

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :
AMENDMENT OF LOCAL RULE 9013-3(b) re: : BANKRUPTCY GENERAL ORDER
Requirement for Service of *Mailing Labels by Case* :
: No. 12-002
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**GENERAL ORDER AMENDING LBR 9013-3(b) TO IMPROVE
SERVICE OF PROCESS ON CREDITORS AND PARTIES IN INTEREST**

Recently, the Court has observed several instances where the parties have failed to provide proper notice in accordance with the applicable Federal Rules of Bankruptcy Procedure and this Court's Local Rules. To avoid any potential due process concerns and/or delay that may occur when notice is not provided in accordance with the Federal Rules of Bankruptcy Procedure and this Court's Local Rules,

IT IS HEREBY ORDERED: that LBR 9013-3, entitled "Certificate of Service – Motions; Notice of Hearing" is **AMENDED** by adding the provision contained below in subsection (b) highlighted in **bold** and *italics*:

(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*¹ available on the Court's ECF system as of the date service will be made; and

(B) attach to the certificate of service filed with the Court a copy of the Mailing Label used to effectuate service. If the Mailing Label lists multiple addresses for a single creditor or party in interest, service shall be made on all such addresses. 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) 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 Procedures, these local rules or established by the Court, serve said Clerk in the manner provided for in subdivision (a).

This order is effective immediately and shall apply to all cases filed on or after this date, and all cases pending in the Court as of this date. Moreover, the requirements of LBR 9013-3(b) are applicable to all motions and notices required to be served by parties under the Federal Rules of Bankruptcy Procedure and these Local Rules, *including, but not limited to*, FRBP 2002 and R.I. LBRs 2002-1, 2002-2, 3015-1(b), 3015-1(c)(1), and 3015-2 (c)(2).

ENTER:



Diane Finkle
U.S. Bankruptcy Judge
Dated: 11/14/12

ORDER:



Susan M. Thurston
Clerk of Court

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