

PROPOSED NEW AND AMENDED LOCAL RULES

RULE 1009-1. AMENDMENTS

(a) A party filing a document amending a voluntary petition, list, schedule, statement of financial affairs, statement of intention or statement of ~~executory contracts~~current monthly income shall do so by notice as set forth in Fed. R. Bankr. P. 1009(a), except with respect to the following: ~~1) amendments to the in an individual debtor's schedule of liabilities, adding a creditor after the deadline for filing complaints under 11 U.S.C. §§ 523 case:~~

(1) amendment to add a creditor or 727; and to change a creditor's address; or

(2) ~~amendments~~ amendment to the schedule of exemptions after the deadline for objecting to the exemptions.

(b) If either ~~of these exceptions apply~~exception set forth in subsection (a) applies, the debtor shall file a motion ~~with the Court for~~to amend seeking approval of the amendment. ~~A copy of~~

(c) The following documents, to the extent applicable, shall be filed along with the documents required in subsections (a) and (b):

(1) the amended document shall be attached to the notice or motion and voluntary petition, list, schedule, statement of financial affairs, statement of intention, or statement of current monthly income, which shall clearly state in the caption that ~~the document~~ is "amended";

(2) Official Form B6 -Declaration Concerning Debtor's Schedules;

(3) an amended summary of schedules; and

(4) a certificate of service of notice to all parties in interest, including persons affected by the amendment. ~~An amendment to a~~

(d) If the debtor is adding a creditor or is changing an existing creditor's address on the mailing matrix ~~which adds creditors~~, the motion to amend or notice shall ~~be~~include a separate list of the names and addresses of only the added creditors in compliance with MLBR Official Local Form 1.

RULE 6004-1. SALE OF ESTATE PROPERTY

(a) Motion Required

Whenever the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure require an estate representative to seek leave of court to sell property of the estate, by private or public sale, the request shall be made by motion.

(b) Service Required

The motion seeking authority to sell shall be served on:

- (1) the debtor and debtor's counsel, if any,
- (2) the United States trustee,
- (3) any known creditor claiming a lien or security interest in said property and any counsel to that creditor,
- (4) all attorneys who have filed appearances in the case,
- (5) any attorneys for any approved creditors or equity committee, and
- (6) if no creditors committee has been appointed, the 20 largest unsecured creditors.

(c) Private Sale Procedure

- (1) The motion for authority to sell by way of private sale must state:
 - (A) whether the sale is to be free and clear of liens or interests;
 - (B) the identity of the holder of any lien or interest in the property to be sold;
 - (C) the efforts made by the estate representative to market the property;
 - (D) whether approval is sought for any proposed distribution of proceeds;
 - (E) why a private sale, rather than a public sale, is in the estate's best interest; and
 - (F) if all or substantially all of a chapter 11 debtor's assets are to be

sold, why the sale is proposed under 11 U.S.C. § 363 rather than through a chapter 11 plan and a practical and abbreviated equivalent of the adequate information required in a disclosure statement to a chapter 11 plan.

(2) Prior Approval

The movant

- (A) may seek prior approval of any term of the proposed sale;
- (B) must obtain prior approval from the court of any terms for the proposed sale protecting the initial proposed purchaser, including the amount of a break-up fee or the minimum increase required for a higher offer, unless
 - (i) the proposed break-up fee does not exceed the lesser of 5% of the proposed original purchase price or \$50,000 and is subject to final court approval upon application by the bidder; and
 - (ii) the minimum increase required for a higher offer does not exceed 5% of the proposed original purchase price;

