition to the requirements of LBR 4002–1, postconfirmation reporting shall be as required by the confirmation order or by separate order on motion of the trustee or a party in interest or by request of the trustee at the meeting of creditors.

(6) Insurance. Insurance shall be procured as required by any relevant security agreement or as required by state law.

3016–1 CHAPTER 11 — PLAN

The enlargement of the exclusivity period is governed by this rule.

(a) Motion. A debtor wishing to enlarge the exclusivity period contained in § 1121 of the Code for the filing of a plan shall file a motion. The memorandum supporting the motion shall contain:

(1) a brief description of the procedural status of the case, including the petition filing date and any previous enlargements of time to file a plan;

(2) the reason for the requested enlargement;

(3) whether a committee appointed under the Code has consented to the requested enlargement; and

(4) the length of time for which the enlargement is sought.

(b) Proposed Order. The motion shall be accompanied by a proposed order granting the enlargement of time, which shall contain a provision that all creditors and parties in interest shall have twenty (20) days from the date of service of the motion and accompanying notice under LBR 9013–1 within which to file objections. Service shall be pursuant to LBR 9013–3.

3016–2 DISCLOSURE STATEMENT — GENERAL (Reserved)

3017–1 DISCLOSURE STATEMENT — APPROVAL (Reserved)

3017–2 DISCLOSURE STATEMENT — SMALL BUSINESS CASE (Reserved)

3018–1 BALLOTS — VOTING ON PLANS (Reserved)

3018–2 ACCEPTANCE OR REJECTION OF PLANS

(a) Ballot Requirements in Chapter 11 Cases. The plan proponent shall file with the proposed disclosure statement the form of the ballot clearly marked "draft" to be circulated for acceptance or rejection of the plan. The ballot shall contain the address of the plan proponent and shall specify that the original of the completed ballot is to be filed with the clerk and a copy returned to the attorney for the plan proponent.

(b) Certification of Acceptances and Rejections of Chapter 11 Plans. Prior to or at the hearing on confirmation, the plan proponent shall certify the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan. The original certification shall be filed with the clerk and served pursuant to LBR 9013–3. The court may find that the plan has been accepted or rejected on the basis of the certification.

3019–1 CHAPTER 11 — AMENDMENTS TO PLANS

In the event the plan proponent proposes to further amend or modify the plan in response to any objections prior to the hearing on confirmation, the plan proponent shall file with the court and serve pursuant to LBR 9013–3 a redlined copy of the plan reflecting such amendments.

3020–1 CHAPTER 11 — CONFIRMATION

Unless otherwise ordered by the court, any party wishing to present a witness or other evidence in support of or opposition to a plan or objection to confirmation shall, not later than seven (7) days prior to the confirmation hearing, file and serve upon the attorney for the plan proponent, the attorney for the debtor if the debtor is not the plan proponent, the United States trustee, counsel for the unsecured creditors committee and any opposing party, witness

and exhibit lists in the form prescribed by Form 7016–1, attachments A & B. The plan proponent need not file witness or exhibit lists if it wishes to present witnesses or other evidence in support of an uncontested plan.

3020–2 CHAPTER 11 — POSTCONFIRMATION PROCEDURES

Six (6) months after entry of a confirmation order and every six (6) months thereafter, or within such other time as the court may direct, the proponent of the confirmed plan shall file a report and serve a copy of the report pursuant to LBR 9013–3, provided, that the twenty (20) largest unsecured creditors need not be served and, provided further, that any disbursing agent shall be served. Such report shall set forth the actions taken, the progress made toward the consummation of the plan, and the time frame anticipated until a final report and motion for final decree can be filed.

3021–1 DIVIDENDS — UNDER PLAN (Chapter 11) (Reserved)

3022–1 FINAL REPORT/DECREE (Chapter 11)

(a) On Motion of Court. One year from the date of the entry of an order confirming a plan, the court may notify all parties in interest that a final decree closing the case may be entered thirty (30) days from the date of the notice unless a party in interest objects.

(b) On Motion of Plan Proponent. A motion for a final decree closing the case by the proponent of a confirmed plan shall certify that the court's role in the administration of the case is complete and that no contested matters or adversary proceedings are pending. The motion shall include an accounting, if available, as required by the clerk. The motion shall be served pursuant to LBR 9013–3.

(c) On Motion of the United States Trustee. The United States trustee may file a motion for a final decree closing the chapter 11 case. The motion shall be served pursuant to LBR 9013–3.

(d) Procedure for Closing. Upon the filing of a motion for a final decree, the clerk shall send to counsel for the plan proponent a notice of any fees and charges outstanding to the clerk and a statistical form to be completed to the extent the information is available. Such form shall be submitted with the proposed final decree after the notice period.

(e) Service of Response. A response to a motion for a final decree shall be filed and served pursuant to LBR 9013–3 and shall also be served upon the proponent of the confirmed plan and any other party that the court may designate.

(f) Hearing. If a response is timely filed, the court shall conduct an appropriate hearing and shall serve all parties in interest with an order resolving the objection.

3070–1 CHAPTER 13 — PAYMENTS (Reserved)

PART IV

4001–1 AUTOMATIC STAY — RELIEF FROM

(a) Procedure. The movant shall file and serve a motion seeking relief from the automatic stay imposed by § 362 of the Code or relief from the codebtor stay imposed by § 1201 or § 1301 of the Code pursuant to LBR 9013–3. The clerk shall issue notice of any required hearing as provided in LBR 9013–3.

(1) If the motion relates to real estate, in all chapter 11, 12, and 13 cases, and in a chapter 7 case in which the motion is filed more than ten days prior to the first date set for the meeting of creditors, movant shall attach Form 4001–1(a) to its motion. Movant shall also attach to such motion a copy of the note(s), mortgages, and other evidence of security interests upon which movant bases its secured claim. The mortgage(s) as attached shall be a copy as recorded with the applicable public recording agency and bearing notations evidencing such recordation.

(2) If the motion relates to a motor vehicle, movant shall set forth in the motion the value of such motor vehicle based upon a valuation from any recognized used motor vehicle guide, and the balance claimed due by movant. Movant shall also attach to the motion a copy of the certificate of title to the motor vehicle showing notation of any lien thereon evidencing movant's secured claim and indicating proper perfection under applicable state law.

(3) If the motion relates to personal property other than a motor vehicle, movant shall set forth in such motion a description of the personal property, the estimated value or the appraised value of the personal property, and the balance claimed due for movant's secured claim. Movant shall also attach a copy of the security agreement and/or retail installment contract and, if applicable, copies of financing statements bearing notations of filing with the appropriate public recording agency and indicating proper perfection of such liens under applicable state law.

(b) Parties for Service. Parties who must be served shall include the parties set forth in LBR 9013–3(a), any applicable codebtor where relief is sought from the codebtor stay, and all holders of liens or encumbrances known to the movant or scheduled by the debtor on the property concerning which relief is sought.

(c) Notice. The motion shall be accompanied by the notice required in LBR 9013–1(a) and shall specify that a failure to file a response and accompanying memorandum on a timely basis may cause the stay to be lifted.

(d) Certification by Movant; Order by Clerk. In chapter 7 cases, if no response is filed to the motion, the movant shall, no sooner than twenty-five (25) days after making the motion, follow the procedure set forth in LBR 9021–1 for entry of a form order by the clerk.

In chapter 11, 12, and 13 cases, if no response is filed to the motion, the movant shall, within seven (7) days after the date set for the filing of a responsive pleading to the motion as described in (f) below, follow the procedure set forth in LBR 9021–1 for entry of a form order by the clerk.

(e) Response. Any response to such motion shall state with particularity the reasons that the motion is opposed and, if appropriate, make a specific offer of adequate protection.

(f) Procedure in Reorganization Cases. Upon the filing of a motion for relief from the stay in chapter 11, 12, or 13 or from the codebtor stay in chapters 12 or 13, the court will issue an order providing that a hearing shall be held on a date set within thirty (30) days of the filing of the motion, fixing a day for the filing of any responsive pleading to the motion, providing that the stay shall be continued pending the hearing, and providing that the hearing will not be held should a responsive pleading not be timely filed.

(g) Preliminary Hearing. Any party may request a preliminary hearing on the motion, which request may be included in the motion or response, supported by a memorandum providing the grounds for the request. The request shall be made in writing, filed and served by the requesting party on all parties entitled to notice pursuant to LBR 9013–3. Any such request shall be filed by the later of ten (10) days after entry of the order setting the final hearing or service of the motion.

(h) Separate Motion. A motion for relief from the stay or for relief from the codebtor stay shall be filed separately from and not combined in the same pleading with any other request for relief except:

(1) a request in the alternative for adequate protection may be included; and

(2) a motion for relief from the stay imposed by § 362 of the Code may be combined with a motion for relief from the codebtor stay imposed by § 1201 or § 1301 of the Code.

(i) Effect of Relief in Chapter 12 and 13 Cases. In chapter 12 and 13 cases the effect of relief from stay upon an entity holding an allowed secured claim is governed by LBR 3001–1(d)(3).

4001–2 CASH COLLATERAL

(a) Motion. Except as provided herein and elsewhere in these Local Rules, in a chapter 11 case, all cash collateral and financing requests under §§ 363 and 364 of the Code shall be heard by motion filed pursuant to Rules 2002, 4001 and 9014. Stipulations or agreed orders regarding the use of cash collateral are subject to the provisions of this rule. A motion shall contain a description of the cash collateral to be used, sold, or leased; a description of the

interest claimed by any other entity in the cash collateral; and the reasons for which the debtor seeks authorization to use, sell, or lease the cash collateral.

(1) Provisions to be Highlighted. A motion must (1) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type listed below, (2) identify and highlight the location of any such provision in the proposed form of order, cash collateral stipulation and/or loan agreement, and (3) set forth the justification for the inclusion of such provision. The provisions to be identified and highlighted are:

(A) Cross-collateralization clauses, i.e., clauses that secure the repayment of prepetition debt with postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law.

(B) Provisions or findings of fact that bind the estate or all parties in interest with respect to the waiver of claims against the secured creditor without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if appointed, at least 60 days from the date of its appointment to investigate such matters.

(C) Provisions or findings of fact that bind the estate and all parties in interest with respect to the validity, perfection, amount or relative priority of the secured creditor's prepetition lien and liens held by persons who are not party to the financing agreement or stipulation, without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if appointed, at least 60 days from the date of its appointment to investigate such matters.

(D) Provisions that create a lien senior or equal to any existing lien without the consent of that lienholder.

(E) Provisions that seek a waiver, without notice, of rights the estate may have under § 506(c) of the Code.

(F) Provisions that grant immediately to the prepetition secured creditor liens on the debtor's claims and causes of action arising under §§ 544, 545, 547, 548, and 549 of the Code.

(G) Provisions that provide disparate treatment with regard to professional fee carveouts for the professionals retained by a creditors' committee from that provided for the professionals retained by the debtor.

(H) Provisions that prime chapter 7 administrative expenses.

(I) Provisions that operate to divest the debtor of any discretion by requiring a creditor's consent in the formulation of a plan or administration of

the estate or limit access to the court to seek any relief under other applicable provisions of law.

(J) Provisions that purport to release the secured creditor's liability for alleged prepetition torts or breaches of contract.

(K) Provisions that grant automatic relief from stay upon default, conversion to chapter 7, or the appointment of a trustee.

(L) Provisions that waive the procedural requirements for foreclosure required under applicable non-bankruptcy law.

(M) Provisions that waive avoidance actions arising under the Code.

(N) Provisions that waive, effective upon default or expiration, the debtor's right to move for a court order pursuant to § 363(c)(2)(B) of the Code authorizing the use of cash collateral in the absence of the secured party's consent.

(O) Provisions that grant a lien in an amount in excess of the dollar amount of cash collateral authorized under the applicable cash collateral order.

(P) Findings of fact on matters extraneous to the approval process.

(Q) Provisions that bar the debtor from future bankruptcy filings.

(2) Summary of Terms. A motion shall contain a separate summary page(s) of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under §§ 363 and 364 of the Code).

(3) Checklist. A motion shall be accompanied by a checklist in the format adopted as Form 4001–2 identifying the location and type of each highlighted provision contained in the Financing Motion.

(4) Documents. A motion shall be accompanied by copies of all documents by which the interest of all entities in the cash collateral was created or perfected, or if any of those documents is unavailable, the reason for the unavailability. The debtor shall make its best effort to obtain and file any documents that are unavailable as soon as possible after the motion is filed and unless otherwise approved by the court, not later than seven (7) business days after the filing of the motion.

(b) Interim Relief at Outset of Case. When a motion is filed with the court on or shortly after the date of the entry of the order for relief, the court may grant interim relief pending review of the proposed debtor-in-possession financing arrangements by the interested parties. Such interim relief is intended to avoid immediate and irreparable harm to

the estate pending a final hearing. In the absence of extraordinary circumstances, the court will not approve interim financing orders that include any of the provisions previously identified in subsection (a)(1)(A) through (a)(1)(Q) above.

(c) Immediate Relief During Pendency of Case. If, during the pendency of the case, the debtor asserts an immediate need for the use of cash collateral, the court may schedule a preliminary hearing on the motion after notice has been provided to any entity claiming an interest in the cash collateral. Notice provided pursuant to LBR 9013–3 may be by telephone or telecopier (fax) or email if time does not permit written notification.

(d) Final Orders. A final order shall be entered only after notice and a hearing pursuant to Rule 4001 and LBR 9013–1 and 9013–3.

4001–3 OBTAINING CREDIT

(a) Chapter 11 Cases. All financing motions and stipulations or agreed orders related to financing motions filed shall comply with LBR 4001–2.

(b) Chapter 13 Cases. The debtor may not incur non-emergency consumer debt in excess of five hundred dollars ($500.00), including the refinancing of real property debt, without written approval of the trustee or order of the court under the procedure set forth herein.

(1) Application Directed to Trustee. The debtor shall first request approval to incur debt by written application to the trustee which shall include the items in (b) below. Such application shall not be filed with the clerk. If approved by the trustee, the trustee shall file the application and the approval and the debtor may incur the debt in accordance with the terms and conditions approved by the trustee.

(2) Motion Directed to Court. If the debtor's application is not approved by the trustee, the debtor may file a motion to incur such debt. The motion shall contain a copy of the trustee's denial of the application.

(c) Contents of Application or Motion. Any motion filed under rule 4001(c), including any application or motion pursuant to (b) above, shall contain:

(1) a statement in support of the feasibility of the request:

(2) a description of the item to be purchased or the collateral affected by the credit to be obtained;

(3) a description of the interest held by any other entity in any collateral affected by the credit;

(4) the reasons for which the debtor has the need for the credit;

(5) the terms of any financing involved, including the interest rate;

(6) a description of any method or proposal by which the interest held by any other entity in the collateral affected by the credit may be protected; and

(7) copies of all documents by which the interest of all entities in the collateral affected by the credit was created or perfected, or, if any of those documents are unavailable, the reason for the unavailability. The debtor shall make its best effort to obtain and file any documents which are unavailable as soon as possible after the motion is filed.

(d) Preliminary Hearing. If the debtor asserts an immediate need for the obtaining of credit, the court may schedule a preliminary hearing on the motion after notice has been provided to any entity claiming an interest in the collateral affected by the credit to be obtained. Notice provided pursuant to LBR 9013–3 may be by telephone or telecopier (fax) if time does not permit written notification.

4002–1 DEBTOR — DUTIES

(a) Procedure.

