

OFFICE OF THE CLERK  
**UNITED STATES BANKRUPTCY COURT**  
DISTRICT OF RHODE ISLAND  
The Federal Center  
380 Westminster St., 6<sup>th</sup> Floor  
Providence, Rhode Island 02903  
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Clerk of Court

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**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 two additional Local Rules* (in addition to those published for comment on October 2, 2014), *to address the upcoming December 1, 2014 federal rule changes concerning appellate practice in bankruptcy.*


**EFFECTIVE DATE OF 12/1/2014**

**Local Rule 1005-1(d) (amended)  
Local Rule 8010-1 (new)**

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 below and on our website at [www.rib.uscourts.gov](http://www.rib.uscourts.gov). **Comments on these proposed rules should be received by November 21, 2014.** Comments can be made on-line at [www.rib.uscourts.gov](http://www.rib.uscourts.gov) or in writing addressed to:

Susan M. Thurston, Clerk  
U.S. Bankruptcy Court for the District of Rhode Island  
380 Westminster St., 6<sup>th</sup> Floor  
Providence, Rhode Island 02903

Dated: October 29, 2014

/s/   
Susan M. Thurston, Clerk

## 1005-1 (amended)

### RULE 1005-1 FILING PAPERS - REQUIREMENTS [Modified ~~4/1/14~~]

#### (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 to extend or delay entry of discharge filed by the debtor, or a 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 - four calendar (4) days by 3:00 p.m. 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

(K) Motion to Vacate an Order and Motion to Reconsider - seven (7) days.

(L) Motion for Relief from Co-Debtor Stay - 20 days.

(M) Motion to File Out of Time - left to discretion of Court, above language should not be used.

**(N) Petition for Certification for Direct Appeal – left to discretion of Court, above language should not be used.**

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

(4) Objection to Exemption. See [R.I. LBR 4003-1\(b\)](#).

## **8010-1 (NEW)**

**The movant shall promptly notify the bankruptcy court upon the filing of any motion of a kind listed in Fed.R.Bankr.P. 8010(c), and shall designate any parts of the record to be transmitted to the applicable appellate court in support of the motion.**