(3) Notice of Sale

- (A) The motion for authority to sell by private sale must include a proposed Notice of Sale- (attached as an exhibit.)
- (B) Subject to the requirements of Fed. R. Bankr. P. 2002, Fed. R. Bankr. P. 6004 and any other applicable Federal Rules of Bankruptcy Procedure, these Local Rules or any Standing Order of this court, a notice of proposed private sale of property shall conform substantially to Official Local Form 2A suited to the particular circumstances of the case.
- (C) The proposed Notice of Sale shall contain a blank spacespace for the deadline for filing objections and higher offers, as well as a blank spacespaces for the date and time of the hearing on the sale.
- (D) The proposed Notice of Sale must include:

- (i) the name and address of the initial offeror;
- (ii) the consideration to be paid for the purchase;
- (iii) the time and place of the proposed sale;
- (iv) the terms and conditions of the proposed sale;
- (v) a blank space for the ~~time-fixed~~ deadline for filing higher offers and/or objections to the proposed sale to be set by the court;
- (vi) blank spaces for the date and time of the hearing ~~date fixed~~ to be set by the court;
- (vii) a general description of the property to be sold;
- (viii) an itemized list of the asset or assets to be sold;
- (ix) the relationship, if any, of the initial offeror and the seller;
- (x) a statement as to whether the sale shall be free and clear of liens or interests pursuant to 11 U.S.C. § 363(f);
- (xi) a statement noting that the court may modify the method of sale set forth in the notice at or prior to the hearing on the proposed sale;
- (xii) a statement that any objection, higher offer, or request for hearing must be filed and served within the time established by the court, which time shall be conspicuously stated in the notice;
- (xiii) the following language: "The court may take evidence at any hearing on approval of the sale to resolve issues of fact."
- (xiv) if a proposed sale or lease of personally identifiable information under 11 U.S.C. § 363(b)(1)(A) or (B), a statement as to whether the sale is consistent with a policy of the debtor prohibiting the transfer of such information; and
- (xv) a statement that a copy of the motion and any sales

agreement will be provided to any interested party upon request and at no cost.

(4) Procedure upon Receipt by the Clerk of the Motion to Sell

Upon receipt of the motion to sell and the proposed Notice of Sale, the Clerk shall assign a deadline date for filing objections ~~and~~, making higher offers, and schedule a hearing date, ~~and transmit such dates to the moving party by telephone or such other means as the Clerk deems appropriate~~. The estate representative shall then serve the motion to sell and completed notice as required by subsection (a)(5) of this rule.

(5) Service of the Completed Notice

(A) Unless the court orders otherwise, the completed Notice of ~~proposed private~~ Sale shall be served upon all creditors in accordance with Fed. R. Bankr. P. 2002 and Fed. R. Bankr. P. 6004. A copy of the completed notice should also be served on parties regarded by the estate representative as potential purchasers, including, if appropriate, dealers in property similar to that proposed to be sold and the debtor's competitors. Unless the court orders otherwise, the completed notice shall be served no less than twenty-one (21) days (plus such additional time as may be provided in Fed. R. Bankr. P. 9006(f)) prior to the deadline for filing objections or higher offers.

(B) The motion to sell need not be served on all parties until the Clerk has provided the information necessary to complete the Notice of Sale.

(C) The estate representative shall file a certificate of service no later than seven (7) days following service of the completed Notice of Sale unless a different deadline is set by the court.

(6) Court Approval of Sale

(A) If there are no objections or higher offers timely filed with the court by the deadline, the court may approve the sale without holding the scheduled hearing.

(B) Within seven (7) days of receipt of a written request by the debtor, estate representative, or other party in interest, the Clerk

shall issue a certificate of no objections concerning the sale of property of the estate.

- (C) The moving party must submit a proposed order approving the sale within seven (7) days after the court's approval of the sale unless a different deadline is set by the court.

(d) Public Auction Procedure

(1) The Motion

(A) shall state why a public, rather than a private, sale is requested.

(B) must include a proposed Notice of Public Sale, which shall:

(i) be substantially similar to MLBR Official Local Form 2B; and

(ii) shall contain a blank spacespace for the deadline for filing objections ~~and higher offers~~, as well as ~~a~~ blank spacespaces for the date and time of the hearing on the sale.

