

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

**STANDING ORDER 2017-03**

**AMENDMENT TO MASSACHUSETTS LOCAL BANKRUPTCY RULE 9019-1.  
STIPULATIONS; SETTLEMENTS**

**IT IS ORDERED** that effective February 7, 2017 pending final adoption, Massachusetts Local Bankruptcy Rule 9019-1 shall be deemed amended on an interim basis to read in its entirety:

**STIPULATIONS; SETTLEMENTS**

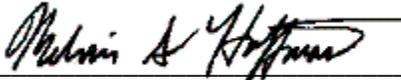
- (a) All stipulations affecting a case or proceeding before the Court, except stipulations which are made in open Court, shall be in writing, signed, and filed with the Court. No stipulation shall have the effect of relieving the parties from a prior order of the Court, including a scheduling order, unless such stipulation is approved by the Court in writing.
- (b) 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) 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) (1) A stipulation providing for the 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. Upon request of the moving party, the Court in its discretion may waive the requirement for the filing of a separate executed written agreement between the settling parties if:
  - (i) the request for the waiver is contained in the motion; and
  - (ii) the motion fully sets forth the terms of the agreement and includes a certification by the moving party that all settling parties have agreed to its terms and have been served with a copy of such motion.
- (2) Service. Unless otherwise ordered by the Court, a stipulation of settlement and motion to approve the stipulation need not be served by the moving party initially. Upon the filing of such motion, the Court shall issue a notice setting a deadline for

responses or objections. In the Court's discretion, the notice may also include a hearing date. The Clerk shall transmit the notice to the moving party for service in accordance with Fed. R. Bankr. P. 2002(a)(3), unless the Court has issued an order limiting notice. Within seven (7) days of the issuance of the notice or within such other time as the Court may direct, the moving party shall file a certificate of service with the Court.

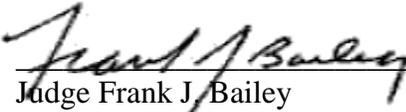
- (e) The settlement of a complaint under 11 U.S.C. §523 may be documented by the filing in the adversary proceeding of a stipulation of dismissal or an agreement for judgment.
- (f) A stipulation with respect to a motion for relief from stay shall be accompanied by a motion and shall be served in accordance with Fed. R. Bankr. P. 4001(d).
- (g) Loan Modification and Forbearance Agreements

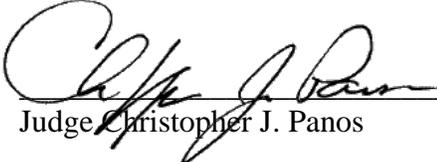
Unless conspicuously identified and specifically approved by the Court in advance, any provision in a loan modification agreement, forbearance agreement, stipulation relating to a motion for relief from the automatic stay under 11 U.S.C. § 362(a) or similar agreement, which provides that, upon default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

**IT IS SO ORDERED:**

  
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Chief Judge Melvin S. Hoffman

  
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Judge Joan N. Feeney

  
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Judge Frank J. Bailey

  
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Judge Christopher J. Panos

Dated: February 7, 2017