

OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND
The Federal Center
380 Westminster St., 6th Floor
Providence, Rhode Island 02903
website: www.rib.uscourts.gov

Susan M. Thurston
Clerk of Court

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NOTICE OF PROPOSED AMENDMENTS
TO LOCAL RULES AND FORM 1007-1.1

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 Local Rule General 109(g)(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 its Local Rules and Form 1007-1.1 as follows:


EFFECTIVE DATE OF December 1, 2022

Local Rule 1005-1 (amended)
Local Rule 1007-1 (amended)
Local Rule 5001-2 (amended)
Local Rule 5005-4 (amended)
Local Rule 5005-5 (amended)
Local Rule 5005-6 (new)
Local Rule 9074-1 (amended)
Local Form 1007-1.1 (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 and Forms. Copies of the proposed amendments are available on our website at www.rib.uscourts.gov. **Comments on the proposed rules and forms should be received by November 23, 2022. Comments can be made by email to Susan_Thurston@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., 6th Floor
Providence, Rhode Island 02903

Dated: November 3, 2022

/s/ 
Susan M. Thurston, Clerk

RULE 1005-1 FILING PAPERS - REQUIREMENTS [Amended 12/1/1722]

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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, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, 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) Applications for Compensation -- 21 days;

(G) Motion for Expedited Determination -- seven (7) days - See [R.I. LBR 9013-2\(d\)\(1\)](#);

(H) Motion for Emergency Determination -- left to discretion of Court, above language should not be used. See [R.I. LBR 9013-2\(d\)\(2\)](#);

(I) Motion for Rule 2004 Examination -- see [R.I. LBR 2004-1\(b\)\(2\)](#);

(J) Motion to Extend Time for filing schedules, statements, reports, responses, and replies -- left to discretion of Court, above language should not be used. For the following types of motions to extend time, the required response language contained in 1005-1(d)(1) for usual papers should be used: (1) a motion to extend or delay entry of discharge filed by the debtor; (2) a motion requesting an extension of time to file an objection to discharge under §§ 523 or 727; (3) a motion to extend the time to object to exemptions under Fed. R. Bankr. P. 4003(b); (4) a motion to extend time to respond to a Notice of Final Cure; or (5) motion to extend time to file a proof of claim or objection to claim;

(K) 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 [R.I. 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.

(L) Motion to Vacate an Order and Motion to Reconsider -- seven (7) days;

(M) Motion for Relief from Co-Debtor Stay -- 20 days;

(N) Motion to File Out of Time - left to discretion of Court, above language should not be used (other than a motion to file out of time a proof of claim, or an objection to claim which should contain the standard objection language, *See* [R.I. LBR 1005\(d\)\(1\)](#));

(O) Petition for Certification for Direct Appeal -- left to discretion of Court, above language should not be used;

(P) Motion to Attend a Non-Evidentiary Hearing by Telephone or Video -- left to discretion of Court, above language should not be used. See R.I. LBR 9074-1(a)(2);

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CROSS REFERENCE *See* [R.I. LBR 5005-4](#) (Electronic Filing); [R.I. LBR 5005-5 \(Filing of Papers – Procedure for Striking or Terminating Defective Pleading and Other Documents\)](#)

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 [Amended 12/1/1622]

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(e) **Notice to Disputed, Contingent or Unliquidated Creditors in Chapter 11 Cases.** The debtor in each chapter 11 case shall serve R.I. Local Form 1007-1.1, together with a copy of the most recent applicable Official Proof of Claim form [B 410], 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 5001-2 CLERK'S OFFICE [Amended 12/1/2021]

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(c) **Emergency Filing(s) by Self-Represented Parties in the Event of an Unexpected Court Closure During Normal Court Business Hours.** In those rare instances when the Court is closed during normal business hours due to an unexpected event such as inclement weather or other type situation (not including weekends or holidays), sSelf-represented parties are permitted to may file new bankruptcy petitions via email, and all other papers documents such as motions, pleadings, notices, and other documentspapers ("Court Filings") using:

(1) the procedures outlined in Local Rule 5005-6, including use of the Court's Electronic Drop Box located on its website at www.rib.uscourts.gov, or

(2) by placing Court Filings in the physical drop box located on the 6th floor, 380 Westminster Street, Providence, RI. Contact the Clerk's Office before using this filing method.

