

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re :
AMENDMENTS LOCAL BANKRUPTCY RULES :
1002-2, 1002-5, 1007-1, 1007-2, 1019-1, 2002-1, 2016-1, 2016-5, :
3015-1, 3015-2, 3016-1, 3021-1, 4002-1, 4003-1, 4004-1, 5080-1, :
6004-1, 8001-1, 9013-1, 9014-3, 9015-1, 9019-3, 9076-1 :

ORDER

AND NOW, this 16th day of November 2009, it appearing that this Court is vested with authority, pursuant to 28 U.S.C. §§2071(e) and 2077 and Federal Rule of Civil Procedure 83, to promulgate Local Civil Rules consistent with the Federal Rules of Civil Procedure and applicable statutes, and in accordance with Federal Rule of Civil Procedure 83 and Rule 9029(a) of the Rules of Bankruptcy Procedure;

AND, it appearing that the judges of the court, on November 9, 2009, approved the amendments to **Local Bankruptcy Rules 1002-2, 1002-5, 1007-1, 1007-2, 1019-1, 2002-1, 2016-1, 2016-5, 3015-1, 3015-2, 3016-1, 3021-1, 4002-1, 4003-1, 4004-1, 5080-1, 6004-1, 8001-1, 9013-1, 9014-3, 9015-1, 9019-3, 9076-1**;


AND, it appearing that there is an immediate need for the amendment to the aforesaid local rules;

It is hereby **ORDERED**, that the amendments to Local Bankruptcy Rules **1002-2, 1002-5, 1007-1, 1007-2, 1019-1, 2002-1, 2016-1, 2016-5, 3015-1, 3015-2, 3016-1, 3021-1, 4002-1, 4003-1, 4004-1, 5080-1, 6004-1, 8001-1, 9013-1, 9014-3, 9015-1, 9019-3, 9076-1**, as attached hereto, **APPROVED AND ADOPTED** effective December 1, 2009.

It is further **ORDERED** that the Clerk of Court transmit a copy of Local Bankruptcy Rule 1007-3 to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Third Circuit Court of Appeals and make said Rules available to the bar and public.

It is further **ORDERED**, pursuant to 28 U.S.C. § 2071(e), that the Clerk of Court provide the public with notice and opportunity for comment.

FOR THE COURT:


HARVEY BARTLE III,
Chief Judge

Local Rule 1002-2

Complex Chapter 11 Cases: General

(a) *Complex Chapter 11 Case.* A complex chapter 11 case is a chapter 11 case in which the total debt in the case is \$10 million or more and either

- (1) the debtor's debt or equity securities are publicly traded, or
- (2) there are 100 or more parties in interest in the case.

(b) *Statement of Qualification for Complex Chapter 11 Case Status: Administration.* A chapter 11 debtor may file with the petition a Statement of Qualification for Complex Chapter 11 Case Status, substantially in the form of L.B.F. 1002-2A, that sets forth the reasons why the debtor's chapter 11 case qualifies under subdivision (a) as a complex chapter 11 case. If a Statement of Qualification is filed with the petition, the case shall be administered as a complex chapter 11 case, unless the court orders otherwise on the court's own motion, or in response to an objection made under subdivision (e), or a later motion. A Motion for the Scheduling of an Expedited Hearing may be combined with the Statement of Qualification.

(c) *Expedited Hearing.* If the debtor, within 10 days of filing the chapter 11 case that is being administered as a complex chapter 11 case, files a motion for the Scheduling of an Expedited Hearing, the judge who is assigned the chapter 11 case shall use the judge's best efforts to schedule an expedited hearing as soon as appropriate under the circumstances of the case but not more than 3 business days after the filing of the Motion for the Scheduling of an Expedited Hearing, unless the debtor requests a later date. If the assigned judge is unavailable, the Emergency Judge serving pursuant to L.B.R. 5001-1(a) shall use the judge's best efforts to arrange for an expedited hearing within the three (3) day period. The courtroom deputy shall promptly inform the debtor of the date and time of the expedited hearing and what motions and applications will be heard (the Expedited Hearing Agenda).

(d) Notice of Expedited Hearing: Service of Motions and Applications.

(1) Service. The debtor shall serve a Notice of Expedited Hearing substantially in the form of L.B.F. 1002-2B, copies of the motions and applications that will be heard at the Expedited Hearing, and the proposed order that accompanies each motion and application on the following parties, or, if represented, their counsel:

- (i) the United States trustee;
- (ii) the Commonwealth of Pennsylvania,
Department of Labor and Industry;
- (iii) the Commonwealth of Pennsylvania,
Department of Revenue;

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- (iv) any prepetition committee of unsecured creditors;
- (v) any official committee and the 20 largest unsecured creditors of the debtor;
- (vi) the Internal Revenue Service and the City of Philadelphia at the address shown on the list maintained by the Clerk in accord with F.R. Bank. P. 5003 (c); and
- (vii) any entity whose interest would be directly, materially, and adversely affected if the relief requested in the motion were granted and whose interests are not adequately represented by persons on whom service is otherwise required.

On the day the debtor is notified by the court of the date of the Expedited Hearing, the debtor, if feasible, shall make service under this subdivision. If service is not made on the day the debtor is notified by the court of the date of the Expedited Hearing, service shall be made no later than the next day.

(2) Supplemental Notice. On the day the debtor is notified of the date of the Expedited Hearing, the debtor shall give notice by telephone, fax, or email of the date, time, and place of the Expedited Hearing and the Expedited Hearing Agenda to any of the parties required to be served under subdivision (d)(1) who will not be served until the next day.

(3) Certificate of Service and Notice. The debtor shall file a certificate of service and notice prepared as required by L.B.R. 9014-4 before the Expedited Hearing or with the court at the Expedited Hearing.

(4) Adequacy of Service or Notice. If the court determines that for any motion or application on the Expedited Hearing Agenda the service or notice completed in advance of the Expedited Hearing is inadequate, the court may deny some or all of the relief requested or continue the hearing.

(e) *Objection to Statement of Qualification: Response to Motion or Application.* L.B.R. 9013-1(e) and L.B.R. 9014-3(i), which require that any written objection to an application or a written answer or objection to a motion be filed within a specified period, do not apply to an application or motion that is scheduled to be heard at the Expedited Hearing. An objection to the debtor's Statement of Qualification and an objection or answer to an application or motion scheduled to be heard at an Expedited Hearing may be filed before the Expedited Hearing or with the court at the Expedited Hearing or made orally at the Expedited Hearing.

