

REDLINE

RULE 1005-1 FILING PAPERS – REQUIREMENTS [Amended 12/1/22~~5~~]

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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);

(Q) Motions to Determine under Federal Rule of Bankruptcy Procedure 3002.1(f) and (g)(4) – 28 days.

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

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

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RULE 3002-1 FILING, AMENDING, PROOF OF CLAIM OR INTEREST [Amended
12/1/2024⁵]

(a) Filing and Service of Proof of Claim. An original, or amended, proof of claim shall be either conventionally or electronically filed with the Clerk. Electronically filed claims are deemed signed upon electronic transmission as provided under LBR 5005-4(k).

(b) Notice to Creditors in Chapter 7 Cases. Following expiration of the bar date for filing claims, the Clerk and parties designated to provide service may limit the serving and distribution of papers, except notices as governed by Federal Rule of Bankruptcy Procedure 2002, to those parties who have filed proofs of claim or who have been granted extensions within which to file claims, excepting therefrom, however, creditors whose claims have been fully disallowed.

(c) Creditors Duties in Chapter 13 Cases - ~~See Federal Rule of Bankruptcy Procedure 3002.1 Notice Relating to Chapter 13 - Claims Secured by a Security Interest in the Debtor's Principal Residence in a Chapter 13 case - Effective 12/1/11.~~ Compliance with Federal Bankruptcy Rule 3002.1(c) and (d) will not apply to the extent that the Court has previously approved a creditor's outstanding obligations pursuant to a Court order or conditional order.

(d) Creditor's Supplement to Previously Filed Proof of Claim. - Attachments required by Federal Rule of Bankruptcy Procedure 3001(c)(1) and (d) may be filed as a supplement to a previously filed claim if;

- (1) the claim is secured by a security interest in the debtor's principal residence;
- (2) the claimant timely filed a proof of claim pursuant to Bankruptcy Rule 3002 together with the attachments required by Federal Rule of Bankruptcy Procedure 3001(c)(2)(C) and;
- (3) the claimant completes and files, not later than 120 days after the order for relief, or any previously granted extension, the attachment(s) and Local Form 3002-1.1: "Certification of Supplemental Proof of Claim Documents".

(e) Amended Proof of Claim. - An Amended Proof of Claim must be filed if the creditor is changing either the category of the debtor or the amount of the debt listed on a previously filed proof of claim or on the Official Form B 410A Mortgage Proof of Claim Attachment. It is strongly recommended that any amendment to the Proof of Claim be highlighted in some manner.

RULE 3016-1 CHAPTER 11 - PLAN [Amended 2/19/2020~~5~~]

(a) Subchapter V Cases.

(1) Pursuant to 11 U.S.C. § 1188(c), not later than 14 days before the status conference under § 1188(a), the debtor shall file with the court and serve on the trustee and all interested parties a report in substantially the same form as R.I. Local Form 3016-1.1.

(2) For subchapter V cases, the debtor may use Official Form 425A - *Plan of Reorganization for Small Business Under Chapter 11*, which may be altered to fit the circumstances of the case.

(b) Small Business Cases. For small business cases other than under subchapter V of Chapter 11, a sample combined Small Business Plan of Reorganization and Disclosure Statement for Small Business Debtor local form is included as R.I. Local Form 3020-1.3, which may be used and altered to fit the circumstances of the case.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----X
In re: _____ :
Chapter _____ : BK No. Debtor
Plaintiff _____ :
Defendant _____ :
-----X

DISCOVERY PLAN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(f)

Pursuant to Federal Rule of Civil Procedure 26(f) incorporated into bankruptcy by Federal Rule of Bankruptcy Procedure 7026, the parties hereby submit their Discovery Plan in accordance with R.I. LBR 7026-1(c):

1. The parties state that all disclosures under Federal Rule of Civil Procedure 26(a) have been made or the parties agree that all disclosures under Federal Rule of Civil Procedure (a)(1) will be made on or before _____ -or- that by written stipulation in accordance with Federal Rule of Civil Procedure 26(a)(1), which was filed with the Court on _____, the parties have stipulated that none of the specified disclosures will be made.
2. The parties will conduct discovery concerning the following subjects: _____
_____ See, Federal Rule of Civil Procedure 26(f)(2).
3. The parties anticipate that discovery will be completed within ____ days and agree to a discovery closure date of _____.
4. The parties ____ DO ____ DO NOT believe they need a deadline to join other parties or amend the pleadings as such actions are not contemplated at this time. If applicable, the deadline for joinder of parties or to amend pleadings is on or before _____.
5. The parties agree that the deadline to file dispositive and pretrial motions shall be _____.

6. The Parties agree that a Joint Pretrial Statement shall be filed on or before _____ provided that no dispositive motions are filed by that date. If a dispositive motion is filed, the parties respectfully request the Court to set a joint pretrial statement deadline in any decision or order denying dispositive relief.
7. The parties believe that referral of this matter for mediation ____ WOULD ____ WOULD NOT be helpful [and, if applicable, both parties consent to such referral. Due to outstanding discovery requests, the parties ask that the referral not be made until _____. It is the parties' understanding that such a referral will not suspend the other deadlines in this case unless the parties make such a request by written motion].
8. The parties ____ DO ____ DO NOT believe that a pretrial conference before the Court would serve any purpose at this time.
9. The parties state they will comply with Federal Rule of Civil Procedure 26(f)(3)(D) in the following manner:

Respectfully submitted this ____ day of _____, 20____,

Plaintiff: _____

Defendant: _____

BY: Signature and Address of
Attorney for Plaintiff

Signature and Address of
Attorney for Defendant

R.I. Local Form 3016-1.1

X

X

BK No.

X

Chapter 11 (Subchapter V)

3. Communications with Parties in Interest. The Debtor has had discussions with the following parties in interest concerning the Debtor's plan of reorganization:

Secured Creditors

Priority Claimants

Unsecured Creditors

Equity Interest Holders

The Trustee

Others; Describe:

4. Nature of Communications with Parties in Interest.

[Provide a description of the Debtor's communications with applicable parties in interest (including, e.g., secured creditors, priority creditors, unsecured creditors, equity interest holders, the case trustee, or others) concerning the Debtor's plan of reorganization or explain the Debtor's rationale for not discussing the plan with parties in interest.]

5. Efforts to Formulate Plan of Reorganization.

[Provide a description of efforts undertaken by the Debtor to develop a plan of reorganization and actions contemplated to complete formulation of the plan.]

6. Timing for Filing Plan of Reorganization. Does the Debtor intend to file a plan of reorganization within the 90-day deadline imposed by § 1189(b) of the Bankruptcy Code?

Yes No

If no is marked, please explain:

7. Additional Information.

[Insert any additional information the Debtor would like to provide the Court concerning this Chapter 11 case or the plan of reorganization (e.g. executory contracts/unexpired leases or sale/surrender of real/personal property).]

Dated: _____

By:

Name of Debtor/Debtor Representative: _____

Relation to Debtor: _____

Signature of Debtor/Debtor Representative: _____

Represented by (if applicable):

Name of Counsel: _____

Signature of Counsel: _____

Address of Counsel, Firm Address and Other Information: