

OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

The Federal Center
380 Westminster Mall, 6th Floor
Providence, Rhode Island 02903
Website: www.rib.uscourts.gov

Susan M. Thurston
Clerk of Court

Telephone: 401 626-3100
Facsimile: 401 626-3150
E-Mail: Susan_Thurston@rib.uscourts.gov

NOTICE OF ADOPTION

**Amendment of Local Rules, Forms, and Appendices
Effective December 1, 2008**

**Local Bankruptcy Rules - 1005-1, 1017-2, 2002-2, 2017-1, 3015-1, 3015-2,
3022-1, 4001-1, 4001-4, 5005-4, 9004-1, 9010-1**

Local Bankruptcy Forms - N.1, P.3, P.4, R, W

Local Bankruptcy Appendices - I, II, IV, VI.

Pursuant to 28 U.S.C. § 2071, Fed. R. Civ. P. 83, Fed. R. Bankr. P. 9029, and U.S. District Court for the District of Rhode Island General Rule 109(h)(1) authorizing the Bankruptcy Court to make and amend local rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that the Local Rules, Forms, and Appendices listed above have been amended.

Copies of the amended local rules, forms, and appendices are available at the Clerk's office or on our website at www.rib.uscourts.gov. These amendments are effective beginning December 1, 2008, and shall apply to all cases filed on or after this date, and all cases pending in this court as of this date.

November 21, 2008

FOR THE COURT



Susan M. Thurston, Clerk

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

RULE 1005-1 FILING PAPERS – REQUIREMENTS [Modified 12/1/08]

(a) Caption of Papers. The bankruptcy case name, number, and chapter shall appear on all papers filed with the Clerk and must also appear on the signature page of all documents filed with the court.

(b) Size and Form. All papers, including the bankruptcy petition, schedules, statements, lists and other papers shall be on 8 ½" x 11" paper. All text in papers other than the bankruptcy petition and related schedules and lists must appear in at least 11 point type, except for footnotes which shall not be less than 10 point, and may not contain material that belongs in the body of the text or argument. All such text shall be double spaced, with the exception of quotations and footnotes.

(c) Required Signatures and Identifying Information. Each original paper filed with the Clerk shall include the filer's name, original signatures, address, telephone number, facsimile number, email address, and if an attorney, the name of the law firm, the attorney's state bar identification number, and the name of the client.

(d) Required Response Time Language Must Be Included on All Papers.

(1) Usual Papers. In order to provide adequate notice to interested parties of the time to respond, every motion (except those set forth in paragraph (2) below), application, petition (not including bankruptcy petition), objection to claim or objection to exemption filed with the clerk's office shall contain language substantially similar to the following, in single or double space and must appear in at least 11 point type:

Within ten (10) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

(2) Excepted Papers with Different Response Times. A different objection/response time applies to the following matters and should be substituted for the above ten (10) day period:

Application to Compromise -- 20 days;

Motion/Notice of Intended Sale -- 20 days;

Motion to Amend or Modify a Plan -- 20 days;

Motion to Modify Secured Claim -- 20 days;

Application (or Notice) to Abandon -- 20 days;

Motion to Shorten Time (Expedited treatment) 5 business days;

Emergency Motion for Relief -- left to discretion of Court, above language should not be used;

Motion for Rule 2004 Examination -- see R.I. LBR 2004-1(c)(2).

(3) Objection to Claim. See R.I. LBR 3007-1.

(4) Objection to Exemption. See R.I. LBR 4003-1(b).

(e) Filings Made on Day of Court. An intended filing related to a matter on the day set for hearing shall be filed in open court, and not with the clerk's office.

(f) Caption of Amendments. Any paper filed to effect an amendment of a previously-filed or served paper, including bankruptcy petition, lists, schedules, and statements, shall clearly state in bold print that it is an amendment. Any amendment proposing to add creditors to the case shall be accompanied with the appropriate filing fee, and a supplemental diskette containing only the names and addresses of the added creditors. See also, R.I. LBR 1009-1.

CROSS REFERENCE See R.I. LBR 5005-4 (Electronic Filing)

R.I. Local Bankruptcy Rules 1017-2(a)(1) and 2002-2(a) are amended to remove the word "interim" as the corresponding Federal Bankruptcy Rules become final effective December 1, 2008.

RULE 2017-1

**PAYMENT OR TRANSFER OF FUNDS TO ATTORNEY OR
DOCUMENT PREPARER**

[Modified 12/1/08]

(a) In addition to those instances when required under the Bankruptcy Code and Rules, a fee application conforming to the standards set forth in R.I. LBR 2016-1 shall be filed:

- (1) within twenty (20) days of any order requesting it for document preparers;
and
- (2) within sixty (60) days after the section 341 meeting is held for a Chapter 13 debtor, when the filer has charged a fee that exceeds the amounts listed on **Appendix IV**.

(b) The Court may order disgorgement of all fees and any other appropriate sanction for the failure to timely comply with the requirements of this LBR.

RULE 3015-1 **CHAPTER 13 PLAN** [Modified 12/1/08]

(a) **Form of Plan.** A Chapter 13 plan shall conform to **RI Bankr. Form W**, with such alterations as may be appropriate to suit the circumstances. Additionally, each plan shall contain the following:

1. Signature(s). Every plan or amendment thereto shall be signed by the Debtor, and
2. Date. Every plan or amendment thereto shall be dated as required by Fed. R.Bankr. P. 3015(c).

(b) **Filing the Chapter 13 Plan and Service of Plan on all Creditors and Interested Parties.** The debtor's attorney, or the debtor, if pro se, must, in addition to the time requirements for filing the Chapter 13 Plan with the court pursuant to Fed.R.Bankr.P. 3015(b), must also serve a copy of the proposed Chapter 13 plan on the Chapter 13 trustee, all creditors and all interested parties within twenty-four (24) hours of its filing with the Court. A certificate of service evidencing compliance with this rule shall be filed with the Court within ten (10) days thereafter.

(c) **Modification of Secured Claim – Separate Motion Required.** A Debtor who, as part of a Chapter 13 plan, proposes to modify a secured claim pursuant to 11 U.S.C. ' 506 shall file a separate motion to that effect.

(1) **Contents of Motion.** The motion shall contain the language required by R.I. LBR 1005-1(d)(2) and shall contain, inter alia:

- (A) the name and address of the lien holder;
- (B) an identification of the security held by the lien holder;
- (C) a description of the manner in which the secured claim is proposed to be treated under the plan; and
- (D) a valuation analysis describing secured claim amount, the property value, and any and all other existing liens.

(2) **Service of the Motion.** The motion to modify secured claim, together with a copy of the proposed Plan shall be served, by first class AND certified mail on:

- (A) if the lien holder is an insured depository institution, on an officer of the institution as per Fed.R.Bankr.P. 7004(h);

Or

- (B) if the lien holder is other than an insured depository institution, in descending order, as applicable:
 - (i) the attorney for the claim holder, if a notice of appearance has been filed;
 - (ii) the mailing address on the proof of claim form, if one has been filed; or
 - (iii) the payment address to which the debtor makes his/her monthly payments on said property.

(3) Response. Any party objecting to a motion to modify secured claim must file an opposition to the motion within twenty (20) days of the certificate of service date.

RULE 3015-2

CHAPTER 13 PLAN

[Modified 12/1/08 - incorporated into Rule 3015-1(c)]

~~(c) Modification of Secured Claim—Separate Motion Required.~~ A Debtor who, as part of a Chapter 13 plan, proposes to modify a secured claim pursuant to 11 U.S.C. ' 506 shall file a separate motion to that effect. The motion shall be served on the claimant with a copy of the proposed Plan, shall contain the language required by R.I. LBR 1005-1(e) and shall contain *inter alia*;

~~———(1) the name an address of the claimant;~~

~~———(2) an identification of the security held by the claimant; and~~

~~———(3) a description of the manner in which the secured claim is proposed to be treated under the plan.~~

RULE 3022-1

FINAL REPORT/DECREE [Modified 12/1/08]

(a) Six Month Deadline. Pursuant to 11 U.S.C. § 1106 and Fed. R. Bank. P. 3022, within six months of the entry of the order of confirmation, or, if sooner, upon the substantial consummation of the plan of reorganization and full administration of the estate, the proponent of the plan shall file with the Clerk of Court, and serve upon all interested parties, a final report and request for final decree in substantially the same form as **R.I. Bankr. Form N**.