(1) Requests by Case Trustee. The debtor shall comply promptly with all trustee requests for information whether oral or written. Not later than twenty (20) days after service of any written request on the debtor and the debtor's counsel, debtor shall serve on the trustee the information and/or documents requested, or serve on the trustee and file a written motion for a protective order, a memorandum in support and a request for a hearing.

(2) Information to be Brought to § 341 Meeting by Debtor. Each debtor in a chapter 7 case shall bring to the § 341 meeting either the following documentation, if applicable, or a statement using the designated letter for identification, setting forth why such documentation is not applicable or available.

(A) Suitable identification of each debtor including a photograph of each individual debtor and confirmation of the debtor’s social security or tax identification number.

(B) Copies of all original and duplicate certificates of title including, but not limited to, automobiles, boats, motorcycles, trailers, and mobile homes.

(C) Copies of any lease relating to any leased motor vehicle.

(D) Title documents to all real estate in which the debtor has an interest, including deeds, registered land certificates of title, land contracts, or leases, and closing statements for any interest in real estate sold by the debtor within the last year.

(E) Evidence of the value of real estate in which the debtor has an interest (county auditor appraisal card or independent appraisal, if available).

(F) All mortgages and liens upon real estate in which the debtor has an interest and details of all certificates of judgment, including the name of the judgment creditor, date of filing, judgment docket number, page and amount.

(G) All life insurance policies owned by the debtor, and evidence of the cash surrender value and the beneficiary.

(H) Copies of the debtor's United States, state, and local income tax returns for the two (2) years preceding the meeting of creditors.

(I) A statement showing the balance on deposit on the date of filing of the petition, in any bank account maintained by the debtor.

(J) Complete copies of any separation agreements or decrees of dissolution or divorce entered into or granted during the twelve (12) months prior to the filing date.

(K) All documents evidencing the debtor's interest in any retirement account, including plans established under 26 U.S.C. § 401(k) or 26 U.S.C. § 403(b), including individual retirement accounts, account statements, summary plan descriptions and qualification letters from the IRS. For individual retirement accounts, an accounting of all contributions to the account since its inception.

(L) Copies of security agreements, financing statements, and personal property leases.

(M) Copies stock certificates, bonds, credit union and savings accounts passbooks or statements, and other evidence of investments or savings.

(N) If the debtor has acquired an interest in property within 180 days after the date of filing of the petition by bequest, devise or inheritance, as a result of a property settlement agreement with the debtor's spouse or of an interlocutory or final decree, or as a beneficiary of a life insurance policy or of a death benefit, the chapter 7 trustee must be notified immediately and the debtor must provide copies of all documents related to the interest.

(O) For each individual debtor, documents that confirm wages paid and deductions from wages for the four most recent pay periods.

(b) Limited Filing with the Court. The trustee shall not file a copy of a request for information unless the debtor fails to comply with this rule and the trustee or any other party in interest requests the court to compel compliance. The debtor shall not file a copy of a response to a request for information unless it is in the form of amendments to schedules, statements of affairs or other statements or lists required to be filed by Rule 1007, or unless the debtor is otherwise required to do so.

(c) Sanctions. Failure to comply with a trustee's request for information may result, after notice and hearing, in the imposition of sanctions.

4002–2 ADDRESS OF DEBTOR

The change of address required to be filed by Rule 4002 shall be served according to LBR 9013–3.

4003–1 EXEMPTIONS

(a) Service of Objection. Any objection by the trustee or other party in interest to property claimed as exempt shall be served pursuant to LBR 9013–3.

(b) Notice. The objection shall be accompanied by the notice required in LBR 9013–1(a) and shall specify that a failure to respond may cause the objection to be granted.

(c) Certification by Objecting Party; Order by Clerk. If no response is filed to the objection, the procedure set forth in LBR 9021–1 shall be followed for entry of a form order by the clerk.

4003–2 LIEN AVOIDANCE

A motion to avoid a lien must be served on the lienholder at the lienholder's address as set forth in the lienholder's proof of claim, notice of appearance, or other pleading filed in the case, if any, and on the lienholder's attorney of record if such attorney's name and address is clearly identified on the proof of claim, notice, or other pleading, if any. Otherwise, the motion to avoid lien must be served on the lienholder at the lienholder's address as set forth in the debtor's schedules. If the motion to avoid lien is served on the lienholder at any other address, the movant shall explain the basis for the validity of said address.

4004–1 DISCHARGE HEARINGS (Reserved)

4004–2 OBJECTIONS TO DISCHARGE

(a) Agreement to Extend Time. A debtor who is represented by counsel may through his counsel agree with a trustee, creditor, or other party in interest to extend the deadline for filing a complaint objecting to discharge.

(b) Orders by Clerk.

(1) Upon Agreement. If an agreement as described in (a) above is attached to a motion to approve agreement to extend time for filing a complaint objecting to discharge and filed with the clerk prior to the expiration of either the period prescribed by Rule 4004(a) or any prior extension thereof, the clerk may enter a form order for the court approving the agreement and extending the deadline pursuant to LBR 9021–1.

(2) Upon Motion After Rescheduled § 341 Meeting. If the trustee or a creditor, within sixty (60) days of the first date set for the § 341 meeting, files and properly serves a motion seeking to extend the date for filing a complaint objecting to discharge to a date not more than sixty (60) days after a rescheduled § 341 meeting date, the clerk may enter a form order upon the movant's certification of service, timeliness and no response under the procedure described in LBR 9021–1.

4007–1 DISCHARGEABILITY COMPLAINTS

(a) Agreement to Extend Time. A debtor who is represented by counsel and a creditor may enter into an agreement to extend the deadline for filing a complaint to determine the dischargeability of a debt.

(b) Order by Clerk. If such agreement is attached to a motion to approve agreement to extend time for filing a complaint to determine the discharge ability of a debt and filed with the clerk prior to the expiration of either the period prescribed by Rule 4007(c) or any prior extension thereof, the clerk may enter a form order for the court approving the agreement and extending the deadline pursuant to LBR 9021–1.

(c) Deadline in Hardship Discharge Cases. If a debtor requests a hardship discharge in a chapter 13 case pursuant to § 1328(b) of the Code, the deadline for filing a complaint

seeking to except a debt from discharge under § 523(c) of the Code will expire thirty (30) days after the entry of an order by the court under Rule 4007(d).

4008–1 REAFFIRMATION (Reserved)

4070–1 INSURANCE

Insurance shall be procured as required by any relevant security agreement or as required by state law.

4071–1 AUTOMATIC STAY — VIOLATION OF (Reserved)

PART V

5001–1 COURT ADMINISTRATION (Reserved)

5001–2 CLERK — OFFICE LOCATION/HOURS

The following are the mailing addresses, telephone numbers, and telecopier (fax) numbers of each clerk's office, as of the effective date of these local rules:

United States Bankruptcy Court
Atrium Two
221 East Fourth Street
Suite 800
Cincinnati, Ohio 45202
(513) 684–2572 – telephone
(513) 684–6727 – telecopier (fax)

United States Bankruptcy Court
170 North High Street
Columbus, Ohio 43215
(614) 469–6638 – telephone
(614) 469–2478 – telecopier (fax)

United States Bankruptcy Court
120 West Third Street
Dayton, Ohio 45402
(937) 225–2516 – telephone
(937) 225–2954 – telecopier (fax)

The office of the clerk is open from the hours of 9:00 a.m. to 4:00 p.m. on business days. A drop box is provided for filing with the office of the clerk on any business day from 8:00 a.m. to 5:15 p.m. or when the building closes. Filings in the drop box will be date stamped only with the date deposited.

5003–1 CLERK — GENERAL/AUTHORITY

(a) Clerk Register of Federal and State Governmental Units. To be included in the register, a Form 5003–1(a) request must be submitted to the clerk. If a governmental unit

wishes to have more than one address listed in the register, it must submit a separate Form 5003–1(a) request for each address and include a brief explanation, subject to the approval of the clerk, of the proper use for each address.

(b) Updating the Register. A governmental unit may update its address or related information at any time by submitting a new Form 5003–1(a) request.

(c) Accessing the Register. The register will be available at the clerk's office or on the internet at www.ohsb.uscourts.gov.

(d) Additional Information on Governmental Units. In addition to the clerk's register, the following information regarding governmental units is supplied by these local rules as a courtesy to the bar, as of the effective date of these local rules. In the event of any inconsistencies, the clerk's register supersedes these local rules.

(1) State of Ohio.

Ohio Dept. of Taxation
Attn: Bankruptcy Division
P. O. Box 530
Columbus, Ohio 43266-0030
(614) 752-6864 (Telephone)
(614) 995-0164 (Telecopier (fax))

Ohio Bureau of Workers' Compensation
Attn: Law Section Bankruptcy Unit
P. O. Box 15567
Columbus, Ohio 43215-0567
(614) 466-6600 (Telephone)
(614) 752-1948 (Telecopier (fax))

Ohio Department of Job and Family Services
fka Ohio Bureau of Employment Services
Attn: Collection Department
P. O. Box 923
Columbus, Ohio 43216-0923
(614) 466-2781 (Telephone)
(614) 466-2783 (Telecopier (fax))

Because of the provisions of Ohio Rev. Code § 131.02, which result in delinquent debts owed to State agencies, departments, and bureaus being certified to the Attorney General of Ohio for collection, it may be advisable to include the following "also notify" listing under each scheduled debt to Taxation, BWC, or OBES:

[insert name of creditor]
c/o Attorney General - Rev Rec
Attn: Bankruptcy Staff
101 East Town Street
Columbus, Ohio 43215-5148
(614) 466-3508 (Telephone)
(614) 728-7584 (Telecopier (fax))

(2) United States.

U. S. Attorney General
Main Justice Building Room 5111
10th & Constitution Ave. N.W.
Washington, D.C. 20530
(202) 514-2001 (Telephone)
(202) 514-4507 (Telecopier (fax))

U. S. Attorney — **Cincinnati**
221 East Fourth Street
Suite 400
Cincinnati, OH 45202
(513) 684-3711 (Telephone)
(513) 684-6972 (Telecopier (fax))

U. S. Attorney — **Columbus**
303 Marconi Blvd.
Suite 200
Columbus, OH 43215
(614) 469-5715 (Telephone)
(614) 469-5240 (Telecopier (fax))

U. S. Attorney — **Dayton**
602 Federal Building
200 West Second Street
Dayton, OH 45402
(937) 225-2910 (Telephone)
(937) 225-2564 (Telecopier (fax))

Internal Revenue Service
District Director
Insolvency Section
P. O. Box 1579
Cincinnati, OH 45201
Chapter 7: (513) 263-3200
Chapter 11, 12, 13: (513) 263-3216
Refunds: (513) 263-3234
Counsel: (513) 684-3211
Telecopier: (513) 263-3214

Office of the United States Trustee
36 East Seventh Street
Suite 2030
Cincinnati, OH 45202
(**Cincinnati** cases)

Office of the United States Trustee
170 North High Street
Suite 200
Columbus, OH 43215
(**Dayton** or **Columbus** cases)

5003–2 COURT PAPERS — REMOVAL OF (Reserved)

5003–3 CLAIMS — REGISTER (Reserved)

5005–1 FILING PAPERS — REQUIREMENTS

(a) Filing with the Clerk. Pleadings and other papers required to be filed shall be filed with the clerk. The clerk shall accept and time stamp any pleading or other paper duly presented for filing, except that the clerk may refuse to accept for filing any pleading or other paper not accompanied by the proper filing fee, unless otherwise provided by law.

(b) Telecopied (Facsimiled) and Photocopied Pleadings or Other Papers. Pleadings or other papers received on a court telecopier (fax) machine will not be accepted as duly presented for filing. Pleadings and other papers on "plain paper" containing electronically transmitted or photocopied signatures, including facsimile signatures, if filed with the clerk, will be accepted as original documents. The filing date of such documents shall be the date submitted to the clerk. All copies required by the clerk must be provided by the filer and filing fees shall be tendered at the time of filing. Any such signature on a filing shall be considered for all purposes to be that of the person it purports to be and shall be considered in compliance with Rules 1008 and 9011.

(c) Identification of Attorney. Every pleading or other paper filed by an attorney shall include the attorney's mailing address, telephone number, telecopier (fax) number, email address, and state bar number in the signature block under the signature line.

5005–2 FILING PAPERS — NUMBER OF COPIES (Reserved)

5005–3 FILING PAPERS — SIZE OF PAPER (Reserved)

5005–4 ELECTRONIC FILING

(a) Prior to July 1, 2004. Beginning January 1, 2004, the court will accept for filing documents submitted, signed or verified by electronic means that comply with procedures established by the United States Bankruptcy Court for the Southern District of Ohio. [See Southern District of Ohio Administrative Procedures For Electronic Case Filing available at the court's website at http://www.ohsb.uscourts.gov.]

(b) After July 1, 2004. After July 1, 2004, all documents submitted in all cases and proceedings shall be filed electronically, signed or verified by electronic means that comply with procedures established by the United States Bankruptcy Court for the Southern District of Ohio. [See Southern District of Ohio Administrative Procedures For Electronic Case Filing available at the court's website at http://www.ohsb.uscourts.gov.]

(c) Administrative Procedures Control. In the event of a conflict between these Local Rules and the Southern District of Ohio Administrative Procedures for Electronic Case Filing, the current version of the Southern District of Ohio Administrative Procedures for Electronic Case Filing shall control.

5009–1 FINAL REPORT/DECREE (Reserved)

5010–1 REOPENING CASES

(a) Motion Required. Unless a case has been reopened, the clerk may return, undocketed, any pleading filed in a closed case other than a pleading to enforce a judgment, correct a clerical error or correct an error caused by oversight or omission. A motion to reopen a case shall specifically set forth the basis for the proposed reopening and shall contain information which would demonstrate that the proposed reopening is to correct an administrative error, administer assets, accord relief to the debtor, or for other cause.

(b) Fees to Reopen. The movant shall pay a filing fee at the time of filing a motion to reopen, unless the movant or counsel certifies that the purpose of the reopening is to correct an administrative error or relates to the debtor's discharge. The Court may waive this fee under appropriate circumstances or may defer payment of the fee pending the trustee's recovery of additional assets.

(c) Service. In addition to the general service requirements of LBR 9013–3, a motion to reopen shall be served on any former trustee and any party proposed to be affected.

(d) Proposed Order. In any chapter 7, 12 or 13 case, the proposed order shall contain blank spaces in which the court may enter its determination whether a trustee shall be appointed or reappointed.

5011–1 WITHDRAWAL OF REFERENCE (Reserved)

5011–2 ABSTENTION (Reserved)

5070–1 CALENDARS AND SCHEDULING (Reserved)

5071–1 CONTINUANCE (Reserved)

5072–1 COURTROOM DECORUM (Reserved)

5073–1 PHOTOGRAPHY, RECORDING DEVICES AND BROADCASTING

(a) Cameras and Recording Devices Prohibited. No person may, without permission of the court, operate a camera or other recording device on any floor of a bankruptcy courthouse where judicial proceedings are being conducted. Cameras and other recording devices in the possession of a person entering a building in which judicial proceedings are being conducted by the court must, upon request, be turned over to security personnel for safekeeping and may be retrieved when leaving the building. All persons must comply with all directives of all court security officers.

