



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

Susan M. Thurston
Clerk of Court

Gail Kelleher
Chief Deputy Clerk

NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

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 it proposes to amend the Local Rules as follows:

EFFECTIVE DATE OF 12/1/2010

Local Rule 1002-1 (amended)
Local Rule 1007-1 (amended)
Local Rule 1009-1 (amended)
Local Rule 4004-1 (amended)

Pursuant to 28 U.S.C. § 2071(b), **the U.S. Bankruptcy Court for the District of Rhode Island invites public comment** on the Proposed Amendments to these Local Rules. Copies of the proposed amendments are available at the Clerk's office or on our website at www.rib.uscourts.gov. **Comments on the proposed rules and forms should be received by November 22, 2010 and can be made on-line at www.rib.uscourts.gov or in writing to the Clerk of Court at the address below.**

November 10, 2010

FOR THE COURT

/s/ Susan M. Thurston
Susan M. Thurston, Clerk

**AMENDMENTS TO THE RHODE ISLAND BANKRUPTCY COURT'S
LOCAL RULES, EFFECTIVE DECEMBER 1, 2010**

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RULE 1002-1 PETITION - GENERAL [Modified 12/1/10]

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(1) Mailing Format. In accordance with the filing requirements set forth by Fed. R. Bankr. P.1002, 1003, and 1007, the debtor shall file with the petition a list of creditors ~~listing~~ **including** the name and address of each creditor shown on the debtor's schedules in the format prescribed by the clerk's office and designated as Amended R.I. Bankr. Form A in all conventionally filed cases, and in cases filed electronically if the list of creditors is not filed with the petition. Unless leave of court is obtained, in all chapter 7, 11, 12 and 13 cases, the ~~list of~~ creditors **list** shall be submitted on a computer diskette as set forth in the "Instructions for Submission of the List of Creditors on Computer Diskette", designated as Amended Bankr. Form A. Failure to correctly conform to the requirements detailed in Amended Bankr. Form A will result in the automatic issuance of a seven (7) day Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance.

(2) Required Addresses. Except as provided below, the creditor list shall include the names and addresses (including zip codes) of all known creditors and parties in interest. The name and address of: (a) the debtor(s); (b) the debtor(s)' attorney; (c) the United States trustee; and (d) the Rhode Island Division of Taxation, should not be included on the creditor list because information pertaining to them will **automatically** be added to the list of creditors and/or case ~~automatically~~ by the Court.

(3) Incorrect Address; Returned Mail. It is the responsibility of the debtor to ensure that all addresses set forth on the creditor list are accurate and complete, and that they conform to the addresses set forth on the schedules. If a mailing based on the creditor list is undeliverable by the post office, the mailing will be returned by the post office directly to the debtor's attorney, or debtor, if pro se, and it will be debtor's responsibility to re-mail the document(s). Upon re-mailing, the debtor is also required to file with the Clerk the updated address(es) and a certificate of service of the mailing.

(4) Involuntary Cases. In involuntary cases, the creditor list shall be filed within ~~fourteen~~ **seven** (14 7) days of the entry of the order for relief. The creditor list shall be prepared and filed by the debtor unless the Court orders otherwise.

...

(d) Foreign Country Creditor or Party. In any bankruptcy case that includes creditors or parties in ~~any~~ *a* foreign country, the debtor or such other party specified in R.I. LBR 1002-1(c)(4) shall supply the clerk's office with properly addressed envelopes containing the correct postage affixed thereto, to insure that the mailing reaches the addressees in the foreign country.

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RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS; ORDER TO FILE MISSING DOCUMENTS AND NOTICE OF AUTOMATIC DISMISSAL FOR NON-COMPLIANCE; NOTICE IN CHAPTER 11 [Modified 12/1/10]

...