(f) *Advance Notice to and Service on the United States Trustee.*

(1) Notice to United States Trustee. Counsel for the debtor, with or without naming the debtor or including information that identifies the debtor, shall, if feasible, advise the United States Trustee of a debtor's intent to file a complex chapter 11 case and of the

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motions and applications the debtor intends to request be heard at an Expedited Hearing. Counsel shall give this notice to the United States Trustee as soon as practical, which ordinarily should be at least 48 hours before the chapter 11 case is filed.

(2) Service on United States Trustee. The debtor shall hand deliver, if feasible, the applications and motions (in substantially final form) that the debtor intends to request be heard at an Expedited Hearing to the United States Trustee at least 24 hours before the filing of the chapter 11 case.

(3) Certificate of Service and Notice. The debtor shall file a certificate of service and notice prepared as required by L.B.R. 9014-4 before the Expedited Hearing or with the court at the Expedited Hearing.

(g) *Notice of Entry of Orders*. On the day the debtor is notified of the entry of the order disposing of a matter heard at the Expedited Hearing, the debtor, if feasible, shall serve a copy of the order on the parties required to be served under subdivision (d)(1). If service is not made on the day the debtor is notified of entry of the order, service shall be made no later than the next day.

Local Rule 1002-5

Complex Chapter 11 Cases: Automatic Reconsideration

(a) *Automatic Reconsideration.* The court shall reconsider an order entered on a matter heard at an Expedited Hearing held pursuant to L.B.R. 1002-2, other than an order entered pursuant to 11 U.S.C. Sections 363 and 364 relating to the use of cash collateral or approval of post-petition financing, if a timely motion for reconsideration of the order is filed. A motion for reconsideration is timely filed if it is filed within 30 days of entry of the order, or, if F.R.B. P. 9023 applies to the motion, the motion is filed within the time prescribed by Rule 59(e).

(b) *Expedited Schedule.* If requested by the movant for reconsideration, the reconsideration shall be on an expedited basis

(c) *Burden of Proof.* The party who had the burden of proof on the motion or application that resulted in the entry of the order being reconsidered also has the burden of proof on reconsideration of the order.

Local Rule 1007-1

Lists, Schedules, Statements, Affidavit, and Notice: Number of Copies

(a) *Chapter 11 and 12 Cases.*

(1) Additional Lists. In a chapter 11 and chapter 12 case, in addition to the documents required by F.R.B.P. 1007, the debtor shall file with the petition in a voluntary case and within 14 days after entry of the order for relief in an involuntary case:

(b) a list of the name and address (including zip code) of each creditor who the debtor knows is a member of any committee organized by creditors before the commencement of the case; and

(c) a list of the name and address (including zip code) of each creditor who the debtor knows claims a security interest in cash collateral, as defined by § 363(a) of the Code; or

(d) if the debtor is unable to file either of the lists, the debtor, a partner of a partnership debtor, or a responsible officer of a corporate debtor shall file an affidavit setting forth with particularity the reason it is unable to file a list or lists.

(2) Extension to File Additional Lists. If an affidavit permitted under subdivision (a)(1)(c) is filed by the debtor or on behalf of the debtor and the debtor is engaged in business, the debtor shall file the lists required by subdivision (a)(1) within 14 days after the filing of the petition in a voluntary case or within 30 days after entry of an order for relief in an involuntary case.

(b) *Statement of Operations.* In a chapter 11 case, if the debtor is engaged in business, and in a chapter 12 case the debtor shall file within 14 days after the filing of the petition in a voluntary case, or within 14 days after entry of an order for relief in an involuntary case, if prepared and available, a statement of operations listing receipts and disbursements by category for the most recent month or quarter and for the most recent fiscal year prior to the commencement of the case.

(c) *Cash Collateral.* In a chapter 11 case, the debtor shall notify each creditor known to the debtor to claim a security interest in cash collateral, as defined by § 363(a) of the Code, of the filing of the petition in a voluntary case or of the entry of an order for relief in an involuntary case within 1 day of the filing of the petition or the entry of the order for relief. The debtor shall promptly file a certificate of notice.

(d) *Number of Copies.* The number of copies of the schedules, statements and lists required to be filed under F.R.B.P. 1007 and this rule shall correspond to the number of copies of the petition required by L.B.R. 1002-1.

Local Rule 1007-2

Matrix List of Creditors

(a) *Matrix List of Creditors.* A matrix list of creditors is a centered single column list of the name and complete address of each creditor.

(b) *Voluntary Case.* In a voluntary case, the debtor shall file a Matrix List of Creditors with the petition.

(c) *Involuntary Case.* In an involuntary case, the debtor shall file a Matrix List of Creditors within 14 days of the entry of the order for relief.

(d) *Chapter 13 Case: Copies.* In a chapter 13 case the debtor shall file an additional copy of the Matrix List of Creditors and any supplement.

(e) *Supplement to Matrix List of Creditors.* The Matrix List of Creditors is supplemented by filing a separate page or pages prepared in accord with subdivision (a) of this rule. Each page of the filing shall contain the following legend at the bottom right side of the page:

Supplement to Matrix List of Creditors
Dated: [date supplement filed]
Page No. ____ of ____ page(s)

The originally filed Matrix List of Creditors and any supplement shall constitute the Matrix List of Creditors for the purpose of these rules.

(f) *No Duty to Supplement.* A debtor does not have to file a supplement to include a party who has filed a request for notices under F.R.B.P. 2002(j).

(g) *List of Creditors.* A copy of the Matrix List of Creditors prepared pursuant to L.B.R. 1007-2 may be filed by the debtor as the list of creditors required under F.R.B.P. 1007(a)(1) or 1007(a)(2).

Local Rule 1019-1

Conversion: Filings Following

(a) *Conversion to Chapter 7.* Within 14 days after entry of an order converting a case under another chapter to a chapter 7 case, the debtor shall file

- (1) the original and three copies of the schedule of post petition debts, if any, which arose subsequent to the filing of the petition but prior to the conversion to chapter 7; and
- (2) if appropriate, a supplement to the Matrix List of Creditors prepared in accord with L.B.R. 1007-2(e).

(b) *Conversion to Chapter 13.* Within 14 days after entry of an order converting a case under another chapter to a chapter 13 case, the debtor shall file

- (1) the original and three copies of the schedule of post petition debts, if any, which arose subsequent to the filing of the petition but prior to the conversion to chapter 13, and
- (2) if appropriate, a supplement to the Matrix List of Creditors prepared in accord with L.B.R. 1007-2(e).

Local Rule 2002-1

Notice to Creditors

(a) *Notice of Order for Relief in Consumer Cases.* The notice required to be mailed by F.R.B.P. 2002(o) shall be combined with the notice required to be sent by F.R.B.P. 2002(a)(1) and mailed by the clerk within 21 days after the filing of the petition.