(b) Certain Electronic Devices Permitted for Attorneys. Attorneys are permitted to keep in their possession laptop computers, wireless telephones, electronic calendars, and other electronic devices commonly used to conduct business activities. Security personnel may inspect any electronic device brought into a courthouse, and may take possession of a device if, upon inspection, the possession or use of such electronic device is deemed a security concern. Electronic devices brought into a courthouse pursuant to this subsection may be used anywhere in the courthouse so long as such use does not disrupt courtroom or other official proceedings. By way of illustration, the ringing of a wireless telephone in a courtroom while proceedings are being conducted is considered disruptive. No device may be used to circumvent subsection (a) above prohibiting the use of cameras or recording devices where judicial proceedings are being conducted. Attorneys must comply with all directives of all court security officers.

(c) Further Restrictions. The security committee for each courthouse may promulgate such further requirements and restrictions as are deemed necessary, consistent with this Local Rule. Nothing herein shall limit the discretion of a bankruptcy judge to permit special arrangements or to order specific requirements or restrictions on the possession or use of electronic devices in connection with a particular case before that bankruptcy judge.

5075–1 CLERK — DELEGATED FUNCTIONS OF (Reserved)

5076–1 COURT REPORTING (Reserved)

5077–1 TRANSCRIPTS (Reserved)

5078–1 COPIES — HOW TO ORDER (Reserved)

5080–1 FEES — GENERAL (Reserved)

5081–1 FEES — FORM OF PAYMENT

(a) Required Fees. All filing fees, administrative fees and other scheduled fees and charges, including United States trustee quarterly fees, fees for conversion of cases and for reopening of cases, shall be paid as required by 28 U.S.C. § 1930. A listing of current fees is available by calling (513) 684–2572 in **Cincinnati**, (937) 225–2516 in **Dayton** or (614) 469–6638 in **Columbus**. A listing of current fees is also available at the following website at *http://www.ohsb.uscourts.gov*. The clerk may refuse to accept for filing a document not accompanied by the proper filing fee, unless otherwise provided by law.

(b) Manner of Payment. Payment of filing fees, administrative fees and other scheduled fees and charges may be by cash or law firm check, trustee's check, certified check, cashier's check, money order or court approved credit card from a party other than a debtor. Checks shall be made payable to "Clerk, U. S. Bankruptcy Court". All payments shall be in the exact amount of such fees and charges.

(c) Quarterly Fees. Payment of quarterly fees due the United States trustee pursuant to 28 U.S.C. § 1930(a)(6) shall be made payable to "United States Trustee" and shall be sent to the address designated by the United States trustee.

(d) Returned Checks. Any entity who has presented a check that has been dishonored or has had payment stopped thereon may be denied, in the discretion of the clerk, the privilege of presenting checks in the future.

5090–1 JUDGES — VISITING AND RECALLED (Reserved)

5091–1 SIGNATURES — JUDGES (Reserved)

5092–1 SEAL OF COURT (Reserved)

5095–1 INVESTMENT OF ESTATE FUNDS (Reserved)

PART VI

6004–1 SALE OF ESTATE PROPERTY

(a) General. Unless otherwise ordered by the court, the notice of a proposed use, sale or lease of property other than in the ordinary course of business shall be filed and served by the trustee, debtor in possession, or chapter 12 or chapter 13 debtor.

(b) Chapter 7 and 11 Cases — Sales of Real and Personal Property.

(1) Notice. Notice of the proposed use, sale or lease of property other than in the ordinary course of business shall contain:

(A) a description which reasonably informs parties in interest of the property to be used, sold or leased. If the property is real property, its address shall be set forth with the legal description, if available;

(B) the terms and conditions of the proposed use, sale or lease, including the price and any contingencies;

(C) the date, time and place of any public sale;

(D) in a private sale the name of the buyer and the relationship, if any, to the debtor;

(E) the basis upon which the movant determined that the suggested price for the use, sale or lease of such property is in the best interest of the estate; and

(F) a statement that a written objection to the proposed use, sale or lease, together with a request for hearing, must be filed and served pursuant to LBR 9013–3 not later than twenty (20) days from the date of service of the notice, unless the notice period is shortened by order of the court, and that in the absence of objection the property may be used, sold or leased without further notice.

(2) Report of Sale.

(A) Contents of Report; Time to File. Unless otherwise ordered by the court, within twenty (20) days after the sale of any property not in the ordinary course of business, and prior to disbursement of any proceeds of sale, the trustee or debtor in possession shall file and serve pursuant to LBR 9013–3 a report of sale. This report shall include, in addition to what is required by Rule 6004(f)(1):

(i) the date, time and place of sale;

(ii) a calculation of the compensation allowable under the order of appointment;

(iii) a statement of the expenses of sale; and

(iv) a certificate of service, showing service pursuant to LBR 9013–3.

(B) Disbursement of Sale Proceeds. Unless otherwise ordered by the court, all proceeds of a sale shall be paid directly to any appointed trustee or the debtor in possession. No disbursement of proceeds shall be made without a specific order of the court authorizing the disbursement, except for payment to secured creditors, payment to debtors for exempt proceeds, and payment for expenses of sale up to $2500. In addition, disbursements of auctioneers' fees and brokers' commissions may be paid without additional order of the court, if payment is consistent with the terms of the order approving the sale or authorizing the appointment of the auctioneer or broker.

(c) Chapter 12 and 13 Cases — Sales of Personal Property. Unless otherwise ordered, use, sale or lease of property other than real property shall be by written application of the debtor to the trustee. Subject to Rule 6004(d), the application shall contain notice as in (b) above and shall be served according to Rule 2002(a)(2) and LBR 9013–3. The debtor shall not file the application with the clerk. Objections, if any, shall be served on the trustee, the debtor, and the debtor’s attorney and not filed with the clerk. If no objections are served and the trustee approves the application, the trustee shall file the approval and the application and the debtor may use, sell or lease the property in accordance with the terms and conditions approved by the trustee. If an objection is served, the trustee shall not approve the application. Further, if an objection is served or the use, sale or lease is not approved by the trustee, the debtor may file a motion to use, sell or lease the property. The motion shall request a hearing and shall include as an attachment copies of any objections and/or the trustee's denial of the application.

(d) Chapter 12 and 13 Cases — Sales of Real Property. Unless otherwise ordered by the court or authorized by (e) below, sale of real property shall be in accordance with the following:

(1) Motion Requirements. The debtor shall file a motion after a contract of sale is procured. The motion shall provide the following minimum information:

(A) whether the debtor's plan has been confirmed;

(B) the address of the property;

(C) whether the property is the debtor's residence;

(D) the sale price;

(E) the valuation of the property as set forth in the schedules and in any appraisal valuation submitted pursuant to LBR 3015–3(e)(3);

(F) the name of each mortgagee or lienholder;

(G) the estimated amount of sale proceeds to be retained by the debtor;

(H) the approximate amount of sale proceeds to be paid to the plan;

(I) whether the plan provided for the sale, and, if the confirmed plan did not provide for the sale, that the plan has been modified to provide for the sale, and whether the time for objection to the modification has expired; and

(J) any relationship of the buyer to the debtor.

(2) Closing Procedure. The closing agent shall coordinate with the trustee in making the arrangements for the closing and shall obtain the trustee's approval before proceeding with the closing. The trustee is authorized to permit the closing agent to make direct disbursements on behalf of the trustee at closing on any claims so provided for by the plan or court order in which event it will not be necessary for the trustee to attend the closing. Any of these disbursements shall be considered as if made by the trustee for the purposes of the trustee collecting the percentage fee fixed pursuant to 28 U.S.C. § 586(e)(1)(B).

(3) Proceeds and Closing Statement. If the trustee does not attend the closing, the closing agent shall cause to be delivered to the trustee within three (3) working days after closing, the net proceeds of the closing and a copy of the signed closing statement. Such statement shall show:

(A) the amount paid to each lienholder;

(B) the amount of any real estate taxes paid;

(C) the name of and amount paid to any realtor;

(D) any deductions from the sale proceeds with an explanation therefor;

(E) any closing costs; and

(F) the calculation of the total deductions from the sale proceeds and the amount of sale proceeds being paid to the plan.

(e) Chapter 12 and 13 Cases — Certain Sales of Real Property Simplified. If a sale of real property occurs pursuant to a plan provision, all lienholders are to be paid in full, the debtors are not retaining any proceeds over allowable exemptions, and the plan is being paid off, the sale may occur under the procedure in (c) above.

(f) Chapter 12 and 13 Cases — Report of Sale. The trustee's reports of administration and final report of receipts and disbursements shall serve as the report of sale and distribution of the proceeds therefrom, in lieu of a report such as that required by (b)(2) above in chapter 7 and 11 cases.

6005–1 APPRAISERS AND AUCTIONEERS (Reserved)

6006–1 EXECUTORY CONTRACTS (Reserved)

6007–1 ABANDONMENT

(a) Obtaining Abandonment.

(1) Request for Abandonment. When a party requests an abandonment and follows the notice procedure prescribed in (b) below, and no objection has been filed, that party shall prepare and submit to the trustee an abandonment document, which the trustee shall execute and return within ten (10) days of its receipt.

(2) Motion. A party unable to secure an abandonment from a trustee who then proceeds pursuant to § 554(b) of the Code shall, pursuant to Rule 6007(b), subject to LBR 9013–3, file a motion for abandonment.

(3) General. The trustee may execute abandonments until the case is closed.

(b) Notice Procedure in Chapter 7 Cases.

(1) In § 341 Meeting Notice. The § 341 meeting notice shall inform creditors and other parties in interest that the trustee may abandon property listed on the debtor's schedules upon the request of any party in interest or upon the trustee's determination that there is no equity in the property for the benefit of unsecured creditors and that the property is burdensome. The § 341 meeting notice shall also provide that further notice to creditors and other parties in interest is not required for

the abandonment of any property unless a party in interest, before the conclusion of the § 341 meeting, files a request for further notice of abandonment with service of such notice on the trustee, or unless further notice is ordered by the court or required by the trustee.

(2) Further Notice of Proposed Abandonment. If further notice of proposed abandonment is required, the party proposing the abandonment shall give such further notice to the party filing the request for such notice, or to any party ordered by the court or required by the trustee to receive such further notice.

(3) Certificate of Service. Any notice under (2) above shall contain a certificate of service, indicating that the appropriate parties have been served, and such certificate shall be filed. Upon request and payment of any required fee, the clerk shall provide to the party proposing the abandonment a copy of the matrix or equivalent list of creditors and other parties in interest in the case. A complete matrix listing is available on PACER for all cases.

(c) Contents of Notice. A motion pursuant to (a)(2) above or a notice pursuant to (b)(2) above shall contain:

(1) A description of the property, and if it is real property, its designated address, if the property has an address;

(2) A statement of the present fair market value of the property or an explanation why the statement is unnecessary or unavailable;

(3) A statement of the payoff amounts of any encumbrances on the property as of the date of the filing of the notice or motion, or an explanation why the statement is unnecessary or unavailable; and

(4) A statement that a written objection to the proposed abandonment, together with a request for hearing, must be filed and served on the trustee, the debtor, debtor's counsel and the party proposing abandonment, no later than twenty (20) days from the date of service of the notice or the property may be abandoned without further notice.

(5) The original notice pursuant to (b)(2) above filed with the court and the copy served on the trustee shall contain copies of all documents by which any encumbrances against the property were created or perfected, or an explanation why the copies are unnecessary or unavailable. The copy of such notice forwarded to creditors shall contain a statement that said copies or explanation are on file with the court and available for review by interested parties.

(d) Responsible Party. The creditor requesting and obtaining an abandonment from the trustee shall be responsible for insuring that the procedure outlined herein is followed, that the notice contains the requisite information, and that the notice and subsequent abandonment are both properly filed and served by such creditor on all parties upon whom service is required. Except for abandonments executed by the trustee at the meeting of

creditors, the trustee shall be served with a time–stamped copy of any abandonment filed by such creditor.

6008–1 REDEMPTION

(a) Procedure. A motion to redeem tangible personal property pursuant to § 722 of the Code shall be served pursuant to LBR 9013–3.

(b) Notice. The motion shall be accompanied by the notice required in LBR 9013–1(a) and shall specify that a failure to respond may cause the motion to be granted.

(c) Certification by Objecting Party; Order by Clerk. If no response is filed to the motion, the procedure set forth in LBR 9021–1 shall be followed for entry of a form order by the clerk.

6070–1 TAX RETURNS AND TAX REFUNDS (Reserved)

PART VII

7001–1 ADVERSARY PROCEEDINGS — GENERAL

A trustee or a debtor–in–possession, as a plaintiff in an adversary proceeding to avoid preferential or fraudulent transfers, is encouraged to file a separate adversary for each defendant unless such defendants are part of the same transaction.

7003–1 COVER SHEET

An "Adversary Proceeding Cover Sheet" in the form prescribed by the Administrative Office of the United States Courts, available through the clerk, must be completed and filed with each complaint.

7004–1 SERVICE OF PROCESS

(a) Authorization for Electronic Service. The United States Bankruptcy Court for the Southern District of Ohio is authorized to establish procedures for electronic service in connection with electronic case filing.

(b) Service on Participants in Electronic Case Filing. By registering for a login and password from the court, participants in electronic case filing waive the right to receive notice by first class mail, including notice pursuant to Rule 2002(a), and agree to receive notice electronically. By registering for a login and password from the court, participants in electronic case filing also waive the right to service by personal service or first class mail and agree to electronic service, except with regard to service of process of a summons and complaint in an adversary proceeding under Rule 7004 and the initiating motion in a contested matter under Rule 9014.

(c) Service on Non-participants in Electronic Case Filing. A filing party shall serve a pleading or other paper upon all non-participants in electronic case filing entitled to notice or service in accordance with the applicable rules.

7004–2 SUMMONS (Reserved)

7005–1 CERTIFICATE OF SERVICE (APs) (Reserved)

7005–2 FILING OF DISCOVERY MATERIALS

Unless otherwise ordered by the court, disclosures under Civil Rule 26(a)(1) or (2) and discovery requests and responses regarding depositions, interrogatories, requests for documents or to permit entry upon land, and requests for admission shall not be filed until they are used in the proceeding.

7007–1 MOTION PRACTICE (APs) (Reserved)

7008–1 CORE/NON–CORE DESIGNATION (Complaint) (Reserved)

7012–1 CORE/NON–CORE DESIGNATION (Responsive Pleading) (Reserved)

7016–1 PRETRIAL PROCEDURES

(a) Order on Procedures and Preliminary Pretrial Statement. After all parties have filed their initial pleadings in an adversary proceeding, if the court decides to require a pretrial statement, the court will send to all counsel and parties appearing *pro se* an Order Governing Pretrial and Trial Procedures (Form 7016–1 – Order attached). Each party shall complete, file and serve on all other parties its Preliminary Pretrial Statement (Form 7016–1 – PPS attached) within thirty (30) days of the date that order is entered.

(b) Procedure Following Receipt of Preliminary Pretrial Statement. Upon passage of the thirty (30) days or upon receipt of all parties' Preliminary Pretrial Statements, the court, depending upon the nature and complexity of the case, will:

(1) issue an order setting a preliminary pretrial conference, at which the court will consider procedural matters raised in the pleadings and pretrial statements. Following such conference the court will issue subsequent orders or a Final Pretrial Order, as the court shall determine; or

(2) issue a Final Pretrial Order without pretrial conference.

(c) Content of Subsequent Orders or Final Pretrial Order. Subsequent Pretrial Orders or the Final Pretrial Order will set out the jurisdiction, venue and core/non–core status of the proceeding and will establish time deadlines for completion of discovery, the filing of witness and exhibit lists and exhibits, the filing of pretrial motions and trial briefs, the status of any pending motions, and the date and time for trial.

