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RULE 1002-1 - PETITION – GENERAL – [Amended 12/1/19]

(a) Filing. A petition commencing a case under the Bankruptcy Code shall be filed in the office of the Clerk or by electronic means as established by the Court. Filing of the petition or related schedule, statement or list by facsimile transmission is not authorized in this District.

(b) Form. A petition commencing a bankruptcy case shall conform substantially to the applicable Official Forms and be fully completed by petitioner. All petitions must include the full name(s) and address(es) (including zip codes) of the debtor(s); the firm name, mailing address, telephone and facsimile number, and state bar admission number of the attorney for each debtor.

(c) Creditor List. In all voluntary cases, a creditor list containing the names and addresses, including zip codes, of all known creditors and holders of executory contracts must be filed with the petition, or within seven (7) days thereafter, even if the schedules are not filed with the petition. Failure to file the creditor list at the time of filing will result in the automatic issuance of a seven (7) day Order to File Missing Documents and Notice of Automatic Dismissal for Non-Compliance.

(1) Mailing Format for Conventionally Filed Cases. In accordance with the filing requirements set forth by Fed. R. Bankr. P. 1002, 1003, and 1007 and R.I. LBR 1007-1, the debtor shall file with the petition a list of creditors including the name and address of each creditor shown on the debtor's schedules either by: (1) using the Creditor List Program; or (2) in the format prescribed by the Clerk's Office as specified in the Self Help Manual, both located on the *Debtor Without an Attorney* page of the Court's website. Failure to correctly conform to these requirements will result in the automatic issuance of a seven (7) day Order to file Missing Documents and Notice of Automatic Dismissal for Noncompliance.

(2) Required Addresses. Except as provided below, the creditor list shall include the names and addresses (including zip codes) of all known creditors and parties in interest. The name and address of: (a) the debtor(s); (b) the debtor(s)' attorney; (c) the United States Trustee; and (d) the Rhode Island Division of Taxation, should not be included on the creditor list because information pertaining to them will automatically be added to the creditor list and/or case by the Court.

(3) Incorrect Address; Returned Mail. It is the responsibility of the debtor to ensure that all addresses set forth on the creditor list are accurate and complete, and that they conform to the addresses set forth on the schedules. If a mailing based on the creditor list is undeliverable by the post office, the mailing will be returned by the post office directly to the

debtor's attorney, or debtor, if pro se, and it will be debtor's responsibility to remain the document(s). Upon remailing, the debtor is also required to file with the Clerk the updated address(es) and a certificate of service of the mailing.

(4) Involuntary Cases. In involuntary cases, the creditor list shall be filed within seven (7) days of the entry of the order for relief. The creditor list shall be prepared and filed by the debtor, unless the Court orders otherwise.

(5) Amendments to Creditor List. See R.I. LBR 1009-1(d).

(d) Corporate Petition and Petitions for Non-Individuals.

(1) Corporate Petitions. A petition filed by a corporation shall be signed in accordance with 28 U.S.C. § 1746 or verified by an authorized officer or authorized agent of the corporation, and shall include a copy of the board of directors' resolution or of the minutes of the corporate meeting, or other evidence of the verifying officer's or authorized agent's authority to file the bankruptcy petition on behalf of the corporation.

(2) Petitions for Other Non-Individuals. A petition by a partnership, trust or other non-individual debtor shall be signed and verified by a general partner, trustee, or appropriate agent, and shall include evidence of the signatory's authority to file the bankruptcy petition.

(3) Legal Representation Required for all Corporations, Partnership, or other Non-individuals. A petition filed on behalf of a corporation, partnership, trust or other non-individual which is not represented by counsel at the time of the filing will be treated as defective and the debtor will be required to obtain counsel within seven (7) days of the filing date or the case will be automatically dismissed unless a request for relief under R.I. LBR 1017-2(b) was timely made.