(b) Requirements of Final Report. The final report must:

1. identify all payments to creditors, interest holders, expenses of administration and issuance of stock under the plan;
2. state that the plan has been fully or substantially consummated and that the estate is fully administered; and
3. request entry of a final decree.

(c) Status Report in Lieu of Final Report. If after the expiration of six (6) months the plan proponent does not believe the plan has been substantially consummated, a status report must be filed with the Court and served on interested parties to inform them of:

1. the progress and current status of the plan;
2. why the filing of the final report and request for final decree cannot be made at this time; and
3. the date that the final report and request for final decree will be or is anticipated to be filed.

(d) Discharge of Individual Chapter 11 Debtors. After the last plan payment has been made in an individual case, the debtor shall file a motion for entry of discharge, in substantially the same form as **R.I. Bankr. Form N.1**, and an application for final decree and final report, in substantially the same form as **R.I. Bankr. Form N.**

RULE 4001-1 **RELIEF FROM AUTOMATIC STAY** [Modified 12/1/08]

(a) Standing Modification: The automatic stay provided in 11 U.S.C. § 362(a) is modified in bankruptcy cases as follows:

In Chapter 13 cases, affected secured creditors may:

1. Contact the debtor IN WRITING, with a copy to debtor's counsel about the status of insurance coverage, tax payments, and/or municipal charges on property used as collateral;
2. If the debtor is making direct payments to the creditor, contact the debtor IN WRITING, with a copy to debtor's counsel about payment defaults; and
3. Send WRITTEN correspondence to the debtor, with a copy to debtor's counsel, such as: statements, payment coupons, and other such correspondence that the creditor typically sends to its non-debtor customers.

(b) Motion. A party seeking relief from the automatic stay provided by 11 U.S.C. ' 362(a) shall file, in accordance with Fed. R. Bankr. P. 9014, a motion specifically setting forth the basis for such relief. In addition to the motion, in cases filed by individuals concerning real property

where the debtor has not indicated on their Individual Statement of Intention an intent to surrender the property, the moving party shall include as an attachment to either the motion or memorandum, a completed copy of **R.I. Bank. Form R, Relief from Stay Worksheet – Real Estate**, as well as the required attachments to the motion as specified on Form R. If applicable, the motion for relief from stay must contain a conspicuous statement indicating the debtor's intent to surrender the property.

(c) Service. All documents filed pursuant to this rule shall be served in accordance with Fed. R. Bankr. P. 4001(a) and 9006(d)-(f) upon all parties who have filed appearances and requested service of all notices and pleadings. Additionally, any party filing a motion for relief from the automatic stay shall serve copies of the motion on the following parties:

1. the debtor;
2. debtor's counsel;
3. the trustee if one has been appointed;
4. any official committee appointed and serving in the case under 11 U.S.C. §1102;
5. all parties with liens of record or any other party known to the movant claiming a lien in the property;
6. parties requesting notice;
7. in a Chapter 11 case, the local office of the United States trustee;

(d) Response. A party objecting to a motion for relief from the automatic stay must file an opposition to the motion within ten (10) days, or thirteen (13) days if you were served as provided in Fed. R. Bankr. P. 9006(f). If the motion is scheduled for an expedited hearing before the expiration of the ten (10) day period, then the opposition shall be filed within 24 hours of the expedited hearing.

(e) Disposition Without a Hearing. In the absence of a timely filed opposition and upon evidence of proper service, the Court, pursuant to R.I. LBR 9013-2, without a hearing, may allow or deny the motion after the expiration of the opposition period set forth in section (d). The Court may deny a motion for relief from stay without a hearing if the moving party fails to comply with section (b) and (c).

(f) Position of Estate Representative. If the estate representative fails to file a response within the time prescribed in section (d), then the estate representative shall be deemed to have assented to the motion.

(g) Hearing. Upon the expiration of the response deadline set forth in paragraph (d), and if the matter is contested, the Court will notify the parties of a hearing date within the time prescribed by 11 U.S.C. § 362(e). A preliminary hearing on a motion for relief from the automatic stay will be a consolidated preliminary and final evidentiary hearing unless at the conclusion of the preliminary hearing the Court schedules a final evidentiary or nonevidentiary hearing. If the Court schedules a final evidentiary hearing, the parties shall file a Joint Pre-Trial Order in accordance with the requirements of section (i), three (3) business days before the final evidentiary hearing date.

(h) Motions to Continue the Consolidated Preliminary Hearing. Whenever a party seeks to continue the consolidated preliminary hearing beyond the time prescribed in 11 U.S.C. § 362(e), the movant must obtain and include an affirmation in the motion that creditor consents to the extension of the time limit set forth in 11 U.S.C. § 362(e).

(i) Joint Pre-Trial Orders

1. **Filing Requirement.** In all cases where a joint pre-trial order is due prior to the final evidentiary hearing, the movant shall deliver by hand, mail, facsimile, or other agreed upon electronic means, a draft of the joint pre-trial order, in compliance with R.I. LBR 9014-1, and **R.I. Bankr. Form O**, to the respondent within five (5) days of the conclusion of the preliminary hearing. The respondent shall then submit to the movant, by hand, mail, facsimile, or other agreed upon electronic means, any comments or revisions within three (3) business days in order to finalize the document. The joint pre trial order must be filed with the Court no less than three (3) business days prior to the date set for the final evidentiary hearing.
2. **Content.** If “adequate protection” is at issue, the respondent shall explain the character of any adequate protection offered in lieu of relief from stay. If the issue of whether the property is necessary to an effective reorganization is in dispute, the debtor must affirmatively state whether a reorganization plan is in prospect and, to the extent possible, provide a summary of the plan expected to be filed.
3. **Failure to File.** If the movant fails to timely file the joint pre-trial order with the Court, the motion for relief from stay will be denied without prejudice and the matter will be removed from the calendar. A new motion for relief and filing fee will be required to reinstate the matter. If either party fails to perform timely under these local rules, any aggrieved party may file a motion to adjudge the other party in default in accordance with R.I. LBR 9014-1.

(j) Setoff of Prepetition Tax Obligations. The Internal Revenue Service is granted relief from stay in individual Chapter 7, 11 and 13 cases for the limited purpose of offsetting refunds for pre-petition years against prepetition tax indebtedness. The IRS shall amend its claims to reflect any such offset. In addition, nothing in this rule shall prejudice or limit the right of any party to object to a refund or offset of such refund as described herein or to any claim filed by the Internal Revenue Service.

RULE 4001-4

**AUTOMATIC STAY OF EVICTION PROCEEDINGS
IN WHICH LESSOR HAS OBTAINED JUDGMENT OR
POSSESSION PRIOR TO DATE OF FILING** [Modified 12/1/08]

(a) Certificate of Intent to Cure Default & Rent Deposit. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as codified in 11 U.S.C. §§ 362(b)(22) and 362(l), creates certain rights and obligations with respect to the cure of a monetary default giving rise to a pre-petition judgment of possession regarding residential property in which the debtor resides as a

tenant under a lease or rental agreement. The debtor shall be deemed to have complied with 11 U.S.C. § 362(l)(1) by:

(1) Making the required certification by completing the four check boxes, including the landlord's name and address, listed in the voluntary petition under the section entitled "Statement by a Debtor who Resides as a Tenant of Residential Property"; and

(2) Delivering to the Clerk, together with the petition (or within one business day of the filing, if the petition is filed electronically) a certified or cashier's check or money order, made payable to the lessor, in the amount of any rent that would become due during the 30 day period after the filing of the petition.