(d) No Limitations on Other Procedures. Nothing herein shall prohibit the court from conducting further pretrial conferences or procedures or limit other procedures the court may adopt in any proceeding.

(e) Use of Pretrial Forms. Forms 7016–1 – Order and 7016–1 – PPS and the instructions and procedures outlined therein are to be utilized in all adversary proceedings in this district, except where the court, for cause, either *sua sponte* or on motion of any party, orders such forms not to be used in a specific adversary proceeding.

7023–1 CLASS ACTION (Reserved)

7024–1 INTERVENTION (Reserved)

7024–2 UNCONSTITUTIONALITY, CLAIM OF (Reserved)

7026–1 DISCOVERY — GENERAL

(a) Cooperation and Consultation. Discovery proceedings shall be promptly commenced. All counsel and any party appearing *pro se* are required to cooperate and consult with each other in a courteous manner in all matters related to discovery and shall freely exchange discoverable information and documents upon informal written request, whether or not a pretrial conference has been scheduled or held in a proceeding. No objections, motions, applications or requests related to discovery disputes shall be filed pursuant to the provisions of Rules 7026 through 7037 unless extrajudicial means for the resolution of the discovery dispute have been exhausted. Without other compelling factors, discovery should not be delayed as a result of a dispute involving the payment or allocation of the costs of discovery.

(b) Discovery Disputes. To the extent that extrajudicial means have not resolved a discovery dispute, a party seeking discovery or a protective order may proceed with the filing of a motion to compel discovery or a motion for a protective order. Such a motion shall be accompanied by a supporting memorandum and an affidavit of counsel setting forth what extrajudicial means have been attempted to resolve the discovery dispute, including a statement that the movant has met in person with opposing counsel, or has offered in writing to meet in person with opposing counsel on one or more specific dates and the offer has been refused, or that the movant has not received a written response to the offer. Only those specific portions of the discovery requests, or materials reasonably necessary to a resolution of the motion, shall be included with the motion. Opposition to any motion filed pursuant to this rule shall be filed within ten (10) days of the filing of the motion for protective order or motion to compel discovery. Any reply memorandum shall be filed within five (5) days of the filing of any memorandum in opposition. The court may enter an appropriate award of expenses or impose appropriate sanctions in connection with the determination of such motions on the motion of a party or on its own motion.

(c) Interrogatories and Requests for Admission. Separate interrogatories and requests for admission, in each instance, shall be followed by a space of at least one inch in which an answer or response can be inserted. Answers to interrogatories and requests for admission, in each instance, shall be preceded by the text of the interrogatory or the request.

(d) Civil Rule 26(f) Discovery Plan. The parties' completion of Section VI of Form 7016–1–PPS shall constitute compliance with Civil Rule 26(f) regarding the preparation of a discovery plan.

7027–1 DEPOSITIONS AND EXAMINATIONS (APs) (Reserved)

7040–1 ASSIGNMENT OF ADVERSARY PROCEEDINGS

Adversary proceedings arising in or related to a case shall be assigned to the bankruptcy judge to whom the case is assigned.

7052–1 FINDINGS AND CONCLUSIONS (Reserved)

7054–1 COSTS — TAXATION/PAYMENT (Reserved)

7055–1 DEFAULT — FAILURE TO PROSECUTE (Reserved)

7056–1 SUMMARY JUDGMENT (Reserved)

7065–1 INJUNCTIONS (Reserved)

7067–1 REGISTRY FUND

(a) Fee to be Deducted. In accordance with the schedule of fees for United States Bankruptcy Courts, under 28 U.S.C. § 1930, the clerk shall deduct from interest earned on registry funds invested in interest–bearing accounts or instruments, a fee not exceeding that set by the Director of the Administrative Office of the United States Courts. The fee shall be withdrawn whenever interest earned becomes available for deduction and deposited in the United States Treasury, without further order of the court.

(b) Service of Order for Deposit or Withdrawal. In addition to service required by LBR 9013–3, orders directing the deposit of funds into or disbursement of funds from the

court registry shall be served upon the clerk or upon the deputy clerk in charge of the office of the clerk at the location where the action is pending.

7069–1 JUDGMENT — PAYMENT OF (Reserved)

PART VIII

8001–1 NOTICE OF APPEAL (Reserved)

8001–2 DISMISSAL OF APPEAL (VOLUNTARY) (Reserved)

8001–3 ELECTION FOR DISTRICT COURT DETERMINATION OF APPEAL (Reserved)

8002–1 TIME FOR FILING APPEAL (Reserved)

8003–1 MOTION FOR LEAVE TO APPEAL (Reserved)

8004–1 SERVICE OF NOTICE OF APPEAL

In addition to notice requirements of Rule 8004, the clerk shall serve notice of the filing of a notice of appeal in accordance with LBR 9013–3.

8005–1 STAY PENDING APPEAL

A motion directed to the bankruptcy court for stay of judgment or order shall be served by the movant upon those persons who received notice from the clerk of the filing of the notice of appeal.

8006–1 DESIGNATION OF RECORD — APPEAL (Reserved)

8007–1 COMPLETION OF RECORD — APPEAL

Any party requesting a transcript on appeal shall file a written request with the clerk of the bankruptcy court, deliver the request to the court reporter and make satisfactory arrangements for payment of the costs immediately upon filing the designation of record on appeal. If no court reporter was present at a relevant hearing, any party may specify that the audio tape recording is the record of the hearing. If an audio tape is requested, a separate tape limited only to the relevant hearing shall be prepared by the clerk at the expense of the requesting party, and forwarded with the record as required by Rule 8007.

8007–2 TRANSMISSION OF RECORD — APPEAL (Reserved)

8007–3 DOCKETING OF APPEAL (Reserved)

8007–4 RECORD FOR PRELIMINARY HEARING — APPEAL (Reserved)

8008–1 FILING PAPERS — APPEAL (Reserved)

8008–2 SERVICE OF ALL PAPERS REQUIRED — APPEAL (Reserved)

8008–3	**MANNER OF SERVING PAPERS — APPEAL**	**(Reserved)**
8008–4	**PROOF OF SERVICE OF FILED PAPERS — APPEAL**	**(Reserved)**
8009–1	**TIME FOR FILING BRIEFS — APPEAL**	**(Reserved)**
8009–2	**TIME FOR FILING APPENDIX TO BRIEF — APPEAL**	**(Reserved)**
8010–1	**FORMS OF BRIEFS — APPEAL**	**(Reserved)**
8010–2	**REPRODUCTION OF STATUTES, ETC. — APPEAL**	**(Reserved)**
8010–3	**LENGTH OF BRIEFS — APPEAL**	**(Reserved)**
8011–1	**MOTION, RESPONSE, REPLY — APPEAL**	**(Reserved)**

8011–2	**DETERMINATION OF PROCEDURAL MOTION — APPEAL**	**(Reserved)**
8011–3	**DETERMINATION OF MOTION — APPEAL**	**(Reserved)**
8011–4	**EMERGENCY MOTION — APPEAL**	**(Reserved)**
8011–5	**POWER OF SINGLE JUDGE TO ENTERTAIN MOTIONS**	**(Reserved)**
8012–1	**ORAL ARGUMENT — APPEAL**	**(Reserved)**
8013–1	**DISPOSITION OF APPEAL**	**(Reserved)**
8014–1	**COSTS — APPEAL**	**(Reserved)**
8015–1	**MOTION FOR REHEARING — APPEAL**	**(Reserved)**
8016–1	**ENTRY OF JUDGMENT BY CLERK OF DISTRICT COURT OR BAP**	**(Reserved)**

8016–2 NOTICE OF ORDER OR JUDGMENT — APPEAL (Reserved)

8016–3 RETURN OF RECORD ON APPEAL (Reserved)

8017–1 STAY PENDING APPEAL TO COURT OF APPEALS (Reserved)

8018–1 LOCAL RULES OF CIRCUIT JUDICIAL COUNCIL OR DISTRICT COURT

The Rules of the Bankruptcy Appellate Panel of the Sixth Circuit are available at the offices of the bankruptcy courts in the Southern District of Ohio and the clerk of the Bankruptcy Appellate Panel in Cincinnati, Ohio, together with the website maintained by the Sixth Circuit Court of Appeals. Further information may be obtained by contacting the clerk of the Bankruptcy Appellate Panel at (513) 564–7080.

8019–1 SUSPENSION OF PART VIII, FED. R. BANKR. P. (Reserved)

8020–1 DAMAGES AND COSTS FOR FRIVOLOUS APPEAL (Reserved)

8070–1 DISMISSAL OF APPEAL BY COURT FOR NON-PROSECUTION (Reserved)

PART IX

9001–1 DEFINITIONS

The following words used in these local rules have the meanings indicated:

(a) "Civil Rule" means a Federal Rule of Civil Procedure.

(b) "Clerk" means the clerk of the bankruptcy court or an authorized deputy clerk.

(c) "Code" means title 11 of the United States Code.

(d) "File" means file with the clerk of the bankruptcy court.

(e) "Local Rules" or "LBR" mean these rules of the United States Bankruptcy Court for the Southern District of Ohio.

(f) "Rule" means a Federal Rule of Bankruptcy Procedure.

9003–1 *EX PARTE* CONTACT (Reserved)

9004–1 PAPERS — REQUIREMENTS OF FORMS

(a) Legibility. A copy of any original document permitted or required to be filed must be legible or it may be stricken by the court on its own motion or by order granting a motion of any party in interest. If a document does not copy in a readable manner, the original or a copy of the original, together with a clearly typed attached substitute, shall be filed and shall contain counsel's certification that the typed substitute contains, to the extent possible, the exact information set forth on the original document.

(b) Paper and Form. Pleadings and other papers shall be typewritten or printed legibly on 8 ½" by 11" bond paper and shall be double spaced with appropriate side margins and a top margin of not less than one inch. Typed print on pleadings submitted for filing shall be at least 10-12 font size. All pleadings and other papers must copy in a readable manner. Pleadings and other papers shall be offered for filing without backing.

9004–2 CAPTION — PAPERS, GENERAL

The caption shall include the name of the judge to whom the case is assigned. The caption also shall contain a specific statement of the nature of the pleading or other paper and the specific relief requested or to be granted. The caption shall be phrased so that the relationship to prior pleadings or other papers, if any, is explicit. A filed pleading or other paper, including a proposed order, shall clearly and specifically identify any other filed pleading or paper to which it relates, if any, by referencing at least one of the following: the docket number, the date of certification of service, the file stamp date or the entry date of the related document.

9006–1 TIME PERIODS (Reserved)

9009–1 FORMS (Reserved)

9010–1 ATTORNEYS — NOTICE OF APPEARANCE

Unless otherwise ordered by the court, in all cases and adversary proceedings filed in, referred to, transferred to or removed to this court, all parties not appearing *pro se* shall be represented by a "case attorney" who is admitted to practice pursuant to LBR 2090–1. For notice purposes, "case attorney" includes co–counsel and any separate counsel in jointly administered cases, but does not include counsel appointed for a special limited purpose.

9010–2 POWER OF ATTORNEY (Reserved)

9011–1 ATTORNEYS — DUTIES (Reserved)

9011–2 *PRO SE* PARTIES

(a) Individuals. Unless otherwise ordered by the court, a person appearing *pro se* shall include with his or her initial filing the person's current mailing address, and domicile address, if different from the mailing address, including zip code, and telephone number. In the event of any change in the mailing address or telephone number of the person appearing *pro se*, such person shall file and serve on all parties in interest a new designation within ten (10) days from the date of such change.

(b) Non-Individual Entities. A corporation, partnership or entity other than an individual shall not appear *pro se*. Failure to obtain court authorization for employment of counsel or substitute counsel for a corporation, partnership, or other non-individual entity debtor within a reasonable period of time may be cause for dismissal or conversion of a case.

9011–3 SANCTIONS

Failure to comply with any of these local rules may result in the imposition of sanctions against any party or party's counsel appearing before the court, any person appearing without counsel, any person acting in a fiduciary capacity or any other professional person appointed by the court, and the debtor. Upon notice and hearing, sanctions may be imposed when it is determined that noncompliance with these local rules or other applicable rules or statutes has, without just cause, obstructed the effective conduct of the business of the court or of the bankruptcy system. Such sanctions may include, without limitation, one or more of the following:

(a) all or part of a pleading or other paper being stricken or a defense being disallowed;

(b) stay of further proceedings;

(c) all or part of an order being vacated;

(d) dismissal of a case or adversary proceeding;

(e) the imposition of costs and expenses, including court reporting fees and attorney's fees;

(f) denial of confirmation of a chapter 11, 12 or 13 plan;

(g) reduction of attorney's fees; and

(h) a requirement for the completion of continuing education.

9011–4 SIGNATURES (Reserved)

9013–1 MOTION PRACTICE

(a) Memorandum in Support, Certificate of Service and Notice. A motion or application tendered for filing shall be accompanied by a memorandum in support and, except an ex parte motion or application, or a motion or application which will be noticed by the clerk, shall be accompanied by a certificate of service in accordance with LBR 9013–3. The included or accompanying notice required by these local rules for each motion or application shall comply with the mandatory notice set forth in Official Form 20A (Notice of Motion or Objection) except that no hearing date need be set. Except as otherwise required by Rules 2002 and 9006(f), such notice shall fix the response and service of response date for twenty (20) days from the date of service as set forth on the certificate of service.

(b) Response. Unless otherwise ordered by the court, a response memorandum must be filed if the relief sought by a motion or application is opposed. The response shall specifically designate the motion or application to which it responds and subject to Civil Rule 6(e), shall be filed within twenty (20) days from the date of service as set forth on the certificate of service attached to the motion or application. The response shall state with particularity the reasons that the motion or application is opposed.

(c) Reply. Subject to Civil Rule 6(e), a reply memorandum may be filed within seven (7) days after the date of service shown on the certificate of service of the response memorandum. No additional memoranda will be considered except upon leave of court for good cause shown.

(d) Effect of No Response. Failure to file a response on a timely basis may be cause for the court or the clerk to grant the motion or application as filed without further notice to the extent such action would not conflict with any Rule or Civil Rule.

(e) Entry of Form Order by the Clerk. Any procedure specifically so authorized by these Local Rules may result in relief being granted by a form entry by the clerk, upon certification of no response by the noticing party.

(f) No Oral Arguments on Motions. Motions and applications shall be decided without oral argument on the memoranda, unless otherwise provided in these Local Rules or unless a hearing is scheduled by the court.

(g) Chapter 13. Unless otherwise ordered by the court, a party in interest who intends to present as evidence any portion of the standing trustee's financial records pertaining to the case may attach such records as an exhibit to a pleading filed pursuant to (a), (b) or (c) above. The records may be obtained from the standing trustee or from any media maintained by the standing trustee which is available. The exhibit shall indicate the date of the records, which

date shall be reasonably current. Unless contested, the records will be admissible as evidence pursuant to the business records exception to the hearsay rule contained in Rule 803(b) of the Federal Rules of Evidence without the necessity of testimony by the custodian of the records. If the opposing party intends to contest the authenticity or accuracy of the records, such party shall file with the court and serve on opposing counsel at least five (5) days prior to the hearing scheduled on the motion filed pursuant to (a) above a document that: (i) lists the witnesses who will be called and/or the exhibits that will be offered in support of the challenge to the authenticity or accuracy of the standing trustee's financial records; and (ii) states with particularity the reasons that the authenticity or accuracy of the records is opposed.

