

Summary of Proposed Amendments to Local Rules of the United States Bankruptcy Court for the District of Utah

(Proposed Effective Date: December 1, 2024)

1. Local Rule 1007-1: Lists, Schedules, Statements, and Certifications.

- a. The amendment to subsection (a) modifies the procedures for dismissal of cases filed under Chapter 7, 11 and 13 within the parameters of Fed. R. Bankr. P. 2002(a)(4), which requires at least 21 days' notice of a hearing on dismissal or conversion of cases other than those under Chapter 13. Under the proposed Rule, the case trustee or U.S. Trustee may file new Local Form 2003-1 to request dismissal if the debtor does not file required documents. *See Proposed Local Form 2003-1* (attached to follow amended Local Rule 2003-1).
- b. The amendment to subsection (b) permits the Court to *sua sponte* dismiss a case for failure to file the list of creditors required under Fed. R. Bankr. P. 1007(a)(1).
- c. Subsection (c) has been added to clarify that the Court's inherent powers are unchanged.
- d. The amendment to subsection (d) (formerly subsection (c)) adds a requirement to file a supplemental claims declaration in bifurcated joint cases if one debtor converts their Chapter 13 case to Chapter 7. It is meant to ensure that claims paid in the Chapter 13 case are claims against the remaining Chapter 13 debtor and not the Chapter 7 debtor.
- e. Amendments to subsection (e) are technical changes.

2. Local Rule 2002-1: Notice to Creditors and Other Interested Parties.

- a. Subsection (d) has been amended to provide, as contemplated in Fed. R. Bankr. P. 5005(b), that notices and documents filed with the Court should not be served by U.S. mail on the Office of the U.S. Trustee and the Office of the Standing Chapter 13 Trustee because they receive notice through CM/ECF.
- b. Other amendments to the Rule are technical changes.

3. **Local Rule 2003-1: Meeting of Creditors and Equity Security Holders.**

- a. Subsection (a)(3) has been amended to modify to simplify the procedures for dismissal of Chapter 7 and Chapter 13 case if the debtor or the debtor's attorney fails to appear at a scheduled meeting of creditors. This amendment is within the parameters of Fed. R. Bankr. P. 2002(a)(4), which requires at least 21 days' notice of a hearing on dismissal or conversion of cases other than those under Chapter 13. A new Local Form has been proposed for use by the Chapter 7 case trustee or U.S. Trustee's Office to request dismissal. *See Proposed Local Form 2003-1* (attached to follow amended Local Rule 2003-1).
- b. Subsection (d) has been added to clarify that the Clerk of Court will serve notice of a motion to dismiss filed by a case trustee or U.S. Trustee.
- c. Subsection (e) has been added to clarify that the Court's inherent powers are unchanged.
- d. Other amendments to the Rule are technical changes.

4. **[NEW] Local Form 2003-1: Motion to Dismiss/Chapter 7 Section 341 Meeting Report/Statement of Failure to Comply and Notice of Hearing.** Form motion for use in connection with amended Local Rules 1007(a) and 2003-1.

5. **Local Rule 2081-1: Chapter 11 – General.**

- a. Subsection (a) has been amended to exempt small business debtors and subchapter V debtors from providing certain documents to the U.S. Trustee's Office within 21 days after filing.
- b. Other amendments to the Rule are technical changes.

6. **Local Rule 2083-1: Documents Provided to the Trustee at or before the § 341 Meeting.**

- a. Subsection (e) has been amended to (i) modify the timing of when documents are provided to the Office of the Standing Chapter 13 Trustee in light virtual meetings of creditors, (ii) clarifies the type of financial account statements to be provided, and (iii) provides new disclosure requirements for cases involving self-employed debtors to allow sufficient time for the Chapter 13 Trustee's review prior to the meeting of creditors.
- b. Other amendments to the Rule are technical changes.

7. **Local Rule 2083-1: Eligibility Hearing.** Subsection (i) has been amended to reference the name of the applicable Official Form. Other amendments to this subsection are technical changes.
8. **Local Rule 2083-1: Incurring Unsecured Debt or Debt Secured by Personal Property in a Chapter 13 Case.** Subsection (n)(4)(ii) has been amended to clarify that financial statements evidencing income need only be provided for self-employed individuals who are verifying income through profit and loss statements.
9. **Local Rule 2083-1: Chapter 13.** Subsection (n)(4) has been amended to clarify the amount the Office of the Standing Chapter Trustee will pay on a secured claim when the “value of collateral” and “amount of secured claim” columns in the Chapter 13 Plan do not match.
10. **Local Rule 2091-1: Debtor’s Attorneys – Scope of Representation.**
 - a. Subsection (a) has been amended to clarify that debtor’s counsel must represent and advise the debtor in adversary proceedings until an order is entered permitting counsel’s withdrawal or limiting the scope of representation.
 - b. The title to Subsection (b) has been amended to clarify the scope of the subsection.
11. **Local Rule 4002-1: Duties of Debtor.**
 - a. Subsections (b) and (c) have been amended require the debtor to provide a statement explaining why documents outlined in those subsections are not being provided to the case trustee or the Office of the U.S. Trustee.
 - b. Subsection (d) has been amended to simplify the procedure for dismissal of cases if the debtor does not provide required documents prior to the meeting of creditors. The amendment complies with Fed. R. Bankr. P. 2002(a)(4) which requires at least 21 days’ notice of a hearing on dismissal of conversion of cases other than those under Chapter 13. A new Local Form has been proposed for use by the Chapter 7 case trustee or U.S. Trustee’s Office to request dismissal. *See Proposed Local Form 2003-1* (attached to follow amended Local Rule 2003-1).
 - c. Subsection (e) has been added to clarify that the Court’s inherent powers are unchanged.
12. **Local Rule 5001-1: Clerk’s Office – Location and Hours.** This Local Rules has been amended to add Juneteenth National Independence Day (June 19) to the list of legal holidays when the Clerk of Court’s Office is closed.

13. **Local Rule 5005-2: Filing Papers – Electronic Filing.**

- a. Subsections (f)(3) and (f)(4) are new, authorizing the use of “Validated Digital Signatures” generated via a commercially available software product. Documents required to be signed under penalty of perjury or requiring similar verification may be signed via a Validated Digital Signature. These new subsections should be read in conjunction with new Local Rule 9011-3, providing that an attorney or person who files a document containing a signature (holographic or validated digital signature) is certifying, to the best of the person’s knowledge, information, and belief formed after an inquiry reasonable under the circumstances, that the signature is authentic.
- b. Other amendments to the Rule are technical changes.

14. **Local Rule 6070-1: Tax Returns.** Amendments to this Local Rule require that social security numbers be redacted on tax returns submitted to Chapter 12 Trustees or to the Office of the Standing Chapter 13 Trustee. Other amendments to the Rule are technical changes.

15. **[NEW] Local Rule 7004-1: Process; Service of Summons, Complaint.** New Local Rule 7004-1 requires adversary proceeding plaintiffs to serve each defendant in an adversary proceeding with the summons and any notices that are affixed to the summons when issued by the Clerk of Court. The current notice will include notice that defendants may be entitled to free legal representation through the pro bono representation program.

