

**LOCAL RULES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

BLR 1001-1. Title.

These are the Local Rules of Practice for the United States Bankruptcy Court for the Northern District of Georgia. They may be cited as BLR.

BLR 1001-2. Effective Date.

These Rules govern all actions and proceedings pending on or commenced after DATE TO BE SPECIFIED unless the Bankruptcy Court orders otherwise.

BLR 1001-3. Scope of Rules; Construction.

These Rules supplement the Local Rules of Practice for the United States District Court for the Northern District of Georgia, the Federal Rules of Bankruptcy Procedure, and the Federal Rules of Civil Procedure and must be construed so as to be consistent with those Rules and to promote the just, efficient, and economical determination of every case, proceeding, and matter, except that these Rules must not apply to those proceedings or matters where they may be inconsistent with other applicable rules and provisions of law.

BLR 1006-1. Filing Fee Payments.

(a) A voluntary petition submitted in an individual or joint case must be accompanied by either: (i) the full filing fee; (ii) the Local Form “Application to Pay Filing Fee in Installments for Individuals or Joint Debtors”; or (iii) a request for a waiver of the filing fee, in applicable cases.

(b) The Bankruptcy Court may waive the filing fee for any lists, schedules, pleadings, motions, and other papers filed after the petition, and any amendments to such documents, for cause shown.

BLR 1006-2. Failure to Remit Filing Fee or Filing Fee Installment.

If a debtor(s) fails to pay the case filing fee or an installment thereof if the Bankruptcy Court has granted the debtor(s) permission to pay the case filing fee in installments, the Bankruptcy Court may dismiss the case, without any further notice or hearing, where the fee or an installment of the case filing fee is not timely made in the required manner, no request for an extension of time is pending, and neither the debtor(s) nor any party in interest has requested a hearing thereon. The balance of the filing fee is due immediately upon the dismissal of a case unless the Bankruptcy Court orders otherwise.

BLR 1017-1. Failure to File Required Papers.

The Bankruptcy Court may dismiss a voluntary case under any chapter, without further notice or hearing, for failure by the debtor to file a required schedule, statement, list, or other document upon determination that:

(a) notice of the deficiency stating that the case will be subject to dismissal without further notice has been provided to the debtor, the debtor's attorney, if any, and the trustee prior to the expiration of the deadline for filing; and

(b) the debtor has failed to file the required papers by the deadline, no request for an extension of time is pending, and neither the debtor nor any party in interest has requested a hearing thereon.

The foregoing supplements the consequences for failing to file papers timely as set forth in the Bankruptcy Code and the Bankruptcy Rules including, without limitation, those set forth in Section 521(i) of the Bankruptcy Code.

BLR 1070-1. Jurisdiction of United States Bankruptcy Court.

(a) **Delegated Jurisdiction.** Bankruptcy judges are judicial officers serving in the unit of the District Court known as the Bankruptcy Court. Each Bankruptcy Judge will perform the duties set forth and may exercise the authority conferred in Section 104 of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98-353, 98 Stat. 333 (July 11, 1984) (as amended, codified as 28 U.S.C. §§ 151-58) with respect to any case, action, suit, or proceeding and may preside alone and hold a regular or special session of the Bankruptcy Court, except as otherwise provided by applicable law or order of the Bankruptcy Court.

(b) **Jury Trials in Bankruptcy Court.** In accordance with 28 U.S.C. § 157(e), the Bankruptcy Judges are specially designated to conduct jury trials where the right to a jury trial applies. This jurisdiction is subject to the express consent of all parties pursuant to the procedure set forth in BLR 9015-2.

BLR 1071-1. Divisions - Bankruptcy Court.

(a) The Northern District of Georgia consists of four divisions as outlined and described in 28 U.S.C. § 90. Refer to 28 U.S.C. § 90 for a list of counties comprising each division.

(b) Any bankruptcy case filed in this district pursuant to 28 U.S.C. §§1408, 1409, or 1410 must be filed in the division that satisfies the requirements of §§ 1408, 1409, or 1410.

(c) The Bankruptcy Court may transfer any bankruptcy case to another division within the district upon either motion of a party in interest or *sua sponte*.

BLR 2002-1. Notice of Commencement of Case

In any case where the debtor or the trustee either files or amends the schedules or list of creditors to add creditors after the Bankruptcy Clerk issues the notice of bankruptcy case (Official Form 309A-309I), the filing party must, within three Business Days, serve the amendment and the notice of commencement of case on each newly scheduled creditor, and file a certificate of service thereof.

BLR 2004-1. Examinations pursuant to Bankruptcy Rule 2004.

(a) Duty to Confer. Counsel and unrepresented persons have the duty to make a good faith effort to resolve by agreement among themselves any disputes with regard to an examination and production of documents under Bankruptcy Rule 2004, including its scheduling, its scope, its length, and the production of documents. Any objection to an order for a Rule 2004 examination, a motion to enforce compliance with such an order or with a subpoena under Bankruptcy Rule 9016, or a motion seeking to modify, limit, or quash such an order, must be accompanied by a statement certifying that counsel for the moving or objecting party or an unrepresented moving or objecting party has conferred, or made a good faith effort to confer, with opposing counsel or unrepresented parties in an attempt to resolve the controversy by agreement but that such efforts were not successful. A Bankruptcy Judge may require compliance with BLR 7037-1(e) in connection with this section.

(b) Examination by notice. Examinations and production of documents pursuant to Bankruptcy Rule 2004 may be initiated by notice if the entity to be examined consents. The notice must: specify the scope of the examination and the date, time, and place of the examination; describe any documents to be produced; and must be served upon the debtor, the debtor's attorney, the Chapter 7, 11, 12, or 13 trustee, as appropriate, the United States Trustee, and the entity to be examined. The notice must be filed and served no less than seven days before the date set for the examination.

(c) Length of Examination. Unless the Bankruptcy Court orders otherwise, an examination pursuant to Bankruptcy Rule 2004 may not last more than six hours without the consent of the entity being examined.

BLR 3001-1 Filing Proof or Transfer of Claim or Interest.

(a) Instructions for completion and filing of proof or transfer of claim or interest. The Bankruptcy Court may enter general orders and publish guidelines for the completion and filing of a proof or transfer of claim or interest. These general orders and guidelines are available from the Bankruptcy Clerk and on the Bankruptcy Court's website. A proof or transfer of claim or interest must be filed in accordance with the format requirements of BLR 5005-1(a), (b), (d), and

(h). A transfer of a claim for which a proof of claim has been filed must state the claim number, as shown in the Claims Register, for the filed claim that is being transferred.

(b) Requirement for inclusion of name and address for service of notices and objections.

Every proof or transfer of claim or interest must contain: (1) the name of the person who signs it typed or legibly printed beneath the signature, and (2) the name, company, address, phone number, and e-mail address of the holder of the claim or interest and the address where notices should be sent. The name and address of the holder or transferee of a claim or interest, as shown on the proof or transfer of the claim or interest filed with the Bankruptcy Court, must be the mailing address to which notices concerning the proof or transfer of claim or interest may be sent, including objections to the claim or interest and notices of hearings concerning the claim or interest.

(c) Electronic filing of proof or transfer of claim or interest. Registered Users may electronically file a proof or transfer of claim or interest in accordance with the provisions of BLR 5005-9.

BLR 3007-1 Objection to Allowance of Claim; Service.

(a) Except as to objections filed pursuant to Bankruptcy Rule 3007(d), an objection to allowance of a claim for which a proof of claim has been filed must include in its title the name of the holder of the proof of claim and the number of the proof of claim as shown in the claims register maintained by the Bankruptcy Clerk. If an objection addresses numerous claims, the names of the holders and the claims numbers may be set forth in an exhibit referenced in the title.

(b) An objection to allowance of a claim for which a proof of claim has been filed, and related notices, must be served on a creditor as its name appears on the proof of claim or transfer of claim addressing it to the person signing the proof of claim at the address shown thereon. If an attorney for the creditor has appeared in the case, the objection and notice must also be served on the attorney. An objection to a claim of a governmental entity must also be served in accordance with Bankruptcy Rule 7004. A party objecting to a proof of claim must promptly file a Certificate of Service showing proper service in accordance with the Bankruptcy Rules of (1) the objection, (2) notice of the hearing scheduled on the objection, and, (3) if applicable, the notice given pursuant to BLR 9014-2.

BLR 3018-1. Procedure for Filing and Counting Ballots in Connection with Chapter 11 Plan Confirmation.

(a) Ballot Filing Procedure. Unless the Bankruptcy Court orders otherwise, a disclosure statement for a plan of reorganization in a chapter 11 case must state that original completed ballots accepting or rejecting the plan must be filed with the Bankruptcy Clerk.

(b) Plan Proponent's Duties Regarding Ballot Tabulation and Preparation of Report of Balloting. Prior to the hearing on confirmation of the plan, but after the last day for filing written

acceptances or rejections of the plan, counsel for the plan proponent must count and tally all ballots filed with and maintained by the Bankruptcy Clerk or other authorized person and must prepare a Report of Balloting, which must include:

- (1) a description of each class designated in the plan and whether it is impaired as defined in the Bankruptcy Code, for example, "Class I, unsecured claim holders, impaired";
- (2) for each impaired and voting class, (i) the total number of ballots filed; (ii) the number of ballots voting to accept, their aggregate dollar amount, and the percentage such dollar amount represents of the aggregate dollar amount of votes received for such class; and (iii) the number of ballots voting to reject and (A) their aggregate dollar amount and the percentage such dollar amount represents of the aggregate dollar amount of votes received for such class and (B) the percentage they represent of the total number of votes received for such class. If a class contains insider votes, the Report must also provide the foregoing data based on the exclusion of such insider votes;
- (3) a statement of whether the plan has received the requisite acceptances to be confirmed under the Bankruptcy Code;
- (4) regarding ballots that are not counted, a statement explaining why such ballots were not counted with copies of all such ballots appended thereto; and
- (5) a certificate signed by counsel for the plan proponent that all ballots filed and maintained by the Bankruptcy Clerk or other authorized person were counted and tallied, except for those ballots appended to the aforementioned statement.

(c) Filing Report of Balloting and Proof of Service. At least three Business Days prior to the hearing on confirmation, the plan proponent must file the Report of Balloting with the Bankruptcy Clerk and must serve a copy of the Report of Balloting on the United States Trustee, counsel for all official committees, and all parties who have filed objections to confirmation. Proof of service thereof shall be filed with the Bankruptcy Court prior to the hearing on confirmation.

BLR 4001-1. Motion for *Ex Parte* Relief from Stay Based on Lack of Insurance Coverage.

(a) If collateral securing a claim or property that is the subject of a lease is an over-the-road vehicle (such as an automobile, motorcycle, or trailer), a boat, or an airplane (such collateral or property, a "Vehicle"), and if the Vehicle is not insured with collision and comprehensive insurance as required by the related security instrument, loan documents or lease ("Insurance"), then the holder of such secured claim or lessor (as the case may be) may file a motion for *ex parte* relief from the stay of 11 U.S.C. § 362(a) pursuant to 11 U.S.C. § 362(f) to obtain possession of the Vehicle.

