

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

STANDING ORDER 2022-02


ORDER REGARDING LIMITATION ON NOTICES TO CREDITORS

By this order and pending final adoption of local rules amendments, the Court orders that the following rules set forth in Exhibit A shall apply: MLBR 2002-6 and MLBR 2002-1(a), 2002-1(b), 6004-1(c)(5)(A), 9019-1(d)(2)¹, and Appendix 1, Chapter 13 Rules 13-4, 13-5,² 13-7(h)³, 13-10(b), 13-11(b), 13-12, 13-14(a), and 13-17(a) effective as of the date set forth below. A redline showing changes to those rules currently in effect is attached hereto as Exhibit B.

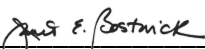
IT IS SO ORDERED:



Chief Judge Christopher J. Panos



Judge Elizabeth D. Katz



Judge Janet E. Bostwick

Dated: September 21, 2022

¹ NOTE: This amends Standing Order 2017-03.

² NOTE: This amends Standing Order 2017-05.

³ NOTE: This amends Amended Standing Order 2019-03.

Exhibit A

RULE 2002-6 LIMITATION ON NOTICES TO CREDITORS

Notwithstanding MLBR 2002-1(a), in a case under Chapter 7, Chapter 12, or Chapter 13, the moving party is permitted to give notice to fewer than all creditors to the extent set forth in Fed. R. Bankr. P. 2002(h). Notice must be given to any creditor that has filed a proof of claim or for whom a timely proof of claim may still be filed pursuant to Fed. R. Bankr. P. 3002(c), Fed. R. Bankr. P. 3004, or Fed. R. Bankr. P. 3005(a).

RULE 2002-1. NOTICE TO PARTIES

- (a) Unless the Court orders otherwise, the moving party shall give notice to all parties entitled to notice under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, MLBR, or an order of the Court, of the following events:
- (1) the proposed use, sale or lease of property of the estate other than in the ordinary course of business;
 - (2) a proposed compromise or settlement;
 - (3) a motion for conversion or dismissal;
 - (4) objections to and the hearing on the adequacy of a disclosure statement;
 - (5) the order approving a disclosure statement;
 - (6) a proposed modification of a plan in a chapter 9, 11, 12 or 13 case;
 - (7) applications for compensation, if the request exceeds \$1,000, in a chapter 9, 11, 12, or 13 case, except as provided in MLBR Appendix 1, Rule 13-7(b);
 - (8) the time for filing claims in a chapter 9 or 11 case;
 - (9) the time for filing objections to and the hearing on confirmation of a chapter 9, 11, 12 or 13 plan;
 - (10) the order confirming a plan in a chapter 9, 11, 12 or 13 case; and
 - (11) all other events set forth in Fed. R. Bankr. P. 2002(f).
- (b) Unless the Court orders otherwise, motions to limit notice may be served only upon parties who have filed appearances and requested service of all notices and pleadings, any trustee and trustee's attorney, the debtor and debtor's attorney, the United States trustee, any committee elected under 11 U.S.C § 705 or appointed under 11 U.S.C. §

1102 (or, in a chapter 11 case in which no committee has been appointed, the creditors included on the list of creditors filed under Fed. R. Bankr. P. 1007(d)), and its attorney.

RULE 6004-1. SALE OF ESTATE PROPERTY

(c) Private Sale Procedure

(5) Service of the Completed Notice

(A) Unless the Court orders otherwise, the completed Notice of Sale shall be served in accordance with MLBR 2002-1 and 2002-6. 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.

RULE 9019-1. STIPULATIONS; SETTLEMENTS

(d)

(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 MLBR 2002-1 and 2002-6, 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.

RULE 13-4. CHAPTER 13 PLAN

(d) MLBR 2002-1 and 2002-6 shall apply to the service of any amended plan or plan modification.