(c) Filings Subject to Fourteen (14) Day Filing Deadline: The following, as applicable to the case and chapter, are required to be filed within fourteen (14) days of the bankruptcy filing, or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

- (1) Schedules A through J;
- (2) Statement of Financial Affairs;
- (3) Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. § 159);
- (4) Statement of Executory Contracts;
- (5) Attorney fee disclosure statement;
- (6) All required declarations having been properly executed;
- (7) The Chapter 13 plan (R.I. Bankr. Form W.1); and/or
- (8) The Chapter 13 agreement (R.I. Bankr. Form V);
- (9) Chapter 11 Exhibit A;
- (10) Chapter 11 twenty (20) largest unsecured creditors;
- (11) Official Bankruptcy Form 22 (either A, B, or C) - Statement of Current Monthly Income;
- (12) In Chapter 7, Completed Checkbox on Form 22A re: Presumption of Abuse;
- (13) Copies of ~~payment advices~~ *pay stubs* for 60 days before the filing of the petition;

(14) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 19B);

~~(15) Certification of Pro Se Debtor;~~

(16 15) Certificate of Credit Counseling if Official Form 1, Exhibit D, Question 2 applies.

(d) Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance (Lack of Prosecution) Procedure for Issuance of Order to file Missing Document and Notice of Automatic Dismissal for Non-Compliance. In all voluntary cases, where the petition is not accompanied by the required schedules, statements, and other documents, pursuant to Fed. R. Bankr. P. 1007, 1008, 2016, and 3015, and R.I. LBR 1002-1, 1007-1 and 5005-4, the debtor shall file such missing documents according to the time limits imposed by federal or local rule, or, if cause exists, move within that time for an order extending the time to make the required filings. Upon filing the petition, the debtor will receive an Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance indicating which documents are missing and giving the debtor either seven (7) days or fourteen (14) days *from filing* to file the required documents, *as if* applicable. If, after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to ~~file the required documents~~ *achieve compliance with the foregoing*, the case will be automatically dismissed without further notice. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of 11 U.S.C. § 109(g), with a 180-day bar to refile a petition. See also, R.I. LBR 1017-2.

(e) Notice to Disputed, Contingent or Unliquidated Creditors in Chapter 11 Cases. The debtor in each chapter 11 case shall serve R.I. Bankr. Form B on each creditor whose claim is listed on the schedules as disputed, contingent or unliquidated, within fourteen (14) days after filing the schedules of liabilities, or within fourteen (14) days of adding such creditors to previously filed schedules. The notice ~~must advise~~ *will inform* such creditors of the right to file proofs of claim and that failure to do so shall prevent them from voting upon the plan or participating in any distribution thereunder. Within fourteen days of service, a certificate evidencing compliance with this LBR shall be filed with the Clerk.

RULE 1009-1 AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS [Modified 12/1/10]

(a) Procedure and Form. In any open bankruptcy case, amendments to the bankruptcy petition, schedules, statements of financial affairs, statements of income and expenses, or summaries of assets and liabilities shall be filed with the Clerk. The amended ~~paper~~ *document* shall clearly state in bold print that it is an amendment, and the amendment shall be underlined and in italics to identify the added or changed information. The amended document shall contain an original signature by the amending party, or if electronically filed, the electronic signature of the amending party. If the case is closed, amendments to bankruptcy schedules or statements may be made only after the granting of a motion to reopen and a motion to amend.

(b) Notice and Service of Amendment. In each instance in which the debtor amends its petition, lists, schedules or statements, it shall give notice by serving a copy of the amendment upon any trustee appointed, the local office of the United States trustee, *creditors*, and to all other entities directly affected by the amendment, and shall file a certificate of service indicating the parties served and the date and method of service.

(c) Amendments Adding an Omitted Creditor. If, at any time after the first notice of the first meeting of creditors is mailed, pre-petition creditors not previously included on the creditor mailing list are added by amendments, the following procedures shall apply:

(1) Contemporaneous with the filing of the amendment and applicable fee, the debtor shall:

(A) file a supplemental disk, listing only the name(s) and address(es) of the added creditor(s) in the form prescribed by R.I. LBR 1002-1(d);

(B) serve *upon the added creditors* a copy of the Notice of Section 341 meeting of creditors, and if applicable, a proof of claim form. ~~on any added creditor;~~

(C) In an individual chapter 7 case, serve a notice informing the *added* creditor of its right to file complaints *or motions* under 11 U.S.C. §§ 523 and 727, and objections to the debtor's claim of exemptions within sixty (60) days of service of the papers required by this LBR or within the time set for the filing of such complaints, *motions*, or objections by creditors previously scheduled, whichever is later.