(b) A motion for *ex parte* relief from the stay under this rule must be a Verified Paper and must:

(1) Include:

- (A)** a description of the Vehicle;
- (B)** a statement of (i) the amount of the claim and the basis on which the claim is secured (if a secured claim) or (ii) the amount past due on the lease;
- (C)** a statement of the basis on which the movant believes that Insurance on the Vehicle does not exist; and
- (D)** a statement that the movant or its attorney has given or attempted to give notice by telephone or electronic mail to the debtor's attorney (or to the debtor, if the debtor is not represented by counsel), that the motion will be filed due to the lack of Insurance;

(2) Be accompanied by a proposed order that must provide:

(A) The debtor or trustee, whoever is in actual physical possession of the Vehicle, is prohibited from using the Vehicle unless and until adequate evidence of Insurance is presented to the movant;

(B) The debtor or trustee, whoever is in actual physical possession of the Vehicle, must notify the movant of the location of the Vehicle;

(C) The debtor or trustee, whoever is in actual physical possession of the Vehicle, must surrender it to the movant within seventy-two hours of the entry of the order, unless within that time either: (i) the movant is provided with adequate evidence of Insurance; or (ii) the debtor or trustee requests a hearing concerning same;

(D) If the debtor or trustee, whoever is in actual physical possession of the collateral or leased property, fails to surrender the Vehicle, provide adequate evidence of Insurance, or request a hearing, within seventy-two hours of the entry of the order, the movant is authorized to take physical possession of the Vehicle to the extent it is permitted by its agreements with the debtor and applicable nonbankruptcy law, and to hold same, provided that (i) the movant may not dispose of the Vehicle unless and until the automatic stay is modified or terminated or expires as a matter of law, and (ii) if the debtor or trustee provides adequate evidence of Insurance prior to the expiration or termination of the automatic stay, then the movant must return the Vehicle to the debtor or trustee; and

(E) Upon entry of the order, the movant or its attorney must serve copies of the motion and order promptly on the debtor, the debtor's attorney, and the trustee, and must provide notice by telephone or electronic mail of entry of the order to the debtor's attorney (or to the debtor if the debtor is not represented by counsel), and the trustee, if the trustee is in actual physical possession of the property.

(F) If the debtor has given a party other than the trustee actual, physical possession of the Vehicle, the Vehicle will be treated as being in the actual, physical possession of the debtor for the purposes of the order.

(c) This relief does not limit the availability of *ex parte* relief from the stay in accordance with the requirements of Bankruptcy Rule 4001(a)(2).

BLR 4008-1. Reaffirmation Agreements Requiring Bankruptcy Court Approval.

A creditor who has entered into a reaffirmation agreement with a debtor acting *pro se* or with a represented debtor whose counsel has not also executed the agreement indicating the agreement is in the debtor's best interest and not an undue hardship should promptly file a complete copy of the fully executed reaffirmation agreement with the Bankruptcy Court unless the debtor has already filed it.

BLR 5005-1. Format Requirements.

The following provisions govern pleadings and other papers, including motions, notices, and attachments thereto, filed in the Bankruptcy Court:

(a) Paper. All pleadings and other papers presented for filing in paper form must be on white opaque paper of good quality, 8½ inches wide by 11 inches long in size. Text and other material must be on one side of the paper only. All pleadings and other papers filed electronically must be prepared so that they may be printed on paper that is 8½ inches wide by 11 inches long in size, with margins as required below.

(b) Typing. All pleadings and other papers must be typed, printed, or legibly hand printed and should not be materially defaced by erasures and interlineation. Pleadings and other papers filed in adversary proceedings and in contested matters must have at least one and one-half spaces between lines.

(c) Margins. The first page of all pleadings and other papers filed in paper must leave a space two inches by two inches in the upper right corner of the first page for the filing stamp. Consecutive pages must be prepared with a top margin of not less than one and one-half inches. All pleadings and other papers must have a left margin of not less than one inch.

(d) Numbering. All pages must be numbered consecutively at the bottom center of the page. Attachments must be numbered consecutively within the attachment.

(e) Attorney Identification. The following must appear on every pleading and other paper that an

attorney files: the attorney's name, complete address (including post office box or drawer number and street address), telephone number, e-mail address, and either the attorney's Georgia Bar number or, if the attorney is not a member of the Georgia Bar, the state and bar number of the bar in which the attorney is a member and regularly practices.

(f) Style. The caption of all pleadings and other papers must contain the chapter number (7, 11, 12, 13, or 15) under which the case is pending, the debtor's name, the case number, and the initials of the Bankruptcy Judge to whom the case is assigned.

(g) Adversary Proceeding Cover Sheets. Whenever a complaint initiating an adversary proceeding is not filed electronically, the plaintiff or the plaintiff's attorney must prepare and submit to the Bankruptcy Clerk a fully completed Adversary Proceeding Cover Sheet (available from the Bankruptcy Clerk).

(h) Flat Filing; No Staples. All pleadings and other papers presented to the Bankruptcy Clerk for filing in paper must be flat and unfolded, must not be stapled, and must be bound at the top with a clip.

(i) Titles on Papers. All pleadings and other papers presented to the Bankruptcy Clerk for filing must bear clear designations of their content. Designations of pleadings and other papers must conform to the nomenclature set forth in Rule 7 of the Federal Rules of Civil Procedure. When a document contains multiple contents (such as an answer to a complaint and a counterclaim), all matters contained in the document must be described in the caption on the first page of the document, except that a certificate of service should not be included in the caption.

(j) List of Creditors in Main Case. In addition to the schedules, the debtor must file a list of all creditors. If the debtor files the petition initiating a case through the Electronic Case Filing Program, the list of all creditors must be filed in the format prescribed by the CM/ECF Administrative Procedures.

(k) Orders. Provisions governing electronic orders are contained in BLR 9013-2.

BLR 5005-2.

Reserved.

BLR 5005-3. Incorporation of Pleadings.

In those instances where reproduction of an entire pleading or other paper would be unduly burdensome, a party filing, or moving to file, an amendment to a pleading or other paper may incorporate relevant provisions of prior pleadings or papers by reference.

BLR 5005-4. Signature; Nonconforming Pleadings.

All petitions, pleadings, and other papers presented to the Bankruptcy Clerk for filing must be signed by either the party or parties presenting the petition, pleading, or other paper or, if represented by an attorney, by at least one attorney of record, and must include the complete address (including post office box or drawer number and street address), and telephone number of the person(s) signing it. If signed by an attorney, it must include the information required by BLR 5005-1(e).

BLR 5005-5. Electronic Filing.

(a) Authorization of Electronic Filing. The Bankruptcy Clerk must accept documents for filing by electronic means in accordance with these Rules and with the CM/ECF Administrative Procedures established pursuant to BLR 5005-5(b).

(b) CM/ECF Administrative Procedures. The Bankruptcy Court may establish “CM/ECF Administrative Procedures,” which are administrative procedures consistent with technical standards that the Judicial Conference of the United States establishes for the Bankruptcy Court’s electronic case filing and docketing system. The CM/ECF Administrative Procedures include procedures concerning: (1) the registration of attorneys, trustees, examiners, the United States Trustee, and other persons to have access to the electronic docket to file documents electronically and to pay required filing fees in connection therewith; (2) safeguarding the integrity of the Bankruptcy Court’s docket and filed documents; (3) creation and maintenance of a secure mechanism for the creation and distribution of passwords to Registered Users so as to permit identification of persons filing documents electronically; and (4) establishment of procedures to provide for the functional equivalent of signatures of attorneys and other persons on electronically filed documents. Any fees collected pursuant to the CM/ECF Administrative Procedures must be consistent with the fee structure adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. §§ 1913, 1914, 1926, and 1930, and other applicable law. The CM/ECF Administrative Procedures are available from the Bankruptcy Clerk and on the Bankruptcy Court’s website.

(c) Use of Passwords. With regard to passwords issued pursuant to the CM/ECF Administrative Procedures:

- (1)** No person shall knowingly utilize, or permit another person to utilize, a password without authorization from the person to whom it is issued.
- (2)** No attorney shall knowingly permit, or cause to permit, a password assigned to that attorney to be utilized by any person other than an authorized employee of his or her law firm.

(3) A person whose password is used to electronically file a document certifies that such person has authorized the filing.

(d) Consequences of Electronic Filing. Electronic filing of a document constitutes filing of the document for all purposes of the Bankruptcy Rules and these Rules and constitutes entry of the document on the docket kept by the Bankruptcy Clerk under Bankruptcy Rule 5003. When a document has been filed electronically, the official record is the electronic recording of the document as stored in accordance with the CM/ECF Administrative Procedures, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the notice of electronic filing sent pursuant to the CM/ECF Administrative Procedures.

BLR 5005-6. Attorneys, Trustees, and Examiners Required to File Documents Electronically; Exceptions; Emergencies.

(a) Electronic Filing by Attorneys, Trustees, and Examiners. Any document filed by an attorney, a trustee, an examiner serving in any case pending in the Bankruptcy Court, or the United States Trustee must be filed electronically, unless these Rules provide otherwise.

(b) Exceptions to Electronic Filing.

(1) Miscellaneous Documents Filed by Attorney Who Is Not a Registered User. An attorney who is not a Registered User is not required to file any of the following documents electronically: (A) a proof of claim or amendments thereto; (B) a notice of appearance in a bankruptcy case for the purpose of receiving notices; (C) a ballot on a chapter 11 plan. The exceptions for the filing of these documents do not excuse the attorney from the requirements of BLR 5005-6(a) with regard to the filing of other documents in the case and in any adversary proceeding relating thereto.

(2) Discretionary Exceptions. A Bankruptcy Judge may in his or her discretion authorize other exceptions to the electronic filing of documents and may order that certain documents not be filed electronically.

(3) Emergencies. In the event that an emergency situation prevents a Registered User from timely filing a document electronically through the Electronic Case Filing Program, such person is permitted to file the document in paper form or through alternative means set forth in the CM/ECF Administrative Procedures.

(4) Inability to File Electronically. An attorney required to file electronically may submit to the Chief Bankruptcy Judge, or his or her designee, an “Affidavit of Inability to File Electronically” certifying that he or she is unable to comply with the electronic filing requirements. The Affidavit must state the circumstances that justify an exception from

electronic filing. Upon the first submission of such an affidavit, the attorney has an automatic grace period of ninety days during which the attorney is not required to electronically file documents. Should the attorney require additional time beyond the grace period, the attorney may petition the Chief Bankruptcy Judge, or his or her designee, for such additional time as may be necessary.

(5) Documents under seal. A document that a person desires to file under seal may be prepared in paper form and submitted to the Bankruptcy Clerk. The motion to file such document under seal must be filed electronically, if the filing party is required to file electronically.

BLR 5005-7. Procedures for Filing Documents Electronically.

As used in this rule, the word “attorney” means an attorney admitted to practice in the Bankruptcy Court.

(a) Format Requirements. An electronically filed document must be prepared in accordance with the format requirements of BLR 5005-1 and 5005-3, except as otherwise provided by this rule and the CM/ECF Administrative Procedures.

(b) Signatures.

(1) Signature of attorneys on document electronically filed by attorney. A document electronically filed by an attorney that an attorney signs or is required to sign under the Bankruptcy Rules or other applicable law must identify each attorney signing such document in accordance with BLR 5005-1(e). If the document is filed electronically in a text format, the signature of each attorney signing the document must be indicated above the signature line with the notation “/s/” above the name of the person signing the document or by some other notation that clearly indicates that the document has been signed and by whom. If the document is filed electronically in an image format, the signature of each attorney signing the document must be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of each such attorney constitutes a signature of each such attorney under Bankruptcy Rule 9011. The electronic filing of the document constitutes a certification by the attorney filing the document that each attorney whose signature is thus evidenced (A) has signed or authorized such attorney’s signature and (B) has authorized the filing of the document as thus signed.

