

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH**



October 20, 2025

NOTICE TO MEMBERS OF THE BAR AND PUBLIC

Public Comment Opportunity Expires on November 19, 2025, at 5:00 p.m. MT.

PROPOSED AMENDMENTS TO THE LOCAL RULES OF PRACTICE

The Advisory Committee on the Local Rules of Practice for the United States Bankruptcy Court for the District of Utah invites your comments regarding the proposed amendments to the Court's Local Rules of Practice and Forms. The summary that follows was prepared to help the public quickly understand the general amendments. The summary should not be relied on as a substitute for a complete review of each amendment.

Members of the bar and the public are encouraged to make comments on the proposed amendments by:

1. sending an email to utb_local_rules_comments@utb.uscourts.gov; or
2. contacting an Advisory Committee Member (current membership is available at <https://www.utb.uscourts.gov/local-rules-advisory-committee>).

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

(Proposed Effective Date: December 1, 2025)

1. Local Rule 2083-1(e): Documents Provided to the Trustee at or Before the § 341 Meeting

- a. The amendment to subsection (e)(1)(B) changes the requirement to provide a county property tax assessment from the most recent year to the two most recent years. This amendment has been made to assist the trustee in evaluating potential avoidable transfers.

2. Local Rule 2083-1(j): Confirmation

- a. The amendment to subsection (j)(1) creates a requirement that a debtor must respond to a creditor's objection to confirmation based on the value of collateral within 30 days of service of the creditor's objection.
- b. The amendment to subsection (j)(2) requires debtors to submit documents required by the trustee and related to confirmation of the plan to the trustee not later than 4 business days before the confirmation hearing.

3. Local Rule 2083-2(f): Part 1.3 - Required Nonstandard Plan Provisions

- a. Subsection (f)(8) is new. Local Rule 6070-1(c)(3) required a Chapter 13 debtor to file a declaration regarding tax returns. That subsection has been eliminated. Instead, the debtor will be required to include a nonstandard provision treating tax returns in the required nonstandard provisions of their plan.

4. Local Rule 2090-1: Attorneys - Admission to Practice

- a. The amendments to subsection (a) make clear that an attorney must be an active member of the District Court's bar to appear before the Bankruptcy

Court, and must comply with DUCivR 83-1.1 and the Bankruptcy Court's Local Rules.

- b. The title of subsection (b) has been modified. This is not a substantive amendment.
- c. Admission Pro Hac Vice is governed by DUCivR 83-1.1(c). The amendment to subsection (c) makes this clear and eliminates procedures that may be inconsistent with DUCivR 83-1.1(c).
- d. The amendment to subsection (d) makes clear that the rule applies to government attorneys who are appearing in the Bankruptcy Court.
- e. The amendment to subsection (e) is not substantive but rather clarifies and simplifies the rule by referencing DUCivR 83-1.1(d) and Local Rule 5072-1.
- f. The amendment to subsection (f) is not substantive. Rather, it acknowledges the current provision of the DUCivRs applicable to student practice, and clarifies that references in that rule to the District Court and the Clerk of Court are to the Bankruptcy Court and Clerk of Court.

5. **[ELIMINATED] Local Rule 2090-2: Attorneys - Registration**

- a. This rule is eliminated because the registration requirement is included in amended Local Rule 2090-1.

6. **Local Rule 2090-3: Attorneys -Discipline and Disbarment**

- a. The rule is renumbered to Local Rule 2090-2 to reflect the elimination of the current Local Rule 2090-2.
- b. Subsection (a) incorporates the attorney discipline standards and process for disciplinary action set forth in DUCivR 83-1.7.
- c. Subsection (b) makes clear that nothing in the rule affects the Bankruptcy Court's authority to hold an attorney in civil contempt, impose sanctions, suspend or revoke privileges under ECF, make reports under 18 U.S.C. § 3057, or take any other action permitted by law.

7. Local Rule 4001-1: Motions for Relief from the Automatic Stay

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.

8. Local Rule 4001-2: Financing Motions and Orders

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.
- b. The new subsection (b)(1) includes a new requirement to attach a table in the style of new Local Form 4001-2 summarizing the material terms of the financing proposed.

9. Local Rule 4002-1: Debtor's Duties

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable

statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.

- b. Subsections (a) and (b) are new. The amendment to subsection (a) adds a list of Local Rules affecting a debtor's duties by Chapter to assist unrepresented debtors. Subsection (b) makes clear that unrepresented debtors must review and comply with Local Rule 9011-2.

10. [NEW] Local Rule 4007-1: Time for Filing Complaint Under 11 U.S.C. 523(a)(6) on Motion for Hardship Discharge in Chapter 13 Case

- a. This Local Rule is new. It provides procedures to ensure compliance with Fed. R. Bankr. P. 4007(d). Debtors must provide notice of the deadline to file a complaint under 11 U.S.C. § 523(a)(6) when a motion for hardship discharge is filed.

11. Local Rule 5001-1: Clerk's Office - Location and Hours

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.

12. Local Rule 5003-1: The Clerk's Authority

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments

to this Local Rule implement those goals. Restyling is not a substantive change.

13. Local Rule 5003-2: Access to Court Records

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.

14. Local Rule 5005-1: Filing Requirements

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.
- b. The amendment to subsection (b) is not substantive and only removes duplicate information. A filing party must comply with Fed. R. Bank. P. 9037, which already requires redaction of certain material in filed papers.
- c. The provision in subsection (d) dealing with facsimile signatures has been moved to Rule 5005-2(g)(7).

15. Local Rule 5005-2: Filing Papers - Electronic Filing

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted

under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.

- b. A new subsection (e) has been inserted to make clear that each document filed electronically, including exhibits or separately filed attachments, must include a caption. This requirement was previously in former subsection (f).
- c. Content regarding facsimile signatures is moved from Rule 5005-1(d) to subsection (g)(7).

16. Local Rule 5005-3: Filing Papers – Formatting

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.
- b. Subsection (a) is amended in renumbered subsection (a)(2)(A) to reduce the 1-1/2 inch top margin requirement to 1 inch on all documents except proposed orders.

17. Local Rule 5007-1: Record of Proceedings and Transcripts

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.

18. [ELIMINATED] Local Rule 5072-1: Court Decorum

- a. The rule is eliminated.
- b. The content regarding attorney conduct in the courtroom is eliminated from the Local Rules because: (1) the references to physical attributes of courtroom decorum do not apply in videoconference hearings; (2) individual Judges can police such conduct dependent on their preferences; and (3) Judges can include their preferences on these matters in their online procedures or in scheduling orders.
- c. The content governing conduct of unrepresented parties has been moved to Local Rule 9011-2(b).

19. [NEW] Local Rule 5073-1: Photography, Recording Devices, Broadcasting, and Streaming

- a. This rule is new and expressly prohibits the use or operation of any photography, recording, broadcasting, or streaming device in the courtroom or by anyone participating in a hearing remotely, except as otherwise provided by the Judicial Conference of the United States.

20. Local Rule 5080-1: Bankruptcy Court Fees

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.
- b. This rule is amended to reflect the clerk's present practices.
- c. Renumbered subsection (a)(3), states that checks will only be accepted from filing attorneys and case trustees.

- d. Former subsection (b) describing a Dishonored Payments Register is eliminated.
- e. Subsection (b), formerly subsection (c), describing applications to waive the Chapter 7 filing fee, is simplified. Subsection (b)(3) states that if an application to waive the fee is denied, the Court will assign a schedule to pay the filing fee in installments by default. The former rule did not have a default outcome and required a debtor's response to be filed within 14 days.

21. [ELIMINATED] Local Rule 5090-1: Visiting Judges

- a. This rule is eliminated. The Court has determined that it is unnecessary. Visiting Judges typically do not travel for court hearings given videoconferencing technology and can govern procedures through a scheduling order or otherwise.

22. Local Rule 6070-1: Tax Returns and Tax Refunds

- a. Subsection (c)(3) is eliminated. Issues related to tax returns will now be part of the nonstandard provisions of the Chapter 13 plan. See ¶ 3 above, on proposed amendments to Rule 2083-2(f).

23. Local Rule 7016-1: Pretrial Procedures

- a. The rule is amended to: (1) include cross references to the applicable rules; (2) add language making it clear that parties must attend the initial pretrial conference unless it is stricken by the Court; and (3) remove duplicative information regarding the pretrial process.
- b. Amendments to the renumbered subsection (c) are meant to clarify the procedures for expedited trials and to make the use of expedited trials more accessible by increasing the maximum amount in controversy from \$15,000 to \$50,000.

24. Local Rule 7026-1: Discovery – General

- a. Subsection (a) is new in this Local Rule but does not change procedure. It contains content regarding the report of parties' planning meeting that was previously in Local Rule 7016-1.
- b. Amendments to subsections (b) and (c) break requirements into parts for readability.
- c. The comment from 2014 is eliminated as outdated and redundant.

25. Local Rule 7052-1: Findings and Conclusions

- a. The amendments to this rule serve to: (1) specifically outline how findings and conclusions should be provided to the Court; (2) clarify that findings and conclusions are not required in contested matters unless ordered by the Court; and (3) outline procedures applicable to the content of findings and conclusions. Portions of the rule that had outdated modes of transmission have been eliminated.

26. Local Rule 9011-2: Parties Appearing Without an Attorney

- a. The Committee has commenced a restyling project to: (1) restyle the Local Rules to ensure consistency in formatting; (2) align with the principles set forth in *Guidelines for Drafting and Editing Court Rules* written by Bryan A. Garner (2007, ed.); (3) delete provisions of the Local Rules not permitted under Fed. R. Civ. P. 83(a)(1), i.e., the provisions duplicate applicable statutes and rules; and (4) improve clarity and organization. Amendments to this Local Rule implement those goals. Restyling is not a substantive change.
- b. Subsection (b) has been amended to clarify what statutes, rules and standards govern unrepresented parties.
- c. Subsection (c) has been amended to make clear that the Court may on its own initiative or at the request of a party take action when an unrepresented person does not comply with the applicable law.

27. Local Rule 9013-1: Motion Practice - Matters Set for a Hearing

- a. Subsection (a) is amended to clarify the scope of the rule and clarify the definition of the term “motion.”
- b. Subsection (b) is amended to simplify the rule.
- c. Subsection (d) is amended to make it clear that the provisions apply to a response as well as an objection.
- d. Subsection (h) is amended to include a page length for reply memoranda (10 pages).
- e. Former subsection (k) of the rule governing overlength memoranda has been moved to follow subsection (h) dealing with the length of pleadings. There is no substantive change to the rule.
- f. Subsection (l) is amended to clarify that a certificate of service in substantial conformity with Local Form 9013-3 must accompany every document filed with the Court. The amended subsection also sets a deadline of 5 business days to file a certificate of service if it is not attached to a pleading.

28. Local Rule 9019-1: Settlements

- a. The title and certain subsection titles have been modified to delete the reference to adversary proceedings as the rule also applies to settlements of contested matters. Similar changes have been made to subsection (b).
- b. Subsection (a) clarifies that settlements in the rule include settlements between parties who are not case trustees.
- c. Amendments to subsection (c) reflect current law providing that when the Court requires a hearing on a motion to approve a settlement of an adversary proceeding under 11 U.S.C. § 727 it is looking at whether the settlement is in the best interests of creditors and that the settlement otherwise complies with applicable law. *See, e.g., Bank One v. Kallstrom (In re Kallstrom)*, 298 B.R. 753, 757 – 59, 761 (10th Cir. BAP 2003). In *In re Kallstrom*, the Tenth Circuit Bankruptcy Appellate Panel affirmed denial of a motion filed under Fed. R. Bankr. P. 9019 where consideration flowed

only to the settling creditor which threatened loss of the discharge to “extract payment of a dischargeable prepetition debt from the Debtors.” *Id.* at 761. The Court noted that “the legitimacy and integrity of the process requires that the § 727 discharge, a right created by Congress and adjudicated and granted by the federal courts, not be treated as a commodity. *Id.* at 758-59 (citing *U.S. v. Kras*, 409 U.S. 434, 447 (1973)). The Panel concluded that “the discharge ‘is not a proper subject for negotiation and the exchange of a *quid pro quo*’ between a debtor and creditors.” *Id.* at 759 (citing *State Bank of India v. Chalasani (In re Chalasani)*, 92 F.3d 1300, 1310 (2d Cir. 1996); *accord In re Levy*, 127 F.2d 62, 63 (3d Cir. 1942)).

29. Local Rule 9019-2: Mediation and Settlement Conference

- a. The rule is retitled and amended to clarify the Court’s procedure with respect to mediation and settlement conferences.

30. Local Rule 9021-1: Preparation and Submission of Orders and Judgments

- a. Subsection (a) is amended to clarify that an order or judgment must be filed separately and should not be attached to or included in motions or other papers.
- b. Subsection (b) is new. It requires proposed orders or judgments with attachments to be filed as a single combined document and each attachment to be affixed to the order or judgment after the Designation of Parties to be Served with an exhibit cover sheet.
- c. Subsection (c) dealing with Designations of Service contains the content of former subsection (h).
- d. Subsection (e) includes revisions to former subsection (c). Former subsection (c) only applied to settlement agreements. The new provision broadens the scope of the rule to apply to any agreement being approved by the Court. The rule also clarifies that the agreement in question must be affixed to the order or if filed with the Court, expressly identified in the order.

- e. Subsections (f) and (h), former subsections (d) and (f), are amended to make clear that the rule applies to orders and judgments.
- f. Subsection (j), former subsection (i), provides rules on how to present an amended order or judgment.

31. Local Form 2083-1: Verification and Request for Chapter 13 Discharge

- a. The form is amended to address the amendments to Fed. R. Bankr. P. 1007(b)(7) which eliminates the use of Official Form 23 (Debtor's Certification of Debtor Education).

