

*Posted November 24, 2009*

## **PUBLIC NOTICE**

### **United States Bankruptcy Court, Northern District of Georgia**

#### **NOTICE CONCERNING AMENDMENTS TO FEDERAL RULES OF BANKRUPTCY PROCEDURE, BANKRUPTCY CODE, BANKRUPTCY FORMS AND LOCAL BANKRUPTCY RULES**

As announced by the Administrative Office of the United States Courts, amendments to certain Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), Bankruptcy related statutes and Bankruptcy Forms will take effect on December 1, 2009. Many of these changes concern time period computation and affect the time periods contained in several provisions of the Bankruptcy Rules and Bankruptcy Code , as well as several Bankruptcy Forms.

In connection with the changes to the Bankruptcy Rules, certain of the Local Rules of the United States Bankruptcy Court for the Northern District of Georgia (“Local Rules”) were amended and will be effective on December 1, 2009, coinciding with the changes to the Bankruptcy Rules.

The amended Bankruptcy Rules, Bankruptcy statutes and Bankruptcy Forms are listed in Sections I, II, IV, V, and VI. (For a detailed discussion of these amendments go to <http://www.uscourts.gov/rules/newrules6.htm#proposed0709>; and <http://www.uscourts.gov/bankform/index.html>).

The changes to the Local Rules are outlined in Section III.

The rules changes are the result of a major effort to make all the federal rules on calculating time periods simpler and consistent. The current rules exclude intermediate weekends and holidays for some short time periods, resulting in inconsistency and unnecessary complication. The amended rules are consistent and simple: count intermediate weekends and holidays for all time periods.

Virtually all short periods in the federal rules were lengthened to offset the changes in the computation method - 5-day periods are now 7-day periods and 10-day periods are now 14 day periods. Periods shorter than 30 days were revised to be multiples of 7 days, to reduce the likelihood of ending on weekends.

**Please be careful to note that 12 Bankruptcy Rules were amended to shorten 15-day periods to 14-day periods. The rules with shortened time computation periods are Bankruptcy Rules 1007, 1019, 1020, 2015, 2015.1, 2016, 3015, 4001, 4002, 6004, 6007, 8009.** Of special note are the deadlines in Rule 1007(c) for filing schedules, statements and other documents; in Rule 3015(b) for filing a chapter 13 plan; and in Rule 8009(a) for filing appellate briefs.

Local Bankruptcy Rule 6007-1(b) and (c) **shortens** the time for objection to proposals of abandonment from “within 15 days from filing or service of the notice of abandonment” to 14 days to conform with the amendment to Bankruptcy Rule 6007.

**I. Amendments to the Bankruptcy Rules Concerning Time-Computation, Effective December 1, 2009**

A. **Rule 9006** - Rule 9006 is amended to simplify and clarify the methodology for time-computation embodied in the Bankruptcy Rules.

B. **Amendments to Other Bankruptcy Rules** - The time periods in the following Bankruptcy Rules were changed in connection with the amendment to Rule 9006:

- **Rules 2006, 2007, 2008, 2015.3, 6004, 9006, and 9027** - Five-day periods are extended to seven days.
- **Rules 1007, 2003, 2015.1, 2015.2, 2016, 3020, 4001, 6004, 6006, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9027, and 9033** - Ten-day periods are extended to 14 days.
- **Rules 1007, 1019, 1020, 2015, 2015.1, 2016, 3015, 4001, 4002, 6004, 6007, and 8009** - Fifteen-day periods are **shortened** to 14 days.
- **Rules 1011, 2002, 2003, 2007.2, 2015, 2015.3, 3001, 3015, 3019, 6003, 7012, 8002, 9027, and 9033** - Twenty-day periods are extended to 21 days.
- **Rules 2002, 3017, and 4004** - Twenty-five day periods are extended to 28 days.

