



LOCAL BANKRUPTCY RULES AND FORMS

UNITED STATES BANKRUPTCY COURT DISTRICT OF RHODE ISLAND

Amended as of December 1, 2023

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Local Rules

Local Rules - 1000's

RULE 1001-1 TITLE; SCOPE AND EFFECTIVE DATE OF RULES

(a) Local Rules of Court. These Rhode Island Bankruptcy Rules and Forms, adopted pursuant to [28 U.S.C. § 2071](#), Rule 83 of the Federal Rules of Civil Procedure, [Federal Rule of Bankruptcy Procedure 9029](#), and [General Local Rule 109\(h\)\(1\)](#) of the U.S. District Court, District of Rhode Island authorizing the Bankruptcy Court to make and amend local bankruptcy rules, shall be the local rules of the United States Bankruptcy Court for the District of Rhode Island, subject to the limitations set forth in [Fed. R. Bankr. P.9029](#), and shall govern procedure in all cases and proceedings under Title 11 of the United States Code in the District of Rhode Island. These rules may be referred to as the "Rhode Island Bankruptcy Rules" and shall be cited as "R.I. LBR", or simply LBR when cited within a local rule.

(b) Applicability of Other Rules. To the extent a procedural matter is not covered by these rules or the Federal Rules of Bankruptcy Procedure, the Local Rules of the U.S. District Court for the District of Rhode Island shall apply.

(c) Waiver or Modification of Local Rules. On motion or on the Court's own initiative, the provisions of these rules may be waived or modified in any case or proceeding for the convenience of the parties or in the interest of justice, as determined by the Court.

(d) Meaning of Terms. Except as otherwise noted, the terms used herein shall have the same meaning as ascribed to them under [Fed. R. Bankr. P. 9001](#), or as defined in other sections of the Code and Rules. The references herein to the Official Forms shall mean the Official Forms as defined in [Fed. R. Bankr. P. 9009](#). The references to R.I. Bankr. Forms shall mean the local forms adopted from time to time by the U.S. Bankruptcy Court for the District of Rhode Island.

(e) Failure to Comply with Local Rules. Failure to comply with the provisions of these local rules may result in the issuance of an order to show cause why appropriate sanctions should not be imposed. Such sanctions may include but are not necessarily limited to, the imposition of monetary sanctions, non-monetary sanctions, dismissal of the case or proceeding, or denial of the relief sought, as the Court in its discretion deems appropriate.

(f) Effective Date. These rules are effective on November 1, 1997, and supersede all previously adopted local bankruptcy rules and administrative orders in this District.

(g) General and Special Orders.

- (1)** The Court may supplement these rules, subsequent to their effective date, by general (standing) orders and administrative procedures issued by the Court as needed.
- (2)** All future general orders and administrative procedures shall be categorized by the year of adoption and numbered consecutively. Copies of which may be obtained from the Clerk through the Court's web site and in the clerk's office public area.

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 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 using the Pro Se Creditor List program located on the *Debtor Without an Attorney* page of the Court's website or in the format prescribed by the Clerk's Office 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 Non-Compliance.

(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 list of creditors 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 re-mail the document(s). Upon re-mailing, 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\(d\)](#). "RULE 1009-1 AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS" on page 18

(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 director's 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, or 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 pre-petition.

RULE 1003-1 INVOLUNTARY PETITIONS

[Amended 12/1/09]

(a) Required Designation. An involuntary petition filed against a corporation, partnership, trust or other non-individual shall include a designation of the alleged debtor's principal operating officer, trustee, managing general partner or other appropriate authorized agent, as the case may be. If the petitioning creditor(s) have no knowledge of the identity of the person (s) to be designated under this LBR, a statement to that effect shall be included.

(b) Partnership Lists. Involuntary petitions relating to partnership debtors must include a list setting forth the names, addresses and telephone numbers of all general and limited partners. If that information is not known to the petitioner, the petition shall include or be accompanied by a statement to that effect.

RULE 1004-1 PETITION - PARTNERSHIP

Voluntary partnership petitions shall include a verified statement or unsworn declaration that all general partners consent to and join in the filing of the bankruptcy petition. Failure to file the required affidavit will result in the petition being treated as an involuntary filing.

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

(a) Caption of Papers. The bankruptcy case name, number, and chapter shall appear on all papers filed with the Clerk and must also appear on the signature page of all documents filed with the court.

(b) Size and Form. All papers, including the bankruptcy petition, schedules, statements, lists and other papers shall be on 8 ½ x 11 paper. All text in papers other than the bankruptcy petition and related schedules and lists must appear in at least 11 point type, except for footnotes which shall not be less than 10 point, and may not contain material that belongs in the body of the text or argument. All such text shall be double spaced, with the exception of quotations and footnotes.

(c) Required Signatures and Identifying Information. Each original paper filed with the Clerk shall include the filer's name, original signatures, address, telephone number, facsimile number, e-mail address, and if an attorney, the name of the law firm, the attorney's state bar identification number, and the name of the client.

(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.

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(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\(a\)\(2\)](#);

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

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

(e) Late Filed Documents:

(1) Any response, objection, status report or other document filed after the applicable deadline provided under the Federal Rules of Bankruptcy Procedure, these local rules and/or as established by Order of the Court, must be accompanied by a separate Motion to File Out of Time, setting forth the reasons why the document was not timely filed and why permitting a late filing is warranted.

(2) Motions to File Out of Time shall not include subsection (d) objection language. *See* R.I. LBR 1005-1(d)(2)(M). The Court will establish a deadline for any response to the motion if, in its discretion, it is warranted by the circumstances.

(3) Any such late filed documents not accompanied by the separate Motion to File Out of Time will be stricken and treated as if never filed, and may result in the granting of the document that was not timely responded to, without further hearing unless the required Motion to File Out of time and previously stricken document is filed within 3 calendar days of the entry striking the document.

(4) For documents that are timely filed but stricken as defective, provided that the corrected document is filed within 3 calendar days of the entry striking the document, the corrected document will relate back to the original filing date and no Motion to File Out of Time is required..

(f) Caption of Amendments. Any paper filed to effect an amendment of a previously-filed or served paper, including bankruptcy petition, lists, schedules, and statements, shall clearly state in bold print that it is an amendment. Any amendment proposing to add creditors to the case shall be accompanied with the appropriate filing fee, and, if a non-electronic filing, a

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supplemental diskette containing only the names and addresses of the added creditors. See also, [R.I. LBR 1009-1](#).

CROSS REFERENCE See [R.I. LBR 5005-4](#) (Electronic Filing); [R.I. LBR 5005-5](#) (Filing of Papers – Procedure for Striking or Terminating Defective Pleading and Other Documents)

☞ 12/1/22 Amendment: New subdivision (d)(2)(P) adds a Motion to Attend a Non-Evidentiary Hearing by Telephone or Video as an excepted motion which should not contain the standard response language under 1005-1(d)(1)

Amended to include a cross reference to R.I. LBR 5005-5 (Filing of Papers – Procedure for Striking or Terminating Defective Pleading and Other Documents).

☞ 12/1/17 Amendment: Subdivision (d)(2)(J) has been amended to require use of the standard response language on any motion to extend time to file a proof of claim or objection to claim.

Subdivision (d)(2)(N) is amended to require use of the standard response language on any motion to file out of time a proof of claim or an objection to claim.

☞ 7/1/15 Amendment: Subdivision (d)(2)(F) has been amended to clarify that, when filing a motion to shorten time, the underlying motion must also contain the seven day language.

Subdivision (d)(2)(M) has been amended to clarify that a Motion to File a Proof of Claim out of Time must contain the standard objection language set forth in R.I. LBR 1005-1(d)(1).

**RULE 1005-2 FILING PAPERS — REQUIREMENTS FOR AFFIDAVITS
AND DECLARATIONS**

(a) Affidavits and Sworn Declarations. Any document filed that is considered to be an affidavit, sworn declaration, or verification shall substantially comply with the following format:

[Caption]

I/we, [state name and facts showing matters as to which the declarant has personal knowledge or information etc]

I/we declare (or certify, swear, affirm, verify or state) that the foregoing is true and correct.

Executed on [date],

[signature, etc.]

Subscribed and sworn to before me this [date]

Notary Public: [name]

My Commission Expires: [date]

(b) Unsworn Declarations. Any document filed that is considered to be an unsworn declaration shall substantially comply with the following format:

[Caption]

I/we, [state name and facts showing matters as to which the declarant has personal knowledge or information etc.]

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on [date],

[signature, etc.]

RULE 1006-1 FILING FEE

[Amended 9/16/2020]

(a) Manner of Payment. The filing fee commencing a case shall be paid by any of the below means, made payable to "Clerk, U.S. Bankruptcy Court";

- (1) cash;
- (2) credit card;
- (3) ACH withdrawal;
- (4) cashier's check or money order;
- (5) credit card - except from a new debtor or debtor in a case already pending, unless a debtor in possession under Chapter 11;
- (6) personal check - except from a new debtor or debtor in a case already pending, unless a debtor in possession under Chapter 11.

(b) Dishonored Payment. The applicable miscellaneous fee shall be assessed and shall be payable to the "Clerk, U.S. Bankruptcy Court" for any dishonored payment.

(c) Multiple/Erroneous Payments of Same Fee or Charge. It is the filer's responsibility to ensure any clerk's office fee or charge is paid only once, and creditors are responsible for ascertaining that the status of the case is such that the action they seek requires a fee. Except where the payment of a fee is the error of the clerk's office, the clerk is not authorized to refund fees paid by mistake. The clerk shall deposit excess or erroneous payments into the appropriate government account.

(d) Payment of Filing Fee in Installments. The clerk may approve a debtor's Application to Pay the Filing Fee in Installments, if the application contains a payment schedule that provides for at least 25% of the fee at the time of the filing, and continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-eight (28) days thereafter. The application to pay in installments must comply with [Official Form 103A](#).

(e) Nonconforming Application to Pay in Installments. An Application to Pay the Filing Fee in Installments that does not comply with R.I. LBR 1006-1(d) shall be presented to the Court for consideration. If denied, the debtor shall immediately remit the full filing fee. Failure to timely pay the filing fee will result in the automatic dismissal of the case unless a request for relief under R.I. LBR 1017-2(b) was timely made.

(f) Procedure to Waive Filing Fee (Proceed in forma pauperis). An individual who files a voluntary Chapter 7 petition may request to have all filing fees waived by filing a completed and signed Application for Waiver of the Chapter 7 Filing Fee using [Official Form 103B](#) and [R.I. Local Form 1006-1.1](#). In addition, the debtor(s) must also file Schedules I and J with the Application. Failure to timely file all of these required forms will result in the automatic denial of the Application. The granting of the application approves the waiver of all future filing fees which may arise in the case while pending under Chapter 7.

(g) Nonconforming and Denied Applications For Waiver of Filing Fee. An Application to Waive the Filing Fee that does not conform with the requirements listed in section (f) above, or is defective in any way, will be automatically denied. If an Application to Waive the Filing Fee is denied for any reason, the Court may treat the application as one to pay the filing fee in installments and the first installment will be due within ten days of the entry of the order denying the waiver of the fees, and the remaining fees will be payable in accordance with [R.I. LBR 1006-1\(d\)](#), unless otherwise ordered by the Court. Failure to timely pay the full fee or the first installment will result in the automatic dismissal of the case unless a request for relief under R.I. LBR 1017-2(b) was timely made.

(g) Revocation or Vacating of Waiver. The Court may revoke or vacate an order waiving the filing fee if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.

(h) Effect of Conversion. If the filing fee of an individual Chapter 7 case is waived, and the debtor's case is later converted to one under another chapter, the debtor must pay the full filing fee for the new chapter within fourteen (14) days of conversion, or file an Application to Pay the Filing Fee in Installments.

RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS; ORDER TO FILE MISSING DOCUMENTS AND NOTICE OF AUTOMATIC DISMISSAL FOR NON-COMPLIANCE; NOTICE IN CHAPTER 11 [Amended 12/1/22]

(a) Certification of Pro Se Debtor Required. All pro se debtors are required to complete at the time of filing of the petition, a certification listing the names, addresses and amounts paid to persons who assisted with the bankruptcy filing, using [R.I. Local Form 1007-1.2](#).

(b) Filings Subject to Seven (7) Day Filing Deadline: The following, as applicable to the case and chapter, are required to be filed within seven (7) days of the bankruptcy filing or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and [R.I. LBR 1017- 2](#):

(1) Creditor Mailing List (names and addresses)

(2) [Official Form B121](#) - Statement of Social Security Number. Form 21 shall be filed in all cases as a separate private event (not combined with the bankruptcy petition or schedules) and will be restricted from public access.

(3) Debtor's Mailing Address

(4) [Official Form 101 Part 5, Question 15](#), and, if applicable, a Certificate of Credit Counseling, or a Motion for Waiver of Credit Counseling Briefing and/or Financial Management Course, [R.I. Local Form 1007-1.4](#), or Statement of Exigent Circumstances, [R.I. Local Form 1007-1.3](#).

(5) [Application for Individuals to Pay the Filing Fee in Installments](#), if applicable.

(6) [Application to Have the Chapter 7 Filing Fee Waived](#), if applicable.

(c) Filings Subject to Fourteen (14) Day Filing Deadline: The following, as applicable to the case and chapter, are required to be filed within fourteen (14) days of the bankruptcy filing, or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

(1) [Schedules A/B through J2](#), as applicable;

(2) [Statement of Financial Affairs](#);

(3) Summary of Assets and Liabilities and Certain Statistical Information (28

U.S.C. § 159);

(4) Statement of Executory Contracts;

(5) Attorney fee disclosure statement;

(6) All required declarations having been properly executed;

(7) The Chapter 13 plan (R.I. Local Form 3015-1.1); and/or

(8) The Chapter 13 agreement (R.I. Local Form 2083-1.1);

(9) Chapter 11 Exhibit A;

(10) Chapter 11 twenty (20) largest unsecured creditors;

(11) Applicable Means Test [Forms B122A-1 through B122C-2](#);

(12) Copies of pay stubs for 60 days before the filing of the petition;

(13) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 119);

(14) Certificate of Credit Counseling if [Official Bankruptcy Form 101](#), Part 5, Question 15 box #2 applies.

(d) Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance (Lack of Compliance) Procedure for Issuance of Order to file Missing Document and Notice of Automatic Dismissal for Non-Compliance. In all voluntary cases, where the petition is not accompanied by the required schedules, statements, and other documents, pursuant to [Fed. R. Bankr. P. 1007](#), [1008](#), [2016](#), and [3015](#), and [R.I. LBR 1002-1](#), [1007-1](#) and [5005-4](#), the debtor shall file such missing documents according to the time limits imposed by federal or local rule, or, if cause exists, move within that time for an order extending the time to make the required filings. Upon filing the petition, the debtor will receive an Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance indicating which documents are missing and giving the debtor either seven (7) days or fourteen (14) days from filing to file the required documents, if applicable. If, after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to achieve compliance with the foregoing, the case will be automatically dismissed without further notice unless a request for relief under R.I. LBR 1017-2(b) was timely made. See also, [R.I. LBR 1017-2](#).

(e) Notice to Disputed, Contingent or Unliquidated Creditors in Chapter 11 Cases. The debtor in each chapter 11 case shall serve [R.I. Local Form 1007-1.1](#), together with a copy of the most recent applicable Official Proof of Claim form [B 410], on each creditor whose

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claim is listed on the schedules as disputed, contingent or unliquidated within fourteen (14) days after filing the schedules of liabilities, or within fourteen (14) days of adding such creditors to previously filed schedules. The notice will inform such creditors of the right to file proofs of claim and that failure to do so shall prevent them from voting upon the plan or participating in any distribution thereunder. Within fourteen days of service, a certificate evidencing compliance with this LBR shall be filed with the Clerk.

☞ 12/1/22 Amendment: Local Form 1007-1.1 was amended to remove, as an attachment, the Official Proof of Claim form, and subdivision (e) was amended to note the Debtor's continued requirement to serve the most recent applicable Official Proof of Claim form [B 410] along with R.I. Local Form 1007-1.1.

RULE 1009-1 AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS

[Amended 10/3/16]

(a) Procedure and Form. In any open bankruptcy case, amendments to the bankruptcy petition, schedules, statements of financial affairs, statements of income and expenses, or summaries of assets and liabilities and applicable means test forms [B122A-1 through B122C-2] shall be filed with the Clerk.

The amended document shall be marked, "Amended" and shall either: (1) clearly identify the amendment through the use of highlighting emphasis such as: asterisks, underlined, italics or bold to identify the added or changed information, or (2) include all of the items from the original document along with the amended items and include an addendum document listing only the information that has been amended on the applicable schedule/statement/summary/means test form. If filed electronically, the addendum shall be included as an attachment to the amended schedule event. The amended document shall contain an original signature by the amending party, or if electronically filed, the electronic signature of the amending party. If the case is closed, amendments to bankruptcy schedules or statements may be made only after the granting of a motion to reopen and a motion to amend.

(b) Notice and Service of Amendment. In each instance in which the debtor amends its petition, lists, schedules or statements, it shall give notice by serving a copy of the amendment upon any trustee appointed, the local office of the United States trustee, creditors, and to all other entities directly affected by the amendment, and shall file a certificate of service indicating the parties served and the date and method of service.

(c) Amendments Adding an Omitted Creditor. If, at any time after the first notice of the first meeting of creditors is mailed, pre-petition creditors not previously included on the creditor mailing list are added by amendments, the following procedures shall apply:

(1) Contemporaneous with the filing of the amendment and applicable fee, the debtor shall:

(A) in a conventionally filed case (not electronically filed), file a supplemental disk, listing only the name(s) and address(es) of the added creditor(s) in the form prescribed by [R.I. LBR 1002-1\(c\)](#);

(B) serve upon the added creditors a copy of the Notice of Section 341 meeting of creditors and if applicable, a copy of the Notice to File Claims;

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(C) Serve R.I. Local Form 1009-1.1, "Notice to Added Creditors of Pending Bankruptcy and Applicable Case Deadlines and Certificate of Service", informing the added creditor of its right to file complaints under [11 U.S.C. §§ 523](#) and [727](#), if applicable, and objections to the debtor's claim of exemptions within sixty (60) days of service of the papers required by this LBR or within the time set for the filing of such complaints, motions, or objections by creditors previously scheduled, whichever is later.

(D) File a certificate of service and a copy of the completed R.I. Local Form 1009-1.1 with the Court acknowledging compliance with this local rule.

(2) The extensions of deadlines granted by this LBR shall apply only to creditors added by the amendment.

(3) Creditor(s) added after the Section 341 meeting of creditors has commenced shall, unless the Court orders otherwise, be entitled, upon request to the U.S. trustee, to reconvene the Section 341 meeting.

(4) In an individual chapter 7 case in which there is no distribution to creditors, if a creditor is added after the order of discharge is entered, the order of discharge shall be deemed to apply to the prepetition debts owed to such creditor as of the later of:

(A) 60 days after the date the debtor certifies compliance with paragraphs (1) above, and no complaints or motions under [11 U.S.C. §§ 523](#) and [727](#) are filed by such creditor; or

(B) the date the last orders denying or dismissing such complaints or motions become final.

(d) Amendments to Creditor Mailing List. An amended creditor list is required to be filed whenever the debtor files its initial schedules containing creditors that were not listed on the original creditor list. The following procedures shall apply:

(1) An amended creditor list shall contain only the names and addresses of the new creditors. Creditors listed on the original creditor list shall not be repeated on the amended creditor list.

(2) The applicable miscellaneous fee for filing amendments to the lists of creditors shall be filed with the amended creditor list, except when a party is ordered to file an amended master mailing list upon approval of a Motion for Joint Administration pursuant to [R.I. LBR 1015-1](#).

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(3) If the schedules themselves are being amended to add new creditors, the debtor shall file an amended schedule listing the added creditors, with the applicable fee, and shall include a supplemental disk containing only the names and addresses of the added creditors. See [R.I. LBR 1002-1\(d\)](#).

RULE 1015-1 JOINT ADMINISTRATION AND CONSOLIDATION

[Amended 7/1/15]

(a) Includes all Administrative Activities, Unless Otherwise Specified. A motion for joint administration shall be deemed to include all administrative activities of the case, unless the movant specifies that it shall apply only to limited activity, and identifies such activity.

(b) Designation of Lead Case and Service of Motion. A motion for consolidation or joint administration of cases, or a plan so providing, shall designate the lead bankruptcy case upon consolidation and shall be served on all parties requesting notice, all attorneys of record, any appointed trustee, and the local office of the U.S. trustee.

(c) Notice to All Creditors. Upon entry of an order authorizing the consolidation or joint administration of cases pursuant to this LBR, the moving party must serve notice of said order upon all creditors and interested parties, and jointly administrated cases, serve R.I. Local Form 1015- 1.1, "Notice of Joint Administration and Requirements for Filing Documents".

RULE 1017-2 DISMISSAL FOR LACK OF COMPLIANCE

[Amended 12/1/16]

(a) Want of Prosecution Defined. For purposes of [Fed. R. Bankr. P. 1017](#), the term "want of prosecution" shall include, but is not limited to:

- (1) failure to file lists, schedules, statements, and all required documents within the time allowed by [Fed. R. Bankr. P. 1007](#);
- (2) failure of a debtor that is a corporation to be represented by counsel within the time set by order of the Court;
- (3) failure to pay timely any required filing fee;
- (4) failure to timely file a plan, disclosure statement or other document or pleading, as required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, these LBRs or orders of the Court;
- (5) failure of a party or counsel to appear, upon notice or order, at a hearing before the Court;
- (6) failure of the debtor(s) to appear at the initial Section 341 meeting, or any continued meeting; and
- (7) failure to abide by any Court order requiring the filing of papers or payment of fees, costs or sanctions.

(b) Sua Sponte Action by Court. The Court may, on its own motion, and after notice to the debtor, the debtor's attorney, if any, and to all creditors, dismiss a case for lack of compliance unless the debtor cures the deficiency timely, and/or the debtor or any party in interest requests a hearing within seven days of service of such Order requiring compliance and Notice of Automatic Dismissal for Non-compliance or Order to Show Cause, or similar court order.

RULE 1019-1 CONVERSION OF CHAPTER 11, CHAPTER 12, OR CHAPTER 13 CASE TO CHAPTER 7 LIQUIDATION

[Amended 2/19/2020]

(a) Content of Final Report and Account. With the exception of subchapter V cases under Chapter 11, the final report and account required by [Fed. R. Bankr. P.1019\(5\)](#) shall include, in addition to the information specified in [Fed. R. Bankr. P. 1019\(5\)](#): (1) a statement of the total funds which passed through the chapter 11, 12, or 13 estate; (2) a statement that all United States trustee operating reports are available upon request; (3) an itemization of all disbursements since the last United States trustee operating report; and (4) a statement of the balance on hand at the time of conversion. If the debtor operated a business, the report shall also include a statement listing all assets in the debtor's possession at the time of conversion, including but not limited to, inventory, fixtures, leases and executory contracts, and accounts receivable.

(b) Deadline for Chapter 13 Trustee to File Final Report and Account. The final report and account required by [Fed. R. Bankr. P. 1019\(5\)\(B\)\(ii\)](#) shall be filed not later than sixty (60) days after conversion of the case.

(c) Schedule of Unpaid Debts. The schedule of unpaid debts required by Fed. R. Bankr. P. 1019(5) shall include the names and addresses of all post-petition creditors and shall be accompanied by a supplemental creditor mailing list conforming to the requirements set forth in [R.I. LBR 1002-1\(c\)](#).

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RULE 2002-1 NOTICE TO CREDITORS, EQUITY SECURITY HOLDERS, UNITED STATES, AND UNITED STATES TRUSTEE, AND CHANGES OF ADDRESS

[Amended 7/16/20]

(a) Twenty-eight Day Notice to Parties in Interest. The notices required by [Fed. R. Bankr. P.2002\(b\)](#) of the time fixed for filing objections and the hearing to consider approval of a disclosure statement, and the time fixed for filing objections and the hearing to consider confirmation of a chapter 9 or chapter 11 plan, shall be given by the proponent of the disclosure statement or plan to be considered at the hearing. Notice of the time fixed for filing objections and of the confirmation hearing for chapter 13 plans shall be given by the Clerk, in the first instance.

(b) Service of Application for Compensation. In all cases, the applicant must serve a complete copy of the application for compensation with:

- (1) the local office of the U.S. trustee;
- (2) any chapter 7, 11, or 13 trustee;
- (3) the debtor and debtor's counsel;
- (4) the chairperson of the creditors' committee and its counsel, if any; and
- (5) the chairperson and counsel of any other official committee approved by the Court.

(c) Notice to Equity Security Holders. The notices required in chapter 11 cases by [Fed. R. Bankr.P. 2002\(d\)\(1\), \(2\) and \(3\)](#) shall be given by the debtor or the trustee, if applicable. The notices required by Fed. R. Bankr. P. 2002(d)(4), (5), (6), and (7) shall be given by the movant or proponent of the plan or disclosure statement.

(d) Notice to Creditors in Chapter 7 Asset Cases and Chapter 13 Cases. Seventy (70) days after the order for relief in a chapter 13 case, or within the time allowed by the Court for the filing of claims in a chapter 7 asset case, the Clerk will mail notices only to creditors whose claims have been filed or who have been granted extensions of time within which to file claims.

(e) Notices Required to be Served by Clerk or other Person. Unless otherwise directed by the Court, wherever the Bankruptcy Rules or local rules require that the clerk or some other person as the Court may direct shall provide notice pursuant to this rule, the clerk is authorized to designate a trustee, debtor in possession, or other party to provide any notice required to interested parties where the interests of justice and efficiency are served. The clerk is further authorized to review the form of all such notices to ensure that the notice complies with the requirements of the Court and appropriate rules.

(f) Change of Address. Any creditor that seeks to change its address for noticing purposes from the address shown on any proof of claim, request for notice, or other document previously filed with the Court, must do so using [R.I. Local Form 2002-1.1](#), with a copy served upon the debtor (if pro se), the debtor's attorney, the United States Trustee, and the case Trustee, if applicable. Changes of address must be separately filed in each case file and if applicable, adversary proceeding, and must include the proper case caption and case/adversary number. Filing R.I. Local Form 2002-1.1 solely in the main bankruptcy case will not change an address in a related adversary proceeding. The Court will not update any creditor address without use of the proper form and adherence to this rule.

RULE 2002-2 NOTICE OF PREFERRED ADDRESSES UNDER 11 U.S.C. § 342(e)-(f) AND NATIONAL CREDITOR REGISTER SERVICE

[Amended 9/9/13]

(a) In accordance with [Fed. R. Bankr. P. 2002\(g\)\(1\)-\(3\)](#), an entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses provided by the entity to the notice provider. That address is conclusively presumed to be a proper address for notice purposes. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

(b) The filing of a notice of preferred address pursuant to [11 U.S.C. § 342\(f\)](#) by a creditor directly with the entity that provides noticing services for the Bankruptcy Courts will constitute the filing of such a notice with the Court.

(c) Registration with the National Creditor Registration Service must be accomplished through the entity that provides noticing services for the Bankruptcy Courts. Forms and registration information are available at <https://ncrs.uscourts.gov>

(d) Any notice sent by the Court to a creditor's preferred address, in accordance with a notice of preferred address filed by a creditor or an interested party pursuant to [11 U.S.C. § 342\(e\)](#) or [§ 342\(f\)](#) or contained in a proof of claim filed with the Court, specifying a mailing address and designating a recipient, will be conclusively presumed to have been received by the creditor or interested party upon the mailing of any notice by the Court or its noticing agent (s) to the address specified in the notice of preferred address, notwithstanding [11 U.S.C. § 342\(g\)\(1\)](#).

RULE 2003-1 MEETING OF CREDITORS OR EQUITY SECURITY HOLDERS

[Amended 2/19/2020]

Pursuant to [Fed. R. Bankr. P. 2003\(b\)\(1\)](#), unless otherwise ordered by the Court, the following persons shall preside at a meeting of creditors:

(a) Chapter 7 Cases. In a chapter 7 case, the interim trustee or trustee appointed by the United States trustee, unless an alternative trustee is elected pursuant to [§ 702](#) of the Code and there is no dispute with regard to said election, then such alternate trustee shall preside. If the United States trustee has determined there is a dispute with regard to such an election, the interim trustee shall preside at the initial meeting, and shall continue the meeting to a date reasonably calculated to be sufficient for the Court to determine such dispute.

(b) Chapter 11 Cases. In chapter 11 cases, the United States trustee or his/her designee, unless:

(1) A trustee has been appointed by the Court pursuant to [§ 1104](#) or [§ 1185](#) or then such chapter 11 trustee shall preside; or

(2) An alternate trustee is elected under [§ 1104\(b\)](#) of the Code and the United States trustee has determined that there is no dispute with regard to said election, then such alternate trustee shall preside. If the United States trustee has determined that there is a dispute with regard to such an election, the interim trustee shall preside at the initial meeting, and shall continue the meeting to a date reasonably calculated to be sufficient for the Court to determine such dispute.

(c) Chapter 13 Cases. In chapter 13 cases, the chapter 13 trustee or such designee as is approved by the United States trustee.

RULE 2004-1 EXAMINATION

[Amended 12/1/16]

(a) Objections/Protective Orders. Any objection to a motion for a Rule 2004 examination shall be in the form of an objection and/or a motion for a protective order in accordance with Fed. R. Civ. P. 26(c) as adopted in [Fed. R. Bankr. P. 7026](#). The motion/objection shall state precisely the basis for such objection or protective order as well as the nature and scope of the relief requested.

(b) Notice and Response Time.

(1) Not less than fourteen (14) days written notice of a proposed examination shall be given to the entity to be examined, such entity's counsel (if known), and to all other affected parties in accordance with [Fed. R. Bankr. P. 9013](#). The notice shall apprise the party to be examined of the proposed scope of the examination and list any documents requested to be presented at such examination.

(2) In addition, the notice shall contain the following language regarding the time to object or otherwise respond to the proposed examination:

Within fourteen (14) days of service of this Motion for a Rule 2004 Examination, if served electronically, and an additional three (3) days pursuant to [Fed. R. Bankr. P. 9006\(f\)](#) if you were served by mail, or other excepted means specified, any party who objects to the examination shall serve and file an objection and/or motion for protective order with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objections or motions for protective order are timely filed, the motion for examination will be granted by the Court by endorsement order.

(c) Stay of Examination. The timely filing of an objection and/or motion for a protective order as provided in subdivisions (a) and (b) of this LBR will automatically stay the motion for examination and the entry of any order determining said examination, until the Court considers the objection or motion for protective order.

(d) Unopposed Motion for Rule 2004 Examination. If no response or objection is timely served, the motion to conduct an examination under this LBR will be granted by the Court by endorsement order.

(e) Inapplicability to Adversary Proceedings. The provisions for examination under this LBR shall be inapplicable to pending adversary proceedings and contested matters. Discovery in connection with pending adversary proceedings and contested matters, including

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examinations, shall be pursuant to the discovery provisions made applicable by Part VII of the Fed. R. Bankr. P. and [Fed. R. Bankr. P. 9014](#).

RULE 2014-1 EMPLOYMENT OF PROFESSIONAL PERSONS

[Amended 9/9/13]

(a) Statement To Accompany Applications. Within the verified statement required by [Fed. R. Bankr. P. 2014\(a\)](#), the applicant shall also state whether they are a “disinterested person” within the meaning of [11 U.S.C. § 101](#).

(b) Conflicts of Interest. All compensation may be denied where the Court determines after notice and hearing that the professional person is not a disinterested person within the meaning of [11 U.S.C. § 101](#), or has an actual conflict of interest in a case or proceeding in which the professional seeks compensation. An actual conflict of interest shall be presumed to exist, subject to rebuttal, where an attorney seeks to represent a debtor and its principal(s) or other insiders.