32. Local Form 2090-1-A: Application For Admission Pro Hac Vice

- a. The form is amended to: (1) update the reference of DUCivR 83-1.1(d) to DUCivR 83-1.1(c)(2); (2) remove the reference to the bar examination, as attorneys may be admitted to the Utah State Bar by motion; and (3) include a statement that the applicant has read DUCivR 83-1.1 and will comply with its requirements.
- b. References to fax numbers are deleted as outdated.

33. [NEW] Local Form 4001-2: Key Terms of Motion to Approve the Use of Cash Collateral or Debtor in Possession Financing

- a. This form is new. A chart that substantially conforms to the new form should be attached as an exhibit to motions seeking relief under 11 U.S.C. § 363, Fed. R. Bankr. P. 4001 and Local Rule 4001-2.

34. [ELIMINATED] Local Form 6070-1: Declaration Regarding Tax Returns

- a. The form is eliminated because Local Rule 2083-2(f) is amended to remove the requirement to submit a declaration regarding tax returns in Chapter 13 cases.

35. Local Form 7026-1: Report of Parties' Planning Meeting

- a. The form is substantially revised. Due to the substantial volume and nature of the revisions, a traditional redline of the form is confusing and not

helpful to reflect what is being changed. To assist readers in assessing the changes, the form in its current state is provided in redline and the proposed new form without redlines immediately follows.

- b. The form is renumbered from Local Form 7016-1 to Local Form 7026-1. The Form now properly reflects that it is a form for the Report of Parties Planning meeting held under Fed. R. Civ. P. 26, not Fed. R. Civ. P. 16. Rule 26 sets forth the requirements for the report.
- c. Checkboxes have been inserted in the beginning of the form to alert the Court about the parties' requests to expedite trial, referral to mediation, and requests to strike the initial pretrial conference.
- d. Parties will now be required to affirmatively state that they attended the Rule 26(f) planning conference and counsel will be required to identify who they represent.
- e. References to statements of contested issues and fact and lodging witness and exhibit lists with the Court are removed as these items are generally treated in the context of the final pretrial conference.
- f. Provisions have been added for: (1) disclosure or discovery of electronically stored information; (2) identification and plans for treatment of privileged information; (3) procedures for pretrial motions; (4) requests for a pretrial conference; and (5) information related to protective orders.
- g. Provisions governing non-expert and expert discovery are now broken out in separate paragraphs.

36. Local Form 9013-3: Certificate of Service

- a. The form is amended to provide instructions on how to identify parties on the Certificate of Service when served by electronic notice (CM/ECF). The changes are intended to create a complete record of all parties who actually received electronic service.

RULE 2083-1
CHAPTER 13 – GENERAL

(e) Documents Provided to the Trustee at or Before 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 for each of the two most recent years;

(C) Copies of tax returns required under [Local Rule 6070-1\(c\)\(2\)](#), with all Social Security numbers redacted;

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

(E) Statements for each of the debtor's checking, savings, brokerage, 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

(j) Confirmation.

(1) Objections to Confirmation. Any objection to the original plan must be filed and served not later than 7 days before the date set on Official Form 309I for the plan confirmation hearing. If an amended or modified plan is filed, objections must be filed and served not later than 21 days after service of the plan or notice of such plan. If a creditor files an objection to confirmation relating to the value of collateral, the debtor must respond to that objection within 30 days of service of the objection. All objections to the plan will be heard at the confirmation hearing, unless the court orders otherwise. If the objecting party does not appear at the confirmation hearing, the court may deem the objection to be withdrawn.

(2) Confirmation of the Plan. The debtor bears the burden of proof in establishing compliance with the requirements for confirmation of the debtor's plan, and specifically § 1325. Any bankruptcy papers or amendments relating to confirmation of the plan must be filed with the court not later than four (4) business days before the confirmation hearing. In addition, documents, papers, or other information relating to confirmation of the plan which are required to be submitted to the trustee must be received by the trustee not later than four (4) business days before the confirmation hearing. If bankruptcy papers need to be filed or submitted to the trustee after ~~this~~ these deadlines, counsel should seek a continuance of the confirmation hearing to give all parties an opportunity to review the papers. If the court confirms the plan, the debtor will be deemed to be in compliance with § 521(a)(1)(A).

(3) Confirmation Without a Hearing. If all timely filed objections to confirmation are resolved, the trustee may recommend to the court that the plan be confirmed without a hearing. If the court agrees, the confirmation hearing may

be stricken, an order confirming the plan may be entered, and debtors and debtors' counsel need not appear at the confirmation hearing.

(4) Evidentiary Hearings on Confirmation. If parties intend to put on evidence relating to confirmation of a plan, they should inform the court, the trustee, and any objecting party of such intent and request from the court a separate, evidentiary confirmation hearing.

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

(f) Part 1.3 – Required Nonstandard Plan Provisions.

(1) Adequate Protection Payments. If the debtor seeks to pay Adequate Protection Payments to holders of secured claims, the requirements of [Local Rule 2083-1\(d\)](#) apply.

(2) Applicable Commitment Period. The applicable commitment period for the Plan shall be stated in Part 8.1 of the Plan as a nonstandard provision. The debtor must include a statement indicating if the applicable commitment period of the Plan is 36 or 60 months, as determined by § 1325(b). The number of months listed in Part 2.1 for which the debtor will make regular payments is an estimate only; the applicable commitment period stated in Part 8.1 dictates the term of the Plan. Any below median case may be extended as necessary not to exceed 60 months to complete the Plan payments.

(3) Direct Payment of Claims. If the debtor elects to pay a claim directly and that claim is not one which the Plan allows to be paid directly, the direct payment designation must be made in Part 8.1 of the Plan as a nonstandard provision. For all claims the debtor elects to pay directly, [Local Rule 2083-2\(i\)\(4\)](#) applies.

(4) Third-Party Payment of Claims. If the Plan provides that a nondebtor shall pay a claim directly, the third-party payment designation must be made in Part 8.1 of the Plan as a nonstandard provision. For all claims the Plan provides will be paid by a third-party, [Local Rule 2083-2\(k\)\(1\)](#) may apply. Upon request, the debtor must furnish the name and contact information for the third-party payor.

(5) Lien Avoidance Under § 522(f). If the debtor moves to avoid a lien under § 522(f), [Local Rule 2083-2\(j\)](#) applies.

(6) Interest on Oversecured Claims. If the debtor proposes to pay an oversecured claim a nonstandard rate of interest or interest accruing prior to confirmation of the Plan, such nonstandard treatment must be specifically stated in Part 8.1 of the Plan, including the identity of the secured creditor and the proposed interest rate accrual.

(7) Local Rules are Incorporated. Each Plan shall include the following required nonstandard provision: “The Local Rules of Practice of the United States Bankruptcy Court for the District of Utah are incorporated by reference in the Plan.”

(8) Declaration Regarding Tax Returns. Each plan must include a non-standard provision that the debtor has filed or will file within the time period stated in § 1308(b)(1) tax returns for all taxable periods ending during the four-year period before the filing of the petition.

RULE 2090-1

ATTORNEYS ~~—~~ ADMISSION TO PRACTICE

~~(a)~~ ~~(a)~~ ~~— Bar of the Utah Bankruptcy Court.~~ The bar of ~~this court~~ the United States Bankruptcy Court for the District of Utah (“Bankruptcy Court”) consists of all attorneys admitted to practice in the United States District Court for the District of Utah (“District Court”) under DUCivR 83-1.1. An attorney admitted to the District Court and practicing before the Bankruptcy Court must comply with DUCivR 83-1.1 and be familiar with these Local Rules. An attorney whose membership status with the District Court is not active may not appear before the Bankruptcy Court unless otherwise authorized by these rules. An attorney who is a member of the Utah State Bar, but not a member of the bar of ~~this court~~ the Bankruptcy Court, may not appear before ~~this court.~~ the Bankruptcy Court unless otherwise authorized by these rules.

~~(b)~~ ~~(b)~~ ~~— Participation of an Attorney Admitted to the Local Bar.~~ Participation of an Attorney Admitted to Practice Before the Bankruptcy Court. An attorney admitted to the bar of ~~this court~~ the Bankruptcy Court under DUCivR 83-1.1 must comply with all of the obligations imposed by these Local Rules and other applicable rules and standards, including, without limitation:

~~(1)~~ ~~(1)~~ ~~—~~ The responsibility to be present at all scheduled proceedings in which the attorney intends to participate, including the § 341 Meeting, hearings, pretrial conferences, and trial; and

~~(2)~~ ~~(2)~~ ~~—~~ The responsibility to comply with all applicable rules of ~~this court~~ the Bankruptcy Court, including, without limitation, ~~Local Rule 5005-1~~ Local Rule 5005-1 (Filing Requirements), ~~5005-2~~ 5005-2 (Electronic Filing), and ~~9073-1~~ 9073-1 (Hearings).

(c) ~~(c)~~ — Admission Pro Hac Vice. ~~Attorneys who are not active members of the Utah State Bar~~DUCivR 83-1.1(c) applies to admission pro hac vice before the Bankruptcy Court except the application and the Bar of the United States-related documents shall be filed in the Bankruptcy Court and not the District Court for the District of Utah but who are active members in good standing of the bar of the highest court of another U.S. jurisdiction. All references to the court or of clerk in DUCivR 83-1.1(c) shall refer to the bar of any federal court may be admitted in Bankruptcy Court and the case by order clerk of the court pursuant to the following procedures:(1) Motion for Admission. Applicants must present a written motion for admission pro hac vice made by an active member in good standing of the bar of this court. Local counsel must file a written motion for the applicant's Bankruptcy Court. The notice of admission pro hac vice that substantially complies with Local Form 2090-1. For nonresident applicants, unless otherwise ordered by a judge of this court, such motion muststatus referenced in DUCivR 83-1.1(c)(1)(B)(ii)(a) should be granted only if the applicant associates an active local member of the bar of this court with whom opposing counsel and the court may communicate regarding the case and upon whom papers will be served. Applicants who are new residents, unless otherwise ordered by the court, must state either that (i) they have taken the Utah State Bar examination and are awaiting the results, (ii) that they are scheduled to take the next bar examination; or (iii) they have applied for admission by reciprocitysent to bankruptcy_clerk@utb.uscourts.gov.

(21) Application and Fee. Applicants must complete and attach an application for admission pro hac vice to the Motion for Admission that substantially complies with Local Form 2090-1-A. The Application must include the case caption and number, if any, of all pending cases in ~~this court~~ the Bankruptcy Court in which the applicant is an attorney of record. Applicant must state under penalty of perjury that he/she is a member in good standing of the bar of the highest court of another U.S. jurisdiction or of the bar of any federal court. For nonresident applicants, the name, address, Utah State Bar identification number, telephone number, and written consent of an active local member of ~~this court~~ the Bankruptcy Court's bar to serve as associate counsel must be filed with the application. The application ~~also~~ must be accompanied by payment of the prescribed admission fee.

(32) Compliance with Rules. Attorneys admitted under this rule must comply with all applicable rules of ~~this court~~ the Bankruptcy Court, including, without limitation, ~~Local Rule 5005-1~~ Local Rule 5005-1 (Filing Requirements), ~~5005-2~~ 5005-2 (Electronic Filing) and ~~9073-1~~ 9073-1 (Hearings); and all applicants must also comply with DUCivR 83-1.1(d)(1).

~~(d) (d) — Attorneys for the United States.~~ DUCivR. 83-1.1(b) applies to attorneys representing the United States Government or any agency or instrumentality thereof appearing before the Bankruptcy Court.

~~(e) — Standards of Professional Conduct.~~ All attorneys practicing before this court are governed by and must comply with these Local Rules (including the requirement under Local Rule 5072-1(a) to act in a civil and professional manner) and, unless otherwise provided, with the Utah Rules of Professional Conduct, as revised and amended, and the decisions of this court interpreting those rules and standards.

(e) ~~(f)~~—Applicability of Standards of Professional Conduct and Civility.
DUCivR 83-1.1(d) and Local Rule 5072-1 apply to all attorneys practicing before the
Bankruptcy Court.

(f) **Student Practice.** Any eligible law student, as defined by DUCivR 83-1.~~6(b)~~5,
who desires to enter an appearance in any case or proceeding must follow the
procedures set forth in DUCivR 83-1.~~6(a)-(e)~~5, however, documents shall be filed with
the Bankruptcy Court and not the District Court. References in DUCivR 83-1.5 to the court
shall refer to the Bankruptcy Court and references to the clerk shall refer to the clerk of
Bankruptcy Court. The law student must be familiar with the Bankruptcy Code, the
Federal Rules of Bankruptcy Procedure, and these Local Rules.

~~RULE 2090-2 ATTORNEYS — REGISTRATION~~

~~All members of the bar of this court are required to comply with DUCivR 83-1.2,
and to certify they are familiar with these Local Rules.~~

RULE 2090-~~3.2~~ ATTORNEYS ~~— DISCIPLINE AND DISBARMENT~~

~~Upon motion of a party or on its own initiative, and after a notice and hearing, the court may impose sanctions on an attorney for violation of these Local Rules, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, or other applicable rules. Sanctions may include, but are not limited to, the assessment of costs, attorney's fees, fines, striking pleadings, revocation of ECF Filer privileges, or any combination thereof, against an attorney or a party. A person may also file a complaint under DUCivR 83-1.5(h). The court or a trustee may refer under 18 U.S.C. § 3057 any appropriate matter regarding an attorney's conduct to the United States Attorney's office for action.~~

(a) Attorney Discipline.

Attorney discipline is governed by DUCivR 83-1.7.

(b) Court's Authority.

Nothing in this rule affects the court's authority to:

- hold an attorney in civil contempt;
- impose sanctions, including under DUCivR 1.2;
- suspend or revoke privileges under the electronic case filing system;
- make reports under 18 U.S.C. § 3057; or
- take any other action permitted by law.