9013–2 BRIEFS AND MEMORANDA OF LAW

(a) Length Limitations. Briefs and memoranda shall not exceed twenty (20) pages, except upon leave of court for good cause shown. Where such leave is granted, a table of contents containing a summary of all points raised shall be included with the brief or memorandum. Exhibits, including discovery documents, shall be limited to those to which reference is made in the brief or memorandum.

(b) Unreported Opinions. If an opinion that is not reported in an official reporter or not available electronically is cited, a copy of the opinion shall be attached to the brief or memorandum and such attachment shall be an exception to the twenty (20) page limitation in (a) above. Failure to submit such attachments may be grounds for striking the pleading.

9013–3 CERTIFICATE OF SERVICE — MOTIONS, APPLICATIONS, PLANS AND OTHER PAPERS

(a) Purpose of Minimum Service Requirements. The purpose of this local rule is to ensure adequate notice to all parties directly affected by the relief sought.

(b) Parties to be Served. Unless the court orders otherwise, and unless specifically limited or expanded by a Rule or other local bankruptcy rule, every pleading, application, motion, or other paper or document filed, other than a proof of claim, shall be served upon the debtor, the debtor's case attorney, the trustee, the United States Trustee, each committee appointed pursuant to the Code, upon any party directly affected by the relief sought, and upon any party who specifically requested notice. Service shall be evidenced pursuant to (e) below.

(c) Certain Limitations on Service. If a party other than the debtor is represented by an attorney, service need only be made on that party's attorney. If an appointed committee does not have an attorney whose employment has been authorized by the court, service shall be

made upon the committee member designated to receive service as set forth in any filing by the committee pursuant to LBR 2071–1 so designating such member. If no such filing has been made, service shall be made upon such committee's chairperson. If the committee has not elected a chairperson or designated a member to receive service, then service shall be made upon the entire committee. In a chapter 11 case, if no committee has been appointed, service shall be made upon the 20 largest unsecured creditors, as set forth in the original or amended list filed pursuant to Rule 1007(d).

(d) Method of Service. Service shall be by a method authorized or required by Rule 7004 or Civil Rule 5(b).

(e) Certificate of Service. Other than petitions, schedules, form documents required by the Executive Office of United States Trustee's Handbook for Chapter 7 Trustees, chapter 7 trustees' no asset or final reports, motions to extend the initial time to file schedules, any pleading required to be served together with a summons, and proofs of claim governed by LBR 3001–1(a), a certificate of service shall be appended to and served with any pleading, application, motion or other paper or document tendered for filing which is required to be served under (b) above. The original certificate of service shall be signed and each copy shall:

(1) identify, with specificity, the pleading or other paper served;

(2) state the date and method of service; and

(3) identify, by name and address, each entity served; and

(4) contain or refer to an accompanying notice in the form set forth in LBR 9013–1(a).

(f) Differing Addresses. If the address used for service of any pleading, application, motion or other paper or document differs either from the address shown in the debtor's petition, an address on the addressee's proof of claim, or an address on the addressee's prior pleading, if any, said difference must be explained.

9014–1 CONTESTED MATTERS

Unless otherwise ordered by the court, Rule 7026(a) is inapplicable in contested matters.

9015–1 JURY TRIAL

Any joint or separate statement of consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) and Rule 9015 shall be filed no later than the time the first preliminary pretrial statement is filed or as otherwise ordered by the court.

9016–1 SUBPOENAS (Reserved)

9016–2 WITNESSES (Reserved)

9019–1 SETTLEMENTS AND AGREED ORDERS

Unless otherwise stated in the notice of hearing, settlements shall be telephonically reported as promptly as possible to the court's deputy clerk by the movant, applicant, plaintiff or claimant, as the case may be.

9019–2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

This court has an Alternative Dispute Resolution Program for adversary proceedings filed in bankruptcy cases.

(a) Mandatory Process. The judge assigned to an adversary proceeding may appoint a settlement judge or may order other mediation processes for the purpose of reaching a settlement agreeable to all parties.

(b) Voluntary Process. At the request of any party, an adversary proceeding may be referred to a settlement judge selected from one of the bankruptcy judges serving in the district who was not originally assigned to the adversary proceeding, the case, or other mediation processes. At the first pretrial conference between the assigned judge and the parties the opportunity for entering the settlement procedure will be discussed.

(c) Procedure After Appointment of Settlement Judge. In the order appointing the settlement judge, the court shall establish a date for the filing of a statement of position by each party. The statement of position shall be conveyed directly to the settlement judge and

not entered in the case file or revealed to the trial judge. A conference shall be set before the settlement judge for the appearance of counsel and the parties' representatives who have settlement authority. At the conference the issues in the matter shall be discussed frankly and in–depth. The settlement judge may express an opinion to the parties about the probable outcome of a trial and may mediate the issues involved in the proceeding in an effort to facilitate a settlement. To preserve confidentiality, all statements and documents used during the procedure shall be kept in confidence. The settlement conference may be continued at the discretion of the settlement judge. The settlement judge shall report the results of the conference to the assigned judge when the settlement negotiations are concluded.

(d) Procedure for Other Mediation Process. In the event the adversary proceeding is referred to other mediation processes, an appropriate order will define the procedure.

9020–1 CONTEMPT (Reserved)

9021–1 JUDGMENTS AND ORDERS — ENTRY OF

Pursuant to Rule 9021 and Civil Rule 58, the court has approved for entry by the clerk certain form orders in default circumstances. The procedures for such orders are as follows:

(a) Where Response Period Has Expired. If no response is filed to a motion or objection of a kind to which LBR 4001–1(d), 4003–1(c), 4004–2(b)(2), or 6008–1(c) refer, the party seeking relief shall, twenty–five (25) days after making the motion or objection, file a certification of proper service and lack of response.

(1) Certification Requirements. The certification shall include:

(A) the title of the motion or objection upon which the order is being requested;

(B) the date the motion or objection was filed;

(C) a statement that the motion or objection contained the notice required by LBR 9013–1(a) and was properly served;

(D) a statement that there was no response to the motion or objection filed with the clerk or received by the party seeking relief; and

(E) the signature of the attorney or *pro se* party filing the certification.

(2) Entry of Form Order by the Clerk. Upon the filing of a certification of proper service and lack of response, the clerk may sign and enter the form order approved by the court.

(b) No Response Period. Upon the filing of an agreement pursuant to LBR 4004–2(b) or 4007–1(b), the clerk may sign and enter the form order approved by the court.

(c) No Alteration of Form Order. There shall be no substitution, modification, or supplementation of the form order without the express consent of the court.

(d) Review by the Court. The clerk shall refer all questionable motions, objections, applications, agreements, and certifications to the court for review.

9021–2 ORDERS — EFFECTIVE DATE (Reserved)

9022–1 JUDGMENTS AND ORDERS — NOTICE OF

The waiver of service and notice by first class mail by participants in electronic case filing includes notice of the entry of an order or judgment under Rule 9022.

9027–1 REMOVAL/REMAND (Reserved)

9029–1 LOCAL RULES — GENERAL

(a) Short Title. These Local Rules may be cited individually as "Local Rule" or "LBR", and are intended to facilitate local bankruptcy practice under the Federal Rules of Bankruptcy Procedure, individually abbreviated herein as "Rule".

(b) Effective Date. The effective date of these Local Rules is indicated on the cover page. These Local Rules shall govern all adversary proceedings and contested or administrative matters in all cases filed after the effective date and in subsequent adversary proceedings, contested and administrative matters in cases pending on the effective date, unless otherwise specifically ordered by the court.

(c) Applicability of Local Rules. These Local Rules, together with the applicable Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure, govern procedure in this court and supersede all prior local rules and general orders. In the event of a conflict, the provisions of the applicable Civil Rules or Bankruptcy Rules shall govern. Upon notice entered in a particular case, proceeding or matter, a judge may temporarily suspend the applicability of any of these Local Rules.

(d) Construction of Local Rules. Reference to statutes, regulations or rules shall be interpreted to include revisions and amendments made subsequent to the adoption of these Local Rules. References to Bankruptcy Rules or Civil Rules are to those rules of procedure in bankruptcy cases adopted by the United States Supreme Court and any amendments or additional rules at such time as they are effective.

(e) Amendments. This court may adopt amendments to these Local Rules upon entry of a General Order signed by all bankruptcy judges in the district. Any such amendment shall be published as an addendum to these rules and shall contain the effective date of the amendment. The clerk shall post such amendments in the clerk's office in **Cincinnati**, **Columbus** and **Dayton**, and shall also publish the same in PACER and in a newspaper of general circulation in those same areas, and shall distribute them to any designated computerized legal research service.

(f) Explanation of Certain Terms. The designation "(Reserved)" next to a local rule number and title indicates that this district does not have a local rule corresponding to the uniform local rule number shown. The use of "See LBR " next to a local rule title which also is designated as "(Reserved)" takes the reader to any existing local rule covering that same topic. The use of "See also LBR " next to a local rule title indicates other local rules on the same or related topics.

(g) Table of Contents. A table of contents can be found immediately prior to LBR 1002–1.

(h) Website. These Local Rules are available at the following website: http://www.ohsb.uscourts.gov

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO

In re:

ADOPTION OF NEW AND AMENDED LOCAL BANKRUPTCY RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF OHIO

In connection with a review of the Local Bankruptcy Rules by the United States Bankruptcy Court for the Southern District of Ohio, the Bankruptcy Judges of this district appointed a Local Rules, Forms and Practices Committee which, as a full committee and through sub-committees, conducted multiple meetings and submitted proposed changes to the Local Rules of the United States Bankruptcy Court for the Southern District of Ohio. These changes, together with changes in the National Rules, indicated areas in which improvement and clarification were desirable. These new and amended rules reflect the experience of the Bar, comments from members of the Bar, extensive work of the Local Rules, Forms and Practices Committee and its sub-committees, continuing efforts to conform these rules to the national numbering system and the unanimous approval of the Bankruptcy Judges of the district. Such rules, following a comment period, have, pursuant to Federal Rule of Bankruptcy Procedure 9029 and Federal Rule of Civil Procedure 83, been approved and adopted by the District Court for the Southern District of Ohio on August 15, 2003 and shall be effective as the Local Bankruptcy Rules of the United States Bankruptcy Court for the Southern District of Ohio on January 1, 2004.

IT IS SO ORDERED.

Thomas F. Waldron, Chief
United States Bankruptcy Judge

Barbara J. Sellers
United States Bankruptcy Judge

J. Vincent Aug, Jr.
United States Bankruptcy Judge

Charles M. Caldwell
United States Bankruptcy Judge

Jeffery P. Hopkins
United States Bankruptcy Judge

John E. Hoffman, Jr.
United States Bankruptcy Judge

Burton Perlman
United States Bankruptcy Judge

William A. Clark
United States Bankruptcy Judge

Donald E. Calhoun, Jr.
United States Bankruptcy Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
KENNETH J. MURPHY
03 AUG 19 PM 4:24
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

IN RE:

ADOPTION OF NEW AND AMENDED
LOCAL BANKRUPTCY RULES FOR THE
UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO

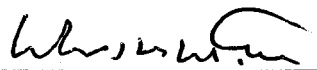
On or about August 1, 2003, the Judges of the United States District Court for the Southern District of Ohio received for consideration the Proposed New and Amended Local Bankruptcy Rules from the Bankruptcy Judges of this District.

On August 15, 2003, the Court was informed that members of the Bar were given an opportunity to contribute to and aid in the drafting of the New and Amended Local Bankruptcy Rules, that the Bankruptcy Judges have unanimously recommended the adoption of same, and that such were subject to a thirty (30) day period of public comment, with no change recommended as a result of that public review. Accordingly, it is hereby ORDERED that the New and Amended Local Bankruptcy Rules are hereby adopted by this Court, as proposed, pursuant to Federal Rule of Bankruptcy Procedure 9029 and Rule 83 of the Federal Rules of Civil Procedure.

I CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF THE
ORIGINAL FILED IN MY OFFICE
ON 8/19/03
KENNETH J. MURPHY, CLERK
BY: Deputy Clerk
DATE: 8/19/03

It is further ORDERED that these New and Amended Local Bankruptcy Rules shall be effective January 1, 2004, shall govern practice in all bankruptcy cases and proceedings referred by this Court to the Bankruptcy Judges of the District and, where applicable, shall also govern practice in all bankruptcy cases and proceedings pending before the United States District Judges of this District.

IT IS SO ORDERED.



August 19, 2003

WALTER HERBERT RICE, CHIEF JUDGE
UNITED STATES DISTRICT COURT
FOR THE COURT

9033–1 REVIEW OF PROPOSED FINDINGS AND CONCLUSIONS OF LAW (NON–CORE PROCEEDINGS)

(a) Procedure for Transcript. A copy of the request for a transcript under Rule 9033(b) shall be filed on the date the transcript is ordered. The court reporter shall certify to the clerk and to all counsel of record or any *pro se* party when the transcript has been submitted to the clerk of the district court.

(b) Objection. An objection shall contain:

(1) the specific findings or conclusions to which the objection is made;

(2) a brief statement of the grounds upon which any objection is founded; and

(3) a brief memorandum of law if the objection relates to a conclusion of law.

(c) Service of Objection and Response. Any objection or response shall be served upon all parties and their counsel of record. A certificate of such service shall be filed.

9034–1 TRANSMITTAL OF PAPERS TO UNITED STATES TRUSTEE (Reserved)

9035–1 BANKRUPTCY ADMINISTRATORS (Reserved)

9036–1 NOTICE BY ELECTRONIC TRANSMISSION

The clerk is authorized to send notices by electronic transmission upon request, in writing, by an entity entitled to receive notice. Such a request shall have no effect on any service required to be made by anyone other than the clerk.

9070–1 EXHIBITS

(a) General. All exhibits shall be neatly bound and, whenever possible, reduced or folded to an 8 ½" by 11" size. If an exhibit is not attached to a pleading, it shall be designated by a caption and case number.

(b) Disposition of Exhibits, Models, Diagrams, Depositions and Other Materials.

(1) Withdrawal by Counsel. All models, diagrams, depositions, photographs, x-rays, and other exhibits and materials filed in an action or offered in evidence shall not be considered part of the pleadings in the action and, unless otherwise ordered by the court, shall be withdrawn by counsel without further order within six (6) months after final termination of the action.

(2) Disposal by the Clerk. All models, diagrams, depositions, photographs, x-rays and other exhibits and materials not withdrawn by counsel shall be disposed of by the clerk as waste at the expiration of the withdrawal period.

9071–1 STIPULATIONS (Reserved)

9072–1 ORDERS — PROPOSED

(a) Captions. All proposed orders shall include in the caption the name of the judge to whom the case is assigned. The caption shall also contain a statement of the nature of the order and the relief proposed to be granted. The proposed order shall clearly identify the filed documents to which it relates and shall include either the docket number or the date of filing, service or entry of the related documents.

(b) Separate Submission. A proposed order must be submitted as a separate document and not combined with any other document.

(c) Signature Line. The signature line shall be identified as follows:

_____
UNITED STATES BANKRUPTCY JUDGE

The signature line shall not appear on a continuation page which is otherwise blank or contains only the name and case number, or only the words "So Ordered", or an equivalent.

(d) Proposed Service. Orders prepared by a prevailing party or submitted for the court's consideration, including agreed orders, shall contain, below the bankruptcy judge's signature line, a listing of the names and addresses of all entities to receive a copy of the entered order. Such list shall include all parties served with the underlying pleading, except where every party in a case was served with the pleading, the service list for the order may be limited to those parties particularly affected by the order. Orders in cases in which a master service list is periodically filed with the court may, in lieu of the listing of names and addresses outlined above, contain a statement that the order is to be served on all entities on a master service list which shall be identified by number and date of filing.