(2) Signature on document electronically filed by non-attorney. A document that is electronically filed by a person who is not an attorney and that the filing person signs or is required to sign must state the name of each person signing the document. If the document is filed electronically in a text format, the signature of the person signing the document must be indicated above the signature line with the notation “/s/” above the name or by some other notation that clearly indicates that the document has been signed and by whom. If the document is filed electronically in an image format, the signature of the person

signing the document must be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of such person as thus evidenced constitutes a signature of such person under Bankruptcy Rule 9011. The electronic filing of the document constitutes a representation and certification by the person filing the document that the person whose signature is thus evidenced (A) has signed or authorized such signature and (B) has authorized the filing of the document as thus signed.

(3) Signatures on document of persons other than person filing electronically. An electronically filed document (other than a proof or transfer of a proof of claim filed in accordance with BLR 5005-9) that is signed by a person other than, or in addition to, the person electronically filing the document, must state the name and state bar registration number of each attorney (if any) and the name of any other person signing such document. If the document is filed electronically in a text format, the signature of each person signing the document must be indicated above the signature line with the notation “/s/” above the name of each person signing the document or by some other notation that clearly indicates that the document has been signed and by whom. If the document is filed electronically in an image format, the signature of each person signing the document must be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of each such person as thus evidenced constitutes a signature of each such person under Bankruptcy Rule 9011. The electronic filing of the document constitutes a representation and certification by the person filing the document (A) that each person whose signature is thus indicated on the document has signed it and (B) that, at the time of filing, the person filing the document electronically is in possession of an original document signed as indicated on the electronically filed document. The requirements of (b)(1) or (b)(2), as applicable, apply with regard to the signature, if any, of the filing person.

(c) Verified Papers.

(1) A person electronically filing a Verified Paper certifies that such filer has in such filer’s possession at the time of filing the fully executed original Verified Paper with an original signature of each person whose signature is indicated thereon.

(2) A person electronically filing a Verified Paper in image format thereby certifies that the image is an exact copy of the original. A person electronically filing a Verified Paper in text format thereby certifies that its text is identical to the original.

(3) The following Rules apply with regard to a Verified Paper filed in text format:

(A) A person electronically filing a Verified Paper in text format must conform the copy filed electronically to the original Verified Paper. Each signature must be indicated above the signature line with the notation “/s/” above the name of the person signing or by some other notation that clearly indicates that the document has been signed and by whom. Hand-written and stamped text and notations, including dates and stamps concerning the commissions of notaries public, must be

typed on the filed copy. Seals must be noted by such expressions as “Legal Seal,” “L.S.,” “Notary Seal,” etc., as appropriate.

(B) The person filing the Verified Paper: (i) must maintain in such person’s files the original Verified Paper in its entirety for a period ending one year after the case or proceeding in which the Verified Paper is filed is closed; (ii) must produce the original for inspection and copying upon request of the Bankruptcy Court or any party in interest; and (iii) if ordered by the Bankruptcy Court, must transmit the original to the Bankruptcy Clerk.

(d) Motions under Seal. BLR 5005-6(b)(5) governs motions with regard to the filing of documents under seal.

(e) A trustee may file a report of no distribution by making a docket entry with appropriate text in such form as is approved by the United States Trustee, without filing a pleading containing the report and the trustee is not required to maintain any original or scanned copy of said report or otherwise comply with the requirements of paragraph (c) of this rule with regard to said report.

(f) The CM/ECF Administrative Procedures may authorize the filing of routine pleadings and papers by the making of a docket entry with appropriate text.

(g) Special Provisions Regarding Certain Pleadings in Chapter 13 Cases.

(1) This subsection applies only to the following amended documents in chapter 13 cases in which the debtor is represented by an attorney who is authorized to file documents electronically: amendments to plans and post confirmation plan modifications; amendments to statements of financial affairs and schedules and summaries of schedules; and amendments to Forms 122C-1 and 122C-2 (individually, a “Specified Amended Document”).

(2) The electronic filing of a Specified Amended Document constitutes a certification by the debtor’s attorney (A) that the debtor has signed it and (B) that, at the time of filing, the debtor’s attorney is in possession of either (i) an original document signed by the debtor or (ii) an image format or other facsimile of the document, including the signature page, received either electronically or by facsimile machine from the debtor. If the Specified Amended Document is filed with “/s/” above the name of the debtor, as opposed to with a copy of the signature in image format, the electronic filing of the document constitutes a representation and certification by the debtor’s attorney that the debtor has signed it and that, at the time of filing, the debtor’s attorney is in possession of an original signature of the debtor on the document signed as indicated on the electronically filed document. If a Specified Amended Document is filed electronically with the signature in image format, including by facsimile, the electronic filing of the Specified Amended Document constitutes a representation and certification that the debtor’s attorney transmitted the entire Specified Amended Document to the debtor for review and signature, communicated with the debtor regarding the substance and purpose of the Specified Amended Document, received the entire Specified Amended Document, including the signature page, back from

the debtor electronically, including by facsimile, and received express authorization from the debtor to file the Specified Amended Document.

(3) The debtor's attorney (A) must maintain in his or her files the electronic or facsimile transmission received from the debtor containing the Specified Amended Document in its entirety for a period ending one year after the case or proceeding in which the Specified Amended Document is filed is closed; (B) must produce the electronic or facsimile transmission for inspection and copying upon request of the Bankruptcy Court or any party in interest; and (C) if ordered by the Bankruptcy Court, must transmit the electronic or facsimile transmission to the Bankruptcy Clerk.

(4) Except to the extent provided in this subsection (g), all other provisions of BLR 5005-7 apply to the electronic filing of a Specified Amended Document.

BLR 5005-8. Service of Electronically Filed Documents.

In all cases in this Court, including adversary proceedings, Registered Users agree to receive notice and service of pleadings and documents other than those pleadings and documents required to be served on the Registered User under Bankruptcy Rule 7004, by electronic means and waive other service through the notice of electronic filing for notices, pleadings and documents, from both the Bankruptcy Court and from other Registered Users. The Bankruptcy Court's General Order with regard to electronic service of pleadings, as it may be amended, addresses the mechanics of electronic service.

BLR 5005-9. Electronic Filing of Proof of Claim or Transfer of Claim.

(a) A Registered User may file a proof of claim or a transfer of claim electronically in accordance with these Rules and the CM/ECF Administrative Procedures. BLR 3001-1 applies to an electronically filed proof of claim or transfer of a claim, except as otherwise provided by these Rules and the CM/ECF Administrative Procedures.

(b) An electronically filed proof of claim or transfer of claim must be signed in accordance with BLR 5005-7(b). No person or entity may cause or permit a proof of claim or transfer of claim to be filed electronically without the express authorization of the individual whose signature appears on the electronically filed document and the person or entity on whose behalf the document is being filed. When an individual creditor or employee or agent of any creditor who is a Registered User electronically files a proof of claim or a transfer of claim, that individual creditor, employee, or agent certifies (1) that he or she is authorized to file the proof of claim or transfer of claim by the entity on whose behalf the document is being filed; (2) the creditor is the same entity who is a Registered User; and (3) the individual whose signature is shown on the proof of claim or transfer of claim has authorized such signature and the filing of that document. Upon the electronic filing of a proof of claim or a transfer of claim, the signature in accordance with BLR 5005-7(b)

constitutes a signature for purposes of Bankruptcy Rule 9011, of 18 U.S.C. §§152 and 3571, and of other applicable law.

BLR 5011-1. Withdrawal of the Reference: Form of Request; Place for Filing.

(a) **By Party.** A request for withdrawal of the reference of a case or a proceeding referred to the Bankruptcy Court must be made by motion. All such motions must conform to BLR 7007-1. In addition, all such motions must clearly and conspicuously state, “RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE,” and should refer to and comply with 28 U.S.C. § 157(d) and Bankruptcy Rule 5011(a).

(b) **By Bankruptcy Judge.** A request for withdrawal of the reference of a case or a proceeding referred to the Bankruptcy Court may be made *sua sponte* by a Bankruptcy Judge at any time.

BLR 5011-2. Withdrawal of the Reference: Time for Filing of Motion.

(a) **Bankruptcy Cases.** A motion to withdraw the reference of all or any part of a bankruptcy case must be served and filed on or before thirty days after the date first scheduled for the meeting of creditors held pursuant to 11 U.S.C. § 341(a).

(b) **Adversary Proceedings.** A motion to withdraw the reference of all or any part of an adversary proceeding must be served and filed not later than the time for answering or otherwise responding to the pleading or paper in which the ground for the motion to withdraw the reference first arises.

(c) **Contested Matters.** A motion to withdraw the reference of a contested matter within a case must be served and filed not later than fourteen days after service of the motion, application, or objection that initiates the contested matter.

BLR 5011-3. Withdrawal of the Reference: Copies and Required Exhibits.

A party moving to withdraw the reference must attach, as exhibits to the motion, copies of all pertinent portions of any record in the Bankruptcy Court that the party believes will be necessary for consideration of the motion. The responding party must similarly attach, as exhibits to the response, copies of all additional pertinent portions of the record in the Bankruptcy Court that the party believes will be necessary for consideration of the motion or response.

BLR 5011-4. Withdrawal of the Reference: Responses to Motions to Withdraw the Reference; Reply.

Opposing parties must file with the Bankruptcy Clerk, and serve on all parties to the matter as to which the withdrawal of the reference has been requested, their written responses to the motion to withdraw the reference within fourteen days after being served with a copy of the motion. The moving party may serve and file a reply within fourteen days after service of a response.

BLR 5011-5. Withdrawal of the Reference: Transmittal to and Proceedings in the District Court.

When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the Bankruptcy Clerk must promptly transmit to the District Clerk the motion papers and attached exhibits. After the District Court has assigned a number to the case or matter, all documents pertaining to the matter under review by the District Court must be filed with the District Clerk. The parties must continue to file all documents relating to all other matters in the bankruptcy case or adversary proceeding with the Bankruptcy Clerk.

BLR 5071-1. Continuances Generally.

No continuance of any trial, pretrial conference or other hearing will be granted on the stipulation of counsel alone but only by approval of the Bankruptcy Court.

BLR 5071-2. Continuances: Absence of Witnesses.

Motions for continuance on account of the absence of any witness must show the steps which have been taken to secure the attendance of the witness and must reveal the nature of the witness's testimony. The motion must also state the time at which the witness will be available and, unless waived, must include a certificate of a doctor when illness of the witness is alleged. The stipulation of the adversary as to the witness's testimony constitutes sufficient cause to deny the motion for continuance.

BLR 5071-3. Attorney Conflicts: Section 341 Meeting of Creditors.

When an attorney has a hearing or other matter before the Bankruptcy Court in which the attorney is lead counsel scheduled for the same time as a § 341 meeting of creditors, the attorney must give prompt notice of the conflict and a proposed resolution thereof to the case trustee, Chapter 13 Trustee, or United States Trustee as appropriate.

BLR 5071-4. Attorney Conflicts: Appearances before the Bankruptcy Court.

(a) When an attorney is scheduled to appear on a day certain in the Bankruptcy Court and another court, and after consultation at the earliest reasonable opportunity, the scheduling conflict cannot be informally resolved with opposing counsel (or an unrepresented party) and with the bankruptcy courtroom deputy, the attorney must give prompt written notice of the conflict as specified below.

(b) The attorney must submit prompt notice of the conflict by delivering a letter not less than seven days prior to the date of conflict to each bankruptcy courtroom deputy, to the chambers of other non-bankruptcy court judges, and to counsel for other affected parties (or to any unrepresented parties), together with a proposed resolution of the conflicts setting forth the proposed order of matters to be tried with a listing of the time and date of each hearing or trial and the date each matter was set for hearing or trial. In the absence of objection from counsel for an opposing party (or an unrepresented party) or the courts affected, the proposed order of conflict resolution stands. The parties should not docket the notice of the conflict.