(4) "Doing Business As" or "Formerly Known As". A petition by an individual, corporation or other legal entity that lists as a DBA or FKA a separate corporation or other legal entity will be treated as defective. The debtor will be required to file a separate case for the DBA or FKA within seven (7) days or the case will be subject to automatic dismissal unless a request for relief under R.I. LBR 1017-2(b) was timely made. A corporation or other legal entity must file a separate petition if it is a separate legal entity from the debtor even if it considers itself the FKA or DBA of an individual, partnership, trust or other corporation, and even if its corporate charter has been revoked prepetition.

RULE 3011-1 - UNCLAIMED FUNDS – [Amended 12/1/19]

(a) Procedure for Deposit of Unclaimed Funds.

(1) All unclaimed funds shall be deposited into the Treasury registry fund.

(2) Upon receipt of the items and/or information specified in subparagraphs (A) through (C) below, a ledger shall be established and maintained by the financial department of the Clerk's office containing information described in paragraph (3) below:

(A) a check for unclaimed funds;

(B) a declaration that the check has not been cashed within ninety (90) days or was returned as address unknown; and

(C) the name, address and amount owed the creditor.

(3) For each unclaimed fund creditor, a ledger containing the following information shall be maintained:

(A) the name of the debtor(s);

(B) the bankruptcy case number;

(C) the name and address of the creditor(s) whose unclaimed funds have been deposited; and

(D) the amount owed.

(4) The Financial Administrator shall also maintain a copy of the trustee's or debtor's forwarding letter, the check, and the receipt, in a separate file available for public inspection.

(b) Procedure for Payment of Unclaimed Funds. All petitions for unclaimed funds must comply with the provisions listed below:

(1) A court order must be obtained before the Clerk of Court may disburse unclaimed funds.

(2) The following documentation is required to obtain a court order to disburse unclaimed funds:

(A) Application for Payment of Unclaimed Funds substantially similar to Director Form 1340;

(B) Satisfactory completion of the appropriate identification forms in accordance with Director Form 1340's Instructions for Filing Application for Payment of Unclaimed Funds, a link to which can be found on the Court's website at www.rib.uscourts.gov/unclaimed-funds-search;

(C) The social security or tax identification number of the claimant using Form AO 213, Vendor Information/TIN Certification; and

(D) Such other documentation establishing proof of ownership as the Court may direct.

(3) Upon receipt of the required documents described in paragraph (2) above, copies of which shall also be served upon the United States Attorney, via regular first class mail, a twenty-one (21) day deadline shall be fixed for the filing of objections, if served electronically, (plus an additional three (3) days if served by mail or other excepted means specified in Fed. R. Bank. P. 9006(f)).

(4) Unclaimed fund petitioners who file five (5) or more petitions for unclaimed funds in a twelve (12) month period are required to file such petitions and supporting documentation electronically in the Court's electronic filing system or request an exemption pursuant to R.I. LBR 5005-4.

RULE 4001-3 - OBTAINING CREDIT - [Amended 12/1/19]

(a) **Borrowing for Refinancing of Estate Property, Other Than Chapter 13 Cases.** Any motion for approval of a borrowing or refinancing shall include all the material terms of the proposed credit arrangement and shall be accompanied by a proposed form of order as specified by Fed. R. Bankr. P. 4001(c)(1)(A). A copy of any borrowing agreement shall also be attached to the motion.

(b) **Chapter 13 Cases.** If, as a result of a borrowing, refinance or loan modification agreement, there is a change in the Debtor's income or expenses, the Debtor shall file

Supplemental Schedules I and J within fourteen (14) days of the date of execution of any such borrowing, refinance or loan modification agreement.

RULE 5001-2 - CLERK'S OFFICE – [Amended 12/1/19]

(a) Public Hours. The Clerk's Office is located at 380 Westminster Street, Sixth Floor, Providence, Rhode Island 02903, (401) 626-3100. Unless otherwise ordered by the Court, the Office of the Clerk shall be open to the public from 9:00 a.m. to 4:00 p.m., Monday through Friday, except federal holidays and holidays recognized by the U.S. District Court (which may include state holidays).