**II. Other Amendments to the Bankruptcy Rules, Effective December 1, 2009**

- **Rule 4008** (Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement)
- **Rule 7052** (Findings by the Court)
- **Rule 9021** (Entry of Judgment)
- **New Bankruptcy Rule 1017.1** (Exemption from Pre-petition Credit Counseling Requirement)
- **New Bankruptcy Rule 7058** (Entering Judgment in Adversary Proceeding)

**III. Amendments to the Local Rules Concerning Time-Computation, Effective December 1, 2009**

**CHART OF AMENDMENTS TO LOCAL BANKRUPTCY RULES**

| <b>RULE</b>           | <b>CURRENT PERIODS</b>  | <b>CHANGED TO</b>   |
|-----------------------|---|---|
| BLR 2004-1(b)         | Notices of examinations must be filed and served <b>“no less than ten days”</b> before the date of the exam.  | Extend period to 14 days.   |
| BLR 5011-2(b) and (c) | Motions to withdraw the reference in adversary proceedings and contested matters shall be served and filed <b>“no later than 11 days”</b> from when the grounds to withdraw arise or the contested matter is initiated. | Extend period to 14 days.   |
| BLR 5011-4            | Responses to motions to withdraw the reference shall be filed and served <b>“within 11 days”</b> after the party was served with the motion.  | Extend period to 14 days.   |
| BLR 6007-1(b) and (c) | Objections to proposals of abandonment shall be filed and served <b>“within 15 days”</b> from the filing or service of the notice of abandonment.   | <b>Shorten</b> period to 14 days to conform with the amendment to Bankruptcy Rule 6007. |

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| BLR 6008-2                              | Responses to motions to redeem property or avoid liens shall be filed and served “ <b>within 20 days</b> ” of the date of service of the motion.   | Extend period to 21 days. |
| BLR 7007-1(c) and (d)                   | Responses and replies to motions in adversary proceedings shall be filed and served “ <b>not later than ten days</b> ” after service of the motion or responsive pleading.   | Extend period to 14 days. |
| BLR 7007-1(c)                           | Time to file and serve responses to motions for summary judgment in adversary proceedings “ <b>shall be 20 days.</b> ”   | Extend period to 21 days. |
| BLR 7016-1(a)(1)                        | Scheduling conferences shall be held “ <b>within 20 days</b> ” after the appearance of the first defendant or the removal of the proceeding to the Bankruptcy Court.   | Extend period to 21 days. |
| BLR 7016-2(b)(13)                       | Parties can rely on representations that a witness will be called unless notice is given “ <b>ten days</b> ” prior to a non-jury trial.  | Extend period to 14 days. |
| BLR 7016-3(18)(B)                       | Parties can rely on representations that a witness will be called unless notice is given “ <b>ten days</b> ” prior to a jury trial.  | Extend period to 14 days. |
| BLR 7037-1(c) and (d)                   | Motions to compel must be filed within the later of the close of discovery or “ <b>ten days</b> ” after the day for responding to discovery requests; responses to motions shall be filed “ <b>within 10 days</b> ” after service of the motion. | Extend period to 14 days. |
| BLR 7056-1(b)                           | Motions for summary judgment shall be filed “ <b>not later than 20 days</b> ” after the close of discovery.  | Extend period to 21 days. |
| BLR 9010-5(b)(1), (b)(1)(F), and (b)(2) | Clients must have “ <b>10 days’ notice</b> ” of attorney’s intent to request withdrawal; clients have “ <b>10 days</b> ” to object to withdrawal of attorney.  | Extend period to 14 days. |

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| BLR 9014-2(a)(3)      | If Bankruptcy Rules do not specify a number of days' notice for responses or objections to a motion, the time for filing responses or objections " <b>shall be 20 days</b> " from the date of service or notice of the motion.   | Extend period to 21 days. |
| BLR 9015-1(a) and (b) | Parties may demand a jury trial by serving a jury demand " <b>not later than ten days</b> " after the service of the last pleading directed to the issue; other parties may serve a demand for other issues to be included " <b>within ten days</b> " after service of the first demand. | Extend period to 14 days. |
| BLR 9023-1            | Motions to reconsider shall be filed " <b>within ten days</b> " after entry of the order or judgment; responses shall be filed " <b>not later than ten days</b> " after service of the motion.   | Extend period to 14 days. |
| BLR 9027-1            | Parties with pending motions when an action or proceeding is removed to the Bankruptcy Court shall serve a memorandum in support of the motion " <b>within ten days</b> " after removal.   | Extend period to 14 days. |