(c) An attorney shall have a conflict under this rule only if the attorney certifies in the written notice of conflict that:

- (1) the attorney is lead counsel in two or more of the actions affected; and
- (2) the matters cannot be adequately handled, and the client's interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; and
- (3) after communication with opposing counsel (or an unrepresented party) and communication with the appropriate courtroom deputy or deputies and the other affected courts, the conflict cannot be resolved.

BLR 5072-1. Weapons Not Allowed in Courthouse.

LR 83.5 is applicable to and governs all actions and proceedings in the Bankruptcy Court.

BLR 5073-1. Television and Radio Broadcasting, Recording, or Photographing Judicial Proceedings.

LR 83.4 is applicable to and governs all actions and proceedings in the Bankruptcy Court.

Under no circumstances may any individual participating in or listening to proceedings before the Bankruptcy Court, whether in the courtroom or telephonically, record or broadcast the proceedings conducted by the Bankruptcy Court.

BLR 5073-2. Provisions for Special Orders in Widely Publicized or Sensational Civil Cases.

In a widely publicized or sensational case, the Bankruptcy Court, on motion of any party or on its own motion, may issue a special order governing such matters as: extrajudicial statements by parties and witnesses likely to interfere with the rights of the parties to a fair trial by an impartial jury; the seating and conduct in the courtroom of spectators and news media representatives; the management and sequestration of jurors and witnesses; and any other matters which the Bankruptcy Court may deem appropriate for inclusion in such an order.

BLR 6007-1. Abandonment.

(a) By Consent. In accordance with Bankruptcy Rule 6007, upon motion and order consented to in writing by the debtor, the trustee, and any entity claiming an interest in the property of the estate, where the equity in the property is shown on the face of the order to be \$1,000.00 or less, the Bankruptcy Court may authorize a trustee in a chapter 7 case to abandon property of the estate without further notice or service.

(b) By Trustee. In accordance with Bankruptcy Rule 6007, a trustee in a chapter 7 case may give verbal notice of a proposed abandonment at a Meeting of Creditors held pursuant to 11 U.S.C. § 341(a); provided, however, that said verbal notice must be reduced to a writing, stating the grounds therefor, and be filed with the Bankruptcy Clerk within fourteen days after the Meeting of Creditors. If no objection to the proposed abandonment is filed within fourteen days following the filing of the trustee's notice, the property will be deemed abandoned as of the date of the Meeting of Creditors or the date of the written notice, whichever is earlier.

BLR 6008-1. Redemption and Avoidance of Liens: Motions and Responses.

(a) A debtor filing either a motion to redeem property pursuant to 11 U.S.C. § 722 and Bankruptcy Rule 6008 or a motion to avoid a lien on exempt property pursuant to 11 U.S.C. § 522 and Bankruptcy Rule 4003(d) must attach a notice substantially complying with Local Forms 6008-1(A) or 6008-1(B), as appropriate. Such matters are contested matters and must be served according to Bankruptcy Rule 9014.

(b) The respondent must file a response to a motion under BLR 6008-1(a) within twenty-one days of the date of service and serve a copy of same on movant. If no response is timely filed and served, the motion will be deemed unopposed and the Bankruptcy Court may enter an order granting the relief sought. If the motion is timely controverted, the Bankruptcy Court may schedule a hearing on notice to the movant and respondent or order such other proceedings as may be appropriate.

BLR 7001-1. Construction with the Local Rules of Practice for the United States District Court for the Northern District of Georgia.

Notwithstanding BLR 1001-3, in any adversary proceeding or contested matter, these Bankruptcy Local Rules govern over any inconsistent provision contained in the Local Rules of Practice for the District Court.

BLR 7001-2. Applicability to Certain Chapter 7 and Chapter 13 Motions.

A motion by a debtor in a chapter 7 or chapter 13 case for an order to either 1) recover an automobile or an item of consumer goods repossessed by a creditor, or 2) authorize the release of funds held under a garnishment commenced by a creditor, may be filed as a contested matter.

BLR 7004-1. Dismissal without Prejudice.

(a) Omission of Response Date on Summons. Failure of counsel for a party or of a party appearing *pro se* to state the correct response time on a summons or notice of lawsuit and request for waiver of service of summons attached to a complaint, third-party complaint, or any other pleading that requires a summons constitutes grounds for dismissal of the action without prejudice.

(b) Failure to Update Office Address, Telephone Number, and E-mail Address. Failure of counsel for a party or of a party appearing *pro se* to keep the Bankruptcy Clerk's office informed of any change in address, telephone number, and e-mail address which causes a delay or otherwise adversely affects the management of the case constitutes grounds either for dismissal of the action without prejudice or for entry of a default judgment.

BLR 7005-1. Proof of Service.

The person serving process in an adversary proceeding must make proof of service thereof promptly to the Bankruptcy Court in accordance with the Bankruptcy Rules.

BLR 7007-1. Filing of Motions and Responses in Adversary Proceedings; Hearings.

This rule applies only in adversary proceedings and whenever the Bankruptcy Court makes Part VII of the Bankruptcy Rules applicable in a contested matter.

(a) Briefs; Affidavits. Any motion must be accompanied by a memorandum of law or other citation of supporting authority. If allegations of fact not otherwise in the record are relied upon, supporting affidavits must be filed with the motion or memorandum of law.

- (b) **Motions Pending on Removal.** See BLR 9027-1.
- (c) **Response to Motion.** Any party opposing a motion must file and serve the party's response, responsive memorandum, affidavits, and any other responsive material not later than fourteen days after service of the motion, except that the time to respond to a motion for summary judgment is twenty-one days. Failure to file a response indicates no opposition to the motion.
- (d) **Reply.** A reply by the movant is permitted, but it is not necessary for the movant to file a reply as a routine practice. When the movant deems it necessary to file a reply, the reply must be filed and served not later than fourteen days after service of the responsive pleading.
- (e) **Page and Type Limitations.** Absent prior permission of the Bankruptcy Court, briefs filed in support of a motion or in response to a motion are limited in length to twenty-five pages. If the movant files a reply, the reply brief may not exceed fifteen pages.
- (f) **Hearings.** Motions will be decided by the Bankruptcy Court without a hearing, unless a hearing is ordered by the Bankruptcy Court.
- (g) **Expedited Hearings on Motions.** Upon written motion and for good cause shown, the Bankruptcy Court may shorten the time requirements of this rule and grant an expedited hearing on any matter requiring immediate attention. The motion must set forth in detail the necessity for such expedited procedure.
- (h) **Effect of Noncompliance.** The Bankruptcy Court, in its discretion, may decline to consider any motion or brief that fails to conform to the requirements of these Rules.
- (i) **Extensions of Time.** See BLR 9006-1.

BLR 7016-1 Rule 26(f) Conference and Rule 16(b) Scheduling Order.

This rule applies (i) in adversary proceedings, unless the Bankruptcy Court orders otherwise, and (ii) whenever the Bankruptcy Court makes Part VII of the Bankruptcy Rules applicable in a contested matter, except in categories of proceedings exempt from initial disclosure under Rule 26(a)(1)(B) of the Federal Rules of Civil Procedure.

(a) Rule 26(f) Conference and Report.

- (1) Within twenty-one days after the later of (i) the appearance of the first defendant by answer or motion (excluding any motion challenging personal jurisdiction or adequacy of service of process, or any motion, or other documents seeking to extend the time to answer or otherwise respond); (ii) the resolution of a motion provided for in the preceding parenthetical; or (iii) the removal of a proceeding to the Bankruptcy Court, all unrepresented parties and counsel for all represented parties must confer as required by, and for the purposes of, Rule 26(f) of the Federal Rules of Civil Procedure and discuss scheduling matters as set forth in Rule 16(b) of the Federal Rules of Civil Procedure.

- (2) All unrepresented parties and counsel for all represented parties are jointly responsible for submitting, within fourteen days after the Rule 26(f) conference, a written report outlining the discovery plan, addressing any scheduling matters of concern to the parties as set forth in Rule 16(b), and proposing a scheduling order in accordance with Rule 16(b) for consideration by the Bankruptcy Court. Form 7016 may be used for the proposed scheduling order.
- (3) If one or more parties or their counsel fails or refuses to cooperate in the scheduling of the Rule 26(f) conference and in the preparation and filing of the report as set forth above, the other parties must file appropriate joint or separate reports.
- (4) In lieu of submitting the Rule 26(f) report and proposed scheduling order, the parties may submit a written stipulation stating that the parties have agreed to waive initial disclosures otherwise required by Rule 26(a)(1), that no departures from the standard discovery provisions of the Federal Rules of Civil Procedure and these Rules are required in the proceeding, that discovery begins on the day after the last day for the Rule 26(f) conference specified above, and that the parties agree to a scheduling order in accordance with paragraph (b) of this rule.

The failure of the parties to timely comply with the provisions of this rule will be deemed to be such a stipulation, unless the Bankruptcy Court orders otherwise for cause shown.

(b) Scheduling Order.

- (1) Following receipt of the report required by paragraph (a), the Bankruptcy Court will enter an appropriate scheduling order. A conference will be held only if directed by the Bankruptcy Court.
- (2) If the parties submit a written stipulation as set forth in paragraph (a)(4) of this rule or fail to timely comply with the provisions of paragraph (a)(4), then, unless the Bankruptcy Court orders otherwise, no separate scheduling order will be entered and:
 - (A) Discovery will commence on the last day of the time specified in paragraph (a)(1) of this rule;
 - (B) Motions to join other parties or to amend the pleadings must be filed within thirty days of the beginning of discovery;
 - (C) Discovery must be completed within ninety days, unless the Bankruptcy Court orders otherwise in accordance with BLR 7026-2; and
 - (D) BLR 7026-2(c) applies with regard to expert witnesses.

This schedule will not be modified except upon a showing of good cause and by leave of the Bankruptcy Court.

BLR 7016-2. Form and Content of Consolidated Pretrial Order (Non-Jury).

In all adversary proceedings other than those covered in BLR 7016-2 and whenever the Bankruptcy Court makes Part VII of the Bankruptcy Rules applicable in contested matters, the parties must file a proposed pretrial order in accordance with this rule, unless the Bankruptcy Judge to whom the proceeding is assigned directs that a proposed pretrial order not be filed or directs that it be prepared in a different manner.

(a) Procedure. The parties must prepare and sign a proposed consolidated pretrial order to be filed with the Bankruptcy Clerk no later than thirty days after the close of discovery. It is the responsibility of plaintiff's counsel to contact defense counsel to arrange a date for the conference necessary to prepare the pretrial order. If issues arise on which counsel for the parties cannot agree, the areas of disagreement must be set forth in the proposed pretrial order. In those cases in which a pending motion for summary judgment exists, the time for filing the pretrial order is automatically suspended until thirty days after the Bankruptcy Court has ruled on the motion for summary judgment, unless the Bankruptcy Court orders otherwise. If counsel desire a pretrial conference, a request must be indicated on the proposed pretrial order immediately below the adversary proceeding number. Counsel will be notified if the Bankruptcy Judge determines that a pretrial conference is necessary. A case is presumed ready for trial after the pretrial order is entered unless another time is specifically set by the Bankruptcy Court.