(b) If the debtor complies with the preceding paragraph, the Clerk of the Court shall, within one (1) business day, send notice of compliance to the lessor who shall then have the option, exercisable within ten (10) days of the date of the notice:

(1) to consent to receive the check in which event the lessor shall provide payment instructions; or

(2) object to the debtor's certification, which objection shall constitute a request for a hearing.

If the lessor does not respond within the ten (10) day deadline, the lessor shall be deemed to have consented to receive the check, and the Clerk shall send the check to the lessor at the address set forth in the debtor's certification.

RULE 5005-4 **ELECTRONIC FILING** [Modified 12/1/08]

(a) Requirement to File Cases and Documents Electronically. All cases filed after April 24, 2003 are part of the Court's Case Management/Electronic Case Filing (CM/ECF) System. Commencing on January 1, 2007, all petitions, motions, memoranda of law, or other pleadings and documents must be electronically filed except as expressly provided in section (c) below, or in circumstances where the Electronic Filer is prevented from filing electronically, i.e., CM/ECF System failure. "Electronic Filer" refers to those who have a court-issued log-in and password to file documents electronically. Filing of documents submitted, signed, or verified by electronic means must be consistent with technical standards established by the Judicial Conference of the United States and must comply with the within local rule and such other local rules as are applicable.

(b) Eligibility and Registration for Electronic Filing; Use of Passwords.

(1) Eligibility. Attorneys, United States trustees and their assistants, private trustees, and others as the Court deems appropriate, are entitled to one System password to enable the user or

any support staff so authorized by the user to participate in the electronic retrieval and filing of documents within the System.

(2) Registration and Training.

(A) Registration Requirements:

(i) Eligible applicants must file with the Clerk's Office an application for registration using Form A entitled, "Electronic Case Filing System Attorney Registration Form", and must also meet the minimum system requirements.

(ii) An "Application for Limited Use/Claim Password for Electronic Case Filing System", Form E, shall be submitted by any Creditor who intends to use the system for the limited purpose of filing claims and related claim activity, and not requiring the appearance of counsel.

(iii) Registration forms are available on the Court's Internet web site (www.rib.uscourts.gov).

(iv) Applicants must have a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov>, or by calling the PACER Service Center at (800) 676-6856. PACER Access to the CM/ECF System will allow retrieval of the docket sheet and documents. PACER Access to the CM/ECF System will be on a "read only" basis.

(B) Training. After successful completion of the Court's training program, or certification by the Clerk in circumstances where completion of the Court's training program is not required, each Electronic Filer will receive a System password.

(C) Passwords; Unauthorized Use Prohibited.

(i) **Admission.** Admission to the System by receipt of a password from the Court constitutes a request for electronic service and notice pursuant to Fed. R. Bankr. P. 9036. By receiving a password, Electronic Filers agree to accept notice and service by electronic means, and registration as an Electronic Filer constitutes: (a) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (b) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(ii) **Password.** The password serves as the filer's signature. The password required to submit documents to the System serves as the Electronic Filer's original signature on all electronically filed documents. The password also serves as a signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before this Court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number, and the attorney's bar registration number and email address. In addition, the name of the Electronic Filer under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

(iii) Unauthorized Use of Passwords. No Electronic Filer shall permit his/her password to be used by anyone other than himself/herself or an authorized employee. An Electronic Filer shall immediately notify the Clerk by telephone, facsimile, and email if they learn that their password has been compromised. Electronic Filers may be subject to sanctions for failure to comply with this provision.

(iv) Revocation. The Court may revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for: (1) failure to comply with any provision of the agreement contained in the Electronic Filer's Registration Form; (2) failure to adequately protect his or her password; (3) failure to comply with the provisions of these Local Rules; (4) failure to pay fees required for documents filed electronically; (5) other misuse of the System; or (6) as a sanction ordered by the Court after notice and opportunity for hearing.

(c) Exemption/Withdrawal From Electronic Filing.

(1) Attorney Exemption. If filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the Court and shall contain a detailed explanation of the reason(s) for the request. However, prior to requesting an exemption, attorneys are urged to participate in Court-sponsored ECF training and to seek assistance from the Clerk's Office. Information regarding ECF training and support may be obtained from the Clerk's Office and is also included on the Court's web site at: www.rib.uscourts.gov. If an exemption is granted, the attorney or his/her representative may be required to scan the filings into the system at a workstation at the Clerk's Office Intake counter. Upon the issuance of an order to show cause, notice, and hearing, the Court may withdraw an exemption and require the attorney to file documents electronically.

(2) One Time Exemption. An attorney who is not an Electronic Filer may conventionally file the first document on behalf of a client in an ECF case without leave of Court. Within twenty (20) days thereafter, the attorney must register as an Electronic Filer, or seek an exemption under subsection (1) above. Failure to register or seek an exemption may result in the issuance of an order to show cause why the attorney should not be sanctioned.

(3) Attorneys Appearing Pro Hac Vice. An attorney who is not a member of the bar of this Court, but who is permitted to appear and practice in this Court pursuant to R.I. LBR 9010-1 may, but is not required to, register as an Electronic Filer and to participate in the System for the duration of the Pro Hac Vice appearance.

(4) Pro Se Litigants. Pro se litigants may conventionally file and serve documents in accordance with the provisions of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court.

(5) Withdrawal. Once registered, an attorney/participant may withdraw as an Electronic Filer by providing the Clerk with a request to withdraw, stating the reason(s) for the request. Copies of the request must also be served upon all registered attorneys/participants who have appeared in pending cases in which the withdrawing attorney/participant has appeared. Upon approval of said withdrawal, the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list. However, once an Electronic Filer withdraws from the system, he or she will be unable to file documents with the Court unless one of the exemptions listed above applies.

(d) Format for Filing Electronic Documents.

(1) Format for Transmission of Electronic Documents. All electronically filed documents must be submitted as a PDF file, and when viewed in the electronic filing system, shall conform in appearance to the requirements listed in R.I. LBR 1005-1.

(2) Attachments to Electronic Documents. Multiple documents that are part of a pleading, which are filed at the same time by the same party may be electronically filed as a single document. Documents that are not a part of the pleading, e.g., memorandum of law, supporting affidavit, or appendix, shall be filed as an attachment to the pleading.

(3) Designation of Electronic Documents. Electronic Filers must designate a title for the document by selecting the appropriate event title from the categories provided in the System. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office, or after motion and approval by the Court.

(4) Conventional Filing of Sealed Documents. Motions to file documents under seal shall be filed electronically without attaching the documents that are the subject of the motion. Contemporaneous with filing the motion to seal, the Electronic Filer shall conventionally file the documents sought to be placed under seal. If the motion to file under seal is granted, the related documents will be maintained by the Clerk until further order.

(e) Consequences of Electronic Filing. Electronic transmission of a document to the CM/ECF system or the e-filing of an event on the System, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes under the Federal Rules of Bankruptcy Procedure and the local rules of this Court, and constitutes entry of the document or event on the docket kept by the Clerk under Fed. R. Bankr. P. 5003.

(f) Time of Filing. The System is "real-time", so the receipt of the Notice of Electronic Filing will show the actual date and time a document was filed on the System. Documents filed electronically outside of normal business hours will be deemed filed on the date and time received. Deadlines will not change as a result of this rule. The deadline for filing, unless otherwise specifically set, is 11:59 P.M. (E.S.T.).

(g) Waiver of Notice and Service. Registration with the Court as an Electronic Filer of the CM/ECF system will constitute:

(1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and

(2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(h) Service of Documents by Electronic Means. Each Electronic Filer of the CM/ECF system who electronically files a pleading or other document will automatically receive a "Notice of Electronic Filing" generated by the System and this Notice of Electronic Filing will automatically be transmitted by the System to all parties who are registered users of the System. Electronic transmission by the Court of the "Notice of Electronic Filing" generated by the CM/ECF System will constitute service or notice of the filed document. Parties having been excepted from the requirement to file and receive documents electronically are entitled to receive

a paper copy of any electronically filed pleading or other document, and service or notice by the Electronic Filer must be made in accordance with the Federal Rules of Bankruptcy Procedure and these local rules.