(c) Time for Filing of Application. Absent extraordinary circumstances, nunc pro tunc applications for appointment of professional persons pursuant to [11 U.S.C. §§ 327](#) and [1103](#) and [Fed. R. Bankr. P. 2014](#), will not be considered. An application is considered timely if it is filed within thirty (30) days of the date of the filing of the bankruptcy petition, or the date the professional commences rendering services, whichever occurs later.

(d) Content of Application. Every application shall set forth the information as required by [Fed. R. Bankr. P. 2014\(a\)](#) and [2016\(b\)](#), including a specific statement as to what payments have been made or promised to the applicant for services rendered or to be rendered in any capacity whatsoever in connection with the case, or any other arrangement regarding the payment of fees, including the type of fee arrangement (contingency, hourly, flat rate or other arrangement) and the specific terms related to the fee structure. Applicant shall also disclose the existence of any guaranties for such fees and the debtor's relationship with any non-debtor entity paying or guaranteeing such fees. All retainers shall be maintained in accordance with [R.I. LBR 2016-1\(g\)](#).

(e) Application to Employ Professional for Specified Service. If an applicant seeks to employ a professional for a specified and discrete service to the estate, the application to employ may request total future compensation in an amount no greater than the amount contained in [Fed. R. Bankr. P. 2002\(a\)\(6\)](#), which amount will be deemed allowed if the application to employ is approved, without requiring a separate fee application to be filed. An example of a specified and discrete service is the employment of an accountant to prepare a one year tax return for a chapter 7 estate.

RULE 2015-1 DUTIES OF TRUSTEE OR DEBTOR IN POSSESSION

The reports required by [11 U.S.C. §§ 704\(8\)](#) and [1106\(a\)](#), and [Fed. R. Bankr. P. 2015\(a\)\(5\)](#), shall be timely filed with the Court, with copies served on the local office of the United States trustee, any examiner and if requested, any committee appointed in the case, and its counsel, if any.

**RULE 2015-3 DUTY OF TRUSTEE AND DEBTOR IN POSSESSION TO
FILE INVENTORY RECORDS IN CHAPTERS 7 AND 11**

[Amended 2/19/2020]

(a) An inventory under [Fed. R. Bankr. P. 2015\(a\)\(1\)](#) shall be required in all chapter 7 and 11 cases (except in subchapter V cases under Chapter 11, and shall separately detail each asset of the debtor, including listing all accounts receivable, as of the date of filing, and shall be served on the local office of the United States trustee (and not filed with the Court) within thirty days after the Court approves the trustee's appointment or within thirty days of the commencement of the case, whichever is later, unless such detailed inventory has already been filed with the court or is included in the bankruptcy schedules.

(b) The inventory served on the local office of the United States trustee pursuant to subdivision (a) above is confidential and not available for public inspection pursuant to Department of Justice Order Number 2620.7, entitled "Control and Protection of Limited Official Use Information," dated September 1, 1982, or as may be amended from time to time.

RULE 2015-5 CHAPTER 13 BUSINESS CASES

[Amended 12/1/09]

If the debtor is engaged in business, the debtor shall be required to also file:

(a) Profit and Loss Statement. A profit and loss statement for the calendar or fiscal year, whichever is applicable, for the year preceding the bankruptcy filing, and a profit and loss statement covering the end of the fiscal or calendar year to the filing date of the petition;

(b) A Statement by the debtor indicating whether the business incurs trade credit;

(c) Quarterly Income and Expense Statements. Within thirty (30) days of the close of each quarter, the debtor shall file a statement of the quarter's income and expenses, and serve a copy of such statement upon the chapter 13 trustee; and

(d) Evidence of Insurance. The debtor shall within seven (7) days after the commencement of the case submit to the chapter 13 trustee evidence of appropriate business insurance as required by applicable law, such as general liability, workers compensation and asset protection coverage.

RULE 2016-1 COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES

[Amended 2/19/2020]

(a) Application for Compensation of Professionals. In addition to the provisions of [Fed. R. Bankr. P. 2016](#), each application and any attachment shall:

- (1) Be legible and understandable;
- (2) Identify the time during which services were rendered;
- (3) describe the specific services performed each day by each person with the time broken down into units of tenths of one hour devoted to such services;
- (4) Include a copy of any contract or agreement reciting the terms and conditions of employment and compensation;
- (5) Include the date and amount of any retainer, partial payment or prior interim allowances;
- (6) Include a brief narrative description of services performed and a summary of hours by professionals and other personnel;
- (7) If the trustee is also serving as his or her own attorney, the trustee's attorney's application must contain a certification that no compensation has been or will be sought for trustee services; and
- (8) Include a brief biography of each person included in the fee application, stating his or her background and experience. The statement should demonstrate that the hourly rate charged for each professional is reasonable, and should include such information as the applicant deems pertinent to that issue. After the initial application, biographies need not be included in subsequent applications, other than for professionals whose biographies were not included in the initial application. With respect to professionals who have previously filed such a biography with this Court, he/she may indicate that fact on the application and need not repeat said biography unless the Court so orders.
- (9) Include the fee application summary sheet contained in [R.I. Local Form 2016-1.1](#), which summary shall also include a key to the initials or other device used to identify

each such person in itemized billings. Additionally, all requests for interim fees shall include [R.I. Local Form 2016-1.2](#), “ Interim Fee Allowance Summary” and all requests for payment of final fees and expenses shall include [R.I. Local Form 2016-1.3](#), “ Final Fee Allowance Summary.” Any fees that remain unapproved from a previous interim application for compensation or that were partially allowed on account must be requested again in a final fee application and shall be included on [R.I. Local Form 2016-1.3](#).

(b) Applications by Co-counsel. Any application for compensation by co-counsel shall specify the separate services rendered by each counsel and contain a certification that no compensation is sought for duplicate services.

(c) Applications by Trustees Exceeding \$7,500. If an application for compensation and reimbursement is filed by a chapter 7, 11 or 12 trustee, (excluding trustees in subchapter V cases under Chapter 11) that exceeds \$7,500.00 the trustee shall state:

- (1)** The total amount received in the estate;
- (2)** The amount of money disbursed and to be disbursed by the trustee to parties in interest (excluding the debtor) and a calculation of the maximum fee allowable under [11 U.S.C. § 326](#);
- (3)** A brief narrative description of services performed;
- (4)** If the payment sought is interim compensation, why the payment of interim compensation is reasonable and appropriate;
- (5)** The dividend, expressed as a percentage of funds to be distributed to creditors, if the requested compensation and other requested administrative expenses are allowed in the amounts requested. If a trustee has served both as a chapter 7 and a chapter 11 trustee, separate itemizations must be provided for each period. The amount of compensation shall be stated as a dollar amount, regardless of the calculation of the maximum compensation allowable under [11 U.S.C. § 326\(a\)](#).

(d) Applications of Professionals employed by Creditors. A creditor must file an application with the court if it wishes to be compensated from the debtor or the estate for services rendered or expenses incurred by its professionals [attorneys, accountants, appraisers, auctioneers, or other professional persons], after debtor’s filing of the petition and before the issuance of the Notice of Discharge.

(1) Application Requirements - A creditor may request approval of multiple fees and expenses in a single application. The application shall comply with the provisions set forth in section (a) above, as well as the exceptions contained in section (h) below. In

addition, the application must include a statement sworn to by the creditor pursuant to [28 U.S.C. § 1746](#) that references the paragraph number(s) (or specific section(s) and page number(s)) in the Agreement that allows for the reimbursement of the services and/or expenses.

(2) Time to File - Any application under this subsection must be filed no less than on an annual basis to include all services rendered during the previous twelve (12) month period. A final application under this subsection must be filed not later than thirty (30) days after the issuance of the Notice of Discharge in this case.

This subsection will not apply to the extent that the court has previously approved a creditor's fees or expenses pursuant to a court order or conditional order.

(e) Narrative Summary Required on Applications Exceeding \$35,000. All applications which seek more than \$35,000.00 in compensation, or are otherwise very lengthy, must be divided into narrative sections. Each narrative section must represent a task, must describe the task and the benefit to the estate, and must identify the work done by each professional. There shall be attached to the narrative a specific description of services performed under such task each day by each person and the time devoted to such services on that day by each person. The end of each narrative section must include a summary chart that substantially conforms to the requirements of section (a)(9) of this rule.

(f) Reimbursement of Expenses. Attached hereto as Appendix II is the Rhode Island Standard Expense List. The Court will approve reimbursement of reasonable and necessary expenses at the levels set forth in Appendix II, subject to an applicant requesting reimbursement at other levels upon proof that the reimbursement levels set by the Rhode Island Standard Expense List are inadequate in view of the applicant's actual costs. The Rhode Island Standard Expense List may be amended by the Court from time to time.

(g) Exception for Retention of Professional for Specified Service. See [R.I. LBR 2014-1 \(e\)](#).

(h) Exceptions for Fee Applications filed on behalf of Attorneys Handling Personal Injury, ERISA and Disability Matters, Real Estate Professionals, and Debtor's Attorney.

(1) Applications of Attorneys Handling Personal Injury, ERISA and Disability Matters. The requirements set forth in R.I. LBR 2016-1(a) 3, 6, 7, 8, and 9 shall not apply if an attorney's retention to handle a personal injury, ERISA or disability matter is pursuant to a contingency fee arrangement.

(2) Applications of Real Estate Professionals. The requirements set forth in R.I. LBR 2016-1(a) 3, 7, 8, and 9 shall not apply.

(3) Debtor's Attorney, Attorney for the Chapter 7 or 11 Trustee. When counsel for the debtor or the Chapter 7 or 11 Trustee is required to file a fee application under R.I. LBR 2017-1, the requirements set forth in R.I. LBR 2016-1(a) 7, 8, and 9 shall not apply, provided that the combined total of the application does not exceed \$5,000.

(i) Regulation of Retainer Fees. In any case in which the professionals retained or to be retained hold or receive retainer funds, whether from the debtor or from any other source for the benefit of the debtor or for the benefit of an appointed trustee or committee, such retainer funds shall be deposited in a segregated, federally-insured, interest-bearing account. Retainers held pursuant to this LBR are to be held solely for the benefit of the bankruptcy estate, until such time as an order for their disposition issues. None of the retainer funds deposited shall be withdrawn until the professional complies with the provisions of this subdivision.

(1) Motion for Authority to Draw Down on Retainer Funds. A person who has applied for employment pursuant to [11 U.S.C. § 327](#) may file a motion with the Court to draw down on retainer funds held pursuant to this LBR prior to the filing of any application under [11 U.S.C. §§ 330](#) or [331](#). A motion filed under this LBR shall provide that such funds will not be drawn down until at least fourteen (14) days after service of an itemized bill upon the debtor, the local office of the United States trustee and any committee(s) appointed pursuant to [11 U.S.C. § 1102](#).

(2) In most cases, a percentage "hold back" of such retainer funds will be ordered by the Court. All retainer funds distributed pursuant to this LBR are subject to review and approval by the Court upon the filing of an interim and/or final fee application. All applicants should be aware that the Court may, after review of the interim and/or final fee application, order disgorgement of any retainer funds previously distributed under this LBR.

(j) Sanctions for Noncompliance. Failure to comply with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or these LBRs regarding applications for compensation may result in the *sua sponte* denial of the application.

RULE 2016-2 DUTY TO UPDATE 2016(b) STATEMENT

(a) Continuing Duty to Update. Counsel for the debtor has a continuing duty to timely update the [R.I. Local Rule 2016\(b\)](#) statement, as prescribed by [Fed. R. Bank. P. 2016\(b\)](#), if additional fees are incurred after the initial filing of the statement.

(b) Sanctions for Noncompliance. Failure to comply with this rule may result in the sua sponte entry of an order for the disgorgement and/or denial of all fees.

RULE 2017-1 DEBTOR'S TRANSACTIONS WITH DEBTOR'S ATTORNEY

[Amended 4/1/14]

(a) Payment or Transfer of Funds to Attorney Before Order for Relief. In addition to those instances when required under the Bankruptcy Code and Rules, a fee application conforming to the standards set forth in [R.I. LBR 2016-1](#) shall be filed:

(1) within twenty-one (21) days of any order requesting it for document preparers; and

(2) within sixty (60) days after the section 341 meeting is held for a Chapter 13 debtor, when the filer has charged a fee that exceeds the amounts listed on [Appendix III](#).

(b) Payment or Transfer of Funds to Attorney After Order for Relief. A fee application conforming to the standards set forth in LBR 2016-1 shall be filed within the time ordered by the court whenever a Chapter 13 attorney seeks a fee in excess of the amounts listed in Appendix III.

(c) The Court may order disgorgement of all fees and any other appropriate sanction for the failure to timely comply with the requirements of this LBR.

RULE 2083-1 CHAPTER 13 - GENERAL

[Amended 12/1/09]

Duty to File Chapter 13 Agreement. Contemporaneous with the filing of a Chapter 13 case, or within 14 days thereafter, the debtor and counsel shall complete and file [R.I. Local Form 2083-1.1](#) with the Court. Failure to timely file Local Form 2083-1.1 will result in the automatic issuance of an Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance.

RULE 2090-2 DISCIPLINARY PROCEEDINGS

[Amended 12/1/15]

(a) An attorney who appears for any purpose in any case or proceeding submits himself or herself to the Court's disciplinary jurisdiction and shall be held to the standards of professional conduct set forth in [Local Rule Gen 208 of the United States District Court for the District of Rhode Island \(the "District Court"\)](#).

(b) In any matter in which a bankruptcy judge has reasonable cause to believe that an attorney has committed a violation of any Rules of Professional Conduct as set forth in District Court Local Rule Gen 208, the bankruptcy judge will refer the attorney for disciplinary proceedings to the District Court pursuant to [District Court Local Rule Gen 210](#) and to any state or other applicable disciplinary authority. In connection with any such referral, the bankruptcy judge may recommend expedited interim action by the District Court and any state or other applicable disciplinary authorities if in the opinion of the bankruptcy judge such action is necessary to avoid an imminent risk of harm to the public.

(c) Upon the filing of any motion or complaint by the United States Trustee alleging that an attorney has committed a violation of 11 U.S.C. § 526, 527 or 528, or any Rules of Professional Conduct as set forth in District Court Local Rule Gen 208, copies of the motion or complaint and the responsive pleading thereto will, pursuant to District Court Local Rule Gen 203(b), be forwarded by the Bankruptcy Clerk to the District Court Clerk.

Local Rules - 3000's

RULE 3001-1 TRANSFER OF CLAIM

(a) Content of Notice - All Notice of Transfer of Claims must be filed using [Official Form B2100](#), or one that substantially complies. Failure to comply will result in the transfer being deemed defective and stricken from the record.

(b) Transfers of Claim other than for Security pursuant to [Fed. R. Bankr. P. 3001\(e\)\(1\)](#) - Before the filing of a proof of claim, no evidence of transfer of claim is required. If such a transfer of claim is filed under this section of the rule, it will remain on the docket and no further court action will be taken.

(c) Transfer of Claim for Security pursuant to Fed. R. Bankr. P. 3001(e)(3) - Before the filing of a proof of claim, no evidence of transfer of claim is required. If such a transfer is filed under this section of the rule, it will remain on the docket and no further court action will be taken. If either the transferor or the transferee files a proof of claim, the filer of the claim shall make a notation on the claim form that it has been transferred for security and immediately notify the other party by mail of their right to join in the filed claim.

RULE 3002-1 FILING , AMENDING, PROOF OF CLAIM OR INTEREST

[Amended 9/16/2020]

(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 [Fed. R. Bankr. P. 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 Bankruptcy Rule 3002.1](#) Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence - 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 Fed. R. Bankr. P. 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 Fed. R. Bankr. P. 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 3003-1 CHAPTER 11 CLAIMS BAR DATE

Unless otherwise ordered by the Court, proofs of claim in chapter 11 cases must be filed on or before sixty (60) days from the date first set for the Section 341 meeting of creditors, or for governmental units, within the time provided in [11 U.S.C. § 502\(b\)\(9\)](#).

RULE 3007-1 CLAIMS - OBJECTIONS

[Amended 12/1/16]

(a) When to File: In Chapter 13 cases only, objections to claims shall be served and filed with the Court within sixty (60) days after confirmation of the plan or the deadline for filing proofs of claim, whichever is later, or within sixty (60) days after the filing of a late filed proof of claim or within such additional time as the Court may allow upon the filing of a motion to extend time and for good cause shown. Any claim to which a timely objection is not filed shall be deemed allowed and shall be paid by the Chapter 13 trustee in accordance with the provisions of the confirmed plan. The Court, in its discretion, may disallow an untimely objection to a proof of claim.

(b) Response Time Required on All Objections to Claim: An objection to a claim(s) shall contain the following notice, which shall appear below the signature block of the objecting party, or otherwise be conspicuously set forth within the objection:

NOTICE OF TIME TO RESPOND/OBJECT

Within fourteen (14) days if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006 if you were served by mail or other excepted means specified, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this 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 within the time allowed herein, 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. If you timely file such a response, you will be given thirty (30) days notice of the hearing date for this objection.

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. (Moved to (b)(4)) All petitions for unclaimed funds must comply with the provisions listed below;

U.S. Bankruptcy Court, District of Rhode Island - Local Rules

(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) (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 3015-1 CHAPTER 13 PLAN

[Amended 12/1/17]

(a) Form of Plan. For all cases filed on or after December 1, 2017, the Chapter 13 plan [initial and amended] shall conform to [RI Local Form 3015-1.1](#) (amended 12.1.17),

(b) Filing the Chapter 13 Plan and Service of Plan on all Creditors and Interested Parties. The debtor's attorney, or the debtor, if pro se, must, in addition to the time requirements for filing the Chapter 13 Plan with the court pursuant to [Fed. R. Bankr. P. 3015 \(b\)](#), must also serve a copy of the proposed Chapter 13 plan on the Chapter 13 trustee, all creditors and all interested parties within twenty-four (24) hours of its filing with the Court. A certificate of service evidencing compliance with this rule shall be filed with the Court within fourteen (14) days thereafter.

(c) Modification of Secured Claim. A debtor who, proposes to modify a secured claim pursuant to [11 U.S.C. 506](#) shall do so as part of the Chapter 13 plan, or by the filing of an adversary proceeding.

(1) Service of the Plan where Secured Claims are being modified. If the chapter 13 plan includes a motion to modify a secured claim, the Plan shall be served in accordance with the requirements of [R.I. LBR 9013-3\(b\)\(1\)](#). The plan shall be accompanied by a certificate of service filed in accordance with the requirements of R.I. LBR 9013-3(d) and (e).

(2) Response. Any party objecting to the original chapter 13 plan, including any motions contained therein, must file an opposition to the plan and/or motion(s) no later than seven (7) days before the hearing on confirmation.

(3) Supplemental Schedules I and J. In conjunction with any motion to modify secured claim, the Debtor shall file Supplemental Schedules I and J no later than seven (7) days prior to the confirmation hearing date if the Debtor's income and/or expenses as listed in their originally filed or amended Schedules I and/or J will change if said motion is allowed.

(4) Service of a proposed order regarding modification of a secured claim filed on completion of a Chapter 13 Plan. On completion of a chapter 13 plan, any proposed order regarding a secured claim modified by the plan, including one seeking a

declaration that the lien of the secured creditor is voided in accordance with the plan provisions, shall be served in accordance with the requirements of R.I. LBR 9013-3(b)(1) and shall be accompanied by a certificate of service filed in accordance with the requirements of R.I. LBR 9013-3(d) and (e).

RULE 3015-2 CHAPTER 13 - AMENDMENTS TO PLANS

[Amended 12/1/17]

(a) Form of Amended Plan. If the debtor proposes to amend its original plan, it shall use [R.I. Local Form 3015-1.1](#) and select the "amended" checkbox on the top center of the first page *and* fill out the box on the top right, listing the sections of the plan that have been changed. All other sections of the Plan that remain unchanged must also be completed.

(b) Timing of Filing.

(1) Amended Plan Filed Prior to Confirmation.

(A) That *Does Not* Adversely Affect Creditors.

(i) Content of the Amended Plan. Amendments to a plan which do not adversely affect creditors may be made prior to confirmation by filing an amended plan conforming to [R.I. Local Form 3015-1.1](#). Those sections of the amended plan, including any motions contained therein, that are modified from the previous plan shall be clearly identified.

(ii) Service. The amended plan shall be served on the Chapter 13 trustee and on any party who has entered an appearance in the case or requested notice in the case, as well as satisfying the service requirements contained in R.I. LBR 9013-3(b)(1) and (2), to the extent applicable. The amended plan shall be accompanied by a certificate of service filed in accordance with the requirements of R.I. LBR 9013-3(d) and (e).

(iii) Objections. Objections to the amended plan, including any motions contained therein, must be filed at least seven (7) days prior to the confirmation hearing date.

(B) That *Does* Adversely Affect Creditors.

(i) Content of the Amended Plan. Where an amendment to a plan, including any motions contained therein, adversely affects creditors, the debtor shall file with the Court an amended plan which conforms to [R.I. Local Form 3015-1.1](#) and those sections of the amended plan, including

any motions contained therein, that are modified from the previous plan shall be clearly identified. The terms of the original filed plan remain in effect except as otherwise set forth on the most recently amended plan.

(ii) Service. The debtor shall serve a copy of the amended plan including any motions contained therein, on the Chapter 13 trustee, all creditors (unless the claims bar date has passed and then only on creditors who have filed claims or have filed an extension of time to file claims pursuant to R.I. LBR 2002-1(d)) and any party who has entered an appearance in the case or requested notice in the case, as well as satisfying the service requirements contained in R.I. LBR 9013-3(b)(1) and (2), to the extent applicable. The amended plan shall be accompanied by a certificate of service filed in accordance with the requirements of R.I. LBR 9013-3(d) and (e). The Debtor is not required to re-serve the initial Plan required to be attached under subpart (i) above.

(iii) Objections and Effect on Confirmation Hearing Date. If the confirmation hearing is scheduled to occur earlier than thirty-five (35) days from the filing of the amended plan, said hearing shall be continued to the next available hearing date assigned by the Clerk's office, which shall allow for at least thirty-five (35) days notice to creditors. Any objections to the amended plan, including any motions contained therein, must be filed at least seven (7) days before the confirmation hearing date.

(2) Amendments to Plan After Confirmation.

(A) Motion to Amend Plan Required. A debtor who seeks to amend a Chapter 13 plan after confirmation shall do so by filing a motion to amend the plan, including any motions contained therein, with a copy of the proposed amended plan, conforming to [R.I. Local Form 3015-1.1](#), attached. The motion to amend shall include a summary and statement of the reason for the amendment and those parts of the amended plan, including any motions contained therein, that are changed from the previous plan shall be clearly identified.

(B) Supplemental Schedules I and J Required. In conjunction with the motion to amend, the Debtor shall file Supplemental [Schedules I and J](#) if plan payments are changing under the terms of the amended plan. The Chapter 13 trustee, in his or her discretion, may schedule a new Section 341 meeting with respect to the amended plan.

(C) Service. The debtor shall serve a copy of the motion, amended plan and Supplemental Schedules I and J (if applicable) on the Chapter 13 trustee, all creditors (unless the claims bar date has passed, and then only on creditors who

have filed claims or have filed an extension of time to file claims pursuant to [R.I. LBR 2002-1\(d\)](#), and any party who has entered an appearance in the case or requested notice in the case, as well as satisfying the service requirements contained in [R.I. LBR 9013-3\(b\)\(1\)](#) and (2), to the extent applicable. All documents referenced herein shall be accompanied by a certificate of service filed in accordance with the requirements of [R.I. LBR 9013-3\(d\)](#) and (e).

(D) Objections and Hearing. Approval of a motion to amend plan after confirmation of a prior plan may be granted without a hearing if no objections are timely filed. Objections to an Amended Plan, including any motions contained therein, shall be filed no later than twenty-one (21) days from the date of service of the motion to amend. If a party in interest files a timely objection to the motion, the Court shall set the motion to amend and any objections thereto for hearing.

(E) Effect of Confirmation Order. The original order confirming the debtor's plan remains effective in all respects except as it is modified by the amended plan approved post-confirmation by the Court, unless a new confirmation order is deemed necessary.

RULE 3015-3 CHAPTER 13 — Confirmation

[Amended 9/16/2020]

(a) Pre-Confirmation Conference with Chapter 13 Trustee. At least forty-eight (48) hours prior to the hearing on confirmation, the debtor's attorney, the debtor, if pro se, and any objector to the Chapter 13 plan are required to confer with the Chapter 13 trustee regarding the proposed plan, its feasibility and permissibility, and any objections to the proposed plan.

(b) Objections to Confirmation.

(1) Deadline for filing. Any objections to confirmation of a Chapter 13 plan shall be filed no later than seven (7) days before the hearing date on confirmation.

(2) Service of objections. An objection to confirmation shall be filed with the Court and served on the Chapter 13 trustee, the debtor, the debtor's attorney, and any other party or attorney who has filed an appearance and requested service of pleadings. The objection shall be accompanied by a certificate of service evidencing compliance with this requirement.

(c) Scope of the Confirmation Hearing.

(1) Matters for Consideration. At the hearing on confirmation of a Chapter 13 plan, the Court will consider all motions filed as part of the Chapter 13 plan [motion to modify secured claim(s), motion to avoid lien(s), and motion to assume or reject lease (s)]. In addition, the Court may consider any objections to claims, motions filed pursuant to [Fed. R. Bankr. P. 4003](#), any applications for professional fees, and any timely filed objections to confirmation of the debtor's plan.

(2) Trustee's Recommendation. Any recommendation by the Chapter 13 Trustee that the plan under consideration be confirmed shall be made only after determining that all requirements for confirmation under [11 U.S.C. § 1325](#) have been satisfied.

(d) Order Confirming Chapter 13 Plan. **R.I. Local Form 3015-3.1** shall serve as the form of order for all Chapter 13 confirmations, with such modifications thereof as appropriate. The Chapter 13 trustee is responsible for preparation of the proposed order confirming the plan. Service and submission of the proposed order shall be in accordance with [R.I. LBR 9072-1 \(b\)](#).

(e) Confirmation of Plan Denied. If confirmation is denied, the Court may enter an order dismissing the Chapter 13 case, unless, within fourteen (14) days after entry of the order denying confirmation:

- (1) The debtor files an amended plan;
- (2) The debtor moves to convert the case to one under another chapter of the Code;
- (3) The debtor files a motion for reconsideration;
- (4) The debtor appeals the order denying confirmation; or
- (5) The debtor requests timely relief under R.I. LBR 1017-2(b); or
- (6) Court otherwise orders.

(f) Completion of Plan. Upon completion of the debtor(s)' confirmed plan and in compliance with [11 U.S.C. § 1328\(a\)](#), the Chapter 13 Trustee's Final Report shall clearly state either:

- (1) That there were no domestic support obligations due to be paid by the debtor, or;
- (2) That there were domestic support obligations due to be paid by the debtor and those obligations are current, or;
- (3) That there were domestic support obligations owed by the debtor, that the trustee is unable to determine if they are current and the debtor has not applied for a waiver under this statute. If the trustee is unable to determine if these obligations are current, the court shall issue a Notice of Intent to Close the Case Without a Discharge unless, within fourteen (14) days, the debtor files documentation with the Chapter 13 Trustee that all domestic obligations are current and the Chapter 13 Trustee so notifies the court.

RULE 3016-1 CHAPTER 11 - PLAN

[Amended 2/19/2020]

(a) Subchapter V Cases. 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.

RULE 3016-2 DISCLOSURE STATEMENT GENERAL

[Amended 9/9/13]

Modification or Amendments to Filed Disclosure Statement and/or Plan. Any amendments to a chapter 9 or 11 plan and/or disclosure statement shall be incorporated into the original of such documents and the revised document must be filed with the Court in its entirety identified as the "First, Second, (etc.) Amended." All amendments shall be highlighted by underlining, bold type, or other conspicuous means to underscore and identify the amendment to the initially filed document. Amended document(s) containing the highlighted modifications (by underline or asterisk) to the original document(s) and one original of the amended document(s) without highlighting of the modifications must be filed.

**RULE 3017-1 CHAPTER 9 AND 11 DISCLOSURE STATEMENT
APPROVAL**

[Amended 2/19/2020]

(a) Transmission of Notices Regarding Disclosure Statement. After approval of the disclosure statement, as applicable, the proponent of the plan under chapters 9 or 11 shall transmit all notices and documents required by [Fed. R. Bankr. P. 3017](#). The proponent shall obtain the appropriate notice(s) as required by [Fed. R. Bankr. P. 3017](#) from the Clerk of Court, and transmit the same, with any other documents required to be sent in accordance with said Bankruptcy Rule, to all creditors and equity security holders entitled to vote on the plan, and to all other parties as required by said Bankruptcy Rule.

RULE 3018-1 BALLOTS VOTING ON CHAPTER 9 AND 11 PLANS

[Amended 2/19/2020]

(a) **Ballot Form.** Official Form 314, *Class [] Ballot for Accepting or Rejecting Plan of Reorganization*, shall be used by the proponent of the plan for voting purposes.

(b) **Certification of Ballots.** At least seven (7) days prior to the hearing on confirmation, the proponent of the plan shall certify the number of allowed claims in each class accepting or rejecting the plan and the amount of allowed interests in each class accepting or rejecting the plan. Such certification shall be in the form provided as [R.I. Local Form 3018-1.1](#). The certification shall be filed with the Clerk, and a copy provided to all creditors holding secured claims

RULE 3018-2 ACCEPTANCE/REJECTION OF CHAPTER 9 AND 11 PLANS

[Amended 12/1/09]

Any claimant requesting a hearing to temporarily allow the claim or interest in an amount which the Court deems proper for the purpose of accepting or rejecting a plan shall make such a motion in writing, and filed with the completed ballot, at least fourteen (14) days prior to confirmation. Such motions shall be heard at the confirmation hearing, unless otherwise ordered.

**RULE 3019-1 AMENDMENTS TO CHAPTER 9 AND 11 PLANS AFTER
ACCEPTANCE BUT PRIOR TO CONFIRMATION**

A plan proponent seeking to amend a chapter 9 or 11 plan after acceptance but prior to confirmation shall conform to [R.I. LBR 3016-2.](#)

RULE 3020-1 CHAPTER 9 AND 11 CONFIRMATION

[Amended 2/19/2020]

(a) Documents Required Seven Days Prior to Confirmation Hearing Except in Subchapter V Cases. Not less than seven (7) days prior to the hearing on confirmation, the plan proponent shall provide the following to the Court, the local office of the United States trustee, and any other party specified by the Court:

- (1) A proposed order of distribution in substantially the same form as [R.I. Local Form 3020-1.1](#), shall be filed with the Court and copies served on the local office of the United States trustee, any committee appointed and serving in the case under [11 U.S.C. § 1102](#) and on the Debtor and counsel (if not the plan proponent). Additionally, the plan proponent shall either serve a copy of the proposed order of distribution ([R.I. Local Form 3020-1.1](#)), or a "Notice of Filing of Proposed Order of Distribution" in substantially the same form as [R.I. Local Form 3020-1.2](#) on all creditors, at least fourteen (14) days before the hearing on confirmation. A certificate of service evidencing compliance with this LBR shall be filed with the Clerk;
- (2) A fully completed chapter 9 or 11 confirmation worksheet and certification in substantially the same form as [R.I. Local Form 3020-1.3](#);
- (3) A certification that: the approved disclosure statement, the latest amended plan, the order approving disclosure statement, and ballots for acceptances or rejections were mailed to all creditors at least twenty-eight (28) days prior to the date set for the hearing on confirmation, or the date set by the Court;
- (4) A proposed order including proposed findings of fact regarding confirmation of the plan in substantially the same form as [R.I. Local Form 3020-1.4](#);
- (5) A certification of compliance with the requirements of [11 U.S.C. § 1129](#), or in the alternative, evidence of such compliance at the hearing; and
- (6) Any other documents necessary for plan confirmation.