16. **Local Rule 7005-1: Filing of Discovery Materials.** Eliminates Local Rule 7005-1 which requires parties to file notices of service of written discovery and notices of depositions with the Court. DUCivR 26-1 addresses discovery practice.

17. **Local Rule 9011-2: Attorney Appearance Required.** Amendments to the Rule are technical changes.

18. **[NEW] Local Rule 9011-3: Filer’s Representation Regarding Signatures Presented to the Court.** This Local Rule is new to make clear that filing documents with a signature, whether holographic or by Validated Digital Signature, is a certification that the signature is authentic and that the document was and is, in fact, subscribed by the persons whose signature appears thereon.

19. **Local Rule 9013-1: Motion to Shorten Time for Hearing on Less Than 48 Hours' Notice.**

- a. Amendments to subsection (m) are technical changes.
 - b. Subsection (n) has been added, providing notice and certification requirements on hearings set on less than 48 hours' notice.
20. **[NEW] Local Rule 9036-1: Notice and Service Generally.** As contemplated in Fed. R. Bankr. P. 5005(b), the new Local Rule provides that notices and documents filed with the Court, other than a summons and complaint or proof of service of a subpoena, should not be served by mail on the Office of the U.S. Trustee and the Office of the Standing Chapter 13 Trustee's Office, or on any other person appearing in the case through CM/ECF because they will receive electronic notice.

**PROPOSED AMENDMENTS TO THE LOCAL RULES OF THE UNITED STATES
BANKRUPTCY COURT FOR THE DISTRICT OF UTAH**

[REDLINED VERSION]

RULE 1007-1
LISTS, SCHEDULES, STATEMENTS, AND CERTIFICATIONS

(a) Petitions, Schedules, Statements, and Plans.

(1) Procedures for Dismissal of Chapter 7, 11, or 12 Cases for Failure to Timely File Certain Papers. A case trustee or United States Trustee's motion to dismiss for failure to timely file a list of equity security holders and certain papers required by and within the times required by 11 U.S.C. §§ 521, 1116(1), Fed. R. Bankr. P. 1007, Fed. R. Bankr. P. ~~If a debtor does not timely file certain papers identified in subsections A, B, and C below, the case will be dismissed using the following procedure unless otherwise recommended by the United States Trustee or case trustee or unless otherwise ordered by the court. The United States Trustee or case trustee must file a § 341 Meeting Report (Report) indicating the failure to comply and serve it on the debtor and debtor's attorney. If the Report contains a recommendation that the case not be dismissed, the case shall not be dismissed, and administration of the case shall continue without prejudice to any motion to dismiss filed by a party in interest. If the Report does not contain a recommendation that the case not be dismissed and if an objection to dismissal is not filed within 21 days after the Report is served, the clerk must enter an order dismissing the case. If an objection is timely filed, the dismissal is stayed. The objecting party must set a hearing and give notice to parties in interest as provided in Fed. 2015.3, Local Rule 1007-1(b), or within such other time as ordered by the Court, may be combined in a single document with the notice of the motion and the notice of the hearing. In a chapter 7 case, the case trustee or United States Trustee may use Local Form 2003-1 to request dismissal. The clerk shall serve notice of a case trustee's or United States Trustee's motion to dismiss filed pursuant to this Local Rule~~ ~~R. Bankr. P. 2002(a).~~ ~~Unless the court orders otherwise, the clerk must enter an order dismissing the case if a hearing on the objection is not held within 42 days after the objection is filed.~~

~~(A) Voluntary Case in Which the Debtor is Not an Individual.~~ ~~(2)~~

Procedure for Dismissal of Chapter 13 Cases for Failure to Timely File Certain Papers. ~~The court~~ Court ~~may dismiss a voluntary case in which the debtor is not an individual, except a case that has been converted from a chapter 11 case to a chapter 7 case~~ to chapter 13, if the debtor fails to file ~~a list of creditors' names and addresses under Local Rule 1007-1(b), a list of equity security holders, the reports required by~~

~~Fed. R. Bankr. P. 2015.3, or documents required by § 521(a)(1) or § 1116(1), within the time provided by Fed. R. Bankr. P. 1007 or any extension granted under § 1116(3).~~

~~(B) — Voluntary Chapter 11 or 12 Case in Which the Debtor is an Individual. The court may dismiss a voluntary case if the debtor fails to file a list of creditors' names and addresses under Local Rule 1007-1(b), the reports required by Fed. R. Bankr. P. 2015.3, or documents required by § 521(a)(1) or § 1116(1), within the time provided by Fed. R. Bankr. P. 1007 or within any extension granted under § 1116(3).~~

~~(C) — Voluntary Chapter 7 Case in Which the Debtor is an Individual. The court may dismiss a voluntary case, except a case that has been converted from a chapter 11 case to a chapter 7 case, if the debtor fails to file a list of creditors' names and addresses under Local Rule 1007-1(b), or documents required by § 521(a)(1) and Fed. R. Bankr. P. 1007(b)(1) within the time provided by Fed. R. Bankr. P. 1007. However, nothing in this Rule shall alter the provisions for automatic dismissal of this case under § 521(i).~~

~~(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(b), 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 (ii) 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, nothingNothing in this ruleRule or in Local Rule 2083-1(g) shall alter the provisions for automatic dismissal of thea case under § 521(i).~~

~~However, a case shall not be automatically dismissed if there is a pending motion filed by the Chapterchapter 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 courtCourt has entered an order granting or denying such motion, or the motion has been withdrawn.~~

(b) List of Creditors and Equity Security Holders. The debtor may file with the petition, but must file no later than 2 days thereafter, the list required under Fed. R. Bankr. P.

1007(a)(1) in a form designated by the clerk and, if applicable, an additional list of creditors holding claims under § 507(a)(1)(A) and (B), and a list of equity security holders, in the manner prescribed by the clerk's office. If the debtor fails to timely file the list required under Fed. R. Bankr. P. 1007(a)(1), the Court may sua sponte dismiss the case. If the debtor files a list of creditors holding claims under § 507(a)(1)(A) and (B), the clerk may provide the notice specified in § 704(c)(1)(A) and (B) at least 20 days prior to the § 341 Meeting. The clerk may mail the notice provided by the trustee as specified in § 704(c)(1)(C) within 21 days after the debtor is granted a discharge under § 727.

(c) Court's Powers. Nothing in this Rule should be interpreted to alter § 521. Nothing in this Rule should be interpreted to alter the Court's powers under § 105 or the Court's inherent powers to take action, including ordering dismissal of a case.

(d) Filing of Documents Following Conversion. All lists, schedules, statements, and other documents filed prior to conversion of a case to another chapter shall be deemed filed in the converted case unless the ~~court~~Court directs otherwise; however, if ~~the~~a trustee or the United States Trustee makes a written request after the entry of an order converting the case, the debtor shall file within 21 days after the date of such written request either: (i) a declaration under penalty of perjury that there have been no material changes to the lists, schedules, statements, and other documents filed prior to conversion, or (ii) amended lists, schedules, statements, and other documents reflecting ~~such changes.~~the material changes. In addition, within 30 days after a joint chapter 13 case is bifurcated and a co-debtor converts to chapter 7, the remaining chapter 13 debtor shall file a supplemental declaration that all claims have been reviewed and that any appropriate objections to claims for debts owed solely by the bifurcated chapter 7 debtor have been filed and served as provided in Local Rule 2083-1(l).