(2) Procedure upon Receipt by the Clerk of the Motion to Sell

Upon receipt of the proposed notice, the Clerk shall assign a deadline for filing objections, ~~fix a hearing date, and transmit such dates to the moving party by telephone or such other means as the Clerk deems appropriate. and set a hearing date and time.~~

(3) Service of the Completed Notice

The estate representative shall then serve the motion to sell and the completed notice in the manner provided in subsection (c)(5) of this rule or other order of the court and shall file a certificate of service within seven (7) days of service, unless a different deadline is set by the court.

(4) Subsequent Confirmation

Confirmation by the court of the auction is not required unless such confirmation is a condition of the court's approval. Within seven (7) days of receipt of a written request by the estate representative, the debtor, or other party in interest, the Clerk shall issue a certificate of no

objections concerning the public auction sale of property of the estate.

(5) Restrictions

- (A) Any auction advertisement placed by an auctioneer or estate representative shall conspicuously state the bankruptcy case name and number.
- (B) An auctioneer shall not introduce non-bankruptcy estate items at an auction without the court's prior approval. However, subject to the court's prior approval and the appropriate identification of each item of bankruptcy estate property to be sold, property from a bankruptcy estate may be consolidated with and sold at a regularly scheduled auction sale of other non-estate goods.
- (C) Neither an auctioneer employed by an estate representative nor any agent of the auctioneer shall bid on property of the estate.
- (D) No buyer's premium shall be charged in a sale under this rule.
- (E) Failure to comply with this subsection may result in denial of all compensation and/or the issuance of sanctions.

(6) Qualification and Duties of Auctioneer

- (A) An auctioneer shall not be authorized to conduct a public auction of property of an estate without first obtaining the court's specific prior approval of the auctioneer's employment.
- (B) The auctioneer must file with the court a bond in an amount fixed by the United States trustee, and furnish the United States trustee with a copy of that bond. The bond shall be conditioned on the faithful performance of the auctioneer's duties and the auctioneer's accounting for all money and property of the estate that comes into his or her possession.
- (C) To avoid the necessity of filing separate bonds for smaller auction sales, the auctioneer may file with the court a blanket bond similarly conditioned in a base amount fixed from time to time by the United States trustee to cover various cases in which the auctioneer may act. The auctioneer shall also provide the United States trustee with a copy of the blanket bond.

- (D) If at any time the value of goods of various estates in the auctioneer's custody exceeds the amount of the blanket bond, the auctioneer shall obtain a separate bond or bonds so that the full amount of all goods of various bankruptcy estates in the auctioneer's custody is covered.
- (E) As a condition of the employment of an auctioneer in any bankruptcy estate, the auctioneer shall file an affidavit under the penalty of perjury that states:
 - (i) all goods of bankruptcy estates in the auctioneer's custody are fully covered at all times by separate bonds or blanket bonds or both,
 - (ii) his or her qualifications,
 - (iii) where the auctioneer is licensed,
 - (iv) whether the auctioneer is in good standing in all jurisdictions in which he or she is licensed, and
 - (v) whether the auctioneer is subject to any disciplinary proceedings or has been subject to any disciplinary proceedings in the five years preceding the filing of the application.

(7) Attendance at Auction Sale

The estate representative or a representative of the estate representative must be present at the auction sale.

(8) Auctioneer's Compensation and Expenses

(A) The auctioneer shall file and serve an application for compensation and reimbursement of expenses setting forth the amount requested, services rendered, time spent, and actual expenses incurred as required by Fed. R. Bankr. P. 2016(a). The auctioneer may be paid from the proceeds of the auction immediately upon approval of its application and prior to closing of the case.