~~(a) (a) — Motions for Relief from Stay. A motion for relief from the automatic stay must be filed and served, with a notice of hearing, on the debtor, the debtor's attorney, the trustee, those parties designated in Fed. Motions.~~

~~(1) General. Motions for relief from the automatic stay must state whether relief is sought under subsection (d)(1) or (d)(2) of 11 U.S.C. § 362, or both.~~

~~(2) Motions under 11 U.S.C. § 362(d)(1). Motions alleging cause based on lack of adequate protection must state P. Bankr. P. 4001(a)(1), if applicable, and any co-debtor and co-debtor's attorney. The notice must substantially conform to Official Form 420A and identify the date by which objections must be filed and served. A notice required by this rule may include a statement that the relief requested may be granted without a hearing unless an objection is timely filed. All motions requesting relief from the automatic stay must comply with Local Rule 9013-1 (Motion Practice – Set Hearing) and Local Rule 9004-1 (Caption – Papers, General).(1) — A motion for relief from stay shall plead with specificity the facts supporting basis for the elements of allegation.~~

~~(3) Motions under 11 U.S.C. § 362(d),(2). The movant must make a prima facie case for relief and attach documents claimed to support such relief, including; the following, as necessary:~~

~~(A) — Citation to the specific Bankruptcy Code section(s) under which relief is being sought;~~

~~(B) o Aa description of the collateral for which relief is requested;~~

~~(C) o Proofproof of a legally enforceable debt;~~

~~(D) — If such proof is attached to a previously filed claim, the motion can incorporate by reference the attachment to the proof of claim.~~

- ~~(E)~~ o ~~if~~ the movant is the assignee of the debt, a statement identifying the original creditor and proof of assignment;
- ~~(F)~~ o ~~Proof~~ proof of a perfected security interest, ~~or reference to such proof attached to a filed proof of claim in the collateral~~;
- ~~(G)~~ o ~~The~~ the value of the collateral, and any documents supporting the valuation;
- o ~~The~~ the existence and priority of other liens against the collateral, if known;
- ~~(H)~~ o the total amount owed to the moving creditor; or
- ~~(I)~~ o ~~The~~ the dates, number, and amount of delinquent ~~pre-petition~~ prepetition payments; and.

~~(J)~~ **(b)** ~~The dates~~ Filing and amounts ~~Service of delinquent post-petition payments~~ Motion and Notice.

(1) General. A motion for relief from the automatic stay and a notice of hearing must comply with Fed. R. Bankr. P. 4001(a) and Local Rule 9006-1(b)(2).

(2) Service of Motion. The motion and notice of hearing must be filed with the court and served on the following parties, if applicable:

(A) the parties designated in Fed. R. Bankr. P. (2) State with specificity any alleged lack of adequate protection under § 362(d)(1), such as whether the collateral is insurance, the amount of unpaid taxes, whether the asset is rapidly depreciating and the nature of such depreciation, and the property's value in relationship to the allegation of lack of adequate protection.

(3) As to relief under § 362(d)(2), describe the basis for the allegation that there is not any equity for the debtor by providing the value and its relationship to the amount owed, and describe how the collateral is not necessary for an effective

~~reorganization. Also, provide information regarding the status of other liens and encumbrances, if known.~~

~~(4) As to other “cause” under § 362(d)(1), describe any pertinent information or reasons why relief should be granted.~~

~~(b) **Objections to Motions for Relief from Stay.** 4001(a)(1)(A);~~

~~(B) the debtor;~~

~~(C) the debtor’s attorney;~~

~~(D) the case trustee; and~~

~~(E) any codebtor and codebtor’s attorney.~~

(c) Objection and Reply.

~~(1) **Contents.** An objection to a motion for relief from stay must be filed and served within the response period set forth in Local Rule 9006-1(b)(2). The objection to the automatic stay must admit or deny each factual allegation of the motion. A factual allegation is that is not admitted or denied is deemed admitted for the purpose of the hearing on the motion ~~unless the objecting party denies the factual allegation, or sets forth why the party cannot admit or deny the factual allegation.~~~~

~~(2) **Service.** An objection must be filed with the court and served within the time period in Local Rule 9006-1(b)(2).~~

~~(3) **Reply.** The movant may file with the court and serve on the movant a reply to ~~the response~~ an objection within the time period ~~fixed by~~ Local Rule 9006-1(c) in Local Rule 9006-1(c).~~

(c) ~~Hearings on Motions for Relief from Stay.~~ (d) Hearing.

~~(1) **General.** Hearings on motions for relief from the automatic stay may be set as evidentiary hearings or a time for hearing objections to a motion for relief from stay may be reserved on the court’s law and motion calendar.~~

~~(1) Set Hearing. If the movant obtains from the court a set date for the hearing on its motion for relief from stay in accordance with Local Rule 9013-1, the hearing will be conducted as an evidentiary hearing. Unless otherwise ordered by the Court, the parties should be prepared to present evidence and live testimony at the hearing. The notice of hearing required under subsection (a) should state that the hearing will be an evidentiary hearing. If an objection is not timely filed the moving party may request, and the court may grant, the relief requested without a hearing pursuant to Local Rule 9013-1(f).~~

~~(2) Opportunity for Hearing. If the movant reserves a time for hearing on its motion for relief from stay a preliminary hearing on the court's law and motion calendar in accordance with Local Rule 9013-2, and if an objection is or as an evidentiary hearing.~~

~~(2) Preliminary Hearing.~~

~~(A) Setting a Preliminary Hearing. A movant may reserve time for a preliminary hearing on the court's law and motion calendar pursuant to Local Rule 9013-2. If an objection is timely filed, the initial hearing will be conducted as a preliminary hearing.~~

~~(B) Offer of Proof. At the preliminary hearing ~~detailed offers of proof~~ should be made but no live testimony will be taken. The, the movant must make a detailed offer of proof ~~should~~. The court will take no live testimony. The offer of proof must describe the evidence to be presented, what the evidence tends to show, and identify the grounds for admitting the evidence. If~~

~~(C) Disposition. The court may rule on the motion following the preliminary hearing ~~there appears to be~~ no genuine issues of material fact, exist. If the court may rule on the motion. If parties raise genuine issues of material fact are demonstrated at the~~

preliminary hearing, the court may set the matter for a final hearing, which may be an evidentiary hearing.

(D) Uncontested Motion. If an objection is not timely filed, the moving party may request, and the court may grant, the relief requested without a hearing pursuant to Local Rule 9013-2(f) Local Rule 9013-2(f).

(3) Final Hearing.

(A) Setting a Final Hearing. The movant may set the motion for a final evidentiary hearing by obtaining from the court a set date for the hearing pursuant to Local Rule 9013-1. The notice of hearing must state that the hearing will be an evidentiary hearing.

(B) Evidence. Unless the court orders otherwise, the parties must be prepared to present evidence and live testimony at the hearing.

(C) Uncontested Motion. If an objection is not timely filed, the movant may request, and the court may grant, the relief requested without a hearing pursuant to Local Rule 9013-1(f).

(de) **Waiver of Stay of Order Under Fed. R. Bankr. P. 4001(a)(3).** Requests for Fed. R. Bankr. P. 4001(a)(4).

(1) Motion. A motion requesting a waiver or reduction of the automatic 14-day stay of an order granting a motion for relief from stay shall set forth concisely but with specificity under Fed. R. Bankr. P. 4001(a)(4) must include the basis for the proposed waiver or reduction of the 14-day stay. Failure request. The court may deny the request for failure to state an adequate basis for the waiver of the 14-day stay may result in a denial of such relief even if the motion is otherwise uncontested.

RULE 4001-2 FINANCING MOTIONS AND ORDERS

(a) Motions. ~~Except as provided herein and elsewhere in these~~**Financing Motions.**

~~(1) Generally. This Local Rules, all financing Rule pertains to~~ motions, including requesting Court approval of the use of cash collateral and ~~postpetition~~ financing requests under ~~§§ 363 and 364 (“Financing Motions”) in~~ nonconsumer cases.

(b) Content of Financing Motions~~”), must be heard by motion filed under Fed. R. Bankr. P. 2002, 4001 and 9014.~~

~~(1) Local Rule 4001-2 Disclosure. All Financing Motions must recite whether the proposed order and/or underlying cash collateral stipulation or loan agreement contains any extraordinary relief, including that listed in subsections (a)(1)(A) through (a)(1)(G) below, identify the location of any such provision in the proposed order, cash collateral stipulation and/or loan agreement, and state the justification for the inclusion of such provision:~~

~~(A) (1) Local Form 4001-2. Movants should attach an exhibit in the style of Local Form 4001-2 to their Financing Motion.~~

~~(2) Extraordinary Relief. The following terms, each constituting extraordinary relief, must be clearly identified, if applicable, in a Financing Motion:~~

- ~~(A) Cross-collateralization Provisions. Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (i.e., clauses that secure prepetition debt by postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law);~~
- ~~(B) Binding Lien Statements. Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity,~~

perfection or amount of a secured creditor's prepetition lien or debt or the waiver of claims against the secured creditor without giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if formed, at least 60 days from the date of its formation to investigate such matters;

- (C) Waiver. Provisions that seek to waive, without notice, whatever rights the estate may have under 11 U.S.C. § 552(b);
- (D) Immediate Grant of Liens. Provisions that ~~grant~~ immediately ~~to the prepetition secured creditor grant~~ liens on claims ~~and or proceeds related to~~ causes of action arising under 11 U.S.C. §§ 544_{7i}; 545_{7i}; 547_{7i}; 548_{7i} and 549;
- (E) Special Treatment of Prepetition Creditors. Provisions that deem prepetition ~~secured~~ debt to be postpetition debt or that use postpetition loans from a prepetition ~~secured~~ creditor to pay part or all of that ~~secured~~ creditor's prepetition debt, other than as provided in 11 U.S.C. § 552(b);
- ~~(F) —~~ (F) Disparate Treatment for Retained Professionals. Provisions that provide disparate treatment for professionals retained by a creditors' committee from that provided for professionals retained by the debtor; and
- (G) Nonconsensual Lien Priming. Provisions that prime any secured lien, without the consent of that lienor.

~~(2) — Summary. All Financing Motions must also provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under §§ 363 and 364.~~

~~(b) Interim relief. When Financing Motions are filed with the court on or shortly after the date of the entry of the order for relief, the court may grant interim relief pending review by interested parties of the proposed financing arrangements to avoid immediate and irreparable harm to the estate.~~ **(c) Interim Relief.**

(1) Extraordinary Relief. In the absence of extraordinary circumstances, the court will not approve interim financing orders that include any of the provisions in ~~subsection (a)(1)~~ section (b)(2)(A) through (a)(1b)(2)(G) of this ~~rule.~~ Local Rule.

(ed) Final Orders-Order.

(1) Notice and Hearing. A final order on a ~~motion under subsection (a) of this Local Rule~~ Financing Motion will be entered only after notice and a hearing under Fed. R. Bankr. P. 2002 and 4001 and ~~Local Rule 2002-1.~~ Ordinarily Local Rules 2002-1; 9013-1; and 9036-1.

(2) Timing of Final Hearing. If a committee under 11 U.S.C. § 1102 is appointed, the final hearing ~~should~~ will ordinarily be held at least 14 days ~~following after~~ the organizational committee's initial meeting ~~of the creditors' committee contemplated by § 1102.~~

RULE 4002-1 DEBTOR'S DUTIES ~~OF DEBTOR~~

(a) ~~Filing of Changes of the~~ Relevant Local Rules Affecting Debtor's Duties.

Without limiting any duty in the Bankruptcy Code, the Fed. R. Bankr. P. or any applicable law, the debtor's duties under these Local Rules are set forth in this Rule and as follows:

<u>Chapter 7</u>	<u>Local Rules 1007-1, 2003-1</u>
<u>Chapter 11</u>	<u>Local Rules 1007-1, 2003-1, 2081-1, 3022-1, 3022-2, 6070-1</u>
<u>Chapter 12</u>	<u>Local Rules 1007-1, 2003-1, 2082-1, 6070-1</u>
<u>Chapter 13</u>	<u>Local Rules 1007-1, 2003-1, 2083-1, 6070-1</u>

(b) Pro Se Debtor.

In addition to the duties set forth in this Local Rule, an individual Debtor appearing without counsel must review and comply with Local Rule 9011-2(b).

(c) Debtor's Change of Address.

(1) Filing. The debtor must file and serve with the Court a document identifying a new mailing address if the address changes prior to the case being closed or dismissed.

(2) Service. The change of address document must be served on the United States Trustee, and the case trustee, if any, every change of the debtor's address until the case is closed or dismissed.

(~~bd~~) Information Requested by Requests From the Case Trustee or by the United States Trustee. ~~In addition to financial information the,~~

(1) Applicable to All Debtors. On a written request by the case trustee or the United States Trustee, an individual debtor is required to must 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~~ within 14 days:

(A) financial information described in Fed. R. Bankr. P. 4002(b), (1)

(B) bank statements,

(C) canceled checks, and

(D) checkbooks; and

(2)E) any other documents, recorded information, or other information reasonably necessary for the effective administration of the bankruptcy estate.

~~(c) Documents Required~~ (2) Applicable to ~~be Provided~~ Certain Chapter 7 Debtors.