(D) File a certificate of service with the Court acknowledging compliance with this local rule.

(2) The extensions of deadlines granted by this LBR shall apply only to ~~those~~ creditors added by *the* amendment.

(3) Creditor(s) added after the Section 341 meeting of creditors has commenced shall, unless the Court orders otherwise, be entitled, upon request to the U.S. trustee, to reconvene the Section 341 meeting.

(4) In an individual chapter 7 case in which there is no distribution to creditors, if a creditor is added after the order of discharge is entered, the order of discharge shall be deemed to apply to the prepetition debts owed to such creditor as of the later of:

(A) 60 days after the date the debtor certifies compliance with paragraphs (1) above, and no complaints *or motions* under 11 U.S.C. §§ 523 and 727 are filed by such creditor; or

(B) the date the last orders denying or dismissing such complaints *or motions* become final.

(d) Amendments to Creditor Mailing List. An amended creditor list is required to be filed whenever the debtor files its initial schedules containing creditors that were not listed on the original creditor list. The following procedures shall apply:

(1) An amended creditor list shall contain only the names and addresses of the new creditors. Creditors listed on the original creditor list shall not be repeated on the amended creditor list.

(2) The applicable miscellaneous fee for filing amendments to the lists of creditors shall be filed with the amended creditor list.

(3) If the schedules themselves are being amended to add new creditors, the debtor shall file an amended schedule listing the added creditors, with the applicable fee, and shall include a supplemental diskette containing only the names and addresses of the added creditors. See LBR 1002-1(d).

RULE 4004-1 GRANT OR DENIAL OF DISCHARGE [Modified 12/1/10]

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(b) Failure to File Financial Management Certificate (Official Form 23). If, after expiration of the objection to discharge deadline, or after the last payment required by the plan in a Chapter 13 case, *or an individual Chapter 11 case*, or any Court authorized extension thereof, the certificate is not filed, the case shall be automatically closed without the issuance of the discharge order, and a notice informing interested parties shall be issued in accordance with Fed. R. Bankr. P. 4006.

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**AMENDMENTS TO THE RHODE ISLAND BANKRUPTCY COURT'S
LOCAL RULES, EFFECTIVE DECEMBER 1, 2010**

CLEAN COPY

RULE 1002-1 PETITION - GENERAL [Modified 12/1/10]

(a) Filing. A petition commencing a case under the Bankruptcy Code shall be filed in the office of the Clerk or by electronic means as established by the Court. Filing of the petition or related schedule, statement or list by facsimile transmission is not authorized in this District.

(b) Form. A petition commencing a voluntary case shall conform substantially to Official Form No. 1, and be fully completed by petitioner. All petitions must include the full name(s) and address(es) (including zip codes) of the debtor(s); the firm name, mailing address, telephone and facsimile number, and state bar admission number of the attorney for each debtor.

(c) Creditor List. In all voluntary cases, a creditor list containing the names and addresses, including zip codes, of all known creditors and holders of executory contracts must be filed with the petition, or within seven days thereafter, even if the schedules are not filed with the petition. Failure to file the creditor list at the time of filing will result in the automatic issuance of a seven (7) day Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of 11 U.S.C. § 109(g), with a 180-day bar to refiling any petition.

(1) Mailing Format. In accordance with the filing requirements set forth by Fed. R. Bankr. P.1002, 1003, and 1007, the debtor shall file with the petition a list of creditors listing the name and address of each creditor shown on the debtor's schedules in the format prescribed by the clerk's office and designated as Amended R.I. Bankr. Form A in all conventionally filed cases, and in cases filed electronically if the list of creditors is not filed with the petition. Unless leave of court is obtained, in all chapter 7, 11, 12 and 13 cases, the list of creditors shall be submitted on a computer diskette as set forth in the "Instructions for Submission of the List of Creditors on Computer Diskette", designated as Amended Bankr. Form A. Failure to correctly conform to the requirements detailed in Amended Bankr. Form A will result in the automatic issuance of a seven (7) day Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance.