~~, only in those rare instances when the Court is closed during normal business hours (not including weekends or holidays) due to an unexpected event such as inclement weather or other type situation. The below procedures shall be followed in such instances:~~

~~(1) **Emailing the Initial Bankruptcy Petition to the Court and Use of the Electronic Drop Box ("EDB").** The self-represented party must attach: (1) the petition; (2) a photo or scanned copy of their government-issued photo identification, such as a driver's license, passport or identification card, and (3) a completed Application for Access to Electronic Drop Box and Declaration Regarding Electronic Filing (the "Application and Declaration")~~

~~in Adobe PDF format to an email addressed to the Clerk's Office Helpdesk at "rib_helpdesk@rib.uscourts.gov". If the self-represented party already has a case pending, only the completed Application and Declaration need be emailed in PDF format. Once the above documents are received and the order enters approving the Application and Declaration, all future case filings may be made directly through the EDB. Instructions and requirements for the EDB are located on the Court's website in the Self-Help Manual found on the "Don't Have An Attorney > Debtor without an Attorney" page.~~

~~**(2) Required Signature on the Application and Declaration.** The Application and Declaration is required to be signed under oath and the self-represented party must submit the original signed paper Application and Declaration to the Clerk within fourteen (14) days from entry of the order granting the Application and Declaration, by one of these methods:~~

~~(A) mail to the Court at 380 Westminster Street, 6th floor, Providence, RI 02903; or~~

~~(B) place in the Court's physical drop box located on the 6th floor, 380 Westminster Street, Providence, RI.~~

~~**(3) Signatures After the Approval of the Application and Declaration:** Upon approval of the Application and Declaration, all future Court Filings that are required to be signed under oath (such as bankruptcy schedules and statements) that are submitted through the EDB, must include one of the following on the signature line:~~

~~(A) an image of the self-represented filer's signature; or~~

~~(B) a "/s/" together with the filer's full name.~~

~~**(4) Date and Time Filed.** Petitions filed in accordance with the above procedures will be deemed filed on the case docket on the date and time appearing on the email system of the Office of the Clerk, and all other Court Filings on the date and time they are submitted to the EDB.~~

~~**(5) Requirements and Standards.** Self-represented parties are reminded that even though these rules authorize Court Filings to be made electronically, the Court holds self-represented parties to the same requirements and standards as with paper filings: each signature on a Court Filing, whether electronic or otherwise, is a certification that the filing party is proceeding in good faith and filing the document for a proper purpose. Submission of the signed Application and Declaration, along with the use of the unique EDB Link that the Clerk issues to the filer, together with the filer's name on a signature block, constitutes the filer's signature for purposes of Fed. R. Bank. P. 9011 on all documents submitted electronically through the EDB. Use of the EDB Link has the same force and effect as physically signing a paper document filed with the Court. A copy of Fed. R. Bank. P. 9011 is attached to the EDB Application and Declaration.~~

RULE 5005-4 ELECTRONIC FILING [Amended 12/1/16~~22~~]

(a) Requirement to File Cases and Documents Electronically.

(1) 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.

(2) The court encourages creditors without attorneys to become registered users with limited creditor filing privileges ("~~L~~imited ~~F~~filer"), permitting them to electronically file notices of appearance, changes of address, requests for service of notices, proofs of claim and other documents related to proofs of claim (not including responses to objections to claims), reaffirmation agreements, chapter 11 ballots, and other papers as authorized by the court. In addition, without the necessity of becoming a registered user, any claimant or the claimant's agent may utilize the feature available on the court website for electronic submission of a proof of claim form, and the effect of such electronic submission shall be as provided under Section 5005-4(k) of this Rule.

(3) The court also encourages approved personal financial management course providers to file the certificate of course completion (often called a Certificate of Debtor Education) required by FRPB 1007(b)(7), electronically using the electronic financial management certificate filing program (eFinCert) available on the Court's website, instead of registering as a Limited Filer in the Court's ECF system. The effect of such electronic submission shall be as provided under Section 5005-4(k) of this Rule.

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(i) Official Court Record. The ~~Case Management/Electronic Case Filing System~~ (CM/ECF ~~system~~) shall constitute the official ~~c~~Court record in electronic form. The electronic filing of a pleading or other paper in accordance with (1) the CM/ECF System procedures; (2) the conventional filing of a document which is subsequently imaged by the ~~c~~Court and placed into CM/ECF~~the System~~; or (3) the electronic submission of a document using the Electronic Drop Box accepted by the court and uploaded to CM/ECF, shall constitute entry of that pleading or other papers on the official docket maintained ~~kept~~ by the Clerk pursuant to ~~Fed. R. Bankr. P. FRBP 5003~~. The ~~c~~Court will not maintain paper except for the following:

(1) Documents filed under seal ~~where the filer is not an ECF user;~~

(2) Conventionally (not electronically) ~~f~~filed ~~e~~Exhibits, *see also* ~~S~~section (l) below.