(de) Compliance with § 109(h) (Credit Counseling).

(1) Section 109(h)(1): The Credit Counseling Certification. The clerk must enter an order dismissing the case unless an individual debtor:

(A) certifies on Part 5 of the petition compliance with § 109(h)(1) and attaches to the petition the certificate of credit counseling required by § 521(b);

(B) certifies on Part 5 of the petition compliance with § 109(h)(1) but does not attach to the petition the credit counseling certificate, required by § 521(b), but then files the certificate within 14 days after the petition date;

(C) ___ as set forth below, timely submits to the Court a satisfactory certification of exigent circumstances required by § 109(h)(3)(A); or

(D) ___ obtains a ~~court~~an order that the debtor is not required to take the credit counseling briefing under § 109(h)(4).

(2) Section 109(h)(3)(A): Extension of Time to Take Credit Counseling Course.

If the debtor certifies on Part 5 of the petition that § 109(h)(3) applies, the debtor must file at the same time as the petition a separate certification under § 109(h)(3)(A) that is sufficient to the Court and that merits an extension of no more than 30 days from the petition date to comply with § 109(h)(1). The statement shall: (i) explain what efforts the debtor made to obtain the credit counseling briefing during the 7 days prior to the petition date; (ii) explain why the debtor was unable to obtain the credit counseling briefing before filing the petition; and (iii) describe the exigent circumstances that merit a waiver of the requirement to take the credit counseling briefing before filing the bankruptcy petition.

The ~~court~~Court may grant the motion, set it for a hearing, or deny the motion without a hearing. If the motion is denied, the clerk must enter an order dismissing the case. If the motion is granted, the debtor must timely file the credit counseling certificate required by § 521(b) or the clerk will enter an order dismissing the case unless the ~~court~~Court, for cause, orders under § 109(h)(3)(B) an additional 15 days to comply.

(3) Section 109(h)(4): Debtor Not Able to Take Credit Counseling Briefing. If the debtor asserts on Part 5 of the petition that the credit counseling briefing cannot be taken due to incapacity, disability, or active military duty, the debtor must timely take the following actions, or the clerk may enter an order dismissing the case:

(i) ~~A~~A At the same time as the petition, file a motion and proposed order under § 109(h)(4). The motion should be supported by admissible but appropriately redacted documents establishing the debtor's incapacity, disability, or active military duty;

(ii) ~~B~~B A hearing on the motion shall be set for a date not later than 42 days after the petition date; and

(iii) ~~C~~C Notice of the motion shall be served pursuant to Local Rule 2002-1.

RULE 2002-1
NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) Scope of Rule. This rule governs notice of proposed actions, motions, applications, and other requests for relief in bankruptcy cases which are addressed by Fed. R. Bankr. P. 2002.

(b) Form of Notice. A notice required by this rule to parties in interest may include a statement that the relief requested may be granted without a hearing unless an objection is timely filed. A notice not accompanied by a motion must include a brief statement or summary of the relief requested and explain the basis for the relief.

(c) Time for Notice. Time for notice of hearings, response and reply deadlines, and for taking certain other actions under these Local Rules are set forth in Local Rule 9006-1.

(d) Service of Notice. The movant must serve the notice of hearing on all parties as required by the Federal Rules of Bankruptcy Procedure. Notices and other documents governed by Fed. R. Bankr. P. 2002 that are filed with the Court and docketed in a case need not be served by mail on the United States Trustee, chapter 13 trustee, or any other person appearing in the case through ECF. This Rule does not change any requirement to serve the party in addition to counsel under any applicable rule.

(e) Returned Notices. If any notices mailed using the addresses appearing on the matrix are returned, the debtor should update the mailing matrix as necessary to reflect the current addresses of parties in interest.

(f) Notice of Compensation in Chapter 7 Case. Before filing a final report in a chapter 7 case, the trustee must notify any entity who, to the knowledge of the trustee, may be entitled to compensation or reimbursement under § 330. The entity may, within 14 days of service of the notice, file an application for compensation and reimbursement of expenses. The Court may deny as untimely an application for compensation filed after this date.

(g) Notice of Entry of Confirmation Order. The plan proponent must provide notice of the entry of an order confirming a chapter 9, 11 or 12 plan under Fed. R. Bankr. P. 2002(f)(7).

~~(a)~~(h) Notice to Certain Governmental Entities. In addition to all other notice requirements found in the Federal Rules of Bankruptcy Procedure, when notices are required to be sent to the Internal Revenue Service, the Securities and Exchange Commission, the Utah State Tax Commission, the Utah Department of Workforce Services, or the Office of Recovery Services,

notices should be mailed or delivered to addresses listed on the ~~court's~~ Court's website,
www.utb.uscourts.gov.

RULE 2003-1
MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

(a) **Attendance.**

(1) The ~~court~~Court may dismiss a voluntary case, except a case that has been converted from a chapter 11 case to a chapter 7 case or from a chapter 7 case to a chapter 13 case, or a case in which the ~~court~~Court has determined under § 341(e) that no meeting of creditors is required, if the debtor or the debtor's attorney fails to appear at the scheduled or continued § 341 Meeting.

(2) The procedures for dismissal of a chapter 13 case for failure of the debtor or debtor's attorney to appear at the ~~meeting of creditors~~§ 341 Meeting are set forth in Local Rule 2083-1(f).

(3) In a case other than one under chapter 13, ~~if the debtor or the debtor's attorney fails~~attorney's failure to appear at the scheduled or continued § 341 Meeting, ~~may constitute cause to dismiss~~ the case trustee or U.S. Trustee must file a § 341 Meeting Report (the "Report") indicating the failure to appear and serve it on the debtor and the debtor's attorney. If the Report contains a recommendation that the A case not be dismissed, the case shall not be dismissed, and administration of the case must continue without prejudice to any trustee's or United States Trustee's motion to dismiss filed by a party in interest. Otherwise, within 21 days after service of the Report, the debtor or other party in interest may file an objection to the Report and must set the objection for a hearing. The objecting party must give under this Rule may be combined with notice of the hearing to the case trustee and to any party appearing at the § 341 Meeting. If an objection is not timely filed or a hearing is not timely set and noticed, the clerk must enter an order dismissing the case. motion. In a chapter 7 case, the objection must also move for an extension of the time fixed under Fed. under § 522(1). Unless the court orders otherwise, the clerk must enter an order dismissing the case if a hearing on the objection to the Report is not held within 42 days after the objection is filed. case trustee or United States Trustee may use Local Form 2003-1 to request dismissal of the case.

(4) In a joint case where only one debtor appears at the § 341 Meeting, the non-appearing debtor may be dismissed from the case.

(b) **Debtor's Duties relating**Relating to the § 341 Meeting. The debtor is required to provide documentation prior to and at the § 341 Meeting as requested by the trustee or the United

States Trustee and as required in § 521, Fed. R. Bankr. P. 4002(b), and Local Rule 4002-1(b). In addition, a chapter 13 debtor is required to provide the documents listed in Local Rule 2083-1(e) prior to or at the § 341 Meeting.