(b) Documents Required Seven Days Prior to Confirmation Hearing in Subchapter V Cases. Not less than seven (7) days prior to the hearing on confirmation, the debtor shall provide the following to the Court, the local office of the United States trustee, and any other party specified by the Court:

(1) A proposed order of confirmation of the plan in substantially the same form as [R.I. Local Form 3020-1.5](#);

(2) A certification of compliance with the requirements of [11 U.S.C. § 1191](#), or in the alternative, evidence of such compliance at the hearing; and

(3) Any other documents necessary for plan confirmation.

(c) Proof of Deposit Due Seven Days Prior to Confirmation Hearing, if Applicable. Proof of deposit shall be filed with the Clerk of Court at least seven (7) days prior to the hearing on confirmation, if applicable. A copy of the bank statement showing the amount on deposit in accordance with Fed. R. Bankr. P. 3020(a) is required. The amount of the deposit must be equal to the initial distribution for all classes on the effective date of the plan. Any party waiving payment from funds on deposit must file a written waiver within the time indicated herein.

(d) Failure to timely file the documents set forth in subdivisions (a) and (b) of this LBR may result in the vacating of the hearing on confirmation, and it will be the responsibility of the plan proponent to notify all creditors and interested parties thereof.

**RULE 3022-1 FINAL REPORT/DECREE; NOT APPLICABLE TO
SUBCHAPTER V CASES UNDER CHAPTER 11**

[Amended 2/19/2020]

(a) Six Month Deadline. Pursuant to 11 U.S.C. § 1106 and [Fed. R. Bank. P. 3022](#), within six months of the entry of the order of confirmation, or, if sooner, upon the substantial consummation of the plan of reorganization and full administration of the estate, the proponent of the plan shall file with the Clerk of Court, and serve upon all interested parties, a final report and request for final decree in substantially the same form as [R.I. Local Form 3022-1.1](#).

(b) Requirements of Final Report. The final report must:

- (1) identify all payments to creditors, interest holders, expenses of administration and issuance of stock under the plan;
- (2) state that the plan has been fully or substantially consummated and that the estate is fully administered; and
- (3) request entry of a final decree.

(c) Status Report in Lieu of Final Report. If after the expiration of six (6) months the plan proponent does not believe the plan has been substantially consummated, a status report must be filed with the Court and served on interested parties to inform them of:

- (1) the progress and current status of the plan;
- (2) why the filing of the final report and request for final decree cannot be made at this time; and
- (3) the date that the final report and request for final decree will be or is anticipated to be filed.

(d) Discharge of Individual Chapter 11 Debtors. After the last plan payment has been made in an individual case, the debtor shall file a motion for entry of discharge, in substantially the same form [R.I. Local Form 3022-1.2](#) and an application for final decree and final report, in substantially the same form as [R.I. Local Form 3022-1.1](#).

Local Rules - 4000's

RULE 4001-1 RELIEF FROM AUTOMATIC STAY

[Amended 12/1/17]

(a) Permitted Activities: The automatic stay provided in [11 U.S.C. § 362\(a\)](#) is interpreted in bankruptcy cases as permitting the following:

Affected secured creditors may, and their agents, may, without violating the automatic stay:

- (1)** Contact the debtor IN WRITING, with a copy to debtor's counsel about the status of insurance coverage, tax payments, municipal charges on property used as collateral, in addition to sending written correspondence, such as; statements, payment coupons, and other similar correspondence that the creditor typically sends to its non-debtor customers. If the debtor is making direct payments to the creditor, the lender may contact the debtor IN WRITING, with a copy to debtor's counsel about payment defaults; and
- (2)** Discuss and/or negotiate with a debtor regarding a proposed modification of the terms of any secured indebtedness, EXCEPT that all such negotiations and/or discussions shall be conducted through counsel for the debtor, if the debtor is represented by counsel and such counsel has not, in writing, granted permission of such direct communication by creditor representatives with the debtor.
- (3)** Participation by debtors and mortgagees in any state or locally legislated foreclosure meditation program does not violate the automatic stay against the debtor under [11 U.S.C. § 362\(a\)](#). Therefore, parties are not required to first seek relief from the automatic stay to participate in such programs.
- (4)** The secured creditor shall terminate any of the foregoing communications immediately upon receipt of written notice from the debtor or debtor's counsel requesting that such contacts cease.

(b) Motion.

- (1)** A party seeking relief from the automatic stay provided by 11 U.S.C. § 362(a) shall file, in accordance with [Fed. R. Bankr. P. 9014](#), a motion specifically setting forth

the basis for such relief. In addition to the motion, in cases filed by individuals concerning real property where a Chapter 13 debtor has not indicated in their Chapter 13 plan, an intent to surrender the property, the moving party shall include, as an attachment to either the motion or memorandum, a completed copy of [R.I. Local Form 4001-1.1](#), Relief from Stay Worksheet Real Estate, as well as the required attachments to the motion as specified on Form 4001-1.1. R.I. Local Form 4001-1.1 is not required in Chapter 7 cases, unless the debtor, or the Court, specifically request the filing of the form. If applicable, the motion for relief from stay must contain a conspicuous statement indicating the debtor's intent to surrender the property and must contain a statement as to the date and amount of the last payment on the subject property.

(2) Codebtor Stay: A party may not combine a motion for relief from stay with a motion for relief from stay against a codebtor; a separate motion is required. In addition to service on the codebtor, any motion for relief from the stay against a codebtor must also be served upon the debtor, debtor's counsel, if any, and the case trustee. See [R.I. LBR 1005-1\(d\)\(2\)\(L\)](#) for the applicable response time to be included on such motions.

(c) Service. All documents filed pursuant to this rule shall be served in accordance with [Fed. R. Bankr.P. 4001\(a\)](#) and [9006\(d\)-\(f\)](#) upon all parties who have filed appearances and requested service of all notices and pleadings. Additionally, any party filing a motion for relief from the automatic stay shall serve copies of the motion on the following parties:

- (1) the debtor;
- (2) debtor's counsel;
- (3) the trustee if one has been appointed;
- (4) any official committee appointed and serving in the case under [11 U.S.C. §1102](#);
- (5) all parties with liens of record or any other party known to the movant claiming a lien in the property;
- (6) parties requesting notice;
- (7) in a Chapter 11 case, the local office of the United States trustee;

(d) Response. A party objecting to a motion for relief from the automatic stay must file an opposition to the motion within fourteen (14) days, if served electronically, or seventeen (17) days if you were served as provided in [Fed. R. Bankr. P. 9006\(f\)](#) or other excepted means specified. If the motion is scheduled for an expedited hearing before the expiration of the

fourteen (14) day period, then the opposition shall be filed within 24 hours of the expedited hearing.

(e) Disposition Without a Hearing. In the absence of a timely filed opposition and upon evidence of proper service, the Court, pursuant to [R.I. LBR 9013-2](#), without a hearing, may allow or deny the motion after the expiration of the opposition period set forth in section (d). The Court may deny a motion for relief from stay without a hearing if the moving party fails to comply with section (b) and (c) above.

(f) Position of Estate Representative. If the estate representative fails to file a response within the time prescribed in section (d), then the estate representative shall be deemed to have assented to the motion.

(g) Hearing. Upon the expiration of the response deadline set forth in paragraph (d), and if the matter is contested, the Court will notify the parties of a hearing date within the time prescribed by [11 U.S.C. § 362\(e\)](#). A preliminary hearing on a motion for relief from the automatic stay will be a consolidated preliminary and final nonevidentiary hearing unless at the conclusion of the preliminary hearing the Court schedules a final evidentiary or nonevidentiary hearing. If the Court schedules a final evidentiary hearing, the parties shall file a Joint Pre-Trial Statement in accordance with the requirements of section (i) below, three (3) business days before the final evidentiary hearing date.

(h) Motions to Continue the Consolidated Preliminary Hearing. Whenever a party seeks to continue the consolidated preliminary hearing beyond the time prescribed in 11 U.S.C. § 362(e), the movant must obtain and include an affirmation in the motion that creditor consents to the extension of the time limit set forth in 11 U.S.C. § 362(e).

(i) Joint Pretrial Statement:

(1) Filing Requirement. In all cases where a joint pretrial statement is due prior to the final evidentiary hearing, the movant shall deliver by hand, mail, facsimile, or other agreed upon electronic means, a draft of the joint pre-trial statement, in compliance with [R.I. LBR 9014-1](#), and in the form of R.I. Local Form 9014-1.1, to the respondent within seven (7) days of the conclusion of the preliminary hearing. The respondent shall then submit to the movant, by hand, mail, facsimile, or other agreed upon electronic means, any comments or revisions within three (3) business days in order to finalize the document. The joint pretrial statement must be filed with the Court no less than three (3) business days prior to the date set for the final evidentiary hearing.

(2) Content. If "adequate protection" is at issue, the respondent shall explain the character of any adequate protection offered in lieu of relief from stay. If the issue of whether the property is necessary to an effective reorganization is in dispute, the debtor

must affirmatively state whether a reorganization plan is in prospect and, to the extent possible, provide a summary of the plan expected to be filed.

(3) Failure to File. If the movant fails to timely file the joint pretrial statement with the Court, the motion for relief from stay will be denied without prejudice and the matter will be removed from the calendar. A new motion for relief and filing fee will be required to reinstate the matter. If either party fails to perform timely under these local rules, any aggrieved party may file a motion to adjudge the other party in default in accordance with R.I. [LBR 9014-1](#).

(j) Setoff of Prepetition Tax Obligations. The Internal Revenue Service is granted relief from stay in individual Chapter 7, 11 and 13 cases for the limited purpose of offsetting refunds for prepetition years against prepetition tax indebtedness. The IRS shall amend its claims to reflect any such offset. In addition, nothing in this rule shall prejudice or limit the right of any party to object to a refund or offset of such refund as described herein or to any claim filed by the Internal Revenue Service.

RULE 4001-2 USE OF CASH COLLATERAL, OBTAINING CREDIT AND STIPULATIONS RELATING TO SAME

[Amended 9/9/13]

(a) Motion. A motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to the same must comply with and include the information required by Fed. R. Bankr. P. 4001(b), (c) and (d), respectively. In addition, the movant shall set forth the following information in any motion for use of cash collateral, for authority to obtain credit, or a stipulation regarding same: the total dollar amount of the funds requested to be used, the debtor's proposed budget for the use of the funds, the economic terms of such use of funds, including but not limited to the interest rates and fees, maturity date, termination and default provisions, disclosure by the debtor as to whether the debtor believes that the budget will be adequate to pay all administrative expenses due and payable during the period covered by the proposed budget, the amount of debt asserted to be owed to any creditor claiming an interest in the collateral, the debtor's assessment of the value of the collateral which secures the creditor's asserted interest, any proposal for providing adequate protection, including any priority or super priority provisions or liens to be granted to the creditor, including the effect thereof on existing liens of any creditor, any "carve out" provisions pertaining to any liens or super priorities, and any choice of law provision. If the debtor seeks authority to use cash collateral or to obtain credit on an emergency or expedited basis, the debtor shall state the nature of the emergency for expedited determination.

(b) Service. Any motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to the same (as well as any proposed orders for which entry is sought) shall be served by the movant on:

- (1)** any entity claiming an interest in the cash collateral and their attorneys, if known;
- (2)** the trustee if one has been appointed;
- (3)** any official committee appointed and serving in the case under [11 U.S.C. §1102](#); or if none, on the twenty largest unsecured creditors,
- (4)** the local office of the United States trustee.
- (5)** any taxing authority that has a claim against the debtor, and
- (6)** any parties who have filed a request for service of all pleadings and notices.

(c) Responses. Unless a shorter period is ordered by the Court, interested parties must file all objections and responses to any motions seeking use of cash collateral within seven (7) days from the date of service.

(d) Preliminary and Final Orders; Notice

(1) A single motion may be filed seeking entry of an interim and final order authorizing use of cash collateral or a borrowing or approving a stipulation relating to same. The motion shall be accompanied by any proposed order for which entry is sought. Notice of the motion and any notice of any hearing shall be served on the United States Trustee, as well as those parties required by Fed. R. Bankr. P. 4001(b)(1) and (c)(1).

(2) The Court may enter an Interim Preliminary Order authorizing use of cash collateral or borrowing, or a stipulation relating to same only to the extent necessary to avoid immediate and irreparable harm to the estate pending a final hearing. Any provision of an Interim Preliminary Order may be reconsidered at the Final Hearing. Provisions in an Interim Preliminary Order shall not be binding on the Court with respect to the provisions of the Final Order, except that a lender: (a) will be afforded the benefits and protections of the Interim Preliminary Order for funds advanced during the term of the Interim Preliminary Order, and (b) will not be required to advance funds under a Final Order which contains provisions contrary to or inconsistent with the Interim Preliminary Order.

(3) A final hearing on a motion authorizing use of cash collateral or a borrowing, or a stipulation relating to same shall not be held earlier than fourteen (14) days after service of the notice of hearing.

(e) Service of Order. After the debtor obtains an order from the Court allowing use of cash collateral, or authority to obtain credit or a stipulation relating to same, the debtor shall serve copies of the order on all parties entitled to notice under subdivision (b) above, the twenty largest unsecured creditors, and any other party requesting notice.

RULE 4001-3 OBTAINING CREDIT

[Amended 12/1/19]

(a) Borrowing or 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 4001-4 AUTOMATIC STAY OF EVICTION PROCEEDINGS IN WHICH LESSOR HAS OBTAINED JUDGMENT OR POSSESSION PRIOR TO DATE OF FILING

[Amended 12/1/15]

(a) Required Certification by Debtor. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as codified in [11 U.S.C. §§ 362\(b\)\(22\)](#) and 362(l), creates certain rights and obligations with respect to the cure of a monetary default giving rise to a pre-petition judgment of possession regarding residential property in which the debtor resides as a tenant under a lease or rental agreement. The debtor shall be deemed to have complied with 11 U.S.C. § 362(l)(1) by:

(1) Making the required certification by completing Official Form 101A, Initial Statement About An Eviction Judgment Against You, including the landlord's name and address; and

(2) Delivering to the Clerk, together with the petition (or within one business day of the filing, if the petition is filed electronically) a certified or cashier's check or money order, made payable to the lessor, in the amount of any rent that would become due during the 30 day period after the filing of the petition.

(b) If the debtor complies with the preceding paragraph, the Clerk of the Court shall, within one (1) business day, send notice of compliance to the lessor who shall then have the option, exercisable within fourteen (14) days of the date of the notice:

(1) to consent to receive the check in which event the lessor shall provide payment instructions; or

(2) object to the debtor's certification, which objection shall constitute a request for a hearing.

If the lessor does not respond within the fourteen (14) day deadline, the lessor shall be deemed to have consented to receive the check, and the Clerk shall send the check to the lessor at the address set forth in the debtor's certification.

RULE 4002-1 DEBTOR - DUTIES

In addition to any other duties imposed upon the debtor or its counsel under the Bankruptcy Code, Rules, these LBRs, or any other applicable law, the debtor shall have the following duties:

- (a) Debtor, and debtor's officers and agents, if any, shall hold and manage debtor's assets as fiduciaries for the estate in strict compliance with orders of this Court and [Bankruptcy Code §§ 363](#) and [1108](#);
- (b) Debtor shall take all steps reasonably necessary to prevent any significant depletion of the assets of the estate during the pendency of the case and shall advise the Court immediately of any significant depletion or anticipated depletion of assets of the estate; and
- (c) If, at any time during the pendency of the case, the debtor becomes aware of facts indicating that the continued operation of its business is not in the best interest of the creditors or of the estate, the debtor and/or counsel shall immediately advise the Court.

RULE 4002-2 ADDRESS OF COUNSEL TO THE DEBTOR

[Amended 12/1/09]

Change of Attorney Address. Upon the filing of a change in an attorney's address, or other indicia of such a change, the Clerk's office shall forward a notice to the attorney requesting a designation of those cases that will *not* be noticed to the new address and said designation shall be filed with the Clerk within twenty-one (21) days thereafter. A copy of the notice will also be mailed to the attorney's former law firm, when applicable. A Notice of Substitute Counsel must be filed for all cases listed on the designation. *See* [R.I. Local Form 4002-2.1](#). Said notice must be signed by the withdrawing attorney as well as the new attorney of record. If the attorney fails to timely file the required designation, or the notice of substitute counsel, all cases in which the attorney is counsel of record will be noticed to the new address only.

RULE 4002-3 FEDERAL TAX RETURNS

(a) Request for Copy of Debtor's Post Tax Information. Parties in Interest who require the Debtor to file tax information with the Court must file a Request for Debtor to File Post Petition Tax Information using [R.I. Local Form 4002-3.1](#). The request must include a statement qualifying the movant as a party in interest, and must be served on the Debtor, Debtor's Attorney, Trustee and U.S. Trustee.

(b) Motion for Access to Tax Information. Pursuant to [11 U.S.C. § 521\(g\)\(2\)](#), Parties in Interest who wish to inspect and copy Debtor's tax returns must file a Motion for Access to Tax Information using [R.I. Local Form 4002-3.2](#). The motion must include a statement qualifying the movant as a party in interest, the reason the information cannot be obtained from any other source, and the method by which the movant will access the information. The motion must be served on the Debtor, Debtor's Attorney, Trustee and U.S. Trustee.

(c) Personal Data Identifiers. Pursuant to [R.I. LBR 9037-1](#), the debtor is solely responsible for redacting personal identifiers from tax information filed with the Court. Tax information filed with the Court will be subject to restricted access unless the Court orders otherwise.

(d) Confidentiality Regarding Tax Information. The movant is advised that the tax information obtained is confidential and secondary dissemination of the information to parties other than the movant's attorney is prohibited. The movant's attorney is identically restricted. Any improper use, disclosure or dissemination of the tax information may result in the imposition of sanctions.

(e) Pre-Petition Tax Information. Pre-petition tax information should not be filed with the Court, but should be forwarded directly to the Trustee pursuant to 11 [U.S.C. § 521\(e\)\(2\)\(A\)](#).

RULE 4003-1 EXEMPTIONS

[Amended 12/1/09]

(a) Specificity. A debtor's claim of exemptions shall be specific and shall, as to each item or category of items claimed as exempt, designate by title, section and subsection, the statutory basis for the claim. The schedules must disclose the debtor's exemption claims with meaningful particularity and the debtor must be prepared to provide detailed information regarding assets claimed as exempt at the meeting of creditors. In joint cases, exemptions claimed by each debtor shall be listed separately.

(b) Objections. An objection to an exemption(s) shall contain the notice language set forth in [R.I. LBR 1005-1\(d\)](#) with a fourteen day response time, and shall appear below the signature block of the objecting party, or otherwise be conspicuously set forth within the objection.

RULE 4003-2 LIEN AVOIDANCE

[Amended 4/1/14]

(a) Content of Motion. A motion to avoid a lien pursuant to [11 U.S.C. § 522\(f\)](#), other than one contained in a Chapter 13 plan, shall:

- (1) identify the holder of the judicial lien sought to be avoided;
- (2) state the principal amount of the lien as of the date of the filing of the bankruptcy petition, and the date the lien was obtained;
- (3) identify the property against which the lien is fixed, and the value of the debtor's interest in the property;
- (4) identify the holders of all other liens against the property, listing them in order of their priority, and state the amount of each such lien and the total amount of all liens against the property;
- (5) state whether debtor(s) previously avoided a lien against the property;
- (6) state whether the debtor(s) elected exemptions under 11 U.S.C. § 522(b)(2) or 11 U.S.C. § 522(b)(3);
- (7) identify the applicable statutory provision for the exemption claimed and the amount of the exemption that is allegedly impaired by the liens sought to be avoided;
- (8) provide the calculation under the formula set forth in 11 U.S.C. § 522(f)(2)(A); and
- (9) state whether the entire lien is voidable, or if the lien can only be partially avoided, the amount of the surviving lien.

(b) Service of Motion. The motion shall be served in accordance with the requirements of [R.I. LBR 9013-3\(b\)\(2\)](#). Movant shall file a certificate of service in accordance with [R.I. LBR 9013-3\(d\) and \(e\)](#).

RULE 4004-1 GRANT OR DENIAL OF DISCHARGE

[Amended 12/1/15]

(a) Requirement for Granting of Discharge. The Court shall not grant the debtor a discharge unless, prior to the expiration of the objection to discharge deadline, or any authorized extension thereof, the debtor files a certificate evidencing the completion of an approved financial management course ([Official Form 23](#)), or in a Chapter 13 case, no later than the last payment made by the debtor as required by the plan. If the Chapter 13 debtor owes domestic support obligations pursuant to [11 U.S.C. § 1328\(a\)](#):

(1) The Debtor shall certify to the Chapter 13 Trustee that any and all domestic support obligations are current; and

(2) The Chapter 13 Trustee shall certify to the Court that the Debtor has satisfied all domestic support obligations.

(b) Failure to File Financial Management Certificate ([Official Form B423](#)). If, after expiration of the objection to discharge deadline, or after the last payment required by the plan in a Chapter 13 case, or an individual Chapter 11 case, or any Court authorized extension thereof, the certificate is not filed, the case shall be automatically closed without the issuance of the discharge order, and a notice informing interested parties shall be issued in accordance with [Fed. R. Bankr. P. 4006](#).

(c) Procedure for Obtaining a Discharge in a Closed Case. If an individual bankruptcy case is closed without entry of a discharge due to failure of the debtor to timely file the Certification About a Financial Management Course ([Official Form B423](#)), to later obtain a discharge, the debtor must:

(1) File a Motion to Reopen the case;

(2) Pay the applicable re-opening fee; and

(3) File a certificate evidencing completion of the financial management course from an approved agency, or a Motion for Exemption, if applicable.

(d) Exception. The provision regarding completion of a financial management course shall not apply with respect to a debtor who is a person described in [11 U.S.C. § 109\(h\)\(4\)](#).

RULE 4008-1 REAFFIRMATION

[Amended 12/1/15]

(a) Mandatory Reaffirmation Agreement Form. In cases filed on or after December 1, 2015, the most current version of the Official Reaffirmation Agreement Cover Sheet and Director's Reaffirmation Agreement Form shall be used.

(b) Pro se Reaffirmation Agreements.

(1) Pro se debtors must complete a "Motion For Court Approval of Reaffirmation Agreement", unless the agreement concerns real estate, or the debtor is reaffirming a debt with a credit union. Failure to complete the "Motion For Court Approval" will result in the reaffirmation agreement being treated as defective, and if not cured within the deficiency period, will result in the agreement being stricken.

(c) Defective Reaffirmation Agreements. If a filed reaffirmation agreement is not in compliance with [11 U.S.C. § 524\(k\)](#), [Fed. R. Bankr. P. 4008](#), or these LBRs, the agreement will be stricken, and no further action will be taken.

(d) Reaffirmation agreement without Attorney Certification. In cases where debtor's counsel has not signed the Attorney Certification in the Agreement, a hearing will be conducted and debtor's counsel will be required to attend with the debtor.

Local Rules - 5000's

RULE 5001-2 CLERK'S OFFICE [Amended 12/1/2022]

(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 Self-Represented Parties in the Event of an Unexpected Court Closure During Normal Court Business Hours. In those rare instances when the Court is closed during normal business hours due to an unexpected event such as inclement weather or other type situation (not including weekends or holidays), self-represented parties may file new bankruptcy petitions and other papers such as motions, pleadings, notices, and other documents ("Court Filings") using:

(1) the procedures outlined in [Local Rule 5005-6](#), including use of the Court's Electronic Drop Box located on its website at www.rib.uscourts.gov, or

(2) by placing Court Filings in the physical drop box located on the 6th floor, 380 Westminster Street, Providence, RI. Contact the Clerk's Office before using this filing method.

☞ 12/1/22 This rule was amended to include the methods for emergency filings by self-represented parties. The rule is further amended to remove the requirements for using the Electronic Drop Box as this is now contained in New LR 5005-6 as a standard form of filing for self-represented parties.

☞ 2/11/21 Subdivision (c)(1) amends the requirements for self-represented parties to apply to use the Electronic Drop Box (EDB). When filing the Application and Declaration with the initial petition, the party must now attach a copy of their government issued photo ID as well as the completed Application for Access to the EDB. If the party has a prior pending case, only the completed Application and Declaration need be emailed to the Clerk. Once approved, all future

document submissions may be made directly in the EDB. Subdivision (c)(2) is replaced and now addresses the signature requirements for self-represented parties who have submitted an Application and Declaration to use the EDB. A hard copy of the Application and Declaration must be signed under oath and provided to the Clerk's office within 14 days of the original email, either by mail or deposited in the Court's physical drop box. Subdivision (c)(3) is replaced and the title changed to Signatures After the Approval of the Application and Declaration. This subdivision sets forth the signature requirements for all future submissions to the EDB when a signature is required to be under oath. The signature line must either include (a) an image of the filer's signature; or (b) an "/s/" with the filer's full name. Subdivision (c)(4) is amended to remove the reference to the Clerk stamping the original documents. Subdivision (c)(5) is amended to remove the reference to potential sanctions. The amendment specifies that submission of the signed Application and Declaration and use of the EDB link to submit case documents to the Clerk, has the same force and effect as physically signing a document and constitutes the filer's signature for the purpose of Fed. R. Bank. P 9011.

☞ 12/1/19 Subdivision (b) is amended to include an email address by which parties may file, for cause shown, emergency requests during non-public hours.

☞ 12/1/17 Amendment: Subdivision (c) is new and outlines the procedure for non-electronic filers to file documents by email in those rare instances when the Court may be closed on an otherwise normal business day.

RULE 5003-1 REQUEST FOR SEARCH OF COURT RECORDS

(a) A search of the court records and/or a certification of information in the official record will be made only upon written request, and upon prior payment of the applicable search fee. See Bankruptcy Court Miscellaneous Fee Schedule issued in accordance with [28 U.S.C. § 1930\(b\)](#).

(b) The Clerk is authorized to establish policy on the imposition of search fees in accordance with the Guidelines established by the Judicial Conference of the United States. The Clerk's Written Policy on Imposition of Search Fees is appended hereto as [Appendix IV](#).

RULE 5003-2 COURT PAPERS - REMOVAL OF

[Amended 9/9/13]

Review Procedures. Court files and other public records may be reviewed by the public during the official business hours of the clerk's office using court provided computers. Persons wishing to view a non-electronic file should contact the court to assure the file location. Case documents may be printed and the applicable miscellaneous fee will be charged. Alternatively, electronic access to court records is available on the Court's website through the Public Access to Court Electronic Records (PACER) service. To register for a PACER account, visit the PACER Service Center at <http://www.pacer.gov/register.html>

CROSS-REFERENCES

See R.I. LBR 5005-4(q) for public access to reviewing electronically filed documents.

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 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.

(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 pre-trial 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 5005-2 FILING OF PAPERS - CORPORATE DISCLOSURE
STATEMENT**

Statement Required. In this Court, any corporate (non-governmental) party to an action shall file a statement identifying all of its parent corporations and listing any publicly held company that owns 10% or more of said party's stock. A party shall file the statement with its initial pleading filed in the court and shall supplement the statement within a reasonable time of any change in the information.

RULE 5005-4 ELECTRONIC FILING [Amended 12/1/22]

(a) Requirement to File Cases and Documents Electronically.

(1) All cases filed after April 24, 2003 are part of the Court's Case Management/Electronic Case Filing (CM/ECF) System. Commencing on January 1, 2007, all petitions, motions, memoranda of law, or other pleadings and documents must be electronically filed except as expressly provided in section (c) below, or in circumstances where the Electronic Filer is prevented from filing electronically, i.e., CM/ECF System failure. "Electronic Filer" refers to those who have a court-issued log-in and password to file documents electronically. Filing of documents submitted, signed, or verified by electronic means must be consistent with technical standards established by the Judicial Conference of the United States and must comply with the within local rule and such other local rules as are applicable.

(2) The court encourages creditors without attorneys to become registered users with limited creditor filing privileges ("Limited Filer"), permitting them to electronically file notices of appearance, changes of address, requests for service of notices, proofs of claim and other documents related to proofs of claim (not including responses to objections to claims), reaffirmation agreements, chapter 11 ballots, and other papers as authorized by the court. In addition, without the necessity of becoming a registered user, any claimant or the claimant's agent may utilize the feature available on the court website for electronic submission of a proof of claim form, and the effect of such electronic submission shall be as provided under Section 5005-4(k) of this Rule.

(3) The court also encourages approved personal financial management course providers to file the certificate of course completion (often called a Certificate of Debtor Education) required by FRPB 1007(b)(7), electronically using the electronic financial management certificate filing program ([eFinCert](#)) available on the Court's website, instead of registering as a Limited Filer in the Court's ECF system. The effect of such electronic submission shall be as provided under Section 5005-4(k) of this Rule.

(b) Eligibility and Registration for Electronic Filing; Use of Passwords.

(1) **Eligibility.** Attorneys, United States trustees and their assistants, private trustees, and others as the Court deems appropriate, are entitled to one System password to enable the user or any support staff so authorized by the user to participate in the electronic retrieval and filing of documents within the System.

(2) Registration and Training.

(A) Registration and Training Requirements: All applicants must register electronically for a login and password. Training modules are required for those applicants who are not already a registered user in another Bankruptcy or Federal District Court.

(i) Eligible applicants must complete the online training modules, if applicable, and register electronically for a login and password once completed. The filer must also meet the minimum system requirements.

(ii) Non-attorneys who intend to use the system for the limited purpose of filing claims and related claim activity, request for notice, petition for unclaimed funds, reaffirmation agreement, and not requiring the appearance of counsel, may register online for a limited user login and password. Training modules are required for those applicants who are not already a registered user in another Bankruptcy or Federal District Court.

(iii) Electronic Registration is available on the Court's Internet web site (www.rib.uscourts.gov).

(iv) Applicants must have a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov>, or by calling the PACER Service Center at (800) 676-6856. PACER Access to the CM/ECF System will allow retrieval of the docket sheet and documents. PACER Access to the CM/ECF System will be on a "read only" basis.

(B) Training. After successful completion of the Court's training modules, or certification by the Clerk in circumstances where completion of the Court's training modules is not required, each Electronic Filer will receive a System password.

(C) Passwords; Unauthorized Use Prohibited.

(i) **Admission.** Admission to the System by receipt of a password from the Court constitutes a request for electronic service and notice pursuant to [Fed. R. Bankr. P. 9036](#). By receiving a password, Electronic Filers agree to accept notice and service by electronic means, and registration as an Electronic Filer constitutes: (a) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (b)

waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under [Fed. R. Bankr. P. 7004](#). Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under [Fed. R. Bankr. P. 9022](#).

(ii) Password. The password serves as the filer's signature. The password required to submit documents to the System serves as the Electronic Filer's original signature on all electronically filed documents. The password also serves as a signature for purposes of [Fed. R. Bankr. P. 9011](#), other Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before this Court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number, and the attorney's bar registration number and e-mail address. In addition, the name of the Electronic Filer under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

(iii) Unauthorized Use of Passwords. No Electronic Filer shall permit his/her password to be used by anyone other than himself/herself or an authorized employee. An Electronic Filer shall immediately notify the Clerk by telephone and e-mail if they learn that their password has been compromised. Electronic Filers may be subject to sanctions for failure to comply with this provision.

(iv) Revocation. The Court may revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for: (1) failure to comply with any provision of the agreement contained in the Electronic Filer's Registration Form; (2) failure to adequately protect his or her password; (3) failure to comply with the provisions of these Local Rules; (4) failure to pay fees required for documents filed electronically; (5) other misuse of the System; or (6) as a sanction ordered by the Court after notice and opportunity for hearing.

(c) Exemption/Withdrawal From Electronic Filing.