(b) *Notice of Hearing on Application for Compensation.* Notice of the filing of an application for compensation or reimbursement of expenses, when required by F.R.B.P. 2002(a)(6), shall be mailed by the applicant and the applicant shall file with the court a certification of notice. Notice of the filing of an application by counsel for the debtor for compensation must be provided under F.R.B.P. 2002(a)(6) only if the statement required by § 329 of the Code and L.B.R. 2016-4 indicates that the post-petition compensation plus the amount of the reimbursement for expenses exceeds the amount specified in F.R.B.P. 2002(a)(6).

(c) *Clerk's Service List.* The clerk shall maintain a Clerk's Service List which lists the name, address, phone number, and fax number of the debtor, counsel for the debtor, the trustee, counsel for any committee and the members of the committee, and all creditors and equity security holders who have filed requests that all notices be mailed to them under F.R.B.P. 2002(I).

Local Rule 2016-1

Compensation of Professionals: Service, Notice, and Disposition of Application

(a) *Service: Courtesy Copy.* A copy of the application for compensation and reimbursement for expenses shall be served by the applicant on any trustee or interim trustee, the trustee's counsel, the United States trustee, the debtor, the debtor's counsel, and counsel for any official committee. The applicant shall file a certification of service. An applicant shall furnish a copy of an application to any party in interest who requests a copy of the application and who agrees to reimburse the applicant for the actual cost of producing and delivering the copy of the application.

(b) *Notice.* Before or on the date an application for compensation and reimbursement of expenses is filed, the applicant shall, if notice of a hearing on the application is required under F.R.B.P. 2002(a)(6), give to those on the Matrix List of Creditors or, if there is an official committee serving in the case to those on the Clerk's Service List, notice of the identity of the applicant, and the amounts requested, and the requirement that any objection to the application must be filed and served on the applicant or, if the applicant is represented, counsel for the applicant within 21 days of the date on which the application is filed.

(c) *Certification of Notice and Whether any Objection Has Been Filed.* After the expiration of the 21 day period to file an objection, the applicant shall file a certification of notice, which also certifies whether any timely objection has been filed. The applicant may include in the certification a request that a hearing be held.

(d) *Disposition of Application.* After the filing of a Certification of Notice under subdivision (c), the court may either rule on the application or set a hearing date.

(e) *Notice of Hearing.* If the court sets a hearing date for an application for compensation and reimbursement of expenses, the clerk or, if the court directs, the applicant shall give notice of the hearing to the applicant, the objector, those required to be served or to be given notice under subdivisions (a) or (b), and any other person the court directs.

(f) *Disposition Without Hearing: Reduced Award.* If the court, without holding a hearing, awards an applicant less than the requested amount of compensation and reimbursement of expenses, an applicant's motion under Rule 9023 of the F.R.B.P. to alter or amend the order may include a request for a hearing on the application or be accompanied by a brief in support of the application. Such a motion to alter or amend is governed by L.B.R. 9014-2, Motions Determined Without a Hearing, except that the court shall hold a hearing if an applicant requests a hearing.

Local Rule 2016-5

Payment on Account to Professionals in Complex Chapter 11 Case.

(a) *Applicability.* This rule applies to any case being administered as a complex chapter 11 case. An application under this rule for payment on account is governed by this rule and L.B.R. 9013-1(a) and (b).

(b) *Payment on Account.* Unless otherwise ordered by the court and subject to subdivision (c), a professional employed under Sections 327 or 1103, who has rendered services for a period of at least one month but not yet filed an application for compensation and reimbursement of expenses under L.B.R. 2016-3 covering that period, may file an application for payment on account toward the compensation and reimbursement that will later be requested in an application filed in accordance with L.B.R. 2016-3.

(c) *Limitation on Period Covered by Application.* A professional who has rendered services for a period but not yet filed an application for compensation under L.B.R. 2016-3 covering that period may only request payment on account for a total of four months. Once an application under L.B.R. 2016-3 is filed covering a period, a professional may resume filing applications for payment on account for up to a total of four months for services rendered after the period covered by the L.B.R. 2016-3 application.

(d) *Content of Application.* An application for payment on account shall include (1) a list by name of each professional or paraprofessional, their billing rate, number of hours billed, and the total amount requested for the period; (2) a general description of the service rendered during the period by the applicant in the categories of service listed in L.B.R. 2016-3 (c), and (3) a list of the type and amount of expenses for which reimbursement is requested.

(e) *Service of Application and Notice.* On the day an application for payment on account is filed, the applicant shall serve

- (1) A copy of the application, and
- (2) A notice of the filing of the application and the requirement that any objection to the application must be filed and served on the applicant, or if the applicant is represented, counsel for the applicant, within 21 days of the date on which the application is filed, on the following, or, if represented, their counsel of record,
 - (i) the debtor;
 - (ii) the United States trustee;
 - (iii) any trustee;

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- (iv) any official committee or, if no committee has been appointed in a chapter 11 case, the 20 largest unsecured creditors of the debtor; and
- (v) those on the Clerk's Service List.

(f) *Form of Objection.* An objection to an application for payment on account shall identify the objector, state the basis of the objection, and identify the amount of the requested payment that is objected to and the amount that is not objected to.

(g) *Certification Relating to Objection.* After the expiration of the 21 day period to file an objection, the applicant shall file a certification, prepared as required by L.B.R. 9014-4, of notice and service which also states whether any timely objection has been filed and, if a timely objection has been filed, the specific amount of the total payment requested that is objected to. The applicant shall serve a copy of the certification on the debtor.

(h) *Payment on Account.* If the debtor receives a certification under subdivision (g) that indicates that no timely objection has been filed or that there was no objection to a portion of the payment requested in the application, the debtor shall pay the professional 80% of the fees and 100% of the expenses described in the application that are not objected to.

(i) *Hearing Date on Objection and Notice of Hearing.* An applicant, but not an objector, may under L.B.R. 5070-1(a) obtain a hearing date for consideration of objections that have been timely filed to one or more applications for payment on account. The clerk shall give notice of the hearing to the objector, those that must be served under subdivision (e), and any other entity the court directs.

(j) *No Binding Effect.* The right of a professional or a party in interest to request, object to, or otherwise dispute any issue relating to an application for compensation and reimbursement filed under L.B.R. 2016-3 is not affected by the fact the party in interest did not file any objection to the application for payment on account, the professional received payment on account, or that an application for payment on account was either objected to or denied by the court.

(k) *Return of Payment on Account.* If the amount paid on account to a professional exceeds the amount of final compensation awarded by the court, the professional shall repay the excess amount to the debtor within 14 days of entry of the order allowing final compensation, unless the court fixes another date for the repayment.