(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~~case trustee and United States Trustee. In a chapter 7 case, the motion must also ~~move for~~request 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 and the time fixed under Fed. R. Bankr. P. 4003(b)(1) for filing objections to exemptions claimed under § 522(l)~~of the Code.~~. The ~~court~~Court may grant the motion, set it for a hearing, or deny the motion without a hearing. If the ~~court~~Court grants the motion, the clerk must give notice of the new date and time of the ~~meeting~~§ 341 Meeting unless otherwise directed by the ~~court~~Court.

....

(d) Motion to Dismiss for Failure to Appear at the § 341 Meeting. The clerk shall serve notice of a case trustee's or United States Trustee's motion to dismiss a case for failure to appear at the § 341 Meeting.

(e) Court's Powers. Nothing in this Rule should be interpreted to alter the Court's powers under § 105 or the Court's inherent powers to take action, including ordering dismissal of a case.

[NEW]

LOCAL FORM 2003-1

NOTICE OF MOTION AND MOTION TO DISMISS CHAPTER 7 CASE

Submitting Case Trustee or U.S. Trustee's Attorney (Utah State Bar No.____)

Address

Telephone No.

Facsimile No.

(Optional)

E-Mail Address (Recommended)

Attorney for _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH

In re:	Bankruptcy Case No.
Debtor(s).	Chapter
	Hon.

NOTICE OF MOTION AND MOTION TO DISMISS CHAPTER 7 CASE

Pursuant to 11 U.S.C. § 707(a), the below signed case trustee or U.S. Trustee moves that this case be dismissed as to [] the debtor only [] the joint debtor only [] both the debtor and joint debtor for the reasons indicated below.

UNLESS AN OBJECTION IS FILED WITH THE COURT BY _____ (see Fed. R. Bankr. P. 2002(a)(4) for required amount of time for notice), THE COURT MAY ENTER AN ORDER DISMISSING THIS CASE WITHOUT A HEARING. IF AN OBJECTION IS FILED, THE OBJECTING PARTY MUST SCHEDULE A HEARING AND SERVE NOTICE OF THE HEARING.

The moving party requests that this Notice be served as required by Fed. R. Bankr. P. 2002(a)(4). See Local Rule ("LR") 1007-1(a)(1) and 2003-1(d).

- [] The debtor did not appear at the 11 U.S.C. § 341 meeting of creditors. LR 2003-1.
- [] The joint debtor did not appear at the 11 U.S.C. § 341 meeting of creditors. LR 2003-1.
- [] The attorney for debtor(s) did not appear at the 11 U.S.C. § 341 meeting of creditors. LR 2003-1
- [] No list of creditors or list of equity security holders was filed (mailing matrix). LR 1007-1.

[] The documents required by 11 U.S.C. § 521 and / or Fed. R. Bankr. P. 1007 were not timely filed. LR 1007-1.

Dated: _____

Name and Title of Case Trustee or
U.S. Trustee's Attorney

RULE 2081-1
CHAPTER 11 - GENERAL

(a) **Initial Financial Reports and Other Documents.** Not later than 7 days after filing a chapter 11 petition, all chapter 11 debtors shall provide to the United States Trustee evidence of any policies of insurance maintained by the debtor. Not later than 21 days after filing ~~a, all~~ chapter 11 ~~petition, non-~~~~debtors, except~~ small business ~~or subchapter v~~ debtors, must provide to the United States Trustee an initial financial report in the form approved by the United States Trustee. Upon a request of the United States Trustee, a chapter 11 debtor shall within 7 days of such request provide to the United States Trustee proof of any required permits or licenses relating to the debtor's business operations.

(b) **Monthly Financial Reports.** Not later than 21 days after the end of each month the debtor in possession or trustee must file with the ~~court~~Court a monthly financial report in the form approved by the United States Trustee. The duty to file these reports terminates upon confirmation of a plan, or upon conversion or dismissal of the case.

(c) **Post-Confirmation Summary Report.** If the ~~court~~Court orders, a reorganized debtor or other entity responsible for consummation of a plan shall file a one-time summary report within 90 days after entry of a confirmation order which must include the following:

- (1) the dollar amounts of administrative expenses for fees for the attorney for the debtor, attorney for the trustee, the trustee, other professionals, and out-of-pocket expenses;
 - (2) the dollar amounts of priority, secured, and unsecured claims;
 - (3) the dollar amounts of plan payments to priority, secured, and unsecured creditors;
 - (4) the percentage dividend being paid to unsecured creditors without priority;
- and
- (5) the estimated date that a final decree will be entered. Failure to comply with this subsection constitutes grounds for dismissal of the case.

RULE 2083-1
CHAPTER 13 – GENERAL

(e) **Documents Provided to the Trustee at or beforeBefore the § 341 Meeting.**

(1) In addition to those documents required by § 521, a debtor must provide to the case trustee copies of the following documents at least 7 days before the first date set for the § 341 Meeting:

(A) Proof of all charitable contributions made within 60 days before the date of the filing of the petition;

(B) A copy of the most recent county property tax assessment for all real property listed on Schedule A;

~~(C) A profit and loss statement if a debtor had self-employment income for the 60 days prior to filing, including income reported on an IRS Form 1099;~~

~~(D) A business questionnaire for each business operated by the debtor for the 60 days prior to the filing, on a form supplied by the trustee; and~~

~~(E) Copies of tax returns required under Local Rule 6070-1(c)(2);~~ with all Social Security numbers redacted;

~~(2) A debtor must provide to the trustee copies of the following documents at or before the first date set for the § 341 Meeting:~~

~~(A) Evidence of current postpetition~~ (D) post-petition income such as the most recent ~~payment~~ pay advice; and

~~(B) Statements for each of the debtor's checking, savings, brokerage, and money market accounts and mutual funds;~~ and app-based financial accounts (such as Venmo, CashApp, and Paypal) for the one-month period that includes the petition date.

(2) In addition to the foregoing, if a debtor had self-employment income or operated a business for the 60 days prior to the filing, the debtor must provide to the case trustee copies of the following documents at least 14 days before the first date set for the § 341 Meeting:

(A) A profit and loss for each business or self-employment for the 60 days prior to the filing of the petition, including income reported on an IRS Form

1099; and

(B) A business questionnaire for each business operated by the debtor for the 60 days prior to filing of the petition, on a form supplied by the case trustee.

RULE 2083-1
CHAPTER 13 – GENERAL

(i) **Eligibility Hearing.** ~~A~~ Unless the Court orders otherwise, (i) a party must file and serve a motion to dismiss a chapter 13 case under § 109(e) not later than 7 days before the date set on ~~Official Form 309I~~ the Notice of Chapter 13 Bankruptcy Case for the plan confirmation hearing. ~~Such; and (ii) such~~ motion ~~will~~ shall be heard at the plan confirmation hearing, ~~unless the court orders otherwise.~~

RULE 2083-1
CHAPTER 13 – GENERAL

(n) Incurring Unsecured Debt or Debt Secured by Personal Property in a Chapter 13 Case.

(1) The debtor may incur during the case unsecured consumer debt (i) up to an aggregate of \$1,500 in a one-time credit or (ii) \$1,000 in revolving credit with a balance owing never greater than \$1,000, without written approval of the trustee or an order of the Court. The debtor may only incur consumer debt secured by personal property, regardless of the amount of debt, with approval of the trustee and/or an order of the Court as described hereafter. Any request to incur debt which requires a plan modification cannot be accomplished through this rule, unless otherwise ordered by the Court.