(B) Auctions of Personal property

Unless otherwise ordered by the court, with respect to auctions of personal property, the auctioneer's compensation shall not exceed the following percentages of gross proceeds:

- (i) 10% of the first ~~ten~~one hundred thousand dollars (~~\$10~~100,000) or part thereof;
- (ii) ~~7~~4% of the next ~~ten~~four hundred thousand dollars (~~\$10,000~~ ~~or part thereof~~; 400,000) or part thereof; and ~~(iii) 6% of the next thirty five thousand dollars (\$35~~
- ~~(iii)~~(iv) ~~5~~3% of the balance.

(C) Real Estate Auctions

Unless otherwise ordered by the court, with respect to sales of real property, the auctioneer's compensation shall not exceed the greater of:

- (i) 10% of the first fifty thousand dollars (\$50,000) realized in excess of the amount of encumbrances, plus ~~2 1/2~~1/2% of the balance of ~~such excess~~the equity; or
- (ii) \$500.00.

(D) ~~Preapproval of~~ Auction Expenses

The auctioneer shall be reimbursed for actual and necessary expenses incurred in connection with an auction, including labor, advertising, and credit card processing fees if the auctioneer has obtained prior approval by the court ~~in advance of the auction~~ for ~~these~~all such expenses. With respect to any auction that generates less than \$20,000 in sale proceeds, reimbursement for labor costs shall be limited to \$2,000 unless otherwise ordered by the court. Following the auction, an auctioneer may seek reimbursement of unanticipated expenses incurred in connection with conducting the auction provided that such costs were reasonable and necessary to the sale and are supported by receipts or other documentation. Except as set forth in this rule or as ordered by the court, the auctioneer shall not be reimbursed for any overhead expense associated with the auction, ~~including labor, cleaning, setting up, lotting, and tagging.~~

(e) Internet Auction ~~Procedures~~Mechanisms

(1) With prior court approval, after appropriate notice as required by Fed. R. Bankr. P. 2002 (a), the estate representative, or an auctioneer or other professional authorized by the court to sell estate property, may sell any asset or assets of the estate by public auction through the use of an automated Internet auction, listing, or brokerage mechanism ("Internet Auction Mechanism").

(2) The Motion

(A) In any motion requesting such approval ~~of a sale by use of an Internet Auction Mechanism~~, the estate representative must:

(i) Identify name and uniform resource ~~locator~~locators (URL) of the proposed Internet Auction Mechanism;

(ii) State why the estate representative believes that use of the Internet Auction Mechanism is in the best interests of the estate;

(iii) Disclose whether the estate representative has or any party in interest is known to have any connections with the proposed Internet Auction Mechanism or any expected bidder;

(iv) Disclose all fees associated with use of the Internet Auction Mechanism;

(v) Disclose whether use of the Internet Auction Mechanism is subject to rules, policies, procedures or terms or conditions and, if so:

(1) provide either a copy thereof or the URL at which they can be examined and

(2) summarize any such rules, policies, procedures or terms or conditions that are likely to result in any restrictions on bidding for the asset(s) proposed to be sold or limitations on the estate representative in offering asset(s) for sale with full or partial reserve or otherwise controlling the determination to sell each asset;

(vi) Identify the mechanism for payment to the estate;

(vii) Represent that, to the best knowledge of the estate representative, the Internet Auction Mechanism will not provide auction services or any other services beyond access to its automated on-line services and related customer support; and

(viii) Request authority to:

(1) comply with any rules, policies, procedures, or terms or conditions of the Internet Auction Mechanism disclosed in the motion and enter into any required agreements in support thereof;

(2) consummate such sale(s), and

(3) pay any and all fees ~~identified in the motion,~~associated with use of the Internet Auction Mechanism, each without further order of the court.

(3) Nothing in this rule shall limit applicability of the requirements of Local Rule 6004-1(b) with respect to any auctioneer hired by an estate representative to provide services beyond access to an Internet Auction Mechanism.