(b) Non-Public Hours. In accordance with Fed. R. Bankr. P. 5001(a), filings before 9:00 a.m. or after 4:00 p.m. weekdays, or on weekends and holidays may be made, for cause shown, by advance appointment or in emergency circumstances with the Judge, the Clerk, or the Clerk's designee at RIBml_AfterHoursEmergency@rib.uscourts.gov.

(c) Emergency Filing(s) by Non-Electronic Users in the Event of an Unexpected Court Closure During Normal Court Business Hours. Non-Electronic Users are permitted to file paper documents via email *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 Documents to the Court. The Non-Electronic Users must attach the document to be filed in Adobe PDF format to an email addressed to the Clerk's Office helpdesk at: rib_helpdesk@rib.uscourts.gov. The ECF Help Desk address is also available on the Court's website (www.rib.uscourts.gov) under the menu "Electronic Filing/Electronic Filing Help Desk".

(2) Required Follow Up Procedures. No later than 12:00 p.m. (noon) Eastern Standard Time on the Court's next open business day, the Non-Electronic User must either place in the mail or hand deliver the original document to the Court, together with any required filing fee and containing original signature(s). If such original document is not received by the Court within seven (7) days, the emailed document will have no force or effect, and will be terminated on the case docket.

(3) Date and Time Filed. Documents 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. Upon the timely receipt of the original signed document(s)

and any required filing fee, the Court will stamp the original document with the following notation:

This document is deemed filed on _____ pursuant to Local Rule 5001-2 governing emergency filings due to unexpected court closure.

RULE 5005-1 - FILING OF PAPERS – [Amended 12/1/19]

(a) Transmittal by Electronic/Facsimile Means. The Court will accept documents transmitted by facsimile, electronic or similar device only by filers not registered for electronic filing and only if such documents constitute: (1) a motion requesting emergency relief, and only where the nature of the emergency is clearly defined and explained; (2) an opposition or objection to a motion transmitted under (1) above; (3) a withdrawal of a motion or opposition previously filed; or (4) any other document which the Court specifically authorizes or requests be transmitted by facsimile or other electronic means. Documents may be faxed to 401-626-3150 or emailed to rib_helpdesk@rib.uscourts.gov. Even in these instances however, the faxed or emailed document is not docketed, but is received by the Court for emergency review. In order to have the faxed or emailed paper deemed “filed” and docketed in the case, the party filing the document must forward the original to the Clerk’s office within forty-eight (48) hours thereafter. The Clerk’s office will not retain any faxed or emailed documents without the original being timely supplied. Any document faxed or emailed to the Court shall also be either faxed, emailed or hand delivered to opposing parties.

(b) Cover Sheet. A cover sheet in the required form shall be filed with all non-electronically filed adversary proceeding complaints, and all notice of appeal filings.

(c) Discovery Not Filed. Depositions, interrogatories, answers to interrogatories, requests for production or inspection, responses to those requests, notices of deposition, and other discovery material shall not be filed with the Clerk. When any such document is needed in connection with a pretrial proceeding, those portions which are relevant shall be submitted to the Court as an exhibit to a motion or answer thereto. Any such material needed at trial or hearing shall be introduced as provided in the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Federal Rules of Bankruptcy Procedure.

RULE 9036-1 – NOTICE BY ELECTRONIC TRANSMISSION – [Abolished and Replaced by FRBP 9036]

RULE 9037-1 - PRIVACY PROTECTION – [Amended 12/1/19]

(a) Privacy Considerations. In compliance with the policy of the Judicial Conference of the United States, and Fed. R. Bankr. P. 9037, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.