RULE 13-5. SERVICE OF MOTIONS

All motions and requests for orders must be served on the chapter 13 trustee, the debtor, the debtor's attorney, persons who have filed appearances and requested service of all

pleadings, and creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, with the following exceptions:

- (a) a motion for relief from the automatic stay shall be served on the debtor, the debtor's attorney, and all persons with an interest in or lien on the subject collateral;
- (b) a chapter 13 trustee's motion to dismiss shall be served on the debtor and the debtor's attorney;
- (c) a debtor's motion to dismiss or notice of conversion to chapter 7 or 11 when there have been no prior conversions shall be served on the chapter 13 trustee;
- (d) objections to claims shall be served in accordance with Rule 13-13 on the chapter 13 trustee, the claimant, and the claimant's attorney and any other parties required under Rule 13-13;
- (e) objections to confirmation shall be served in accordance with Rule 13-8; and
- (f) a motion declaring a lien satisfied pursuant to Fed. R. Bankr. P. 5009 shall be served on the holder of any affected lien in the manner provided by Fed. R. Bankr. P. 7004.

RULE 13-7. PROFESSIONAL FEES; PREPETITION RETAINERS

- (h) Unless otherwise ordered by the Court, the debtor's attorney shall serve a copy of any application for compensation on the debtor, creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, parties requesting service of all pleadings, and the chapter 13 trustee and shall file a certificate of service evidencing such service to that effect with the application. If no objections are filed within twenty-one (21) days of service, the Court shall award fees in its discretion, with or without a hearing, in accordance with applicable law.

RULE 13-10. AMENDMENTS TO PLAN PRIOR TO CONFIRMATION

- (b) Where an amendment to a plan adversely affects creditors, the debtor shall file with the Court an amended plan and a motion to approve the amended plan. The debtor shall serve a copy of the amended plan and motion to approve the amended plan on the chapter 13 trustee, creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, and all parties and attorneys who filed appearances and requested service of all pleadings in the case. The motion shall be accompanied by a certificate of service. If no objections to the motion to approve the amended plan or the amended plan are filed within thirty (30) days of the filing of the certificate of service, the Court may allow the motion without a hearing.

RULE 13-11. CONFIRMATION

- (b) Where a timely objection to a chapter 13 plan is filed, the Court shall hold a hearing on the objection. The Clerk shall schedule a confirmation hearing and advise the objecting party and/or its counsel of the hearing date. The objecting party shall provide notice of the confirmation hearing to the debtor, debtor's counsel, creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, interested parties, and all parties who filed appearances and requested service of all pleadings, and shall file a certificate of service regarding the notice of the hearing.

RULE 13-12. AMENDMENTS TO PLAN AFTER CONFIRMATION

- (b) The debtor shall serve a copy of the motion, amended plan, updated schedules I and J, and the amended statement on the chapter 13 trustee, creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, and parties and attorneys who have filed appearances and requested service of pleadings in the case. In the event that the debtor proposes more than one amended plan, each amended plan shall be titled "First Amended Plan," "Second Amended Plan," and so on as may be appropriate.

...

- (d) Approval of an amended plan after confirmation of a prior plan may be granted without a hearing if no objections are timely filed. Objections to an amended plan shall be filed no later than thirty (30) days from the date of service of the motion to amend. In the event that no objections to the motion are timely filed, the Court may, in its discretion, allow the motion to amend without a hearing. If a party in interest files a timely objection to the motion, the Court shall set the motion and objection for hearing. The objecting party shall serve a notice of hearing on the debtor, debtor's counsel, creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, the chapter 13 trustee, and all parties who filed appearances and requested service of pleadings at least seven (7) days before the hearing date, and shall file a certificate of service.

RULE 13-14. SALE OF ESTATE PROPERTY

- (a) Any sale of the property of the estate outside the ordinary course of business, including but not limited to, the debtor's principal residence, real property, or other property must be approved by the Court after notice and a hearing. A motion for such approval shall be made in accordance with 11 U.S.C. § 363, Fed. R. Bankr. P. 4001 or 6004, and MLBR 6004-1, as applicable, and the notice of sale shall conform to MLBR Official Local Form 2A. The motion to sell shall include a proposed distribution of the proceeds of the sale. All motions to sell shall be served on the chapter 13 trustee, creditors entitled to

notice in accordance with MLBR 2002-1 and 2002-6, all parties who have filed appearances and any other entity as the Court may direct.

RULE 13-17. MOTIONS TO DISMISS OR CONVERT

- (a) A party who files a motion to dismiss or convert a chapter 13 case shall serve the motion on the debtor, debtor's attorney, creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, any applicable child support enforcement agency, any party who filed an appearance in the case, and the chapter 13 trustee, and shall file a certificate of service. The motion shall state with particularity the cause for dismissal. A party who opposes a motion to dismiss shall file a response to the motion to dismiss within twenty-one (21) days of service of the motion. If no response to the motion to dismiss is filed, the Court, in its discretion, may allow the motion without a hearing.

