

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH

To: ALL MEMBERS OF THE BAR AND OTHER PARTIES IN INTEREST

From: David Sime, Clerk of Court

Date: November 29, 2018

Subject: 2018 Summary of Changes to Local Rules of Practice Effective December 1, 2018

Please find attached a summary of the changes to the Local Rules of Practice of the United States Bankruptcy Court for the District of Utah effective December 1, 2018. In addition to the summary attached below, you can find on our web site both a clean and a redline version of the Local Rules of Practice incorporating these changes.

Clean version: <https://www.utb.uscourts.gov/local-rules-2018>

Redline version: <https://www.utb.uscourts.gov/local-rules-2018-redline>

Summary of Proposed Changes to the Utah Bankruptcy Court Local Rules

September 1, 2018

1. **Local Rule 1007-1(a)(2): Procedure for Dismissal of a Case under Chapter 13 for Failure to Timely File Certain Papers.** Added provision that if there is a pending motion to dismiss a Chapter 13 case with the 180-day lock-out under 11 U.S.C. § 109(g), or a motion for *in rem* relief from stay for two years under 11 U.S.C. § 362(d)(4), the bankruptcy case will not otherwise be dismissed until the court has ruled on such motions.
2. **Local Rule 1009-1: Amendments of Petitions, Bankruptcy Schedules, and Statement of Financial Affairs.** Added instructions on how to file essentially red-line versions of amendments to bankruptcy papers.
3. **Local Rule 1073-1: Assignment of Cases.** Added provision that if debtor had a pending bankruptcy case within the last eight years, then, where practicable, the case will be assigned to the same judge. Also, clarified discretion of Chief Bankruptcy Judge to assign cases.
4. **Local Rule 2003-1(c): Meeting of Creditors and Equity Security Holders.** Removed language that required debtor to send notice of motion to reschedule first meeting of creditors to the entire creditor matrix. Such motions are still served on the United States Trustee and the case trustee, along with any party receiving electronic notice in the case.
5. **Local Rule 2083-1(k): Chapter 13 – General.** Added language requiring a response to a post-confirmation motion to dismiss in Chapter 13 cases be filed within fourteen days.
6. **Local Rule 2090-1(c): Attorneys – Admission to Practice.** Revised to be consistent with DUCivR 83-1.1(d)(1) regarding admission of attorneys for the United States.

Proposed Changes to the Utah Bankruptcy Court Local Rules

September 1, 2018

Local Rule 1007-1(a)(2): Procedure for Dismissal of a Case under Chapter 13 for Failure to Timely File Certain Papers

The court may dismiss a case, except a case that has been converted from a chapter 7 case to a chapter 13 case, if the debtor fails to file a list of creditors' names and addresses under Local Rule 1007-1, or documents required by § 521(a)(1) and Fed. R. Bankr. P. 1007(b)(1) within the time required by Fed. R. Bankr. P. 1007(c), or a chapter 13 plan within the time provided by Fed. R. Bankr. P. 1007 and 3015. The procedures for dismissal on these grounds are set forth in Local Rule 2083-1(g). However, nothing in this rule or in Local Rule 2083-1(g) shall alter the provisions for automatic dismissal of the case under § 521(i).

However, a case shall not be automatically dismissed if there is a pending motion filed by the Chapter 13 trustee or a creditor under 11 U.S.C. § 109(g) or § 362(d)(4)(a) and/or (b) (i.e. "*in rem*" relief from stay). In such instance, the case shall remain open until the court has entered an order granting or denying such motion, or the motion has been withdrawn.

Local Rule 1009-1: Amendments of Petitions, Bankruptcy Schedules, and Statement of Financial Affairs

Any amendment to a voluntary petition, bankruptcy schedule, or statement of financial affairs under Fed. R. Bankr. P. 1009 shall comply with the following: ~~– shall include all information that was on the original paper but: (1) shall conspicuously indicate the addition of information, such as by circling, underlining, highlighting or by using different colored text; and (2) shall conspicuously indicate the removal of information by striking through the text such that the original text is still legible, unless such text is otherwise required to be redacted.~~

- (1) If removing information, the amendment shall include all information that was on the original document, but shall conspicuously indicate the removal of information by striking through the text such that the original text is still legible, unless such text is otherwise required to be redacted;
- (2) If adding information, the amendment shall include all information that was on the original document, and shall conspicuously indicate the addition of the new information, such as by circling, underlining, highlighting, or using a different colored font;
- (3) If replacing information, the amendment shall include all information that was on the original document except the content being replaced, and shall conspicuously indicate the replacement information, such as by circling, underlining, highlighting, or using a different colored font.

Local Rule 1073-1: Assignment of Cases

The assignment of cases to the judges of the court is the responsibility of the Chief Judge of the court and will, unless otherwise ~~modified~~ **ordered**, proceed as follows:

...

- (d) **Repeat Cases.** If the debtor had a pending bankruptcy case before this Court during the previous 8 years, the Clerk may reassign the case to the judge to whom the previous bankruptcy case was assigned.
- (e) **Reassignment for Cause.** At any time during the case, the Chief Judge may reassign a case based on factors of expediency, efficiency, or other cause.

Local Rule 2003-1(c): Meeting of Creditors and Equity Security Holders

(c) **Motions to Reschedule.** A debtor should file a motion to reschedule a § 341 Meeting not later than 7 days prior to the scheduled § 341 Meeting. The debtor shall send notice of the motion to **the trustee and United States Trustee.** ~~all parties in interest listed on the court's most recent creditors' matrix for the case.~~ **In a chapter 7 case, the motion must also move for an extension of the time fixed under Fed. R. Bankr. P. 4007(c) and 4004(a) for filing a complaint under §§ 523(c) and 727 of the Code and the time fixed under Fed. R. Bankr. P. 4003(b)(1) for filing objections to exemptions under § 522(l) of the Code.** The court may grant the motion, set it for a hearing, or deny the motion without a hearing. If the court grants the motion, the clerk must give notice of the new date and time of the meeting unless otherwise directed by the court.

Local Rule 2083-1(k): Chapter 13 – General

(k) **Postconfirmation Motions.**

(1) Trustee's Motion to Dismiss. The trustee's postconfirmation motion to dismiss or notice of failure to comply must be served on the debtor and the debtor's attorney. Within 21 days after the motion or notice is served, the debtor must take all of the following actions or the clerk shall enter an order dismissing the case: (1) file an objection to the motion or notice; (2) set the objection for a hearing; and (3) give notice of the hearing to the trustee. **Responses must be filed and served within 14 days after notice of the hearing is served pursuant to Local Rule 9006-1(b)(3).**

Local Rule 2090-1(c): Attorneys – Admission to Practice

(d) **Attorneys for the United States.** DUCivR 83-1.1(d)(1) and (e) apply to attorneys representing the United States Government or any agency or instrumentality thereof.