(1) Compliance with Fed. R. Bankr. P. 9037. In compliance with Fed. R. Bankr. P. 9037, a party wishing to file a document containing personal data identifiers may:

(A) file an unredacted version of the document under seal, or

(B) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right. The unredacted version of the document or reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

(2) Responsibility for redacting personal identifiers. The responsibility for redacting the personal identifiers enumerated in Fed. R. Bankr. P. 9037(a) rests solely with counsel and the parties. In the event the Clerk, or claims agent if one has been appointed, discovers that personal identifier data has been included in a pleading, or claim, the Clerk, or claims agent, is authorized, in its sole discretion, to restrict public access (except as to the filer, the case trustee, the United States Trustee and the claims agent) to the document in issue and inform the filer of the requirement to file a motion to redact.

(A) Method of Redaction. The filer of the document containing personal data identifiers shall file a motion to redact that identifies the proposed document for redaction by docket number or if applicable, by claim number. The filer shall submit, with the motion to redact, the appropriate filing fee, and an exhibit containing the document to be substituted for the original filing.

(B) Large Scale Redactions. Parties seeking to make large scale redactions [over ten] may file an omnibus motion to redact along with the appropriate filing fee, and an exhibit which contains the case numbers, names and document numbers to be redacted. Upon receipt of the motion, the clerk will open a miscellaneous petition to index the motion. Thereafter, upon entry of an order granting the motion, the party will be given a deadline to file the redacted documents.

(C) Clerk's Action upon Filing. Pending disposition of the motion to redact, the Clerk's Office will restrict the original image containing the personal data identifiers from public view (except as to the filer, the case trustee, the United States Trustee and the claims agent) on the docket.

(D) Service of the Motion. A copy of the motion must be served in accordance with R.I. Local Rule 1005-1(d) on the Debtor(s), Attorney for the Debtor(s), the United States Trustee, filer of the unredacted document if other than the filer of the motion to redact, and anyone whose personal information has been disclosed. The filer shall file a certificate of service with the Court demonstrating compliance.

(3) Sua Sponte Protective Orders.

(A) Where a document has been filed that includes unredacted information as prohibited by Fed. R. Bank. P. 9037(a) or any other document which the court finds contains information protected under 11 U.S.C. §107, then cause is established and a sua sponte protective order will issue requiring either:

- (i)** redaction of protected information; or
- (ii)** limit or prohibit a non-party's remote electronic access to the subject document.

(B) All payment advices filed with the court are subject to a standing protective order limiting a non-party's remote electronic access to the documents.

(C) All documents filed with the court which contain medical information that is considered protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Pub. L. No. 104-191, 110 Stat. 1936 are subject to a standing protective order limiting a non-party's remote electronic access to the documents.

(b) Compliance with Electronic Transcripts Policy. In compliance with the policy on Electronic Availability of Transcripts, included as Appendix I to these rules, access to every electronic transcript filed with the court will be available at the Clerk's office for inspection only, for a period of ninety (90) days after it is delivered to the Court to allow interested parties the opportunity to review the transcript and file a Notice of Redaction requesting that personal data identifiers be redacted prior to the transcript being made available to the public. During the ninety (90) day period, a copy of the transcript may be obtained from the transcriber upon payment of the applicable fee. Attorneys who obtain transcripts from the transcriptionist may obtain remote electronic access to the transcript through the Court's CM/ECF system for the purpose of creating hyperlinks to the transcript in court filing and for other purposes. After the ninety (90) day period has ended, the filed transcript will be available for inspection and copying in the Clerk's Office and from CM/ECF through PACER. It is the responsibility of the parties to monitor the docket for the filing of the transcript.

(1) Procedure for Filing a Notice of Redaction. Each party wishing to redact from a transcript, those personal data identifiers described in Fed. R. Bankr. P. 9037(a), must, within seven (7) calendar days of the filing of the electronic transcript, file with the Clerk of Court, and serve the transcriber with, a Notice of Redaction of personal data identifiers.