Exhibit B

RULE 2002-6 LIMITATION ON NOTICES TO CREDITORS

Notwithstanding MLBR 2002-1(a), in a case under Chapter 7, Chapter 12, or Chapter 13, the moving party is permitted to give notice to fewer than all creditors to the extent set forth in Fed. R. Bankr. P. 2002(h). Notice must be given to any creditor that has filed a proof of claim or for whom a timely proof of claim may still be filed pursuant to Fed. R. Bankr. P. 3002(c), Fed. R. Bankr. P. 3004, or Fed. R. Bankr. P. 3005(a).

RULE 2002-1. NOTICE TO PARTIES

- (a) Unless the Court orders otherwise, the moving party shall give notice to all parties entitled to notice under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, MLBR, or an order of the Court, of the following events:
- (1) the proposed use, sale or lease of property of the estate other than in the ordinary course of business;
 - (2) a proposed compromise or settlement;
 - (3) a motion for conversion or dismissal;
 - (4) objections to and the hearing on the adequacy of a disclosure statement;
 - (5) the order approving a disclosure statement;
 - (6) a proposed modification of a plan in a chapter 9, 11, 12 or 13 case;
 - (7) applications for compensation, if the request exceeds \$1,000, in a chapter 9, 11, ~~or 12 case,~~ or a ~~chapter~~ 13 case, except as provided in MLBR Appendix 1, Rule 13-7(b);
 - (8) the time for filing claims in a chapter 9 or 11 case;
 - (9) the time for filing objections to and the hearing on confirmation of a chapter 9, 11, 12 or 13 plan;
 - (10) the order confirming a plan in a chapter 9, 11, 12 or 13 case; and
 - (11) all other events set forth in Fed. R. Bankr. P. 2002(f).
- (b) Unless the Court orders otherwise, motions to limit notice may be served only upon parties who have filed appearances and requested service of all notices and pleadings, any trustee and trustee's ~~counsel~~ attorney, the debtor and debtor's ~~counsel,~~ the twenty (20) largest creditors ~~attorney,~~ the United States trustee ~~and,~~ any ~~Creditors'~~

Committee committee elected under 11 U.S.C § 705 or appointed under 11 U.S.C. § 1102 (or, in a chapter 11 case in which no committee has been appointed, the creditors included on the list of creditors filed under Fed. R. Bankr. P. 1007(d)), and its counsel attorney.

RULE 6004-1. SALE OF ESTATE PROPERTY

(c) Private Sale Procedure

(5) Service of the Completed Notice

(A) Unless the Court orders otherwise, the completed Notice of Sale shall be served ~~upon all creditors~~ in accordance with ~~Fed. R. Bankr. P. MLBR 2002-1~~ and ~~Fed. R. Bankr. P. 6004-2002-6~~. 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.

RULE 9019-1. STIPULATIONS; SETTLEMENTS

(d)

(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 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. MLBR 2002(a)(3), 1~~ and ~~2002-6~~, 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.~~

RULE 13-4. CHAPTER 13 PLAN

(d) MLBR 2002-1 and 2002-6 shall apply to the service of any amended plan or plan modification.

RULE 13-5. SERVICE OF MOTIONS

All motions and requests for orders must be served on the chapter 13 trustee, the debtor, the debtor's attorney, persons who have filed appearances and requested service of all pleadings, and ~~all creditors~~creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, with the following exceptions:

- (a) a motion for relief from the automatic stay shall be served on the debtor, the debtor's attorney, and all persons with an interest in or lien on the subject collateral;
- (b) a chapter 13 trustee's motion to dismiss shall be served on the debtor and the debtor's attorney;
- (c) a debtor's motion to dismiss or notice of conversion to chapter 7 or 11 when there have been no prior conversions shall be served on the chapter 13 trustee;
- (d) objections to claims shall be served in accordance with Rule 13-13 on the chapter 13 trustee, the claimant, and the claimant's attorney and ~~another~~any other parties required under Rule 13-13;
- (e) objections to confirmation shall be served in accordance with Rule 13-8; and
- (f) a motion declaring a lien satisfied pursuant to Fed. R. Bankr. P. 5009 shall be served on the holder of any affected lien in the manner provided by Fed. R. Bankr. P. 7004.