(4) Unless the court orders otherwise, a listing placed on an Internet Auction Mechanism shall state the bankruptcy case name and number and that the sale procedure has been approved by the United States Bankruptcy Court for the District of Massachusetts.

(f) Sales of Personally Identifiable Information

(1) In the event that an estate representative shall move to sell personally identifiable information as defined in 11 U.S.C. § 101(41A), the motion and any notice of sale thereon shall, in addition to those requirements set forth in Paragraphs (a) and (b) of this rule, conspicuously describe the type(s) of personal identifiable information which are proposed to be sold (without disclosing thereby the content of such information), why the sale of such information is advantageous or necessary and what private agreements, federal laws and/or state laws purport to restrict the sale or use of such information.

(2) Upon the filing of a motion under subparagraph (1) above, the movant

shall file a separate motion seeking expedited determination and requesting an order directing the United States trustee to appoint a consumer privacy ombudsman under 11 U.S.C. § 332.

- (3) Unless otherwise ordered, the United States trustee shall seek approval of the appointment of the ombudsman within seven (7) court days of the entry of any such order.
 - (4) The ombudsman shall file a report with his or her recommendations and the basis therefore within seven (7) days of his or her appointment, subject to such enlargement of time as the court may allow on request of the ombudsman made prior to the expiration of the deadline.
- (g) For the purposes of this rule, the term estate representative shall include a chapter 7 trustee, chapter 11 trustee, chapter 11 debtor-in-possession, chapter 12 trustee, and chapter 13 debtor.

RULE 9006-1. EXTENSIONS OF TIME FOR DISCHARGE COMPLAINTS AND OBJECTIONS TO EXEMPTIONS

If the court ~~is unable to act on~~does not determine any motion to extend any deadline for filing complaints relating to the debtor's discharge, to the dischargeability of a debt, or for filing objections to the debtor's claim of exemptions, which motion ~~to extend~~ was filed before the expiration of the deadline, the deadline shall be automatically extended to the date ~~that~~seven (7) days after the ~~Court acts on~~entry of the order determining the motion~~-, unless the court orders otherwise.~~

RULE 9010-1. REPRESENTATION AND APPEARANCES

- (a) A person who is a member in good standing of the bar of the United States District Court for the District of Massachusetts may appear and practice before this court.
- (b) Except as provided in subsection (d) of this rule, an attorney who is not a member of the bar of the United States District Court for the District of Massachusetts, but is a member of the bar of any other United States District Court or the bar of the highest court of any state may appear and practice in this court in a particular case or adversary proceeding only by leave granted in the discretion of the court, provided such attorney files a certificate attesting that (1) the attorney is a member of the bar in good standing in every jurisdiction where the attorney has been admitted to practice; (2) there are no disciplinary proceedings pending against such attorney as a member of the bar in any jurisdiction; and (3) the attorney is familiar with the Local Rules of this court. An attorney seeking admission under this subsection may not enter an appearance or sign any pleadings until admission is granted, except that the attorney may sign a complaint or any other pleading necessary to prevent entry of default or the passage of any deadline, provided such complaint or other pleading is accompanied by the attorney's application for admission under this subsection in proper form. An attorney seeking admission under this subsection more frequently than twice in any 12 month period shall additionally certify (1) the attorney's efforts to seek admission to the bar of the United States District Court for the District of Massachusetts; or (2) why such efforts have not been undertaken.
- (c) A corporation, partnership or trust, by and through an officer or agent, or a person authorized by a power of attorney, may file a proof of claim or an application for payment of unclaimed monies due such entity, and may be heard on objections to claims or applications for payment. Otherwise, such entities shall appear only through counsel.
- (d) An attorney need not obtain leave to appear and practice in a particular case merely to file a request for service or a proof of claim.
- (e) An attorney representing, without compensation, an otherwise *pro se* debtor may file a notice of limited appearance setting forth the specific contested matter or adversary proceeding in which the attorney appears and may decline representation of that debtor in other matters or proceedings, but may not

withdraw without leave of the court from the matter or proceeding in which the attorney has chosen to appear until the final disposition thereof.