(b) Content. Each proposed consolidated pretrial order must contain the information outlined below. No modifications or deletions shall be made without the prior permission of the Bankruptcy Judge. The proposed order must contain:

- (1)** A statement of any pending motions or other matters.
- (2)** A statement that, unless otherwise noted, discovery has been completed. Counsel will not be permitted to file any further motions to compel discovery. The parties are, however, permitted to take the depositions of any persons for the preservation of evidence and for use at trial if doing so will not delay the trial.
- (3)** A statement as to the correctness of the names of the parties and their capacity and as to any issue of misjoinder or non-joinder of parties.
- (4)** A statement as to any question of the Bankruptcy Court's jurisdiction and the statutory basis of jurisdiction.
- (5)** The individual names, addresses, and telephone numbers of lead counsel for each party.
- (6)** A brief description, including style and case number of any pending related litigation, including any related pending adversary proceedings.
- (7)** An outline of plaintiff's case, which must include:
 - (A)** A succinct factual statement of plaintiff's cause of action which shall neither be argumentative nor recite evidence.

which counsel expect to use at trial will not be admitted as exhibits, but must be separately listed on the party's exhibit list.

(B) Prior to trial, counsel must affix to each exhibit stickers numbered to correspond with the party's exhibit list. The surname of a party must be shown on the numbered sticker when there are either multiple plaintiffs or multiple defendants.

(C) A separate, typed listing of each party's objections to the exhibits of another party. The objections must be attached to the exhibit list of the party against whom the objections are raised. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits must be included. Any listed document to which an objection is not raised is deemed to have been stipulated as to authenticity by the parties, and such documents will be admitted at trial without further proof of authenticity.

(D) A statement of any objections to the use at trial of copies of documentary evidence.

(E) Documentary and physical exhibits may not be submitted by counsel after filing of the pretrial order, except upon consent of all the parties or permission of the Bankruptcy Court. Exhibits so admitted must be numbered, inspected by counsel, and marked with stickers prior to trial.

(F) Counsel must familiarize themselves with all exhibits (and the numbering thereof) prior to trial. Counsel will not be afforded time during trial to examine exhibits that are or should have been listed herein.

(15) A listing of all persons whose testimony at trial will be given by deposition and designation of the portions of each person's deposition which will be introduced. Objections not filed by the date on which the case is first scheduled for trial are deemed waived or abandoned. Extraneous and unnecessary matters, including non-essential colloquy of counsel, will not be permitted to be read into evidence.

(16) Any trial briefs which counsel may wish to file containing citations to legal authority on evidentiary questions and other legal issues. Briefs are limited to twenty-five pages unless leave to exceed the limit is granted by the Bankruptcy Court in advance. No brief will be considered that does not comply. Any brief in excess of fifteen pages must be indexed.

(17) Third-party claimants, crossclaimants and those asserting counterclaims must furnish the same information with respect to their claims; however, duplication of matters already covered is not required.

(18) Counsel are directed to submit a statement of proposed Findings of Fact and Conclusions of Law no later than the opening of trial.

(19) A statement of the date on which counsel met personally to discuss settlement, whether the Bankruptcy Court has discussed settlement with counsel, and the likelihood of settlement of the case at this time.

(20) A statement of each party's estimate in hours of the time required to present that party's evidence and an estimate of the total trial time.

(21) Any request for a pretrial conference prior to trial.

(22) The following paragraph must be included at the close of each proposed pretrial order above the signature line for the Bankruptcy Judge:

IT IS HEREBY ORDERED that the above constitutes the pretrial order for the above captioned case (___) submitted by stipulation of the parties or (___) approved by the Bankruptcy Court after conference with the parties.

IT IS FURTHER ORDERED that the foregoing, including the attachments thereto, constitutes the pretrial order in the above case and that it supersedes the pleadings which are hereby amended to conform hereto and that this pretrial order cannot be amended except by order of the Bankruptcy Court, to prevent manifest injustice.

IT IS SO ORDERED this ____ day of ____, 20__.

(23) The signatures of lead counsel for each party on the last page below the Bankruptcy Judge's signature.

BLR 7016-3. Form and Content of Consolidated Pretrial Order (Jury Trial).

In all adversary proceedings in which the parties have demanded a jury trial, whether to be tried upon consent in the Bankruptcy Court or in the District Court, each proposed consolidated pretrial order must contain the information outlined below. No modifications or deletions can be made without the prior permission of the Bankruptcy Court. A form Pretrial Order prepared by the District Court and which counsel is required to use is contained in LR 84.1D, Appendix B, Form III. The proposed order must contain:

(1) A statement of any pending motions or other matters.

(2) A statement that, unless otherwise noted, discovery has been completed. Counsel will not be permitted to file any further motions to compel discovery. Depositions for the preservation of evidence and for use at trial will be permitted, if doing so will not delay the trial.

(3) A statement as to the correctness of the names of the parties and their capacity and as to any issue of misjoinder or non-joinder of parties.

- (4) A statement as to any question of the Bankruptcy Court’s jurisdiction and the statutory basis of jurisdiction.
- (5) The individual names, addresses, and telephone numbers of lead counsel for each party.
- (6) A brief description, including style and case number of any pending related litigation, including any related pending adversary proceedings.
- (7) A statement as to whether the case is to be tried to a jury, to the Bankruptcy Court without a jury, or that the right to trial by jury is disputed.
- (8) An expression of the parties’ preference, supported by reasons, for a unified or bifurcated trial.
- (9) A joint listing of the questions which the parties wish the Bankruptcy Court to propound to the jurors concerning their legal qualifications to serve.
- (10) A listing by each party of requested general voir dire questions to the jurors. The Bankruptcy Court will question prospective jurors as to their address and occupation and as to the occupation of a spouse, if any. Follow-up questions by counsel may be permitted. The determination of whether the Judge or counsel will propound general voir dire questions is a matter of courtroom policy established by each Judge.
- (11) A statement of each party’s objections, if any, to another party’s general voir dire questions.
- (12) A statement of the reasons supporting a party’s request, if any, for peremptory challenges in addition to those allowed by 28 U.S.C. § 1870.
- (13) A brief description, including style and civil action number, of any pending related litigation.
- (14) An outline of plaintiff’s case, which must include:

 - (A) A succinct factual statement of plaintiff’s cause of action, which shall be neither argumentative nor recite evidence.
 - (B) A separate listing of all rules, regulations, statutes, ordinances, and illustrative case law creating a specific legal duty relied upon by plaintiff.
 - (C) A separate listing of each and every act of negligence relied upon in negligence cases.
 - (D) A separate statement for each item of damage claimed, containing a brief description of the item of damage, dollar amount claimed, and citation to the law, rule, regulation, or any decision authorizing a recovery for that particular item of damage. Items of damage not identified in this manner are not recoverable.

- (15)** An outline of defendant's case, which must include:
- (A)** A succinct factual summary of defendant's general, special, and affirmative defenses which shall be neither argumentative nor recite evidence.
 - (B)** A separate listing of all rules, regulations, statutes, ordinances, and illustrative case law creating a defense relied upon by defendant.
 - (C)** A separate statement for each item of damage claimed in a counterclaim, which must contain a brief description of the item of damage, the dollar amount claimed, and citation to the law, rule, regulation, or any decision which authorizes a recovery for that particular item of damage. Items of damage not identified in this manner are not recoverable.
- (16)** A listing of stipulated facts which may be read into evidence at trial. It is the duty of counsel to cooperate fully with each other to identify all undisputed facts. A refusal to do so may result in the imposition of sanctions upon the non-cooperating counsel.
- (17)** A statement of the legal issues to be tried.
- (18)**
- (A)** A separate listing, by each party, of all witnesses (and their addresses) whom that party will or may have present at trial, including expert (any witness who might express an opinion under Rule 702), impeachment and rebuttal witnesses whose use can or should have been reasonably anticipated. Each party must also attach to the party's list a reasonably specific summary of the expected testimony of each expert witness.
 - (B)** A representation that a witness will be called may be relied upon by other parties unless notice is given fourteen days prior to trial to permit other parties to subpoena the witness or obtain the witness' testimony by other means.
 - (C)** Witnesses not included on the witness list will not be permitted to testify, unless expressly authorized by Court order based upon a showing that the failure to comply was justified. The attorneys may not reserve the right to add witnesses.
- (19)**
- (A)** A separate, typed, serially numbered listing, beginning with 1 and without the inclusion of any alphabetical or numerical subparts, of each party's documentary and physical evidence. Adequate space must be left on the left margin of each list for Bankruptcy Court stamping purposes. A courtesy copy of each party's list must be submitted for use by the Judge. Learned treatises which counsel expect to use at trial will not be admitted as exhibits, but must be separately listed on the party's exhibit list.

(B) Prior to trial, counsel shall affix to each exhibit stickers numbered to correspond with the party's exhibit list. The surname of a party must be shown on the numbered sticker when there are either multiple plaintiffs or multiple defendants.

(C) A separate, typed listing of each party's objections to the exhibits of another party. The objections must be attached to the exhibit list of the party against whom the objections are raised. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits must be included. Any listed document to which an objection is not raised is deemed to have been stipulated as to authenticity by the parties, and such documents will be admitted at trial without further proof of authenticity.

(D) A statement of any objections to the use at trial of copies of documentary evidence.

(E) Documentary and physical exhibits may not be submitted by counsel after filing of the pretrial order, except upon consent of all the parties or permission of the Bankruptcy Court. Exhibits so admitted must be numbered, inspected by counsel, and marked with stickers prior to trial.

(F) Counsel must familiarize themselves with all exhibits (and the numbering thereof) prior to trial. Counsel will not be afforded time during trial to examine exhibits that are or should have been listed herein.

(20) A listing of all persons whose testimony at trial will be given by deposition and designation of the portions of each person's deposition which will be introduced. Objections not filed by the date on which the case is first scheduled for trial are deemed waived or abandoned. Extraneous and unnecessary matters, including non-essential colloquy of counsel, will not be permitted to be read into evidence. No depositions will be permitted to go out with the jury.

(21) Any trial briefs which counsel may wish to file containing citations to legal authority on evidentiary questions and other legal issues. Limitations, if any, regarding the format and length of trial briefs is a matter of individual practice established by each Judge.

(22) Counsel are directed to prepare, in accordance with LR 51.1, a list of all requests to charge in jury trials. These charges must be filed no later than 9:30 a.m. on the date the case is calendared (or specially set) for trial. A short (one page or less) statement of the party's contentions must be attached to the requests. Requests should be drawn from the latest edition of the Eleventh Circuit District Judges Association's Pattern Jury Instructions and Devitt and Blackmar's Federal Jury Practice and Instructions whenever possible. In other instances, only the applicable legal principle from a cited authority should be requested.

(23) A proposed verdict form if counsel desire that the case be submitted to the jury in a manner other than upon general verdict.

(24) A statement of any requests for time for argument in excess of thirty minutes per side as a group and the reasons for the request.

(25) Counsel are directed to submit a statement of proposed Findings of Fact and Conclusions of Law in nonjury cases, which must be submitted no later than the opening of trial.

(26) A statement of the date on which lead counsel and persons possessing settlement authority to bind the parties met personally to discuss settlement, whether the Bankruptcy Court has discussed settlement with counsel, and the likelihood of settlement of the case at this time.

(27) A statement of any requests for a special setting of the case.

(28) A statement of each party's estimate in hours of the time required to present that party's evidence and an estimate of the total trial time.

(29) The following paragraph must be included at the close of each proposed pretrial order above the signature line for the Judge.

IT IS HEREBY ORDERED that the above constitutes the pretrial order for the above captioned case (___) submitted by stipulation of the parties or (___) approved by the Bankruptcy Court after conference with the parties.