RULE 13-7. PROFESSIONAL FEES; PREPETITION RETAINERS

- (h) ~~Service.~~ Unless otherwise ordered by the Court, the debtor's attorney shall serve a copy of any application for compensation on the debtor, ~~all creditors~~creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, parties requesting service of all pleadings, and the chapter 13 trustee and shall file a certificate of service evidencing such service to that effect with the application. If no objections are filed within twenty-one (21) days of service, ~~the Court~~the Court shall award fees in its discretion, with or without a hearing, in accordance with applicable law.

RULE 13-10. AMENDMENTS TO PLAN PRIOR TO CONFIRMATION

- (b) Where an amendment to a plan adversely affects creditors, the debtor shall file with the Court an amended plan and a motion to approve the amended plan. The debtor shall serve a copy of the amended plan and motion to approve the amended plan on the chapter 13 trustee, ~~all creditors~~creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, and all parties and attorneys who filed appearances and requested service of all pleadings in the case. The motion shall be accompanied by a certificate of service. If no objections to the motion to approve the amended plan or the amended

plan are filed within thirty (30) days of the filing of the certificate of service, the Court may allow the motion without a hearing.

RULE 13-11. CONFIRMATION

- (b) Where a timely objection to a chapter 13 plan is filed, the Court shall hold a hearing on the objection. The Clerk shall schedule a confirmation hearing and advise the objecting party and/or its counsel of the hearing date. The objecting party shall provide notice of the confirmation hearing to the debtor, debtor's counsel, ~~all creditors~~creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, interested parties, and all parties who filed appearances and requested service of all pleadings, and shall file a certificate of service regarding the notice of the hearing.

RULE 13-12. AMENDMENTS TO PLAN AFTER CONFIRMATION

- (b) The debtor shall serve a copy of the motion, amended plan, updated schedules I and J, and the amended statement on the chapter 13 trustee, ~~all creditors~~creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, and parties and attorneys who have filed appearances and requested service of pleadings in the case. In the event that the debtor proposes more than one amended plan, each amended plan shall be titled "First Amended Plan," "Second Amended Plan," and so on as may be appropriate.

...

- (d) Approval of an amended plan after confirmation of a prior plan may be granted without a hearing if no objections are timely filed. Objections to an amended plan shall be filed no later than thirty (30) days from the date of service of the motion to amend. In the event that no objections to the motion are timely filed, the Court may, in its discretion, allow the motion to amend without a hearing. If a party in interest files a timely objection to the motion, the Court shall set the motion and objection for hearing. The objecting party shall serve a notice of hearing on the debtor, debtor's counsel, ~~all~~ creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, the chapter 13 trustee, and all parties who filed appearances and requested service of pleadings at least seven (7) days before the hearing date, and shall file a certificate of service.

RULE 13-14. SALE OF ESTATE PROPERTY

- (b) ~~(a)~~—Any sale of the property of the estate outside the ordinary course of business, including but not limited to, the debtor's principal residence, real property, or other property must be approved by the Court after notice and a hearing. A motion for such approval shall be made in accordance with 11 U.S.C. § 363, Fed. R. Bankr. P. 4001 or 6004, and MLBR 6004-1, as applicable, and the notice of sale shall conform to MLBR

Official Local Form 2A. The motion to sell shall include a proposed distribution of the proceeds of the sale. All motions to sell shall be served on the chapter 13 trustee, ~~all~~ creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, all parties who have filed appearances and any other entity as the Court may direct.

RULE 13-17. MOTIONS TO DISMISS OR CONVERT

- (b) ~~(a)~~ — A party who files a motion to dismiss or convert a chapter 13 case shall serve the motion on the debtor, debtor's attorney, ~~all creditors~~ creditors entitled to notice in accordance with MLBR 2002-1 and 2002-6, any applicable child support enforcement agency, any party who filed an appearance in the case, and the chapter 13 trustee, and shall file a certificate of service. The motion shall state with particularity the cause for dismissal. A party who opposes a motion to dismiss shall file a response to the motion to dismiss within twenty-one (21) days of service of the motion. If no response to the motion to dismiss is filed, the Court, in its discretion, may allow the motion without a hearing.