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(k) Effect of Electronically Filed Document. Any document signed and filed electronically, or filed conventionally and converted to ~~an~~ electronic ~~form document~~ by the clerk ~~,~~ (including a proof of claim ~~or financial management certificate~~), filed electronically on the ~~is~~ Court's website, shall constitute the filer's approved signature and have the same force and effect as if the individual signed a paper copy of the document. Documents required to be verified or contain an unsworn declaration that are filed electronically shall be treated, for all purposes (both civil and criminal, including penalties for perjury), the same as though signed or subscribed.

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RULE 5005-5 FILING OF PAPERS - PROCEDURE FOR STRIKING DEFECTIVE PLEADINGS AND OTHER DOCUMENTS [Amended 12/1/~~1622~~]

(a) Procedure for Striking or Terminating Defective Documents and Extension of the Response Deadline. If a document filed with the Court fails to conform with federal and local bankruptcy rules, forms, and/or required filing fees, or is incorrectly filed in the electronic filing system, the document shall be either stricken or terminated from the record and a corrective action required event will be entered stating the nature of the defect and giving instruction to re-file the document in corrected form. If the defect pertains to a pending motion/application/notice, then the response deadline will also terminate and a new deadline will commence upon the re-filing of the corrected document. For those documents which fail to conform where a filing fee has been paid, the filer will have fourteen (14) days to re-file such documents in corrected form and the court will associate the previously paid fee. If the corrected document is not filed before this deadline expires, a new filing fee will be required. For all other documents, see R.I. LBR 1005-1(e)(4) for deadline to refile in order for the corrected document to relate back to the original filing date.

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Rule 5005-6 ELECTRONIC DROP BOX (“EDB”) PROCEDURES FOR SELF-REPRESENTED PARTIES

(a) Filing(s) by Self-Represented Parties. In addition to filing papers in-person or by mail, self-represented parties may also submit for filing new bankruptcy petitions via email, and all other papers such as motions, pleadings, notices, and other documents (“Court Filings”) using the Court’s EDB located on its website at www.rib.uscourts.gov. The below procedures shall be followed when using email or the EDB to submit papers for filing:

(1) Emailing the Initial Bankruptcy Petition to the Court and Use of the Electronic Drop Box. The self-represented party must attach: (1) the petition; (2) a photo or scanned copy of their government-issued photo identification, such as a driver's license, passport or identification card, and (3) a completed Application for Access to Electronic Drop Box and Declaration Regarding Electronic Filing (the "Application and Declaration") in Adobe PDF format to an email addressed to the Clerk's Office Helpdesk at "rib_helpdesk@rib.uscourts.gov". If the self-represented party already has a case pending, only the completed Application and Declaration need be emailed in PDF format. Once the above documents are received and an order enters approving the Application and Declaration, all future Court Filings may be made directly through the EDB. Instructions and requirements for the EDB are located on the Court's website in the Self-Help Manual found under the "Don't Have An Attorney>Debtor without an Attorney" menu.

(2) Required Wet Signature on the Application and Declaration. The Application and Declaration is required to be signed under oath and the self-represented party must transmit the original signed paper version of the Application and Declaration to the Clerk within fourteen (14) days from entry of the order approving such Application and Declaration, by one of the following methods:

(A) mail or hand deliver to the Court at 380 Westminster Street, 6th floor, Providence, RI 02903; or

(B) in emergency situations only, you may also use the procedure outlined in LBR 5001-2(c)(2).

(3) Signatures After the Approval of the Application and Declaration: Upon approval of the Application and Declaration, all future Court Filings that are required to be signed under oath (such as bankruptcy schedules and statements) that are submitted through the EDB, must include one of the following on the signature line:

(A) an image of the self-represented filer's signature; or

(B) a "/s/" together with the filer's full name.

(4) Date and Time Filed. Petitions filed in accordance with the above procedures will be deemed filed on the case docket on the date and time appearing on the email system of the Office of the Clerk, and all other Court Filings on the date and time they are submitted to the EDB.

(5) Requirements and Standards. Self-represented parties are reminded that even though these rules authorize Court Filings to be made electronically, the Court holds self-represented parties to the same requirements and standards as with paper filings: each signature on a Court Filing, whether electronic or otherwise, is a certification that the filing party is proceeding in good faith and filing the document for a proper purpose. Submission of the signed Application and Declaration, along with the use of the unique EDB Link that

the Clerk issues to the filer, together with the filer's name on a signature block, constitutes the filer's signature for purposes of Fed. R. Bank. P. 9011 on all documents submitted electronically through the EDB. Use of the EDB Link has the same force and effect as physically signing a paper document filed with the Court. A copy of Fed. R. Bank. P. 9011 is attached to the EDB Application and Declaration.