(l) *Content of Application for Compensation or Reimbursement of Expenses.* An application for compensation and reimbursement of expenses that covers a period for which a professional has received payment on account pursuant to this rule shall, in addition to conforming to L.B.R. 2016-3, include the following:

- (1) a list of the applications for payment on account that were filed during the period showing for each application whether (i) any objections were filed, (ii) a

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hearing on the objection has been held or scheduled to be held, and (iii) the amount, if any, paid on account;

(2) a tabulation that shows the difference, if any, between the amounts requested in the applications for payment on account and the application for compensation and reimbursement filed under L.B.R. 2016-3; and

(3) an explanation of the differences in the amounts requested.

Local Rule 3015-1

Chapter 12 and Chapter 13 Plans

(a) *Summary of Plan.* A notice of the meeting of creditors under § 341 of the Code may include a summary of a chapter 12 or chapter 13 plan or of a portion of a plan applicable to a class of creditors.

(b) *Service.* The debtor shall serve a copy of the initial chapter 12 or chapter 13 plan on all priority and secured creditors and the trustee. The debtor shall file a certification of service within 7 days after the plan is filed.

(c) *Objection to Confirmation.* An objection to confirmation of a debtor's chapter 12 or chapter 13 plan or modified chapter 12 or chapter 13 plan shall be filed and served on the debtor, the debtor's counsel, the trustee, and the United States trustee no later than 7 days before the date of the hearing on confirmation of the plan or modified plan, unless the court otherwise permits.

Local Rule 3015-2

Chapter 12 or Chapter 13 Plans: Modification

(a) Modification Before Confirmation

(1) Service of Modified Plan. If a modified chapter 12 or chapter 13 plan is filed before the scheduled hearing on confirmation, the debtor shall serve the modified plan on all priority and secured creditors, the trustee, the United States trustee, and on all other creditors who are adversely affected by the changes to the original plan. Service shall be made on the day the modified plan is filed and the debtor shall file a certification of service.

(2) Delinquencies in Plan Payments. If a modified plan, which is filed and served as required by subdivision (a)(1), provides for the reduction, abatement, or suspension of original plan payments that are delinquent, a separate motion to reduce, abate, or suspend the delinquent payment need not be filed.

(3) Confirmation of Modified Plan. If a modified chapter 12 or chapter 13 plan is served less than (i) 21 days before the date of a chapter 12 confirmation hearing date, or (ii) 28 days before the date of a chapter 13 confirmation hearing date, the debtor shall advise the courtroom deputy for the judge to whom the case is assigned on or before the date of service that the confirmation hearing must be rescheduled.

(b) Modification of a Confirmed Plan.

(1) Motion. A confirmed chapter 12 or chapter 13 plan may be modified after confirmation under Code §§ 1229 or 1329 only on motion.

(2) Delinquencies in Plan Payment. If a motion to modify a confirmed plan is duly filed and served, a separate motion to reduce, abate, or suspend delinquent plan payments need not be filed.

Local Rule 3016-1

Chapter 11 Plans: Disclosure Statement Approval Required

(a) *Applicability.* This rule applies when a chapter 11 plan proponent is required by § 1125 to obtain approval of a disclosure statement before soliciting acceptance or rejection of a plan.

(b) *Filing of Disclosure Statement, Voting Procedures, and Disbursing Agent Proposal.* Unless the court orders otherwise, the proponent of a plan in a chapter 11 case shall file with the plan (1) the disclosure statement required by § 1125; (2) a motion for approval of the disclosure statement and for approval of plan voting procedures; and (3) if the plan provides for the liquidation of a material portion of the property of the estate and the distribution of the proceeds to creditors, a disbursing agent proposal conforming to subdivision (e).

(c) *When Considered by Court.* The court shall consider the motion for approval of voting procedures at the hearing on the disclosure statement. The court may consider the disbursing agent proposal at the hearing on the disclosure statement or at the hearing on confirmation of the plan.

(d) *Motion for Approval of Disclosure Statement and Voting Procedures.* The motion for approval of a disclosure statement and voting procedures shall set forth the procedures for transmission of the voting materials and casting of ballots and be accompanied by a proposed order approving the voting procedures and fixing the dates for (1) mailing the voting materials; (2) casting ballots; (3) filing the report of voting; and (4) the confirmation hearing.

(e) *Disbursing Agent Proposal.* The disbursing agent proposal shall include (1) the name of a person competent and willing to serve as disbursing agent; (2) the duties to be performed by the disbursing agent; (3) the amount and costs of a bond or reasons why a bond should not be required, and (4) the method and source of payment of the disbursing agent.

(f) *Service of Documents:* The documents required to be filed under sub- divisions (b)(2) and (3) of this rule shall accompany the plan and disclosure statement that are mailed under F.R.B.P. 3017(a) to the debtor; the trustee, if one has been appointed; the committee; the Securities and Exchange Commission; any party in interest who requests in writing copies of the disclosure statement or plan; and the U.S. trustee.

(g) *Objections.* No later than 7 days before the hearing on the disclosure statement, an objection to a motion for approval of a disclosure statement or to the documents required to be filed under subdivisions (b)(2) shall be filed and served on the parties specified in subdivision (f), unless the court orders otherwise.

(h) *Small Business Cases.* In a small business case governed by F.R.B.P. 3017.1, subdivisions (b)-(e) and (g) apply except that a reference to a motion for approval of the disclosure statement and voting procedures shall be read as a reference to an application for conditional approval of the disclosure statement and approval of the voting procedures. The disbursing agent proposal

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required to be filed under subdivision (b)(3) shall be served with the application in accordance with L.B.R. 9013-1(e).

Local Rule 3021-1

Reports on Post-Confirmation Distribution

(a) *Plan Implementation Reports.* Unless otherwise provided in the confirmation order, an order closing the case, or a separate order the debtor, trustee, disbursing agent, or other person designated in a chapter 11 plan to make distributions to creditors after confirmation of a chapter 11 plan shall (1) prepare, file, and serve the interim and cumulative plan implementation reports required by this rule, and (2) request and give notice of the hearing to consider the cumulative plan implementation report.

(b) *Reporting Periods.* An interim plan implementation report shall be prepared for the following reporting periods: from the date of entry of the confirmation order through the last day of the calendar month, and for each of the next six full calendar months. If the confirmation order is entered less than 14 days before the end of the calendar month, the report for that initial period may be made as part of the report for the first full calendar month.