(1) Attorney Exemption. If filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the Court and shall contain a detailed explanation of the reason(s) for the request. However, prior to requesting an exemption, attorneys are urged to register for a login and password and attempt to file after taking the online training modules and to seek assistance from the Clerk's Office. Information regarding ECF training and support

may be obtained from the Clerk's Office and is also included on the Court's web site at: www.rib.uscourts.gov. Upon the issuance of an order to show cause, notice, and hearing, the Court may withdraw an exemption and require the attorney to file documents electronically.

(2) One Time Exemption. An attorney who is not an Electronic Filer may conventionally file the first document on behalf of a client in an ECF case without leave of Court. Within twenty-one (21) days thereafter, the attorney must register as an Electronic Filer, or seek an exemption under subsection (1) above. Failure to register or seek an exemption may result in the issuance of an order to show cause why the attorney should not be sanctioned.

(3) Attorneys Appearing Pro Hac Vice. An attorney who is not a member of the bar of this Court, but who is permitted to appear and practice in this Court pursuant to [R.I. LBR 9010-1](#) may, but is not required to, register as an Electronic Filer and to participate in the System for the duration of the Pro Hac Vice appearance.

(4) Pro Se Litigants. Pro se litigants may conventionally file and serve documents in accordance with the provisions of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court.

(5) Withdrawal. Once registered, an attorney/participant may withdraw as an Electronic Filer by providing the Clerk with a request to withdraw, stating the reason(s) for the request. Copies of the request must also be served upon all registered attorneys/participants who have appeared in pending cases in which the withdrawing attorney/participant has appeared. Upon approval of said withdrawal, the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list. However, once an Electronic Filer withdraws from the system, he or she will be unable to file documents with the Court unless one of the exemptions listed above applies.

(d) Format for Filing Electronic Documents.

(1) Format for Transmission of Electronic Documents. All electronically filed documents must be submitted as a PDF file, and when viewed in the electronic filing system, shall conform in appearance to the requirements listed in [R.I. LBR 1005-1](#).

(2) Attachments to Electronic Documents. Multiple documents that are part of a pleading, which are filed at the same time by the same party may be electronically filed as a single document. Documents that are not a part of the pleading, e.g., memorandum of law, supporting affidavit, or appendix, shall be filed as an attachment to the pleading.

(3) Designation of Electronic Documents. Electronic Filers must designate a title for the document by selecting the appropriate event title from the categories provided in the System. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office, or after motion and approval by the Court.

(e) Consequences of Electronic Filing. Electronic transmission of a document to the CM/ECF system or the e-filing of an event on the System, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes under the Federal Rules of Bankruptcy Procedure and the local rules of this Court, and constitutes entry of the document or event on the docket kept by the Clerk under [Fed. R. Bankr. P. 5003](#).

(f) Time of Filing. The System is "real-time", so the receipt of the Notice of Electronic Filing will show the actual date and time a document was filed on the System. Documents filed electronically outside of normal business hours will be deemed filed on the date and time received. Deadlines will not change as a result of this rule. The deadline for filing, unless otherwise specifically set, is 11:59 P.M. (E.S.T.)

(g) Waiver of Notice and Service. Registration with the Court as an Electronic Filer of the CM/ECF system will constitute:

(1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and

(2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under [Fed. R. Bankr. P. 7004](#). Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under [Fed. R. Bankr. P. 9022](#).

(h) Service of Documents by Electronic Means.

(1) Each Electronic Filer of the CM/ECF system who electronically files a pleading or other document will automatically receive a "Notice of Electronic Filing" generated by the System and this Notice of Electronic Filing will automatically be transmitted by the System to all parties who are registered users of the System. Electronic transmission by the Court of the "Notice of Electronic Filing" generated by the CM/ECF System will constitute service or notice of the filed document. Parties having been excepted from the requirement to file and receive documents electronically are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice by the Electronic Filer must be made in accordance with the Federal Rules of Bankruptcy Procedure and these local rules.

(2) Responsibility for Maintaining E-mail Addresses. The CM/ECF system allows each registered user the ability to list a primary and secondary e-mail address in their account to receive notice of electronic filing activity. It is the responsibility of the registered user to manage and maintain proper e-mail addresses on their accounts. E-mail returned as undeliverable from the primary registered user's e-mail address will be removed from the system and their ECF user log-in will be terminated until the primary address is updated. Service of court documents will be made by mail until the ECF log-in is restored with a valid primary e-mail address. Returned undeliverable e-mail from a secondary e-mail address will be removed from the system and it will be the responsibility of the registered user to update the secondary address, if desired.

(i) Official Court Record. The CM/ECF system shall constitute the official court record in electronic form. The electronic filing of a pleading or other paper in accordance with (1) the CM/ECF System procedures; (2) the conventional filing of a document which is subsequently imaged by the court and placed into CM/ECF; or (3) the electronic submission of a document using the Electronic Drop Box accepted by the court and uploaded to CM/ECF, shall constitute entry of that pleading or other paper on the official docket maintained by the Clerk pursuant to FRBP 5003. The court will not maintain paper except for the following:

- (1) Documents filed under seal;
- (2) Conventionally (not electronically) filed exhibits, *see also* Section (l) below.

(j) Electronic Signatures and Retention of Original Signed Documents by Registered Users.

(1) Petitions, lists, schedules, statements, amendments, pleadings, affidavits, proofs of claim, stipulations and other documents which must contain original signatures, documents requiring verification under [Fed. R. Bankr. P. 1008](#), and unsworn declarations under [28 U.S.C. § 1746](#), shall be filed electronically and bear "electronic signatures", including the /s/.

(2) Documents that are electronically filed and require original signatures other than that of the registered user must be maintained in paper form at least two years after the case is closed. This retention neither affects nor replaces any other retention period required by other laws or rules of procedure. The court may require the production of original documents for review by the court, a trustee, the U.S. Trustee, or any interested party.

(k) Effect of Electronically Filed Document. Any document signed and filed electronically, or filed conventionally and converted to electronic form by the clerk, (including a proof of claim or financial management certificate), filed electronically on the Court's website, shall

constitute the filer's approved signature and have the same force and effect as if the individual signed a paper copy of the document. Documents required to be verified or contain an unsworn declaration that are filed electronically shall be treated, for all purposes (both civil and criminal, including penalties for perjury), the same as though signed or subscribed.

(l) Consent Motions/Joint Motions

(1) The following procedure shall be used in the case of joint or consent motions.

(A) The Electronic Filer shall initially confirm that the content of the document is acceptable to all parties intending to be bound and that all parties consent to the relief requested; and

(B) The Electronic Filer shall then file the document electronically, indicating his/her signature, e.g. "/s/ Jane Doe", "/s/ John Doe," etc

(2) The following procedure shall be used in all other instances requiring consent orders and/or stipulations where two or more signatures are required, including, but not limited to Joint Pre-Trial Orders:

(A) The Electronic Filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and shall have in his or her possession the original signatures of all parties to the document.

(B) The Electronic Filer shall then file the document electronically, indicating the signatories, e.g., "/s/ Jane Doe," "/s/ John Doe," etc.

(C) The Electronic Filer shall retain the original documents containing the original signatures for two years after the case is closed.

(m) Exhibits

(1) **Exhibits.** Exhibits filed under Local Bankruptcy Rules, including but not limited to leases, notes, and the like, which are not available in electronic form, shall be submitted to the Court in paper format. The Clerk will indicate on the electronic docket the date such exhibits were submitted and, if appropriate, link them to the Joint Pretrial Statement. Trial exhibits will not be scanned unless the Court orders otherwise.

(2) **Exhibits to Proofs of Claim.** Exhibits in support of a proof of claim shall be filed electronically whenever possible and shall be e-filed as one event with the proof of claim. The exhibits should be electronically imaged (i.e., scanned) and filed in PDF format as an attachment to the proof of claim.

(n) Orders

(1) Proposed Orders

(A) Where an Electronic Filer is required to submit a proposed order under [R.I. LBR 9072-1](#), said document shall be electronically filed, docketed, and served in accordance with these procedures and Rule 9072-1.

(B) An Electronic Filer wishing to submit a proposed order before hearing may file such order together with the underlying motion or application, and e-filed as one event. The proposed order should be attached to the underlying motion or application.

(2) Consent Orders/Reaffirmation Agreements. Consent orders or reaffirmation agreements shall be filed in accordance with subsection R.I. LBR 5005-4(1).

(3) Notice of Entry of Orders and Judgments by the Court

(A) Upon the entry of an order or judgment in an action pending in the CM/ECF System, the System will automatically generate to all Electronic Filers in the case, in electronic form, a Notice of Electronic Filing. Transmission of the Notice of Electronic Filing constitutes the notice required by [Fed. R. Bankr. P. 9022](#). The Clerk shall give conventional notice to persons who have not consented to electronic service.

(B) Orders signed electronically (i.e., "/s/") shall have the same force and effect as conventionally signed orders.

(o) Emergency Filings and Requests for Continuance

(1) Procedure for Emergency Filings. Electronic Filers requesting emergency hearing and/or relief shall contact the Clerk's Office by telephone at (401) 626-3100, forthwith upon the filing of such motion. Failure to notify the Clerk's Office of such filing as aforesaid, may result in denial of the request for expedited or emergency relief, or a delay in action on the motion.

(2) Jointly filed motions for continuance, proposed consent orders, and similar filings that affect a matter scheduled for hearing must be filed by 3:00 p.m. the day before the scheduled hearing, or the matter will remain on the calendar and all counsel will be required to attend the hearing. If an Electronic Filer files a document that affects a matter on the calendar after 3:00 p.m. the day before a scheduled hearing, the Electronic Filer shall also notify the Courtroom Deputy of such filing by e-mail at: RIBCourtroom@rib.uscourts.gov.

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(p) System Failure. If electronic filing cannot be accomplished because of a court or filer System failure, the Electronic Filer shall, after making at least two attempts to file electronically, send the document and/or event as an attachment in PDF format via e-mail to the following address: RIBECFSupport@rib.uscourts.gov explaining why it was not possible to file directly in the CM/ECF System. The Electronic Filer must call the Clerk's office prior to 10:00 a.m. of the next business day to advise that a document has been filed via e-mail. The Clerk's office will download and file the PDF document, which will be deemed filed on the date and time of the e-mail transmittal.

(q) Fees Payable to the Clerk. All filing fees must be paid electronically by the Electronic Filer using the following methods: credit card, debit card or by ACH withdrawal from a registered bank account in the name of the attorney for the debtor, or the law firm of which the attorney for the debtor is a member, partner or associate. Payment of the filing fee is due on the date the document is filed. Failure to make payment on the date of the filing may cause the Electronic Filer to be locked out of the System, and if the fee is not paid with seven (7) days of filing, the underlying document will be stricken or terminated pursuant to R.I. LBR 5005-5.

(r) Public Access to Court documents. Electronic access at the Clerk's Office is available to the public during regular business hours for viewing the docket sheet and documents filed in the System. Conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours or by mail with a check, money order, credit or debit card for the exact amount of the purchase, unless otherwise authorized.

☞ 12/1/22 Amendment: In addition to stylistic amendments, this rule is amended to include new subdivision (a)(3) which encourages financial management course providers to file the certificate of course completion required by FRBP 1007(b)(7), utilizing the court's electronic FMC filing program (eFinCert) in lieu of registering for a Limited Filer status in the Court's ECF system.

Subdivision (i) is amended to include stylistic amendments, and has been reorganized and renumbered for readability and includes a new provision addressing the electronic submission of a document using the Electronic Drop Box.

Subdivision (k) is amended to include the filing of a Financial Management Certificate filed electronically using the (eFinCert) program.

☞ 4/1/14 Amendment: Subdivision (j) was retitled, "Electronic Signature and Retention of Original Signed Documents by Registered Users" and split into two paragraphs.

In paragraph (1) the requirements for maintaining original signatures were removed and added to new paragraph (2).

New subdivision (k), "Effect of Electronically Filed Document", adds that any document signed

and filed electronically with the court, or filed conventionally and converted to an electronic document by the clerk, including a proof of claim filed on the court's website, constitutes the filer's approved signature and has the same force and effect as if the individual signed the paper copy of the document. Documents required to be verified or contain an unsworn declaration that are filed electronically shall be treated, for all purposes (both civil and criminal, including penalties for perjury), the same as though signed or subscribed.

The remaining subdivisions were relettered.

RULE 5005-5 FILING OF PAPERS - PROCEDURE FOR STRIKING DEFECTIVE PLEADINGS AND OTHER DOCUMENTS [Amended 12/1/22]

(a) Procedure for Striking or Terminating Defective Documents and Extension of the Response Deadline. If a document filed with the Court fails to conform with federal and local bankruptcy rules, forms, and/or required filing fees, or is incorrectly filed in the electronic filing system, the document shall be either stricken or terminated from the record and a corrective action required event will be entered stating the nature of the defect and giving instruction to re-file the document in corrected form. If the defect pertains to a pending motion/application/notice, then the response deadline will also terminate and a new deadline will commence upon the re-filing of the corrected document. For those documents which fail to conform where a filing fee has been paid, the filer will have fourteen (14) days to re-file such documents in corrected form and the court will associate the previously paid fee. If the corrected document is not filed before this deadline expires, a new filing fee will be required. For all other documents, see [R.I. LBR 1005-1\(e\)\(4\)](#) for deadline to refile in order for the corrected document to relate back to the original filing date.

(b) Failure to Submit a Proposed Order after Hearing. If, after seven days from the date of the hearing, or other time as ordered by the Court, the responsible party does not file the required order, the Court will automatically strike the original initiating document (i.e., motion, application, notice) and the parties will receive notice that no further action will be taken. In order to revive the stricken filing, a Motion to Vacate must be filed, along with the overdue order, before the case is closed. Once the case is closed, a reopening fee will be required to docket the late filed order. [See R.I. LBR 9072-1\(a\),\(c\).](#)

☞ 12/1/22 Amendment: Subdivision (a) of this rule is amended to include a reference to R.I. LBR 1005-1(e)(4) for deadline to refile in order for the corrected document to relate back to the original filing date.

☞ 7/1/15 Amendment: Subdivision (a) has been amended to incorporate the Court's new procedure for handling defective documents in which a filing fee has been paid. The Court will no longer issue a Notice of Defective pleading for those filings in which a filing fee has been paid. Instead, the Court will now immediately terminate the filing and issue a notice instructing the filer to refile the terminated document in correct form within fourteen (14) days. Once the corrected document is filed, the previously paid filing fee will be applied to the corrected filing. If the corrected document is not filed before the deadline expires, a new filing fee will be required.

Subdivision (b) has been abolished.

Subdivision (c) was re-lettered to (b).

RULE 5005-6 ELECTRONIC DROP BOX (“EDB”) PROCEDURES FOR SELF-REPRESENTED PARTIES

(a) Filing(s) by Self-Represented Parties. In addition to filing papers in-person or by mail, self-represented parties may also submit for filing new bankruptcy petitions via email, and all other papers such as motions, pleadings, notices, and other documents (“Court Filings”) using the Court’s EDB located on its website at www.rib.uscourts.gov. The below procedures shall be followed when using email or the EDB to submit papers for filing:

(1) Emailing the Initial Bankruptcy Petition to the Court and Use of the Electronic Drop Box. The self-represented party must attach: (1) the petition; (2) a photo or scanned copy of their government-issued photo identification, such as a driver’s license, passport or identification card, and (3) a completed Application for Access to Electronic Drop Box and Declaration Regarding Electronic Filing (the “Application and Declaration”) in Adobe PDF format to an email addressed to the Clerk’s Office Helpdesk at “rib_helpdesk@rib.uscourts.gov”. If the self-represented party already has a case pending, only the completed Application and Declaration need be emailed in PDF format. Once the above documents are received and an order enters approving the Application and Declaration, all future Court Filings may be made directly through the EDB. Instructions and requirements for the EDB are located on the Court’s website in the Self-Help Manual found under the “[Don’t Have An Attorney>Debtor without an Attorney](#)” menu.

(2) Required Wet Signature on the Application and Declaration. The Application and Declaration is required to be signed under oath and the self-represented party must transmit the original signed paper version of the Application and Declaration to the Clerk within fourteen (14) days from entry of the order approving such Application and Declaration, by one of the following methods:

(A) mail or hand deliver to the Court at 380 Westminster Street, 6th Floor, Providence, RI 02903; or

(B) in emergency situations only, you may also use the procedure outlined in [LBR 5001-2\(c\)\(2\)](#).

(3) Signatures After the Approval of the Application and Declaration: Upon approval of the Application and Declaration, all future Court Filings that are required to be signed under oath (such as bankruptcy schedules and statements) that are submitted through the EDB, must include one of the following on the signature line:

(A) an image of the self-represented filer's full name; or

(B) a "/s/" together with the filer's full name.

(4) Date and Time Filed. Petitions 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, and all other Court Filings on the date and time they are submitted to the EDB.

(5) Requirements and Standards. Self-represented parties are reminded that even though these rules authorize Court Filings to be made electronically, the Court holds self-represented parties to the same requirements and standards as with paper filings: each signature on a Court Filing, whether electronic or otherwise, is a certification that the filing party is proceeding in good faith and filing the document for a proper purpose. Submission of the signed Application and Declaration, along with the use of the unique EDB Link that the Clerk issues to the filer, together with the filer's name on a signature block, constitutes the filer's signature for purposes of [Fed. R. Bank. P. 9011](#) on all documents submitted electronically through the EDB. Use of the EDB Link has the same force and effect as physically signing a paper document filed with the Court. A copy of Fed. R. Bank. P. 9011 is attached to the EDB Application and Declaration.

📧 12/1/22 New: This new rule contains the procedure and requirements for a self-represented party to use the Electronic Drop Box (EDB). The EDB requirements were previously contained in LR 5001-2 as an emergency method of filing, and have now been adopted as a standard method of filing for self-represented parties.

RULE 5007-1 INTERPRETERS; SERVICES FOR PERSONS WITH COMMUNICATIONS

DISABILITIES

(a) Right to an Interpreter. The Court will provide interpreter services only in proceedings initiated by the United States or for persons with communications disabilities.

(b) Certification. There is no requirement that an interpreter provided by a party be federally certified.

(c) Notice Required for Interpreter Services. A party who requires the services of an interpreter shall make arrangements therefor at that party's expense, and shall file a written notice not later than eleven (11) days prior to the proceeding in which the interpreter's services will be used. The notice shall include:

- (1)** the name and credentials of the interpreter;
- (2)** the name of the witness or witnesses requiring such services; and
- (3)** the reason the service is needed.

(d) Who may not serve as Interpreter. Relatives or acquaintances of a witness are not eligible to serve as interpreter.

RULE 5011-1 WITHDRAWAL OF REFERENCE

(a) Filing of a Motion to Withdraw the Reference. A motion for withdrawal of the reference shall be filed with the Clerk of the Bankruptcy Court and shall indicate that the filer is seeking relief from the United States District Court and must also contain the required response time language specified in [R.I. LBR 1005-1 \(d\) \(1\)](#). Such motion shall be accompanied by a properly completed United States District Court cover sheet, the prescribed filing fee, and a certificate of service.

(b) Transmittal to the U.S. District Court. Upon expiration of the objection period, the Clerk shall transmit the motion and any responses or objections thereto to the U.S. District Court. Counsel are responsible for advising the Bankruptcy Clerk of any additional documents for transmittal with the motion to withdraw, and are required to make all necessary copies. After transmittal of the record to the District Court, any further pleadings pertaining to the Withdrawal of Reference must be filed with the U.S. District Court.

RULE 5071-1 CONTINUANCES

[Amended 2/28/11]

All requests for continuance of matters set for hearing or trial must be requested in writing, no later than 3:00 p.m. the day before the scheduled hearing if the motion is consented to by all parties to the matter. If the request for continuance is by one party, the motion shall set forth the reasons(s) for the request, and served upon opposing counsel at least four (4) business days before the hearing or be captioned as an emergency motion and be served in such manner as will ensure actual receipt prior to the scheduled hearing date. See R.I. LBR 1005-1(d)(2)(G) and (J) for the proper objection periods to be included in the motion, as applicable. Absent a written request, all interested parties are required to appear at the scheduled hearing and, if necessary, make an oral request for a continuance at that time. Employees of the clerk's office, including the calendar clerk, are not authorized to grant continuances.

RULE 5072-1 COURTROOM DECORUM

[Amended 7/1/15]

(a) Announcement of Representation. Upon the call of the case, counsel or if appropriate, a pro se litigant, shall announce his/her name for the record and the name of the party or parties he/she represents.

(b) One Counsel per Party. Unless leave of Court is obtained in advance, only one counsel for each separate interest shall conduct the examination of any one witness, present argument, or make objections with respect to the testimony of that witness.

(c) Offer and Marking Exhibits. Before referring to, using, or offering into evidence any exhibit, counsel shall first have the proposed exhibit marked for identification with a copy to opposing counsel.

(d) Courtroom Security. Security personnel, including the United States Marshal, a Deputy Marshal, or a deputized court security officer, shall inspect all objects carried by persons entering the premises. No one shall enter or remain on the premises without submitting to such an inspection. Security personnel may search the person of anyone entering the premises or any space in it. Anyone who refuses such a search shall be denied entry.

(e) Cellular Telephones, Laptop Computers, Tablets and Beepers.

(1) General Public. Anyone entering the courtroom is required to turn off all cellular phones and noise emitting beepers before entering the courtroom. Laptop computers and tablets will be allowed in the courtroom only upon prior request and approval of the Court, except while in use at counsel table.

(2) Members of the Media. Members of the media who, prior to entering any interior portion of the United States Bankruptcy Court space, show professional credentials to Court Security shall be deemed to have the Court's approval to use electronic devices, including but not limited to laptop computers, tablet computers, and cellular telephones for purposes of note taking and transmission and/or publication of text, so long as the use of such devices does not interfere with or disturb on-going court proceedings. Cellular phones may not be used during court sessions to make telephone calls.

(3) General Prohibition. Except to the extent expressly authorized by the Court, no device permitted to be used pursuant to this rule shall be used to make telephone calls or to

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photograph, record, broadcast, or otherwise transmit any proceeding, event or activity in or from any interior portion of the United States Bankruptcy Court space. The Court may permit photographing, recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.

(f) Courtroom Attire. All persons appearing before the Court or attending Court are expected to dress in appropriate attire. The Court reserves the right to dismiss individuals from the courtroom if they are dressed inappropriately.

RULE 5075-1 CLERK - DELEGATED FUNCTIONS OF

(a) The Clerk or clerk's designees are authorized to perform such functions on the Court's behalf, including the endorsement and entry of orders, as are specifically delegated by written order.

(b) The Clerk is authorized to promulgate regulations governing administrative matters including the submission of forms, content and format of creditor mailing lists, mode of payment of filing fees and disposition of records. Such regulations shall be available for public reference and shall be included in such publications and at such intervals as the Clerk deems appropriate.

RULE 5077-1 TRANSCRIPTS

[Amended 12/1/23]

Official Written Transcript. The Court uses an electronic recording system to record all hearings. Any person may request an official transcript of any hearing directly from the transcription service of their choice; information on how to do so is available on the Court's website. At the transcription service's request, the Clerk will provide a recording of the hearing to the transcription service. The person requesting the transcript will be responsible for paying all expenses for preparing the transcript directly to the transcription service.

CROSS REFERENCE See R.I. Local Rule 9037 (Privacy Protection); Appendix I – (Electronic Transcripts) for redaction procedures.

RULE 5078-1 FEES - GENERALLY

[Amended 9/9/13]

(a) Authority. The fees charged for services to be performed by clerks of the Bankruptcy Court are contained in the Bankruptcy Court Miscellaneous Fee Schedule promulgated by the Judicial Conference of the United States, in accordance with 28 U.S.C. § 1930(b). Except as provided in the Miscellaneous Fee Schedule, neither the Clerk of court nor his/her designees have authority to waive the payment of any prescribed fee.

(b) Treatment where fee not timely paid. See [R.I. LBR 5005-5\(a\)](#) (Filing of Papers — Procedure for Striking or Terminating Defective Pleadings and Other Documents)

RULE 5079-1 FEES - FORM OF PAYMENT

[Amended 9/16/20]

Manner of Payment. The fees prescribed in the Miscellaneous Fee Schedule shall be paid in cash, debit card, ACH withdrawal, cashier's check or money order, made payable to "Clerk, U.S. Bankruptcy Court." Payment by personal check or credit card, will be accepted, except from debtors in a case that is already pending, unless a debtor in possession under Chapter 11. The applicable miscellaneous fee shall be assessed and shall be payable to the "Clerk, U.S. Bankruptcy Court" for any dishonored payment.

RULE 5080-1 JUDGES - VISITING AND RECALLED

[Amended 9/9/13]

Judge Assigned from Outside the District. Whenever a Bankruptcy Judge from outside the District is assigned a Rhode Island bankruptcy case or proceeding, all papers shall continue to be filed electronically with the Rhode Island Bankruptcy Court or conventionally (to the extent applicable) in the Clerk's office.

RULE 5081-1 SIGNATURES - JUDGES

[Amended 9/9/13]

Use of Judge's Electronic Signature. The Clerk, and/or his/her designees, are authorized to use the Bankruptcy Judge's computer generated or electronic signature, which shall serve as the original signature of the Court, on orders entered in accordance with the most current Order Delegating Authority to Clerk to Act on Court's Behalf in Matters Specifically Delineated and as further authorized in [R.I. LBR 5075-1](#).

Local Rules - 6000's

RULE 6004-1 SALE OF PROPERTY NOT IN THE ORDINARY COURSE OF BUSINESS

(a) Motion/Notice of Proposed Sale of Property (Subject to Liens or Free and Clear of Liens) The proponent of the sale shall give notice in accordance with [Fed. R. Bankr. P. 2002\(a\)\(2\)](#) and [6004\(c\)](#) when proposing to sell property other than in the ordinary course of business, and shall file with the Clerk a certificate of service.

(b) Scope and Content of Notice. The motion/notice shall include a summary of the terms and conditions of the proposed sale, a statement of the aggregate amount of liens or encumbrances known to movant, and a statement that the proposed sale price is at least equal to or more than the value of the property. The notice may provide that, absent timely objection, the proposed sale be considered without a formal hearing.

(c) Notice of Sale in Chapter 11 Cases. In chapter 11 cases in which all or substantially all of the assets of the debtor are being sold, except sales under a confirmed chapter 11 reorganization plan, an advertisement of said sale shall be placed in a local newspaper of general circulation. Upon application to the Court, this requirement of advertising may be waived in appropriate circumstances.

(d) Sale of Estate Property in Chapter 13 Cases.

(1) Any sale of the property of the estate outside the ordinary course of business in Chapter 13, including but not limited to, the Debtor's principal residence, real property, or other property being sold for \$2,000 or more must be approved by the Court after notice and a hearing. A motion for such approval shall be made in accordance with 11 U.S.C. § 363, [Fed. R. Bankr. P. 4001](#) or [6004](#), and subsections (a) and (b) of this rule, as applicable. The motion to sell shall include a proposed distribution of the proceeds of the sale. All motions to sell shall be served on the Chapter 13 trustee, all creditors, all parties who have filed appearances and any other entity as the Court may direct.

(2) If an appraiser or real estate broker is involved in the sale, the Debtor must obtain court authority to employ the appraiser or broker by way of application. The application must be accompanied by an affidavit of disinterestedness signed by the broker, and shall also comply with the requirements of [R.I. LBR 2014-1](#) and [6005-1](#).

RULE 6005-1 APPRAISERS AND AUCTIONEERS - PUBLIC AUCTIONS

[Amended 2/19/20]

(a) Court Authorization. The estate representative may, with prior Court approval, sell estate property at public auction. Subsequent confirmation by the Court of the auction is not required unless such confirmation is a condition of the initial approval. The notice of intended public sale shall be substantially similar to [R.I. Local Form 6005-1.1](#). The estate representative shall file a motion to sell the estate assets, and state why a public, rather than a private sale is requested. Any auction advertisement placed by an auctioneer or estate representative shall conspicuously state the bankruptcy case name and number.

(b) Estate Representative. For the purposes of this LBR, the term estate representative shall include a chapter 7 trustee, chapter 11 trustee appointed under [§ 1104](#) or where a debtor in possession has been removed under [§ 1185](#), chapter 11 debtor in possession, chapter 12 trustee, and chapter 13 debtor.

(c) Qualification of Auctioneer:

(1) An auctioneer shall not be authorized to conduct a public auction of property of an estate without first obtaining approval of his or her employment, filing with the Court a bond in an amount fixed by the United States trustee, and furnishing the United States trustee with a copy of said bond. The bond shall be conditioned on the faithful performance of the auctioneer's duties and the auctioneer's accounting for all money and property of the estate that comes into his or her possession.

(2) To avoid the necessity of filing separate bonds for smaller auction sales, the auctioneer may file with the Court a blanket bond similarly conditioned in a base amount fixed from time to time by the United States trustee to cover various cases in which the auctioneer may act. The auctioneer shall also provide the United States trustee with a copy of the blanket bond. If at any time the aggregate value of goods in the auctioneer's custody exceeds the amount of the blanket bond, then the auctioneer shall obtain a separate bond or bonds so that the full amount of all goods of various bankruptcy estates in the auctioneer's custody is covered.

(3) As a condition of the employment of an auctioneer in any bankruptcy estate, the auctioneer shall file a sworn representation to evidence the auctioneer's compliance with the requirement that all goods of bankruptcy estates in his or her custody be fully covered at all times by separate bonds or blanket bonds or both.

(4) Auctioneers shall not introduce non-bankruptcy estate items at auctions without the Court's prior approval. An auctioneer employed by an estate representative shall not bid on property of the estate. No buyer's premium shall be charged. Failure to comply with this paragraph shall result in denial of all compensation and/or issuance of sanctions.

(d) Attendance at Auction Sale. The estate representative or a representative of the trustee shall be present at the commencement of the auction sale to respond to questions and to resolve disputes, and is required to remain thereafter only as circumstances warrant and as the trustee deems appropriate.

(e) Expenses and Compensation. Except in special circumstances and by order of the Court, the auctioneer shall bear all expenses of an auction (including labor, cleaning, setting up, lotting, tagging, etc.), except a reasonable expense for advertising. Even when special circumstances have been demonstrated, the only additional expenses that will be allowed are those for which the auctioneer has applied in advance with a set dollar ceiling, unless the additional expenses could not have been reasonably anticipated.

(1) Property Other than Real Property. Except in special circumstances and by order of the Court, with respect to sales of personal property, the auctioneer shall be allowed reasonable compensation not to exceed the following percentages of gross proceeds:

(A) 10% of the first ten thousand dollars (\$10,000) or part thereof;

(B) 7% of the next ten thousand dollars (\$10,000) or part thereof;

(C) 6% of the next thirty-five thousand (\$35,000) or part thereof; and

(D) 5% of the balance.

The above percentage schedule merely sets the upper limit on the auctioneer's compensation and does not define his or her allowable compensation. The Court shall allow only reasonable compensation and may change the percentage amounts. The Court may require the auctioneer to include with his or her application for compensation an itemization of time spent and expenses incurred in connection with the sale.

(2) Real Property. The personal property percentage schedule set forth in paragraph (1) above shall not apply to real estate auctions. With respect to sales of real property, the auctioneer's compensation shall be fixed by the Court and shall reflect the fact that the estate's interest in the sale is limited to the equity over the amount owed to secured creditors. The Court will use as a guide in determining the auctioneer's fair and reasonable compensation the following schedule:

(A) 10% of the first fifty thousand dollars (\$50,000) realized in excess of the amount of encumbrances; and

(B) 2.5% of the balance of the equity, with a minimum fee of \$500.00, plus pre-approved expenses.