(A) Scope. This section (b)(2) applies only to ~~the United States Trustee.~~ No later than 14 days after a written request of the United States Trustee, individual chapter Chapter 7 debtors who:

(i) are individuals,

(ii) whose debts are primarily consumer debts, and ~~who are~~

(iii) whose income is above the applicable State Median Family Income ~~as~~ established by the Census Bureau ~~shall.~~

(B) Requests by the United States Trustee. On a written request by the United States Trustee, a debtor specified in section (b)(2)(A) must provide the following materials, or a statement explaining why the debtor cannot provide such materials, to the United States Trustee within 14 days:

(i) a copy of the most recent Federal income tax return, and

(ii) copies of all ~~payments~~ payment advices for the 6-month period ~~ending~~ that ends on the last day of the calendar month immediately ~~preceding~~ before 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. was filed.~~

~~(d)~~ **(e) Dismissing a Case for an Individual Debtor's Failure to Provide Documentation Documents at or Before the § 341 Meeting Meeting of Creditors.**

~~(1)~~ **In a chapter Chapter 13 case, the.**

~~(A) Dismissal. The Court may dismiss a voluntary case, except a Chapter 13 case that has not been converted from Chapter 7 if the debtor fails to file or provide documents in compliance with the following Local Rules:~~

~~(i) 1007-1(a chapter 7 case to chapter 13, pursuant to)(2),~~

~~(ii) 2083-1(e), and~~

~~(iii) 2083-1(g).~~

~~(B) Procedure. Such a dismissal must follow 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). Local Rule 2083-1(g).~~

~~(2)~~ **In Other Chapters. The Court may dismiss a case other than one not under chapter Chapter 13, the debtor's failure if an individual debtor fails to timely provide any of the following documents may constitute cause for dismissal in a timely manner:**

~~(A) Documents prescribed documents required by and 11 U.S.C. § 521(e)(2)(A) within the time frames set forth in § 521(e)(2)(A); therein,~~

~~(B) — Documents prescribed by and within the times set forth in (B)~~
~~_____ documents required by Fed. R. Bankr. P. 4002(b); 4002(b)~~
~~within the time frames set forth therein, or~~

~~(C) — Documents prescribed by and (C) documents required by~~
~~subsection (b) of this Local Rule within the time frames set forth in~~
~~subsections (b) or (c) of this Local Rule therein.~~

~~(e) —~~ **(f) Inherent Powers of the Court.**

Nothing in this Rule should be interpreted to alter the Court's powers under
11 U.S.C. § 105 ~~or,~~ the Court's inherent ~~powers to take action, including order~~
~~dismissal of~~ power to act, or the Court's power to dismiss a case.

**RULE 4007-1 TIME FOR FILING COMPLAINT UNDER 11 U.S.C. § 523(a)(6) ON
MOTION FOR HARDSHIP DISCHARGE IN CHAPTER 13 CASE**

On motion by a debtor for a discharge under 11 U.S.C. § 1328(b), the court must enter an order fixing the time to file a complaint to determine the dischargeability of any debt under 11 U.S.C. § 523(a)(6) and the debtor shall give not less than 30 days' notice of the time fixed to all creditors in the manner provided in Fed. R. Bankr. P. 2002. On motion of any party in interest, filed before the time has expired and after hearing on notice, the court may for cause extend the time fixed under this Local Rule.

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

~~CLERK'S OFFICE – LOCATION & HOURS~~

(a) Office of Record.

The ~~c~~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 ~~c~~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.

(c) Court Holidays.

• ~~—~~ 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); and

•

• → Christmas Day, December 25.

•

RULE 5003-1 THE CLERK'S AUTHORITY

(a) Orders, Judgments, and Other Documents. ~~The clerk may sign his or her name, unless directed by~~

Unless the court directs the clerk to ~~sign or imprint~~affix the court's ~~facsimile~~ signature, the clerk may sign and enter the following without further directive from the court:

- (1) an order entering default for failure to plead or otherwise defend under Fed. R. Bankr. P. 7055;
- (2) a subpoena for ~~a~~an unrepresented party ~~not represented by an attorney~~;
- (3) an order of discharge;
- (4) an order of dismissal, as directed by Local Rules ~~2003-1(a), 2082-1(b), 2083-1(f)~~2003-1(a), 2082-1(b), 2083-1(f), and ~~7041-1, 7041-1,~~ or similar dismissal orders arising from ~~the a debtor's~~ failure ~~of the debtor~~ to respond to a motion to dismiss; and
- (5) ~~any other~~an order or document ~~that does not require approval or order by the court~~ under Fed. R. Civ. P. 77(c)(2).

(b) Court Review of Clerk's Actions.

The court may review, suspend, alter, or rescind the clerk's actions under this Local Rule.

RULE 5003-2

ACCESS TO COURT ~~PAPERS~~RECORDS

(a) Public Access to Court Records. ~~The public~~

(1) Generally. Public court records ~~of the court~~ are available for examination in the clerk's office during ~~the hours of~~ business hours specified in Local Rule 5001-1. Public ~~Local Rule 5001-1.~~

(2) Prohibition of Removal of Court Records. Court records may not be removed from the clerk's office ~~by members of the bar or the public~~ except by order of the court, ~~but.~~

(3) Requesting Copies of and Accessing Court Records.

Upon request and payment, the clerk will ~~make and furnish~~ provide copies of ~~official~~ public court records ~~upon request and upon payment,~~ as ~~required by~~ set forth in the Bankruptcy Court Miscellaneous Fee Schedule or the Electronic Public Access Fee Schedule issued by the Judicial Conference ~~in accordance with 28 U.S.C. § 1930(b).~~ ~~Access to public records is also available through the court's website,~~ www.utb.uscourts.gov, and is available to the public free of charge ~~utilizing access provided in the clerk's office under 28 U.S.C. § 1930(b).~~

(b) Electronic ~~Filing System~~Access to Court Records.

Generally. A person may access ~~case information at the court's website,~~ www.utb.uscourts.gov, by obtaining a PACER log-in and password. A person who ~~has PACER access may retrieve docket sheets and documents.~~ All attorneys admitted to practice before the court ~~must be ECF Filers, unless the court orders~~ otherwise records electronically through the Public Access to Court Electronic Records system ("PACER") at pacer.uscourts.gov.

(c) ~~Filings Under Seal~~Sealed Court Records.

(1) Sealed Papers are Not Public Records. Papers ordered sealed or ~~impounded by the court, or papers~~ subject to a court order under Fed. R.

Bankr. P. 9037(c) or (d), are not public records within the meaning of 11 U.S.C. § 107.

(2) Requesting to File Papers Under Seal.

(A) Motion to File Under Seal. A request to file a document under seal should be made by motion to the court.

(1) — B) Contents of Motion to File Under Seal. A motion to file under seal should ~~be filed setting set~~ forth the basis for relief. If protected materials or information are necessary to support the motion, a declaration describing the material must be filed separately from the motion, using the ECF docket event, “Sealed Document.” The moving party should simultaneously upload a proposed order granting the motion to file under seal.

(2C) Filing Sealed Documents.

(i) ECF Filing. Once an order is entered granting ~~the~~ motion to file under seal, the document(s) to be filed under seal should be filed using the ECF docket event “Sealed Document” ~~which is specifically designated for sealed documents.~~

(ii) Non-ECF Filing. Once an order is entered granting a motion to file under seal, non-ECF users should submit to the ~~Clerk~~ a copy of the order attached to a sealed envelope containing the papers under seal. Unless otherwise ordered, any sealed documents filed ~~in~~ by paper will be scanned and electronically sealed on the docket, then destroyed.

(3) Motion Requesting to Unseal Papers. A motion to unseal a document may be made on any grounds permitted by law and should be served on the party that requested the sealing.

- (4) Viewing of Sealed Documents by Court Personnel. Unless ordered otherwise, ~~Court~~court staff ~~will~~are not ~~be~~ precluded from viewing sealed documents.

RULE 5005-1 FILING REQUIREMENTS

(a) Filing of Papers.

(1) Generally. Unless ordered otherwise, all Electronic Case Filing (“ECF Filers”) filers (as defined in Local Rule 5005-2(b)) ~~Local Rule 5005-2(b))~~ must file all papers ~~required to be filed with the court~~ electronically. ~~Filers who are permitted by these Local Rules to~~

(2) Permitted Paper Filings.

(A) Non-ECF filers must file in paper format ~~should file all pleadings, motions, proposed orders, and other papers~~ documents with the clerk at the office of record in Salt Lake City, defined in Local Rule 5001-1(a), ~~Local Rule 5001-1(a)~~, during the ~~hours of business~~ hours set forth in Local Rule 5001-1(b); ~~provided, however, that when~~ Local Rule 5001-1(b).

(B) When court is in session elsewhere in the district, such papers may be filed with the clerk or with the court at the place where court is being held. ~~In extraordinary circumstances, the court may permit the filing of such papers with a judge or other court officer.~~

(C) In extraordinary circumstances, the court may permit paper filings with a judge or other court officer.

(b) Redaction of Private Information ~~–~~ in Filed Papers.

The filing party is responsible for redacting ~~any~~ confidential information ~~as~~ required by Fed. R. Bankr. ~~ProP.~~ 9037, ~~including all but the last four digits of a debtor’s social security number and financial account numbers.~~

(c) Date-Stamped Copies.

- (1) Procedure for Date-Stamping Filed Papers. A ~~Non~~non-ECF ~~Filer~~filer may, ~~at the time of filing,~~ present to the clerk a copy of ~~the~~a paper to be filed and request the clerk to imprint ~~the clerk's~~a date stamp on the copy, at the time of filing.
- (2) Date Stamps are Evidence of Filing Date. The date-stamped copy is prima facie evidence that the original was filed with the clerk on the date indicated by the clerk's stamp. ~~An electronic receipt produced by CM/ECF is prima facie evidence of electronically filed documents.~~
- (3) Electronic Date Stamps are Evidence of Filing Date. An electronic receipt produced by CM/ECF is prima facie evidence of the filing date for electronically filed documents.

(d) **Facsimile Filing Not Permitted.**

Papers transmitted to the court via facsimile ~~are not acceptable for filing and will not be~~ accepted or docketed, ~~but papers with facsimile signatures may be submitted for filing in accordance with these Local Rules in connection with declarations, affidavits, and verifications. The paper bearing the original signature must be retained by the filer in accordance with these Local Rules.~~

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").~~

Except as provided for herein, all attorneys must file all papers with the court using the Electronic Case Filing system ("ECF").

(b) **ECF Filers Eligibility and Registration.** ~~of ECF Filers and Applicable Rules.~~

~~Attorneys~~

(1) Mandatory Registration. The following must register as ECF Filers:

(A) attorneys admitted to the bar of this ~~Court~~court (including those admitted under ~~Local Rule 2090-1(b))~~, Local Rule 2090-1(b));

(B) United States Trustees and their assistants,~~;~~;

(C) bankruptcy administrators and their assistants,~~private;~~;

(D) case trustees~~;~~; and

(E) individuals as the Court~~court~~ deems appropriate,~~must register as ECF Filers.~~;

(2) Entities Are Ineligible. Entities, such as law firms or corporations, ~~may not~~cannot be ECF Filers.

(3) How to Register for ECF.

(A) Form. 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~~www.utb.uscourts.gov.

(B) Login and Password. Once registered and training is complete, the ECF Filer will receive notification of a user login and password.

(C) Restricted Use of Password. No one, including the ECF Filer, may knowingly permit an ECF Filer's name, address, telephone number, electronic address, and, in the case password to be used by anyone

~~other than an authorized agent of an attorney, a declaration that the attorney is admitted to the bar of this 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 usage protocols posted on the Court's website: www.utb.uscourts.gov. ECF Filer.~~

(14) Waiver and Consent. Registration as an ECF Filer constitutes:

(A) ~~waiver~~ Notice. Waiver of the right to receive notice by first class mail and consent to receive notice electronically;

(B) ~~waiver~~ Service. 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~~ Usage Protocols. Consent to abide by the ~~Court's~~ court's posted usage protocols.

(D) 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.~~ (5) Suspension and Termination.

(A) Temporary Suspension. For cause, and without notice and a hearing, the ~~Court~~ court may temporarily suspend an ECF Filer from using ~~the Electronic Filing System. After ECF.~~

(B) Terminated Use. For cause, and after notice and a hearing, the ~~Court~~ court may terminate an ECF Filer's use of ~~the Electronic Filing~~

~~System for cause, including ECF and impose appropriate sanctions.~~

(C) Cause. Cause under (5) includes abuse of ~~the Electronic Filing System~~ ECF or failure to comply with these Local Rules or the ~~Court's court's~~ posted usage protocols, ~~and impose such sanctions as are appropriate.~~

-(c) Consequences of Electronic Filing.

(1) Knowledge, Consent, and Authorization. The electronic filing of any paper ~~by an ECF Filer, including a petition, pleading, motion, claim or other document,~~ is deemed to be made filed with the knowledge, consent, and authorization of the ECF Filer whose login is used to file such paper.

(12) Filing, and Entry on the Docket, and Official Record. ~~Electronic transmission of Submitting~~ a document to ~~the Electronic Filing System~~ ECF consistent with these Local Rules, together with the transmission of a Notice of Electronic Filing from the ~~Court court,~~ constitutes:

(A) filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules, ~~and constitutes~~

(B) entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

(3) Filing Time. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

(4) Deadlines. Filing a document electronically does not alter the document's filing deadline. Filing must be completed before midnight Mountain Time to be considered timely filed that day.

(5) Official Record. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, ~~and the filing party is bound by the document as filed, unless the 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.~~

- ~~(2) Deadlines. Filing a document electronically does not alter the filing deadline for that document.~~ (6) Binding Effect. The filing party is bound by the document as filed, unless the Court orders otherwise.
- ~~Filing must be completed before midnight Mountain Time to be considered timely filed that day.~~

(d) Attachments and Exhibits.

- (1) Electronic Submission. ECF Filers must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits ~~conventional~~paper filing. ~~An~~
- (2) Limit Submissions to Relevant Excerpts. ECF ~~Filer~~Filers must submit as exhibits or attachments only those excerpts of the referenced documents that are ~~germane~~relevant to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such.
- (3) Additions to Excerpts. ECF Filers who file excerpts of documents as exhibits or attachments under this Rule do so without prejudice to their right to timely file additional excerpts or to file the complete document electronically. ~~Responding parties may timely file additional excerpts electronically or complete documents conventionally that they believe are germane.~~
- (4) Responding to Excerpts. ~~Responding parties may timely file relevant additional excerpts or complete documents either electronically or in paper format.~~

(e) Mandatory Captions.