(2) Required Addresses. Except as provided below, the creditor list shall include the names and addresses (including zip codes) of all known creditors and parties in interest. The name and address of: (a) the debtor(s); (b) the debtor(s)' attorney; (c) the United States trustee; and (d) the Rhode Island Division of Taxation, should not be included on the creditor list because information pertaining to them will be added to the list of creditors and/or case automatically by the Court.

(3) Incorrect Address; Returned Mail. It is the responsibility of the debtor to ensure that all addresses set forth on the creditor list are accurate and complete, and that they conform to the addresses set forth on the schedules. If a mailing based on the creditor list is undeliverable by the post office, the mailing will be returned by the post office directly to the debtor's attorney, or debtor, if pro se, and it will be debtor's responsibility to re-mail the document(s). Upon re-mailing, the debtor is also required to file with the Clerk the updated address(es) and a certificate of service of the mailing.

(4) Involuntary Cases. In involuntary cases, the creditor list shall be filed within seven (7) days of the entry of the order for relief. The creditor list shall be prepared and filed by the debtor unless the Court orders otherwise.

(5) Amendments to Creditor List. *See* LBR 1009-1(d).

(d) Foreign Country Creditor or Party. In any bankruptcy case that includes creditors or parties in any foreign country, the debtor or such other party specified in R.I. LBR 1002-1(c)(4) shall supply the clerk's office with properly addressed envelopes containing the correct postage affixed thereto, to insure that the mailing reaches the addressees in the foreign country.

(e) Corporate Petition and Petitions for Non-Individuals.

(1) Corporate Petitions. A petition filed by a corporation shall be signed in accordance with 28 U.S.C. § 1746 or verified by an authorized officer or authorized agent of the corporation, and shall include a copy of the board of director's resolution or of the minutes of the corporate meeting, or other evidence of the verifying officer's or authorized agent's authority to file the bankruptcy petition on behalf of the corporation.

(2) Petitions for Other Non-Individuals. A petition by a partnership, trust or other non-individual debtor shall be signed and verified by a general partner, or trustee, or appropriate agent, and shall include evidence of the signatory's authority to file the bankruptcy petition.

(3) Legal Representation Required for all Corporations, Partnership, or other non-individuals. The Clerk is not authorized to accept for filing a petition on behalf of a corporation, partnership, trust or other non-individual which is not represented by counsel. This requirement is substantive, and not one of "form," as addressed in Fed. R. Bankr. P. 5005(a)

(4) "Doing Business As" or "Formerly Known As". The Clerk is not authorized to accept for filing a petition by an individual, corporation or other legal entity that lists as a DBA or FKA a separate corporation or other legal entity. A corporation or other legal entity must file a separate petition even if it considers itself the FKA or DBA of an individual, partnership, trust or other corporation, and even if its

corporate charter has been revoked pre-petition. This requirement is substantive, and not one of "form," as addressed in Fed. R. Bankr. P. 5005(a).

RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS; ORDER TO FILE MISSING DOCUMENTS AND NOTICE OF AUTOMATIC DISMISSAL FOR NON-COMPLIANCE; NOTICE IN CHAPTER 11 [Modified 12/1/10]

(a) Certification of Pro Se Debtor Required. All [P]ro se debtors are required to complete at the time of filing of the petition, a certification listing the names, addresses and amounts paid to persons who assisted with the bankruptcy filing, using R.I. Local Form C.1.

(b) Filings Subject to Seven (7) Day Filing Deadline: The following, as applicable to the case and chapter, are required to be filed within seven (7) days of the bankruptcy filing or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017- 2:

- (1) Creditor Mailing List (names and addresses)
- (2) Form 21 - Statement of Social Security Number (conventional filings only)
- (3) Debtor's Mailing Address
- (4) Official Form 1, Exhibit D or, if applicable, a Certificate of Credit Counseling, or a Motion to be Exempt from Credit Counseling, or Certificate of Exigent Circumstances.
- (5) Application to Pay in Installments, if applicable.
- (6) Application for Waiver of Chapter 7 Filing Fee, if applicable.