(e) Submission of Proposed Order When No Response is Filed to Motion or Application. If a response is not filed to any motion or application within the time allowed by the court or any applicable rule or statute, and except where the procedure authorized by LBR 9021–1 is being followed, the movant shall, within seven (7) days of the expiration of the applicable time period, submit a proposed order to the court granting the relief requested or such other proposed order as may be appropriate. Where specifically authorized by LBR 9021–1, the movant shall file, within the time specified in LBR 9021–1(a), a certification of no response in the form required by LBR 9021–1(a)(1).

(f) Submission of Proposed Order Following Hearing or Trial. Unless otherwise ordered by the court, within seven (7) days after hearing or trial, the prevailing party shall submit to the court a proposed order conforming to the court's decision. The use of telephone or other authorization for opposing counsel's signature is encouraged by the court, but the signature of opposing counsel is not required for entry of the court's order.

(g) Submission of Proposed Order Following Resolution Without a Hearing or Trial. Unless otherwise ordered by the court, the party seeking relief in a proceeding or matter which was resolved by agreement prior to a hearing or trial shall, within seven (7) days of the date the court is informed of the parties' resolution, submit to the court a proposed order conforming to the parties' resolution.

9073–1 HEARINGS (Including Expedited Hearings)

(a) Request for Expedited Hearing or Disposition. In the event that a party seeking or opposing relief in a proceeding or matter believes that an expedited hearing or expedited disposition is required, such party may request same. The motion for expedited hearing or disposition shall be by separate motion and not combined with the pleading or other paper in which the underlying relief is sought. The motion for expedited hearing or disposition shall set forth:

(1) a description of the relief requested;

(2) the reasons for which an expedited hearing or disposition is requested;

(3) the identity of all parties who may be affected by the relief requested in the underlying pleading or paper;

(4) the method of notification of all interested parties; and

(5) the proposed shortened notice or response period being sought and any proposed date or dates and time for any expedited hearing being sought.

The motion for expedited hearing or disposition shall be accompanied by a proposed form of notice and a proposed order which, if signed, will set an expedited hearing date and/or shortened response time on the underlying pleading.

(b) Service – Request for Expedited Hearing or Disposition and Order Thereon.

(1) The requesting party shall serve a copy of the underlying pleading or other paper together with a copy of the motion containing a request for expedited relief on the parties set forth in LBR 9013–3(a) and the United States Attorney at the address specified in LBR 5003–1(d)(2). In the event the nature of the substantive relief sought or opposed, or the timing of the shortened notice or expedited hearing or determination sought does not provide time for notice by United States mail or overnight delivery service, then the requesting party shall provide telephonic notice, and shall serve the pleading by telecopier (fax) or electronic mail (email), to the extent possible.

(2) If the court grants the request for expedited hearing or disposition, then the requesting party shall serve written notice thereof in the same manner as the service of the motion containing the request for expedited relief, unless otherwise ordered by the court.

(3) Promptly, and prior to any expedited hearing, the requesting party shall file a certificate of service certifying that the requesting party has provided notice and specifying the method by which such notice was provided.

9074–1 TELEPHONE CONFERENCES

(a) At Pretrial and Status Conferences. Telephone conference calls and, where available, videoconferencing for pretrial and status conferences is encouraged. Upon motion or *sua sponte*, and upon such terms as the court may direct, the court may order pretrial and status conferences to be held by telephone conference or videoconferencing.

(b) At Trials and Hearings. Upon motion or *sua sponte*, and upon such terms as the court may direct, the court may order the taking of testimony by videoconference at a trial or hearing.

9075–1 EMERGENCY ORDERS (Reserved)

Forms

Form 1015–2	STATEMENT OF RELATED OR COMPANION CASES INFORMATION REQUIRED BY LOCAL RULE 1015–2 ("LOCAL RULE 1015–2 STATEMENT") AND DESIGNATION AS CONSUMER OR BUSINESS CASE INFORMATION REQUIRED BY LOCAL RULE 1002–1(e)
Form 2016–1(a)(1)(A)	INTERIM APPLICATION FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES
Form 2016–1(a)(1)(E)	NOTICE OF INTERIM OR FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES
Form 2016–1(a)(1)(F)	MOTION FOR ENTRY OF AN ADMINISTRATIVE ORDER PURSUANT TO 11 U.S.C. §§ 105 AND 331 ESTABLISHING PROCEDURES FOR MONTHLY COMPENSATION AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS
Form 4001–1(a)	RELIEF FROM STAY/ADEQUATE PROTECTION EXHIBIT AND WORKSHEET — REAL ESTATE (For use as required by LBR 4001–1(a)(1))
Form 4001–1(d)	ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND/OR CODEBTOR STAY (Creditor)
Form 4001–2	CASH COLLATERAL/POSTPETITION FINANCING PROVISIONS
Form 4003–1(c)	ORDER SUSTAINING OBJECTION TO CLAIM OF EXEMPTION

Form 4004–2(b)(1)	ORDER APPROVING AGREEMENT TO EXTEND TIME FOR FILING COMPLAINT UNDER 11 U.S.C. § 727(a)
Form 4004–2(b)(2)	ORDER EXTENDING TIME FOR FILING COMPLAINT UNDER 11 U.S.C. § 727(a) (§ 341 MEETING CONTINUED)
Form 4007–1(b)	ORDER APPROVING AGREEMENT TO EXTEND TIME FOR FILING COMPLAINT UNDER 11 U.S.C. § 523(c)
Form 5003–1(a)	REQUEST FOR INCLUSION IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF OHIO'S OFFICIAL REGISTER OF MAILING ADDRESSES FOR FEDERAL AND STATE GOVERNMENTAL UNITS
Form 6008–1(c)	ORDER GRANTING MOTION TO REDEEM TANGIBLE PERSONAL PROPERTY
Form 7016 –1 — Order	ORDER GOVERNING PRETRIAL AND TRIAL PROCEDURES IN ADVERSARY PROCEEDINGS (OR PREHEARING AND HEARING PROCEDURES IN CERTAIN CONTESTED MATTERS) AND ORDERING PRELIMINARY PRETRIAL STATEMENT
Form 7016–1 – PPS	PRELIMINARY PRETRIAL STATEMENT
Form 7016–1 — Instructions	INSTRUCTIONS FOR PREPARING AND FILING WITNESS AND EXHIBIT LISTS
Form 7016–1 — Attachment A	WITNESS LIST
Form 7016–1 — Attachment B	EXHIBIT LIST

Form 1015–2

Case No._____

STATEMENT OF RELATED OR COMPANION CASES
INFORMATION REQUIRED BY LOCAL RULE 1015–2
UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF OHIO

Please check the appropriate box with respect to each of the following items:

1. If any previous bankruptcy of any kind was filed in any court within the last 6 years by this debtor or any entity related to the debtor as described below, or if the debtor or any entity related to the debtor as described below has a pending bankruptcy case in any bankruptcy court regardless of when such case was filed, then set forth the name of the debtor, case number, date filed, chapter filed under, district and division where the case is or was pending, current status of the case, any real estate in the case and judge assigned to the case. If no such petitions were filed, so indicate:

___ This debtor (identical individual, including DBAs, FDBAs)
___ This debtor (identical entity)
___ Spouse of this debtor
___ Corporation, if this debtor is or was a major shareholder of the corporation
___ Major shareholder of this debtor (if this debtor is a corporation)
___ Affiliate(s) of this debtor (see § 101(2) of the Code)
___ Partnership, if this debtor is or was a general partner in the partnership
___ General partner of this debtor (if this debtor is a partnership)
___ General partner of this debtor (if this debtor is or was another general partner therewith)
___ Entity with which this debtor has substantial identity of financial interests or assets

_____

_____

_____

2. ___ NONE OF THE ABOVE APPLY

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.

Executed at: _____ , Ohio
Dated: _____

_____
DEBTOR

_____
JOINT DEBTOR

DESIGNATION AS CONSUMER OR BUSINESS CASE
INFORMATION REQUIRED BY LOCAL RULE 1002–1(e)

Please check the appropriate box:

___ Consumer case; debtor is an individual who is not engaged in business and owes consumer debt only
___ Business case; debtor is a corporation
___ Business case; debtor is a partnership
___ Business case; debtor is an individual currently engaged in business
___ Business case; debtor is an individual formerly engaged in business who owes more for business debts than for consumer debts
___ Business case; case was commenced under chapter 12

_____
CASE ATTORNEY

Form 2016–1(a)(1)(A)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

INTERIM APPLICATION OF _____ FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD _____ THROUGH _____

_____ *[Name of Applicant]*, in accordance with Rule 2016 applies under §§ 330 and 331 of the Code for an award of compensation and reimbursement of actual, necessary expenses and represents:

PART A: PRELIMINARY STATEMENT

1. Applicant is *[professional capacity]* for *[entity represented or engaged by]*.

2. All services rendered and expenses incurred for which compensation or reimbursement is requested were performed or incurred for or on behalf of *[entity represented or engaged by]*.

3. The services described in this Application are actual, necessary services and the compensation requested for those services is reasonable.

4. The expenses described in this Application are actual, necessary expenses.
[Additional numbered paragraphs may be used by the Applicant to set forth other statements or information.]

PART B: GENERAL INFORMATION

1. **Period xx/xx/xx to xx/xx/xx**

Final Application _____

Interim Application _____

Requested Fees $_____

Expenses $_____

Total $_____

2. **General Information**

a. Date case filed: xx/xx/xx

b. Date application to approve employment filed: xx/xx/xx

c. Date employment approved: xx/xx/xx

d. First date services rendered in the case: xx/xx/xx

e. Compensation request is under § 330: _____ Yes _____ No

If other statutory basis, specify: § _____

f. Any fees awarded will be paid from the estate: _____ Yes _____ No

If no, state the source of payment of any fee that is awarded.

_____

g. This application is for a period less than 120 days after the filing of the case or less than 120 days after the end of the period of the last application.

_____ Yes _____ No

If yes, state date and terms of court order allowing filing at shortened intervals.

Order date: xx/xx/xx

Terms, if any,_____

_____

3. <u>Prior Applications</u>

First Application Period

xx/xx/xx to xx/xx/xx Date of Order xx/xx/xx

	Requested	Allowed	Paid	Due
Fees	$_____	$_____	$_____	$_____
Expenses	$_____	$_____	$_____	$_____

Second Application Period

xx/xx/xx to xx/xx/xx Date of Order xx/xx/xx

	Requested	Allowed	Paid	Due
Fees	$_____	$_____	$_____	$_____
Expenses	$_____	$_____	$_____	$_____
Grand Totals:	$_____	$_____	$_____	$_____

4. Professionals/Paraprofessionals' Billing for Current Period

Name	Hours	Billing Rate	Total

Grand Total: $_____

5. Billing Rates

a. Are any of the billing rates different than the billing rates set forth in your last application?

_____ Yes _____ No

b. If yes, indicate whose billings rates are different and explain why?

_____

_____

_____

PART C: BILLING SUMMARY

1. Description of Services. Provide adequate detail appropriate for the amount of time billed and the nature and variety of the services rendered.

2. Detail of Hours Expended. Set forth in list form or attach a list that shows the name of the professional or paraprofessional, date, activity, and time expended. The list may be organized in either of two ways.

(a) By each professional or paraprofessional in chronological order for the application period; or

(b) By day in chronological order showing all professionals or paraprofessionals that billed time on a particular day during the application period.

PART D: EXPENSE SUMMARY

Set forth in list form or attach a list that shows the type of expenses for which reimbursement is sought.

(a) Are the amounts of the expenses calculated using the applicant's in-house actual cost or the actual amount billed by a third party provider? _____ Yes _____ No

(b) If no, identify those expenses that were not calculated using the applicant's in-house actual cost or the actual amount billed by a third party provider and explain how the amount of the expense is calculated.

_____

_____

_____

WHEREFORE, Applicant requests an award of $ _____ in compensation and of $ _____ in reimbursement of actual, necessary expenses.

Dated:_____

_____

<Name>
<Title>
<Street Address>
<City, State and Zip Code>
<Telephone Number>
<Fax Number>
<Email Address>
<State Bar No.>

Form 2016–1(a)(1)(E)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

NOTICE OF *[INTERIM]* APPLICATION OF _____
FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES
FOR THE PERIOD _____ THROUGH _____

1. Name of Applicant *(specify)*:

2. Type of Services Rendered:

   a. ☐ Attorney for *(specify)*:

   b. ☐ Accountant for *(specify)*:

   c. ☐ Other Professional *(specify)*:

3. Date of Filing of Petition under Chapter _____ of the Bankruptcy Code:

4. Date of Entry of Order Approving Applicant's Employment:

5. Date of Filing of last Fee and/or Expense Application:

6. **TOTAL FEES REQUESTED THIS APPLICATION**: $_____

7. **TOTAL EXPENSE REIMBURSEMENT REQUESTED THIS APPLICATION**: $_____

A copy of the *[Interim]* Application of _____ For Allowance of Compensation and Reimbursement of Expenses For the Period _____ Through _____ may be obtained by contacting:

[Name of Contact]

[Address of Contact]

[Telephone Number of Contact]

A Response must be filed and served within twenty (20) days after the date set forth on the Certificate of Service. Unless an objection to the Application is timely filed, the Court may grant the relief requested without further notice in accordance with Local Bankruptcy Rules 2016–2(a)(5) and 9013–1.

Dated:_____

_____
<Name>
<Title>
<Street Address>
<City, State and Zip Code>
<Telephone Number>
<Fax Number>
<Email Address>
<State Bar No.>

Form 2016–1(a)(1)(F)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

MOTION FOR ENTRY OF AN ADMINISTRATIVE ORDER PURSUANT TO 11 U.S.C. §§ 105(a) AND 331 ESTABLISHING PROCEDURES FOR MONTHLY COMPENSATION AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS

[NAME OF DEBTOR], debtor and debtor-in-possession (the "Debtor"), by and through counsel, hereby move this Court for entry of an administrative order, pursuant to §§ 105(a) and 331 of the United States Bankruptcy Code (the "Code"), establishing procedures for monthly compensation and reimbursement of expenses of professional retained by order of this Court (the "Motion"). In support of the Motion, the Debtor respectfully represents as follows:

BACKGROUND

xx. ***[INCLUDE RELEVANT CASE BACKGROUND]***

JURISDICTION

xx. This Court has subject matter jurisdiction over the Motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). The Court can exercise its subject matter jurisdiction pursuant to 28 U.S.C. § 157(b)(1). Venue of this proceeding and the Motion is proper in this district pursuant to 28 U.S.C. §§1408 and 1409. The statutory predicates for the relief sought herein are sections 105(a) and 331 of the Bankruptcy Code.