Each document filed electronically must include a caption in compliance with Local Rule 9004-1(a), including separately filed attachments or exhibits.

(f) Original Document Retention Requirements. ~~Documents~~

(1) Generally. Electronically filed 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, the ECF Filer must provide original documents for review,~~ except as provided in (g)(4)(B) of this Local Rule.

~~(#2)~~ Court Requests. On request of the Court, the ECF Filer must provide original documents for review.

(g) Signatures.

(1) Login and Password as Signature. The user ~~log in~~login and password required to present documents ~~on the Electronic Filing System in ECF~~ 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 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~~ (2) Electronic Signatures. A document may knowingly permit or cause to permit an ECF Filer's password to be submitted using the electronic signature of the ECF Filer whose login is used to submit the document by anyone other than an authorized agent using:

- the name of the ECF Filer, preceded by a "/s/" (e.g., /s/ John Smith); or
- a graphical signature. ~~(2)~~

The signature should be placed in the space where the signature would otherwise appear in the signature block.

(3) Multi-Signature Documents. Documents requiring signatures of more than one party must be electronically filed ~~either by~~ any of the following:

(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 on a case-by-case basis.~~

(3D) in any other manner approved by the Court on a case-by-case basis.

(4) Validated Digital Signatures.

(A) Definition. A “validated digital signature” is an electronic 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. (A) _____

(B) Allowance of Validated Digital Signatures. 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. include a “validated digital signature.” 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)~~ C) Other Rules Superseded.

(i) This Local Rule, 5005-2(g)(3), supersedes anything to the contrary set forth in the ECF Procedures Manual for the District of Utah, including, but not limited to, ECF Procedures Manual Section (II)(D)(3)(f).

(ii) This Local Rule also supersedes anything which otherwise prohibits a document electronically signed with a validated digital signature from being filed or uploaded to ECF.

(D) Signatures Under Penalty of Perjury. Documents ~~required to that~~ must 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(~~fg~~)(3)(~~A~~), ~~including B~~. This includes, without limitation, declarations under penalty of perjury, verifications, and proofs of claim.

~~(4)~~ (5) Certificates of Service.

(A) *Electronic Signature.* A signature on a certificate of service may be signed “/s/ [name]” if authorized by the person whose signature appears thereon.

(B) *No Retention Requirement.* 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.~~

~~(g6)~~ Trustee’s Bond. A signature on a trustee’s bond does not need to be a holographic signature or a validated digital signature.

(7) Facsimile Signatures Permitted. Papers with facsimile signatures may be submitted for filing in accordance with these Local Rules in connection with declarations, affidavits, and verifications. The paper bearing the original signature must be retained by the filer in accordance with these Local Rules.

(h) Technical Failures.

An ECF Filer or other party whose filing is made untimely as the result of a technical failure by the Court may seek appropriate relief from the Court.

RULE 5005-3

FILING PAPERS - ~~SIZE AND FORM OF PAPERS~~ FORMATTING

(a) ~~Size and Margins~~ Formatting.

The following is required for all pleadings, motions, and other electronically filed papers:

(1) Appearance. The appearance of 8-1/2 x 11-inch white paper;

(2) Top Margins.

(A) A top margin of at least 1 inch;

(B) For proposed orders, a top margin of at least 2-1/2 inches on the first page to accommodate the court's signature stamp;

(3) Left-hand Margins. A left-hand margin of at least an inch;

(4) Font Size. Be plainly typed or printed in at least 12-point font;

(5) One-sided. Be printed on only one side of each page;

(6) ~~All pleadings, motions, and other papers electronically filed must have the appearance of 8-1/2 x 11-inch white paper, with a top margin of not less than 1-1/2 inch, a left-hand margin of not less than one inch, and plainly typewritten or printed in not less than 12-point type on only one side of each page. All orders presented for filing must have a top margin of not less than 2-1/2 inches on the first page to accommodate the court's signature stamp.~~

~~(b) Form. Spacing.~~ Originals and copies of all papers must be double-spaced except for quoted material, footnotes, and form documents approved by the court;

(7) Page numbers. -Each page must be numbered consecutively at the bottom of the page;

(8) Variance. -This format may vary to comply with any applicable forms adopted by this court or prescribed by the Judicial Conference of the

United States. Service copies may not be reduced by more than 2 reduced pages per printed side.

(eb) ~~Encouraged and Impermissible Hyperlinks in Papers.~~ Hyperlinks.

(1) Generally. As a convenience to the court, practitioners are encouraged to utilize hyperlinks ~~in a manner consistent with this rule as follows: A hyperlink is a reference within an electronically filed document that permits a user to click on the link so as to be directed to other content.~~ In a PDF document, these can consist of actual links within the document or “Bookmarks” that exist in a side-panel that link to various portions and exhibits in a document. Standard legal citations must still be used so that those who desire to retrieve referenced material may do so without the use of an electronic service.

(12) Encouraged Hyperlinks. The following are encouraged:

(A) *Internal Hyperlinks.* Hyperlinks or Bookmarks to other portions of the same document, such as references to exhibits or testimony, ~~are encouraged.~~

(B) *Government Sites.* Hyperlinks to a government site ~~or to legal authority from a recognized electronic research services, such as Westlaw, Lexis/Nexis, Google Scholar, Casemaker, Fastcase or Findlaw are encouraged.~~

(C) *Legal Authority.* Hyperlinks to legal authority from recognized electronic research services, such as Westlaw, Lexis/Nexis, Google Scholar, Casemaker, Fastcase or Findlaw.

(23) ~~Impermissible All Other Hyperlinks~~ Disallowed. A hyperlink to any other internet resource is not permitted but may be included as a plain text address that can be cut and pasted into an internet browser for viewing.

At times, the better practice may be to attach the referenced information as an exhibit.

(4) Impermissible Content. Parties are responsible for any malicious or inappropriate content contained in ~~such~~ links, hyperlinked or otherwise.

~~At times, the better practice may be to attach the referenced information as an exhibit.~~

RULE 5007-1 _____ RECORD OF PROCEEDINGS AND TRANSCRIPTS

A ~~certified~~ court reporter holding certification from the National Court Reporters Association must certify a sound recording or a transcript of a proceeding, including a ~~§ 341 Meeting~~ meeting of creditors, that is ~~to be~~ filed with or ~~otherwise~~ presented to the court. ~~for any purpose must be certified by a court reporter certified by the National Court Reporters Association.~~

~~RULE 5072-1~~
~~DECORUM~~

~~(a) — Civility. Attorneys and parties should conduct themselves in bankruptcy proceedings, including § 341 Meetings and discovery proceedings, in a civil and professional manner.~~

~~(b) — Courtroom Conduct of Attorneys.~~

~~(1) — Unless the court permits otherwise, only one attorney for each party may examine or cross-examine a witness and not more than two attorneys for each party may argue the merits of the action.~~

~~(2) — To maintain decorum in the courtroom when court is in session, attorneys must abide strictly by the following rules, unless the court permits otherwise:~~

~~(A) — Attorneys must stand when examining and cross-examining witnesses.~~

~~(B) — Attorneys must not address questions or remarks to an opposing attorney without first obtaining permission from the court. Appropriate and quiet informal consultations among attorneys off the record are not precluded if this does not delay or disrupt the progress of the proceedings.~~

~~(C) — The examination and cross-examination of witnesses must be limited to questions addressed to witnesses. Attorneys must not make statements, comments, or remarks prior to asking a question or after a question has been answered.~~

~~(D) — In making an objection, an attorney must state plainly and briefly the specific ground for an objection and must not engage in argument unless requested or permitted by the court.~~

~~(E) — Only 1 attorney for each party may object to the testimony of a witness being questioned by an opposing party. The objection must be made by the attorney who has conducted or is to conduct the examination of the witness.~~

~~(F) — Attorneys must examine a witness from the lectern, unless necessary to approach the witness or the clerk's desk to present or examine an exhibit.~~

~~(c) — Courtroom Argument. The court may determine the length of time and the sequence of final arguments of the parties. The party having the primary burden of proof must open and close the final arguments unless the court directs otherwise.~~

**RULE 5073-1 PHOTOGRAPHY, RECORDING DEVICES, BROADCASTING, AND
STREAMING**

The use or operation of any photography, recording, broadcasting, or streaming device is prohibited inside all courtrooms, except as otherwise provided by the Judicial Conference. This Rule also applies to those participating in a hearing or meeting by telephone, video conference, or other means from outside the courtroom. This Rule does not apply to Court employees or any certified court reporter acting pursuant to their official duties.

RULE 5080-1 BANKRUPTCY COURT FEES

~~BANKRUPTCY COURT FEES — GENERAL~~

(a) Payment of Fees.

(1) Fee Schedule. ~~As authorized by 28 U.S.C. § 1930, the~~ The clerk of the bankruptcy court (hereafter the “clerk”) must collect filing and other fees as set forth in 28 U.S.C. § 1930 and as prescribed by the Judicial Conference of the United States.

(2) Fee Required at Filing Time. The appropriate fee must be submitted with a document when it is filed with the court. ~~All papers filed with the court must be accompanied by the appropriate fee.~~

(3) Acceptable Payment Types. Fees may be paid ~~in~~ by:

- cash;
- credit card;
- a money order;
- a cashier’s check;
- ~~credit card, an~~ electronic funds transfers (hereafter “EFT”) approved by the clerk; ~~or~~
- a check drawn on the account of issued by the filing attorney or case trustee made payable to “Clerk, U.S. Bankruptcy Court.” Other ~~€~~ checks from debtors will not be accepted.

~~(b) Dishonored Payments.~~ ~~If a payor’s check is dishonored, or if a credit card payment or electronic funds transfer that was initially accepted is rejected, the payor’s name will be placed on the court’s dishonored payment register for a period of 3 years. A payor whose name appears on the register will have check, credit card, or electronic funds transfer privileges revoked and must pay all fees in cash, money order, or cashier’s check. The payor will also be~~

~~required to pay the dishonored check fee, or any other related fee authorized by the Judicial Conference of the United States. A payor's name may be removed from the register upon presentation to the clerk of a letter from the drawee bank or credit card provider indicating that the check was dishonored or the credit card payment or electronic funds transfer was rejected due to bank or provider error. Alternatively, a payor's check, credit card, or electronic funds transfer privileges will be reinstated upon posting an appropriate bond with the court. The payor's name will be removed from the court's dishonored payment register after one year of posting bond if the payor has not tendered any checks during that time that have been dishonored and if all credit card payments and electronic funds transfers have cleared.~~

(eb) Application for Waiver of Chapter 7 Filing Fee.

(1) Application. A chapter 7 debtor seeking a fee waiver under 28 U.S.C.

§ 1930(f) must file ~~the a fee waiver using~~ Official Form 103B fee waiver application.

(2) Possible Outcomes. -The court ~~may will~~ grant, deny, or set the fee waiver application for hearing.

(3) Denial. If denied, the court will assign a schedule to pay the filing fee in installments. The debtor may still choose to pay in full or file a motion to reconsider. ~~If the court denies the fee waiver application, notice will be given to the debtor giving the debtor 14 days after the notice is sent to pay the filing fee in full, file an application to pay in installments, or to request a hearing. The clerk will enter an order dismissing the case if the debtor fails to act within the 14 days. If a hearing is requested and granted, the court will schedule a hearing with 14 days' notice to the United States~~

~~Trustee, panel trustee, and the debtor. The clerk will enter an order dismissing the case if the debtor fails to appear at the scheduled hearing. If a hearing is requested and denied, the debtor has 14 days to pay the filing fee in full, file an application to pay in installments, or appeal, or the clerk will enter an order dismissing the case. If an order denying a fee waiver application is appealed and affirmed, the debtor has 14 days to pay the filing fee or file an application to pay in installments, or the clerk will enter an order dismissing the case.~~

~~RULE 5090-1~~
~~VISITING JUDGES~~

~~In all matters assigned to a visiting judge, parties must keep the assigned scheduling clerk informed of developments affecting settlements, postponements, or lengths of time needed before the court. A party must report any developments no later than 7 days before the date the matter is scheduled before the 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.~~

(34) The debtor may request from the 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), or (2) ~~or (3)~~ of this subsection in the time period therein or as extended by the 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 orders otherwise, the stay 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.

**RULE 7016-1
PRETRIAL PROCEDURES**

(a) Initial Pretrial Conference. ~~After the initial appearance of a defendant, the~~
The clerk must notify the parties of the date, time, and place of the initial pretrial
conference required under Fed. R. Civ. P. 16(b), made applicable under Fed. R. Bankr. P.
7016. ~~(b) Parties' Planning Conference. Under Fed. attorneys and unrepresented R.~~
~~Civ. P. 26(f) and Fed. R. Bankr. P. 7026, the parties must confer as soon as practicable and~~
~~prepare a~~ attend the initial pretrial conference unless the court strikes the conference
from its calendar.

(b) Initial Scheduling Order. After the parties file the Report of Parties' Planning
Meeting required under Fed. R. Civ. P. 26(f)(2) - (3), made applicable by Fed. R. Bankr. P.
~~which conforms substantially with Local Form 7016-1 attached to these Local Rules. No~~
~~later than 14 days 7026 and Local Rule 7026-1(a), or after the parties' planning~~
~~conference, the parties are jointly responsible for filing Local Form 7016-1 with the court.~~

~~(c) Scheduling Order.~~ At the conclusion of the initial pretrial conference, the
court will enter an initial scheduling order in accordance with Fed. R. Civ. P. 16(b), made
applicable by Fed. R. Bankr. P. 7016. Included in the scheduling order will be modifications
of discovery requirements as the court deems appropriate. Unless otherwise ordered by
the court, the requirements of the scheduling order, including deadlines, continue in
force until disposition of the proceeding.