(c) Filings Subject to Fourteen (14) Day Filing Deadline: The following, as applicable to the case and chapter, are required to be filed within fourteen (14) days of the bankruptcy filing, or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

- (1) Schedules A through J;
- (2) Statement of Financial Affairs;
- (3) Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. § 159);
- (4) Statement of Executory Contracts;
- (5) Attorney fee disclosure statement;

- (6) All required declarations having been properly executed;
- (7) The Chapter 13 plan (R.I. Bankr. Form W.1); and/or
- (8) The Chapter 13 agreement (R.I. Bankr. Form V);
- (9) Chapter 11 Exhibit A;
- (10) Chapter 11 twenty (20) largest unsecured creditors;
- (11) Official Bankruptcy Form 22 (either A, B, or C) - Statement of Current Monthly Income;
- (12) In Chapter 7, Completed Checkbox on Form 22A re: Presumption of Abuse;
- (13) Copies of payment advices for 60 days before the filing of the petition;
- (14) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 19B);
- (15) Certificate of Credit Counseling if Official Form 1, Exhibit D, Question 2 applies.

(d) Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance (Lack of Prosecution) Procedure for Issuance of Order to file Missing Document and Notice of Automatic Dismissal for Non-Compliance. In all voluntary cases, where the petition is not accompanied by the required schedules, statements, and other documents, pursuant to Fed. R. Bankr. P. 1007, 1008, 2016, and 3015, and R.I. LBR 1002-1, 1007-1 and 5005-4, the debtor shall file such missing documents according to the time limits imposed by federal or local rule, or, if cause exists, move within that time for an order extending the time to make the required filings. Upon filing the petition, the debtor will receive an Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance indicating which documents are missing and giving the debtor either seven (7) days or fourteen (14) days from filing to file the required documents, as applicable. If, after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to achieve compliance with the foregoing, the case will be automatically dismissed without further notice. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of 11 U.S.C. § 109(g), with a 180-day bar to refile a petition. See also, R.I. LBR 1017-2.

(e) Notice to Disputed, Contingent or Unliquidated Creditors in Chapter 11 Cases. The debtor in each chapter 11 case shall serve R.I. Bankr. Form B on each creditor whose claim is listed on the schedules as disputed, contingent or unliquidated, within fourteen (14) days after filing the schedules of liabilities, or within fourteen (14) days of adding such creditors to previously filed schedules. The notice will inform such creditors of the right to file proofs of claim and that failure to do so shall prevent them from voting upon the plan or participating in

any distribution thereunder. Within fourteen days of service, a certificate evidencing compliance with this LBR shall be filed with the Clerk.

RULE 1009-1 AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS [Modified 12/1/10]

(a) Procedure and Form. In any open bankruptcy case, amendments to the bankruptcy petition, schedules, statements of financial affairs, statements of income and expenses, or summaries of assets and liabilities shall be filed with the Clerk. The amended document shall clearly state in bold print that it is an amendment, and the amendment shall be underlined and in italics to identify the added or changed information. The amended document shall contain an original signature by the amending party, or if electronically filed, the electronic signature of the amending party. If the case is closed, amendments to bankruptcy schedules or statements may be made only after the granting of a motion to reopen and a motion to amend.

(b) Notice and Service of Amendment. In each instance in which the debtor amends its petition, lists, schedules or statements, it shall give notice by serving a copy of the amendment upon any trustee appointed, the local office of the United States trustee, creditors, and to all other entities directly affected by the amendment, and shall file a certificate of service indicating the parties served and the date and method of service.