RETENTION OF PROFESSIONALS

xx. *[INCLUDE DESCRIPTION OF PROFESSIONALS RETAINED OR TO BE RETAINED IN THE CASE.]*

PROCEDURES REQUESTED

xx. The Debtor proposes that the monthly payment of compensation and reimbursement of expenses of professionals in this case (the "Professionals") be structured as follows:

(a) On or before the twentieth (20th) day of each month following the month for which compensation is sought, each Professional seeking compensation under these procedures will serve a monthly statement on (i) the officer designated by the Debtor to be responsible for such matters; (ii) counsel to the Debtor; (iii) counsel to all official committees; (iv) counsel for the Office of the United States Trustee; (vi) counsel to all postpetition lenders or their agent(s); and (v) _____ (anyone else the Court may designate);

(b) The monthly statement need not be filed with the Court. Professionals still will be required to serve and file interim and final applications for approval of fees and expense in accordance with the relevant provisions of the Code, the Federal Rules of Bankruptcy Procedure and the Local Rules for the United States Bankruptcy Court, Southern District of Ohio;

(c) Each monthly fee statement will contain a list of the individuals and their respective titles (e.g., attorney, accountant, or paralegal) who provided services during the statement period, their respective billing rates, the aggregate hours spent by each individual, a reasonably detailed breakdown of the disbursements incurred, and contemporaneously maintained time entries for each individual in increments of tenths (1/10) of an hour;

(d) Each party receiving a statement will have twenty (20) days after service of the statement to object to the compensation or reimbursement sought in a particular statement (the "Objection Deadline"). Any objections to the statement must be served upon the affected Professional and the other persons designated to receive statements in paragraph (a) of this Motion on or before the Objection Deadline. Any objections must be in writing and state the nature of the objection and the amount of fees or expenses at issue;

(e) At the expiration of the Objection Deadline, the Debtor shall promptly pay _____ percent (____%) of the fees and _____ percent (_____%) of the expenses identified in each monthly statement to which no objection has been served in accordance with paragraph (d);

(f) If the Debtor receives an objection to a particular fee statement, the Debtor shall withhold payment of that portion of the fee statement to which the objection is directed and promptly pay the remainder of the fees and disbursements in the percentages set forth in paragraph (e);

(g) Similarly, if the parties to an objection are able to resolve their dispute and if the party whose statement was objected to serves on all of the parties listed in paragraph (a) as statement indicating that the objection is withdrawn and describing in detail the terms of the resolution, then the Debtor shall promptly pay, in accordance with paragraph (e), that portion of the fee statement which is no longer subject to objection;

(h) All objections that are not resolved by the parties, shall be preserved and presented to the Court at the next interim or final fee application hearing to be heard by the Court;

(i) The service of an objection in accordance with paragraph (d) shall not prejudice the objecting party's right to object to any fee application made to the Court in accordance with the Code on any ground whether raised in the objection or not. Furthermore, the decision by any party not to object to a fee statement shall not be a waiver of any kind or prejudice that party's right to object to any fee application subsequently made to the Court in accordance with the Code;

(j) Approximately every one hundred twenty (120) days, each of the professionals shall serve and file with the Court an application for interim or final Court approval and allowance, pursuant to sections 330 and 331 of the Code, of the compensation and reimbursement of expenses requested;

(k) Any professional who fails to file an application seeking approval of compensation and expense previously paid under these procedures when due shall (1) be ineligible to receive further monthly payments of fees or expense as provided herein absent a further order of the Court and (2) may be required to disgorge any fees paid since retention or the last fee application, which ever is later;

(l) The pendency of an application or a Court order that payment of compensation or reimbursement of expense was improper as to a particular statement shall not disqualify a Professional from the future payment of compensation or reimbursement of expense as set forth above, unless otherwise ordered by the Court;

(m) Neither the payment of, nor the failure to pay, in whole or in part, monthly compensation and reimbursement as provided herein shall have any effect on this Court's interim or final allowance of compensation and reimbursement of expenses of any professionals; and

(n) Counsel for each official committee may, in accordance with the foregoing procedure for monthly compensation and reimbursement of professionals, collect and submit statements of expenses from members of the committee he or she represents.

xx. In their first request for compensation and reimbursement of expenses, each professional may seek compensation for work performed and reimbursement for expenses incurred during the period beginning on the date of the Professional's retention and ending on _____.

xx. The Debtor will include all payments to professionals on its monthly operating reports, detailed so as to state the amount paid to each of the Professionals.

xx. The Debtor further requests that unless a party objects to requests for payments made pursuant to these procedures on the grounds that the Debtor has not timely filed monthly operating reports, remained current with its administrative expenses and 28 U.S.C. § 1930 fees, or manifest exigency exists, these procedures shall continue and remain in effect during the pendency of this case.

xx. All time periods set forth in this Motion shall be calculated in accordance with Federal Rule of Bankruptcy Procedure 9006(a).

NOTICE AND PRIOR REQUEST

xx. Notice of this Motion has been given to the Office of the United States Trustee, counsel to each official committee (if no committee is appointed, the 20 largest unsecured creditors), counsel to all postpetition lenders (or counsel to their agent(s)),and all parties who filed a notice of appearance. The Debtor submits that no other notice need be given.

xx. No previous motion for the relief sought herein has been made to this or any other court.

xx. A Response must be filed and served within twenty (20) days after the date set forth on the Certificate of Service. Unless an objection to this Motion is timely filed, the Court may grant the relief requested without further notice in accordance with Local Bankruptcy Rule 9013–1.

WHEREFORE, the Debtor respectfully requests that this Court enter an order pursuant to sections 105(a) and 331 of the Bankruptcy Code (i) establishing procedures for the interim compensation and reimbursement of expenses of professionals for specific services rendered to the Debtor in connection with this chapter 11 case and (ii) granting such other and further relief as may be just and proper.

_____

<Name>
<Title>
<Street Address>
<City, State and Zip Code>
<Telephone Number>
<Fax Number>
<Email Address>
<State Bar No.>

Form 4001–1(a)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

RELIEF FROM STAY / ADEQUATE PROTECTION
EXHIBIT AND WORKSHEET — REAL ESTATE
(For use as required by LBR 4001–1(a)(1))

Real property address which is the subject of this motion:

DEBT / VALUE REPRESENTATIONS:

Total indebtedness of the debtor(s) at the time of filing the motion for relief from stay (not to be relied upon as a payoff quotation) $_____

Movant's estimated market value of the real property $_____

Source of the estimated valuation _____

STATEMENT OF ARREARAGE:

(1) As of petition filing date: $_____

Amounts paid after the date of filing to be applied to the prepetition default: $_____

(2) Postpetition: $_____

(3) Monthly payment amount: $_____

(4) Date of Last Payment: _____

(5) Amount of Last Payment: $_____

# of payments due postpetition _____ (through payment due mm/dd/yy)

# of payments received postpetition _____

# of payments in default postpetition _____

Total amount of postpetition payments currently in default	$_____
+ Postpetition late charges	$_____
+ Other postpetition charges (describe)	$_____
= Total Postpetition Arrearage	$_____

OTHER LOAN INFORMATION:

Date of the Loan _____

Current Interest Rate _____

Money paid to and held by the mortgagee but not applied to the loan _____; if held in the form of checks, balance of such checks $ _____, and identity of holder of the checks _____.

REQUIRED ATTACHMENTS TO MOTION:

(a) In a Chapter 13 case, a postpetition payment history.

(b) In all cases, copies of documents which indicate movant's interest in the subject property. For purposes of example only, a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the real estate mortgage should be attached. The mortgage should bear date stamps reflecting the recording date together with recording references reflecting the recordation of the mortgage with the appropriate county official. If the subject property is registered land, movant shall attach a copy of the registered land certificate or other documentation reflecting that the mortgage was memorialized as a lien on the registered land certificate.

This Exhibit and Worksheet was prepared by:

_____

<Name>
<Title>
<Street Address>
<City, State and Zip Code>
<Telephone Number>
<Fax Number>
<Email Address>
<State Bar No.>

Form 4001–1(d)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

ORDER GRANTING MOTION FOR RELIEF
FROM THE AUTOMATIC STAY AND/OR CODEBTOR STAY
(Creditor)

On _____ creditor _____ filed a motion seeking relief from the automatic stay imposed by 11 U.S.C. § 362(a) and/or codebtor stay imposed by 11 U.S.C. § 1201 or § 1301.

The movant has filed a certification that complies with Local Bankruptcy Rule 9021–1(a)(1), including a statement that service and notice have been made pursuant to Local Bankruptcy Rules 4001–1(b) and (c) and 9013–3(a) and that no timely response has been filed.

Therefore, under the authority granted by Local Bankruptcy Rules 4001–1(d), 9013–1(e) and 9021–1(a), relief from the stay imposed by 11 U.S.C. § 362(a) and/or relief from the codebtor stay imposed by 11 U.S.C. § 1201 or § 1301 is granted.

IT IS SO ORDERED.

Dated:_____

Michael D. Webb, Clerk

_____
FOR THE COURT

Copies to:
Debtor(s)
Debtor's(s') Attorney
Creditor
Trustee
U. S. Trustee
(any other party required by LBR 9013–3(a))

Form 4001–2

Cash Collateral / Postpetition Financing Provisions

The Debtor, through a separately filed motion, agreed order or stipulation has requested the approval of the use of cash collateral, or postpetition financing, or both. Attached to the motion as Exhibit ____ is a true and correct copy of the agreement for use of cash collateral or postpetition financing (the "Agreement"), which contains the following provisions:

Page No.	Line No. (If Applicable)	Description of Provision
☐ _____	_____	**(A)** Cross-collateralization clauses, i.e., clauses that secure the repayment of prepetition debt with postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law.
☐ _____	_____	**(B)** Provisions or findings of fact that bind the estate or all parties in interest with respect to the waiver of claims against the secured creditor without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if appointed, at least 60 days from the date of its appointment to investigate such matters.
☐ _____	_____	**(C)** Provisions or findings of fact that bind the estate and all parties in interest with respect to the validity, perfection, amount or relative priority of the secured creditor's prepetition lien and liens held by persons who are not party to the financing agreement or stipulation, without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if appointed, at least 60 days from the date of its appointment to investigate such matters.
☐ _____	_____	**(D)** Provisions that create a lien senior or equal to any existing lien without the consent of that lienholder.
☐ _____	_____	**(E)** Provisions that seek a waiver, without notice, of rights the estate may have under § 506(c) of the Code.
☐ _____	_____	**(F)** Provisions that grant immediately to the prepetition secured creditor liens on the debtor's claims and causes of action arising under §§ 544, 545, 547, 548, and 549 of the Code.
☐ _____	_____	**(G)** Provisions that provide disparate treatment with regard to professional fee carveouts for the professionals retained by a creditors' committee from that provided for the professionals retained by the debtor.

☐ _____ _____ **(H)** Provisions that prime chapter 7 administrative expenses.

☐ _____ _____ **(I)** Provisions that operate to divest the debtor of any discretion by requiring a creditor's consent in the formulation of a plan or administration of the estate or limit access to the court to seek any relief under other applicable provisions of law.

☐ _____ _____ **(J)** Provisions that purport to release the secured creditor's liability for alleged prepetition torts or breaches of contract.

☐ _____ _____ **(K)** Provisions that grant automatic relief from stay upon default, conversion to chapter 7, or the appointment of a trustee.

☐ _____ _____ **(L)** Provisions that waive the procedural requirements for foreclosure required under applicable non-bankruptcy law.

☐ _____ _____ **(M)** Provisions that waive avoidance actions arising under the Code.

☐ _____ _____ **(N)** Provisions that waive, effective upon default or expiration, the debtor's right to move for a court order pursuant to § 363(c)(2)(B) of the Code authorizing the use of cash collateral in the absence of the secured party's consent.

☐ _____ _____ **(O)** Provisions that grant a lien in an amount in excess of the dollar amount of cash collateral authorized under the applicable cash collateral order.

☐ _____ _____ **(P)** Findings of fact on matters extraneous to the approval process.

☐ _____ _____ **(Q)** Provisions that bar the debtor from future bankruptcy filings.

Form 4003–1(c)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

ORDER SUSTAINING OBJECTION TO CLAIM OF EXEMPTION

On _____ the Trustee (or other party-in-interest) objected to an exemption claimed by a debtor in this case. The Trustee (or other party-in-interest) has filed a certification which complies with Local Bankruptcy Rule 9021–1(a)(1), including a statement that service and notice have been made pursuant to Local Bankruptcy Rules 4003–1(a) and (b) and 9013–3(a) and that no timely response has been filed.

Therefore, under the authority granted by Local Bankruptcy Rules 4003–1(c), 9013–1(e) and 9021–1(a), the objection is sustained and the exemption is disallowed to the extent set forth in the objection.

IT IS SO ORDERED.

Dated:_____

Michael D. Webb, Clerk

_____
FOR THE COURT

Copies to:
Debtor(s)
Debtor's(s') Attorney
Creditor
Trustee
U. S. Trustee
(any other party required by LBR 9013–3(a))

Form 4004–2(b)(1)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

ORDER APPROVING AGREEMENT TO EXTEND TIME FOR FILING COMPLAINT UNDER 11 U.S.C. § 727(a)

A motion has been filed seeking approval of an agreement to extend the time for creditor _____ (or the trustee) to file a complaint objecting to the issuance of a discharge.

The parties represent in the motion that the agreement is attached thereto and that the motion was filed prior to the expiration of the period prescribed by Rule 4004(a) of the Federal Rules of Bankruptcy Procedure or any prior extension thereof. Further, each debtor is represented by counsel.

Therefore, under the authority granted by Local Bankruptcy Rules 4004–2(b)(1), 9013–1(e) and 9021–1(b), the agreement is hereby approved.

IT IS SO ORDERED.

Dated:_____

Michael D. Webb, Clerk

_____
FOR THE COURT

Copies to:
Debtor(s)
Debtor's(s') Attorney
Creditor
Trustee
U. S. Trustee
(any other party required by LBR 9013–3(a))

Form 4004–2(b)(2)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

ORDER EXTENDING TIME FOR
FILING COMPLAINT UNDER 11 U.S.C. § 727(a)
(§ 341 MEETING CONTINUED)

A motion has been filed seeking to extend the time for creditor _____ (or the trustee) to file a complaint objecting to the issuance of a discharge to a time not more than sixty (60) days after a rescheduled § 341 meeting. The creditor (or the trustee) has filed a certification which complies with Local Bankruptcy Rule 9021–1(a)(1), including a statement that the motion was timely pursuant to Rule 4004(a) of the Federal Rules of Bankruptcy Procedure, that service and notice have been made pursuant to Local Bankruptcy Rule 9013–3(a), and that no timely response has been filed.

Therefore, under the authority granted by Local Bankruptcy Rules 4004–2(b)(2), 9013–1(e) and 9021–1(b), the motion is hereby granted.

IT IS SO ORDERED.

Dated:_____

Michael D. Webb, Clerk

_____
FOR THE COURT

Copies to:
All parties to the agreement
Trustee
U. S. Trustee

Form 4007–1(b)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

ORDER APPROVING AGREEMENT TO EXTEND TIME
FOR FILING COMPLAINT UNDER 11 U.S.C. § 523(c)

A motion has been filed seeking approval of an agreement to extend the time for creditor _____ to file a complaint seeking to except a specific debt from discharge.

The parties represent in the motion that the agreement is attached thereto and that the motion was filed prior to the expiration of the period prescribed by Rule 4007(c) of the Federal Rules of Bankruptcy Procedure or any prior extension thereof. Further, each debtor is represented by counsel.

Therefore, under the authority granted by Local Bankruptcy Rules 4007–1(b), 9013–1(e) and 9021–1(b), the agreement is hereby approved.

IT IS SO ORDERED.

Dated:_____

Michael D. Webb, Clerk

_____
FOR THE COURT

Copies to:
All parties to the agreement
Trustee
U. S. Trustee
(any applicable committee or other party required by LBR 9013–3(a))

Form 5003–1(a)

REQUEST FOR INCLUSION IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF OHIO'S OFFICIAL REGISTER OF MAILING ADDRESSES FOR FEDERAL AND STATE GOVERNMENTAL UNITS

Pursuant to Federal Rule of Bankruptcy Procedure 5003(e) and Local Rule 5003–1, a federal or state governmental unit may file with the Court a statement designating its mailing address to be included in an official register of such addresses maintained by the Court. Please complete the following form and fax a signed copy to 937–225–2954, or you may mail it to Michael D. Webb, Clerk; United States Bankruptcy Court; 120 West Third Street; Dayton, OH 45402–1819.

