

**AMENDMENTS TO THE RHODE ISLAND BANKRUPTCY
COURT'S LOCAL RULES AND FORMS
EFFECTIVE FEBRUARY 28, 2011
Redlined version**

RULE 1005-1 FILING PAPERS - REQUIREMENTS [Modified 2/28/11]

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(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 fourteen (14) 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 fourteen (14) day period:

- (A) Application to Compromise -- 21 days;
- (B) Motion/Notice of Intended Sale -- 21 days;
- (C) Motion to Amend or Modify a Plan -- 21 days;
- (D) Motion to Modify Secured Claim -- 21 days;
- (E) Application (or Notice) to Abandon -- 21 days;
- (F) Motion to Shorten Time (Expedited treatment) seven (7) days;

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

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

(I) Motion to Extend Time [other than motion requesting an extension of time to file an objection to discharge under §§ 523 or 727] for filing schedules, statements, reports, responses, and replies -- left to discretion of Court, above language should not be used;

(J) Motion to Continue Hearing – See R.I. LBR 5005-4 and 5071 for the deadline for filing motions to continue hearing.

(i) One-sided motion -- three calendar (3) days. If less time is needed, the motion should be filed as an emergency motion pursuant to LBR 9013-2(e) and served as specified in subsection (d)(2)(G) above;

(ii) Consent/Joint motion -- left to discretion of Court, above language should not be used.

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RULE 3002-1 FILING PROOF OF CLAIM OR INTEREST [Modified 2/28/11]

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(c) Creditors Duties in Chapter 13 Cases -

(1) Notice of Contract Change

(A) Creditor's Duty to file Notice of Contract Change. At any time during the pendency of the debtor's case, a creditor must file on the Claims Register and serve, *by first class mail*, upon the trustee, debtor, and debtor's counsel, at least thirty (30) days before the change is to take place, or a payment at a new amount is due, a "Notice of Contract Change".

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RULE 5005-4 ELECTRONIC FILING [Modified 2/28/11]

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(n) Emergency Filings and Requests for Continuance

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(2) Motions for continuance, proposed consent orders, and similar filings that affect a matter scheduled for hearing must be filed by ~~4:30~~ **3:00** 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~~ **3:00** p.m. the day before a scheduled hearing, the Electronic Filer shall also notify the Courtroom Deputy of such filing by e-mail at: RIBCourtroom@rib.uscourts.gov.

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RULE 5071-1 CONTINUANCES [Modified 2/28/11]

All requests for continuance of matters set for hearing or trial must be requested in writing ~~prior to hearing~~, ***no later than 3:00 p.m. the day before the scheduled hearing if the motion is consented to by all parties to the matter. If the request for continuance is by one party, the motion*** shall set forth the reason(s) for the request, and be served upon opposing counsel ***at least three (3) business days before the hearing or be captioned as an emergency motion and be served*** in such manner as will ensure actual receipt prior to the scheduled hearing date. ***See LBR 1005-1(d)(2)(G) and)(J) for the proper objection periods to be included in the motion, as applicable.*** Absent a written request, all interested parties are required to appear at the scheduled hearing and, if necessary, make an oral request for a continuance at that time. Employees of the clerk's office, including the calendar clerk, are not authorized to grant continuances.

RULE 5072-1 COURTROOM DECORUM [Modified 2/28/11]

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(e) Cellular Telephones, Laptop Computers, and Beepers. Anyone entering the courtroom is required to turn off all cellular phones and noise emitting beepers before entering the courtroom. Laptop computers will be allowed in the courtroom only upon prior request and approval of the Court, except while in use at counsel table.

(f) General Prohibition. *Except to the extent expressly authorized by the Court, no person shall photograph, record, broadcast, or otherwise transmit any proceeding, event or activity in or from any interior portion of the United States Bankruptcy Court space. The Court may permit photographing, recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.*

(f) (g) Courtroom Attire. All persons appearing before the Court or attending Court are expected to dress in appropriate attire. The Court reserves the right to dismiss individuals from the courtroom if they are dressed inappropriately.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE:

MOTION TO BE EXCUSED FROM COURT

Now comes _____, Esq. and moves this Honorable Court for permission to be excused from attendance in the U.S. Bankruptcy Court, District of Rhode Island, on the following dates:

1. ~~Week of~~ ***Date(s) requested:*** _____ .
2. The Petitioner ~~will be [reason for excusal]~~ ***seeks to be excused from court because:*** _____ .
3. I have no matters scheduled for hearing in Bankruptcy Court during said time period.

Respectfully submitted,

Date