(c) Amendments Adding an Omitted Creditor. If, at any time after the first notice of the first meeting of creditors is mailed, pre-petition creditors not previously included on the creditor mailing list are added by amendment, the following procedures shall apply:

(1) Contemporaneous with the filing of the amendment and applicable fee, the debtor shall:

(A) file a supplemental disk, listing only the name(s) and address(es) of the added creditor(s) in the form prescribed by R.I. LBR 1002-1(d);

(B) serve upon the added creditors a copy of the Notice of Section 341 meeting of creditors, and if applicable, a proof of claim form.

(C) In an individual chapter 7 case, serve a notice informing the creditor of its right to file complaints or motions under 11 U.S.C. §§ 523 and 727, and objections to the debtor's claim of exemptions within sixty (60) days of service of the papers required by this LBR or within the time set for the filing of such complaints, motions or objections by creditors previously scheduled, whichever is later.

(D) File a certificate of service with the Court acknowledging compliance with this local rule.

(2) The extensions of deadlines granted by this LBR shall apply only to creditors added by the amendment.

(3) Creditor(s) added after the Section 341 meeting of creditors has commenced shall, unless the Court orders otherwise, be entitled, upon request to the U.S. trustee, to reconvene the Section 341 meeting.

(4) In an individual chapter 7 case in which there is no distribution to creditors, if a creditor is added after the order of discharge is entered, the order of discharge shall be deemed to apply to the prepetition debts owed to such creditor as of the later of:

(A) 60 days after the date the debtor certifies compliance with paragraphs (1) above, and no complaints, or motions under 11 U.S.C. §§ 523 and 727 are filed by such creditor; or

(B) the date the last orders denying or dismissing such complaints or motions become final.

(d) Amendments to Creditor Mailing List. An amended creditor list is required to be filed whenever the debtor files its initial schedules containing creditors that were not listed on the original creditor list. The following procedures shall apply:

(1) An amended creditor list shall contain only the names and addresses of the new creditors. Creditors listed on the original creditor list shall not be repeated on the amended creditor list.

(2) The applicable miscellaneous fee for filing amendments to the lists of creditors shall be filed with the amended creditor list.

(3) If the schedules themselves are being amended to add new creditors, the debtor shall file an amended schedule listing the added creditors, with the applicable fee, and shall include a supplemental disk containing only the names and addresses of the added creditors. See LBR 1002-1(d).

. RULE 4004-1 GRANT OR DENIAL OF DISCHARGE [Modified 12/1/10]

(a) Requirement for Granting of Discharge. The Court shall not grant the debtor a discharge unless, prior to the expiration of the objection to discharge deadline, or any authorized extension thereof, the debtor files a certificate evidencing the completion of an approved financial management course (Official Form 23), or in a Chapter 13 case, no later than the last payment made by the debtor as required by the plan. If the Chapter 13 debtor owes domestic support obligations pursuant to 11 U.S.C. § 1328(a):

(1) The Debtor shall certify to the Chapter 13 Trustee that any and all domestic support obligations are current; and

(2) The Chapter 13 Trustee shall certify to the Court that the Debtor has satisfied all domestic support obligations.

(b) Failure to File Financial Management Certificate (Official Form 23). If, after expiration of the objection to discharge deadline, or after the last payment required by the plan in a Chapter 13 case, or an Chapter 11 case, or any Court authorized extension thereof, the certificate is not filed, the case shall be automatically closed without the issuance of the discharge order, and a notice informing interested parties shall be issued in accordance with Fed. R. Bankr. P. 4006.

(c) Procedure for Obtaining a Discharge in a Closed Case. If an individual bankruptcy case is closed without entry of a discharge due to failure of the debtor to timely file the Certification of Financial Management Course Completion (Official Form 23), to later obtain a discharge, the debtor must:

(1) File a Motion to Reopen the case;

(2) Pay the applicable re-opening fee; and

(3) File a certificate evidencing completion of the financial management course from an approved agency, or a Motion for Exemption, if applicable. The US Trustee shall file its position within fourteen (14) days of the Debtor's Motion to Reopen pursuant to this Local Rule.

(d) Exception. The provision regarding completion of a financial management course shall not apply with respect to a debtor who is a person described in 11 U.S.C. § 109(h)(4).