(f) To facilitate any efforts at mediation in a contested matter or adversary proceeding involving an otherwise pro se debtor, an attorney may appear without compensation to advocate for the debtor in the mediation, and solely for purposes of the mediation, but only by leave granted in the discretion of the court. If the mediation is unsuccessful in concluding the matter at issue, the attorney shall promptly make an election within 14 days of the conclusion of the mediation to (i) withdraw the appearance for mediation purposes, by filing a notice of withdrawal, or (ii) file a further notice of appearance in accordance with subsection (e) above.

RULE 9018-1. IMPOUNDMENT OF PAPERS

- (a) For good and sufficient cause the court may order that some or all of the papers in the case be impounded by the Clerk. Such impounded papers shall be maintained under Clerk custody separate and apart from files to which the public has access; no computer or other images thereof shall be made for public viewing.
- (b) A request for impoundment shall be made by motion. The papers sought to be impounded shall be placed in a sealed envelope or container conspicuously marked "filed subject to pending impoundment motion," and shall be filed simultaneously with the motion. The motion shall contain (i) a statement under oath setting forth the grounds for impoundment, (ii) a statement of the earliest date on which the impounding order may be lifted, or a statement, supported by good cause, that the material should be impounded until further order of the court, and (iii) suggested custody arrangements for the post-impoundment period, if any.
- (c) The court shall review the papers sought to be impounded in camera. If the motion for impoundment is denied, the papers shall be returned to the party requesting impoundment and, if refiled, shall be filed with other pleadings in the case to which public access is allowed. If the motion for impoundment is granted, the order of impoundment shall be filed with the pleadings in the case. The impounded papers shall be transferred to the custody of the Clerk for special storage. The Clerk shall attach a copy of the order of impoundment to the envelope or other container holding the impounded material. Thereafter, access to the impounded papers shall be limited to the court, the Clerk, the party for whose benefit the impoundment order was granted, and any party who, upon motion, notice to the party for whose benefit the impoundment order was granted and an opportunity to be heard, receives relief from the impoundment order in whole or in part.
- (d) If the impoundment order expires by its terms but provides no arrangements for post-impoundment custody of the impounded papers, or if the impoundment order provides for post-impoundment custody of the impounded papers, but the impounded papers are not timely retrieved, the Clerk shall provide notice of no less than forty-five (45) days to the party for whose benefit the impoundment order was granted, or his, her or its attorney, that the said papers shall, in the absence of timely objection made prior to the expiration of the notice period, be destroyed.
- (e) For good cause shown by affidavit attesting to a risk of irreparable harm if advance notice is given to any other party, the motion for impoundment may be heard ex-parte.

- (f) The court may, sua sponte, for good and sufficient cause, impound any document pursuant to this Rule or order that the document not be released for on-line viewing.

(g) Attachments or Exhibits To Proofs Of Claim

The Clerk of this court or his delegate(s) may, sua sponte and without the necessity of any separate order, cause the attachment or exhibit to a proof of claim or to any other document filed with this court to be imaged as a “private event” under the court’s electronic filing system in the event that the attachment or exhibit contains medical information with respect to any person or otherwise contains information whose unrestricted disclosure may not be appropriate. Nothing herein shall constitute an affirmative obligation by the court to locate or identify such information in any attachment or exhibit or preclude any party in interest from requesting that the court terminate the “private event” status of the attachment or exhibit and make the information public.

RULE 9019-1. STIPULATIONS; SETTLEMENTS

(a) All stipulations affecting a case or proceeding before the court, except stipulations which are made in open court, shall be in writing, signed, and filed with the court. No stipulation shall have the effect of relieving the parties from a prior order of the court, including a scheduling order, unless such stipulation is approved by the court in writing.

