

OFFICE OF THE CLERK  
**UNITED STATES BANKRUPTCY COURT**  
DISTRICT OF RHODE ISLAND  
The Federal Center  
380 Westminster St., 6<sup>th</sup> Floor  
Providence, Rhode Island 02903  
website: [www.rib.uscourts.gov](http://www.rib.uscourts.gov)

Susan M. Thurston  
Clerk of Court

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**NOTICE OF PROPOSED AMENDMENTS TO  
LOCAL RULES, FORMS AND APPENDICES**

Pursuant to 28 U.S.C. § 2071, Fed. R. Civ. P. 83, Fed. R. Bankr. P. 9029 and U.S. District Court for the District of Rhode Island General Rule 109(g)(1) authorizing the Bankruptcy Court to make and amend local rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that it proposes to amend the Local Rules, Forms and Appendices as follows:


**EFFECTIVE DATE OF December 1, 2019**

**Local Rule 1002-1(amended)**  
**Local Rule 3011-1(amended)**  
**Local Rule 4001-3(amended)**  
**Local Rule 5001-2(amended)**  
**Local Rule 5005-1(amended)**  
**Local Rule 9036-1(amended)**  
**Local Rule 9037-1(amended)**  
**Local Rule 9070-1(amended)**  
**R. I. Local Form 1002-1.1 (abolished)**  
**R. I. Local Form 3011-1.1 (abolished)**  
**Appendix III (amended)**  
**Appendix VI (abolished)**

Pursuant to 28 U.S.C. § 2071(b), the U.S. Bankruptcy Court for the District of Rhode Island **invites public comment** on the Proposed Amendments to these Local Rules and Forms. Copies of the proposed amendments are available at the Clerk's office or on our website at [www.rib.uscourts.gov](http://www.rib.uscourts.gov). **Comments on the proposed rules and forms should be received by November 12, 2019.** Comments can be made by email to [Susan\\_Thurston@rib.uscourts.gov](mailto:Susan_Thurston@rib.uscourts.gov) or in writing addressed to:

Susan M. Thurston, Clerk  
U.S. Bankruptcy Court for the District of Rhode Island  
380 Westminster St., 6<sup>th</sup> Floor  
Providence, Rhode Island 02903

Dated: 10/15/19

/s/   
Susan M. Thurston, Clerk

**RULE 1002-1 - PETITION – GENERAL [Amended]**

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**(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 using the Pro Se Creditor List program located on the Debtor Without an Attorney page of the Court's website or using electronic media, [i.e., CD, DVD, or USB key] and in the format prescribed by the Clerk's Office and designated as R.I. Local Form 1002-1.1 as specified in the Self Help Manual also 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.

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**RULE 3011-1 - UNCLAIMED FUNDS [Amended 12/1/2017]**

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**(b) Procedure for Payment of Unclaimed Funds.** (Moved to (b)(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. 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 R.I. Local Director Form 3011-1.1 1340;

**(B)** Satisfactory completion of the appropriate identification forms in accordance with this Director Form 1340's -Clerk's office's Instructions for Filing ~~an~~ 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](http://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)). ~~If no objection(s) is timely filed, and the application and documentation is determined to be complete and satisfactory, the Financial Administrator shall obtain a court order approving the payment. If an objection to the application is timely received, the matter shall be set for hearing.~~

(4) (Moved from (b) above) In addition, unclaimed fund petitioners who file five (5) or more petitions for unclaimed funds in a twelve 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. Local Rule 5005-4.

#### **RULE 4001-3 - OBTAINING CREDIT - [Amended]**

(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(~~b~~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 ~~Court's approval of such~~ agreement.

#### **RULE 5001-2 CLERK'S OFFICE [Amended 12/1/17]**

(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](mailto:atRIBml_AfterHoursEmergency@rib.uscourts.gov).

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#### **RULE 5005-1 FILING OF PAPERS [Amended \_\_\_\_\_]**

**(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](tel:401-626-3150) or [emailed to ribhelpdesk@rib.uscourts.gov](mailto:ribhelpdesk@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.

#### **RULE 9036-1 NOTICE AND SERVICE BY ELECTRONIC TRANSMISSION [Amended \_\_\_\_\_]**

Notice shall be given by electronic transmission to any entity entitled to receive the bankruptcy notice if: (1) a written request is made by the entity for electronic notice; (2) the entity executes an electronic noticing agreement with the Bankruptcy Noticing Center and otherwise meets the system requirements for electronic noticing; and (3) the Clerk's office is capable of transmitting the notices electronically. The terms and procedures for electronic noticing are [available at the Bankruptcy Noticing Center website: http://bankruptcynotices.uscourts.gov](http://bankruptcynotices.uscourts.gov). detailed in Appendix VI.  
*See, LBR 9013-3 for Service of Motions and Filing of Certificate of Service.*

#### **RULE 9037-1 - PRIVACY PROTECTION - [Amended 12/1/17 \_\_\_\_\_]**

**(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.

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**RULE 9070-1 - EXHIBITS - [Amended ~~12/1/17~~ \_\_\_\_\_]**

**(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: [ribhelpdesk@rib.uscourts.gov](mailto:ribhelpdesk@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) ~~and stored on a USB flash drive or compact disc~~. 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.

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**Appendix III**

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

[Amended ~~9/9/13~~ \_\_\_\_\_]

**(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: ~~\$3,500~~ 4,000, plus ~~\$500~~ 1,000 for post confirmation work, and ~~\$2,000~~ 3,000 for services in connection with loss mitigation.

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