(c) *Cumulative Report.* A cumulative plan implementation report shall be prepared for either the reporting period from the date of entry of the confirmation order through the last day of the sixth full calendar month after the date of the entry of the confirmation order, or, if the plan distributions are completed before the end of the sixth full calendar month, the reporting period from the date of entry of the confirmation order through the last day of the full calendar month in which plan distributions are complete.

(d) *Contents of Report.* A plan implementation report shall include for the reporting period

(I) the amount available for distribution at the beginning of the period;

(ii) the source and amount of all funds received;

(iii) the name of the institution where funds are deposited, the account number and name of the account, and the person who has signatory authority over the account;

(iv) if funds are invested in instruments, the type, amount, and maturity date of the instruments; and

(v) the names of the persons to whom distributions have been made and the amount of each distribution.

(e) *Time to File.* Plan implementation reports shall be filed on or before the 14th day after the end of the reporting period.

(f) *Service.* All plan implementation reports shall be served on the debtor and counsel for the debtor; members of any official committee and counsel to any committee, unless the committee's

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service terminated on confirmation of the plan or counsel is no longer retained by the committee; the United States trustee; and those on the Clerk's Service List. Unless the court otherwise directs, the cumulative plan implementation report shall also be served on all creditors.

(g) *Hearing on Cumulative Plan Implementation Report.* The court shall hold a hearing to consider the cumulative plan implementation report, whether the case should remain open, and whether additional plan implementation reports should be filed and such other matters as are brought before the court. Notice of that hearing shall be given to all persons who are served with a copy of the cumulative plan implementation report.

Local Rule 4002-1

Debtor—Duties: Authority to Compensate

(a) *Authority to Compensate.* Subject to subdivision (b), the debtor may pay compensation for services to the debtor, if an individual, or to the members of a partnership, or to an officer of a corporation at a rate equal to or less than the annual rate of compensation paid to the person as of the 90th day before the filing of the petition or such other amount as the court orders for cause shown.

(b) *Termination of Authority to Compensate.* The debtor's authority to pay compensation under subdivision (a) terminates on the 45th day after the filing of the petition in a voluntary case or on the 45th day after the entry of an order for relief in an involuntary case unless the debtor gives notice as required by subdivision (c) and files the certification of notice by the last day of the applicable 45 day period.

(c) *Notice.* Within 45 days of the filing of a petition in a voluntary case or 45 days after the entry of an order for relief in an involuntary case, the debtor shall give the notice described in subdivision (d) by mail to (I) the members of any official committee and counsel for the committee or, if no committee has been appointed, the creditors holding the 20 largest unsecured claims, (ii) creditors holding secured claims, and (iii) the United States trustee. A certification of notice shall be filed.

(d) *Content of Notice.* The notice shall contain

- (i) the name of the person receiving compensation from the debtor under subdivision (a),
- (ii) a description of the position, title and duties of the person; and
- (iii) the rate of compensation paid to the person on the 90th day before the filing of the petition and the rate being paid by the debtor under subdivision (a).

(e) *Objections*

- (1) Form of Objection. An objection to the debtor's retention of a person or the amount of compensation paid to a person listed in the debtor's notice shall identify the objector and the basis of the objection. An objection shall state in bold type on the right hand side adjacent to the caption the date, time and place set for the hearing.
- (2) Scheduling of Hearing. Prior to the filing of an objection, the objector shall obtain a hearing date in the manner provided in L.B.R. 5070-1.
- (3) Papers to Accompany an Objection. The following papers shall accompany an objection:

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(i) a copy of the debtor's notice to which objection is made;

(ii) a proposed form of order which, if entered by the court, would grant the relief sought by the objection. Each proposed form of order shall list in the lower left-hand corner of the signature page or on the left-hand side of an attached page(s), the name and address of the debtor, the claimant, the objecting party and the trustee to whom copies of the order, if entered, should be sent;

(iii) a certification of notice to the parties required under subdivision (e)(4).

(4) Notice of the Hearing on Objection. A notice of hearing on the objection shall be mailed or delivered with a copy of the objection to the debtor and the parties referred to in subdivision (c) of this rule at least 21 days before the date of the hearing.

(f) *No Response Required: Hearing.* No response is required to an objection filed under subdivision (e) of this rule. There shall be a hearing on the objection.

Local Rule 4003-1

Objections to Exemptions

(a) *Form of Objection.* An objection to an exemption filed under F.R.B.P. 4003(b) shall identify the objector and the basis for the objection. An objection shall state in bold type on the right-hand side adjacent to the caption the date, time and place set for the hearing on the objection.

(b) *Scheduling of Hearing.* Prior to filing an objection, the objector shall obtain a hearing date in the manner provided in L.B.R. 5070-1.

(c) *Papers to Accompany Objections.* The following papers shall accompany an objection:

(1) A proposed form of order which, if entered by the court, would grant the relief sought by the motion. Each proposed form of order shall list, in the lower left-hand corner of the signature page or on the left-hand side of an attached page(s), the names and addresses of all interested persons to whom it is suggested that copies of the order, if entered, should be sent.

(2) A certification of notice to the parties identified in paragraph (d).

(d) *Notice of Hearing on Objection to Exemption.* A notice of hearing substantially in the form of L.B.F. 4003-1 shall be mailed or delivered with a copy of the objection to the trustee, the debtor or other person who claimed the exemption, and the attorney for the debtor or other person who claimed the exemption at least 28 days before the date of the hearing.

(e) *No Response Required: Hearing.* No response is required to an objection to an exemption. There shall be a hearing on an objection to an exemption.

SOURCE

This rule is new. The time within which to object to a claim of exemption is fixed by F.R.B.P. 4003(b) which requires that an objection must be filed "within 30 days after the conclusion of the meeting of creditors . . . or the filing of any amendment" to the list of exemptions.

Local Bankruptcy Rule 4004-1

Discharge: Discharge Hearings

(a) *Chapter 7 Debtor's Motion to Defer Entry of Discharge Order.* A motion of a chapter 7 debtor under F.R.B.P. 4004(c) to defer entry of a discharge order is governed by L.B.R.9014-2 (Motions Determined Without Hearing).

(b) *Chapter 7 Case*

- (1) A discharge order will be entered unless a motion for approval of a reaffirmation agreement is pending or the debtor has requested that a discharge hearing be held.
- (2) If a motion for approval of a reaffirmation agreement is pending, the debtor has requested that a discharge hearing be held, or the court directs, the clerk shall schedule a discharge hearing and give notice of the hearing to the debtor, debtor's counsel, and the trustee.