Official Name of Governmental Entity:
Address:
If you are submitting more than one address to be used in the Southern District of Ohio, please complete a separate copy of this form for each address submitted and include in this space a brief statement (25–30words) of when it is appropriate to use the above address:
Telephone Number (Required):
Fax Number:
Email Address:
Website:
Date Submitted: _____   _____ ***Signature*** _____ ***Title***

Form 6008–1(c)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:	Case No:
	Chapter
Debtor(s)	Judge

ORDER GRANTING MOTION TO REDEEM
TANGIBLE PERSONAL PROPERTY

A motion seeking to redeem certain tangible personal property secured by a lien in favor of _____ has been filed in this case.

Each debtor has filed a certification that complies with Local Bankruptcy Rule 9021–1(a)(1), including a statement that service and notice have been made pursuant to Local Bankruptcy Rules 6008–1(a) and (b) and 9013–3(a) and that no timely response has been filed.

Therefore, under the authority granted by Local Bankruptcy Rules 6008–1(c), 9013–1(e) and 9021– 1(a), the motion to redeem is granted.

IT IS SO ORDERED.

Dated:_____

Michael D. Webb, Clerk

_____
FOR THE COURT

Copies to:
Debtor(s)
Debtor's(s') Attorney
Creditor
Trustee
U. S. Trustee
(any other party required by LBR 9013–3(a))

Form 7016 –1 — Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re: *Debtor(s)*	Case No: Adv. Pro. No:
Plaintiff(s) *(Movant(s))* vs. *Defendant(s)* *(Respondent(s))*	Chapter Judge

ORDER GOVERNING PRETRIAL AND TRIAL PROCEDURES IN ADVERSARY PROCEEDINGS (OR PREHEARING AND HEARING PROCEDURES IN CERTAIN CONTESTED MATTERS) AND ORDERING PRELIMINARY PRETRIAL STATEMENT

This order is intended to familiarize you with the procedures and forms required in adversary proceedings and certain contested matters assigned to United States Bankruptcy Judges in the Southern District of Ohio. The term attorney, as it is used in this order and the Preliminary Pretrial Statement, includes the case attorney and any other attorney designated or authorized to appear in this action as well as any individual or entity appearing *pro se*. All filings required by this order shall be on the forms or exact reproductions of the forms available from the Clerk of the Bankruptcy Court in this district or on the Court's website at *www.ohsb.uscourts.gov*.

I. LOCAL RULES

The attention of every attorney is directed to the Local Rules for the United States Bankruptcy Court for the Southern District of Ohio (LBR), copies of which are available from the Clerk of the Bankruptcy Court in this district or on the Court's website at *www.ohsb.uscourts.gov*.

II. PRELIMINARY PRETRIAL STATEMENT

In order to provide the court with relevant information concerning the issues in a particular proceeding and to expedite the disposition of adversary and contested matters in which an evidentiary hearing may be required, the Court, pursuant to the provisions of Rule 7016 of the Federal Rules of Bankruptcy Procedure and Rule 16 of the Federal Rules of Civil Procedure, hereby orders each party to hold the mandatory Civil Rule 26(f) conference not later than _____ and file the

Preliminary Pretrial Statement (Form 7016–1-PPS) not later than _____. Each party shall serve its Preliminary Pretrial Statement on every other party to this action. If there are multiple defendants, the plaintiff shall file a Preliminary Pretrial Statement as to each defendant unless such separate statements would be identical.

The Preliminary Pretrial Statement is designed to highlight any procedural issues that require resolution, outline an initial discovery schedule and initiate procedures to aid in the resolution of this action either by decision of the court or by agreement of the parties. Witness Lists and Exhibit Lists are not required at the time a Preliminary Pretrial Statement is filed.

III. PRETRIAL CONFERENCE(S)

Following a review of the initial pleadings and the Preliminary Pretrial Statements, the Court may issue an order setting a pretrial conference.

At the time of any pretrial conference, in addition to being prepared to discuss the information contained in the filed Preliminary Pretrial Statements and the applicable subjects for consideration set forth in Bankruptcy Rule 7016(c) and Civil Rule 26(a) and (f), each attorney shall report on the settlement efforts required by the Preliminary Pretrial Statement and shall have the authority, or be able to receive such authority during the pretrial conference, to offer and/or accept a settlement. In cases where a party is a governmental unit or official, authority to settle must be available within a reasonably short time after the pretrial conference.

Further, each attorney shall be prepared to specifically discuss proposed dates for: (1) the filing of all amendments to the pleadings or motions; (2) completion of discovery; (3) the filing of stipulations; (4) the exchange and filing of witness lists and information; (5) the exchange and filing of exhibits and exhibit lists, including joint exhibits; (6) trial, including the amount of time anticipated; (7) the exchange and filing of any trial briefs; and (8) any written status report or further pretrial conference. Failure of an attorney to appear at any subsequently scheduled pretrial conference or otherwise comply with provisions of this order may result in dismissal of the proceeding or matter, a default judgment or such other remedy as may be appropriate. Any attorney may request a pretrial conference if one is not ordered by the Court.

IV. COURTROOM CONDUCT

The following procedures are to be followed in all proceedings in open court:

(A) At the commencement of the proceeding, each attorney shall stand and state his or her name and introduce by name the parties and witnesses present for that attorney's cause. Each attorney shall also state that the names of all witnesses and copies of all proposed exhibits have been exchanged with all other attorneys; or, shall state the names of all witnesses and provide copies to all other attorneys of all proposed exhibits that have not been exchanged.

(B) All persons, whether counsel, parties or witnesses, shall be formally addressed by their surnames wherever possible.

(C) All documentary exhibits shall be prepared for presentation at any proceeding as follows: the original exhibit to be introduced in the proceeding and a copy for the witness, any other attorney, the examining attorney, the court and the court's law clerk.

V. WITNESS LISTS AND EXHIBIT LISTS

The instructions attached to the Preliminary Pretrial Statement govern the preparation and filing of witness and exhibit lists in this case or proceeding.

VI. JURY TRIAL PROCEDURES

Local Bankruptcy Rule 9015–1 and Bankruptcy Rule 9015 govern the procedural aspects connected with jury trial procedures in this court.

IT IS SO ORDERED.

Dated: _____

_____
United States Bankruptcy Judge

Copies to:
Attorney for Plaintiff
Attorney for Defendant
Office of the U. S. Trustee

Form 7016–1 – PPS

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re: *Debtor(s)*	Case No: Adv. Pro. No:
Plaintiff(s) *(Movant(s))* vs. *Defendant(s)* *(Respondent(s))*	Chapter Judge

PRELIMINARY PRETRIAL STATEMENT

This is the pretrial statement of: _____.
(name of party)

I. Appearances:

The trial attorney for : _____
(name of party)

shall be _____, Esq., who is admitted to practice before this Court.

II. Nature of Action, Jurisdiction and Venue:

A. This is an action for _____ and is brought

pursuant to _____.
(cite statute(s) and (rule(s))

B. Jurisdiction of this Court is/is not disputed and is invoked under _____.

C. Venue of this Court is/is not proper.

D. This action is a core/non–core proceeding.

E. If a non–core proceeding is alleged, consent is/is not given for the bankruptcy judge to enter final orders and judgments.

F. If this is a core proceeding, such allegation is based upon 28 U.S.C. § 157(b)(2)(_____).

G. Are any of the following motions filed or to be filed:

	Yes	No
1. Abstention	____	____
2. Remand	____	____
3. Withdrawal of the Reference	____	____

H. If a jury demand has been timely filed, consent is/is not given for trial by jury by the bankruptcy judge.

III. <u>Statement of the Case</u>:

The evidence will show that _____ is entitled to judgment
(name of party)
because _____.

IV. <u>Amendments/Motions</u>: (check one)

____ (a) The attorney states that all amendments to pleadings and all pretrial motions, including all motions listed above, and all motions pursuant to Bankruptcy Rule 7012 and Bankruptcy Rule 7056, or motions which convert to a motion under Bankruptcy Rule 7056, have been filed, or

____ (b) If all amendments and pretrial motions have not been filed, the attorney states that the following amendments and motions are contemplated; (list or attach as an exhibit the specific amendments and motions and the proposed date(s) by which such will be filed.)

V. <u>Issues of Fact and Law</u>:

A. The contested issues of fact are:

1.

2.

3.

B. The contested issues of law are:

1.

2.

3.

VI. <u>Discovery</u>:

A. Initial Disclosures.

The initial disclosures required by Civil Rule 26(a)(1) have been or will be made on _____.
(date)

B. Civil Rule 26(f) Conference.

The mandatory conference required by Civil Rule 26(f) occurred on _____.
(date)

C. Discovery Plan.

In compliance with Civil Rule 26(f), the following constitutes the parties' discovery plan (use separate paragraphs or subparagraphs if parties disagree):

(a) Discovery will be needed on the following subjects: (brief description of subjects on which discovery will be needed).

(b) All discovery commenced in time to be completed by (date). [Discovery on (issue for early discovery) to be completed by (date).]

(c) Maximum of _____ interrogatories by each party to any other party. [Responses due _____ days after service.]

(d) Maximum of _____ requests for admission by each party to any other party. [Responses due _____ days after service.]

(e) Maximum of _____ depositions by plaintiff(s) and _____ by defendant(s).

(f) Each deposition [other than of _____] limited to maximum of _____ hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) due:
from plaintiff(s) by (date)
from defendant(s) by (date)

(h) Supplementations under Rule 26(e) due (time(s) or interval(s)).

(D) <u>Other Agreed Upon Items</u>. [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

(a) Plaintiff(s) should be allowed until (date) to join additional parties and until (date) to amend the pleadings.

(b) Defendant(s) should be allowed until (date) to join additional parties until (date) to amend the pleadings.

(c) All potentially dispositive motions should be filed by (date).

(d) The parties (are) (are not) amenable to mediation under LBR 9019–2 at the appropriate time.

(e) The proceeding should be ready for trial by (date) and at this time is expected to take approximately _____ hour(s)/trial day(s).

VII. <u>Stipulations</u>:

A. The parties have entered into written stipulations, a copy of which is attached hereto.

VIII. Miscellaneous Matters:

A. Settlement:

1. No litigant is required to settle this proceeding; however, all litigants are required to engage in good faith settlement efforts which shall consist of at least one offer and one counteroffer by a party authorized to settle this proceeding. Without disclosing the contents of any settlement efforts, all parties shall set forth below: (a) the date(s) such settlement efforts were conducted, (b) the method(s) of communication employed and (c) the result(s) obtained: _____.

2. Any settlement which occurs prior to the trial date shall be communicated promptly to the judge's courtroom deputy. Failure to make such communication may result in the imposition of costs.

B. Pretrial Conference:

The Court will order a pretrial conference if review of the Preliminary Pretrial Statement makes such appear necessary. If the Court does not order such a pretrial conference, does the attorney specifically request a pretrial conference? If so, why? _____.

C. Other Matters:

Counsel advises the Court of the following miscellaneous matters which will aid the Court in preparation of the case for trial.

_____

_____

Respectfully submitted,

_____
Trial Attorney

<Street Address>
<City, State and Zip Code>
<Telephone Number>
<Fax Number>
<Email Address>
<State Bar No.>

_____
Trial Attorney
(if pretrial statement is a joint statement)

<Street Address>
<City, State and Zip Code>
<Telephone Number>
<Fax Number>
<Email Address>
<State Bar No.>

CERTIFICATE OF SERVICE

I hereby certify that a completed copy of the foregoing preliminary pretrial statement was served by

_____
(method of service or delivery)

upon _____
(name and address of attorney or party served)

this_____ day of _____, 20_____.

_____

Case Attorney for _____

JOINT FILING CERTIFICATION

The above preliminary pretrial statement is submitted jointly by the following parties:

_____	_____
Case Attorney for _____	_____
_____	_____
Case Attorney for _____	_____

Form 7016–1 — Instructions

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

INSTRUCTIONS FOR PREPARING AND FILING
WITNESS AND EXHIBIT LISTS

Witness Lists (See Attachment A)

Unless otherwise ordered by the court upon a written motion on behalf of the witness, in addition to the full name and complete address of the witness, a brief one or two sentence synopsis of the testimony of the witness shall be provided on the witness list — e.g., "Will testify concerning the loan balance at the time of transfer"; "Expert witness – will testify to the fair market value of debtor's real property".

Leave to call a witness not listed on a party's filed witness list may, in exceptional circumstances, be granted by the court. An attorney seeking such leave must file and serve upon all other attorneys, within twenty-four (24) hours after the need to call such witness becomes known, a Motion To Add Witness which shall include the name, address and an offer of proof of the testimony of the proposed witness. This requirement does not apply to a rebuttal witness whose testimony could not be reasonably anticipated.

The witnesses need not be called by the party who listed them and need not be called in the order listed.

Inability to obtain the attendance of a witness at trial shall not be cause for continuing a trial, unless counsel has written proof that opposing counsel agreed to have the witness available for testimony or a subpoena for the attendance of the witness had been issued at least seven (7) days prior to the trial date.

Exhibit Lists (See Attachment B)

Exhibit lists shall be typed double spaced and shall attach copies of each proposed exhibit, separately labeled. Joint exhibits shall use Roman numerals; plaintiff or movant's exhibits shall use Arabic numbers; defendant or respondent's exhibits shall use alphabetic letters. If there are multiple plaintiffs or defendants, exhibit labels shall also identify the party by name, such as plaintiff trustee's exhibit 1. In contested matters the exhibit numbers shall be preceded by an identifying name of the offering party such as trustee's exhibit 1, Bank U.S.A.'s exhibit B or Debtor's exhibit 3.

The original of all exhibits to be introduced at trial shall be presented by counsel in open court during the trial.

Each exhibit shall be labeled to correspond to the designation on the exhibit list by a plain white adhesive label affixed to the lower right hand corner of the exhibit.

If an exhibit is a document smaller than 8–1/2" x 11", it must be stapled to the center of an 8–1/2" x 11" sheet of paper. A group of photographs, checks or similar items, and the accompanying sheet to which it is attached must bear a separate affixed label designated by small alphabetized letters, such as Joint Ex. I–a, plaintiff's exhibit 2–b, defendant's exhibit C–b. If an exhibit document is larger than 8–1/2" x 11", it should be copied and reduced to 8–1/2" x 11", provided it remains readable. Copies of exhibits are subject to the provisions of LBR 9004–1. Disposition of exhibits is governed by LBR 9070–1.

Form 7016–1 — Attachment A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

CASE NO. _____ **CHAPTER _____**

CONTESTED MATTER (__)
ADV. PRO. NO. _____

WITNESS(ES) TO BE CALLED BY _____

NAME & ADDRESS	SYNOPSIS OF TESTIMONY

Form 7016–1 — Attachment B

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

CASE NO. _____ **CHAPTER _____**

CONTESTED MATTER (__)
ADV. PRO. NO. _____

JOINT EXHIBITS TO BE OFFERED BY _____

DESIGNATION	DESCRIPTION	IDENTIFIED	ADMITTED

USE ADDITIONAL SHEET(S) FOR ADDITIONAL EXHIBITS