(2) The debtor may incur consumer debt of the kind and in an amount greater than those specified in paragraph (1) only by either:

(i) submitting to the trustee a request by written application, as described in paragraphs (3) and (4) below, and obtaining the trustee's approval evidenced by an appropriate stipulated/agreed order filed on the Court's docket, or

(ii) if the trustee denies the written request, or the debtor otherwise so desires, filing with the Court a motion containing the information described in paragraphs (3) and (4) below and obtaining an order approving such motion.

(3) The trustee will provide on the trustee's website a prominently featured request form which must be used to request approval to incur consumer debt as set forth herein. Completed request forms must be mailed, emailed, or uploaded to the trustee. Simultaneously, the debtor must complete and file a Notice of Request to Incur Debt in a Chapter 13 Case with the Court using the applicable ECF event. Unrepresented debtors may obtain a Notice of Request to Incur Debt in Chapter 13 Case form on the Court's website which must be completed and filed with the Court.

(4) In the exercise of the trustee's discretion, the trustee may approve or disapprove any request to incur secured or unsecured consumer debt as contemplated by this rule. The following conditions must at a minimum be satisfied with the request:

(i) submission to the trustee of a fully completed request form

described in paragraph (3) above;

(ii) the debtor must be current on plan payments;

(iii) the debtor must have provided to the trustee evidence of income for the most recent 60 days (pay advices or profit and loss statements) and, if the debtor is self-employed, corresponding bank statements evidencing the income shown;

(iv) the debtor must not be in material default under any term of a confirmed chapter 13 plan;

(v) proposed amended schedules I and J must be provided to the trustee with the request and final amended schedules I and J must be filed with the Court no later than fourteen (14) days following entry of the order approving the request; and

(vi) submission to the trustee any other information which the trustee deems necessary to consider the request.

(5) Approval of the request to incur consumer debt shall be evidenced by filing of a stipulated/agreed order which shall be prepared and filed by the trustee no later than seven (7) business days after the debtor places a Notice of Request to Incur Debt in Chapter 13 Case on the Court docket; provided, however, by agreement of the parties the seven (7) day period may be extended dependent upon the circumstances of the request and additional information required by the trustee to evaluate the request. No request to incur debt will be considered approved without the entry of an order on the Court's docket. The stipulated/agreed order must be endorsed by debtor's counsel prior to entry of the order by the Court. If trustee denies the request, the denial shall be entered on the Court docket by the trustee no later than seven (7) business days, or such later time as agreed to by the parties, after the debtor files a Notice of Request to Incur Debt in a Chapter 13 Case on the Court docket. The debtor may then file a motion to incur such consumer debt, which motion shall include at a minimum the information required by the request form referenced in paragraph (3) above. Nothing in this rule shall preclude the debtor from filing a motion for approval to incur consumer debt with the Court without requesting approval from the trustee.

(6) If the debtor seeks approval to incur consumer debt secured by personal property and all or a portion of the purchase price consists of a trade-in of collateral which

is encumbered, a motion for approval to incur such debt must be filed with the Court on notice and a hearing.

(7) If the debtor seeks approval to incur consumer debt secured by personal property and all or a portion of the purchase price consists of a trade-in of collateral which is unencumbered, the trustee may approve such debt through the procedures set forth in paragraphs (4) and (5) above. Depending on the value of the trade-in collateral, the trustee may request debtor to file an amended schedule B and may seek a modification of the plan. In no event shall the trustee's approval of the request to incur debt prejudice the trustee's filing a motion to modify the plan in conjunction with the approval or at a future date.

(8) The debtor shall provide the final transaction agreement or documentation to the trustee within three (3) days of closing of the transaction. If the transaction documentation differs materially from the information provided to the trustee in the request form, the trustee may file a motion to dismiss the debtor's case.

(9) Attorneys' fees in an amount not greater than \$700 shall be allowed as part of the trustee approval process. Attorneys' fees requested in an amount greater than \$700 must be sought by separate application filed with the Court.

RULE 2083-2
PROVISIONS REGARDING USE OF OFFICIAL
CHAPTER 13 PLAN FORM (THE “PLAN”)

(h) Part 3.2: Request for Valuation of Security, Payment of Fully Secured Claims and Modification of Undersecured Claims.

(1) The Plan must designate with the check box in Part 1.1 that Part 3.2 is being utilized.

(2) Each creditor listed in Part 3.2 must be served with the Plan in compliance with Fed. R. Bankr. P. 3012(b) and such service must be evidenced by a separately filed certificate of service. Any Plan amendment or modification negatively affecting a creditor listed in Part 3.2 must similarly be served on such creditor in compliance with Fed. R. Bankr. P. 3012(b) and such service must be evidenced by a separately filed certificate of service.

(3) If the debtor is seeking to value an allegedly wholly unsecured consensual lien against the debtor’s real property, and unless otherwise permitted by the ~~court~~Court, a separate motion or adversary proceeding must be filed prior to the first date fixed for a hearing on confirmation of the Plan. The debtor must comply with all applicable notice, service, and evidentiary requirements to obtain such relief. A separate order must be filed by the debtor if the relief is granted.

(4) Unless an objection is filed to confirmation of the Plan, the ~~court~~Court will fix the value of the collateral consistent with the debtor’s proffer of value in the Plan without further notice or hearing. A nongovernmental entity’s filing of a proof of claim asserting a collateral value higher than the debtor’s proffered value does not constitute an objection to confirmation. The allowed secured claim of such nongovernmental creditor shall be paid the lesser of ~~(a) the value as fixed by an order of the court, (b) the lowest amount of debtor’s proffer~~the following: (a) the largest amount listed in either the “Value of Collateral” or “Amount of Secured Claim” columns listed in Part 3.2 of value or (c) the

plan, or (b) the secured amount asserted by the creditor in the allowed proof of claim, including any subsequent amendments or modifications—approved by court order; provided, however, that if any order of the Court fixes the value of the allowed secured claim, that amount shall be the “Value of Collateral” and the amount of the allowed secured claim to be treated under the plan.

(5) Allowed secured claims filed by a governmental unit shall be paid the secured amount set forth on the proof of claim rather than the debtor’s proffer of value in the Plan. The debtor must comply with Fed. R. Bankr. P. 3012(c) to establish a lesser secured amount of a governmental unit’s claim.

(6) The separately filed certificate of service identified in subparagraph (2) of this subsection is not applicable to any governmental entity creditor or to a creditor which (i) previously withdrew an objection to confirmation based on the debtor’s resolution of the objection or (ii) endorsed an order approving the plan treatment. If there is modification of the plan which impacts a creditor after that creditor withdraws its objection to confirmation or after it endorses an order approving its plan treatment, the requirement to file a separate certificate of service identified in subparagraph (2) shall apply.