(d)c) Expedited Adversary Proceeding. At the initial pretrial conference, if the
amount of the controversy is \$15,000 or less, or by consent of the Trial.

(1) The parties, may request or the court may order that the trial be
scheduled on an expedited basis. The scheduling order will govern the procedure
to be followed before and during if the amount in controversy is \$50,000 or less.
Parties requesting an expedited trial, must make an election in the Report of
Parties Planning Meeting at Local Form 7026-1.

~~(e) **Supplemental Pretrial Conferences.** At the request of a party or on the court's own motion, the court may schedule a supplemental pretrial conference to expedite disposition of the adversary proceeding particularly if it involves complex facts or unusual delay.~~

~~(f) **Attorneys' Conference.** At a time to be fixed~~(2) Unless otherwise ordered by the court during the initial pretrial conference, or, if no time is fixed, at least 14 days prior to the a request for an expedited trial constitutes a stipulation by each of the parties to the following procedures and limitations:

(A) The period to complete fact discovery shall be limited to no more than 120 days from the date of the initial pretrial conference.

(B) Fact discovery shall be limited to:

(i) no more than three (3) deposition hours per side;

(ii) no more than five (5) requests for production or inspection under Fed. R. Civ. P. 34;

(iii) no more than five (5) interrogatories under Fed. R. Civ. P. 34 per side; and

(iv) no more than two (2) requests for admission under Fed. R. Civ. P. 36.

(3) The parties may not file motions for summary judgment, motions for judgment on the pleadings or motions to dismiss for failure to state a claim.

(4) The trial will be to no more than six hours on the record, with each of the parties afforded roughly equal time.

~~(d) **Proposed Final Pretrial Order.** A proposed final pretrial conference, the attorneys for the parties must hold an attorneys' conference to discuss settlement, a proposed pretrial order, stipulated facts, exhibit list, witness list, and other matters that will aid in an expeditious and productive~~ to be considered at a final pretrial conference and the preparation of an accurate, complete, and definitive pretrial order.

~~(g) **Final Pretrial Conference.** The court may schedule a final pretrial conference. The trial attorney must attend the final pretrial conference. Preparation for the final pretrial conference should be in accordance with under Fed. R. Civ. P. 16(e), made applicable by Fed. R. Bankr. P. 7016.~~

~~(h) **Pretrial Order.** At the time ordered by the court, the plaintiff must submit to the court for execution a proposed pretrial order approved by all attorneys. The, must be in a form of the pretrial order should generally conform to the approved form attached as that substantially complies with Local Form 7016-1-A. If the attorneys are unable to agree on a proposed pretrial order, each attorney must state his or her contentions as to the portion of the pretrial order upon which no agreement has been reached. The court will then determine a final form for the pretrial order and advise the parties. Thereafter, the order will control the course of the trial and may not be amended except by consent of the parties and the court or by order of the court to prevent manifest injustice. The pleadings will be deemed merged into the order. The court may dismiss an adversary proceeding if the pretrial order is not filed within the time fixed by the scheduling order. The pretrial order shall not excuse any party or that party's attorney from any of the requirements set forth in any scheduling order.~~

RULE 7026-1
DISCOVERY — GENERAL

~~(a)~~ **Report of Parties' Planning Conference.** At the conclusion of the conference required under Fed. R. Civ. P. 26(f)(1), made applicable by Fed. R. Bankr. P. 7026, and no later than 7 days prior to the initial pretrial conference, the parties are jointly responsible for filing the Report of Parties' Planning Meeting required under Fed. R. Civ. P. 26(f)(2) in a form that substantially complies with Local Form 7026-1.

(b) Attorney Managed Discovery. The court will not entertain any motions related to discovery under Fed. R. Bankr. P. 7026 through 7037 unless the moving attorney has in good faith conferred, or attempted to confer, with the opposing attorney and the parties are unable to reach an agreement on the matters set forth in the motion. The moving attorney must certify in ~~writing, at the time of filing the motion, that he has complied with this requirement and must state the date, time, and place of the conference or attempts to confer, and the names of all participating parties or attorneys. The court may deny the motion if it determines that the moving attorney has not in good faith conferred, or attempted to confer, with the opposing attorney.~~ the motion:

~~(b1)~~ compliance with this Rule;

(2) the date, time, and place of the conference or attempts to confer;

and

(3) the names of all participating parties or attorneys.

(c) Court Managed Discovery.

(1) Limitations on Discovery. Motions to limit discovery under Fed. R. Bankr. Civ. P. 26(b) or (c), made applicable by Fed. R. Bankr. P. 7026 ~~or to compel discovery under Fed. R. Bankr. P. 7037~~ must ~~be accompanied by~~ attach:

(A) a copy of the discovery request, ~~any response to;~~

(B) a statement identifying the relevant portions of the request to

which objection is made;⁷ and

(C) for each objection, a succinct statement summarizing separately for each request and objection, why discovery should be limited and/or any proposed modification.

(2) Compelling Discovery. Motions to compel discovery under Fed. R. Civ. P. 37, made applicable by Fed. R. Bankr. P. ~~or~~ 7037, must attach:

(A) a copy of the discovery request; and

(B) a succinct statement identifying the requests that have not been complied with and why ~~the~~any response received was inadequate.

(ed) Form of Certain Discovery Documents. Parties responding to interrogatories pursuant to Fed. R. Civ. P. 33 and Fed. R. Bankr. P. 7033; requests for production of documents or things pursuant to Fed. R. Civ. P. 34 and Fed. R. Bankr. P. 7034; or requests for admission pursuant to Fed. R. Civ. P. 36 and Fed. R. Bankr. P. 7036 shall repeat in full each such interrogatory or request to which the response is made. The parties also shall number sequentially each interrogatory or request to which response is made.

COMMENT (2014)

~~This rule has been amended to clarify that counsel must in good faith attempt to resolve discovery disputes before filing a motion under Fed. R. Bankr. P. 7026 or 7037. In addition, the moving attorney must certify in writing that he or she has in good faith attempted to resolve discovery disputes. If the moving attorney fails to certify in writing that he or she has in good faith attempted to resolve discovery disputes, or if the Court determines that the moving party has not attempted in good faith to resolve the discovery disputes, the Court may deny the motion. The motion to limit or compel discovery must be accompanied by a copy of the discovery request, any response to the request to which objection is made, and a succinct statement summarizing separately for each request and objection, why discovery should be limited or why the response received was inadequate.~~

RULE 7052-1
FINDINGS AND CONCLUSIONS

(a) Generally. Except as otherwise directed by the court, in all non-jury proceedings, the attorney for each party must prepare and ~~ledge with~~ email to chambers or file, as directed by the court, at least 2 days before trial, proposed findings of fact and conclusions of law consistent with the theory of the submitting party and the facts expected to be proved. This rule does not apply to contested matters governed by Fed. R. Bankr. P. 9014, unless ordered by the court.

(b) Proposed Findings of Fact. Proposed findings of fact must be concise ~~and,~~ direct, recite ultimate rather than mere intermediary evidentiary facts, and be suitable in form and substance for adoption by the court. ~~The court, in its discretion, may require each party within the same time frame to submit proposed findings of fact and conclusions of law electronically by delivery of a CD or similar electronic storage medium.~~ Each finding of fact should be stated separately.

(c) Proposed Conclusions of Law. Proposed conclusions of law must be stated separately from the proposed findings of fact. Conclusions of law must be concise, direct, and be suitable in form and substance for adoption by the court. Each conclusion of law should be stated separately.

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.

(b) Conduct of an Unrepresented Party.

A party proceeding without an attorney (unrepresented party or pro se party) is obligated to comply with:

(1) Title 11 of the United States Code (the Bankruptcy Code);

(2) the Federal Rules of Bankruptcy Procedure;

(3) these Local Rules of Practice;

(4) the Utah Standards of Professionalism and Civility; and

(5) other laws and rules relevant to the action.

(c) Failure to Comply

On its own initiative, or upon the motion of a party, the 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.

~~**(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 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.~~

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

(a) **Scope of Rule.** ~~This rule applies to motions in bankruptcy cases and adversary proceedings. The term “motion” means application, request, objection to claim, or other proceeding in the nature of a motion or contested matter in which a party in interest seeks an order from or determination by the court. Motions for summary judgment are not governed by this rule, but are governed by Local Rule 7056-1. The term “motion” means any request for an order or judgment by the court, including those made in applications and objections to claims or other matters, filed in a bankruptcy case or adversary proceeding.~~ For purposes of this rule, the term “motion” does not refer to a summons, complaint, appeal, motion for summary judgment governed by Local Rule 7056-1, or an ex parte motion.

(b) **Applicability.** ~~In bankruptcy cases and adversary proceedings, whenever the movant seeks an order from or determination by the court and~~ This rule applies when the movant believes the motion will be opposed, ~~the procedures set forth in this rule should be used.~~

(c) **Motions.** The movant must file the motion in compliance with Local Rule 5005-2 within any applicable time limitation, including the time limitations of these rules, unless the court orders otherwise.

(1) **No Separate Supporting Memorandum for a Written Motion.** The motion and any supporting memorandum must be contained in one document, except as otherwise allowed by this rule. The document must include the following:

- (A) an initial separate section stating succinctly the precise relief sought and the specific grounds for the motion; and
- (B) one or more additional sections including a recitation of relevant facts, supporting authority, and argument, and a concise

statement of each basis supporting the motion with citations to applicable and controlling legal authority.

(2) The moving party shall serve the motion on those entities specified in Fed. R. Bankr. P. 9013-~~(b)~~.

(3) Failure to Comply with Requirements for Motions. Failure to comply with the requirements of subsection (c)(1) may result in sanctions, including:

(A) returning the motion to counsel for resubmission in accordance with this rule;

(B) denial of the motion; or

(C) any other sanction deemed appropriate by the court.

(d) Notice of Motion and Hearing. The movant shall obtain and set an appropriate hearing date with the court scheduling clerk. A Notice of Motion and Notice of Hearing shall be filed in original form only together with a certificate of service evidencing compliance with the applicable service requirements. A Notice of Motion and Notice of Hearing shall:

(1) be in substantial conformity with Local Bankruptcy Form 9013-1, Notice of Motion and Notice of Hearing, with alterations as may be appropriate to comply with these Local Rules;

(2) contain a specific statement of the relief requested or action intended in sufficient detail to meaningfully inform the parties of the intended action or relief requested or, if the motion is served with the notice, refer to the motion to describe the relief requested;

(3) set the last date on which an interested party may file ~~an~~ a response or objection to the motion. The identified date must be based on the time period fixed by the Federal Rules of Bankruptcy Procedure or by Local Rule 9006-1(b), as appropriate;

(4) include a statement that the hearing may be stricken and relief

requested may be granted without a hearing unless ~~an~~ a response or objection is timely filed;

(5) include a statement that the ~~objecting~~responding party must attend the hearing and that failure to attend the hearing will be deemed a waiver or the response or objection; and

(6) be served by the movant on the case trustee, debtor, debtor-in-possession, those entities specified in these rules or the Federal Rules of Bankruptcy Procedure, and other parties the court may direct.

(e) Responses to Motions and Reply Memoranda. A party responding to a motion must file its response in compliance with [Local Rule 5005-2](#) by the date identified in the notice.

(1) No Separate Supporting Memorandum for a Response. The response and any supporting memorandum must be contained in one document, except as otherwise allowed by this rule. The document must include one or more sections including a recitation of relevant facts, a concise statement of each basis opposing the motion with citations to applicable and controlling legal authority, and an argument.

(2) Reply Memorandum. A reply memorandum is limited to rebuttal of matters raised in the response.

(3) Limitation on Memoranda Considered. Unless otherwise ordered, the court will consider only motions, responses filed by parties in interest, and reply memoranda filed by the movant(s).

(4) A Motion May Not Be Made in a Response or Reply Memorandum. No motion may be included in a response or reply memorandum. Such a motion must be made in a separate document.

(f) Granting Relief Without a Hearing. If there has been no opposition to the motion filed or served on the movant, the court may, but is not required to, strike the

hearing and grant the relief requested in a motion without a hearing.

(g) **Time for Striking Hearings.** A request to strike a hearing should be made at least two business days prior to the hearing.

(h) **Length of Motion and Response.** ~~A~~ Absent leave of court, (i) a motion other than for summary judgment or a response to a motion other than for summary judgment must not exceed 15 pages, exclusive of face sheet, table of contents, statements of issues and facts, and ~~exhibits~~ exhibit; and (ii) a reply to a response must not exceed 10 pages. The procedure for filing an overlength memorandum is set forth in subsection (k) of this rule.

~~(i)~~ **Overlength Memoranda.** An order of the court must be obtained to file a memorandum that exceeds the page limitations set forth in subsection (h) of this rule. Such a motion may be made to the court ex parte, and must include a statement of why additional pages are needed and the number of pages. The court will approve the request only for good cause shown. Authorized, overlength memoranda must contain the following:

(1) a table of contents, with page references, setting forth the titles or headings of each section and subsection;

(2) a statement of the issues related to the precise relief sought;

(3) a concise statement of facts, with appropriate references to the record, relevant to the issues concerning the precise relief sought;

(4) argument, preceded by a summary, containing the contentions of the party with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes, and parts of the record relied on; and

(5) a short conclusion stating the precise relief sought.

(i) **Citation of Unpublished Decisions.** Unpublished opinions may be cited in a memorandum as authority, but only if they are readily accessible through a recognized publisher of legal opinions such as Westlaw or Lexis. If a case is not reported in the West

Bankruptcy Reporter, reference to the opinion should include the applicable reporting-service citation so the opinion can be quickly accessed by the court and other parties. Opinions that cannot otherwise be cited should be attached as an exhibit to the memorandum.