~~(b)~~

(b) Any provision of a stipulation or agreement filed with the court, by which it is stipulated or agreed in a chapter 7 or 13 case that the case shall be dismissed, or relief from the automatic stay under 11 U.S.C. § 362(a) shall be granted, upon the failure of the debtor to make payments beyond those necessary to cure a prior postpetition default, shall be conspicuously set forth in capital letters and bold type.

~~(c)~~ (c) When a proceeding or matter is settled, the parties shall, within seven (7) days or such other time as the court may direct, file a signed stipulation or agreement for judgment or such other document as the court may direct.

~~(d)~~

~~(d)~~ (d) A settlement of any controversy that affects the estate, except the settlement of complaints pursuant to 11 U.S.C. § 523, shall be accompanied by a motion to approve the stipulation pursuant to Fed. R. Bankr. P. 9019 and, unless otherwise ordered by the court, the stipulation and motion to approve the stipulation shall be served on all creditors and interested parties in accordance with Fed. R. Bankr. P. 2002. The settlement of a complaint under 11 U.S.C. § 523 may be documented by the filing of a stipulation of dismissal or an agreement for judgment in the adversary proceeding. A stipulation with respect to a motion for relief from stay shall be accompanied by a motion and shall be served in accordance with Fed. R. Bankr. P. 4001(d).

(e) Loan Modification and Forbearance Agreements

Unless conspicuously identified and specifically approved by the court in advance, any provision in a loan modification agreement, forbearance agreement, stipulation relating to a motion for relief from the automatic stay under 11 U.S.C. § 362(a) or similar agreement, which provides that, upon default by the debtor, the benefits of the automatic stay will be waived, such provision is unenforceable and void.

APPENDIX 1, 13-8. OBJECTIONS TO CONFIRMATION

(a) Deadline for Filing-

Unless otherwise ordered by the court, any objection to confirmation of a chapter 13 plan shall be filed ~~no later than~~on or before the later of (i) thirty (30) days after the date on which the first ~~date set for the~~ section 341 meeting is held or (ii) thirty (30) days after service of ~~an amended or~~ modified plan,unless otherwise ordered by the Court.

(b) Service of Objection

—An objection to confirmation shall be filed with the court and served on the chapter 13 trustee, the debtor, the debtor's attorney, and any other party or attorney who has filed an appearance and requested service of pleadings. The objection shall be accompanied by a certificate of service evidencing compliance with this requirement.

~~(c) Within seven (7) days after filing~~

(c) Unless otherwise ordered by the court, any response to the objection must be filed within fourteen (14) days after service of the objection. If no response is filed, the court may sustain the objection without further hearing.

(d) Following the filing of any response to an objection to confirmation, counsel to the debtor or a pro se debtor shall confer with counsel to the objecting party, either in person or by telephone conference, to make a good faith effort to resolve or narrow disputes as to the contents of an objection to confirmation. ~~Counsel to~~ The objecting party shall be responsible for initiating the conference by telephone, facsimile, email, first class mail, or in person. Counsel to an objecting party does not violate the automatic stay by contacting the pro se debtor in complying with the requirements of this rule. Such communication shall be for the purpose of initiating the conference only, and the conference must be held either in person or by telephone.

(e) No later than twenty-one (21) days after the response to an objection to confirmation is filed, the objecting party shall file a certificate stating either (i) that the conference was held, the date of the conference, and the names of the participating parties; or (ii) that the conference was not held despite timely and reasonable efforts made to initiate the conference, which efforts must be set forth with specificity in the certificate. The court will not schedule a hearing on an objection to confirmation until the objecting party files ~~a certificate stating that the conference was held, together with the date and time of the conference, and the names of the participating parties. If the conference is not held despite timely and reasonable efforts made to initiate the conference, the~~

~~objecting party must file a statement attesting to the efforts made to initiate the conference.~~ the certificate. In the event the parties do not hold the required conference, the court may order appropriate sanctions, including sustaining or overruling the objection to confirmation or awarding monetary sanctions. The requirement of a conference shall not apply in the event the court determines that expedited or emergency consideration of the objection to confirmation is warranted.