RULE 6007-1 NOTICE OF ABANDONMENT OF PROPERTY

(a) Limited Notice. Unless otherwise ordered by the Court, the trustee shall provide notice of abandonment only to the debtor, the debtor's attorney, the local office of the United States trustee, lienholder, any party known or believed to hold or claim an interest in the property to be abandoned, and to any party-in-interest who has entered an appearance pursuant to [R.I. LBR 9010-1\(e\)\(2\)](#).

(b) Notice where value \$5,000 or greater. Unless otherwise ordered by the Court, if the value of the property to the estate is \$5,000 or greater, the trustee shall provide notice of abandonment to all creditors and parties in interest as directed by [Fed. R. Bankr. P. 6007](#).

Local Rules - 7000's

RULE 7001-1 APPLICABILITY OF THE LOCAL RULES OF THE U.S DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND TO ADVERSARY PROCEEDINGS

To the extent a procedural matter is not covered by these LBRs, the Local Rules of the United States District Court for the District of Rhode Island shall apply. *See* [R.I. LBR 1001-1\(b\)](#).

RULE 7003-1 COMMENCEMENT OF ADVERSARY PROCEEDING

(a) Pleadings. *See* [R.I. LBR 5005-1](#).

(b) Adversary Proceeding Cover Sheet. *See* [R.I. LBR 5005-1\(b\)](#). The most current version of the Adversary Proceeding Cover Sheet Form B1040 shall be used.

RULE 7004-1 SERVICE OF ADVERSARY PROCEEDING COMPLAINT

In addition to service of the summons and complaint on the defendant(s) named in the complaint as prescribed by [Fed. R. Bankr. P. 7004](#), the plaintiff(s) shall also, contemporaneous with service on the defendant(s), serve a copy of the summons and complaint on the attorney representing the debtor in the bankruptcy case.

RULE 7007-1 PAPERS FILED IN ADVERSARY PROCEEDINGS

All motions and other papers filed with the Bankruptcy Court in an adversary proceeding shall comply with [R.I. LBR 1005-1](#).

RULE 7008-1 GENERAL RULES OF PLEADING -- JURY TRIALS

(a) Jury Demand. In any case in which a party asserts a right to trial by jury, the jury trial demand shall be set forth in accordance with Fed. R. Civ. P. 38.

(b) Consent to Have Trial Conducted by Bankruptcy Judge. If the right to a jury trial applies, a timely demand has been filed, and the bankruptcy judge has been specially designated by the District Court to conduct the jury trial, the parties may consent to have a trial by jury conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly filing a statement of consent no later than thirty (30) days following the date the last responsive pleading is required to be filed.

(c) Lack of Mutual Consent to have Jury Trial Conducted by the Bankruptcy Judge. Where a jury trial is timely demanded and the bankruptcy judge has been specially designated by the District Court to conduct the jury trial, but not all of the parties consent to such a trial being conducted before a bankruptcy judge, the proceeding shall be referred to the District Court for a determination of the right to a trial by jury and where and how such trial should be conducted.

RULE 7016 - PRE-TRIAL PROCEDURE; FORMULATING ISSUES

[Amended 12/1/17]

(a) Scheduling Conference. Unless otherwise ordered at the discretion of the Court or unless an affirmative request is made by a party, the Court will not conduct a scheduling or pretrial conference in an adversary proceeding.

(b) Joint Pretrial Statement. In all adversary proceedings, a joint pretrial statement conforming to the standards set forth in [R.I. LBR 9014-1](#) and [R.I. Local Form 9014-1.1](#) shall be filed within twenty-one (21) days after the close of discovery unless specifically ordered otherwise by the Court.

(c) Scheduling Order. A scheduling order shall issue from the Court within the time specified in Fed. R. Civ. P. 16 unless the Court directs otherwise.

RULE 7026-1 DISCOVERY - GENERAL

[Amended 9/9/13]

(a) Disclosure Requirements. Unless otherwise ordered, the disclosure requirements contained in [Federal Rule of Bankruptcy Procedure 7026](#) apply to all adversary proceedings pending in this district.

(b) Time Limit for Rule 7026(f) Conference. Within 21 days before the scheduling order is due under [R.I. LBR 7016-1\(c\)](#), the parties shall meet and confer pursuant to [Federal Rule of Bankruptcy Procedure 7026\(f\)](#).

(c) Contents of Discovery Plan. Pursuant to [Federal Rule of Bankruptcy Procedure 7026\(f\)](#), within 14 days of the parties meeting, the parties shall file a discovery plan with the Court containing the information required by Rule 26(f)(1)-(4) (including the deadline for the close of discovery) and the following additional information:

- (1) A proposed deadline to join other parties or amend the pleadings;
- (2) A proposed deadline for filing dispositive and pre-trial motions;
- (3) A proposed deadline for filing a Joint Pretrial Statement; and
- (4) A statement whether the parties believe that referral of the dispute for mediation would be helpful and whether or not both parties agree to such a referral.

The Discovery Plan shall substantially comply with the form found in [R.I. Local Form 7026-1.1](#).

(d) Affidavit of Noncompliance. If either party fails to perform as required herein, the aggrieved party shall file an affidavit stating the facts which constitute the failure to cooperate. Upon consideration of an affidavit of non-compliance and any response thereto, the Court may order that the adversary proceeding proceed as a defaulted matter:

- (1) When a matter brought by a plaintiff is in default as to the holding of the [Fed. R. Bank. P. 7026\(f\)](#) conference or the filing of the discovery plan or any of the requirements specified in Fed. R. Bank. P. 7026(f) and [R.I. LBR 7026-1](#), the Clerk shall dismiss the matter for want of diligent prosecution. The party in default may have

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the matter reinstated only upon showing special circumstances, by motion, filed within fourteen (14) days of the dismissal.

(2) When a matter is in default by the defendant as to the holding of the [Fed. R. Bank. P. 7026\(f\)](#) conference or the filing of the discovery plan or any of the requirements specified in Fed. R. Bank. P. 7026(f) and [R.I. LBR 7026-1](#), the defendant will not be allowed to present its defense at trial, except by leave of court, for cause shown.

(e) Discovery Materials Shall Not Be Filed with the Court. *See* [R.I. LBR 5005-1\(c\)](#).

RULE 7037-1 FAILURE TO MAKE DISCOVERY

[Amended 12/1/14]

Discovery Motions

(a) Conference. Prior to the filing of a motion relating to discovery pursuant to [Fed. R. Bankr. P. 7026](#) through [7037](#), counsel shall confer in a good faith effort to eliminate the necessity for filing the motion or to eliminate as many discovery disputes as possible. Counsel to the moving party shall arrange for the conference. The Clerk shall not calendar for hearing any such motion until the moving party certifies that such a conference has taken place or certifies that reasonable efforts have been made to hold such a conference, and that counsel have been unable to arrange such conference or to resolve the dispute.

(b) Cooperation Required. Since these procedures for the resolution of discovery motions require the cooperation of counsel, the failure of any attorney to cooperate in such procedures may result in the imposition of sanctions, including, but not limited to, the sanctions provided in [Fed. R. Bankr. P. 7037](#).

(c) Motions for Sanctions. Any motion requesting the imposition of sanctions as provided for in [Fed. R. Bankr. P. 7037](#) shall comply with [R.I. LBR 9011-1](#).

RULE 7054-1 ATTORNEYS' FEES

A motion for attorneys' fees shall be accompanied by an affidavit of counsel that includes:

- (a) an itemized statement of all time expended by each attorney, together with a brief description of the services performed during each period of time itemized;
- (b) a statement of the reason(s) why these services were reasonably necessary;
- (c) the hourly fee customarily charged by counsel in like cases;
- (d) a description of any fee agreement made with counsel's client regarding the case;
and
- (e) any other pertinent factors set forth in Rule 1.5 of the Rules of Professional Conduct promulgated by the Rhode Island Supreme Court.

RULE 7067-1 REGISTRY FUNDS

[Amended 12/1/16]

(a) Receipt of Funds

- (1) No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge in the case or proceeding.
- (2) The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court.
- (3) Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name of and to the credit of this Court, pursuant to 28 U.S.C. § 2041, through depositories designated by Treasury to accept such deposits on its behalf.

(b) Investment of Registry Funds

- (1) Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account or invested in a court-approved, interest bearing instrument in accordance with Rule 67 of the Federal Rules of Civil Procedure, the Court Registry Investment System ("CRIS), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.
- (2) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a "Disputed Ownership Fund" (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.
- (3) The Director of the Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform the duties of the custodian. The Director or the Director's designee shall perform the duties of the custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.

(4) Money from each case deposited in CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.

(5) An account for each case will be established in CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case shall be prepared and distributed to each court participating in CRIS and made available to litigants and/or their counsel.

(6) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principle amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

(c) Fees and Taxes

(1) The custodian is authorized and directed by this Order to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earning is made to court cases.

(2) The custodian is authorized and directed by this rule to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earning is made to court cases. The custodian is further authorized and directed by the rule to withhold and pay federal taxes due on behalf of the DOF.

(d) Procedure for Withdrawal of Funds. Any party seeking to withdraw monies from the Registry of the Court must file and serve a motion for said withdrawal, together with a proposed order stating the exact amount to be disbursed to each party, and each party's name, address and tax identification number. All transactions regarding Registry funds shall be made only with Court approval.

(e) Transition from Former Investment Procedure

(1) The Clerk of Court is further directed to develop a systematic method of redemption of all existing investments and their transfer to the CRIS.

(2) Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C. § 1335 from the effective date of this rule will be placed in the CRIS DOF.

(3) Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees on proper motion and approval of the judge assigned to the specific case.

(4) This rule supersedes and abrogates all prior orders and rules of this Court regarding the deposit and investment of registry funds.

(5) The effective date of this rule is the date the CRIS DOF begins accepting deposits.

Local Rules - 8000's

RULE 8009-1 RECORD ON APPEAL

[Amended 10/3/16]

(a) Designated Items for Inclusion in the Record on Appeal. Parties must indicate the document number assigned by the Court's Case Management Electronic Case Filing System (CM/ECF) in each item listed in their Designation of Items to be included in the record on appeal. Parties should not file paper copies with the court unless otherwise instructed.

(b) Appeals to U.S. District Court, R.I. Parties are directed to [Local Rule 109](#) of the Local Rules for the U.S. District Court for the District of Rhode Island for additional appeal requirements.

**RULE 8010-1 NOTIFICATION TO BANKRUPTCY COURT UPON FILING
A PRELIMINARY MOTION IN APPLICABLE APPELLATE COURT**

The movant shall promptly notify the bankruptcy court upon the filing of any motion of a kind listed in [Fed. R. Bankr. P. 8010\(c\)](#), and shall designate any parts of the record to be transmitted to the applicable appellate court in support of the motion.

Local Rules - 9000's

RULE 9003-1 EX PARTE CONTACT

[Amended 9/9/13]

Any correspondence to the Judge shall be served on all interested parties, with evidence thereof provided to the Court. At the Judge's direction, the Clerk shall docket all such correspondence and the Court may, in its discretion, treat such correspondence as a pleading.

**RULE 9004-1 TREATMENT OF PERSONAL DATA IDENTIFIERS
CONSISTENT WITH JUDICIAL CONFERENCE PRIVACY POLICY**

**** Renumbered - see R.I. LBR 9037-1 PRIVACY POLICY**

RULE 9004-2 CAPTION - PAPERS, ADVERSARY PROCEEDINGS

See [R.I. LBR 1005-1\(a\)](#), [5005-1\(b\)](#) and [7003-1\(b\)](#).

**Rule 9006-1 EXTENSION OF TIME FOR DISCHARGE OF COMPLAINTS
AND OBJECTIONS TO EXEMPTIONS**

If the court does not determine any motion to extend any deadline for filing complaints relating to the debtor's discharge, to the dischargeability of a debt, or for filing objections to the debtor's claim of exemptions, which motion was filed before the expiration of the deadline, the deadline shall be automatically extended to the date seven (7) days after the entry of the order determining the motion, unless the court orders otherwise.

RULE 9009-1 OFFICIAL LOCAL FORMS

Use of the Official Local Forms appended to these Rhode Island Local Bankruptcy Rules in cases and/or proceedings before this Court, with modifications as appropriate, shall be deemed to be in substantial compliance with these rules, the Federal Rules of Bankruptcy Procedure and the Bankruptcy Code.

**RULE 9010-1 ATTORNEYS ADMISSION TO PRACTICE,
REPRESENTATION AND APPEARANCES**

[Amended 10/1/13]

(a) Admission to Practice. An attorney who is in good standing of the bar of the Supreme Court of Rhode Island and is admitted to practice in the United States District Court for the District of Rhode Island shall be deemed admitted to practice in this Court.

(b) Admission Pro Hac Vice. A member in good standing of the bar of any state and the bar of any other U.S. District Court may, upon motion, be permitted to argue or try a particular cause in whole or in part as counsel. [Local Rule 204](#) of the Local Rules for the U.S. District Court, District of Rhode Island (as amended on March 17, 2008 and as may be further amended from time to time), see subdivisions (c) and (d)(1) below shall govern procedures for admission Pro Hac Vice in this Court.

(c) Local Counsel Not Required In Uncontested Matters. With the exception of representation as counsel to a debtor or trustee, an attorney may appear pro hac vice without a local attorney if the matter is uncontested. If, however, the matter is or becomes contested, then local counsel must enter an appearance at least seven (7) days before the scheduled hearing. An attorney who appears before the Court pursuant to this LBR agrees to observe and to be bound by the local rules and orders of this Court and the Rhode Island Rules of Professional Conduct.

(d) Representation:

(1) Motion for Admission Pro Hac Vice. An attorney who is not a member of the Bar of the United States District Court for the District of Rhode Island, but who is a member in good standing in every jurisdiction where the attorney has been admitted to practice and is not subject to pending disciplinary proceedings as a member of the Bar in any jurisdiction, and subject to the limitations above, may appear in this Court by leave of Court. The attorney shall file a Motion for Admission Pro Hac Vice, to appear before this Court, substantially similar to [R.I. Local Form 9010-1.1](#), and [9010-1.2](#) which Motion shall set forth the attorney's compliance with this LBR and Local Rule 204 of the U.S. District Court, along with the applicable filing fee. A separate Motion for Admission Pro Hac Vice, and the applicable filing fee, must be filed in each case in which the client is a party.

(2) Counsel Required/Pro Se Appearance. No person, other than an individual representing himself/herself, shall appear or practice before this Court except through representation of counsel.

(3) Filing Proofs of Claim/No Representation Required. A corporation, partnership or trust, by or through an officer, agent, or person authorized by a power of attorney, may file a proof of claim, an assignment or transfer of claim, a reaffirmation agreement or an application for payment of unclaimed funds due such entity, without representation of counsel. Otherwise, such entities shall appear only through counsel.

(4) No Entry of Appearance Required. An attorney need not obtain leave of Court to appear and practice in a particular case merely to file a request for service, a reaffirmation agreement, a proof of claim or an assignment or transfer of claim on behalf of a client. If however, any such filing shall later become contested or is otherwise scheduled for hearing, and the filing attorney is not admitted to practice in the United States District Court for the District of Rhode Island, then such attorney must obtain the permission of the court to appear in accordance with subsection (1) above.

(e) Appearances:

(1) Filing Constitutes Appearance. The filing of any pleading or other paper shall constitute an appearance in the case or proceeding in which the pleading or paper is filed by the attorney who signs it, unless the pleading or paper states otherwise.

(2) Request for Service of Papers. If an attorney wishes to receive copies of filed papers, the attorney must file a formal entry of appearance containing the attorney's name, bar identification number, firm name, mailing address and telephone and facsimile number of the person entering the appearance, specifically requesting to be so served, and a copy of such request must be served on the debtor's attorney, or debtor if pro se, the case trustee, and the local office of the United States trustee; otherwise, the attorney will receive only those papers that deal directly with said attorney's client, as required by the Federal Rules of Bankruptcy Procedure. With respect to notices and copies of orders served by the Court, the attorney will receive only those notices and orders that deal directly with said attorney's client as required by the Federal Rules of Bankruptcy Procedure, these LBRs or as otherwise ordered by the Court.

(3) Appearance List. The Clerk shall maintain a general appearance list in each case, which shall be available to any attorney upon request. The Clerk shall also maintain such list on the Court's electronic records system (PACER), to the extent technically possible.

(4) Withdrawal of Attorney.

(A) Leave of Court Not Required. An attorney representing a party may withdraw from a case or proceeding without leave of court by filing a Notice of Withdrawal with the Court, provided that:

- (i) such notice is accompanied by a Notice of Appearance of other counsel;
- (ii) there are no motions pending before the Court; and
- (iii) no trial or hearing date has been scheduled

(B) Service of Notice of Withdrawal. The Notice of Withdrawal shall be served on:

- (i) the client;
- (ii) the local office of the United States trustee;
- (iii) any trustee serving in the case;
- (iv) in cases under chapter 11, any committee that has been appointed and is serving in the case under [11 U.S.C. § 1102](#), or upon counsel or the authorized agent for such committee;
- (v) in adversary proceedings, all parties to the proceeding; and
- (vi) all other persons or parties as the Court may require.

(C) Leave of Court Required. If any of the requirements contained in subparagraph (A) is lacking, a written motion for leave to withdraw, with service on the parties listed in subparagraph (B) is required. Until an order granting withdrawal is entered, counsel remains the attorney of record in the case or proceeding.

(5) Substitution of Attorney. An attorney seeking to substitute for another attorney must file Local Form 4002-2.1 Notice of Substitute Counsel. Both attorneys must sign the form.

RULE 9011-1 MOTIONS FOR SANCTIONS

Any motion requesting the imposition of sanctions against an attorney, law firm or party shall (1) comply with any applicable Federal Rule of Bankruptcy Procedure and (2) identify with specificity the sanctions requested. If the sanctions requested include the payment of attorneys' fees, then the motion shall comply with [LBR 7054-1](#).

RULE 9013-1 MOTIONS, BRIEFS AND MEMORANDA OF LAW

[Amended 9/9/13]

(a) Contents of Motions. The party filing a motion, application, petition [not including bankruptcy petition], objection to claim or objection to exemption (the "paper"), excluding those motions set forth in subdivision (d) below, and the party(ies) responding to any such paper, shall include with or within the paper points and authorities in support of said party's position, together with any verified statement or unsworn declaration or other material in support of said paper. Specific reference to the applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Rhode Island General Laws or other controlling authorities is required.

(b) Length and Form of Motions, Memoranda, Responses and Replies. Except with leave of Court, initial motions, responses, briefs and memoranda of law shall be limited to twenty (20) pages, and reply briefs shall be limited to ten (10) pages. All motions/responses shall contain the full caption of the case, including the bankruptcy case number, the adversary proceeding number, if applicable, and the chapter of the case. All text shall be double spaced, on 8 ½" x 11" paper, and the type set (font size) in the body shall not be less than 11 point. Footnotes shall not be less than 10 point, and may not contain material that belongs in the body of the text or argument, i.e., footnotes may not be used to circumvent the page limit imposed by this Rule.

(c) Response Time Required on All Motions. See [R.I. LBR 1005-1\(d\)](#).

(d) Excepted Motions Where No Separate Legal Authority is Required, Unless Otherwise Ordered:

- (1) Motion to extend time or continue hearing date;
- (2) Motion to assign for hearing;
- (3) Motion to add creditor(s), except in reopened cases;
- (4) Motion to amend schedules;
- (5) Motion to compel.

(e) Motions to be Excused from Court. Whenever an attorney seeks to be excused from court, a motion shall be made in accordance with this local rule. The following information shall be included in the motion:

U.S. Bankruptcy Court, District of Rhode Island - Local Rules

- (1) Motion shall be in pleading format. The motion shall substantially comply with the form found in [R.I. Local Form 9013-1.1](#), and shall include a heading at the top and a signature line at the bottom;
- (2) The motion shall clearly state the time period sought for excusal from court;
- (3) The motion shall state the reason for the excusal request;
- (4) The motion shall contain the following language, "I have no matters scheduled for hearing in the Bankruptcy Court during said time period". If movant does have a matter scheduled for hearing, he/she must first file a Motion to Continue the hearing. If the continuance is granted, movant may then file the Motion to be Excused. Alternatively, movant may indicate that he/she has made arrangements for a substitute attorney to appear in their absence (substitute attorney must be a member of the RI federal bar);
- (5) The motion may be filed in paper, or alternatively, may be filed electronically by email to rib_helpdesk@rib.uscourts.gov. The subject line of the email must state "Motion for Excusal". Do not file such motions in the ECF filing system.
- (6) If you desire a copy of the Order determining the Motion for Excusal, a copy of the motion and a self-addressed stamped envelope must be included with the paper filed motion. Motions for Excusal filed by email will receive a copy of the Order by reply email.
- (7) An order granting a motion to be excused ONLY excuses counsel from court appearances during the period requested. Said order does not excuse counsel from court filing deadlines or from attendance at any Section 341 Meeting of Creditors. Excusal from a Section 341 meeting must be given by the trustee conducting the meeting
- (8) Failure to comply with the requirements contained in this rule will result in the issuance of a notice of defective pleading and will delay the disposition of the motion.

RULE 9013-2 MOTION PRACTICE

[Amended 12/1/15]

(a) Action Without Hearing. The Court may act upon a motion without a hearing under appropriate circumstances, including the following:

(1) Absence of Objection. If no objections are filed to a motion, petition [not including bankruptcy petition], application, objection to claim or objection to exemption within the time prescribed in [R.I. LBR 1005-1\(e\)](#) or such other time as provided in the Federal Rules of Bankruptcy Procedure or established by the Court, the paper will be deemed unopposed and will be granted, unless:

- (A)** the requested relief is prohibited by law;
- (B)** the requested relief is against public policy; or
- (C)** in the opinion of the Court, the interest of justice requires otherwise.

(2) Other Circumstances. The Court may act on a motion, petition [not including bankruptcy petition], application or objection to claim prior to or after the expiration of the objection period without a hearing in appropriate circumstances, including but not limited to:

- (A)** Non-adversarial motions of a routine nature;
- (B)** Motions to which parties-in-interest have consented;
- (C)** Motions that are frivolous in light of the law and the established facts of the case;
- (D)** Motions that are opposed only by objections which are, considering the law and the established facts of the case, frivolous; or
- (E)** Where, upon consideration of the written submissions, the Court does not believe a hearing is necessary or will assist with the disposition of the matter.

(b) Scheduling of Hearings, Notice and Service.

(1) General. If, in the opinion of the Court, a motion, petition [not including bankruptcy petition], application, objection to claim or objection to exemption, any objections or responses thereto, is required to be or should be scheduled for hearing, the movant will be notified by the Clerk's office of the scheduling hearing date.

(2) Service of Notice of Hearing. The movant will be required to serve on all interested parties a copy of the Notice of Hearing.

(3) Scheduling of Hearing. Absent a request for expedited or emergency hearing, or by other order of the Court, the Clerk will schedule the matter for hearing no less than fourteen (14) days from the date the hearing notice is issued. In cases where the Federal Rules of Bankruptcy Procedure provide for a notice period in excess of fourteen (14) days, their provisions control, absent a motion seeking, and an order granting, shortening of the notice period.

(4) Amendments or Supplements to Matters Scheduled for Hearing. Any amendment or supplement to a motion, notice, objection or other filing relating to a matter that has been scheduled for hearing and that is substantive in nature, must be filed no later than (2) two business days prior to the hearing date. Any such filing that is untimely will be automatically terminated and will not be considered by the Court, and unless the Court directs otherwise, the hearing will proceed as scheduled.

(c) Joint Pretrial Statement Requirement. If the Court determines that the filing of a Joint Pretrial Statement is necessary, the contesting parties will be notified and ordered to file a Joint Pretrial Statement by a date certain. Failure to comply may result in action by the Court in accordance with [R.I. LBR 9014-1\(d\)](#).

(d) Emergency or Expedited Determination; Single Motion only.

(1) Expedited Determination: If movant seeks to have a motion considered by the Court on an expedited basis (e.g., before the objection period expires), the caption of the motion shall be entitled, "Motion for Expedited Determination of [include specific type of relief being sought]."

(A) Contents of Motion for Expedited Determination. The request shall set forth in detail the facts and circumstances which justify expedited treatment of the underlying motion. To the extent the Court is able to accommodate requests for expedited consideration, it will make every effort to do so. Where, however, the expedited nature of the request is due to lack of diligence by a party or counsel, or because of a deadline imposed by agreement, the Court may refuse to grant expedited consideration.

(B) Limited Notice. If the facts and circumstances supporting the request for expedited determination warrant limited notice, the request for expedited determination shall include a request that notice be limited to designated recipients and shall, in addition, recommend a practical manner of notice reasonably calculated to inform affected parties of the pending motion and that a determination of the motion will take place on an expedited basis. It is the duty of the party seeking expedited determination and limited notice to make a good faith effort to advise all affected parties of the pending motion and of the time and date of the hearing, if any. Such good faith efforts may include providing notice of the substance of the motion and of the date and time of the hearing by telephone, email or by facsimile transmission.

(C) Responses to Expedited Motions. Written responses are required to expedited motions within seven days. *See* [R.I. LBR 1005-1\(d\)\(2\)\(F\)](#). The content of responses to expedited motions shall, to the extent possible, include the information required for responses to non-expedited motions.

(D) Hearings on Expedited Motions. The Court shall set the conditions for hearing, and shall schedule and conduct the hearing, telephonically or otherwise, as appropriate under the circumstances.

(2) Emergency Determination. If a movant seeks to have a motion considered by the Court earlier than seven days after the motion is filed, the caption of the motion for shall be entitled, "Motion for Emergency Determination of [include specific type of relief being sought," and shall call the Clerk's attention to the emergency filing.

(A) Contents of Motion for Emergency Determination. The request shall set forth in detail the facts and circumstances which justify emergency treatment of the underlying motion. To the extent the Court is able to accommodate request for emergency consideration, it will make every effort to do so. Where, however, the emergency nature of the request is due to lack of diligence by a party or counsel, or because of a deadline imposed by agreement, the Court may refuse to grant emergency consideration.

See the Court's Electronic Filer User Manual for specific instructions on how to electronically file this type of request.

(B) Limited Notice. If the necessity of an emergency determination precludes the movant's ability to provide notice in the manner and to the parties otherwise required by these LBR's or the Federal Rules of Bankruptcy Procedure, the motion for emergency determination shall include a request that notice be limited to designated recipients and shall, in addition, recommend a practical manner of

notice reasonably calculated to inform affected parties of the pending motion and that an emergency determination will take place. It is the duty of the party seeking an emergency determination to make a good faith effort to advise all affected parties of the motion and of the time and date for hearing, if any. Such good faith efforts may include providing notice of the substance of the motion and of the date and time of hearings by telephone, email or by facsimile transmission. Such efforts may, and in appropriate circumstances should, include attempts to provide notice of the motion and hearing in advance of filing the motion or prior to entry of an order limiting notice.

(C) Responses to Emergency Motions. Written responses are required to emergency motions within the time established by the Court. If no response time is established by the Court, responses may be filed up to the time that the hearing is convened.

(D) Hearings on Emergency Motions. The Court shall set the conditions for the emergency hearing, and shall schedule and conduct the hearing, telephonically or otherwise, as appropriate under the circumstances.

(E) Duty of the Movant and Counsel to Be Available. Upon the filing of a request for emergency treatment of a motion, the movant and his/her/its counsel have a duty to be available, and to remain available, for immediate hearing or contact by the Court with respect to the emergency request.

(e) Ex Parte Motions. A motion seeking ex parte relief may be filed only in circumstances in which immediate action is required to maintain the status quo until an appropriate hearing on notice can be conducted. A motion for ex parte relief shall be verified or supported by affidavit and shall set forth specific facts and circumstances necessitating ex parte relief. The motion shall include a statement as to why proceeding under this LBR's procedures for expedited or emergency determination is not practical. All orders or proposed orders providing ex parte relief shall include the finding that the relief requested could not be delayed and that affected parties may request a hearing on the subject matter addressed by the ex parte motion by filing a motion for review of the ex parte relief. The Court shall schedule a hearing on such a post-order motion, if appropriate, as soon as practicable.

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

RULE 9013-3 SERVICE OF MOTIONS AND FILING OF CERTIFICATES OF SERVICE

[Amended 5/10/16]

(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 entered an appearance in the case or requested notice in the case (utilizing to the extent applicable, the addresses listed on the most recent Mailing Matrix by Case Report, see part (d)(2) below);
- (4) the Debtor's attorney or debtor, if pro se; and
- (5) the chapter 13 trustee may serve any pleading on a chapter 13 debtor directly in addition to service on counsel of record.

(b) Service of Special Matters. With respect to the following types of filings, in addition to the service requirements listed in (a) above, service shall also be made as follows:

(1) Motion to Modify Secured Claim contained in a Chapter 13 Plan, Amended Plan, or by separate Motion; or Proposed Order Regarding Modification of a Secured Claim Filed on Completion of a Chapter 13 Plan:

- (A) the Plan, Motion and/or Proposed Order shall be served, by first class and certified mail on the lien holder;
- (B) If the lien holder is an insured depository institution, in the manner prescribed by [Fed. R. Bankr. P. 7004\(h\)](#), including being addressed to a named officer of the institution by title, unless one of the other provisions of Fed. R. Bankr. P. 7004(h) applies, *and in addition*:
 - (i) on the mailing address on the proof of claim form, attention to the person executing the claim, if such claim form has been filed at the time service is made, *or if not applicable*
 - (ii) on any registered agent authorized to receive service of process for the institution.
- (C) If the lien holder is other than an insured depository institution:

- (i) on the mailing address on the proof of claim form, attention to the person executing the claim, if such proof of claim form has been filed at the time service is to be made, *or if not applicable*,
- (ii) at the payment address to which the debtor makes monthly payments on account of the claim.

(2) Motion To Avoid Lien Contained In A Chapter 13 Plan, Amended Plan, or by separate Motion:

(A) the Plan and/or Motion shall be served on the lienholder and the lienholder's counsel, if known;

(B) with respect to judicial liens against the property, if bankruptcy counsel for any such judicial lienholders is not known, then service shall also be made by first class mail upon counsel that represented any such judicial lienholders in the non-bankruptcy action in which the lien was obtained. If there was no counsel in such non-bankruptcy action, then the Certificate of Service must expressly indicate that review of the non-bankruptcy action was undertaken and no counsel was listed for the judicial lienholder.

(C) If the lien holder is an insured depository institution, in the manner prescribed by [Fed. R. Bankr. P. 7004\(h\)](#), including being addressed to a named officer of the institution by title, unless one of the other provisions of [Fed. R. Bankr. P. 7004\(h\)](#) applies, *and in addition*:

- (i) on the mailing address on the proof of claim form, attention to the person executing the claim, if such claim form has been filed at the time service is made, *or if not applicable*
- (ii) on any registered agent authorized to receive service of process for the institution.

(c) Service of 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 notice in the manner provided for in this rule.

(d) 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 Matrix by Case" report available on the Court's ECF system [located under Utilities>Mailings] (the "ECF List") as of the date service will be made; and

(B) attach to the certificate of service filed with the Court a copy of the ECF List used to effectuate service. If the ECF List contains multiple addresses for a single creditor or party in interest, service shall be made on all such addresses listed unless counsel is aware that a particular address is ineffective or that a preferred address exists. Instructions for creating the ECF List, including managing invalid and preferred addresses, is contained in [Appendix V](#) to these rules.

(e) Filing 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/termination of the objection/response, as applicable.

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

RULE 9014-1 CONTESTED MATTERS

[Amended 9/9/13]

(a) Rule 9013 Governs Procedure. In any contested matter, motion practice shall be governed by [R.I. LBR 9013-1](#) and [9013-2](#).

(b) Rule 7026 Shall Not Apply. [Federal Rule of Bankruptcy Procedure 7026](#) shall not apply to contested matters governed by [R.I. LBR 9014](#), unless otherwise ordered by the court.