RULE 9074-1 TELEPHONE AND VIDEO CONFERENCES ORAND HEARINGS
[Amended 12/1/22]

(a) Request for Remote Attendance at Court Proceeding via Telephonicee or Video Technology-Conference-Proceeding. The Court may permit any party in interest to participate in a hearing or conference by telephone or video (via the ZoomGov court platform, or similar virtual technology prescribed by the Court).~~conference. A plaintiff, movant or applicant desiring a telephonic or video hearing or conference may request the same when the motion or application is filed, or at the time the matter is scheduled for hearing. Parties in interest may request, not less than three (3) days in advance, that a hearing or conference be conducted by telephone, or video conference. Any party requesting a telephonic hearing or video conference shall advise the Court whether or not other parties agree to conduct the hearing by telephone or video conference.~~

(1) Evidentiary Hearings. The motion must be filed (i) no less than 21 days prior to the scheduled hearing, (ii) contain the standard LBR 1005-1(d)(1) response language, and (iii) set forth good cause for the request.

(2) Non-Evidentiary Hearings. The motion must be filed (i) no later than 3:00 p.m. the day before the scheduled hearing, (ii) pursuant to LBR 1005-1(d)(2)(P), the response time language should not be included in the motion but will be left to the discretion of the Court and (iii) set forth good cause for the request.

~~The Court shall determine whether to grant the request on the basis of, inter alia, conservation of the time and resources of the parties and the Court. At any time, the Judge may vacate any previously granted application/motion to appear via video virtually or telephonically~~one conference,~~ and may order such party to personally appear in court for any court proceeding/hearing.~~

(b) Reliance on Written Submissions and Use of Exhibits. Copies of written submissions or exhibits to be considered in connection with a matter scheduled for telephonic or video hearing shall be filed with the Clerk and served upon the parties in accordance with ~~R.I.~~ LBR 9070-1.

(c) Procedures for Remote Court Proceedings~~Arranging Video Conferencing.~~ ~~It is the responsibility of the party seeking the video conference to make the necessary arrangement, and all costs of transmission, including the hire of equipment and operators at remote sites, will be its responsibility. In addition, after the granting of a request for a video conference/hearing, the~~

~~requesting party shall contact the courtroom deputy to coordinate the proceeding. The Courtroom Deputy shall coordinate any authorized remote court proceeding and will provide the parties with advanced instructions and court protocols for attendance at such remote court hearing.~~

~~(d) Procedure for Hearing via Video Conference. The person arranging the video conference/hearing must ensure that there are sufficient microphones and that the cameras can cover all relevant parties. In addition, it is the responsibility of the movant to provide a qualified operator at the remote site throughout the hearing to deal with technical issues.~~

- (1) **Decorum.** The provisions of [R.I. Local Rule 5072-1](#) governing courtroom decorum shall apply and the formalities of courtroom protocol shall be observed.
- (2) **Witnesses.** Any witness called will be sworn in by video conference by the courtroom deputy clerk or other authorized court personnel.
- (3) **Identification.** All parties in attendance must identify themselves and state their interest in the proceeding.

~~(e)~~**(d) Technical Requirements for Remote Court Proceeding by Video.** Any video conferencing system utilized under this rule must meet the following minimum requirements:

- (1) All participants must be able to see, hear, and communicate with each other simultaneously during the proceeding.
- (2) All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method.
- (3) Video quality must be adequate to allow the Court and the participants to observe each other's demeanor and nonverbal expressions.
- (4) Video conference facilities must provide for confidential communication between attorneys and their client.
- (5) The Court must be satisfied that the equipment at the remote site is adequate and appropriate. To accomplish this, a test run between the remote site and the Court site ~~must~~ may be conducted 24 hours prior to the commencement of the hearing, at the party's request.

~~(6) The Clerk's office will need the following technical information:~~

~~(A) Address and phone number of the remote site~~

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~~(B) Details of the remote video conferencing equipment including number of ISDN lines and connection speed (a minimum connection speed of 384K is required).~~

~~(f)~~(e) **Recording of Court Proceeding-Hearing**. ~~The~~ A video or telephone conference or hearing constitutes an official ~~C~~ourt proceeding~~record~~, and any recording ~~of~~ other than the official court version is prohibited. No party may record images or sounds from the remote location.

Local Form Amendment

RI Local Form 1007-1.1 is amended to remove the proof of claim form, consistent with the proposed changes to LBR 1007-1(e).