(c) *Chapter 12 or Chapter 13 Case*

- (1) On completion of the payments under a confirmed chapter 12 or chapter 13 plan, the trustee shall promptly file a final report.
- (2) The clerk shall promptly give notice to the debtor, debtor's counsel, and all creditors provided for in the plan that
 - i. the final report has been filed; and
 - ii. any objection to the final report must be filed within 21 days from the date of the notice and served on the debtor and the debtor's counsel.
- (3) A discharge order will be entered unless an objection to the trustee's final report is filed, a motion for approval of a reaffirmation agreement is pending or subsections (f), (g) or (h) of §1328 of the Code are applicable.
- (4) If a motion for approval of a reaffirmation agreement is pending, an objection to the trustee's final report is timely filed, or the court directs, the clerk shall 3 schedule a discharge hearing and give notice of the hearing to the debtor, debtor's counsel, the trustee, and to any objector.

SOURCE

Subdivision (a) is new. A request to defer entry of a discharge order under F.R.B.P. 4004(c) is made by motion and determined by the court without hearing.

Subdivisions (b) and (c) are derived from 97 L.B.R. 4008.1, and 4008.2.

EXPLANATORY NOTE (2009)

This amendment to L.B.R. 4004-1(c)(3) and (3) corrects a technical error by eliminating a reference to a “debtor’s statement,” a document that is not otherwise referenced in the local rules. The amendment also implements the 2005 amendments to § 1328 of the Code, which impose certain requirements that must be satisfied before a chapter 13 discharge order may be entered.

Local Rule 5080-1

Fees—Generally

If a document, other than a petition, for which there is a filing fee is accompanied by an application to waive the filing fee (I) the clerk shall accept the document for filing, and (ii) the document is deemed filed on the day it is delivered to the clerk unless the application is denied and the filing fee is not paid within 14 days of entry of the order denying the application. The application may be determined without hearing.

Local Rule 6004-1

Motion to Sell Free and Clear of Liens or Other Interests

A motion to sell free and clear of liens or other interests under F.R.B.P. 6004(c) is governed by L.B.R. 9014.3 except that an objection rather than an answer shall be filed and served on the movant or, if the movant is represented, counsel for the movant no later than 14 days after the date on which the movant serves the motion.

Local Rule 8001-1

Transmittal of Notice of Appeal to Bankruptcy Judge: Opinion in Support of Order

(a) *Transmittal of Notice of Appeal to Bankruptcy Judge.* On the day a notice of appeal is filed, an appellant shall mail or deliver a copy of the notice of appeal to the bankruptcy judge whose order is the subject of the appeal. The failure of an appellant to provide a copy of the notice of appeal to the bankruptcy judge shall not affect the jurisdiction of the district court to hear the appeal.

(b) *Opinion in Support of Order.* The bankruptcy judge whose order is the subject of an appeal may, within 14 days of the filing of the notice of appeal, file a written opinion in support of the order or a written supplemental opinion that amplifies any earlier written opinion or recorded oral bench ruling or opinion.

Local Rule 9013-1

Applications

(a) *Form.* An application shall identify the applicant, the nature of the relief sought, and the basis for the relief sought.

(b) *Papers to Accompany Applications.* The following papers shall accompany each application:

- (1) a proposed form of order which, if entered by the court, would grant the relief sought by the application. Each proposed form of order shall list, in the lower left-hand corner of the signature page or on the left-hand side of an attached page(s), the names and addresses of all interested persons to whom it is suggested that copies of the order, if entered, should be sent, and
- (2) if the court imposes a general requirement that applications be accompanied by a cover sheet, a cover sheet substantially conforming to the form of cover sheet that accompanies the court's order.

(c) *Applications for Compensation of a Professional.* L.B.R. 2016 governs the giving of notice and the service as well as the time to object to an application for compensation of a professional.

(d) *Applications Considered Without a Hearing.* The court may consider without a hearing an application

- (1) under F.R.B.P. 1006(b) for payment of filing fees in installments;
- (2) under F.R.B.P. 2007.1(c) for approval of the appointment of an elected or appointed trustee or an examiner;
- (3) under F.R.B.P. 2014(a) for approval of the employment of bankruptcy counsel to represent a trustee, debtor in possession, or a creditors' committee; or
- (4) under L.B.R. 5080-1 for waiver of a filing fee.

(e) *Accelerated Procedure.* An application which is permitted under F.R.B.P., but is not governed by subdivisions (c) or (d), is governed by this subdivision. This subdivision applies to an application under F.R.B.P. 2014(a) for approval of the employment of a professional who will serve in a case as other than bankruptcy counsel and under F.R.B.P. 3017.1 and L.B.R. 3016-(g) for conditional approval of a disclosure statement.

(1) Notice. On the day an application is filed, the applicant shall give notice of the filing of the application and of the requirement that any objection to the application must be filed and served on the applicant, or if the applicant is represented, counsel for the applicant within 7 days of the date on which the application is filed to the

- (i) the debtor;
 - (ii) the United States trustee;
 - (iii) any trustee or interim trustee; and
 - (iv) any official committee or, if no committee has been appointed in a chapter 11 case, 20 largest unsecured creditors of the debtor;
- (2) Certification of Notice and Whether any Objection Has Been Filed. After the expiration of the 7 day period to file an objection, the applicant shall file a certification of notice, prepared as required by L.B.R. 9014-4, which also certifies whether any timely objection has been filed.
- (3) Disposition of Application. After the filing of a Certification of Notice under subdivision (e)(3),
- (i) if the applicant certifies no timely objection has been filed, the court shall rule on the motion, or
 - (ii) if the applicant certifies a timely objection has been filed, the court may either rule on the motion or set a hearing date.
- (4) Notice of Hearing. If the court sets a hearing date for an application, the clerk shall give notice of the hearing to the applicant, the objector, and any other person the court directs.

(f) *Service of Application to Employ a Professional.* On the day an application to employ a professional is filed, the applicant shall serve a copy of the application on those specified in L.B.R. 2014-1(b).

Local Rule 9014-3

General Motion Practice

(a) *Applicability.* This rule applies to a motion in a case that is not governed by L.B.R. 9014-2, *Motions Determined Without Hearing*.

(b) *Form.* A motion shall identify the movant, the nature of the relief sought, and the basis for the relief sought. A motion shall state in bold type on the right-hand side adjacent to the caption the date, time and place set for the hearing scheduled under subdivision (c) of this rule.

(c) *Scheduling of Hearing.* Prior to filing a motion, the movant shall obtain a hearing date in the manner provided in L.B.R. 5070-1.

(d) *Filing.* The movant shall file a motion no later than 2 days after the day on which the hearing date is assigned.

(e) *Discovery.* Rule 7026 is applicable to contested matters but the following provisions of F.R.C.P. 26 do not apply to contested matters:

- (1) the disclosure requirements of Rule 26(a)(1)-(3);
- (2) the prohibition on discovery until the discovery conference under Rule 26(d); and
- (3) the requirements for a discovery conference and the submission of a discovery plan under Rule 26(f).