(i) Official Court Record. The Case Management/Electronic Case Filing System (CM/ECF) shall constitute the official Court record in electronic form. The electronic filing of a pleading or other paper in accordance with the CM/ECF System procedures, or the conventional filing of a document which is subsequently imaged by the Court and placed into the System, shall constitute entry of that pleading or other papers on the docket kept by the Clerk pursuant to Fed. R. Bankr. P. 5003. The Court will not maintain paper except for the following:

- (1) Documents filed under seal;
- (2) Conventionally filed petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which contain original signatures;
- (3) Official Bankruptcy Form B-21; and
- (4) Conventionally filed handwritten documents

(j) Original Signatures

Petitions, lists, schedules, statements, amendments, pleadings, affidavits, stipulations and other documents which must contain original signatures, documents requiring verification under FRBP 1008, and unsworn declarations under 28 U.S.C. § 1746, shall be filed electronically and bear “electronic signatures”, including the /s/. The Electronic Filer shall retain the original documents containing the original signatures for two (2) years after the case is closed. The Electronic Filer must produce all such original documents for review or filing at the request of a party in interest or upon order of the Court.

(k) Consent Motions/Joint Motions

(1) The following procedure shall be used in the case of joint or consent motions.

(A) The Electronic Filer shall initially confirm that the content of the document is acceptable to all parties intending to be bound and that all parties consent to the relief requested; and

(B) The Electronic Filer shall then file the document electronically, indicating his/her signature, e.g. “/s/ Jane Doe”, “/s/ John Doe,” etc.

(2) The following procedure shall be used in all other instances requiring consent orders and/or stipulations where two or more signatures are required, including, but not limited to Joint Pre-Trial Orders:

(A) The Electronic Filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and shall have in his or her possession the original signatures of all parties to the document.

(B) The Electronic Filer shall then file the document electronically, indicating the signatories, e.g., “/s/ Jane Doe,” “/s/ John Doe,” etc.

(C) The Electronic Filer shall retain the original documents containing the original signatures for two years after the case is closed.

(l) Exhibits

(1) Exhibits. Exhibits filed under Local Bankruptcy Rules, including but not limited to leases, notes, and the like, which are not available in electronic form, shall be submitted to the Court in paper format. The Clerk will indicate on the electronic docket the date such exhibits were submitted and, if appropriate, link them to the Joint Pre-Trial Order. Trial exhibits will not be scanned unless the Court orders otherwise.

(2) Exhibits to Proofs of Claim. Exhibits in support of a proof of claim shall be filed electronically whenever possible and shall be e-filed as one event with the proof of claim. The exhibits should be electronically imaged (i.e., scanned) and filed in PDF format together with the proof of claim.

(m) Orders

(1) Proposed Orders

(A) Where an Electronic Filer is required to submit a proposed order under R.I. LBR 9072-1, said document shall be electronically filed, docketed, and served in accordance with these procedures and Rule 9072-1.

(B) An Electronic Filer wishing to submit a proposed order before hearing may file such order together with the underlying motion or application, and e-filed as one event. The proposed order should be attached to the underlying motion or application.

(2) Consent Orders/Reaffirmation Agreements. Consent orders or reaffirmation agreements shall be filed in accordance with subsection R.I. LBR 5005-4(k).

(3) Notice of Entry of Orders and Judgments by the Court

(A) Upon the entry of an order or judgment in an action pending in the CM/ECF System, the System will automatically generate to all Electronic Filers in the case, in electronic form, a Notice of Electronic Filing. Transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The Clerk shall give conventional notice to persons who have not consented to electronic service.

(B) Orders signed electronically (i.e., “/s/”) shall have the same force and effect as conventionally signed orders.

(n) Emergency Filings and Requests for Continuance

(1) Procedure for Emergency Filings. Electronic Filers requesting emergency hearing and/or relief shall contact the Clerk’s Office by telephone at (401) 626-3100, forthwith upon the

filing of such motion. Failure to notify the Clerk's Office of such filing as aforesaid, may result in denial of the request for expedited or emergency relief, or a delay in action on the motion.

(2) Motions for continuance, proposed consent orders, and similar filings that affect a matter scheduled for hearing must be filed by 4:30 p.m. the day before the scheduled hearing, or the matter will remain on the calendar and all counsel will be required to attend the hearing. If an Electronic Filer files a document that affects a matter on the calendar after 4:30 p.m. the day before a scheduled hearing, the Electronic Filer shall also notify the Courtroom Deputy of such filing by email at: RIBCourtroom@rib.uscourts.gov.

(o) **System Failure.** If electronic filing cannot be accomplished because of a court or filer System failure, the Electronic Filer shall, after making at least two attempts to file electronically, send the document and/or event as an attachment in PDF format via e-mail to the following address: RIBECFSupport@rib.uscourts.gov explaining why it was not possible to file directly in the CM/ECF System. The Electronic Filer must call the Clerk's office prior to 10:00 a.m. of the next business day to advise that a document has been filed via e-mail. The Clerk's office will download and file the PDF document, which will be deemed filed on the date and time of the e-mail transmittal.

(p) **Fees Payable to the Clerk.** All filing fees must be paid electronically by the Electronic Filer, and only the following credit cards are acceptable for payment of such fees: American Express, Discover, MasterCard, or Visa. Payment of the filing fee is due on the date the document is filed. Failure to make payment on the date of the filing may cause the Electronic Filer to be locked out of the System.

(q) **Appeals.** Appellee(s) and appellant(s) are responsible for printing and providing all items required to be included in the record on appeal, pursuant to Fed. R. Bankr. P. 8006.

(r) **Public Access to Court documents.** Electronic access at the Clerk's Office is available to the public during regular business hours for viewing the docket sheet and documents filed in the System. Conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours or by mail with a check or money order for the exact amount of the purchase, unless otherwise authorized.

RULE 9004-1

TREATMENT OF PERSONAL DATA IDENTIFIERS CONSISTENT WITH JUDICIAL CONFERENCE PRIVACY POLICY [Modified 12/1/08]

(a) **Privacy Considerations.** In compliance with the policy of the Judicial Conference of the United States, and Federal Rule of Bankruptcy Procedure 9037, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.

(b) In compliance with the Federal Rule of Bankruptcy Procedure 9037 a party wishing to file a document containing personal data identifiers may:

(1) file an unredacted version of the document under seal, or

(2) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right. The unredacted version of the document or reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

(c) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. Upon review, if the Clerk finds that personal identifiers are present, the document will be stricken and counsel or the appropriate party will be required to refile the document within ten (10) days. Failure to comply will result in the issuance of an Order to Show Cause why the case should not be dismissed.

(d) Compliance with Electronic Transcripts Policy. In compliance with the policy on Electronic Availability of Transcripts, included as Appendix I to these rules, access to every electronic transcript filed with the court will be available at the Clerk's office for inspection only, for a period of ninety (90) days after it is delivered to the court to allow interested parties the opportunity to review the transcript and file a Notice of Redaction requesting that personal data identifiers be redacted prior to the transcript being made available to the public. During the ninety (90) day period, a copy of the transcript may be obtained from the transcriber upon payment of the applicable fee. Attorneys who obtain transcripts from the transcriptionist may obtain remote electronic access to the transcript through the court's CM/ECF system for the purpose of creating hyperlinks to the transcript in court filing and for other purposes. After the ninety (90) day period has ended, the filed transcript will be available for inspection and copying in the Clerk's Office and from CM/ECF through PACER. It is the responsibility of the parties to monitor the docket for the filing of the transcript.