(j) Citations of Supplemental Authority. When pertinent and significant authorities come to the attention of a party after a memorandum has been filed, or after oral argument but before the court renders a decision, a party may advise the court by letter, with a copy to all parties, setting forth the citations. The letter must, without argument, state the reason for the supplemental citations and include a reference either to the page of the memorandum or to a point argued orally to which the citations pertain. Any response must be promptly made and similarly limited.

~~(k) **Overlength Memoranda.** An order of the court must be obtained to file a memorandum that exceeds the page limitations set forth in subsection (h) of this rule. Such a motion may be made to the court ex parte, and must include a statement of why additional pages are needed and the number of pages. The court will approve the request only for good cause shown. Authorized, overlength memoranda must contain the following:~~

- ~~(1) a table of contents, with page references, setting forth the titles or headings of each section and subsection;~~
- ~~(2) a statement of the issues related to the precise relief sought;~~
- ~~(3) a concise statement of facts, with appropriate references to the record, relevant to the issues concerning the precise relief sought;~~
- ~~(4) argument, preceded by a summary, containing the contentions of the party with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes, and parts of the record relied on; and~~
- ~~(5) a short conclusion stating the precise relief sought.~~

(l) Certificate of Service. Unless otherwise ordered, a party must file by the

court, a certificate of service ~~of a motion or other paper required to be served on other parties. The certificate must be filed with the motion or paper, endorsed upon the motion or paper, or filed separately as soon as possible and in any event before any action based upon the service is requested or taken by the court. The certificate must be~~ in substantial conformity with Local Form 9013-~~3-3~~, must accompany every document filed with the court. The certificate of service may be attached to the pleading or filed separately no later than 5 business days after filing the pleading.

(m) Motion to Shorten Time for Expedited Hearing. A person seeking relief from the Court may file a Motion to Shorten Time for Expedited Hearing, which may be granted ex parte ~~for~~upon a showing of 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 movant must file with the ~~Court~~court the following documents 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 movant must serve notice of the underlying motion in accordance with 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.

RULE 9019-1
SETTLEMENTS-~~OF ADVERSARY PROCEEDINGS~~

(a) **General.** ~~This rule applies to all settlements including settlements between parties who are not case trustees.~~ The parties should file a written notice of settlement agreement not less than 3 business days before a related hearing. Unless good cause is shown, if the parties settle a matter less than 3 business days before a related hearing, the court may assess costs equally to the parties including, court costs, reporter costs, and the judge's travel costs and per diem, if any. The clerk must bill the parties for the assessed costs and monitor the collection of the costs for the court.

(b) **Settlement of ~~Adversary~~ Proceeding with An Evidentiary Hearing or Trial Date.** In ~~an~~ a contested matter or adversary proceeding for which ~~an evidentiary hearing or~~ trial date has been scheduled, the parties must immediately notify the court of any settlement agreement that resolves all or part of the proceeding. Parties who fail to give adequate notice of the cancellation of an evidentiary hearing or a trial date may be assessed costs. Whenever ~~a civil~~ an action scheduled for jury trial is settled or otherwise disposed of by agreement in advance of the trial date, jury costs paid or incurred may be assessed against the parties and their attorneys as directed by the court. Jury costs may include attendance fees, per diem, mileage, and parking. Jury costs will not be assessed if notice of settlement or disposition of the case is given to the ~~Jury Administrator of the District Court Clerk's Office~~ courtroom deputy at least one full business day prior to the scheduled trial date.

(c) **Settlement of § 727 Adversary Proceeding.** If a plaintiff seeks to settle an adversary proceeding that includes a claim for relief under one or more of the provisions of § 727(a), the motion to approve the settlement must be served on all parties in interest. If the proposed settlement includes dismissal of the complaint objecting to a debtor's discharge under § 727, the motion to approve the settlement must follow the

requirements set forth in Local Rule 7041-1(a). Even in the absence of objections, the Court may require a hearing on the motion to determine that it is in the best interest of all creditors- and otherwise complies with applicable law.

RULE 9019-2
~~ALTERNATIVE DISPUTE RESOLUTION~~

MEDIATION AND SETTLEMENT CONFERENCE

~~Upon agreement and motion of all parties, the~~ The court may refer an adversary proceeding ~~to the Alternative Dispute Resolution Program ("ADR Program") for or contested matter to~~ mediation ~~under DUCivR 16-2. The motion~~ or a judicial settlement conference. Parties may be made request a referral to mediation or a judicial settlement conference at the preliminary hearing, initial pretrial conference, ~~or at any other time by motion.~~ An adversary proceeding or contested matter referred to ~~the ADR Program~~ mediation or a judicial settlement conference will remain under the jurisdiction of the referring court for all purposes, including the entry of any order granting a motion to approve a stipulation or settlement agreement resolving the adversary proceeding or contested matter, dismissing the adversary proceeding or contested matter, or withdrawing the referral to ~~the ADR Program~~ mediation or a judicial settlement conference. DUCivR 16-2 applies to judicial settlement conferences in bankruptcy matters but references in that rule to the judge should be read as references to the bankruptcy judge.

RULE 9021-1
PREPARATION AND SUBMISSION OF ~~JUDGMENT OR ORDER~~
ORDERS AND JUDGMENTS

(a) **Separate Document Requirement.** Proposed orders and judgments must be filed with the court as ~~a~~ separate ~~document~~documents and ECF ~~event and note~~events. Unless otherwise required by these rules or the court, an order or judgment should not be attached to or included in motions or other papers filed with the court.

(b) **Attachments.** Proposed orders or judgments with attachments should be filed as a single combined document. Each attachment must be affixed to the order or judgment after the Designation of Service with an exhibit cover sheet and the exhibit must be identified in the order or judgment

(c) **Designation of Parties to Receive Notice of Order or Judgment.** A Designation of Parties to Receive Notice of Court Order that substantially conforms to Local Form 9021-1 and gives notice as set forth in Fed. R. Bankr. P. ~~(b)~~ 9022(a)(1) must be attached to every order and judgment filed with the court.

(d) **Form of Orders.** Unless directed by the court, orders should not contain specific findings and conclusions but should simply state that the court's findings or conclusions were made on the record. Orders should contain a detailed statement of the specific relief being granted by the order. Bald statements such as "the motion is granted," without subsequent detail, should not be used.

(~~ee~~) **Orders Approving ~~Settlements~~an Agreement.** An order approving ~~a settlement,~~an agreement, including a settlement agreement, compromise, purchase contract, or ~~compromise~~any other agreement, should attach a copy of the same as an exhibit to the order: as required under subsection (b) of this rule. In the alternative, the agreement should be filed with the court and the order should reference the agreement by docket number ~~the specific settlement, agreement, contract, or compromise being approved.~~

(~~df~~) **Margins.** Proposed orders and judgment should comply with Local Rule

5005-3 (Filing Papers – Size and Form of Papers), but must instead have a top margin of 2.5 inches to accommodate the court’s electronic signature stamp. Failure to comply with this requirement will likely result in the ~~rejection of the~~ proposed order or judgment being unsigned by the court.

(eg) Review and Approval Procedures.

(1) Preparation, Service, and Approval. Unless otherwise provided herein or directed by the court, each proposed order and judgment should be prepared and filed by the attorney for the prevailing party. Objections to the proposed order or judgment must be filed within 7 days from the date the proposed order or judgment is filed.

(2) Uncontested Matters and Orders Submitted in Open Court. Unless otherwise directed by the court, the requirements set forth in subsection (1) do not apply to

(A) any proposed order or judgment on a matter that is uncontested~~ed~~ or

(B) any proposed order or judgment submitted in open court at the time of the hearing on the matter to which the proposed order or judgment applies.

(fh) Entry of ~~Court Orders~~ and Judgments. An ECF Filer submitting a document electronically that requires a judge’s signature must promptly deliver the document in such form as the court requires. All orders, decrees, judgments, and proceedings of the court, including orders submitted in open court, will be filed in accordance with these Local Rules, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021. All signed orders and judgments will be filed electronically by the court or court personnel. Any order or judgment that has been electronically signed by a judge has the same force and effect as if the judge had affixed the judge’s signature to a paper copy of the order or judgment and it had been entered on the docket in a

conventional manner.

(gi) Judgment Based Upon a Written Instrument. Unless otherwise ordered by the court, a judgment based upon a written instrument must be accompanied by the original instrument or a certified copy which must be filed as an exhibit in the case or proceeding at the time judgment is entered. The instrument must be marked as having been merged into the judgment and show the docket number of the case or proceeding. The instrument may be returned to the party filing it upon order of court only as in the case of other exhibits.

~~**(h) Designation of Parties to Receive Notice of Order.** A party filing a proposed judgment or order shall also attach to the order a designation of parties to receive notice pursuant to Fed. R. Bankr. P. 9022(a) for use by the clerk. The designation must be in substantial conformity with, Local Form 9021-1.~~

(j)(i) Amended Orders and Judgments. An order or judgment presented to the ~~Court~~court that amends a previously-entered order ~~shall~~or judgment shall (i) state in the title to the document that it is an “amended” order or judgment, and (ii) conspicuously identify the added text by underlining, bolding, or using a red font. If text is deleted from the original order, it shall likewise be conspicuously identified by striking through such text. An explanation for the addition and/or removal of text from the original order shall be included in ~~the introductory language of the order or set forth in the~~a motion for the entry of the amended order or judgment.

Submitting Attorney (Utah State Bar No.)
Address
Telephone No.
Facsimile No. (Optional)
E-Mail Address (Recommended)
Attorney for

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

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

VERIFICATION AND REQUEST FOR CHAPTER 13 DISCHARGE

The Debtor(s), in the above-captioned case, being duly sworn, state as follows:

1. The Chapter 13 Trustee has issued a Notice of Completion of Plan Payments and the Debtors hereby request the court to enter a discharge in this case.
2. The Debtors(s) or the approved provider has~~ve~~ filed with the Bankruptcy Court a Certification of Debtor Education. ~~Official Form 23 (Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management).~~
3. ☐ A. I/We have not been required by a judicial or administrative order, or by statute to pay any domestic support obligation as defined in 11 U.S.C. §101(14A) either before this bankruptcy was filed or at any time after the filing of this bankruptcy.

OR

3. ☐ B. I/We certify that prior to the date of this affidavit I/We have paid all amounts due under any domestic support obligation (as defined in 11 U.S.C. §101(14A)) required by a judicial or administrative order, or by statute including amounts due before this bankruptcy was filed, to the extent provided for by the plan. The name and address of each holder of a domestic support obligation are as follows:

Name:

Address:

Address:

[Note: If “3.B” is applicable, all information required in questions B.1 through 3 below must also be provided]

B.1. My/Our most recent address is as follows:

Address:

Address:

B.2. The name and address of my/our most recent employer(s) is as follows:

Name:

Address:

Address:

B.3. The following creditors hold a claim that is not discharged under 11 U.S.C. § 523(a)(2) or (a)(4), or a claim that was reaffirmed under 11 U.S.C. § 524(c):

Name:

Name:

4. ☐ I/We have not received a discharge in a Chapter 7, 11 or 12 bankruptcy case filed within 4 years prior to filing this Chapter 13 bankruptcy.

5. ☐ I/We have not received a discharge in another Chapter 13 bankruptcy case filed within 2 years prior to filing this Chapter 13 bankruptcy case.

6. ☒ A. I/We did not have either at the time of filing this bankruptcy or at the present time, equity in excess of \$160,375.00 for cases filed on or after April 1, 2016 * in the type of property described in 11 U.S.C. § 522(p)(1) [generally the debtor's homestead]

OR

☐ B. There is not currently pending any proceeding in which I [in an individual case] or either of us [in a joint case] may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522 (q)(1)(B).

Debtor's Signature

Joint Debtor's Signature

NOTICE OF DEADLINE TO OBJECT

Any objection to this verification and the entry of a discharge for the above-named debtor(s) must be filed within 21 days after the service date set forth below. If no objection is filed, the court may enter a discharge pursuant to 11 U.S.C. § 1328(a) without further notice or hearing.

CERTIFICATE OF SERVICE *(Attach Local Form 9013-3)*

* Amounts are subject to adjustment next on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

APPLICATION FOR ADMISSION PRO HAC VICE

Applicant, _____, hereby requests permission to appear pro hac vice in the subject case. Applicant states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is ☐ (i) a non-resident of the state of Utah or, ☐ (ii) a new resident who has applied for admission to the Utah State Bar ~~and will take the bar examination at the next scheduled date~~; and, under DUCivR 83-1.1~~(d)~~(c)(2) and Local Rule 2090-1, has associated local counsel in this case. Applicant's address, office telephone, ~~fax number~~, e-mail address and the courts to which admitted, and the respective dates of admission are provided as required. ~~Applicant has read DUCivR 83-1.1 and will comply with its requirements.~~

Applicant designates _____ as
[check one]: ☐ lead counsel; ☐ associate local counsel.