RULE 2091-1
DEBTOR'S ATTORNEYS - SCOPE OF REPRESENTATION

(a) **Scope of Representation.** ~~A~~Notwithstanding any agreement between the debtor and debtor's attorney to the contrary, a debtor's attorney must represent and advise the debtor in all aspects of the case, including the § 341 Meeting, motions filed against the debtor, reaffirmation agreements, agreed orders, and other stipulations with creditors or third parties, and post-confirmation matters. The debtor's attorney must also represent the debtor in adversary proceedings filed against the debtor ~~unless, pursuant to this rule,~~until the Court has excused the ~~debtor's~~ attorney ~~from this requirement.~~ ~~The~~obtains an order permitting withdrawal or limiting the scope of representation ~~cannot be modified by agreement. The court may deny fees or otherwise discipline an attorney for violation of this rule.~~under subpart (b) and Local Rule 2091-2.

~~(b)~~ ~~Relief from the Duty to Represent Debtors~~(b) **Withdrawal as Debtor's Attorney in Adversary Proceedings.** If an adversary proceeding is filed against the debtor, the debtor's attorney may move the Court for an order relieving the attorney of the duty to represent the debtor in the adversary proceeding following the procedures set forth in Local Rule 2091-2. The motion shall be filed in the adversary proceeding and not in the main bankruptcy case.

**RULE 4002-1
DUTIES OF DEBTOR**

(a) **Filing of Changes of the Debtor's Address.** The debtor must file and serve on the United States Trustee, and the trustee, if any, every change of the debtor's address until the case is closed or dismissed.

(b) **Information Requested by the Trustee or by the United States Trustee.** In addition to financial information the debtor is required to provide as set forth in Fed. R. Bankr. P. 4002(b), the debtor must produce the following materials or a statement explaining why the debtor cannot provide such materials, no later than 14 days after a written request by the case trustee or United States Trustee:

- (1) bank statements, canceled checks, and checkbooks; and
- (2) any other documents, recorded information, or other information reasonably necessary for the effective administration of the estate.

(c) **Documents Required to be Provided to the United States Trustee.** No later than 14 days after a written request of the United States Trustee, ~~Individual~~ individual chapter 7 debtors whose debts are primarily consumer debts and who are above the applicable State Median Family Income as established by the Census Bureau shall provide to the United States Trustee ~~within 14 days after the petition date~~ a copy of the most recent Federal income tax return and copies of all payments advices for the 6-month period ending on the last day of the calendar month immediately preceding the date of the commencement of the case. If the debtor cannot provide such documents, the debtor must provide a statement to the United States Trustee within the 14-day period explaining why.

(d) **Individual Debtor's Failure to Provide Documentation at or Before the § 341 Meeting.**

(1) In a chapter 13 case, the ~~court~~Court may dismiss a voluntary case, except a case that has been converted from a ~~Chapter~~chapter 7 case to a ~~Chapter~~chapter 13-case, pursuant to the procedures set forth in Local Rule 2083-1(g) if the debtor fails to timely file or provide documents in accordance with Local Rules 1007-1(a)(2), 2083-1(e) and 2083-1(g).

(2) In a case other than one under chapter 13, the ~~court may dismiss a voluntary case, except a case that has been converted from a chapter 11 case to a chapter 7 case, if the debtor fails~~debtor's failure to timely provide any of the following documents may constitute cause for dismissal:

(A) Documents prescribed by and within the time frames set forth in § 521(e)(2)(A);

(B) Documents prescribed by and within the times set forth in Fed. R. Bankr. P. 4002(b); or

(C) Documents prescribed by and within time frames set forth in subsections (b) or (c) of this Local Rule.

~~If the debtor fails to timely provide any of the prescribed documents, the trustee may file a notice of failure to comply and serve it on the debtor and the debtor's attorney. If the debtor fails to comply with subsection (c) the United States Trustee may file a notice of failure to comply and serve it on the debtor and the debtor's attorney. If an objection to the trustee's notice is not filed within 21 days the notice is served, the clerk must enter an order dismissing the case. The objecting party must set a hearing and give notice to parties in interest as provided in Fed. R. Bankr. P. 2002(a)(4). If a hearing on the objection is not held within 42 days after the objection is filed, the clerk must enter the order of dismissal, unless the court orders otherwise. In a chapter 7 case, the objection 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(e) and 727, and the time fixed under Fed. R. Bankr. P. 4003(b)(1) for filing objections to exemptions under § 522(l).~~

(3) — ~~In a joint case where only one debtor meets the requirements of Fed. R. Bankr. P. 4002(b), the non-compliant debtor may be dismissed from the case.~~(e) Nothing in this Rule should be interpreted to alter the Court's powers under § 105 or the Court's inherent powers to take action, including order dismissal of a case.

RULE 5001-1
CLERK'S OFFICE – LOCATION & HOURS

(a) **Office of Record**. The court's ~~court's~~ **Court's** office of record is in the Frank E. Moss United States Courthouse at 350 South Main Street, Salt Lake City, Utah 84101.

(b) **Hours of Business**. Unless the court ~~court~~ **Court** orders otherwise, the clerk's office is open to the public between the hours of 8:00 a.m. and 4:30 p.m. on all days except Saturdays, Sundays, and legal holidays as set forth below:

- New Year's Day, January 1
- Birthday of Martin Luther King, Jr. (Third Monday in January)
- Presidents' Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Juneteenth National Independence Day, June 19**
- Independence Day, July 4
- Pioneer Day, July 24
- Labor Day (First Monday in September)
- Columbus Day (Second Monday in October)
- Veterans' Day, November 11
- Thanksgiving Day (Fourth Thursday in November)
- Christmas Day, December 25

[NEW]

RULE 5005-2
FILING PAPERS - ELECTRONIC FILING

(a) **When Electronic Filing is Required.** Except as provided for herein, all attorneys must file all papers with the Court using the Electronic Case Filing system (“ECF”).

(b) **Eligibility and Registration of ECF Filers and Applicable Rules.** Attorneys admitted to the bar of this ~~court~~Court (including those admitted under Local Rule 2090-1(b)), United States Trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and individuals as the ~~court~~Court deems appropriate, must register as ECF Filers. Entities, such as law firms or corporations, may not be ECF Filers. Registration as an ECF Filer shall be made using the form located on the ~~court's~~Court's website at www.utb.uscourts.gov. The form requires the ECF Filer's name, address, telephone number, electronic address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this ~~court~~Court, or in the case of an attorney admitted under Local Rule 2090-1(b), a copy of the order granting the admission, and the ECF Filer's agreement to comply with the ~~court's~~Court's usage protocols posted on the ~~court's~~Court's website: www.utb.uscourts.gov.

(1) **Waiver and Consent.** Registration as an ECF Filer constitutes: (A) waiver of the right to receive notice by first class mail and consent to receive notice electronically; (B) waiver of the right to service by personal service or first-class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004; and (C) consent to abide by the ~~court's~~Court's posted usage protocols. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(2) **Log-in and Password.** Once registered and training is complete, the ECF Filer will receive notification of a user log-in and password. No ECF Filer or other person may knowingly permit or cause to permit an ECF Filer's password to be used by anyone other than an authorized agent of the ECF Filer.

(3) **Suspension and Termination.** For cause, and without notice and a hearing, the ~~court~~Court may temporarily suspend an ECF Filer from using the Electronic Filing System. After notice and a hearing, the ~~court~~Court may terminate an ECF Filer's use of the Electronic Filing System for cause, including abuse of the Electronic Filing System or

failure to comply with these Local Rules or the Court's posted usage protocols, and impose such sanctions as are appropriate.