(1) Procedure for Filing a Notice of Redaction. Each party wishing to redact from a transcript, those personal data identifiers described in Fed. R. Bankr. P. 9037(a), must, within seven (7) calendar days of the filing of the electronic transcript, file with the Clerk of Court, and serve the transcriber with, a Notice of Redaction of personal data identifiers.

(2) Statement Required. Within twenty-one (21) calendar days from the filing of the transcript the party who filed a Notice of Redaction must file with the Court, and serve the transcriber with, a Statement indicating the location of the personal data identifiers, including the page and paragraph numbers of the transcript where the personal data identifiers are located.

(3) Motion for Additional Redactions to the Transcript. During the twenty-one (21) day period, an attorney may file a Motion for Additional Redactions to the transcript. The

transcript shall not be electronically disseminated until the court has ruled upon any such motion.

(e) Once a transcript is redacted, access to the unredacted version of the transcript shall be permanently restricted to viewing at a public terminal in the Clerk's Office.

RULE 9010-1 **ATTORNEYS ADMISSION TO PRACTICE, REPRESENTATION
AND APPEARANCES** [Modified 12/1/08]

(a) **Admission to Practice.** An attorney who is in good standing of the bar of the Supreme Court of Rhode Island and is admitted to practice in the United States District Court for the District of Rhode Island shall be deemed admitted to practice in this Court.

(b) **Admission Pro Hac Vice.** A member in good standing of the bar of any state and the bar of any other U.S. District Court may, upon motion, be permitted to argue or try a particular cause in whole or in part as counsel. Local Rule 204 of the Local Rules for the U.S. District Court, District of Rhode Island (as amended on March 17, 2008 and as may be further amended from time to time), see **Appendix VI**, and subdivisions (c) and (d)(1) below shall govern procedures for admission Pro Hac Vice in this Court.

(c) **Local Counsel Not Required In Uncontested Matters.** With the exception of representation as counsel to a debtor or trustee, an attorney may appear pro hac vice without a local attorney if the matter is uncontested. If, however, the matter is or becomes contested, then local counsel must enter an appearance at least five (5) days before the scheduled hearing. An attorney who appears before the Court pursuant to this LBR agrees to observe and to be bound by the local rules and orders of this Court and the Rhode Island Rules of Professional Conduct.

(d) Representation:

1. **Motion for Admission Pro Hac Vice.** An attorney who is not a member of the Bar of the United States District Court for the District of Rhode Island, but who is a member in good standing in every jurisdiction where the attorney has been admitted to practice and is not subject to pending disciplinary proceedings as a member of the Bar in any jurisdiction, and subject to the limitations above, may appear in this Court by leave of Court. The attorney shall file a Motion for Admission Pro Hac Vice, to appear before this Court, substantially similar to **R.I. Bankr. Form T**, which Motion shall set forth the attorney's compliance with this LBR and Local Rule 204 of the U.S. District Court, along with the applicable filing fee made payable to the "Bar Fund". A separate Motion for Admission Pro Hac Vice, and the applicable filing fee, must be filed in each case in which the client is a party.
2. **Counsel Required/Pro Se Appearance.** No person, other than an individual representing himself/herself, shall appear or practice before this Court except through representation of counsel.

3. **Filing Proofs of Claim/No Representation Required.** A corporation, partnership or trust, by or through an officer, agent, or person authorized by a power of attorney, may file a proof of claim, an assignment or transfer of claim, a reaffirmation agreement or an application for payment of unclaimed funds due such entity, without representation of counsel. Otherwise, such entities shall appear only through counsel.
4. **No Entry of Appearance Required.** An attorney need not obtain leave of Court to appear and practice in a particular case merely to file a request for service, a reaffirmation agreement, a proof of claim or an assignment or transfer of claim on behalf of a client. If however, any such filing shall later become contested or is otherwise scheduled for hearing, and the filing attorney is not admitted to practice in the United States District Court for the District of Rhode Island, then such attorney must obtain the permission of the court to appear in accordance with subsection (1) above.

(e) Appearances:

1. **Filing Constitutes Appearance.** The filing of any pleading or other paper shall constitute an appearance in the case or proceeding in which the pleading or paper is filed by the attorney who signs it, unless the pleading or paper states otherwise.
2. **Request for Service of Papers.** If an attorney wishes to receive copies of filed papers, the attorney must file a formal entry of appearance containing the attorney's name, bar identification number, firm name, mailing address and telephone and facsimile number of the person entering the appearance, specifically requesting to be so served, and a copy of such request must be served on the debtor's attorney, or debtor if pro se, the case trustee, and the local office of the United States trustee; otherwise, the attorney will receive only those papers that deal directly with said attorney's client, as required by the Federal Rules of Bankruptcy Procedure. With respect to notices and copies of orders served by the Court, the attorney will receive only those notices and orders that deal directly with said attorney's client as required by the Federal Rules of Bankruptcy Procedure, these LBRs or as otherwise ordered by the Court.
3. **Appearance List.** The Clerk shall maintain a general appearance list in each case, which shall be available to any attorney upon request. The Clerk shall also maintain such list on the Court's electronic records system (PACER), to the extent technically possible.
4. **Withdrawal of Attorney.**

(A) Leave of Court Not Required. An attorney representing a party may withdraw from a case or proceeding without leave of court by filing a Notice of Withdrawal with the Court, provided that: (i) such notice is accompanied by a Notice of Appearance of other counsel; (ii) there are no motions pending before the Court; and (iii) no trial or hearing date has been scheduled

(B) Service of Notice of Withdrawal. The Notice of Withdrawal shall be served on: (i) the client; (ii) the local office of the United States trustee; (iii) any trustee serving in the case; (iv) in cases under chapter 11, any committee that has been appointed and is serving in the case under 11 U.S.C. §§1102, or upon counsel or

the authorized agent for such committee; (v) in adversary proceedings, all parties to the proceeding; and (vi) all other persons or parties as the Court may require.

(C) Leave of Court Required. If any of the requirements contained in subparagraph (A) is lacking, a written motion for leave to withdraw, with service on the parties listed in subparagraph (B) is required. Until an order granting withdrawal is entered, counsel remains the attorney of record in the case or proceeding.

5. Representation, Appearance and Argument by Eligible Law Students:

(A) An eligible law student, with the written consent of the Debtor(s), may, under the direct supervision of an attorney admitted to practice in this Court: (i) assist in consulting with debtors, confer with opposing parties, research and draft correspondence, pleadings, discovery, and provide other non-documentary assistance to the Debtor(s); (ii) assist in the research and preparation of the petition, schedules and other documents to be filed in this Court, but all such documents must be signed by an attorney admitted to practice in this Court who thereby agrees to become attorney of record. Names of students participating in the preparation of briefs may, however, be noted on the briefs. (iii) participate in oral argument with leave of the Court, but only in the presence of an attorney of record

(B) A Supervising Attorney (as defined in paragraph C below), the student and the faculty member conducting the relevant law school course must execute and file a written statement containing the information and representations required by this Rule in substantially the form attached as **R.I. Bankr. Form T.2** with the Clerk at the time a petition, pleading or other document is filed with this Court.

(C) A Supervising Attorney, for purposes of this rule, must be a member of the bar of this Court who agrees to assume personal professional responsibility for the law student's work and for supervising the quality of the law student's work. A Supervising Attorney shall assume personal professional responsibility for the student's work, assist the student to the extent necessary, appear with the student in all proceedings before this Court and be prepared to supplement any written or oral statement made by the student to this Court or opposing counsel and execute and file with this Court the attorney's written consent to supervise the student and be considered the attorney of record in substantially the form attached as **R.I. Bankr. Form T.2**.

(D) The faculty member conducting the relevant law school course must be teaching a clinical course in bankruptcy for academic credit at a law school approved by the American Bar Association (the "Law School") and if serving as the supervising attorney, be admitted to practice in this Court; agree to act as attorney of record in the event the supervising attorney and/or the student are not available to do so; and execute and file the written statement containing the information and representations required by this Rule in substantially the form attached as **R.I. Bankr. Form T.2**.