IT IS FURTHER ORDERED that the foregoing, including the attachments thereto, constitutes the pretrial order in the above case and that it supersedes the pleadings which are hereby amended to conform hereto and that this pretrial order cannot be amended except by order of the Bankruptcy Court, to prevent manifest injustice. Any attempt to reserve a right to amend or add to any part of the pretrial order after the pretrial order has been filed is invalid and of no effect and is not binding upon any party or the Bankruptcy Court, unless specifically authorized in writing by the Bankruptcy Court.

IT IS SO ORDERED this _____ day of _____, 20__.

(30) The signatures of lead counsel for each party on the last page below the judge's signature.

BLR 7016-4. Pretrial Instructions: Sanctions.

Failure to comply with the Bankruptcy Court's pretrial instructions may result in the imposition of sanctions, including dismissal of the case or entry of a default judgment.

BLR 7026-1. Rule 26(f) Conference.

In adversary proceedings that are not in a category of proceedings exempt from initial disclosure under Rule 26(a)(1)(B) of the Federal Rules of Civil Procedure, or unless the Bankruptcy Court orders otherwise, the Rule 26(f) conference must be held in accordance with BLR 7016-1. Further provisions with regard to the Rule 26(f) conference are set forth in BLR 7016-1.

BLR 7026-2. Discovery Period in Adversary Proceedings.

This rule applies only in adversary proceedings and whenever the Bankruptcy Court makes Part VII of the Bankruptcy Rules applicable in a contested matter.

(a) **Length.** All discovery proceedings must be initiated promptly so that discovery is initiated and completed within the time determined in accordance with BLR 7016(b), unless the Bankruptcy Court for cause shown shortens or extends the time for discovery. Discovery must be initiated sufficiently early in the discovery period to permit the filing of answers and responses thereto within the time limitations of the existing discovery period.

(b) **Extensions of Time.** Motions for extensions of time for discovery must be filed prior to the expiration of the original or previously extended discovery period. A request for extension must include the date issue was joined, the date on which the time limit in question is to expire, the dates of any and all previous extensions of time, and a description of the additional discovery that is needed.

(c) **Expert Witnesses.** Any party who desires to use the testimony of an expert witness must designate the expert, absent cause shown, not less than thirty days prior to the close of discovery to permit the opposing party the opportunity to depose the expert and, if desired, to name its own expert witness sufficiently in advance of the close of discovery so that a similar discovery deposition of the second expert might also be conducted prior to the close of discovery.

Any party who does not comply with the provisions of the foregoing paragraph may not be permitted to offer the testimony of the party's expert.

Any party objecting to an expert's testimony based on Rule 702 of the Federal Rules of Evidence and based on cases such as *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993), must file a motion no later than the date that the proposed pretrial order is submitted. Otherwise, such objections may be waived.

BLR 7026-3. Service and Filing of Discovery Material.

(a) **Filing Not Generally Required.** Interrogatories, requests for documents, requests for admission, answers, and responses thereto must be served upon opposing parties and their counsel, but they should not be routinely filed with the Bankruptcy Court. The party responsible for service of the discovery material must, however, file a certificate with the Bankruptcy Clerk indicating the

date of service. The party must also retain the original discovery material and become its custodian. The original of all depositions upon verbal examination must be retained by the party taking the deposition.

(b) Selective Filing Required for Motions, Trial, and Appeal.

(1) The custodial party must file with the Bankruptcy Clerk at the time of use at trial or with the filing of a motion, those portions of depositions, interrogatories, requests for documents, requests for admission, answers, and responses thereto which are used at trial or which are necessary to the motion.

(2) Where discovery materials not previously in the record are needed for appeal purposes, the Bankruptcy Court may order, or counsel may stipulate in writing, that the necessary materials will be filed with the District Court Clerk.

(c) Depositions Under Seal. At the request of any attorney of record in the case, the Bankruptcy Clerk may open the original copy of any deposition which has been filed with the Bankruptcy Clerk in accordance with this rule. The Bankruptcy Clerk will note on the deposition the date and time at which the deposition was opened. The deposition shall not be removed from the Bankruptcy Clerk's office.

BLR 7037-1. Motions to Compel Discovery.

(a) Good Faith Effort to Resolve Disputes. Counsel and unrepresented parties have the duty to make a good faith effort to resolve by agreement among themselves any disputes that arise in the course of discovery.

(b) Form of Motion. When, despite their good faith efforts, discovery disputes cannot be resolved without the intervention of the Bankruptcy Court, a party may, subject to subsection (e) below, file a motion to compel discovery in accordance with Rules 26, 33, 34, 36, and 37 of the Federal Rules of Civil Procedure. The moving party must attach to the motion a statement certifying that counsel for movant, or the movant, if unrepresented, has in good faith conferred or attempted to confer with the party not making disclosure or discovery in an effort to secure disclosure or discovery by agreement but that such efforts were not successful. The motion must also state the issues that remain to be resolved.

A motion to compel must:

- (1) Quote verbatim each interrogatory, request for admission, or request for production to which objection is taken;
- (2) State the specific objection;
- (3) State the grounds assigned for the objection (if not apparent from the objection);
and

- (4) Cite authority and include a discussion of the reasons assigned as supporting the motion.

The motion must be arranged so that the objection, grounds, authority, and supporting reasons follow the verbatim statement of each specific interrogatory, request for admission, or request for production to which an objection is raised. If the ground for the motion to compel is the opposing party's failure to respond, the movant need attach copies of the discovery requests only.

(c) **Procedures.** Motions to compel and responses thereto are subject to the general motion requirements set forth in BLR 7007-1 and subsection (e) below. A response to a motion to compel must be served within fourteen days after service of the motion.

(d) **Time Limitation for Filing.** A motion to compel discovery must be filed within the later of (i) the close of discovery or (ii) twenty-one days after the date for responding to the discovery request(s) upon which the motion is based, unless the Bankruptcy Court orders otherwise. The close of discovery is established by the expiration of the original or extended discovery period or by written notice of all counsel, filed with the Bankruptcy Court, indicating that discovery was completed earlier.

(e) **Telephonic Conference.** A Bankruptcy Judge may require that, prior to filing a motion to compel or for a protective order, the parties participate in a conference with the Court to determine whether the issues can be narrowed or resolved without the filing of pleadings. A party, or the parties jointly, may request such a conference.

BLR 7041-1. Dismissal for Want of Prosecution.

(a) **Dismissal Authorized.** The Bankruptcy Court may, with or without notice to the parties, dismiss an adversary proceeding or contested matter for want of prosecution if:

- (1) A plaintiff or movant willfully fails or refuses to make an adversary proceeding or contested matter ready for placement on the trial calendar;

- (2) A plaintiff or movant, after notice, fails or refuses to appear at the time and place fixed for pretrial or other hearing or trial or fails or refuses to obey a lawful order of the Bankruptcy Court;

- (3) An adversary proceeding or contested matter has been pending in the Bankruptcy Court for more than six months without any substantial proceedings of record having been taken, as shown by the record docket; or

- (4) A complaint or motion scheduled for trial or hearing is removed from the Bankruptcy Court's calendar at the request of the plaintiff or movant upon the representation that the matter has been resolved, and the plaintiff or movant does not submit a consent order, file a dismissal of the complaint or motion, or otherwise file appropriate papers to effect the resolution of the matter within thirty days of the date the trial or hearing was scheduled.

(b) Adjudication on the Merits. In accordance with the provisions of Rule 41(b) of the Federal Rules of Civil Procedure, a dismissal for want of prosecution operates as an adjudication upon the merits of the action, unless the Bankruptcy Court specifies otherwise in its order of dismissal.

BLR 7056-1. Motions for Summary Judgment.

(a) Form of Motion.

(1) The movant for summary judgment must attach to the motion a separate and concise statement of the material facts, numbered separately, as to which the movant contends no genuine issue exists to be tried. Statements in the form of issues or legal conclusions (rather than material facts) will not be considered by the Bankruptcy Court. Affidavits and the introductory portions of briefs do not constitute a statement of material facts.

(2) The respondent to a motion for summary judgment must attach to the response a separate and concise statement of material facts, numbered separately, as to which the respondent contends a genuine issue exists to be tried. Response should be made to each of the movant's numbered material facts. All material facts contained in the moving party's statement that are not specifically controverted in respondent's statement are deemed admitted. The response that a party has insufficient knowledge to admit or deny is not an acceptable response unless the party has complied with the provisions of Rule 56(d) of the Federal Rules of Civil Procedure.

(3) All documents and other record materials relied upon by a party moving for or opposing a motion for summary judgment must be clearly identified for the Bankruptcy Court. Where appropriate, dates and specific page numbers must be given.

(b) Time. Motions for summary judgment must be filed as soon as possible, but, unless the Bankruptcy Court orders otherwise, not later than twenty-eight days after the close of discovery.

(c) A motion for summary judgment will be decided without a hearing unless the Bankruptcy Court directs otherwise.

BLR 7067-1. Registry Funds, Unclaimed Funds, and Other Funds in the Custody of the Bankruptcy Clerk.

LR 67.1 is applicable in the Bankruptcy Court except that any order of disbursement of registry funds submitted pursuant to LR 67.1(C)(3) must show a combined total for principal and interest.

BLR 9001-1 Definitions.

- (a) “Bankruptcy Clerk” means the Bankruptcy Court Clerk and deputy clerks of the Bankruptcy Court.
- (b) “Bankruptcy Code” or “Code” means Title 11 of the United States Code.
- (c) “Bankruptcy Court” means the United States Bankruptcy Court for the Northern District of Georgia.
- (d) “Bankruptcy Judge” means any United States Bankruptcy Judge exercising jurisdiction with respect to cases or proceedings filed in the Bankruptcy Court.
- (e) “Bankruptcy Rules” mean the Federal Rules of Bankruptcy Procedure.
- (f) “Business Days” means every day, excluding Saturdays, Sundays, and legal holidays.
- (g) “District Clerk” means the District Court Clerk and deputy clerks.
- (h) “District Court” means the United States District Court for the Northern District of Georgia.
- (i) “District Judge” means any United States District Judge exercising jurisdiction with respect to cases or proceedings in the District Court or the Bankruptcy Court.
- (j) “CM/ECF Administrative Procedures” means the administrative procedures established by the Bankruptcy Court with regard to the electronic case filing and docketing system used by the Bankruptcy Court as provided in BLR 5005-5(b).
- (k) “Electronic Case Filing Program” means the program of the Bankruptcy Court that, in accordance with the provisions of the CM/ECF Administrative Procedures, permits Registered Users to file certain papers in the Bankruptcy Court electronically through internet access and to pay required filing fees in connection therewith.
- (l) “Image format” means the format of a document that has been scanned to create a graphics file so that, when the document is electronically filed, a user electronically retrieving the document is able to view an image of the document.
- (m) “Registered User” means a person who is registered to participate in the Bankruptcy Court’s Electronic Case Filing program and has been issued a password.
- (n) “Text format” means the format of a document initially created using word processing software.
- (o) “Verified Paper” means a filing that a person signs and thereby declares under oath or penalty of perjury concerning the truth of matters set forth in that filing. “Verified Paper” does not include a Certificate of Service signed by an attorney admitted to practice in the Bankruptcy Court or a

proof of claim. Verified Papers include, without limitation, petitions for relief under the Bankruptcy Code; lists of creditors, and all documents required to be filed under Bankruptcy Rule 1007(b); affidavits; verified applications, motions, complaints, answers, counterclaims, cross claims and replies; and any amendments to any of the foregoing.