(c) **Consequences of Electronic Filing.** The filing of any paper by an ECF Filer, including a petition, pleading, motion, claim or other document, is deemed to be made with the knowledge, consent, and authorization of the ECF Filer whose login is used to file such paper.

(1) **Filing, Entry on the Docket, and Official Record.** Electronic transmission of a document to the Electronic Filing System consistent with these Local Rules, together with the transmission of a Notice of Electronic Filing from the ~~court~~Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the ~~court~~Court, and the filing party is bound by the document as filed, unless the ~~court~~Court orders otherwise. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the ~~court~~Court.

(2) **Deadlines.** Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight ~~local time where the court is located in order~~Mountain Time to be considered timely filed that day.

(d) **Attachments and Exhibits.** ECF Filers must submit in electronic form all documents referenced as exhibits or attachments, unless the ~~court~~Court permits conventional filing. An ECF Filer must submit as exhibits or attachments only those excerpts of the referenced documents that are germane to the matter under consideration by the ~~court~~Court. Excerpted material must be clearly and prominently identified as such. ECF Filers who file excerpts of documents as exhibits or attachments under this ~~rule~~Rule do so without prejudice to their right to timely file additional excerpts or to file the complete document electronically. Responding parties may timely file additional excerpts electronically or complete documents conventionally that they believe are germane.

(e) **Retention Requirements.** Documents that are electronically filed and require original signatures other than that of the ECF Filer must be maintained in paper form by the ECF Filer until one year after the case is closed. On request of the ~~court~~Court, the ECF Filer must provide original documents for review.

(f) **Signatures.** The user log-in and password required to present documents on the Electronic Filing System are the ECF Filer's signature for all purposes, including 18 U.S.C. § 151 *et seq.*, 28 U.S.C. § 1746, all sections of the Bankruptcy Code, Fed. R. Bankr. P. 9011 and all other provisions of the Federal Rules of Bankruptcy Procedure, and the Local Rules. Each document filed electronically must include a caption in compliance with Local Rule 9004-1(a). The name of the ECF Filer under whose log-in and password the document is submitted must be preceded by ~~an~~ a "/s/" (e.g., **John Smith**) and typed in the space where the signature would otherwise appear in the signature block, or by a graphical signature.

(1) **Unauthorized Use.** No ECF Filer or other person may knowingly permit or cause to permit an ECF Filer's password to be used by anyone other than an authorized agent of the ECF Filer.

(2) **Multi-Signature Documents.** Documents requiring signatures of more than one party must be electronically filed either by: (A) submitting a scanned document containing all necessary signatures; (B) representing the consent of the other parties on the document; (C) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by those parties no later than 3 business days after filing the document; or (D) in any other manner approved by the ~~court~~**Court** on a case by case basis.

(3) **Validated Digital Signatures.**

(A) The terms "signed," "signature," "original signature," "executed" and "subscribed by" as used in the Federal Rules of Bankruptcy Procedure, the Local Rules of the District of Utah, these Local Rules, the Bankruptcy Code and/or federal or state law permitting unsworn declarations (e.g., 28 U.S.C. § 1746) shall include a "validated digital signature" generated via a commercially available software product that uses encryption and/or multi-factor authentication to create a secure electronic signature that uniquely identifies the signer and ensures that the signature is authentic and has not been altered or repudiated. Such commercially available software products include, but are not limited to, DocuSign, Adobe Sign, and SignEasy. This Local Rule 5005-2(f)(3) supersedes anything to the contrary set forth in the ECF Procedures Manual for the District of Utah or which otherwise prohibits a document electronically signed with a validated digital signature

documents from being filed or uploaded to CMECF including, but not limited to, ECF Procedures Manual Section (II)(D)(3)(f).

(B) Documents required to be signed under penalty of perjury or requiring similar verification may be signed, executed or subscribed via a validated digital signature as authorized by Local Rule 5005-2(f)(3)(A), including, without limitation, declarations under penalty of perjury, verifications, and proofs of claim.

(4) A signature on a certificate of service may be signed “/s/ [name]” if authorized by the person whose signature appears thereon. The person filing the document or presenting it to the Court need not obtain or retain an original signature of or by the person whose electronic signature appears on certificate of service – neither an original holographic nor a validated digital signature. A signature on a trustee’s bond need not be a holographic signature nor a validated digital signature.

(g) Technical Failures. An ECF Filer or other party whose filing is made untimely as the result of a technical failure by the ~~court~~Court may seek appropriate relief from the ~~court~~Court.

RULE 6070-1
TAX RETURNS AND TAX REFUNDS

(a) **Tax Requirements in Chapter 11, 12 and 13 Cases.** Debtors in possession, chapter 11 trustees, and chapter 12 and 13 debtors, are subject to the requirements and regulations of the Internal Revenue Service and any applicable state or local taxing authority. Debtors who are not required to collect federal taxes as described in subsection (1) below and are not required to collect state and local taxes as described in subsection (2) below are required to comply only with subsection (3) below.

(1) **Federal Taxes.** The debtor, debtor in possession or the case trustee must comply with the Internal Revenue Code and regulations regarding withholding of taxes from the wages of employees, the payment of the employer's FICA and FUTA tax liabilities, the making of deposits of such taxes, and the filing of employment tax returns as well as any excise or income tax returns for which the estate is liable.

(2) **State Taxes.** The debtor, debtor in possession or the case trustee must comply with the laws and regulations of any applicable state or local taxing authority regarding withholding of taxes from the wages of employees; the collection and remittance of other types of tax which the estate is required to collect, deposit with, or remit to any applicable state or local taxing authority; the payment of unemployment insurance contributions to the appropriate state or local taxing authority; and the timely filing of returns accounting for the same.

(3) **Filing and Payment.** The debtor, debtor in possession or case trustee must: (A) timely file any required tax returns with the Internal Revenue Service; (B) timely file any required tax returns with any applicable state or local taxing authority; (C) timely file unemployment insurance contribution reports with applicable state or local authorities; and (D) pay taxes on a current basis. Returns and reports filed with and payments made to the Internal Revenue Service, the Utah State Tax Commission and the Utah Department of Workforce Services should be delivered to the addresses stated in Local Rule 2002-1(h), not to the regular addresses for filing the returns and reports.

(b) **Tax Returns in Chapter 12 Cases.** The chapter 12 debtor must, at least 30 days before the first day required by law for the filing of the debtor's federal tax return(s), forward to

the case trustee a full and complete copy of the federal tax return(s), with all but the last four digits of the Social Security numbers redacted for each preceding year or portion thereof while the case is pending.

(c) **Tax Returns in Chapter 13 Cases.**

(1) A chapter 13 debtor must, no later than the day before the date of the first-scheduled § 341 Meeting, file with the appropriate tax authorities, any and all tax returns required under applicable nonbankruptcy law for all taxable periods ending during the four-year period before the filing of the petition.

(2) A chapter 13 debtor must provide to the trustee, not later than 7 days before the date of the first-scheduled § 341 Meeting, a copy of the Federal and state income tax returns, with all but the last four digits of the Social Security numbers redacted required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal or state income tax return was filed. At the same time, the debtor should also provide attachments or forms relating to nonwage income reported on the Federal tax return including, but not limited to: Schedule 1, Schedule C, Schedule E, Capital Gain Tax Worksheet, Form 1099-DIV, or 1099-INT.