(c) Service and Certificate of Service. Unless another manner of service is ordered by the Court, the movant shall serve the motion by mail in the manner provided by [Fed. R. Bankr. P. 7004](#). The movant shall file with the Clerk a certificate of service which complies with [R.I. LBR 9013-3](#).

(d) Duty to File Joint Pretrial Statement. Where the Court determines that the filing of a Joint Pretrial Statement will facilitate and expedite the hearing of a contested matter, the parties will be directed to file a Joint Pretrial Statement within the time established by the Court, and in accordance with the requirements set forth in paragraphs (1) and (2) below and in the form described in [R.I. Local Form 9014-1.1](#).

(1) Initial Draft by Plaintiff/Movant. In all instances that require the filing of a Joint Pretrial Statement, it is the plaintiff/movant's responsibility to prepare the initial draft of the Joint Pretrial Statement and to serve it on opposing counsel at least four business days before the Statement is due in the Clerk's office. The opposing party must submit to the movant any comments or revisions within two (2) days, to finalize the Statement. If either party fails to perform as required herein, the aggrieved party shall file a one-sided pretrial Statement, along with an affidavit stating the facts which constitute the failure to cooperate.

(2) Affidavit of Noncompliance. Upon consideration of an affidavit filed in accordance with paragraph (1) above and any response thereto, the Court may order that the motion or adversary proceeding proceed as a defaulted matter:

(A) When a matter brought by a plaintiff/movant is in default as to the filing of the Joint Pretrial Statement or any of the requirements specified therein, the Court, after notice and hearing, may in its discretion dismiss the matter for want of diligent prosecution.

(B) When a matter is in default by the defendant/respondent as to the filing of a Joint Pretrial Statement or any of the requirements specified therein, the Court,

after notice and hearing, may in its discretion bar the defendant/respondent from presenting its defense at trial.

(e) Duty to Confer Prior to Evidentiary Hearing. Prior to commencement of an evidentiary hearing on a contested matter, counsel shall confer in a good faith effort to resolve the dispute, and must represent that they have so conferred (unsuccessfully), prior to the presentation of evidence. The plaintiff, the movant or the party objecting to a claim shall initiate the settlement conference.

RULE 9018-1 FILING UNDER SEAL

[Amended 12/1/23]

(a) Request to File a Document Under Seal. The request to file a document under seal is a two-step process:

(1) Motion to Seal and Proposed Order. A party or interested persons seeking to seal a document(s) (hereinafter "Document(s)") must file a motion to seal with the Court with notice to parties in interest, unless the Court orders otherwise pursuant to paragraph (b) of this Rule. The motion to seal shall include: (i) a statement under oath setting forth the grounds for sealing the Document(s), (ii) a request stating the duration that the Document(s) are sought to remain sealed, and (iii) a proposed order which identifies any parties or other persons other than the movant who will have access to the Document(s). The Document(s) must not be attached to the motion to seal and the information sought to be protected by sealing the Document(s) should not be disclosed in the motion to seal. A proposed order must also be filed with the motion to seal.

(2) Document(s) Sought to be Sealed. Immediately after filing the motion to seal described in paragraph (a)(1) of this Rule, the movant shall mail or hand deliver the Document(s) or a USB key containing the Document(s) to the Clerk's Office. The Document(s) or USB key must be mailed or delivered in a sealed envelope or container conspicuously marked "FILED SUBJECT TO PENDING MOTION TO SEAL". The Document(s) shall be considered provisionally sealed and shall remain provisionally sealed until the Court rules on the motion to seal.

(b) Notice of the Motion to Seal. The filer of a motion to seal must serve the motion, but not the Document(s), on all parties or interested persons entitled to notice, unless the movant also requests in the motion to seal approval of limited notice or ex parte relief.

(1) Limiting Notice. A filer of a motion to seal may seek to limit notice of the motion if appropriate. If limited notice of the motion is requested, the movant shall (i) request that notice limitation in the motion to seal and (ii) set forth good cause for limiting notice.

(2) Ex Parte Relief. If ex parte relief is requested in the motion to seal, the moving party must comply with LBR 9013-2(e).

(c) Order to Seal Document(s). The Document(s) will not be sealed, other than provisionally, without a Court order. The proposed order submitted to the Court with the motion to seal shall provide that the Clerk will place the Document(s) under seal

and it shall identify the parties, if any, who may have access to the sealed Document(s) and the duration the Documents(s) are to remain sealed.

(d) Handling and Disposition of Documents Sought to be Sealed. Upon receipt by the Clerk of the Document(s) pursuant to paragraph (a) of this Rule, the Court shall review the Document(s) in camera.

(1) Disposition of Document(s) when Relief is Denied or Motion to Seal is Withdrawn. To the extent the motion to seal is denied in whole or in part, or if the motion to seal is withdrawn by the filer of the motion to seal, the applicable Document(s) shall be returned to the filer of the motion to seal. If those Document(s) are subsequently refiled, they shall be filed with other pleadings in the case to which the public shall have access.

(2) Disposition of Document(s) when Relief is Granted. To the extent that the motion to seal is granted in whole or in part, the order sealing the applicable Document(s) (“Seal Order”) shall be filed on the case docket. The sealed Document(s) shall be transferred to the Clerk for special storage. The Clerk shall attach to the envelope or USB key containing the sealed Document(s) a copy of the Seal Order and copies of any subsequent orders relating to the sealed Document(s). Thereafter, access to the sealed Document(s) shall be limited to the Court, the Clerk, the party or interested persons for whose benefit the order was entered, any other persons authorized to view the Document(s) under the Seal Order or any other order of the Court relating to the sealed Document(s).

If the motion to seal is granted in part and the Court has approved sealing only certain portions of the Document(s), then within 10 days of the entry of the Seal Order the filer shall file on the public docket a redacted version of the Document(s) indicating “redacted” for those portions of the Document(s) that have been redacted. If the redacted Document(s) is/are not timely filed, the motion to seal will be deemed denied in its entirety and the Document(s) will be returned to the filer and will not be part of the record in the case.

(3) Disposition of Document(s) Upon Expiration of Seal Order. If the date by which the sealed Document(s) are to remain sealed expires under the terms of the Seal Order, and such order does not provide the arrangements for post-seal custody of the sealed Document(s) or if the Seal Order provides for post-seal custody of the sealed Document(s) and the sealed Document(s) are not retrieved within fourteen (14) days of the expiration of the seal period, the Clerk shall provide notice of no less than

forty-five (45) days to the persons for whose benefit the Seal Order was entered, or their attorney, that the sealed Document(s), in the absence of a timely objection or retrieval of the Document(s) prior to the expiration of such period, will be destroyed.

(4) Disposition of Document(s) Sealed if No Expiration. If the Seal Order does not provide for an expiration of the period under which the Document(s) shall remain sealed, then within sixty (60) days after the closing of the case or adversary proceeding, as applicable, the Clerk shall provide notice of no less than forty-five (45) days to the persons for whose benefit the Seal Order was entered, or their attorney, that the sealed Document(s), in the absence of a timely objection or retrieval of the Document(s) prior to the expiration of such period, will be destroyed.

(e) Motion to Seal a Previously Filed Document. A party wishing to seal a document (s) previously filed with the Court shall file a motion to seal in compliance with paragraphs (a) and (b) of this Rule.

(f) Relief from Seal Order. Any party or interested person that seeks relief from a Seal Order shall do so by motion, with notice to include the persons for whose benefit the Seal Order was entered and their attorney. Any order granting relief from the Seal Order shall identify the additional parties granted relief from such order. The Clerk shall attach any such additional orders to the sealed Document(s).

(g) Seal by Court Sua Sponte. The Court may, sua sponte, for good and sufficient cause in accordance with applicable law, seal any document(s) pursuant to this Rule, or order that the document(s) not be released for online viewing.

(h) Attachments or Exhibits to Proofs of Claim or Other Documents. The Clerk of this Court or the Clerk's delegate(s) may on their own initiative and without the necessity of any separate order, designate the attachment or exhibit to a proof of claim or to any other documents filed with this Court to be imaged as a "private event" under the Court's electronic filing system in the event the attachment, exhibit or other documents contain medical information relating to an individual or otherwise contains information whose unrestricted disclosure may not be appropriate. Nothing herein shall constitute an affirmative obligation by the Clerk to locate or identify such information in any attachment, exhibit or other documents or preclude any persons in interest from requesting that the Court terminate the "private event" status of the same and make the information public. See also, [LBR 9037-1\(a\)\(3\)\(C\)](#).

RULE 9019-1 STIPULATIONS

Stipulations - Signed Writing Required. All stipulations affecting a case or proceeding before the Court, except stipulations made in open court and recorded by the Court reporter, shall be in writing, signed by all affected parties and filed with the Court. No stipulations shall have the effect of relieving a party from a prior order of the Court, including a scheduling order, unless the stipulation is approved by the Court, in writing.

RULE 9022-1 JUDGMENTS AND ORDERS

(a) Service by the Clerk. The Clerk shall provide notice by mail of the entry of a judgment or order to the contesting parties, the local office of the U.S. trustee and the case trustee only. In adversary proceedings, the Clerk shall provide notice by mail of the entry of a judgment or order only to contesting parties, unless the U.S. trustee or case trustee specifically request notice or the Court otherwise orders. Any other party wishing to receive notice of the entry of judgments or orders of the Court is responsible for monitoring the case for the entry of such orders and judgments, and shall obtain copies at their own expense. If the Court orders that notice of the entry of a judgment or order be given to entities other than the contesting parties, the U.S. trustee and case trustee, the Clerk is authorized to designate the party responsible for providing notice by mail of the entry of a judgment or order to such other entities.

(b) Service of Court Orders or Judgments on Noncontesting Parties. Upon receipt of a Court Order or Judgment with instructions to serve other noncontesting parties, counsel (or a pro se party) shall forthwith serve a copy of said order or judgment upon all persons designated by the Clerk to receive service, or if none, on those persons who have filed their appearances and requested service of all notices in the case. A certificate of service shall be filed with the Clerk in the manner provided for in [R.I. LBR 9013-3](#).

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

RULE 9027-1 REMOVAL AND REMAND

[Amended 12/1/09]

(a) Within seven (7) days after filing a notice of removal of an action from a state or federal court to this Court pursuant to [Fed. R. Bankr. P. 9027](#), the party filing the notice shall file with the Clerk of the Bankruptcy Court, true and accurate copies of all pertinent papers filed in the court from which removal is sought, and a certified or attested copy of all docket entries in such action.

(b) Any party removing a civil action to this Court shall file with the Bankruptcy Clerk a list containing the name of each party to the removed case, and the names, addresses and telephone numbers of their counsel, or the party, if pro se.

(c) Service of the notice of removal or remand shall be served on all parties to the removed or remanded case, in the manner provided for in [Fed. R. Bankr. P. 7004](#).

RULE 9036-1 NOTICE AND SERVICE BY ELECTRONIC TRANSMISSION

[Abolished and replaced by FRBP 9036 - 12/1/19]

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 Federal Rule of Bankruptcy Procedure 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 Federal Rule of Bankruptcy Procedure 9037. In compliance with FRBP 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. Bank. 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 USC 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 nonparty'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 nonparty'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 nonparty'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: 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). 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)

RULE 9072-1 ORDERS - PROPOSED

[Amended 7/1/15]

(a) Orders in Open Court. Unless otherwise ordered, orders announced in open court shall be prepared and submitted by the prevailing party, and contemporaneously served upon opposing counsel, within seven (7) days of the hearing. *See also* [R.I. LBR 5005-5\(b\)](#).

(b) Preparation of Orders and Judgments. Unless otherwise ordered by the Court, orders and judgments prepared by an attorney will not be signed by the Court unless they have been approved as to form by counsel for all affected parties. If no objection is received within seven (7) days of service, the Court may enter the order. In the event an objection to the form of the order is filed within such seven (7) day period, the Court may require counsel to appear and be heard, or may sign or modify the proposed form of order or judgment, as appropriate.

(c) Failure to Submit and Serve Orders. If, after hearing, the Court has assigned responsibility for preparation of an order to counsel, or if counsel has volunteered to submit an order, or subdivision (a) applies, and responsible counsel fails to prepare the order, serve it on interested parties and file it with the Court within fourteen (14) days of the hearing, the Court may take such action as it deems appropriate, including, but not necessarily limited to entry of its own order, imposing sanctions, overruling objections or denying the relief sought.

CROSS REFERENCE *See* [R.I. LBR 5005-4](#) (Electronic Filing)

RULE 9074-1 TELEPHONE AND VIDEO CONFERENCE OR HEARING
[Amended 12/1/22]

RULE 9074-1 TELEPHONE AND VIDEO CONFERENCE OR HEARING [Amended
12/1/22]

(a) Request for Remote Attendance at Court Proceeding via Telephone or Video Technology. The Court may permit any party in interest to participate in a hearing or conference by telephone or video (via the ZoomGov court platform, or similar virtual technology prescribed by the Court). A party in interest wishing to attend either an evidentiary or non-evidentiary court proceeding by telephone or video must file the request by motion in the following manner:

(1) Evidentiary Hearings. The motion must be filed (i) no less than 21 days prior to the scheduled hearing, (ii) contain the standard LBR 1005-1(d)(1) response language, and (iii) set forth good cause for the request.

(2) Non-Evidentiary Hearings. The motion must be filed (i) no later than 3:00 p.m. the day before the scheduled hearing, (ii) pursuant to LBR 1005-1(d)(2)(P), the response time language should not be included in the motion but will be left to the discretion of the Court and (iii) set forth good cause for the request.

At any time, the Judge may vacate any previously granted motion to appear virtually or telephonically and may order such party to personally appear in court for any court proceeding.

(b) Reliance on Written Submissions and Use of Exhibits. Copies of written submissions or exhibits to be considered in connection with a matter scheduled for telephonic or video hearing shall be filed with the Clerk and served upon the parties in accordance with [LBR 9070-1](#).

(c) Procedures for Remote Court Proceedings. The Courtroom Deputy shall coordinate any authorized remote court proceeding and will provide the parties with advanced instructions and court protocols for attendance at such remote court hearing.

(1) Decorum. The provisions of [R.I. Local Rule 5072-1](#) governing courtroom decorum shall apply and the formalities of courtroom protocol shall be observed.


(2) Witnesses. Any witness called will be sworn in by video conference by the courtroom deputy clerk or other authorized court personnel.

(3) Identification. All parties in attendance must identify themselves and state their interest in the proceeding.

(d) Technical Requirements for Remote Court Proceeding by Video. Any video-conferencing system utilized under this rule must meet the following minimum requirements:

- (1)** All participants must be able to see, hear, and communicate with each other simultaneously during the proceeding.
- (2)** All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method.
- (3)** Video quality must be adequate to allow the Court and the participants to observe each other's demeanor and nonverbal expressions.
- (4)** Video conference facilities must provide for confidential communication between attorneys and their client.
- (5)** The Court must be satisfied that the equipment at the remote site is adequate and appropriate. To accomplish this, a test run between the remote site and the Court site may be conducted 24 hours prior to the commencement of the hearing, at the party's request.

(e) Recording of Court Proceeding. A video or telephone conference or hearing constitutes an official court proceeding, and any recording other than the official court version is prohibited. No party may record images or sounds from the remote location.

<p> 12/1/22 Amendment: This Rule is amended to set new requirements for any party wishing to request remote attendance at a court proceeding via telephone or video technology.</p>
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Appendices

Appendix I - ELECTRONIC TRANSCRIPTS

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT ELECTRONIC TRANSCRIPTS

In September 2003, the Judicial Conference adopted a policy requiring courts that make electronic documents remotely available to the public also to make prepared electronic transcripts of court proceedings available remotely (JCUS-SEP 03, pp. 16-17). In September 2005, after studying the potential Judicial Conference of the United States September 18, 2007 impact of the policy on court reporter compensation, the Conference adopted an implementation plan that, upon passage of authorizing legislation, would have raised the Public Access to Court Electronic Records (PACER) fee for access to transcripts and allocated a portion of that fee to court reporters who create the transcripts (JCUS-SEP 05, pp. 15-16). At this session, noting that the legislation needed to effectuate the plan has yet to be enacted, thereby thwarting implementation of the program, the Committee on Court Administration and Case Management, in consultation with the Committees on Judicial Resources, Information Technology, and Defender Services, and with input from several Administrative Office advisory groups, recommended that the Conference approve a new implementation plan as follows:

- a. A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk;
- b. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes; and
- c. After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through the judiciary's PACER system. The Conference approved the plan as well as the Committee's recommendation that the Conference (a) delegate to the Committee the authority to revise existing Conference policies to conform with this policy and (b) direct the Administrative Office to issue guidance to the courts on implementation of the policy.

Appendix II - DISTRICT OF RHODE ISLAND STANDARD EXPENSE LIST

UNITED STATES BANKRUPTCY COURT

DISTRICT OF RHODE ISLAND

DISTRICT OF RHODE ISLAND STANDARD EXPENSE LIST

In accordance with [R.I. LBR 2016- 1 \(e\)](#), the following expenses will be approved for reimbursement at the following rates. If an applicant's actual cost exceeds the below listed rate, upon adequate proof thereof, the Court will approve reimbursement at the actual cost.

1. Photocopy or Duplication Expense. In-house photocopying will be reimbursed at the rate of \$.20 per page. Copying services obtained from other sources will be reimbursed at actual cost.

2. Facsimile/Telecopier Expense:

(a) **Outgoing Transmissions:** Charges for outgoing transmissions will be reimbursed at the actual cost of the outgoing telephone call only. If the applicant does not maintain records of such expenses, outgoing transmissions will be reimbursed at the rate of \$.50 per page only.

(b) **Incoming Transmissions:** Charges for incoming transmissions will be reimbursed at the cost of \$.50 per page only.

3. Telephone Expense. Applicants will be reimbursed for the actual cost of long distance telephone charges only.

4. Mileage Expense. Mileage will be approved for reimbursement at the rate set by the Secretary of the Treasury in revenue procedures adopted pursuant to the Internal Revenue Code.

5. Overtime Utilities. The Court will not approve reimbursement for the cost of overtime utilities.

6. Meals. Absent extraordinary circumstances, the Court will not approve reimbursement for the cost of any meals.

7. Secretarial Overtime. Absent extraordinary circumstances, the Court will not approve reimbursement for any secretarial overtime expense.

8. Parking. The Court will approve reimbursement for the actual cost of parking when traveling to Providence for court appearances.

☞ 7/1/15 Amendment: This appendix was abolished from the Bankruptcy Court's local rules. In addition to the Bankruptcy to the Bankruptcy Court's local rules, filers should consult the Rhode Island District Court's Local Rule Gen 109 for rules governing appeals.

Appendix III - DISTRICT OF RHODE ISLAND MAXIMUM ATTORNEY FEE

WITHOUT WRITTEN FEE APPLICATION UNITED STATES BANKRUPTCY COURT DISTRICT OF RHODE ISLAND

DISTRICT OF RHODE ISLAND MAXIMUM ATTORNEY FEE WITHOUT WRITTEN FEE APPLICATION

[Amended 12/1/19]

(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.

<p>✍ 12/1/19 Amendment: The fee cap for an attorney for a Chapter 13 debtor has been increased for: preconfirmation services from \$3,500 to \$4,000; post confirmation services from \$500 to \$1,000; and loss mitigation services from \$2,000 to \$3,000</p>
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Appendix IV - CLERK'S OFFICE'S WRITTEN POLICY ON IMPOSITION OF SEARCH FEES FOR REQUESTS FOR INFORMATION

UNITED STATES BANKRUPTCY COURT

DISTRICT OF RHODE ISLAND

**CLERK'S OFFICE'S WRITTEN POLICY ON IMPOSITION
OF SEARCH FEES FOR REQUESTS FOR INFORMATION**

Generally, all documents filed in a bankruptcy case and the dockets of a bankruptcy court are public records. 11 U.S.C. § 107(a). However, item (5) of the Judicial Conference Schedule of Fees, *see* 28 U.S.C. § 1930(b), requires that a fee be assessed: "[f]or every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, \$31 per name or item searched."

The following policy guidelines govern the imposition of this fee in the U.S. Bankruptcy Court for the District of Rhode Island, and to the extent applicable, are in accordance with the Guidelines adopted by the Judicial Conference of the United States:

1. NO SEARCH FEE IS CHARGED FOR THE RETRIEVAL OF BASIC INFORMATION READILY OBTAINED THROUGH AN AUTOMATED DATABASE OR THE FRONT OF A HARD DOCKET CARD. HOWEVER, WHERE VCIS IS AVAILABLE, A TELEPHONE REQUESTER MAY BE REFERRED TO THIS AUTOMATED DATABASE TO OBTAIN SUCH INFORMATION.
2. A SEARCH FEE SHALL BE CHARGED WHENEVER A PHYSICAL SEARCH OF THE COURT'S RECORDS IS REQUIRED, i.e., ANY REQUEST FOR COPIES OF PETITIONS, SCHEDULES OR OTHER DOCUMENTS THAT REQUIRE A CLERK TO LOCATE AND PHYSICALLY SEARCH THE FILE FOR THE REQUESTED INFORMATION. THE ONLY ENTITIES EXEMPT FROM THE IMPOSITION OF THIS FEE ARE FEDERAL AGENCIES, AND ONLY WHEN SUCH INFORMATION IS NOT OTHERWISE AVAILABLE THROUGH ELECTRONIC ACCESS. CASE TRUSTEES ARE NOT EXEMPT FROM THE IMPOSITION OF THIS SEARCH FEE. IN ADDITION TO THE SEARCH FEE, THE STANDARD \$.50 CENT REPRODUCTION FEE SHALL ALSO BE CHARGED FOR EACH PAGE COPIED, WHICH CHARGE IS APPLICABLE TO ALL ENTITIES EXCEPT FEDERAL AGENCIES.
3. ANY WRITTEN SEARCH REQUEST THAT REQUIRES A RESPONSE IN WRITING IS SUBJECT TO THE \$31.00 SEARCH FEE. THE SEARCH FEE MUST BE INCLUDED WITH THE REQUEST IN ORDER TO PROCESS IT.
4. A REQUEST FOR ARCHIVED DOCUMENTS DOES NOT REQUIRE A \$31 SEARCH FEE, BUT DOES REQUIRE A \$53 ARCHIVE RETRIEVAL FEE.
5. AT ALL TIMES, THE CLERK OF COURT HAS GENERAL AUTHORITY TO REFUSE TO CONDUCT SEARCHES WHICH ARE UNREASONABLE OR UNDULY BURDENSOME.
6. THE CLERK'S OFFICE MAY BE CALLED TO FIND OUT IF THE INFORMATION SOUGHT REQUIRES A FEE. IF A FEE IS DUE, IT MUST BE PAID IN ADVANCE. COURT

USERS CAN AVOID A SEARCH FEE BY COMING TO THE CLERK’S OFFICE, OBTAINING THE FILE, AND FINDING THE DESIRED INFORMATION ON THEIR OWN.

March 17, 1995

Last revised 11/30/16

Susan M. Thurston
Clerk, US Bankruptcy Court

Appendix V - INSTRUCTIONS FOR CREATING AN ECF MAILING LIST FOR SERVICE

Purpose

These instructions are designed to assist practitioners with complying with the Court’s local rule service requirements specified in R.I. LBR 9013-3(b) by producing a Mailing Matrix report using the Court’s Electronic Case Filing system (ECF).

To Access the Mailing Matrix by Case Screen:

STEP	ACTION
1	Log into ECF; choose "Utilities" on the ECF banner;
2	Choose "Mailings" under the Miscellaneous menu;
3	Choose "Mailing Matrix by Case (use this for service)";
4	Insert the Case Number.

The “Mailing Matrix by Case” screen allows the user to make any combination of service choices. In most instances, service is required on all case participants and creditors.

If Notice is Being Served on All Case Participants and Creditors:

STEP	ACTION
1	Check the “All” box (<i>Select ALL participants for case (excluding judge)</i>);
2	If you wish to exclude addresses of parties that receive automatic ECF electronic notice (NEF), answer ‘yes’ to the prompt at the bottom of the screen;
3	Click “Next”;
4	Save the PDF; include as an attachment to the pleading (name the attachment Certificate of Service) <i>OR</i> docket the Certificate of Service event and upload the PDF separately, then link to the main pleading.

If Notice Is Being Served On All Case Participants And *Only Those Creditors Who Have Filed A Proof Of Claim*:

Make the Following Selections on the Mailing Report:

STEP	ACTION
1	Click the blank area above the first listing in the “Participants” column;
2	Click the blank area above the first listing in the “Special Mailing Group” column;
3	Select “Creditors who have filed claims” in the “Creditors” column;
4	Select the “Attorneys” check box;
5	If you wish to exclude addresses of parties that receive automatic ECF electronic notice (NEF), answer ‘yes’ to the prompt at the bottom of the screen;
6	Click “Next”;
7	Save the PDF; include as an attachment to the main pleading (name the attachment Certificate of Service) OR docket the Certificate of Service event and upload the PDF separately, then link to the main pleading.

Below is a screen shot of how the first 5 steps should appear:

Entities with Preferred Mailing Addresses

Where the ECF List indicates that an entity has specified a preferred mailing address, counsel must serve the entity at the preferred address only.

Entities with Invalid Mailing Addresses

If counsel has received notice that an address on the ECF List is no longer valid, counsel may indicate same on the certificate of service and ECF List attached and need not serve any such address:

STEP	ACTION
1	Print ECF Mailing List, cross off invalid address, and rescan/save PDF OR Use type-writer tool in Adobe and mark address as INVALID; save PDF;
2	Save the PDF; include as an attachment to the main pleading (name the attachment Certificate of Service) OR docket the Certificate of Service event and upload the PDF separately, then link to the main pleading.

✎ 4/1/14 - NEW Appendix V. These instructions are designed to assist practitioners with complying with the Court's service requirements specified in R.I. LBR 9013-3(d) by producing a Mailing Matrix report using the Court's Electronic Filing system (ECF).

Appendix VII - LOSS MITIGATION PROGRAM AND PROCEDURES

(Rev.12/1/2017)

UNITED STATES BANKRUPTCY COURT

DISTRICT OF RHODE ISLAND

EIGHTH AMENDED LOSS MITIGATION PROGRAM AND PROCEDURES

I. PURPOSE

The Loss Mitigation Program is designed to function as a forum for debtors and lenders to reach consensual resolution when a debtor's residential property is at risk of foreclosure. The Loss Mitigation Program aims to facilitate such resolution by opening communications between the debtors' and lenders' decision-makers. While the Loss Mitigation Program stays certain bankruptcy deadlines that may delay the normal progress of bankruptcy administration, more importantly, the Loss Mitigation Program encourages the parties to finalize a feasible and beneficial agreement under Bankruptcy Court protection, instead of seeking dismissal of the bankruptcy case.

II. LOSS MITIGATION DEFINED

The "loss mitigation" process is intended to include the full range of solutions that may prevent either the loss of a debtor's property to foreclosure, increased costs to the lender, or both. Loss mitigation commonly consists of several general types of agreements, or a combination of them:

loan modification, loan refinance, forbearance, short sale, or surrender of the property in full satisfaction. The terms of a loss mitigation solution will vary in each case according to the particular needs and goals of the parties.

III. ELIGIBILITY

The following definitions describe the types of parties, properties and loans that are eligible for participation in the Loss Mitigation Program:

A. DEBTOR

The term “Debtor” means any individual debtor in a case filed under Chapter 7, 11, 12 or 13 of the Bankruptcy Code, including joint debtors. If the Debtor is represented by counsel, the term “Debtor” is to be interpreted to include both the Debtor and the Debtor’s counsel, unless the Debtor, with the approval of Debtor’s counsel, has expressly requested and authorized direct involvement without counsel. As a condition of a Chapter 7 Debtor’s participation in loss mitigation, the Debtor must timely file a financial management course certificate within sixty days of the initial date set for the § 341 meeting of creditors pursuant to [Fed. R. Bankr. P. 1007\(c\)](#) and comply with all other requirements of the Bankruptcy Code. If the financial management course certificate is not timely filed then loss mitigation may be terminated. The fact that a discharge has entered or that relief from stay has been granted does not prevent a Debtor from requesting loss mitigation or prevent the Court from entering a Loss Mitigation Order. However, neither do these actions prevent such Creditors from pursuing their state court rights during the loss mitigation period, if they so elect. Nothing herein prevents a party from filing a motion for specific relief.

B. PROPERTY

The term “Property” means any real property used as the principal residence of an eligible Debtor in which that Debtor holds an interest.

C. LOAN AND ESCROW

The term “Loan” means any mortgage, lien or extension of money or credit secured by eligible Property, regardless of whether the Loan (1) is considered to be “subprime” or “non-traditional,” (2) was in foreclosure prior to the bankruptcy filing, (3) is the first or junior mortgage or lien on the Property, or (4) has been “pooled,” “securitized,” or assigned to a servicer or to a trustee. The term “Escrow” means the payment in excess of principal and interest as defined in the applicable Loan document(s).

D. CREDITOR

The term “Creditor” refers to any mortgage holder, assignee, servicer or trustee of an eligible Loan.

IV. ADDITIONAL PARTIES

A. OTHER CREDITORS

Where necessary or desirable to obtain a global (i.e., more than a two party) resolution, any party may request, or the Bankruptcy Court may direct that multiple Creditors participate in the loss mitigation process.

B. CO-DEBTORS AND THIRD PARTIES

Where the participation of a co-debtor or other third party is necessary or desirable, any party may request, or the Bankruptcy Court may direct that such party participate in loss mitigation, to the extent that the Bankruptcy Court has jurisdiction over the party, or if the party consents to such participation.

C. CHAPTER 13 TRUSTEE

It is the duty of the Chapter 13 Trustee under § 1302(b)(4) of the Bankruptcy Code to “advise, other than on legal matters, and assist the debtor in performance under the plan.” Any party may request, or the Bankruptcy Court may direct the Chapter 13 Trustee to participate in loss mitigation to the extent that such participation would be consistent with the Chapter 13 Trustee’s duties under the Bankruptcy Code.

V. COMMENCEMENT OF LOSS MITIGATION

In a Chapter 7 case, the request for loss mitigation must be filed within 60 days of the petition date by one of the methods provided below. A loss mitigation request filed after the 60th day following the petition date must be accompanied by a motion to file out of time, pled with specificity. The consideration of such motion is within the Court’s discretion. In a Chapter 13 case, the request for loss mitigation may be filed at any time by one of the methods provided below, although parties are encouraged to request loss mitigation as early in the case as possible.

A. BY THE DEBTOR

1. The Debtor shall serve on the Creditor and its registered agent, and on its counsel, if known, and file with the Court, a Notice and/or Request for Loss Mitigation (3rd Amended Form A) (“Debtor’s Request for Loss Mitigation”). The Creditor shall have fourteen (14) days to object. If no objection is filed, the Bankruptcy Court may enter a Loss Mitigation Order setting forth the applicable deadlines for the loss mitigation process. If the Creditor/Lender is the United States, its agency, corporations, officers or employees [e.g., HUD], service of the Notice and/or Request for Loss Mitigation shall be made at the office of the United States Attorney for the District of Rhode Island.

2. Alternatively, a Debtor may file with the Court and serve on the Creditor and its counsel, if known, a Debtor’s Request for Loss Mitigation. The Creditor shall have fourteen (14) days to object. If no objection is filed, the Bankruptcy Court may enter a Loss Mitigation Order setting forth the applicable deadlines for the loss mitigation process. Only one creditor/property may be

included on the Debtor's Request for Loss Mitigation. Use separate forms for additional creditors (liens). If the Creditor/Lender is the United States, its agency, corporations, officers or employees [e.g., HUD], service of the Notice and/or Request for Loss Mitigation shall be made at the office of the United States Attorney for the District of Rhode Island.