BLR 9003-1. Filings in Unassigned Cases.

Whenever an attorney seeks an immediate order of the Bankruptcy Court, and the case has not yet been assigned to a particular Bankruptcy Judge, the attorney must file the motion and contact the Bankruptcy Clerk for instructions.

BLR 9003-2. Restrictions on Written Communications to Bankruptcy Judge.

Communications to a Bankruptcy Judge regarding a request for relief (including a request for an extension of time) or matter pending before that Bankruptcy Judge must be by written motion, pleading, or other paper, and not by letter or e-mail. Unless the Bankruptcy Judge determines otherwise, a letter or e-mail will not be treated as a motion, will not be considered by the Bankruptcy Court, and will not be docketed in the case.

BLR 9006-1. Extensions of Time.

In adversary proceedings and contested matters wherein a response is required, the time within which a party is required to answer or otherwise respond may be extended once, by consent of all counsel and all the parties, without the necessity of an order of the Bankruptcy Court, for a period not to exceed sixty days, provided that: 1) the stipulation is signed before the expiration of the period originally prescribed and promptly filed with the Bankruptcy Court; and 2) the extension is permitted by law. All motions or requests for an extension of time must set forth the date of the original expiration and any other extensions of time previously granted. Any extension that would require the continuance of a hearing must comply with BLR 5071-1.

BLR 9006-2. Motions to Shorten Time for Notice and Hearing; Emergency Hearings.

Upon written motion and for good cause shown, the Bankruptcy Court may shorten the time for notice and hearing with regard to an emergency matter requiring immediate attention. The motion must set forth in detail the necessity for such expedited procedure and must contain the word “Emergency” or “Expedited” in the title of the motion. A party filing a pleading or motion that requires immediate judicial attention must advise the chambers staff of the Bankruptcy Judge to which the matter is assigned of the filing of the pleading or motion.

BLR 9007-1. Service of Specific Notices by the Bankruptcy Clerk.

Unless the Bankruptcy Court orders otherwise, the Bankruptcy Clerk will serve the following notices:

- (a) All notices of dismissal of a case;
- (b) Bankruptcy Rule 2002(a)(1): Notice of the meeting of creditors pursuant to § 341 of the Bankruptcy Code in cases under chapter 7 and 11 and notice of the initial meeting of creditors in cases under chapter 12 and 13; see also BLR 2002-1 and 9007-2(d);
- (c) Bankruptcy Rule 2002(a)(7): Notice of time for filing claims;
- (d) Bankruptcy Rule 2002(b): Notice of initial hearing on confirmation of the plan in chapter 13;
- (e) Bankruptcy Rule 3004: Notice of filing of proof of claim by the debtor or trustee;
- (f) Bankruptcy Rule 3020(c): Notice of entry of order of plan confirmation;
- (g) Bankruptcy Rule 4006: Notice of denial, revocation, or waiver of discharge;
- (h) Bankruptcy Rule 8004: Notice of filing of notice of appeal;
- (i) Bankruptcy Rule 9014(c): Notice of entry of order regarding applicability of Part VII of Bankruptcy Rules;
- (j) Bankruptcy Rule 9020: Notice of hearing on contempt;
- (k) Bankruptcy Rule 9022(a): Notice of entry of judgment or order.

BLR 9007-2. Service of Other Notices.

(a) Unless the Bankruptcy Court orders otherwise, the party filing a pleading or other paper that requires notice is responsible for service of any notice required by the Bankruptcy Code or the Bankruptcy Rules, other than the notices specified in BLR 9007-1. Upon request of the Chapter 7 Trustee, the Bankruptcy Clerk will serve notices that a Chapter 7 Trustee is required to serve in a case in which no funds are available to pay the expense of such notice. The party responsible for such service must obtain the applicable information from the official record. The moving party is responsible for payment of any charges unless exempt pursuant to Judicial Conference Fee Policies.

(b) **Certificate of Service.** Within three days of service, the party serving notices must file a Certificate of Service with the Bankruptcy Clerk. The Certificate of Service must comply with BLR 9013-3(a) and all general orders on service.

(c) **Expenses of Noticing.** The estate of any debtor is authorized to pay the expenses incurred in connection with the giving of any required notice hereunder, without the necessity of an order of the Bankruptcy Court. Any such payment is subject to review by the Bankruptcy Court and must be disclosed in connection with any application for reimbursement of expenses.

(d) Notices to Creditors Added by Amendment. Whenever a debtor adds a creditor by amendment, the debtor must serve all creditors so added with all previously sent notices scheduling the meeting of creditors pursuant to § 341 of the Bankruptcy Code, and all notices and pleadings previously sent to all creditors whether such notices were served by the debtor, the Bankruptcy Clerk, or any other party in interest. See also BLR 2002-1.

BLR 9007-3. Entities Entitled to Notice; Changes of Address.

(a) Chapter 7 Cases. In chapter 7 cases, all notices required by Bankruptcy Rule 2002(a), except clause 4 thereof, which are mailed after the expiration of the time for the filing of proofs of claim pursuant to Bankruptcy Rule 3002(c) may, unless the Bankruptcy Court orders otherwise, be mailed only to: (1) creditors whose claims have been filed; (2) creditors, if any, who are still permitted to file claims by reason of an extension granted under Bankruptcy Rule 3002(c)(6); and (3) any entities which have requested notice.

(b) Change of Address. Any party in interest that desires that its address for notices or payment be changed from the address shown on any proof of claim or paper previously filed by such party must file a request in the case. Changes of address must be filed in each adversary proceeding in addition to the main case. A party that fails to comply with this rule is not entitled to notice at the new address.

BLR 9010-1. Admission to the Bar.

Any attorney who is admitted to the bar of the District Court pursuant to LR 83.1A is admitted to the bar of the Bankruptcy Court.

BLR 9010-2. Permission to Practice in a Particular Case.

A non-resident attorney who is not an active member in good standing of the State Bar of Georgia, but who is a member in good standing of the bar of any United States Court or of the highest court of any State, may apply in writing for permission to appear *pro hac vice*.

(a) Applications for admission *pro hac vice* with proposed orders may be obtained from the Bankruptcy Clerk. The applicant must state under penalty of perjury the: (1) applicant's state of residence; (2) the applicant's office address and telephone number; (3) the courts to which the applicant is admitted to practice and the date of admission; and (4) a statement that the applicant is in good standing and eligible to practice in all courts to which admitted. An attorney applying to appear *pro hac vice* must also designate a local member of the bar of the Bankruptcy Court with whom the opposing counsel and the Bankruptcy Court may readily communicate regarding the conduct of the case and upon whom papers may be served. The address, telephone number, and written consent of the designated local counsel must be filed with the attorney's *pro hac vice* application. Applications for admission *pro hac vice* must be accompanied by a receipt from the District Court showing payment of the required filing fee and a proposed order to be signed by the Bankruptcy Judge and must be presented to the Bankruptcy

Clerk. Proposed orders may be submitted through the Electronic Case Filing Program. The nonresident attorney may be permitted to appear *pro hac vice* in the discretion of the Bankruptcy Court.

(b) If the non-resident attorney fails to respond to any order of the Bankruptcy Court for appearance or otherwise, the designated local attorney has the responsibility and full authority to act for and on behalf of the client in all proceedings in connection with the matter.

(c) The filing of a proof of claim or a notice of appearance does not require permission to appear *pro hac vice*.

BLR 9010-3. Standard of Professional Conduct and Discipline by the Bankruptcy Court.

LR 83.1C and LR 83.1F apply in all actions and proceedings in the Bankruptcy Court.

BLR 9010-4. Appearances.

(a) The filing of a pleading or paper signed by an attorney in a case or adversary proceeding constitutes that attorney's appearance as attorney of record for the party on whose behalf the pleading is filed. An attorney in a different firm who files a subsequent pleading or paper on behalf of that same party must also file a notice of appearance with the Bankruptcy Clerk. An attorney who fails to make a proper appearance in a case or proceeding may, at the discretion of the Bankruptcy Court, be barred from representing the party at trial or in any other proceeding. An attorney who files a petition initiating a case on behalf of a debtor, or who appears for a debtor in a case other than as special counsel for a debtor for limited purposes, represents the debtor in all matters in the case, including contested matters and adversary proceedings, unless the Bankruptcy Court permits the attorney to withdraw in accordance with BLR 9010-5 or special or other counsel represents the debtor for a specific purpose.

(b) **Pro Se Appearance Limitation.** A party represented by an attorney may not appear or act in the party's own behalf in the case or proceeding or take any step therein unless the party has first given notice to the attorney of record and to the opposing party that the party intends to act *pro se*. Nonetheless, the Bankruptcy Court may, in its discretion, hear a party in open court even though the party has previously appeared, or is represented by, an attorney.

(c) **Duty to Supplement.** Counsel and parties appearing *pro se* have an affirmative duty in all cases and proceedings to file with the Bankruptcy Clerk a notice of any change in name, address, telephone number, or e-mail address.

BLR 9010-5. Withdrawal; Responsibilities of Party No Longer Represented;

Leave of Absence.

(a) Withdrawal Policy. An attorney who has appeared in a case or adversary proceeding, other than for the limited purpose of receiving notices, must obtain permission from the Bankruptcy Court to withdraw as counsel, unless substitute counsel has made an appearance for that party. Counsel may make a fee arrangement limiting the services to be performed without the payment of additional fees, but the failure of the client, including a debtor, to comply with the fee arrangement is merely a ground to seek withdrawal and not a basis on which the attorney may refuse to render services. Counsel will not ordinarily be allowed to withdraw if withdrawal would delay the progress of an adversary proceeding or contested matter.

(b) Withdrawal Procedure. An attorney desiring to withdraw as counsel must comply with the following procedure:

(1) The attorney must give fourteen days' notice to the client of the attorney's intention to request permission to withdraw. Such notice must be served on the client personally or by U.S. Mail at the client's last known address and must contain at least the following:

(A) That the attorney wishes to withdraw and intends to file a motion to withdraw;

(B) The style of the case(s), adversary proceeding(s), and contested matter(s) in which counsel seeks to withdraw; for each, the name(s) address(es), telephone number(s), and e-mail address of opposing counsel; and the address and telephone number of the Bankruptcy Clerk.

(C) That the Bankruptcy Court retains jurisdiction of the matters;

(D) That, if the attorney's withdrawal is permitted:

(1) The client will have the obligation to promptly file with the Bankruptcy Court, and mail to all adverse parties or their counsel, a written statement showing (A) the names of the parties and the number of each case, adversary proceeding, or contested matter in which the client is a party and (B) the client's current name, telephone number, mailing address, and e-mail address, and that the statement must be amended promptly if the client's name, telephone number, mailing address, or e-mail address changes;

(2) The client will have the obligation to respond to any discovery or motions, to take other actions as are appropriate or required, and to prepare for any trial or hearing that may be scheduled in any matter, or to hire other counsel to do so;

(3) The failure or refusal of the client to meet these obligations may result in adverse consequences;

(4) Service of notices, pleadings, and other papers may be made upon the client at the client's last known address; and

(5) If the client is a corporation or other artificial entity, such entity may only be represented in the Bankruptcy Court by an attorney, an attorney must sign all pleadings submitted to the Bankruptcy Court, an officer may not represent the entity in the Bankruptcy Court unless that officer is also an attorney, and failure to comply with this rule could result in adverse consequences to the entity;

(E) The dates of any hearings or trials that have been scheduled and any applicable deadlines (such as deadlines for responding to discovery or motions or for filing pleadings, motions, or other papers), and that the holding of such hearings or trials and any deadlines will not be affected by the withdrawal of counsel; and

(F) Unless the withdrawal is with the client's consent, that the client has fourteen days from the date of service of the notice to contact the attorney and state any objections to the attorney's withdrawal.