----- *
In re: :
: :
Debtor(s) :
: :
----- *

BK No.
Chapter 11

**Individual Debtor(s) Motion for Entry of Discharge
and Certificate of Plan Confirmation**

I/We the undersigned Debtor(s) move the court for entry of a discharge in this case pursuant to 11 U.S.C. § 1141(d)(5)(A) by certifying under penalty of perjury that:

1. All plan payments have been completed.
2. Compliance with 11 U.S.C. § 1141(d)(5)(C), including, but not limited to, 11 U.S.C. § 522(q)(1)(A) and (B).

I declare under penalty of perjury that the information contained in this Certificate is true and correct.

/s/ _____
Debtor Signature

/s/ _____
Joint Debtor Signature

Date:

R.I. Bankruptcy Form P.3 – Abolished

R.I. Bankruptcy Form P.4 - Abolished

----- *

In re: :

Debtor(s) : BK No.
Chapter

:
----- *

RELIEF FROM STAY WORKSHEET – REAL ESTATE

I _____ (Name and Title) of _____ (Name of Organization/
Corporation/Moving Party) (hereinafter, “Movant”) hereby declare (or certify, verify, or state):

BACKGROUND INFORMATION

1. Real property address which is the subject of this motion:
_____.
2. Lender Name: _____.
3. Date of Mortgage: _____.
4. Post-Petition payment address:
_____.
5. The manner in which the movant perfected its interest in the property:
_____.
6. All other material liens and encumbrances on the property:
_____.

DEBT/VALUE REPRESENTATIONS

7. Total pre-petition and post-petition indebtedness of Debtor(s) to Movant at the time of filing the motion: \$ _____.
(Note: this amount may not be relied on as a “payoff” quotation.)
8. Movant’s estimated market value of the real property: \$ _____.

9. Source of estimated valuation: _____.

STATUS OF DEBT AS OF THE PETITION DATE

10. Total pre-petition indebtedness of Debtor(s) to Movant as of petition filing date: \$ _____.

- A. Amount of principal: \$ _____.
- B. Amount of interest: \$ _____.
- C. Amount of escrow (taxes and insurance): \$ _____.
- D. Amount of forced placed insurance expended by Movant: _____.
- E. Amount of Attorney's fees billed to Debtor(s) pre-petition: \$ _____.
- F. Amount of pre-petition late fees, if any, billed to Debtor(s): \$ _____.

11. Contractual interest rate: _____ (If interest rate is (or was) adjustable, please list the rate(s) and dates(s) the rate(s) was/were in effect on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: __.)

12. Please explain any additional pre-petition fees, charges or amounts charged to Debtor's/Debtor's account and not listed above:

(If additional space is needed, please list the amounts on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: __.)

**AMOUNT OF ALLEGED POST-PETITION DEFAULT (AS OF
_____ (MM/DD/YYYY))**

13. Date last payment was received: _____ (mm/dd/yyyy)

14. Alleged total number of payments post-petition from filing of petition through payment due on _____ (mm/dd/yyyy): _____.

15. Please list all post-petition payments alleged to be in default:

SCHEDULE OF PAYMENTS THAT WERE DUE:

Date Payment Due	Payment Amount Due Post Petition
Totals:	\$

SCHEDULE OF PAYMENTS THAT WERE RECEIVED

Date	Amount Received	Amount Applied to Principal and Interest	Amount Applied to Escrow	Late Fee Charged (if any)	Amount applied to legal fees or costs (specify)
Totals:	\$	\$	\$	\$	

16. Amount of Movant’s Attorneys fees billed to Debtor for the preparation, filing and prosecution of this motion: \$ _____.

17. Amount of Movant’s filing fee for this motion: \$ _____.

18. Other Attorney’s fees billed to Debtor post-petition: \$ _____.

19. Amount of Movant’s post-petition inspection fees: \$ _____.

20. Amount of Movant's post-petition appraisal/broker's price opinion: \$ _____.
21. Amount of forced placed insurance or insurance provided by the Movant post-petition:
\$ _____.
22. Sum held in suspense by Movant in connection with this contract, if applicable:
\$ _____.
23. Amount of other post-petition advances or charges: i.e., taxes, insurance incurred by Debtor, etc.: \$ _____.
24. Amount and date of post-petition payments offered by the debtor and refused by the Movant: \$ _____; Date(s): _____
- Movant: \$ _____; Date(s): _____
- Movant: \$ _____; Date(s): _____.

REQUIRED ATTACHMENTS TO MOTION

Please attach the following documents to this motion and indicate the exhibit number associated with the documents.

- (1) Copies of documents that indicate Movant's interest in the subject property. For purposes of example only, a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the mortgage and any assignments in the chain from the original mortgagee to the current moving party. (Exhibit _____.)
- (2) Copies of documents establishing proof of standing to bring this Motion. (Exhibit _____.)
- (3) Copies of documents establishing that Movant's interest in the real property was perfected. For the purposes of example only, a complete and legible copy of the Financing Statement (UCC-1) filed with either the Clerk's Office or the Register of the county the property is located in. (Exhibit _____.)

CERTIFICATION AND DECLARATION FOR BUSINESS RECORDS

I certify that the information provided in this worksheet and/or exhibits attached to this worksheet is derived from records that were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters, were kept in the course of the regularly conducted activity; and were made by the regularly conducted activity as a regular practice.

I further certify that copies of any transactional documents attached to this worksheet as required by paragraphs 1, 2, and 3, immediately above, are true and accurate copies of the original documents, I further certify that the original documents are in movant's possession, except as follows: _____.

I/we declare (or certify, swear, affirm, verify or state) that the foregoing is true and correct.

Executed on _____ [date]

[signature]

[title]

Subscribed and sworn to before me this _____ [date]

Notary Public:[name]

My commission Expires: _____
[date]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

CHAPTER 13 PLAN and COVER SHEET

Filing Date: _____

BK No. _____

Debtor: _____

Co-Debtor: _____

Address _____

Address: _____

Debtor's Counsel: _____

Address: _____

Telephone #: _____

Facsimile #: _____

Attached to this cover sheet is the Chapter 13 Plan filed by the Debtor(s) in this case. This Plan sets out the proposed treatment of the claims of creditors. The claims are set forth in the bankruptcy schedules filed by the Debtor(s) with the Bankruptcy Court. Notwithstanding the scheduling of your claim by the Debtor(s), in order to participate in the distribution under the plan, you MUST file a proof of claim by the claims bar date contained in the § 341 notice. See below.

You will receive a separate notice from the Bankruptcy Court of the scheduled creditors' meeting pursuant to 11 U.S.C. § 341. That notice will also establish the bar date for filing Proofs of Claims, as well as the date scheduled for the hearing on confirmation of the Debtor(s) chapter 13 plan. Pursuant to Local Bankruptcy Rule 3015-3, any objections to confirmation of a chapter 13 plan shall be filed no later than seven (7) days before the hearing date on confirmation.

CHAPTER 13 PLAN

BK No. _____

Debtor(s) (H): _____

(W): _____

Term of the Plan: _____ Months

Plan Payment: Debtor(s) to pay monthly: \$ _____

I. SECURED CLAIMS

A. CLAIMS TO BE PAID THROUGH THE PLAN (INCLUDING ARREARAGES):

Creditor Description of claim (pre-petition arrearage, post-petition arrearage, purchase money, etc.)

