

RULE 1005-1

FILING PAPERS – REQUIREMENTS

(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 8½” 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 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) 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 – 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.

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

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

(e) Late Filed Documents. Any response, objection, status report or other document filed after the applicable deadline provided under these local rules and/or as established by Order of the Court, must be accompanied by a separate Motion to File Out of Time, setting forth the reasons why the document was not timely filed and why permitting a late filing is warranted. Any such late filed documents not accompanied by the separate Motion to File Out of Time will be stricken, and may result in the granting of the document that was not timely responded to, without further hearing.

(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, if a non-electronic filing, a supplemental diskette containing only the names and addresses of the added creditors. See also, R.I. LBR 1009-1.

RULE 4003-2 - LIEN AVOIDANCE

(a) Content of Motion. A motion to avoid a lien pursuant to 11 U.S.C. § 522(f), other than one contained in a Chapter 13 plan, shall:

- (1) identify the holder of the judicial lien sought to be avoided;
- (2) state the principal amount of the lien as of the date of the filing of the bankruptcy petition, and the date the lien was obtained;
- (3) identify the property against which the lien is fixed, and the value of the debtor's interest in the property;
- (4) identify the holders of all other liens against the property, listing them in order of their priority, and state the amount of each such lien and the total amount of all liens against the property;
- (5) state whether debtor(s) previously avoided a lien against the property;
- (6) state whether the debtor(s) elected exemptions under 11 U.S.C. § 522(b)(2) or 11 U.S.C. § 522(b)(3);
- (7) identify the applicable statutory provision for the exemption claimed and the amount of the exemption that is allegedly impaired by the liens sought to be avoided;
- (8) provide the calculation under the formula set forth in 11 U.S.C. § 522(f)(2)(A); and
- (9) state whether the entire lien is voidable, or if the lien can only be partially avoided, the amount of the surviving lien.

(b) Motion; Service. Service of Motion. All such motions must be served upon the case trustee, the local office of the United States trustee, the lienholder and the lienholder's counsel, if known, utilizing to the extent applicable, the addresses listed on the most recent ECF Mailing Labels by Case¹ report as of the date service will be made in accordance with LBR 9013-3. With respect to judicial liens against the property, if bankruptcy counsel for any such judicial lienholders is not known, then service shall also be made by first class mail upon counsel

¹ In the next release of ECF, the term "Mailing Labels by Case" will be changed to "Mailing Matrix by Case".

that represented any such judicial lienholders in the non-bankruptcy action in which the lien was obtained. If there was no counsel in such non-bankruptcy action, then the Certificate of Service must expressly indicate that review of the non-bankruptcy action was undertaken and no counsel was listed for the judicial lienholder. Movant shall file a certificate of service in accordance with LBR 9013-3.

**RULE 9013-3 - CERTIFICATE OF SERVICE – MOTIONS;
NOTICE OF HEARING**

(a) Service of Motions. In all instances not otherwise covered by the Federal Rules of Bankruptcy Procedure or these local rules, all motions filed with the Court shall be served on the following parties:

(1) the local office of the U.S. Trustee, with the exception of motions for relief from stay in Chapter 7 cases and all motions filed in Chapter 13 cases;

(2) any case trustee;

(3) any other party affected by the motion or having requested notice in the case (see Clerk's office service list); and

(4) the debtor's attorney or debtor, if pro se

(b) Contents of Certificate of Service.

(1) The Certificate of Service shall reflect how and when service was made and shall include the names and addresses of all persons served and the name and address of the person certifying such service.

(2) When any pleading, motion, other document or notice is required to be served on creditors and/or parties in interest, the party effectuating such service shall:

(A) serve such parties and/or creditors at the addresses listed on the most recent "Mailing Labels by Case" report¹ available on the Court's ECF system [located under Utilities>Mailings] (the "ECF List") as of the date service will be made; and

(B) attach to the certificate of service filed with the Court a copy of the ECF List used to effectuate service. If the ECF List contains multiple addresses for a single creditor or party in interest, service shall be made on all such addresses listed unless counsel is aware that a particular address is ineffective. If counsel has received notice that an address on the ECF List is no longer valid, counsel can indicate same on the certificate of service and ECF List attached and need not serve any such address. Where the ECF List indicates that an entity has specified a preferred mailing address, counsel only needs to serve the entity at the preferred address.

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Service shall also be made on counsel for any such parties in interest and creditors who have entered an appearance in the case through the Court's ECF system, or if such counsel is not a participant in the Court's ECF system, then by first class mail.

(C) in addition to the above, with respect to the following types of filings, service shall also be made on any address specified in a proof of claim, unless otherwise included on the ECF List:

- (i) a Motion to Modify Secured Claim contained in a chapter 13 plan or by separate motion;
- (ii) a Motion to Avoid Lien contained in a chapter 13 plan or by separate motion;
- (iii) a Motion to Compel or
- (iv) a Request for Loss Mitigation

(c) Filing and Service of Certificate of Service.

(1) Conventional Filings. When a certificate of service is required, it shall be filed with the Clerk contemporaneous with the motion or other paper, if the document is filed conventionally. Failure to timely file the certificate of service with the Clerk will result in the motion or other paper being treated as a defective filing, and a notice to correct the deficiency will be given.

(2) Electronic Filings. Where a certificate of service is required, and the document is filed electronically, the certificate of service must be filed by the next business day after the filing of the motion or other paper. Failure to timely file the certificate of service with the Clerk will result in the automatic denial of the motion/application or striking of the objection/response, as applicable.

(d) Notice of Hearing. Upon receipt of a hearing notice from the Court with instructions to serve other parties, counsel (or a pro se party) shall forthwith, and within any applicable notice deadlines contained in the Federal Rules of Bankruptcy Procedure, these local rules or established by the Court, serve said Clerk in the manner provided for in subdivision (a).

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