(2) The attorney must file a motion with the Bankruptcy Clerk requesting permission to withdraw. The motion must include the attorney's certification that the attorney has given the client fourteen days' prior written notice of the attorney's intention to request permission to withdraw in accordance with the provisions of BLR 9010-5(b)(1) by the method described in the motion and must state, to the best of the attorney's knowledge, the last known name, address, telephone number, and e-mail address for the client. A copy of the notice must be attached to the motion. The motion must be accompanied by a notice to the client that any objection to the motion must be filed within fourteen days after its service and the address of the Bankruptcy Clerk's office where the objection may be filed.

(3) Fourteen days after service of the motion, the Bankruptcy Clerk will submit the motion and any responses to the Bankruptcy Judge for action thereon.

(c) Certificate of Consent to Withdrawal. An attorney wishing to withdraw may be relieved from the requirement to send a notice of intent to withdraw and to file a motion to withdraw by instead filing a Certificate of Consent with the Bankruptcy Clerk that has been signed by the client, the withdrawing attorney, and the substituting attorney, if one has been selected by the client. If the client has not retained substitute counsel, the Certificate of Consent must include notice to the client of the matters set forth in subparagraph (b)(1) above.

(d) Responsibilities of a Party No Longer Represented. A party no longer represented by an attorney must promptly file with the Bankruptcy Clerk, and mail to all adverse parties or their counsel, a written statement showing (1) the caption and number of each case, adversary proceeding, or contested matter in which such party is involved and (2) such party's current name, telephone number, mailing address, and e-mail address. That statement must be amended promptly if the party's name, telephone number, mailing address, or e-mail address changes. An unrepresented party's mailing address of record constitutes the address at which such party may be served with subsequent papers in that matter, and failure to comply with these responsibilities may result in adverse consequences to such party.

(e) Leave of Absence.

(1) An attorney may seek a leave of absence by requesting that the Bankruptcy Court not place on a calendar on specified dates any matter involving that attorney's client. A separate request must be made for each case or adversary proceeding in which the attorney has appeared.

(2) An attorney may request a leave of absence for fewer than twenty-one consecutive days by letter addressed to the Bankruptcy Judge's courtroom deputy, with a copy to opposing counsel (or to opposing parties if unrepresented). The request is deemed granted when the letter is docketed by the courtroom deputy. A motion must be filed to request leave in excess of twenty-one consecutive days.

(3) A leave of absence neither extends previously set filing deadlines nor releases counsel from complying with other deadlines previously set by the Bankruptcy Court or by applicable law.

(4) An attorney may not request a leave of absence for a date upon which a matter has already been calendared. For that, BLR 5071-1 applies.

BLR 9013-1. Motions in Main Case.

Motions filed in the main case pursuant to Bankruptcy Rules 9013 and 9014 do not require briefs or memoranda of law, but parties may file such where they would materially assist the Bankruptcy Court in the determination of the issues. Unless the Bankruptcy Court directs otherwise, the form of such briefs and memoranda of law must conform with BLR 7007-1. If allegations of fact not otherwise in the record are relied upon, supporting affidavits may be attached to the motion or memorandum of law.

BLR 9013-2. Preparation of Proposed Orders.

(a) All proposed orders (including findings of fact and conclusions of law or other rulings verbally announced by the Bankruptcy Judge and orders submitted following the call of a matter at a scheduled hearing as to which there is no opposition) must: (1) be prepared in writing and signed by the attorney for the prevailing party, unless the Bankruptcy Court directs otherwise; (2) include the scheduled hearing date, if applicable; and (3) be submitted to the Bankruptcy Judge within seven days from the date of pronouncement or scheduled hearing, if applicable. A copy must be provided to each party. An attorney's signature as preparer of a proposed order constitutes a certification that the contents of the proposed order accurately reflect the Bankruptcy Judge's verbal ruling or the proceedings at the call of the matter, as applicable.

(b) **Identification of Counsel and Parties to be Served.** Every proposed order, including a consent order, must be signed by each attorney or party preparing, submitting, or consenting to the proposed order and must provide an identification of each attorney and the name of the represented party in accordance with BLR 5005-1(e). If the Bankruptcy Clerk is to serve the order, the order

must be accompanied by a distribution list containing the names and addresses of the attorneys and parties to be served. If the proposed order seeks to have the Bankruptcy Clerk serve all parties in the case, the distribution list shall state “All parties on the Mailing Matrix.”

(c) Format Requirements of Proposed Electronic Orders. All proposed orders submitted electronically (E-Orders) must leave a four inch margin at the top of the first page to allow space for the signature of the Bankruptcy Judge and the date of the signature of the order. Additionally, the phrase “END OF DOCUMENT” must be placed after the end of the text of the proposed order. For further format and filing requirements of proposed electronic orders, see the official website of the Bankruptcy Court.

BLR 9013-3. Service of Orders and Notices.

(a) For orders and notices that the Bankruptcy Clerk does not serve, the serving party must file a Certificate of Service including a list of the complete names and mailing addresses of the parties and attorneys served, the dates of service, and the manner of service. If service is being made by electronic transmission, service must comply with BLR 5005-8. If service is being made in a chapter 13 case, see the General Order on Requirement of Local Form for Chapter 13 Plans and Related Procedures.

(b) When service is permitted by facsimile, service of an order or notice may be made by transmitting it by facsimile to the attorney’s or party’s office with a cover sheet containing the sender’s name, firm, address, telephone number, facsimile number, e-mail address, and the number of pages transmitted.

BLR 9014-1. Proof of Service.

See BLR 7005-1, BLR 5005-8, and BLR 9013-3(a).

BLR 9014-2 Procedure for Determination of Matters Without Hearing in Absence of Objection.

(a) The Bankruptcy Court may consider and determine certain matters without an actual hearing. The Bankruptcy Court’s General Order on Voluntary Notice Procedures governs the types of matters for which this procedure may be used and the required procedures and notice for consideration and approval of such matters without an actual hearing. This procedure may not be used if a request for one of the types of relief identified is combined with a request for relief for which a hearing is required.

(b) Nothing in this rule is intended to preclude the Bankruptcy Court from hearing the matter even if no objection is filed within the time permitted in the notice.

BLR 9015-1. Jury Demands in Adversary Proceedings.

(a) Demand. Pursuant to 28 U.S.C. § 157(e) and Bankruptcy Rule 9015, a party must demand a trial by jury in accordance with Fed. R. Civ. P. 38(b). A demand must include a statement that the party does or does not consent to a jury trial conducted by the Bankruptcy Court.

(b) Specification of Issues. In accordance with Fed. R. Civ. P. 38(c), in the demand a party may specify the issues which the party wishes so tried; otherwise the party is deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party may, within fourteen days after service of the demand or such lesser time as the Bankruptcy Court may order, serve a demand for trial by jury of any other or all of the issues of fact in the action.

(c) Waiver. The failure of a party to serve and file a demand as required by this rule constitutes a waiver by the party of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without consent of all the parties to the proceeding to be tried and leave of the District Court or Bankruptcy Court as appropriate.

(d) Determination of Right. If a jury demand is made, the Bankruptcy Judge shall determine whether the party has a right to trial by jury and if the demand is properly made.

BLR 9015-2. Consent Procedure for Trial by Jury in the Bankruptcy Court.

If a trial by jury is properly demanded pursuant to BLR 9015-1 above, the Bankruptcy Clerk will notify the other parties of the right to expressly consent to a trial by jury in the Bankruptcy Court. The parties have thirty days after the date of said notice in which to execute and file a joint pleading consenting to the Bankruptcy Court presiding over the jury trial. Federal Rules of Civil Procedure 47, 48, 49, 50, and 51 are applicable to jury trials in adversary proceedings before a Bankruptcy Judge.

BLR 9015-3. Procedure When Parties Do Not Consent to Trial by Jury in the Bankruptcy Court.

(a) Transfer to District Court. If the right to jury trial applies and a timely jury trial demand has been made, the Bankruptcy Judge shall transfer the contested matter or adversary proceeding to the District Court when the Bankruptcy Judge determines that the contested matter or adversary proceeding is ready for trial, unless the parties consent in a filing with the Bankruptcy Court to jury trial in the Bankruptcy Court. Prior to transferring the case, the Bankruptcy Judge will rule on all discovery motions, other pretrial motions, and summary judgment motions, as provided by law, and shall enter a pretrial order.

(b) Remand Upon Withdrawal of Jury Demand. When an adversary proceeding is transferred to the District Court under BLR 9015-3(a), and the parties then withdraw the jury demand, the

adversary proceeding will be returned to the Bankruptcy Court for a bench trial, unless the District Judge orders otherwise.

BLR 9017-1. Procedures Regarding Exhibits at Hearing or Trial.

(a) **Marking, Listing, and Exchanging of Exhibits Prior to Hearing or Trial.** A party that expects to offer exhibits into evidence at a hearing or trial must (1) sequentially number the exhibits prior to the hearing or trial and mark each exhibit with such number and the name of the introducing party or other appropriate identification (such as plaintiff, defendant, movant, respondent, debtor, creditor, trustee, etc.); (2) provide a list of such exhibits that the party may use as part of its case in chief to opposing counsel, to any unrepresented party, and to the Bankruptcy Court not later than the commencement of the hearing or trial if there are more than five exhibits; and (3) provide a copy of any exhibit for inspection and use by opposing counsel or unrepresented parties at the time it is first used at a hearing or trial. The provisions of this rule do not supersede the requirements of a pretrial order, scheduling order, and other BLR and Bankruptcy Rules that require the production or listing of documents at an earlier time.

(b) **Custody of Exhibits Presented at Hearing or Trial.** Unless the Bankruptcy Court orders otherwise, the courtroom deputy shall retain custody of exhibits offered into evidence at any hearing or trial until thirty days after the date on which the order, judgment, or recommendation entered in the proceeding in which the exhibits were introduced has become final and is not subject to further appeal, review, or consideration by the District Court, the Court of Appeals, or the Supreme Court. Within thirty days thereafter, the attorney for the introducing party, or an unrepresented introducing party, must retrieve from the courtroom deputy all exhibits offered by such party that are in the custody of the courtroom deputy. Exhibits that are not timely removed in accordance with this rule may be destroyed or otherwise disposed of by the Bankruptcy Clerk.

BLR 9019-1. Motions to Approve a Compromise.

A motion to approve a compromise and any associated notice of hearing and order must be filed in the main case, if the main case has not been closed, and notice of the same must be filed in the adversary proceeding.

BLR 9023-1. Motions for Reconsideration.

Motions for reconsideration should not be filed as a matter of routine practice. Whenever a party or attorney for a party believes grounds exist to justify filing a motion to reconsider an order or judgment, the moving party must file its motion with the Bankruptcy Clerk within fourteen days after entry of the order or judgment.

BLR 9027-1. Motions Pending on Removal.

When an action or proceeding is removed to this Bankruptcy Court with pending motions on which briefs have not been submitted, the moving party must serve a memorandum in support of the motion within fourteen days after removal. Each party opposing the motion must respond in compliance with BLR 7007-1(c).

BLR 9029-1 Forms.

The Bankruptcy Court may provide forms for motions, notices, orders, and other papers as appropriate at the Bankruptcy Clerk's office or on the Bankruptcy Court's website.