_____	\$ _____
_____	\$ _____
_____	\$ _____

Total of secured claims to be paid through the Plan \$ _____

B. CLAIMS TO BE PAID DIRECTLY TO CREDITORS (Not through Plan):

Creditor Description of claim

In re: _____

BK No. _____

II. PRIORITY CLAIMS

Creditor Description of Claim

Amount of claim

\$ _____

\$ _____

\$ _____

DOMESTIC SUPPORT OBLIGATIONS

Check here if NONE

Description of Obligation

Amount

\$ _____

\$ _____

\$ _____

Total of priority claims to be paid through the plan \$ _____

III. ADMINISTRATIVE CLAIMS

A. Attorneys fees (to be paid through the Plan): \$ _____

(to be paid in first 12 months of Plan)

B. Miscellaneous fees:

Creditor Description of claim Amount of claim

\$ _____

\$ _____

\$ _____

In re: _____

BK No. _____

C. The Chapter 13 Trustee's fee is determined by order of the United States Attorney General. The calculation of the Plan payment set forth below utilizes a 10% trustee's commission.

In the event that the trustee's commission is less than 10%, the additional funds collected by the Trustee shall be disbursed to unsecured creditors up to 100% of the allowed claims.

IV. UNSECURED CLAIMS

The general unsecured creditors shall receive a dividend of ____% of their claims.

A. General unsecured claims: \$_____

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor Description of claim	Amount of claim
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total of A + B general unsecured claims: \$_____

C. Multiply total by percentage of dividend: \$_____

(Example: total of \$38,500.00 x .22 dividend = \$8,470.00)

D. Separately classified unsecured claims (co-borrower/student loan, etc.):

Creditor Description of claim	Amount of claim
_____	\$ _____
_____	\$ _____
_____	\$ _____

In re: _____

BK No. _____

Total amount of separately classified claims

payable at ____%: \$_____

V. OTHER PROVISIONS:

A. Liquidation of Assets to be used to Fund Plan:

B. Modification of Secured Claims:

Set forth details of modifications below or in attached sheets. This information should include name of creditor and detailed explanation of the modification. The total amount of the secured claim that is to be paid through the Plan (inclusive of interest) should be set forth in Section I of this Plan. The Debtor must also file a motion pursuant to R.I. LBR 3015-2 to modify the secured claim.

C. Additional Miscellaneous provisions: _____

In re: _____

BK No. _____

VI. CALCULATION OF PLAN PAYMENT

a. Secured claims (Section I-A Total): \$ _____

b. Priority claims (Section II Total): \$ _____

c. Administrative claims (Section III A + B Total): \$ _____

d. General unsecured claims (Section IV-C Total): \$ _____

e. Separately classified unsecured claims

(Section IV-D Total): \$ _____

f. Total of (a) through (e) above: \$ _____

g. Divide (f) by .90 for total cost including Chapter 13 trustee's fee (this represents the total amount to be paid into the Chapter 13 plan:

Total Cost of Plan: \$ _____

h. Divide (g) Cost of Plan by Term of Plan: _____ months

i. Round up to nearest dollar:

Monthly Plan Payment: \$ _____ (enter this amount on page 1)

Pursuant to 11 U.S.C. § 1326(a)(1), unless the Court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier.

LIQUIDATION ANALYSIS

I. Real Estate:

Address	Fair Market Value Recorded	Liens (Schedule D)
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

In Re: _____

BK No. _____

Total Net Equity in Real Property: \$ _____

Less Exemptions (Schedule C): \$ _____

Amount Available in a Chapter 7: \$ _____

II. Automobile (Describe year, make and model):

_____ Value \$ _____ Lien \$ _____ Exemption \$ _____

_____ Value \$ _____ Lien \$ _____ Exemption \$ _____

Net Value of Equity: \$ _____

Less Exemptions (Schedule C): \$ _____

Available Chapter 7: \$ _____

III. All Other Assets (all remaining items on Schedule B): (Itemize as necessary)

Value: \$ _____ Less Exemptions (Schedule C): \$ _____

Available Chapter 7: \$ _____

SUMMARY (Total amount available under Chapter 7) -- calculated based upon Net Equity (I and II) plus Other Assets (III) less any claimed exemptions:

TOTAL AMOUNT AVAILABLE UNDER CHAPTER 7: \$ _____

Additional Comments regarding Liquidation Analysis:

In re: _____

BK No. _____

Pursuant to the R.I. LBR 3015-1(b), the Debtor or his/her counsel is required to serve a copy of the Chapter 13 Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a certificate of service accordingly.

Debtor's counsel

Date

Address _____

Telephone #: _____

I/We declare under the penalties of perjury that the foregoing representations of fact are true and correct to the best of our knowledge and belief.

Debtor

Date

Co-Debtor

Date

COPY

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

ELECTRONIC TRANSCRIPTS

In September 2003, the Judicial Conference adopted a policy requiring courts that make electronic documents remotely available to the public also to make prepared electronic transcripts of court proceedings available remotely (JCUS-SEP 03, pp. 16-17). In September 2005, after studying the potential *Judicial Conference of the United States September 18, 2007* impact of the policy on court reporter compensation, the Conference adopted an implementation plan that, upon passage of authorizing legislation, would have raised the Public Access to Court Electronic Records (PACER) fee for access to transcripts and allocated a portion of that fee to court reporters who create the transcripts (JCUS-SEP 05, pp. 15-16). At this session, noting that the legislation needed to effectuate the plan has yet to be enacted, thereby thwarting implementation of the program, the Committee on Court Administration and Case Management, in consultation with the Committees on Judicial Resources, Information Technology, and Defender Services, and with input from several Administrative Office advisory groups, recommended that the Conference approve a new implementation plan as follows:

- a. A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk;
- b. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes; and
- c. After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through the judiciary's PACER system. The Conference approved the plan as well as the Committee's recommendation that the Conference (a) delegate to the Committee the authority to revise existing Conference policies to conform with this policy and (b) direct the Administrative Office to issue guidance to the courts on implementation of the policy.

COPY

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

LR Gen 109 BANKRUPTCY [as amended through 3/17/08]

...

- (e) **Appeals to Bankruptcy Appellate Panel.** In accordance with 28 U.S.C. § 158(b)(6), when all parties consent, appeals from any judgment, order or decree of a bankruptcy judge which are referred to in 28 U.S.C. § 158(a) may be heard and determined by the Bankruptcy Appellate Panel for the First Circuit.
- (f) **Appeals to District Court.** Except as otherwise provided in this subsection (f) or elsewhere in these rules, or unless otherwise ordered by the District Court, appeals or motions for leave to appeal to the District Court from any judgment, order or decree of a bankruptcy judge shall be governed by the applicable provisions of Rules 8001 - 8020 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), and any and all Interim Bankruptcy Rules (“Interim Rules”) which became effective on or after October 17, 2005.
- (1) **Notice of Appeal.** When a notice of appeal is filed with the bankruptcy clerk, the bankruptcy clerk shall, forthwith, transmit a copy of the notice of appeal to the District Court clerk, together with a copy of the judgment, order or decree that is the subject of the appeal and the Appeal Cover Sheet. The District Court clerk, thereupon, shall treat the matter administratively as a newly filed case, but in accordance with Interim Rule 8001(f)(2), the matter shall not be deemed “pending” in this Court until the record has been transmitted and docketed.
- (2) **Motion for Leave to Appeal.** When a motion for leave to appeal is filed with the bankruptcy clerk, the bankruptcy clerk shall, forthwith, transmit a copy of the motion to the District Court clerk, together with copies of the notice of appeal, the judgment, order or decree that is the subject of the proposed appeal, and any memorandum of counsel submitted in support of or in opposition to the motion. The District Court clerk, thereupon, shall treat the matter administratively as a newly filed case, but in accordance with Interim Rule 8001(f)(2), the matter shall not be deemed “pending” in this Court until leave to appeal has been granted.
- (3) **Requests for Certification.** Any request by a party for the certification of an appeal directly to the Court of Appeals filed in the District Court pursuant to 28 U.S.C. 158(d)(2) and Interim Rule 8001(f) shall be in the form of a motion complying with LR Cv 7.