APPENDIX 1, 13-13. PROOFS OF CLAIM AND OBJECTIONS

- (a) All creditors must timely file a proof of claim that conforms with Official Form 10 to participate in distributions under the plan. If the claim relates to a mortgage or security agreement, the creditor shall attach a copy of the original note and mortgage or security agreement to the proof of claim. If the claimant is not the original holder of the note and mortgage or security agreement, in addition to attaching copies of the original note, mortgage or security agreement to the proof of claim, the creditor shall attach copies of any and all assignments or other appropriate documentation sufficient to trace the chain of ownership of the mortgage or security agreement and to establish its standing to assert the claim.
- (b) A creditor whose proof of claim relates to a mortgage or security agreement shall set forth a detailed itemization of all amounts asserted to be due. The itemization shall set forth the principal, interest, costs, and all expenses charged under the agreement or statute under which the claim arose, including but not limited to expenses of any notices, foreclosure sales, advertisements and/or appraisals. The itemization ~~also~~ shall also include a statement of attorneys' fees charged as an accounting of the amount of the prepetition arrearage. The court, in its discretion, may order a claimant or a claimant's attorney to file an application for compensation and reimbursement of expenses in accordance with MLBR 2016-1 or an accounting of the amount of any prepetition arrearage.
- ~~(c) The provisions of MLBR 3007-1 shall apply to chapter 13 cases.~~
- (c) Only the provisions of MLBR 3007-1(a), (c), (d), and (f) apply to chapter 13 cases. A party objecting to claims shall attach a notice to the objection filed with the court, which shall advise claimant(s) that a response to the objection must be filed within 30 days of the filing of the objection with the court. The objecting party shall serve the objection and the notice on the claimant at the address noted on the proof of claim or any subsequent address provided to the court by the claimant and upon any other party entitled to notice together, with a certificate of service.
- (d) Within seven (7) days after filing a response to an objection to a proof of claim, the objecting party (whether the trustee, counsel to the debtor, or a pro se debtor) shall confer with counsel to the claimant, either in person or by telephone conference to make a good faith effort to resolve or narrow disputes as to the contents of the objection to claim. Counsel to the objecting party, the chapter 13 trustee or the pro se debtor shall be responsible for initiating the conference by telephone, facsimile, email, first class mail, or in person. Such communications shall be for the purposes of initiating the conference only, and the conference must be held either in person or by telephone. The court shall not schedule a hearing on an objection to claim unless counsel to the objecting party or a pro se debtor files a certificate stating that the conference was held,

together with the date and time of the conference, and the names of the participating parties. If the conference is not held despite timely efforts to initiate the conference, the party initiating the conference must file a statement attesting to the efforts made to initiate the conference. In the event the parties do not hold the required conference, the court may order appropriate sanctions, including sustaining or overruling the objection to claim or awarding monetary sanctions. The requirement of a conference shall not apply in the event the court determines that expedited or emergency consideration of the objection to claim is warranted.

- (e) Objections to claims shall be served and filed with the court within thirty (30) days after the deadline for filing proofs of claim or within such additional time as the court may allow upon the filing of a motion to extend time and for good cause shown. Any claim to which a timely objection is not filed shall be deemed allowed and paid by the chapter 13 trustee in accordance with the provisions of the confirmed plan. The court, in its discretion, may overrule an untimely objection to a proof of claim.

- (f) If the court has determined the allowed amount of a secured or unsecured claim in the context of a valuation hearing pursuant to 11 U.S.C. §506, the debtor or trustee need not file an objection to a secured creditor's proof of claim that varies from the court's determination, and the chapter 13 trustee shall make distribution in accordance with the court's order.