#### IV. Amendments to the Bankruptcy Code Concerning Time-Computation, Effective December 1, 2009

The five-day periods have been **changed to seven-day** periods in the following provisions of the Bankruptcy Code:

- 11 U.S.C. § 109(h)(3)(A)(ii)
- 11 U.S.C. § 322(a)
- 11 U.S.C. § 332(a)
- 11 U.S.C. § 342(e)(2)
- 11 U.S.C. § 521(e)(3)(B)
- 11 U.S.C. § 521(i)(2)
- 11 U.S.C. § 704(b)(1)(B)
- 11 U.S.C. § 764(b)
- 11 U.S.C. § 749(b)

**V. Amendments to Official Bankruptcy Forms and Director's Procedural Forms Concerning Time-Computation, Effective December 1, 2009**

- **Official [Form B 1](#)**, Exhibit D Individual Debtor's Statement of Compliance with Credit Counseling Requirement
- **Director's Procedural [Form B 200](#)**, Required Lists, Schedules, Statements and Fees (12/09)
- **Director's Procedural [Form 210A](#)**, Notice of Transfer of Claim Other Than for Security (12/09)
- **Director's Procedural [Form B231A](#)**, Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 12 Plan (12/09)
- **Director's Procedural [Form B231B](#)**, Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 13 Plan (12/09)
- **Director's Procedural [Form B 250E](#)**, Summons to Debtor in Involuntary Case (12/09)

**VI. Other Amendments to Official Bankruptcy Forms and Director's Procedural Forms, Effective December 1, 2009**

**A. Amended Forms**

- **Director's Procedural [Form B 201A](#)**, Notice to Individual Consumer Debtor(s) (12/09)
- **Director's Procedural [Form B 201B](#)**, Certification of Notice to Individual Consumer Debtor(s) (12/09)

**NOTE:** Form B201 has been divided into two parts, Form B201A, which is used to give the notice required under § 342(b), and Form B201B, which includes a caption for filing and certifications that the notice has been given. Form B201B is needed only if the certification is not made on Official Form B1, the Voluntary Petition. In addition, Form B201 now includes warnings about the December 1, 2009, amendments to the Bankruptcy Rules concerning filing deadlines.

- **Director's Procedural [Form B 250A](#)**, Summons in an Adversary Proceeding (12/09)
- **Director's Procedural [Form B 250B](#)**, Summons and Notice of Pretrial Conference in an Adversary Proceeding (12/09)
- **Director's Procedural [Form B 250C](#)**, Summons and Notice of Trial in an Adversary Proceeding (12/09)
- **Director's Procedural [Form B 250D](#)**, Third-Party Summons (12/09)

- **Director's Procedural [Form B 250E](#)**, Summons to Debtor in Involuntary Case (12/09)

**B. New Forms**

- **New Official [Form B27](#)**, Reaffirmation Agreement Cover Sheet (12/09)
- **New Director's Procedural [Form 18RI](#)**, Discharge of Individual Debtor in a Chapter 11 Case (12/09)
- **New Director's Procedural [Form B240A](#)**, Reaffirmation Documents (12/09)
- **New Director's Procedural [Form B240B](#)**, Motion for Approval of Reaffirmation Agreement (12/09)
- **New Director's Procedural [Form B240C](#)**, Order on Reaffirmation Agreement (12/09)

**NOTE:** Until further notice, parties may use the revised reaffirmation forms, which have an effective date of December 1, 2009, the current reaffirmation form (dated January 2007), or their own form.

- **New Director's Procedural [Form B 250F](#)**, Summons in a Chapter 15 Case Seeking Recognition of a Foreign Nonmain Proceeding (12/09)
- **New Director's Procedural [Form B 261C](#)**, Judgment in an Adversary Proceeding (12/09)