3. If a Creditor has filed a motion for relief from the automatic stay pursuant to § 362 of the Bankruptcy Code (a "Lift-Stay Motion"), the Debtor may file a Debtor's Request for Loss Mitigation so long as it is filed within the objection period set for the Lift-Stay Motion. The Debtor shall also timely file an objection to the Lift-Stay Motion stating all the grounds for such objection. The Debtor and Creditor shall appear at the scheduled hearing on the Lift-Stay Motion, at which time the Bankruptcy Court will consider the loss mitigation request and any opposition by the Creditor. If the objection deadline in the loss mitigation request expires before the scheduled hearing and no objection is filed, the matter will be automatically removed from the calendar, all pending matters will be continued, and the parties will be so notified. If the Court enters the Loss Mitigation Order, Lift-Stay Motions will be continued to the next loss mitigation status hearing held in the case.

B. BY A CREDITOR

A Creditor may file with the Court and serve on the Debtor and Debtor's counsel, if any, a Creditor's Request for Loss Mitigation (Amended Form B). The Debtor shall have seven (7) days to object. If no objection is filed, the Bankruptcy Court may enter a Loss Mitigation Order setting forth the applicable deadlines for the loss mitigation process.

C. FEES

Debtor's Request for Loss Mitigation (3rd Amended Form A) requires the Debtor, as part of participation in the Loss Mitigation Program, to consent to the payment of legal fees to Debtor's counsel and Lender's counsel in an amount up to \$2,000 each, or such additional amount as the Court may allow upon application and notice of hearing. Lender's counsel may not require payment of such fee by the Debtor during the loss mitigation process or as a condition of participation in the loss mitigation process and may only assess the fee to the Debtor's Loan account.

D. PAYMENT

This Court's Loss Mitigation Program is intended to bring debtors and secured lenders together, hopefully to reach consensual and mutually beneficial resolutions when residential property is at risk of foreclosure. With this in mind, and consistent with the federal HAMP eligibility requirements – that homeowners must be in default or at imminent risk of default—the requirement that debtors make regular mortgage payments during the loss mitigation process will not be automatically imposed as a condition to participation in the Loss Mitigation Program. To do so would likely be fatal to the viability of most of the federal, state and municipal programs that have been developed in response to the residential foreclosure crisis. However, during the

loss mitigation period, the Debtor must make monthly adequate protection payments, as provided below in Section VI.B.5, to the Creditor at the Creditor's loss mitigation contact address, or such other address as the Creditor may direct.

E. BY THE BANKRUPTCY COURT

The Bankruptcy Court may enter a Loss Mitigation Order at any time, provided that the parties bound by said Order (the "Loss Mitigation Parties") have had notice and opportunity to object and be heard.

F. OPPORTUNITY TO OBJECT

Where any party files an objection, a Loss Mitigation Order shall not be entered until the Bankruptcy Court, after adequate notice, has either held a hearing to consider the objection, or overrules the objection without a hearing for failing to include specific reasons why loss mitigation would not be successful. If a party objects on the ground that loss mitigation has been requested in bad faith, the assertion must be supported by objective reasons, and/or by sworn testimony.

To give the Rhode Island Bankruptcy Court Loss Mitigation Program the best chance of success, parties are advised that objections to loss mitigation participation shall be filed by the applicable deadline and must contain specific reasons as to why the secured lender believes that loss mitigation would not be successful.

VI. LOSS MITIGATION ORDER

A. DEADLINES

A Loss Mitigation Order shall contain deadlines for the following:

1. The date by which the Loss Mitigation Parties shall designate contact persons and disclose contact information, if this information has not been previously provided.
2. The date by which the Creditor must initially contact the Debtor.
3. The date by which the Creditor must transmit information requests to the Debtor.
4. The date by which the Debtor must transmit information requested by the Creditor.
5. The date by which the Court will hold an initial status hearing ("Initial Status Hearing") on loss mitigation. In lieu of attending the status hearing, the parties may file a status report (Form E) with proposed Consent Order (Form F) attached, no later than 3:00 p.m. two (2) days prior to the scheduled hearing date. If the Court enters the Consent Order, the Initial Status Hearing will be canceled.

B. EFFECT

Upon the entry of a Loss Mitigation Order, the following shall apply to the Loss Mitigation Parties:

1. Any Lift-Stay Motion filed by such Loss Mitigation Creditor prior to or after the entry of the Loss Mitigation Order shall be scheduled for hearing on the Initial Status Hearing date and continued to each successive loss mitigation status hearing date; the stay shall be extended pursuant to § 362(e) of the Bankruptcy Code. If, however, it appears that such motions are being filed during the loss mitigation period primarily to drive up costs to the Debtor, particularly when a consensual loan modification is in progress, the Court will consider, on a case by case basis, whether such fees and costs are appropriate. If the Debtor fails to cooperate in the loss mitigation process, the Creditor may move to terminate loss mitigation, at which time the Court will schedule the pending Lift-Stay Motion for the same date as any hearing on the motion to terminate loss mitigation.
2. In a Chapter 7 case, if the loss mitigation period is anticipated to continue more than 80 days from the date the Chapter 7 petition was filed, Debtors may seek to extend the entry of discharge pursuant to Fed. R. Bankr. P. 4004(c)(2), in order that the automatic stay not expire under 11 U.S.C. § 362(c)(2) (C).
3. In Chapter 13 cases, the hearing date for confirmation of the plan shall be continued to a date after the last day of the loss mitigation period. The deadline by which a Creditor must object to confirmation shall be governed by R.I. LBR 3015-1(c)(2), 3015-2(b) and/or 3015-3(b), as applicable, and calculated from the rescheduled confirmation date.
4. During the loss mitigation period, Debtor must stay current with their Chapter 13 plan payments in order to remain eligible for the program.
5. During the loss mitigation period, the Debtor must make monthly adequate protection payments to the Loss Mitigation Creditor in an amount equal to 31% of Debtor's gross monthly income as reported on Bankruptcy Schedules I & J, subject to the exceptions set forth herein. If more than one Loan is subject to loss mitigation, the combined adequate protection payments for all such Loans shall be equal to 31% of Debtor's gross monthly income as reported on Bankruptcy Schedules I & J. In the event 31% of the Debtor's gross monthly income as reported on Bankruptcy Schedules I & J is insufficient to pay the Escrow portion of all Loans subject to loss mitigation, the Debtor shall make monthly adequate protection payments equivalent to the contractual monthly Escrow payments due under the relevant Loans. Further, if the Debtor's contractual monthly mortgage payments, including the Escrow portion, for all Loans subject to loss mitigation is less than 31% of the Debtor's gross monthly income as reported on Bankruptcy Schedules I & J, then the Debtor shall make monthly adequate protection payments equivalent to the contractual amounts due under the Loan documents. Such monthly payments must commence within (a) 30 days of the entry of the Loss Mitigation Order or (b) 10 days after the Creditor provides its contact information, whichever is the later date. Failure to timely make such adequate protection payments may result in termination of loss mitigation. Payment should be

sent to the Creditor at the Creditor's loss mitigation contact address, or such other address as the Creditor may direct.

6. Pursuant to Fed. R. Evid. 408, all communications and information exchanged by the Loss Mitigation Parties during the loss mitigation period are without prejudice, and will be inadmissible in any subsequent judicial proceedings.

VII. DUTIES UPON COMMENCEMENT OF LOSS MITIGATION

Upon entry of a Loss Mitigation Order, the Loss Mitigation Parties shall have the following obligations:

A. GOOD FAITH

The Loss Mitigation Parties shall negotiate in good faith. A party failing or refusing to participate in loss mitigation in good faith may be subject to sanctions. At any time during the loss mitigation period, a party seeking compliance with deadlines should file a motion to compel compliance with the Loss Mitigation Order or seek termination of loss mitigation, if appropriate.

B. CONTACT INFORMATION

1. The Debtor: The Debtor shall provide written notice to each Creditor, indicating the manner in which the Creditor should contact the Debtor, unless the Debtor has already done so as part of its request for loss mitigation.
2. The Creditor: Each Creditor shall provide written notice to the Debtor, identifying the name, address, and direct telephone number of the contact person with settlement authority, unless a Creditor has already done so as part of a prior request for loss mitigation.

C. STATUS HEARING

The Court will hold an Initial Status Hearing on a date set forth in the Loss Mitigation Order. In lieu of attending the status hearing, the parties may file a status report (Form E) with proposed Consent Order (Form F) attached, no later than 3:00 p.m. two (2) days prior to the scheduled hearing date. If the Court enters the Consent Order, the Initial Status Hearing will be canceled.

D. BANKRUPTCY COURT APPROVAL

1. Chapter 13 Cases: The Loss Mitigation Parties shall file a written request for Bankruptcy Court approval of any resolution or settlement reached during the loss mitigation process in a Chapter 13 case. See also Section X *infra*.
2. Chapter 7 Cases: The Loss Mitigation Parties are not required to seek Bankruptcy Court approval of any resolution or settlement reached during the loss mitigation process, including approval of any loan modification agreement, and such Parties are authorized to effectuate such resolution or settlement without further order or approval of the Bankruptcy Court or the Chapter

7 Trustee. However, the Loss Mitigation Parties are required to file Form D upon the successful completion of loss mitigation. See also Section X *infra*.

VIII. THE LOSS MITIGATION PROCESS A. INITIAL CONTACT

Within seven (7) days after entry of a Loss Mitigation Order, unless a different deadline is set by the Court, the contact person designated by each Creditor shall contact the Debtor's counsel, or Debtor, if specifically authorized, and any other Loss Mitigation Party. The Debtor may contact any Loss Mitigation Party at any time. The purpose of the initial contact is to create a framework for the discussion at the Loss Mitigation Session and to ensure that each of the Loss Mitigation Parties will be prepared to participate meaningfully in the Loss Mitigation Session – it is not intended to preclude the introduction of additional issues or proposals that may arise during the session. During the initial contact phase, the Loss Mitigation Parties should agree upon:

1. The time, place and method for conducting the loss mitigation sessions.
2. The types of loss mitigation solutions under consideration by each party.
3. A plan for the exchange of requested information prior to the loss mitigation session, including the due date for the Debtor to complete and return any information request or other loss mitigation paperwork that each Creditor may require. All such information shall be provided at least seven (7) days prior to the Loss Mitigation Session.

B. LOSS MITIGATION SESSIONS

Loss Mitigation Sessions may be conducted in person, telephonically, via video conference or by e-mail communication. Prior to the conclusion of each Loss Mitigation Session, the Loss Mitigation Parties should discuss whether additional sessions are necessary and set the time and method for conducting any additional sessions, including a schedule for the exchange of any further information or documentation that may be required.

C. BANKRUPTCY COURT ASSISTANCE

At any time during the loss mitigation period, a Loss Mitigation Party may request a settlement conference or status conference with the Bankruptcy Court, on any subject dealing with the loss mitigation process.

IX. DURATION, EXTENSION AND EARLY TERMINATION

A. INITIAL PERIOD

The initial loss mitigation period shall be set by the Bankruptcy Court in the Loss Mitigation Order.

B. EARLY TERMINATION

1. Upon Request of a Loss Mitigation Party: A Loss Mitigation Party may request that the loss mitigation period be terminated for cause, and shall state the reason(s) for the request. Except where early termination is necessary to prevent irreparable injury, loss or damage, the request shall be made on notice to all other Loss Mitigation Parties, and if necessary, the Bankruptcy Court may schedule a hearing to consider said request.
2. Dismissal of the Bankruptcy Case:
 - a. Other than at the request of a Chapter 13 Debtor, or on the motion of the United States Trustee, the case trustee, or the Court acting sua sponte, for failure to comply with requirements under the Bankruptcy Code, a case shall not be dismissed during the loss mitigation period unless the Loss Mitigation Parties have provided the Bankruptcy Court with an explanatory status report that is approved by the Court.
 - b. Upon the request of a Chapter 13 Debtor: A Debtor shall not be required to request dismissal of the bankruptcy case as part of any resolution or settlement that is offered or agreed to during the loss mitigation period. Where a Chapter 13 Debtor requests voluntary dismissal of the bankruptcy case during the loss mitigation period, the Debtor's dismissal request shall indicate whether the Debtor agreed to any settlement or resolution with a Loss Mitigation Party during the loss mitigation period or intends to accept an offer of settlement made by a Loss Mitigation Party during the loss mitigation period.
 - c. Notice: If a bankruptcy case is dismissed for any reason during the loss mitigation period, the Clerk of the Court shall note on the docket that loss mitigation efforts were ongoing at the time the bankruptcy case was dismissed.

X. RESOLUTIONS

The Bankruptcy Court will consider any agreement reached during loss mitigation in Chapter 13 cases and may approve the same ("Resolution"), subject to the following:

1. Implementation: A Resolution may be noticed and implemented in any manner permitted by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), including, but not limited to, a stipulation, sale, plan of reorganization or amended plan of reorganization. All settlement agreements that result in loan modifications in Chapter 13 cases must be accompanied by a completed and signed Form D, Proposed Loan Modification Agreement. Upon Resolution in a Chapter 7 case, the Loss Mitigation Parties shall file a completed and signed Form D, Proposed Loan Modification Agreement.
2. Fees, Costs or Charges: If a Resolution provides for a Creditor to receive payment or reimbursement of any fee, cost or charge that arose from loss mitigation, other than those fees authorized by Section V.C. above, all such fees, costs or charges shall be disclosed to the Debtor, the case trustee, the United States Trustee, and to the Bankruptcy Court prior to (a) approval of the Resolution in a Chapter 13 case or (b) finalization of any Resolution in a Chapter 7 case.

3. Signatures: In a Chapter 13 case, consent to the Resolution shall be acknowledged in writing by (1) an authorized representative of the Creditor, (2) the Debtor, and (3) the Debtor's attorney, if applicable.
4. Hearing: Where a Debtor in a Chapter 13 case is represented by counsel, a Resolution may be approved by the Bankruptcy Court without further notice, or upon such notice as the Bankruptcy Court directs. Where a Debtor in a Chapter 13 case is not represented by counsel, a Resolution shall not be approved until after the Bankruptcy Court has conducted a hearing at which the Debtor shall personally appear.
5. Supplemental Schedules I and J, Amended Chapter 13 Plan, if applicable, and Updated Objection to Confirmation: Within fourteen (14) days after Court approval of a loss mitigation Resolution, the Debtor shall file Supplemental Schedules I and J, and an amended Chapter 13 Plan, if applicable. The Creditor shall update any previously filed objection to the Chapter 13 Plan, if applicable, at least seven (7) days before the rescheduled confirmation hearing date. If an updated objection is not filed, the Court will deem the original objection to have been withdrawn.
6. Dismissal Not Required: A Debtor is not required to request dismissal of the bankruptcy case in order to effectuate a Resolution. Where the Debtor requests or consents to dismissal of the bankruptcy case as part of the Resolution, the Bankruptcy Court may approve the agreement as a "structured dismissal," if such action complies with the Bankruptcy Code and the Bankruptcy Rules, and does substantial justice between the parties.

XI. COORDINATION WITH OTHER PROGRAMS

[Provision may be added in the future to provide for coordination with other loss mitigation programs.]

XII. EFFECTIVE DATE

Pursuant to General Order 09-003, the Court's Loss Mitigation Program first became effective on November 1, 2009. By General Order 10-001, the Court issued its First Amended Loss Mitigation Program which took effect on January 15, 2010, on April 1, 2010, by General Order 10-002, the Second Amended Loss Mitigation Program went into effect, on August 23, 2010, by General Order 10-003, the Third Amended Loss Mitigation Program took effect, on February 14, 2011, by General Order 11-001, the Fourth Amended Loss Mitigation Program took effect, on October 3, 2011, the Fifth Amended Loss Mitigation Program took effect, on December 1, 2011, the Sixth Amended Loss Mitigation Program took effect, on June 3, 2013, the Seventh Amended Loss Mitigation Program took effect, and on April 1, 2014, by General Order 14-001, this Eighth Amended Loss Mitigation Program took effect, and on December 1, 2017, by General Order 17-001, this Ninth Amended Loss Mitigation Program will take effect.

☞ 12/1/17 - Sections V(A)(1) and VII(B)(1) of the Loss Mitigation Program were amended to delete any reference to a loss mitigation request being made within the Chapter 13 Plan.

The option to request participation in loss mitigation through the chapter 13 plan no longer exists in amended Local Form 3015-1.1, and now any request for loss mitigation may only be made by filing Form A, Loss Mitigation Notice Request by Debtor, in the bankruptcy case.

☞ 4/1/14 - Section V.A1 - Amended to include the requirement that the Creditor's registered agent be served.

Section V.A1 and 2 - Removes the named attorney and states generally that service be made on the US Attorney for the District of Rhode Island.

Section X.5 - Amended to replace "Amended" with "Supplemental" when referring to schedules I and J.

Appendix Forms for Loss Mitigation

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

3rd Amended Form A
THREE PAGE DOCUMENT
(rev. 6.21.13)

----- x
In re:

: BK No.

Debtor(s) : Chapter

----- x

NOTICE AND/OR REQUEST FOR LOSS MITIGATION – BY THE DEBTOR(S)

As Debtor(s) in this case, I/we hereby request loss mitigation (LM) with respect to *[Identify the property, loan, purpose of the loss mitigation and creditor(s) for which loss mitigation is requested]*:

NAME AND MAILING ADDRESS OF CREDITOR: _____

PROPERTY ADDRESS: _____

Last 4 Digits of Loan Account: _____

PURPOSE FOR PARTICIPATION IN LOSS MITIGATION:

☐ Loan Modification

☐ Short Sale

☐ Other: _____

Check which applies. Creditor is the holder of the:

First Mortgage ☐ or Second Mortgage ☐

SIGNATURE (JOINT DEBTORS MUST EACH SIGN BELOW)

I/we understand that if the Court orders loss mitigation in this case, I/we must comply with the Loss Mitigation Procedures and will participate in loss mitigation in good faith. I/we understand that loss mitigation is voluntary, and that I/we am/are not required to enter into any agreement or settlement with any other party as part of this loss mitigation, and understand that no other party is required to enter into any agreement or settlement with me/us. I/we also understand that **I/we am/are not required to request dismissal of this case** as part of any resolution or settlement that is offered or agreed to during the LM period. **I/we also certify that the property in question consists only of real property used as a principal residence in which I/we hold an interest.**

Sign: _____ Date: _____ Sign: _____ Date: _____

I/we further certify as follows:

☐ During the Loss Mitigation period, I/we will make monthly adequate protection payments to the loss mitigation Creditor in an amount equal to 31% of my/our gross monthly income as reported on Bankruptcy Schedules I & J, subject to the exceptions set forth herein. If more than one Loan is subject to loss mitigation, the combined adequate protection payments for all such Loans shall be equal to 31% of my/our gross monthly income as reported on Bankruptcy Schedules I & J. In the event 31% of my/our gross monthly income as reported on Bankruptcy Schedules I & J is insufficient to pay the Escrow portion of all Loans subject to loss mitigation, I/we shall make monthly adequate protection payments equivalent to the contractual monthly Escrow payments due under the relevant Loans. Further, if my/our contractual monthly mortgage payments, including the Escrow portion, for all Loans subject to loss mitigation is less than 31% of my/our gross monthly income as reported on Bankruptcy Schedules I & J, then I/we shall make monthly adequate protection payments equivalent to the contractual amounts due under the Loan documents. Such monthly payments must commence within (a) 30 days of the entry of the Loss Mitigation Order or (b) 10 days after the Creditor provides its contact information, whichever is the later date. I/we understand that failure to timely make such adequate protection payments may result in termination of loss mitigation.

☐ I/we consent to the payment of legal fees to my/our counsel and to the above Creditor's counsel in an amount up to \$2,000 each, or such additional amount as the Court may allow upon application and notice of hearing. Creditor's counsel may not require payment of such fee by the Debtor(s) during the loss mitigation process or as a condition of participation in the loss mitigation process; the fee may only be assessed to the Debtor(s)'s Loan account.

Sign: _____ Date: _____ Sign: _____ Date: _____
(Debtor) (Debtor)

DEBTOR(S) INFORMATION:

Print Full Name (if joint case, name both Debtors): _____

Mailing Address: _____

Telephone Number: _____

Email Address(s) (if any): _____

Attorney Information (if any):

Name: _____

Address: _____

Telephone Number: _____ Fax Number: _____

Email Address (if any): _____

Preferred Method of Contact:

☐ Debtor(s)'s Attorney

☐ Debtor(s)

Pursuant to Section V of the Loss Mitigation Program, the above named Creditor has fourteen (14) Days to file with the Court and serve on the Debtor(s) and Debtor(s)'s attorney, any objection to this Request at:

**U.S. Bankruptcy Court, District of Rhode Island
The Federal Center, 380 Westminster Street,
Providence, Rhode Island 02903**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

2nd Amended Form B
(rev. 6.3.13)

----- X
In re:

: BK No.

Debtor(s) : Chapter

----- X

LOSS MITIGATION REQUEST – BY A CREDITOR

I am a creditor (including a holder, assignee, servicer or trustee of a mortgage or lien secured by property used by the Debtor as a principal residence) of the Debtor. I hereby request loss mitigation with respect to *[Identify the property and loan for which you are requesting loss mitigation]*:

Check which applies. Creditor is the holder of the:

First Mortgage ☐ or Second Mortgage ☐

SIGNATURE

I have reviewed the Loss Mitigation Procedures, and understand that if the Court orders loss mitigation in this case, I will be bound by the Loss Mitigation Procedures, and will participate in loss mitigation in good faith. If loss mitigation is ordered, I **will not require the Debtor to request or cause dismissal of this case** as part of any resolution or settlement that is offered or agreed to during the loss mitigation period.

Sign: _____ Date: _____

Print Name: _____

Title: _____

Firm or Company: _____

Telephone Number: _____

E-mail address (if any): _____

Pursuant to Section V of the Loss Mitigation Program, the above named Debtor has seven (7) Days to file any objection to this Request at:

**U.S. Bankruptcy Court, District of Rhode Island
The Federal Center, 380 Westminster Street
Providence, Rhode Island 02903.**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

Form D to Appendix VII

----- X
In re: :
: BK No.
: Chapter
Debtor(s) :
----- X

PROPOSED LOAN MODIFICATION AGREEMENT

Now comes the debtor(s), _____ and Creditor, _____,
in the above-reference matter and propose a loan modification agreement regarding the
debtor's property located at: _____, as follows:

Current Terms		Proposed Modified Terms	
Current UPB	\$	Modified UPB	\$
Current Maturity Date	\$	Modified Mortgage Term	\$
Current Interest Rate	\$	Interest Rate	\$
Current Payment Due Date	\$	Post Modification Due Date	\$
Current P & I	\$	Post Modification P & I	\$
Current Payment Amount	\$	Estimated Modified Payment Amount	\$
Amount Capitalizing	\$	Contribution Required	\$

Signature of Debtor/Attorney

Signature of Creditor/Attorney

/s/ _____
Date:

/s/ _____
Date:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

Form E: Joint Status Report
THREE PAGE DOCUMENT

----- -X

In re:

: BK No.

Debtor(s) : Chapter

----- -X

JOINT LOSS MITIGATION STATUS REPORT

Date: _____

The Debtor(s) requested loss mitigation as to the first/second/third mortgage on the real property located at _____ on _____ with _____ (the "Creditor").

The Court entered a loss mitigation order on: _____.

The Creditor filed its contact information on _____.

The Debtor(s) submitted a loan modification application to the Creditor on _____.

If this is a Chapter 7 case, the Debtor(s) have filed the financial management course certificate with the Court on _____, or if not yet due, will file the certificate with the Court by the due date of _____.

Current Status

Please complete one:

The most recent status hearing was held on _____.

The parties filed a proposed Consent Order (Form F) on _____ which the Court entered in lieu of holding a status hearing.

Actions Required:

The Court, by post-hearing Order or entry of the parties' proposed Consent Order (Form F), required the following actions to be completed by the parties by the dates noted:

required the following actions to be completed by the parties

Did the Debtor(s) comply with all ordered deadlines? yes/no ____ If No, provide a full explanation of why the deadlines were not met.

explanation of why the deadlines were not met.

Did the Creditor comply with all ordered deadlines? _____ If No, provide a full explanation of why the deadlines were not met

explanation of why the deadlines were not met

Outstanding Document Request:

The following documents requested by Lender will be submitted by the Debtor(s) to the Creditor by _____:

documents requested

Expected Completion of Loss Mitigation – If Trial Plan or Loan Modification Agreed To

Please indicate as applicable:

The Debtor(s) is/are currently participating in a trial payment plan period with the final trial payment scheduled to be paid on _____; OR

The parties have agreed to a permanent or temporary loan modification. _____

If a Chapter 7 case and the parties have agreed to a permanent or temporary loan modification:

The parties agree that loss mitigation can terminate as successfully completed and will file Form D by _____; or

_____ is the date by which loss mitigation can terminate as successfully completed and the parties will file Form D by _____.

If the case is pending under Chapter 13 and a loan modification has been agreed to, the parties agree to file a Motion to Approve Loan Modification by _____, and upon approval of such motion, the parties will file Form D and loss mitigation can terminate as successfully completed.

Consent Order

The parties have/have not attached¹ a proposed Consent Order (Form F) setting forth agreed deadlines for further action by the parties to accompany this Status Report.

Debtor(s)
By counsel:

/s/ _____
Attorney Name and Bar No.
Firm Name firm name
Firm Address address
Telephone telephone
[Email](#) email address

Creditor
By counsel:

/s/ _____
Attorney Name and Bar No.
Firm Name firm name
Firm Address address
Telephone telephone
[Email](#) email address

¹ When filing the Status Report and proposed Consent Order in ECF, Form F should be filed as an attachment to Form E using the event Loss Mitigation Status Report [located under Bankruptcy>Loss Mitigation menu].

-----X

In re:

:

BK No.

Debtor(s) :

Chapter

-----X

CONSENT ORDER re: STATUS HEARING ON LOSS MITIGATION

The Court, having scheduled a status hearing on loss mitigation for _____, at which counsel for the Debtor(s) and _____ (the “Creditor”) have been ordered to appear; and by agreement of the parties,

IT IS HEREBY AGREED:

- (1) The Debtor(s) shall provide all documents requested by the Creditor by _____ (the “Response”).
- (2) The Creditor shall conduct a preliminary review of the information submitted by the Debtor(s), and if the Creditor requires additional information, the Creditor shall, by email or written correspondence, provide the Debtor[s]’ counsel with a list of any additional information it requires by _____ after receiving the Response (the “Additional Information Request”).
- (3) The Debtor(s) shall fully respond to any Additional Information Request and provide all requested documents to Creditor within _____ days after receiving the same from Creditor.
- (4) The parties have agreed to a permanent or temporary loan modification and (a) if a Chapter 13 case, then the Debtor will file a Motion to Approve Loan Modification by _____, or (b) if a Chapter 7 case, then loss mitigation may be terminated as successfully completed and the parties anticipate filing Form D setting forth the terms of the loan modification by _____.

(5) Other Comments:

(6) In lieu of a status report, the parties request that a continued status hearing on loss mitigation be scheduled by the Court.

Agreed to this _____ day of _____ 201__.

Debtor(s)

By counsel:

/s/

Attorney Name and Bar No.

Firm Name

Firm Address

Telephone

[Email](#)

Creditor

By counsel:

/s/

Attorney Name and Bar No.

Firm Name

Firm Address

Telephone

[Email](#)

Consent Order Approved on this _____ day of _____ 20__.

Honorable Diane Finkle

U.S. Bankruptcy Judge

Date of Continued Status Hearing:

Local Forms

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 1006-1.1
(Rev. 12/1/2013)

----- X
In re: : BK No.
: Chapter
:
:
----- X

SUPPLEMENTAL INCOME AND EXPENSE INFORMATION
FOR FEE WAIVER APPLICATION

In order for the Court to consider and act on an Application for Waiver of the Chapter 7 Filing Fee, the debtor(s) must also file Schedules I and J with the Application, in addition to this supplemental income and expense form.

A. SOURCE OF INCOME OF INDIVIDUAL DEBTOR(S)

1. Source of income (i.e., wages, commissions, social security, unemployment, disability, pension).

_____.

2. If the attorney, petition preparer or other person or entity was paid to represent the debtor(s) in this bankruptcy case, provide the source of the payment to the attorney (i.e., wages, social security, unemployment, borrowed funds - such as from a friend or relative).

_____.

B. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

1. Recreation, clubs and entertainment, newspapers, magazines, etc.

List each specific recreation item separately and the monthly expense:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

DECLARATION CONCERNING DEBTOR'S SUPPLEMENTAL INCOME AND EXPENSE ADDENDUM

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I (we) declare under penalty of perjury that I (we) cannot currently afford to pay the filing fee in full or in installments and that the foregoing information is true and correct. I (we) further declare under penalty of perjury that I(we) have read the foregoing expense information and that it is true and correct to the best of my knowledge, information, and belief.

Date _____

Signature _____
Debtor

Date _____

Signature _____
Joint Debtor, if any

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *

In re :

Debtor(s) : BK No.
Chapter 11

----- *

NOTICE TO CREDITORS IN CHAPTER 11 CASE SCHEDULED AS
DISPUTED, CONTINGENT OR UNLIQUIDATED

PLEASE TAKE NOTICE: Pursuant to R.I. LBR 1007-1.1, notice is hereby given to creditors listed on the attached sheet that their claims have been scheduled by Debtor as disputed, contingent or unliquidated. Accordingly, such creditors are advised of their right to file proofs of claim and that failure to do so may prevent them from voting under the Plan or participating in any distribution thereunder. A Proof of Claim form is included with this Notice for your convenience.

Date: _____

By: _____
(Attorney for Debtor)

(Firm Name)

(Address)

(City, State, Zip Code)

(Telephone)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *

In re: :

Debtor(s) : BK No.
Chapter

:
----- *

CERTIFICATION BY PRO SE DEBTOR

On _____, a voluntary bankruptcy petition was filed by the undersigned, appearing pro se and without legal counsel. Certification is hereby made that:

CHECK EITHER ITEM 1 OR 2 ONLY. IF ITEM 2 IS SELECTED, PROVIDE NAME AND ADDRESS OF ASSISTANCE PROVIDER:

(1) _____ No persons and/or entities, other than myself/us, assisted in the preparation, typing, and/or completion of said petition and/or related schedules;

(2) _____ the following persons and/or entities constitute the only persons/entities who assisted in the preparation, typing, and/or completion of said petition and all related schedules, and represent the only sums paid by me/us for these services:

NAME AND ADDRESS OF ASSISTANCE PROVIDER	TOTAL AMOUNT PAID
---	-------------------

_____	_____

I hereby certify under penalty of perjury that the above information is true and accurate to the best of my knowledge. I am aware that the providing of false or incomplete information may result in the denial of discharge in bankruptcy and/or other sanctions.

DATE

SIGNATURE

Phone number ()

WOULD YOU LIKE TO RECEIVE COURT NOTICES SOONER BY E-MAIL INSTEAD OF REGULAR MAIL?

See reverse side for information about this new electronic noticing service available to debtors.

DEBTOR'S ELECTRONIC NOTICING REQUEST (DeBN)

What is DeBN? – DeBN is a FREE service that allows debtors to request delivery of orders and court-generated notices by email rather than by U.S. Mail.

Who can sign up? – Both self-represented [pro se] debtors and debtors who are represented by an attorney can sign up for DeBN.

How do I sign up for DeBN? – Signing up is easy! Simply print your email address, name and then sign below.

**For more information about the DeBN program, visit the Court's website at:
www.rib.uscourts.gov.**

INITIAL REQUEST:

Pursuant to Bankruptcy Rule 9036, I hereby request receipt of court notices and orders via email, instead of U.S. mail, from the Bankruptcy Noticing Center (BNC) through the U.S. Bankruptcy Court's Debtor Electronic Bankruptcy Noticing (DeBN) program.