- (4) **Extensions of Time by a Bankruptcy Judge.** Extensions of time for filing notices of appeal may be granted by the bankruptcy judge in accordance with Bankruptcy Rule 8002(c). Extensions of time for filing motions for leave to appeal and designations of the record or issues on appeal may be granted by the bankruptcy judge for a period not to exceed thirty (30) days.
- (5) **Dismissal of Appeals by Bankruptcy Judge.** A bankruptcy judge may dismiss an appeal if
- (A) the notice of appeal is not filed within the time specified in Bankruptcy Rule 8002;
 - (B) the appellant has failed to file a designation of the record or a statement of the issues within the time specified in Rule 8006 or any extension thereof; or
 - (C) the appellant has failed to comply with paragraph (6)(C) of this subsection.
- (6) **Record on Appeal.** In addition to any other applicable requirements, an appellant, including a party whose motion for leave to appeal has been granted, shall ensure that the record transmitted by the bankruptcy clerk to the District Court clerk includes:
- (A) the judgment, order or decree of the bankruptcy judge that is the subject of the appeal;
 - (B) any written decision(s) and a transcript of any oral decision(s) by the bankruptcy judge stating the reasons for the judgment(s), order(s) and/or decree(s) referred to in subparagraph (A);
 - (C) the record on appeal, as to which the appellant shall be responsible for seeing that each document is tabbed and arranged in reverse chronological order so that the documents appear in the same order as shown on the docket sheet;
 - (D) a statement of the issues on appeal; and,
 - (E) a certified copy of the docket sheet.
- (7) **Form of and Schedule for Filing Briefs.** Unless otherwise ordered by the District Court or provided in these rules, the form and schedule for filing appellate briefs and memoranda shall be governed by Bankruptcy Rule 8009, except that:
- (A) all briefs, memoranda and appendices thereto shall conform to the applicable requirements of LR Cv 7; and
 - (B) with respect to documents that are conventionally filed, two (2) copies of any brief or memorandum shall be provided to the district judge to whom the appeal or motion for leave to appeal is assigned.

Such motion and any related objection(s) and replies shall be governed by the applicable provisions of LR Cv 7.

(g) Stays Pending Appeal to the District Court. When a motion is made in the District Court to stay a judgment, order or decree of a bankruptcy judge or for any other relief pending appeal, the movant shall file the following with its motion:

- (1) a copy of the judgment, order or decree that the movant seeks to have stayed;
 - (2) a copy of the bankruptcy judge's order denying the movant's motion to stay;
 - (3) any written decision(s) and/or transcript(s) of any oral decision(s) of the bankruptcy judge stating the reasons for the orders referred to in paragraphs (1) and (2) of this subsection; and
 - (4) a memorandum of law setting forth the reasons why a stay should be granted and the legal authorities supporting the motion for a stay.
- Such motion and any related objection(s) and replies shall be governed by the applicable provisions of LR Cv 7.

...

*** Counsel are advised to check the U.S. District Court Rules to ensure most recent version of the rule.**

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

**DISTRICT OF RHODE ISLAND MAXIMUM ATTORNEY FEE
WITHOUT WRITTEN FEE APPLICATION**

(a) Pursuant to R.I. LBR 2017-1, a detailed application for compensation is required within sixty (60) days after the section 341 meeting is held whenever the fee for services provided by an attorney for a Chapter 13 debtor exceeds: \$3,500, plus \$500 for post confirmation work.

(b) A detailed application for compensation is required within twenty (20) days of the bankruptcy filing whenever the fee for services provided by a document preparer exceeds: \$150.

(c) The amounts set forth herein are for the sole purpose of establishing when an applicant is required to file a fee application with the Court. These amounts should not be construed as minimum fees for specific services. The Court may require applicants to file fee applications even when the fee charged is below or equal to the minimum amounts set forth herein, and all fees whether above or below the amounts set forth herein are subject to Court approval.

(d) Pursuant to R.I. LBR 2016-1, counsel and document preparers are advised to keep contemporaneous time records to support all work performed on behalf of the debtor(s) and to file said fee applications within the time allowed above. Failure to comply with R.I. LBR 2017-1 will result in the issuance of an Order to Show Cause why disgorgement of all fees should not be made, or other sanctions imposed.

COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LR Gen 204 *PRO HAC VICE* COUNSEL [as amended through 3/17/08]

- (a) **Authorization to Appear and Practice.** An attorney who is not a member of the bar of this Court may appear and practice before this Court in any case in which the attorney has been admitted to practice *pro hac vice*.
- (b) **Eligibility for *Pro Hac Vice* Admission.** In order to be eligible for *pro hac vice* admission, an applicant must:
 - (1) Be a member in good standing of the bar of another state and another federal district court and the bar in every jurisdiction in which the attorney has been admitted to practice; and
 - (2) Establish, to the satisfaction of this Court, that he or she is otherwise qualified and fit to be admitted to practice *pro hac vice* before this Court.
- (c) **Limit on Number.** Unless otherwise permitted by the Court for good cause shown, no more than three (3) *pro hac vice* counsel may be admitted to represent any party in a case.
- (d) **Application.** An application for *pro hac vice* admission shall be made by completing and filing a form of motion provided by the Clerk, together with a check for the application fee fixed by the Court which shall be payable to the “Bar Fund.” The application fee will not be refunded if the application is denied.

A motion for *pro hac vice* admission shall be signed both by the applicant and by local counsel affiliated with the applicant.

- (e) **Local Counsel.**
 - (1) In order to be admitted and/or remain as *pro hac vice* counsel, an attorney shall be affiliated with local counsel who is a member of the Bar of this Court and who has entered an appearance as co-counsel.
 - (2) Local counsel shall:
 - (A) Sign and be responsible to the Court for the content of all pleadings, motions, and other documents filed or served in the case; and
 - (B) Attend all court proceedings in the case unless excused by the judge for good cause shown; and

- (C) Be fully prepared to assume sole responsibility for the conduct of the case in the event that *pro hac vice* counsel does not appear when required, has his or her *pro hac vice* status revoked or is unable to continue as counsel for any reason.
- (3) In addition to the required signature of local counsel, *pro hac vice* counsel may sign pleadings, motions, and other documents filed or served in the case. *Pro hac vice* counsel may file pleadings, motions, and other documents with the Court, but only if:
 - (A) the documents have the required signature of local counsel, and
 - (B) local counsel has given *pro hac vice* counsel permission to affix local counsel's signature.
- (4) In order to ensure that local counsel is able to properly perform his or her duties, *pro hac vice* counsel shall consult with, involve and fully inform local counsel with respect to all matters affecting the case.

(f) Admission and Revocation.

- (1) The district judge to whom a case has been assigned shall have discretion to grant or deny motions for admission *pro hac vice* based upon the applicant's qualifications, character, past conduct and any other factors that bear on the applicant's fitness to practice in this Court.
- (2) Permission to appear *pro hac vice* may be revoked upon motion of a party or, *sua sponte*, by the district judge to whom the case is assigned if the judge determines that *pro hac vice* counsel has failed to satisfy any applicable requirement of these rules or that the proper administration of justice so requires.
- (3) No formal hearing shall be required prior to revocation. However, before revoking *pro hac vice* status, the judge shall provide counsel with notice and an opportunity to explain why *pro hac vice* status should not be revoked to the extent that such opportunity can be afforded without disrupting or delaying the proceedings.
- (4) The revocation of *pro hac vice* status shall not prevent the Court from taking any other disciplinary action against counsel pursuant to any applicable provision of these Local Rules.

(g) Notification.

- (1) *Pro hac vice* counsel shall promptly notify the Court of any change in counsel's name, address, telephone number, fax number, e-mail address and/or law firm name from that shown on counsel's application for *pro hac vice* admission.

(2) Any notice sent to pro hac vice counsel shall be deemed delivered if sent to the most recent address or fax number or e-mail address provided in counsel's application for pro hac vice admission or in any subsequent change of address provided by such counsel.

CROSS-REFERENCE

See LR Gen 201(b)(2) (appearance by pro hac vice counsel). See also LR Gen 206(c) (designation of counsel to receive notices).

*** Counsel are advised to check the U.S. District Court Rules to ensure most recent version of the rule.**