(2) Statement Required. Within twenty-one (21) calendar days from the filing of the transcript, the party who filed a Notice of Redaction must file with the Court, and serve the transcriber with, a Statement indicating the location of the personal data identifiers, including the page and paragraph numbers of the transcript where the personal data identifiers are located.

(3) Motion for Additional Redactions to the Transcript. During the twenty-one (21) day period, an attorney may file a Motion for Additional Redactions to the transcript. The transcript shall not be electronically disseminated until the court has ruled upon any such motion.

(4) Once a transcript is redacted, access to the unredacted version of the transcript shall be permanently restricted to viewing at a public terminal in the Clerk's Office.

RULE 9070-1 - EXHIBITS - [Amended 12/1/19]

(a) Submission and Service of Exhibits. When directed by the Court, parties must submit three (3) hard copies of all exhibits as well as submitting exhibits electronically as specified below. Exhibits shall be exchanged between counsel via email and filed with the Clerk's Office via email to: rib_helpdesk@rib.uscourts.gov.

(b) Format for Exhibits. Conventional and electronic copies of exhibits intended to be offered as exhibits in a contested matter or hearing shall be legible, and copies of photographs shall be in color, unless the original photograph is black and white. Each set of exhibits shall be accompanied by an exhibit list, using R.I. Local Form 9014-1.1. The moving party/plaintiff's exhibits shall be marked alphabetically (A-Z), and the respondent/defendant's exhibits shall be marked numerically (1-100). Electronic exhibits shall be submitted in Portable Document Format (PDF). Each individual PDF file shall be limited to a file size of no more than 10MB. Additionally, each PDF shall contain exhibits that are bookmarked or indexed. Exhibits submitted in violation of this rule may be deemed inadmissible at trial/hearing.

(c) Release of Exhibits After Trial. At the conclusion of the hearing, exhibits shall remain in the custody of the Court. If there is no appeal from the Court's decision after the time for filing a notice of appeal has elapsed, or after any appeal has been finally determined, the Clerk shall notify the parties that the exhibits should be withdrawn within thirty (30) days, and that if they are not removed within that time, the Clerk will dispose of them. If the exhibits are not removed or another arrangement made with the Clerk within thirty (30) days, the Clerk may, without further notice, destroy or otherwise dispose of them. If a notice of appeal is filed, the Clerk shall make the exhibits available to the parties for duplication for the record on appeal. After any appeal has been finally determined, the Clerk shall make any disposition of the exhibits required by the Clerk, or order of the appellate court, or as otherwise permitted under this rule.

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

Appendix III – [Amended 12/1/19]

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

**DISTRICT OF RHODE ISLAND MAXIMUM ATTORNEY FEE
WITHOUT WRITTEN FEE APPLICATION**

(a) Pursuant to R.I.LBR 2017-1, a detailed application for compensation is required within sixty (60) days after the section 341 meeting is held whenever the fee for services provided by an attorney for a Chapter 13 debtor exceeds: \$4,000, plus \$1,000 for post confirmation work, and \$3,000 for services in connection with loss mitigation.

(b) A detailed application for compensation is required within twenty-one (21) days of the bankruptcy filing whenever the fee for services provided by a document preparer exceeds: \$150.

(c) The amounts set forth herein are for the sole purpose of establishing when an applicant is required to file a fee application with the Court. These amounts should not be construed as minimum fees for specific services. The Court may require applicants to file fee applications even when the fee charged is below or equal to the minimum amounts set forth herein, and all fees whether above or below the amounts set forth herein are subject to Court approval.

(d) Pursuant to R.I.LBR 2016-1, counsel and document preparers are advised to keep contemporaneous time records to support all work performed on behalf of the debtor(s) and to file said fee applications within the time allowed above. Failure to comply with R.I. LBR 2017-1 will result in the issuance of an Order to Show Cause why disgorgement of all fees should not be made, or other sanctions imposed.