(f) *Papers to Accompany Motion.* The following papers shall accompany each motion:

- (1) a proposed form of order which, if entered by the court, would grant the relief sought by the motion. Each proposed form of order shall list, in the lower left-hand corner of the signature page or on the left-hand side of an attached page(s), the names and addresses of all interested persons to whom it is suggested that copies of the order, if entered, should be sent;
- (2) a certification of service and notice prepared as required by L.B.R. 9014-4; and
- (3) if the court imposes a general requirement that motions be accompanied by a cover sheet, a cover sheet that conforms substantially to the cover sheet that accompanies the court's order.

(g) *Service of Motion.*

- (1) General. On the day the motion is filed, the movant shall serve a Notice of Motion and Hearing Date substantially in the form of L.B.F. 9014-3, the proposed order, and

a copy of the motion (assembled in that order) on the following parties, or, if represented, their counsel of record:

- (i) the debtor and counsel to the debtor;
 - (ii) the United States trustee;

 - (iii) any trustee or interim trustee;

 - (iv) any official committee or, if no committee has been appointed in a chapter 11 case, the 20 largest unsecured creditors of the debtor;

 - (v) any person whose interest would be directly, materially and adversely affected if the relief requested in the motion were granted and whose interests are not adequately represented by persons on whom service is otherwise required.
- (2) Expedited Service. If a courtesy copy of the motion is delivered to chambers by expedited delivery, service under this subdivision shall also be made by expedited delivery.

(h) *Notice*.

(1) On the day the motion is filed, a movant shall give notice substantially in the form of L.B.F. 9014-3 of the filing of the motion, the relief sought, the hearing date, and, either (I) the time to file an answer within the time prescribed by subdivision (h), or (ii) the time to file an objection within the time prescribed by F.R.B.P. 3015(g) (to a motion to modify a confirmed chapter 12 or 13 plan); L.B.R. 3016-1(e) (to a motion for approval of a disclosure statement); F.R.B.P. 4001(d)(2) (to a motion for approval of an agreement); or L.B.R. 6004-1 (to a motion to sell free and clear of liens or other interests).

(2) The notice shall be given to those on the Clerk's Service List who are not required to be served under subdivision (f). A movant, at the movant's expense, shall promptly furnish a copy of the motion and proposed order to anyone on the Clerk's Service List who requests a copy of the particular motion. A movant may make service in the manner provided in subdivision (f) instead of giving notice under this subdivision.

(i) *Answer or Objection to Motion*. Unless the court grants a motion for expedited consideration or otherwise fixes a different time, an answer to a motion shall be filed and served on the movant, or if the movant is represented, counsel for the movant no later than 14 days after the date on which the movant serves the motion. An objection to a motion shall be filed and served in the manner and within the time provided under F.R.B.P. 3015(g), L.B.R. 3016-1(e), F.R.B.P. 4001(d)(2), or L.B.R. 6004-1.

(j) *Determination Without Hearing if No Answer or Objection Timely Filed*.

If an answer or objection is required to be filed and no timely answer or objection is filed, the movant may file a certification of no opposition with the court and, unless a hearing is required under the F.R.B.P., may request that the court grant the relief requested in the motion without a

hearing. The courtroom deputy for the judge to whom the case is assigned may be contacted to ascertain whether the hearing has been canceled.

(k) *Stipulated Disposition of a Disputed Motion.* L.B.R.7041-2 applies if after an answer is filed or a hearing is convened and the movant and the parties who have opposed the motion agree to a stipulated disposition of the motion.

(l) *Supplemental Requirements of the F.R.B.P.* In addition to the service and notice required under subdivisions (f) and (g) of this rule, a movant also shall serve any party on whom service must be made under the F.R.B.P. and give notice to any party who must be given notice under the F.R.B.P. If the F.R.B.P. requires that the court conduct a hearing, a movant's certification of no timely filing of an answer or objection shall not include a request that the motion be determined without a hearing.

Local Rule 9015-1

Jury Trial

A statement of consent to have a jury trial conducted by a bankruptcy judge specially designated to conduct a jury trial under 28 U.S.C. § 157(e) shall be filed and served (1) by a party demanding a jury trial within the time permitted under F.R.Civ.P. 38(b) to demand a jury trial, and (2) by all other parties within 14 days of the timely filing of a statement of consent by the party demanding a jury trial.

Local Rule 9019-3

Mediation

(a) *Certification of Mediators.* The Chief Judge shall certify as many mediators as the Chief Judge determines are necessary.

(b) *Application.* An application for certification as a mediator may be obtained from the clerk. A properly completed application may be submitted to the clerk.

(c) *Selection Criteria.*

(1) Attorney Applicants. An attorney admitted to the bar of this court under L.B.R. 2090-1 may be certified as a mediator if the attorney (I) has served as a mediator on a regular basis or participated in or is willing to participate in formal mediation training and (ii) has been involved actively for at least 3 years

(A) as counsel of

record in bankruptcy cases either for the debtor, debtor in possession, trustee, or
creditors' committee, or for a party to adversary proceedings or contested matters; or

(B) as an academic or practicing attorney in matters that involve legal or factual issues or
business transactions that are the subject of litigation before this court.

(2) Non-Attorney Applicants. A person who is not an attorney may be certified as a mediator if the person (I) has served as a mediator on a regular basis or participated in or is willing to participate in formal mediation training and (ii) has been involved actively for at least three (3) years

(A) as a professional in bankruptcy cases; or

(B) as a participant or a professional in matters that involve legal or factual issues or
business transactions that are the subject of litigation before this court.

(d) *Register of Certified Mediators: Retention of Appointment Orders.* The clerk shall maintain a Register of Certified Mediators and provide a copy of the Register on request. Orders appointing mediators shall be retained by the clerk and the clerk shall maintain a record of each mediator's appointments.

(e) *Orders Appointing a Mediator.* Any matter arising in a case, other than an adversary proceeding subject to compulsory arbitration under L.B.R. 9019-2, may be assigned for mediation. The court, on its own motion, or on the request of a party may assign a matter for mediation. If the court determines a matter will be assigned for mediation, the court, after consultation with the parties, shall appoint a mediator from the Register of Certified Mediators. The clerk shall mail promptly a copy of the order to the mediator.

