

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

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In re : BANKRUPTCY GENERAL ORDER
AMENDMENTS TO : NO. 00-003
MAILING MATRIX :
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Local Bankruptcy Rule 1002-1(d)(3) requires that the mailing matrix conform to the creditor names and addresses set forth on the debtor's schedules. LBR 1009-1 specifies the procedure, form and number of copies required for filing amendments to the petition, lists, schedules and/or statements, but does not specifically address amendments to the mailing matrix.

There is an emerging practice in this district where debtors are consistently filing an abbreviated mailing matrix with the skeletal petition and then, within the 15 day period allowed to file missing schedules and statements, they either:

(1) file initial schedules containing additional creditors that were not listed on the *original* matrix filed with the court (and not filing an amended matrix). The Court is not alerted to the addition of creditor information to the file in this fashion, with the result that the Court is unable to provide proper notice of the bankruptcy filing and applicable deadlines, or

(2) file, without the applicable filing fee, *another* mailing matrix listing additional creditors that were not included on the *original* matrix filed with the court, but without characterizing the document as an amendment to a previously filed mailing matrix (which amendment would alert the Court that new creditors need to be added to the debtor's creditor database and proper notice given).

These practices result in a substantial number of creditors not receiving notice of the bankruptcy filing, although they are listed on the debtors bankruptcy schedules. In order to ensure that all listed creditors are notified of the bankruptcy filing and applicable deadlines, and that amended documents are appropriately filed and specified as such;

IT IS ORDERED that:

1. A Motion to Amend the Matrix is required to be filed whenever the debtor files its initial schedules containing creditors that were *not listed on the original matrix*. It is the mailing matrix that is used by the Clerk's office at the commencement of the case to notify creditors of the bankruptcy filing, and it is this document that must contain all the debtor's creditors names and addresses. As LBR 1002-1(d)(3) prescribes, "[i]t is the responsibility of the debtor to ensure that all addresses set forth on the matrix are accurate and complete, *and that they conform to the addresses set forth on the schedules*" (emphasis added).

2. An Amended Matrix shall be filed with the motion to amend, and shall contain *only the*

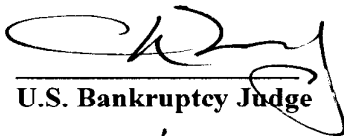
names and addresses of the new creditors. Creditors listed on the original matrix shall not be repeated on the amended matrix.

3. The applicable miscellaneous fee for filing amendments to the lists of creditors shall be filed with the Motion to Amend Matrix and the Amended Matrix.

4. If the *schedules* themselves are being *amended* to add new creditors, the debtor shall file a Motion to Amend to Add Creditors, with the applicable fee, and shall include a supplemental matrix or diskette containing *only the names and addresses of the added creditors.* See, LBR 1005-1(f). The debtor is not required to file a separate motion to amend the matrix. This requirement (of amending the matrix) is already prescribed within LBR 1005-1(f) for all motions to amend to add creditors.

This general order shall take effect immediately, and shall apply to all cases filed on or after this date, as well as to all cases pending in this court as of this date.

Enter:


U.S. Bankruptcy Judge

Dated: 8/14/00

Order:


Clerk of Court