Dated:

/s/

(Signature of Applicant)

**KEY TERMS OF MOTION TO APPROVE THE USE OF
CASH COLLATERAL OR DEBTOR IN POSSESSION FINANCING¹**

<u>FINANCING TERM AND SUPPORTING LEGAL AUTHORITY:</u>	<u>IMPLEMENTATION OF TERM IN FINANCING MOTION:</u>
<u>BORROWERS:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>GUARANTORS:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>DIP LENDER:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>DIP FACILITY:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>AVAILABILITY:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>CLOSING DATE:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>MATURITY DATE:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>USE OF PROCEEDS:</u> Fed. R. Bankr. P. 4001(b)(1)(B)(ii), - (b)(1)(B)(iii), -(b)(1)(B)(iv)	
<u>BUDGET SUMMARY:</u> Fed. R. Bankr. P. 4001(b)(1)(B)(ii)	
<u>INTEREST RATE:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>FEES:</u> Fed. R. Bankr. P. 4001(b)(1)(B)(ii), -(c)(1)(B)	
<u>CARVE OUT(S):</u> Fed. R. Bankr. P. 4001(c)(1)(B)	

¹ Practitioners should not use this table to re-argue the substance of their Financing Motion. Rather, this table should be used to present the court with an efficient and easily understandable summary of the Financing Motion's material terms required under Fed. R. Bankr. P. 4001(b)(1)(B) and (c)(1)(B)

<u>DIP LIENS:</u> Fed. R. Bankr. P. 4001(c)(1)(B)(i), - (c)(1)(B)(vii), -(c)(1)(B)(x)	
<u>ADEQUATE PROTECTION:</u> Fed. R. Bankr. P. 4001(b)(1)(B)(iv), - (c)(1)(B)(i), -(c)(1)(B)(ii), -(d)(1)(A)(i)	
<u>PRIORITY:</u> Fed. R. Bankr. P. 4001(c)(1)(B)(i), - (c)(1)(B)(ii)	
<u>FINANCIAL REPORTING:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>AFFIRMATIVE AND NEGATIVE COVENANTS:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>REPRESENTATIONS AND WARRANTIES:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>EVENTS OF DEFAULT:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>CONDITIONS PRECEDENT:</u> Fed. R. Bankr. P. 4001(c)(1)(b)	
<u>CONDITIONS TO EACH EXTENSION OF CREDIT:</u> Fed. R. Bankr. P. 4001(c)(1)(B)	
<u>INDEMNIFICATION AND RELEASE:</u> Fed. R. Bankr. P. 4001(c)(1)(B)(viii), - (c)(1)(B)(ix)	
<u>LIFT OF AUTOMATIC STAY:</u> Fed. R. Bankr. P. 4001(c)(1)(B)(iv)	
<u>PLAN FILING DEADLINE:</u> Fed. R. Bankr. P. 4001(c)(1)(B)(vi)	

~~Submitting Attorney (Utah State Bar No.)
Address
Telephone No.
Facsimile No. (Optional)
E-Mail Address (Recommended)
Attorney for~~

~~IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH~~

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

~~DECLARATION REGARDING TAX RETURNS~~

~~1. I/we, the undersigned debtor(s), declare under penalty of perjury that either: (check one)~~

~~☐ a. All federal and state tax returns for taxable periods ending during the four year period before the filing of the petition have been filed.~~

~~OR~~

~~☐ b. The following tax returns for taxable periods ending during the four year period before the filing of the petition have not been filed.~~

Taxing Agency	Type of Tax Return	Tax Years

~~2. ——— Complete for any tax return filed after the filing of the bankruptcy petition.~~

~~On or before [————], the above-named debtor(s) delivered the following copies of tax returns to the Insolvency Unit of the Internal Revenue Service and/or the Bankruptcy Unit of the Utah State Tax Commission and that such returns disclosed the following liabilities and/or refunds:~~

Federal or State	Tax Year	Type of Tax/Form No.	Tax Liability	Tax Refund

~~3. I/we acknowledge that the court will not confirm any Chapter 13 Plan and the case may be dismissed at or before the confirmation hearing unless all tax returns have been filed.~~

~~4. I/we further acknowledge that I/we will file and serve on the trustee an amended declaration if further required tax returns are filed with the taxing authorities after the date indicated in paragraph 1 above.~~

DATED this _____ day of _____, 20____.

Debtor

Debtor

Debtor(s)' Counsel

Debtor's Counsel Address and Telephone
Number

~~Submitting Attorney (Utah State Bar No.)
Address
Telephone No.
Facsimile No. (Optional)
E-Mail Address (Recommended)
Attorney for~~

~~UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH~~

In re: Debtor(s):	Bankruptcy No. Chapter
Plaintiff(s), v. Defendant(s):	Adversary Proceeding No. Hon. (Judge's Name)
REPORT OF PARTIES' PLANNING MEETING	

~~1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on (date) at (place) and was attended by:~~

~~(name) for plaintiff(s) (party name)~~

~~(name) for plaintiff(s) (party name)~~

~~(name) for plaintiff(s) (party name)~~

~~2. Pre-Discovery Disclosures. The parties [have exchanged] [will exchange by (date)] the information required by Fed. R. Civ. P. 26(a)(1) and Local Rule 7016-1.~~

~~3. Discovery Plan. The parties jointly propose to the court the following discovery plan: [Use separate paragraphs or subparagraphs as necessary if parties disagree.]~~

- ~~a. Discovery will be needed on the following subjects: [brief description of discovery subjects].~~
 - ~~b. Disclosure or discovery of electronically stored information should be handled as follows: [brief description of parties' proposals].~~
 - ~~c. The parties have agreed to an order regarding claims of privilege or of protection as trial preparation material asserted after production, as follows: [brief description of provisions of proposed order].~~
 - ~~d. All discovery commenced in time to be completed by [enter date]. Discovery on [describe issue for early discovery] to be completed by [enter date].~~
 - ~~e. Maximum of _____ interrogatories by each party to any other party. [Responses due _____ days after service.]~~
 - ~~f. Maximum of _____ requests for admission by each party to any other party. [Response due _____ days after service.]~~
 - ~~g. Maximum of _____ depositions by plaintiff(s) and _____ by defendant(s).~~
 - ~~h. Each deposition [other than of _____] limited to maximum of _____ hours unless extended by agreement of parties.~~
 - ~~i. Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by [enter date].

from defendant(s) by [enter date].

Supplementations under Rule 26(c) due _____ (time(s) or interval(s)).~~
- ~~4. Other Items. [Use separate paragraphs or subparagraphs as necessary if parties disagree.]~~

- a. ~~The parties [request] [do not request] a conference with the court before entry of the scheduling order.~~
- b. ~~The parties request a pretrial conference in [enter month and year].~~
- c. ~~Plaintiff(s) should be allowed until [enter date] to join additional parties and until [enter date] to amend the pleadings.~~
- d. ~~Defendant(s) should be allowed until [enter date] to join additional parties and until [enter date] to amend the pleadings.~~
- e. ~~All potentially dispositive motions should be filed by [enter date].~~
- f. ~~Settlement [is likely] [is unlikely] [cannot be evaluated prior to [enter date]] [may be enhanced by use of the following alternative dispute resolution procedure: [enter procedure].~~
- g. ~~Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from plaintiff(s) by [enter date] from defendant(s) by [enter date]~~
- h. ~~Parties should have _____ days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).~~
- i. ~~The case should be ready for trial by [enter date] [and at this time is expected to take approximately [enter length of time].~~

5. ~~[Other matters.]~~

Date: _____

Report of Parties' Planning Meeting - Local Form 7026-1

Submitting Attorney (Utah State Bar No.)

Address

Telephone No.

Facsimile No. (Optional)

E-Mail Address (Recommended)

Attorney for

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

<p>In re:</p> <p style="text-align: center;">Debtor(s).</p>	<p>Bankruptcy No.</p> <p>Chapter</p> <p>Adversary Proceeding No.</p> <p>Hon. [<i>insert name</i>]</p>
<p style="text-align: center;">Plaintiff(s),</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">Defendant(s).</p>	
REPORT OF PARTIES' PLANNING MEETING	

☐ **Request for Expedited Trial Procedure.** Pursuant to Fed. R. Civ. P. 26(f)(4), made applicable by Fed. R. Bankr. P. 7026, and Local Rule 7016-1, the parties agree that this adversary proceeding may be conducted on an expedited basis as reflected by the information provided in this Report. The parties request that the court enter a scheduling order accordingly. Unless otherwise ordered by the court, a request for expedited trial procedures constitutes consent by each of the parties to the procedures and limits described in Local Rule 7016-1(c).

☐ **Request for Referral to Mediation.** Alternative dispute resolution allowed under Local Rule 9019-2 may be helpful to the parties at this time and request that the court enter an order referring the adversary proceeding to mediation and continuing the initial pretrial conference to a date certain after the date for mediation is set. *The right to request mediation at a later time is not waived if this box is not checked.*

☐ **Request to Strike Initial Pretrial Conference.** The parties do not believe conducting the scheduled initial pretrial conference is necessary prior to the court entering a scheduling order because they have no disputes concerning the content of this Report. The parties understand that even if this box is checked the court may decide to conduct the scheduled initial pretrial conference and, if not stricken from the court's calendar, they must appear.¹

1. Planning Conference. Pursuant to Fed. R. Civ. P. 26(f), made applicable by Fed. Bankr. R. 7026, and Local Rule 7026-1(a), a meeting was held on *[insert date]* and was attended by:

[name, firm], for plaintiff(s) *[list name(s) of those represented]*

[name, firm], for defendant(s) *[list name(s) of those represented]*

2. Initial Disclosures. The parties *[have exchanged]* *[will exchange by (date)]* the information required by Fed. R. Civ. P. 26(a)(1), made applicable by Fed. R. Bankr. P. 7026.

3. Discovery Plan. The parties jointly propose to the court the following discovery plan: *[Use separate paragraphs or subparagraphs as necessary if parties disagree]*.

¹ If the parties request this adversary proceeding be conducted on an expedited basis, the initial pretrial conference must be held unless otherwise ordered by the court.

- a. Discovery will be needed on the following subjects: [*Brief description of discovery subjects*].
- b. Disclosure or discovery of electronically stored information should be handled as follows: [*Brief description of parties' proposals*].
- c. The parties anticipate issues regarding claims of privilege or of protection as trial preparation material asserted after production, and have agreed to a plan to address these issues as follows: [*Brief description of provisions of proposed plan*].
- d. Non-Expert Discovery.²
 - i. Discovery must be commenced in time to be completed by [*enter date*].
 - ii. Maximum of ____ written interrogatories under Fed. R. Civ. P. 33, made applicable by Fed. R. Bankr. P. 7033, by each party to any other party.
 - iii. Maximum of ____ written requests for admission under Fed. R. Civ. P. 36, made applicable by Fed. R. Bankr. P. 7036, by each party to any other party.
 - iv. Maximum of ____ depositions by plaintiff(s) and ____ by defendant(s).
 - v. Each oral deposition limited to maximum of ____ hours, unless extended by agreement of parties.
 - vi. The parties understand that disclosures and discovery responses must be supplemented in accordance with Fed. R. Civ. P. 26(e)(1),

² If the parties request this adversary proceeding be conducted on an expedited basis, the parties should include any agreement shortening discovery responses.

made applicable by Fed. R. Bankr. P. 7026, and the parties agree that supplements shall be made no later than ____ days from the date a need to supplement is discovered.

e. Expert Discovery.

- i. All expert discovery commenced in time to be completed by [insert date].
- ii. It is anticipated that plaintiff(s) [will][will not] retain expert(s) in accordance with Fed. R. Civ. P. 26(a)(2), made applicable by Fed. R. Bankr. P. 7026. Reports for plaintiff(s)' retained expert(s) are due by [enter date].
- iii. It is anticipated that defendant(s) [will][will not] retain expert(s) in accordance with Fed. R. Civ. P. 26(a)(2), made applicable by Fed. R. Bankr. P. 7026. Reports for defendant(s)' retained expert(s) are due by [enter date].
- iv. The parties understand that disclosures and discovery responses must be supplemented in accordance with Fed. R. Civ. P. 26(a)(2)(E) and (e), made applicable by Fed. R. Bankr. P. 7026, and the parties agree that supplements shall be made no later than ____ days from the date a need to supplement is discovered.

4. Pretrial Motions.³

- a. Deadline to file motions to join additional parties by plaintiff(s) is [enter date] and defendant(s) is [enter date].

³ If the parties request this adversary proceeding be conducted on an expedited basis, pretrial motion practice will be necessarily limited.

b. Deadline to file motions to amend the pleadings by plaintiff(s) is [*enter date*] and by defendant(s) is [*enter date*].

c. All potentially dispositive motions should be filed by [*enter date*].

5. Other Items. [*Use separate paragraphs or subparagraphs as necessary if parties disagree.*]

a. The parties request a pretrial conference in [*enter month and year*].

b. Fed. R. Civ. P. 26(c), made applicable by Fed. R. Bankr. P. 7026, applies to all requests for a protective order. The parties [*agree to use the standard form protective order pursuant to DUCivR 26-2*] [*opt out of using the standard from protective order and will submit an alternate protective order form*].

CERTIFICATE OF SERVICE BY ELECTRONIC NOTICE (CM/ECF)

I hereby certify that ~~on~~ [_____] I electronically filed ~~or will file on~~ [date], the foregoing [_____] with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the ~~parties of record in this case, as identified below, are registered CM/ECF users.~~ list below of CM/ECF users in this case was generated by the CM/ECF system on the same day as the foregoing document was filed.

[A list of registered CM/ECF users in a case may be obtained by going to CM/ECF and using – Utilities – Miscellaneous – Mailings – Mailing Info for a Case. Alternatively, a document can be filed without a certificate of service attached. Once the document is filed, the filing confirmation screen will display the list of parties who will receive service through the CM/ECF system. A copy of the list would be inserted into the certificate of service which would then be filed with the court.]

CERTIFICATE OF SERVICE BY MAIL OR OTHER MEANS

I hereby certify that ~~on~~ [_____] I caused to be served ~~or will~~ **cause to be served on** [date] a true and correct copy of the foregoing [_____] as follows: *[Select only the methods of service that apply]*

- ☐ **Mail Service: First-class U.S. mail, postage pre-paid, addressed to:**
- ☐ **Mail Service to All Parties in Interest: First-class U.S. mail, postage pre-paid, addressed to all parties who did not receive electronic service as set forth herein listed on the Official Court Mailing Matrix dated _____ attached hereto.**

*[If notice is required to be served on all parties in interest (i.e. Rule 2002 notices), **you must attach** a copy of the court's official case mailing matrix bearing the same date as the certificate of service. You can obtain a PDF copy of the most current mailing matrix by going to CM/ECF and using Utilities–Miscellaneous–Mailings–Mailing Matrix by Case. Note that parties receiving electronic notice do not need to receive additional notice by mail.]*