(f) *Compensation.* A mediator who accepts an appointment volunteers the time expended to prepare for the mediation and to conduct a mediation conference or conferences lasting up to four (4) hours. After completion of four (4) hours in a mediation conference or conferences, the mediator may either (i) continue to volunteer the mediator's time or (ii) give the parties the option to agree to pay the mediator \$150 per hour for additional time spent on the mediation. The parties shall each pay a pro rata share of the mediator's compensation, unless they agree to some other allocation of the obligation to pay the fee. A motion to enforce a party's obligation under this subdivision to compensate a mediator is governed by L.B.R. 9014-3.

(g) *Disqualification to Serve as Mediator.* Mediators shall be disqualified for bias or prejudice as provided in 28 U.S.C. § 144 and shall disqualify themselves from proceeding with any appointment when they would be required to disqualify themselves under 28 U.S.C. § 455 if they were a justice, judge, or magistrate judge. Within 7 days of receiving an order of appointment the mediator shall notify the clerk that the appointment is accepted and there is no ground for disqualification or that mediator is disqualified.

(h) *Confidentiality: Service of Mediator's Law Firm.* A mediator shall treat all information obtained during the mediation process as confidential. A mediator's law firm is not automatically disqualified from employment as a professional in a case or from representing a party in the case solely because of the mediator's prior service in a case. If the mediator's law firm is employed as a professional in a case or undertakes representation of a party in the case and disclosure of information obtained by the mediator in the mediation would be harmful, an appropriate screening mechanism shall be established by the mediator's law firm to insure the mediator has no connection with the law firm's discharge of its responsibilities in the case.

(i) *Parties to the Mediation.* On the request of the mediator or on the court's own motion, the court may direct that additional parties participate in the mediation or be invited to participate in the mediation.

(j) *Scheduling Mediation Conference.*

(1) Authority of Mediator. The mediator shall select the date, time, and, subject to subdivision (j)(2), the location of the initial mediation conference and all other mediation activities.

(2) Location. Promptly after the entry of an order appointing a mediator, the clerk shall advise the mediator of the dates and times mediation facilities are available at the courthouse. The initial mediation conference and any additional conferences shall be held in the courthouse unless the mediator determines that it is in the interest of the mediator and the parties to hold the conference at another location designated by the mediator.

(3) Date. The date of the initial mediation conference shall be no later than 30 days after the mediator is notified of the appointment.

(4) Notice. The clerk shall give notice to the parties of the name of the mediator and the date, time, and location of the initial mediation conference at least 14 days before the date of the initial mediation conference.

(5) Continuance. The mediator may continue the initial conference to a date that is no later than 60 days after the mediator is notified of the appointment if the parties consent and the mediator finds that exceptional circumstances prevent holding the initial conference on the original date or fairness to the parties justifies a continuance. If the initial conference is continued to a later date, the mediator shall notify the judge who entered the appointment order.

(6) Additional Conferences. The mediator, with the consent of the parties, may schedule additional mediation conferences.

(k) *Mediation Procedure*

(1) No Automatic Continuance of Matters Assigned to Mediation. A trial or hearing will not be continued to accommodate a mediation unless the parties consent to the continuance and the court so directs.

(2) Mediation Memorandum. Not later than 3 days before the initial mediation conference, each party shall deliver or telecopy to the mediator and to each other party a mediation conference memorandum no longer than 2 pages, summarizing the nature of the matter and the party's positions on (1) the major factual and legal issues affecting liability, (2) the relief sought by each party and (3) settlement. Mediation memoranda are solely for use in the mediation process and shall not be filed.

(3) Attendance of Counsel at Mediation Conference. An attorney who is responsible for the representation of a party shall attend the initial mediation conference and any additional mediation conferences. Local counsel for an attorney attending a conference does not have to appear. Each attorney shall be prepared to discuss in good faith the following:

- (i) all liability issues;
- (ii) all damage issues; and
- (iii) the client's position on settlement.

(4) Attendance of Parties at Mediation Conference. If an individual or any other entity that is a party to a mediation resides within or has its principal place of business located within the Eastern District of Pennsylvania, the individual shall attend the mediation conference in person and any other entity shall have a person with decision making authority for it attend the mediation conference. All other individuals or entities that are parties to the mediation must be available by telephone and the person available by telephone must have decision making authority. The mediator for cause may excuse attendance completely or authorize participation by telephone.

(5) Sanctions. Willful failure of an attorney or a party to comply with subdivisions (k)(3) or (k)(4) shall be reported to the judge who entered the appointment order and may result in imposition of appropriate sanctions.

(6) No Recording of Mediation Conference. A mediation conference shall not be recorded by any means.

(7) Conclusion of Mediation. The mediator shall file a Mediation Report on the form provided by the clerk within 14 days of the conclusion of the mediation. If the mediation results in an agreement for the resolution of the matter, the parties shall determine which of them will prepare the stipulation of settlement, have the stipulation of settlement executed, and file the requisite motion for court approval. A motion for court approval shall be filed no later than 28 days after the conclusion of the mediation.

(8) Confidentiality of Mediation: No Use at Trial or Otherwise. A Mediation Submission, a mediator's written settlement recommendation memorandum or any oral suggestions relating to settlement, and any statement of a party, an attorney, the mediator, or other participant is confidential and privileged and shall not be disclosed to third parties. F.R.E. 408 applies to mediation under this rule and no statement made during the mediation process or writing used during the mediation process shall be offered or admissible as evidence in any trial or hearing, made known to the court or jury, or construed for any purpose as an admission. Papers relating to the mediation, except the Mediation Report, shall not be filed or delivered to a judge of the court. This subdivision does not apply to the reporting of or processing of complaints about unlawful or unethical conduct during the mediation process.

Local Rule 9076-1

Telephone and Video Conferences and Hearings

(a) Availability. The court, on its own motion or on the request of a party, may direct that a conference on any matter or the argument or a hearing on any motion, application, or objection be by telephone or video conference without court appearance.

(b) Scheduling and Procedures

(1) Contact With the Courtroom Deputy. A party requesting a telephone or video conference or hearing shall first seek the agreement of opposing counsel and then contact the courtroom deputy for the judge to whom the case is assigned to request court permission. The requesting party shall discuss with the courtroom deputy the existence of any other procedural or technical requirements for the proceedings. Technical arrangements to use the court's video conference system shall, when practicable, be made 7 days in advance of the scheduled proceeding date in consultation with the judge's courtroom deputy.

(2) Telephone Conference or Hearing. The party requesting a telephone conference or hearing shall initiate the call unless otherwise directed by the court. If multiple parties will be participating, the requesting party shall arrange to join the other parties on the line. The person participating in the proceeding by telephone must be available by the telephone before the time set and must take any steps necessary to keep the telephone lines open so that the call can be timely placed.

(3) Record. A verbatim record of a telephone or video hearing shall be made in all cases. A verbatim record of a telephone or video conference shall be made if directed by the court.