(3) No later than the day before the date of the first-scheduled § 341 Meeting, the debtor must file and serve on the case trustee a declaration regarding tax returns in the form attached hereto as Local Form 6070-1.

(4) The debtor may request from the ~~court~~Court an order extending the time period set forth in this subsection on notice to the case trustee and applicable taxing authority. If the debtor fails to comply with paragraphs (1), (2) or (3) of this subsection in the time period therein or as extended by the ~~court~~Court, the case may be dismissed under the procedures set forth in Local Rule 2083-1(g).

(d) **Modification of the Automatic Stay for Certain Assessments and Refunds of Taxing Entities.** Unless a party in interest objects and the ~~court~~Court orders otherwise, the stay ~~of~~under § 362 is modified to provide for the following assessments and refunds in any case filed in this district. The Internal Revenue Service, Utah Tax Commission, and the Utah Department of Workforce Services are authorized to:

(1) assess tax liabilities reflected on voluntary filed tax returns and tax returns

prepared under authority of applicable statutory provisions; and

(2) make refunds in the ordinary course of business to debtors who have filed cases under chapter 9, 12 or 13, to case trustees appointed in chapter 7 and 11 cases, or, if a case trustee has not been appointed in a chapter 11 case, to the debtor in possession.

[NEW]

**RULE 7004-1
PROCESS; SERVICE OF SUMMONS, COMPLAINT**

In all adversary proceedings asserting a claim against an individual under 11 U.S.C. §§ 523, 544, 547, 548, 549, 550 or 727, the plaintiff shall serve each defendant with the approved form Summons in an Adversary Proceeding and any notices that are affixed to the Summons when issued by the clerk.

RULE 7005-1

FILING OF DISCOVERY MATERIALS

[RULE ELIMINATED]

~~In accordance with Fed. R. Civ. P. 5(d) and Fed. R. Bankr. P. 7005, disclosures under Fed. R. Civ. P. 26(a)(1) or (2) and Fed. R. Bankr. P. 7026, deposition transcripts and the following discovery requests and responses must not be filed until they are used in a case or proceeding or the court orders filing: (1) interrogatories, (2) requests for documents or to permit entry upon land, and (3) requests for admission. A party must file a notice of service of the foregoing materials on opposing parties. Filing the notice of taking deposition required by Fed. R. Bankr. P. 7030 satisfies the requirement of filing a notice of service with respect to depositions. This rule does not preclude the use of discovery materials at a hearing or at trial or as exhibits to motions. Local Rule 9070-1 governs the custody and disposition of discovery materials introduced as trial exhibits. The originals of all discovery items covered by this rule and not filed with the court must be held by the party propounding them as custodian for the court.~~

RULE 9011-2
PARTIES APPEARING WITHOUT AN ATTORNEY

(a) **Attorney Appearance Required.** A corporation, partnership, limited liability company, trust, unincorporated association, or other party which is not an individual may not file a petition or otherwise appear without an attorney in any case or proceeding. On its own initiative, or upon the motion of a party, the ~~court~~**Court** may dismiss a case or proceeding, convert a case, appoint a trustee or examiner, grant judgment by default, strike any pleading, or issue other appropriate sanctions for failure to comply with this ~~rule~~**Rule**.

(b) **Rules and Standards Applicable to Individuals Appearing Without an Attorney.** An individual appearing without an attorney will be expected to be familiar with and must comply with (A) these Local Rules; (B) unless otherwise provided, the Utah Rules of Professional Conduct as revised and amended; (C) appropriate federal rules and statutes that govern the action in which such individual is involved; and (D) the decisions of this ~~court~~**Court** interpreting those rules and standards. Failure to comply with this rule may be grounds for dismissal of a case or proceeding, conversion of a case, appointment of a trustee or examiner, judgment by default, or other appropriate sanctions.

[NEW]

**LOCAL RULE 9011-3
FILER'S REPRESENTATION REGARDING
SIGNATURES PRESENTED TO THE COURT**

In addition to each of the representations contained in Fed. R. Bankr. P. 9011(b), an attorney or other person that files on the Court's docket or presents to the Court a document containing a signature (whether it is a holographic signature or a validated digital signature permitted by Local Rule 5005-2(f)(3)(A)) is certifying, to the best of the person's knowledge, information, and belief formed after an inquiry reasonable under the circumstances, that the signature is authentic and that the document was and is, in fact, subscribed by the persons whose signature appears thereon.

RULE 9013-1
MOTION PRACTICE – MATTERS SET FOR A HEARING

(m)– **Motion to Shorten Time for Expedited Hearing.** ~~A party~~ **A person seeking relief from the Court** may file a ~~motion to shorten time for expedited hearing, which may be granted ex parte for cause.~~ **A party seeking a Motion to Shorten Time for Expedited Hearing, which may be granted ex parte for cause. The movant** must telephone the ~~court~~ **Court** scheduling clerk to obtain a date and time to schedule a hearing on the underlying motion. The notice period may not be less than ten days from the date of the request without permission of the ~~court~~ **Court** for a shorter period. Once a date has been set by the scheduling clerk, the ~~party~~ **movant** must file **with the Court** the following documents ~~on the case docket~~ in the following order:

(1) The underlying motion for which the movant is seeking an expedited hearing;

(2)– A Motion to Shorten Time for Expedited Hearing that states cause as to why the underlying motion should be heard on an expedited basis, and states the proposed time frame for presentment of the motion, the hearing date and time, the objection deadline, and the date of service; and,

(3) A proposed order on the Motion to Shorten Time for Expedited Hearing that includes the hearing date and time, the objection deadline, and the date of service; and,

(4) A Notice of Hearing (Local Form 9013-1) with an objection deadline that expires not less than one business day before the scheduled hearing.

If the Motion to Shorten Time for Expedited Hearing is denied, the ~~party~~ **movant** must serve notice of the underlying motion in accordance with ~~Local Rule 9013-1(d).~~ **Local Rule 9013-1(d).**

(n) Certification Required for Expedited Hearings Set on Less Than 48 Hours' Notice. **Persons filing a Motion to Shorten Time for Expedited Hearing requesting that a hearing on an underlying motion be set on less than 48 hours' notice must serve parties in interest with a Notice of Hearing in the most expeditious manner available, such as service by email, overnight delivery service or hand-delivery. The Motion to Shorten Time for Expedited Hearing must identify the persons to be served with a Notice of Hearing, the method of service on those**

identified, and a certification by movant's counsel that the method of service is the most expeditious manner available to the movant.

[NEW]

**RULE 9036-1
NOTICE AND SERVICE GENERALLY**

The movant must serve the notice of hearing on all parties in interest as required by the Federal Rules of Bankruptcy Procedure and these Local Rules. Notices and other documents governed by Fed. R. Bankr. P. 2002 that are filed with the Court and docketed in a case need not be served by mail on the United States Trustee, chapter 13 trustee, or any other person appearing in the case through ECF. However, in adversary proceedings, service of a summons and complaint must be by mail or as otherwise authorized by Fed. R. Bankr. P. 7004, and service of a subpoena must comply with Fed. R. Bankr. P. 9016. This Rule does not change any requirement to serve a party in addition to counsel under any applicable rule.