I understand that this request is limited to receipt of only notices and orders entered by the U.S. Bankruptcy Court. I will continue to receive documents filed by all other parties, such as the trustee and creditors, via U.S. mail or in person pursuant to court rules.

I understand that I will receive electronic notice of any documents filed by the court in any current or future bankruptcy or adversary case from any bankruptcy court district in which I am listed with the same name and address, including cases where I am listed as a creditor.

I understand that the first time the BNC receives an email bounce-back (undeliverable email), my DeBN account will be automatically disabled. I will then receive notices and orders via U.S. mail, and I must refile an updated request form if I wish to reactivate my account.

I understand that enrollment in DeBN is completely voluntary, and I may file a request to deactivate my account at any time.

I am a debtor in this bankruptcy case, or the debtor's authorized representative if the debtor is a business, and I have read the above information and understand and agree to the terms and conditions set forth therein. Neither the U.S. Bankruptcy Court nor the BNC bears any liability for errors resulting from the information I have submitted on this form.

Joint debtors who each request enrollment or already have a DeBN account must file separate forms.

Signature: _____

Date: _____

Printed Name (and title if not the debtor): _____

Email Address (type or print clearly): _____

Official Use only:
Deputy Clerk's Initials: ____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re: :

Debtor(s) : BK No.
Chapter

-----*

STATEMENT OF EXIGENT CIRCUMSTANCES

Pursuant to 11 U.S.C. § 109(h)(3)(A), debtor¹ _____, asks the Court to determine that debtor's certification herein is satisfactory and warrants a temporary waiver of the credit counseling requirements of 11 U.S.C. § 109(h)(1) and that debtor be given 30 days from the date of filing of the petition to complete budget and credit counseling and file a certificate of completion with the court.

Debtor's certification: I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now:

I certify under penalty of perjury that the information provided above is true and correct.

Debtor's Signature: _____

Name of Debtor: _____

Debtor's address: _____

Debtor's telephone: _____

DATED: _____

Attorney for the Debtor

¹ If the circumstances apply to each debtor in a joint case, submit a separate statement for each debtor.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 1007-1.4
(Rev. 10/3/16)

-----*

In re: _____ :

Debtor(s) _____ : BK No. _____

_____ : Chapter _____

-----*

**DEBTOR'S MOTION FOR WAIVER OF CREDIT COUNSELING
BRIEFING AND/OR FINANCIAL MANAGEMENT COURSE**

I/We, the debtor(s) in this case, certify under penalty of perjury as follows:

I/We move for a waiver of the requirements to receive a credit counseling briefing (11 U.S.C. §109(h)) and/or () [check if applicable] complete a personal financial management course (11 U.S.C. §727(a)(11)) because [Check and fully complete the paragraph that applies]:

___ I am/We are incapacitated or disabled, as defined in 11 U.S.C. §109(h)(4)¹, as follows (describe fully) (If available, a copy of a medical or judicial determination of incapacity or disability should be filed under seal):

___ and such disability or incapacity is unlikely to change within the time periods of the requirement to file the completion of the financial management course certificate.

___ I am/We are on active military duty in a military combat zone (Indicate rank, service unit, and where and when deployed).

I/We certify under penalty of perjury that the foregoing is true and correct.

Execution on _____ [date] at _____ [location].

Debtor

Joint Debtor

¹ Under 11 U.S.C. §109(h)(4), **incapacitated** means “that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities” and **disabled** means “that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing...”

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 1009-1.1
(Rev. 12/1/17)

-----*

In re: :

Debtor(s) : BK No.

Chapter

-----*

**NOTICE TO ADDED CREDITORS OF PENDING BANKRUPTCY
AND APPLICABLE CASE DEADLINES AND CERTIFICATE OF SERVICE**

NOTICE IS HEREBY GIVEN: that on _____ [date], you were added as a creditor in the above-referenced bankruptcy case. Pursuant to LBR 1009-1(c), a copy of the Notice of Section 341 Meeting of Creditors & Deadlines is enclosed and if applicable, a copy of the Notice to File Claims.

Depending upon which chapter of the Bankruptcy Code the case is pending under (see above); please take note of the applicable deadlines below:

CHAPTER 7 CASES ONLY:

As an added creditor, you have a right to file a complaint under 11 U.S.C. §§ 523 and/or 727 objecting to the debtor's discharge or the dischargeability of a particular debt, and/or to object to the debtor's claim of exemptions, within sixty (60) days of service of this notice as evidenced on the below certificate of service, or within the time set for filing such complaints or objections by creditors previously scheduled, whichever is later (see deadlines listed on Section 341 Notice).

In addition, if this is a Chapter 7 case where a Notice to File Claims has issued as evidenced by the enclosed Notice, the deadline to file a proof of claim is ninety (90) days from the date of service of this notice, as stated on the below certificate of service.

CHAPTER 13 CASES ONLY:

The deadline to file a proof of claim in Chapter 13 is seventy (70) days from the date of service of this notice, as stated on the below certificate of service.

IN ALL CASES WHERE A CLAIMS DEADLINE APPLIES:

Creditors who do not file a proof of claim on or before the applicable deadline may not share in any distribution from the debtor(s) estate. If you have previously filed a claim in this case, you do not need to file a new one now.

The proof of claim may be filed by regular mail or by using the Court's electronic claims filing program, ePOC, available on its website: www.rib.uscourts.gov. If you wish to receive proof of receipt by the bankruptcy court, you must enclose a photocopy of the proof of claim together with a stamped, self-addressed envelope when mailing the claim to the Court. There is no fee for filing a proof of claim.

CERTIFICATE OF SERVICE

I _____ hereby certify that on _____, I caused true copies of the Notice to Added Creditors of Pending Bankruptcy and Applicable Case Deadline and Certificate of Service to be served through the Court's CM/ECF system upon the following registered electronic filer(s) in this case, and that I caused true copies of the within notice to be served by first class mail, postage pre-paid, to the following non-CM/ECF participant(s):

Electronic:

First Class Mail:

/s/ _____

Date:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

In Re:	BK Lead Case No.
	Chapter
Debtor(s)	Jointly Administered with:
	Case No.
<input type="checkbox"/> Affects All Debtors	
<input type="checkbox"/> Affects	
<input type="checkbox"/> Affects	

NOTICE OF JOINT ADMINISTRATION OF CASES AND REQUIREMENTS FOR FILING
DOCUMENTS

TO: THE U.S. TRUSTEE AND ALL PARTIES IN THESE JOINTLY ADMINISTERED CASES: An order was entered on _____ granting a motion to approve joint administration of cases pursuant to FRPB 1015 and LBR 1015-1, under the lead case indicated in the caption of this notice.

- 1) **Required Caption on Documents** – All documents filed must contain a caption in substantially the same format and content as the caption of this notice.
 - 2) **Debtors Affected by a Filed Document** – All documents filed must indicate, by checking appropriate boxes, the debtor or debtors affected by the filed document.
 - 3) **Filing Documents on Main Case Docket** – Unless indicated below in paragraph 4, all documents must be filed on the docket of the lead case indicated on the caption of this notice.
 - 4) **Filing Proof of Claims on Docket of Individual Case** – Notwithstanding joint administration of these cases, creditors must file their respective proofs of claim as to the specific affected and applicable debtor using the case number and claim register for the specified affected and applicable debtor.
 - 5) **Parties to File a Notice of Appearance in Lead Case** – To facilitate notice and service of documents via Notice of Electronic Filing, all parties who previously electronically filed documents only in cases other than the lead case must promptly file in the lead case a Request for Notice.
 - 6) **Other:**
-

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 2002-1.1
(Rev. 7/1/15)

----- *

In re: _____ :

Debtor(s) _____ : BK No. _____
Chapter _____

----- *

CREDITOR CHANGE OF ADDRESS FORM

1. **Name of Creditor:** _____

2. **Account Number (last 4 digits only):** _____

3. **Old Address:**

Names(s): _____

Mailing Address: _____

City, State, Zip Code: _____

4. **New Noticing Address:**

Mailing Address: _____

City, State, Zip Code: _____

5. **New Payment Address:**

Mailing Address: _____

City, State, Zip Code: _____

Check all that apply (you must check one):

___ I am listed as a creditor in the above referenced case.

___ I am the transferee as evidenced by the transfer of claim filed in this case on _____.

I _____, hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____

Signature: _____

FEE APPLICATION SUMMARY SHEET

**R.I. Local Form 2016-1.1
(Rev. 3/3/2003)**

-----X

Fees Previously Requested: \$

NAME OF APPLICANT:

Fees Previously Awarded: \$

In re:

:

:

BK No.

Chapter

:

Debtor

:

Expenses Previously Requested: \$

ROLE IN THE CASE:

Expenses Previously Awarded: \$

-----X

CURRENT APPLICATION:

Fees Requested: \$

Expenses Requested:\$

Blended Hourly Rate:\$

(Excluding Paraprofessionals)

Retainer Paid:\$

FEE APPLICATION

**NAMES OF PROFESSIONALS/
PARAPROFESSIONALS**

**YEAR ADMITTED
TO PRACTICE**

**HOURS BILLED
Current Application**

RATE

TOTAL FOR APPLICATION

PARTNERS

ASSOCIATES

PARAPROFESSIONALS

INTERIM FEE ALLOWANCE SUMMARY

----- -X
In re: :
:
Debtor : BK No.
Chapter
:
----- -X

FEES:

1. Interim Fee Request Number: _____
2. Interim Period Involved: / / to / /
3. Total Hours of Services Performed this Period: _____
4. Total Interim Fee Allowanced to Date: \$ _____
5. Interim Fee Request this Period: \$ _____
6. Blended Hourly Rate this Period: \$ _____
 (Excluding paraprofessionals)
7. Any Uncredited Retainer as of this Date: \$ _____

EXPENSES:

1. Total Expense Reimbursements Allowed to Date: \$ _____
2. Interim Expenses Request this Period: \$ _____
3. Breakdown of Item No. 3 Total:
 - a. Travel Expense: \$ _____
 - b. Postage: \$ _____
 - c. Photocopies: \$ _____
 - d. Express Mail/Messenger : \$ _____
 - e. Overtime Charges: \$ _____
 - f. Other Expenses (Itemize): \$ _____

\$ _____
\$ _____
\$ _____

FINAL FEE ALLOWANCE SUMMARY

----- X
In re: :

Debtor : BK No.
Chapter

:
----- X

FEES:

1. Period of Services in this Case: _____ to _____
2. Total Hours of Services Performed in this Case: _____
3. Blended Hourly Rate for Fees Requested: \$ _____
(Excluding paraprofessionals)
4. Total Fee Award Requested: \$ _____
5. Retainer Credited Against Award: \$ _____
6. Interim Fees Allowed and Credited Against Award: \$ _____
7. Final Payment Requested: \$ _____
8. Approximate Distribution to Creditors in this Case:
 - (a) Administrative: _____ %
 - (b) Secured: _____ %
 - (c) Unsecured: _____ %

EXPENSES:

1. Total Expense Reimbursements Requested: \$ _____
2. Expenses Allowed to Date: \$ _____
3. Expense Request for Final Period: \$ _____
4. Breakdown of Item No. 3 Total:
 - a. Travel Expense: \$ _____
 - b. Postage: \$ _____
 - c. Photocopies: \$ _____
 - d. Express Mail/Messenger: \$ _____
 - e. Overtime Charges: \$ _____
 - f. Other Expenses (Itemize):
\$ _____
\$ _____
\$ _____

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

----- X

In re:	:	
	:	BK No.
Debtor(s)	:	Chapter 13

----- X

CHAPTER 13 AGREEMENT BETWEEN DEBTOR AND COUNSEL

RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS AND THEIR ATTORNEYS

It is important for debtors who file bankruptcy cases under Chapter 13 to understand their rights and responsibilities. It is also useful for debtors to know what their attorney's responsibilities are, and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. To encourage that debtors and their attorneys understand their rights and responsibilities in the bankruptcy process, the following terms are agreed to by the debtors and their attorneys:

BEFORE THE CASE IS FILED:

The DEBTOR agrees to:

- 1) Provide the attorney with accurate financial information.
- 2) Discuss with the attorney the debtors' objectives in filing the case.

The ATTORNEY agrees to:

- 1) Meet with the debtor to review the debtor's debts, assets, income and expenses.
- 2) Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
- 3) Explain what payments will be made through the plan, and what payments will be made directly by the debtor for mortgage and vehicle loan payments, as well as which claims accrue interest.
- 4) Explain to the debtor how, when, and where to make the Chapter 13 plan payments, as well as the debtor's obligation to continue making mortgage payments, without interruption, and the likely consequences for failure to do so.
- 5) Explain to the debtor how the attorney's fees and trustee's fees are paid, and provide an executed copy of this document to the debtor.
- 6) Explain to the debtor that the first plan payment must be made to the Trustee within 30 days of the date the plan is filed.
- 7) Explain to the debtor that if he/she owe domestic support obligations, they must be current on these obligations to obtain plan confirmation and they must remain current to obtain a discharge.

In re: _____

BK No. _____

- 8) Advise the Debtor of the requirement to provide the Chapter 13 Trustee with copies of their federal tax return (or a transcript) for the most recent tax year at least 7 days before the Section 341 Meeting of Creditors.
- 9) Advise the debtor of the requirement to attend the 341 Meeting of Creditors, and instruct debtor as to the date, time and place of the meeting.
- 10) Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
- 11) Advise the Debtor that in order to obtain a discharge, he or she must complete a financial management course approved by the United States Trustee and file a certificate (Official Form B423) with the Court evidencing compliance with this requirement.
- 12) Timely prepare and file the debtor's petition, plan, and schedules.
- 13) Advise the debtor about the Court's Debtor Electronic Bankruptcy Noticing program (DeBN), which allows debtors to receive court orders and notices by email.

AFTER THE CASE IS FILED:

The debtor agrees to:

- 1) Keep the trustee and attorney informed of the debtor's address and telephone number.
- 2) Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case.
- 3) Contact the attorney if the debtor loses his/her job or has other financial problems. The attorney may be able to have the Chapter 13 plan payments reduced. or suspended in those circumstances.
- 4) Advise counsel if the debtor is sued during the case.
- 5) Inform the attorney if tax refunds to which the debtor is entitled are seized or not received.
- 6) Advise counsel and the trustee before buying or selling real property or before entering into any long-term loan agreements, to determine what approvals are required.

The attorney agrees to provide the following legal services in consideration of the initial fee charged in this case:

- 1) Appear at the 341 Meeting of Creditors with the debtor.
- 2) Respond to objections to plan confirmation, and where necessary, prepare an amended plan.
- 3) Prepare, file and serve one necessary modification to the plan which may include suspending, lowering, or increasing plan payments.
- 4) Prepare, file and serve necessary amended schedules in accordance with information provided by the debtor.
- 5) Prepare, file, and serve necessary motions to buy, sell, or refinance real property.
- 6) Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
- 7) Represent the debtor in motions for relief from stay.
- 8) Where appropriate, prepare, file, and serve necessary motions to avoid liens on real or personal property.

In re: _____

BK No. _____

- 9) Provide such other legal services as are necessary for the administration of the case including, but not limited to assisting the debtor to comply with the requirement that the debtor complete a financial management course prior to discharge and files Official Form B423 with the Court evidencing such compliance.

Initial fees charged in this case are \$_____. If the initial fees are not sufficient to compensate the attorney for the legal services rendered in the case, the attorney further agrees to apply to the court for any additional fees, other than those listed below for Loss Mitigation. If the debtor disputes the legal services provided or the fees charged by the attorney, an objection may be filed with the court and the matter set for hearing.

An additional attorney fee in the amount of \$_____ is being charged for representing the debtor in the Court's loss mitigation program, or a loss mitigation program outside of the Court. This attorney fee will be paid through the Chapter 13 plan.

Debtor signature: _____ Dated: _____

Co-debtor signature: _____ Dated: _____

Attorney for debtor(s) signature: _____ Dated: _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *

In re:	:	
	:	BK No.
Debtor(s)	:	Chapter
	:	
----- *	:	

CERTIFICATION OF SUPPLEMENTAL PROOF OF CLAIM DOCUMENT(S)

I _____, hereby certify under penalty of perjury as follows:

_____ is the holder of a claim that is secured by a security interest in the debtor's principle residence;

A proof of claim was timely filed pursuant to Fed. R. Bankr. P. 3002 (hereinafter "Bankruptcy Rule") together with the attachments required by Bankruptcy Rule 3001(c)(2)(C), which claim number is _____;

The within attachment(s) are required by Bankruptcy Rule 3001(c)(1) and (d) and are being filed pursuant to Bankruptcy Rule 3002(c)(7) as a supplement to the holder's proof of claim.

The within attachment (s) required by Bankruptcy Rule 3001(c)(1) and (d) are being filed no later than 120 days after the order for relief was entered, or within the time allowed by any previously granted extension of time.

Check the appropriate.

___ I am the creditor.

___ I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided is true and correct.

Signature

Date

Print: _____
First Name Middle Name Last Name

Company: _____

Address: _____

Please wait...

If this message is not eventually replaced by the proper contents of the document, your PDF viewer may not be able to display this type of document.

You can upgrade to the latest version of Adobe Reader for Windows®, Mac, or Linux® by visiting http://www.adobe.com/go/reader_download.

For more assistance with Adobe Reader visit <http://www.adobe.com/go/acrreader>.

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 3015-3.1
(Rev. 12/1/2017)

----- X
In re: :
: BK No.
:
Debtor(s) : Chapter 13
----- X

ORDER CONFIRMING CHAPTER 13 PLAN

The Debtor(s) filed a Chapter 13 Plan (The “Plan”) on _____. The Debtor(s) filed a Certificate of Service on _____, reflecting that the Plan and any applicable motions were served on all creditors and parties-in-interest. No objections to the confirmation of the plan or motions were filed, or all objections were overruled by the Court or resolved by the parties. Upon consideration of the foregoing, the Court hereby orders the following:

1. The Plan is confirmed. The term of the Plan is _____ months.

2. TREATMENT OF SECURED CLAIMS:

(a) Mortgages against Debtor(s) Real Property:

The secured claim of: _____
holding a mortgage against real property at _____
will be: _____.

If applicable, the motion(s) to modify the secured claim(s) of: _____
_____ is (are) granted ____.

(b) Liens Against Debtor(s) Personal Property:

The holder of the lien: _____
holding a lien against _____
will be: _____.

If applicable, the motion(s) to modify the secured claim(s) of: _____
_____ is (are) granted ____.

Notwithstanding anything in the confirmed Chapter 13 Plan to the contrary, the proposed strip-off or modification of the mortgage(s) or lien(s) as set forth above shall not be effective unless and until a discharge has been entered on the Bankruptcy Court’s Docket in the Chapter 13 case.

3. If applicable, the motion(s) to avoid the lien(s) under 11 U.S.C. § 522(f) of: _____
_____ is (are) granted.
4. The motion(s) under 11 U.S.C. § 365 to assume or reject lease(s) of: _____
_____ is (are) granted.
5. The employer of the Debtor _____, (or in appropriate cases, the Debtor) _____ shall deduct from the wages of the Debtor and forward to the Office of the Standing Chapter 13 Trustee, P.O. Box 2561, Providence, Rhode Island 02906, the sum of \$ _____ per _____ for _____.
6. The effective date of confirmation of the Plan is _____.
7. The disbursements to be made by the Chapter 13 Trustee pursuant to the confirmed Plan are set forth on the attached Addendum which is incorporated herein by reference.
8. Unless otherwise ordered by the Court, all property of the estate as defined in 11 U.S.C. §§ 541 and 1306, including, but not limited to any appreciation in the value of real property owned by the Debtor(s) as of the commencement of the case, shall remain property of the estate during the term of the Plan and shall vest in the Debtor(s) as specified in Part 7 of R.I. Local Form 3015-1.1. All property of the estate shall remain within the exclusive jurisdiction of the Bankruptcy Court.
9. The Debtor(s) shall not transfer, sell, encumber, or otherwise alienate property of the estate other than in accordance with the confirmed Plan or other order of the Bankruptcy Court. The Debtor shall be responsible for preserving and protecting all property of the estate.
10. The Court may, from time to time during the period of the Plan, increase or reduce the amount of the payments provided by the Plan, where it shall be made to appear at a hearing upon such notice as the Court may designate, that the circumstances so warrant or so require.
11. The Debtor(s) shall inform the Trustee of any increase he/she receives in salary or in income.
12. The Trustee shall pay the remaining balance due to any creditor when that balance due is \$25.00 or less.
13. Under 11 U.S.C. § 1325(a)(8) and § 1328(a), if the Debtor owes domestic support obligations, whether owed at the time of filing or incurred during the pendency of the bankruptcy case, the Debtor must file a certification with the Chapter 13 Trustee stating that all such payments due under the plan have been paid before a discharge order may enter.
14. Upon completion of the plan, discharge shall enter unless: (a) after motion and hearing the Court determines that the Debtor is not entitled to one pursuant to 11 U.S.C. § 1328(h), or; (b) the Debtor is otherwise not entitled to one pursuant to 11 U.S.C. § 1328.
15. The plan meets all of the requirements set forth in 11 U.S.C. § 1325(a).

16. This order is effective for the plan confirmed on _____ as well as any amended plan approved by the Court, post confirmation, upon the entry of an order modifying or approving a post confirmation plan, unless a new order is deemed necessary.

ENTER:

Diane Finkle, U.S. Bankruptcy Judge
Entered on:

Date:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *

In re:	:	
	:	BK No.
Debtor(s)	:	Chapter
	:	

----- *

**COMBINED PLAN OF REORGANIZATION AND DISCLOSURE
STATEMENT FOR SMALL BUSINESS DEBTOR DATED:**

I. INTRODUCTION

A. General

This is the Combined Plan of Reorganization and Disclosure Statement for a Small Business Debtor (the "Plan and Disclosure Statement") for _____

(the "Debtor"). Portions of the Plan and Disclosure Statement which refer solely to the Plan of Reorganization will be referred to as the "Plan". This Plan and Disclosure Statement contains a description of (1) the Debtor, (2) the operation of its business, and (3) its expectations for future operations. It also discusses the valuation of the Debtor's assets and alternatives to the Plan. Also included is the Debtor's Plan.

On _____ (the "Petition Date") the Debtor filed a voluntary petition for relief under Title 11, United States Code, known as the Bankruptcy Code (the "Code"). The chapter 11 case is pending in the United States Bankruptcy Court for the District of Rhode Island (the "Court"). During the case, the Debtor has maintained its _____ business as a Debtor in Possession under Sections 1107 and 1108 of the Code.

Pursuant to § 1125 of the Code, this Plan and Disclosure Statement is being sent to all holders of claims against the Debtor so that the Debtor may solicit votes for the Plan and creditors may be provided with information concerning the Plan, the Debtor and the prospect of future operations. All references herein to the Plan and the Disclosure Statement are as it may be amended from time to time.

[A summary description of the Plan should be stated here.]

IF CONFIRMED, THE PLAN IS A LEGALLY BINDING ARRANGEMENT AND SHOULD BE READ IN ITS ENTIRETY. ACCORDINGLY, SOLICITED PARTIES MAY WISH TO CONSULT WITH THEIR ATTORNEYS REGARDING THE CONTENTS OF THE PLAN AND DISCLOSURE STATEMENT.

B. Attachments

Accompanying this Combined Plan and Disclosure Statement is a copy of a financial forecast for the Debtor, annexed as Exhibit A.

[Additional attachments, if any, should be described here.]

II. THE PLAN

A. Payment of Administrative Claims

Administrative Claims will be paid in cash, in full, on the later of the effective date or the date they are allowed by an Order of the Bankruptcy Court. Ordinary trade debt incurred by the Debtor in the course of the chapter 11 case will be paid on an ongoing basis in accordance with the ordinary business practices and terms between the Debtor and its trade creditors. The payments contemplated by the Plan will be conclusively deemed to constitute full satisfaction of Allowed Administrative Claims.

Administrative Claims include any postpetition fees and expenses allowed to Professionals employed upon Court authority to render services to the Debtor during the course of the chapter 11 case.

B. Payment of Tax Claims

Priority Claims, as scheduled or as filed and allowed by the Court, of whatever kind or nature will be paid in monthly installments with interest over a _____ year period from the Petition Date. As of the Petition Date, the Rhode Island Division of Taxation was owed approximately \$_____ and the Internal Revenue Service was owed approximately \$_____.

[Additional priority claims and their treatment should be described here. For example, claim of the Department of Unemployment Assistance.]

C. Designation and Payment of Classes of Claims

[A list of classes and their treatment should be stated here.]

D. Treatment of Executory Contracts and Unexpired Leases

Please check one:

☐ The Plan does not propose to reject any executory agreements.

☐ The executory contracts shown on Exhibit B are hereby rejected.

The Debtor may file a motion or amend this Plan to reject other executory contracts and leases prior to confirmation. Subject to the requirements of § 365 of the Bankruptcy Code, all executory contracts or unexpired leases of the Debtor that are not rejected, have not been rejected by order of the Court or are not the subject of a motion to reject pending 90 days after the confirmation date will be deemed assumed. If any party to an executory contract or unexpired lease which is deemed assumed pursuant to the Plan objects to such assumption, the Court may conduct a hearing on such objections on any date which is either mutually agreeable to the parties or fixed by the Court. All payments to cure defaults that may be required by § 365(b)(1) of the Bankruptcy Code will be made by the Debtor. In the event of a dispute regarding the amount of any such payments or the ability of the Debtor to provide for adequate assurance of future performance, the Debtor will make any payments required by § 365(b)(1) of the Bankruptcy Code after the entry of a Final Order resolving such dispute.

All Proofs of Claim with respect to claims arising from the rejection of executory contracts or unexpired leases must be filed with the Court within thirty (30) days from and after the date of entry of an order of the Court approving such rejection or such claims will be barred. A creditor whose claims arise from rejection of executory contracts and unexpired leases will be treated as an unsecured creditor.

E. Means for Implementation of the Plan

On confirmation, all property of the Debtor, tangible and intangible, including, without limitation, licenses, furniture, fixtures and equipment, will revert, free and clear of all claims and interests except as provided herein, to the Debtor. The Debtor will pay the claims described above from its operations postconfirmation. The Debtor estimates that on the effective date the funds to be distributed are approximately \$_____ to administrative claimants. The Debtor expects to have sufficient cash on hand to make the payments required on the effective date.

All quarterly disbursement fees, arising under 23 U.S.C. § 1930 (“Quarterly Fees”), accrued prior to confirmation shall be paid in full, on or before the date of confirmation of the Debtor’s plan, by the Debtor or any successor to the Debtor. All Quarterly Fees which accrue post-confirmation shall be paid in full on a timely basis by the Debtor or any successor to the Debtor prior to the Debtor’s case being closed, converted or dismissed.

[Additional provisions, if any, for implementing the Plan can be inserted here.]

F. Provision for Disputed Claims:

The Debtor may object to the allowance of any claims within 90 days of the effective date by filing an objection with the Bankruptcy Court and serving a copy thereof on the holder of the claim in which event the claim objected to will be treated as a Disputed Claim under the Plan. If and when a Disputed Claim is finally resolved by allowance of the claim in whole or in part, the Debtor will make any payments in respect of such Allowed Claim in accordance with the Plan.

III. INFORMATION PERTAINING TO THE DEBTOR

A. Description of the Debtor's Business

[Describe the Debtor's business here.]

B. Background Regarding the Debtor

[The Debtor's background can be stated here.]

C. General Information Regarding the Debtor's Market and Sales

[The Debtor's market and sales should be described here.]

D. Officers, Directors and Shareholders

[You must describe the officers, directors and shareholders here together with their salaries going forward.]

E. Problems and Corrections

[You should describe what problems compelled the filing of the chapter 11 and how the Debtor has cured those problems for its successful rehabilitation.]

F. Other Issues and Matters

[Other issues and matters can be described here.]

G. Risks

[What are the risks to completion of the Plan? Describe them here.]

IV. VOTING AND CONFIRMATION

A. General Requirements

In order to confirm a Plan, the Code requires that the Bankruptcy Court make a series of determinations concerning the Plan, including that: (1) the Plan has classified Claims in a permissible manner; (2) the Plan complies with the technical requirements of Chapter 11 of the Code; (3) the proponent of the Plan has proposed the Plan in good faith; (4) the disclosures concerning the Plan as required by Chapter 11 of the Code have been adequate and have included information concerning all payments made or promised by the Debtor in connection with the Plan; (5) the Plan has been accepted by the requisite vote of creditors, except, as explained below, to the extent that “cramdown” is available under § 1129(b) of the Code; (6) the Plan is “feasible” (that is, there is a reasonable prospect that the Debtor will be able to perform its obligations under the Plan and continue to operate its business without further financial reorganization, except if the Plan contemplates a liquidation of the Debtor’s assets); and (7) the Plan is in the “best interests” of all creditors (that is, that creditors will receive at least as much under the Plan as they would receive in a chapter 7 liquidation). To confirm the Plan, the Bankruptcy Court must find that all of these conditions are met. Thus, even if the creditors of the Debtor accept the Plan by the requisite number of votes, the Bankruptcy Court must make independent findings respecting the Plan’s feasibility and whether it is in the best interests of the Debtor’s creditors before it may confirm the Plan. The Debtor believes that the Plan fulfills all of the statutory conditions of § 1129 of the Code. The statutory conditions to confirmation are more fully discussed immediately below.

B. Classification of Claims and Interests

The Code requires that a plan of reorganization place each creditor’s claim in a class with other claims which are “substantially similar.” The Debtor believes that the Plan meets the classification requirements of the Code.

C. Voting

As a condition to confirmation, the Code requires that each impaired class of claims accepts the Plan. The Code defines acceptance of a Plan by a class of claims as acceptance by holders of two-thirds in dollar amount and a majority in number of claims of that class, but for that purpose the only ballots counted are those of the creditors who are allowed to vote and who actually vote to accept or to reject the Plan. Persons who are considered “insiders,” as that term is defined in § 101 of the Code, may vote, but its vote is not counted in determining acceptance of the Plan. Classes of claims that are not “impaired” under the Plan are deemed to have accepted the Plan. Acceptances of the Plan are being solicited only from those persons who hold Allowed Secured and Unsecured Claims that are impaired under the Plan. An Allowed

Claim is “impaired” if the legal, equitable, or contractual rights attaching to the Allowed Claims of the class are modified, other than by curing defaults and reinstating maturity or by payment in full in cash. A claim to which an objection is filed is not an Allowed Claim. However, the Court may allow such a claim for purposes of voting on the Plan. If you have not received an objection to your claim prior to confirmation of the plan and you have received a ballot for purposes of voting on the Plan, then most likely your claim is an Allowed Claim. If you have a question, you should consult your own attorney.

D. Best Interests of Creditors

Notwithstanding acceptance of the Plan by creditors of each class, in order to confirm the Plan the Bankruptcy Court must independently determine that the Plan is in the best interests of all classes of creditors impaired by the Plan. The “best interests” test requires that the Bankruptcy Court find that the Plan provides to each member of each impaired class of claims a recovery which has a value at least equal to the value of the distribution which each such creditor would receive if the Debtor was liquidated under chapter 7 of the Code. Please see the discussion of liquidation value below.

1. Confirmation without Acceptance by All Impaired Classes

Even if a plan is not accepted by all impaired classes, it may still be confirmed. The Code contains provisions for confirmation of a plan where at least one impaired class of claims has accepted it. These “cramdown” provisions are set forth in § 1129(b) of the Code.

A plan of reorganization may be confirmed under the cramdown provisions if, in addition to satisfying the usual requirements of § 1129 of the Code, it (i) “does not discriminate unfairly” and (ii) “is fair and equitable,” with respect to each class of claims that is impaired under, and has not accepted, the plan. As used by the Code, the phrases “discriminate unfairly” and “fair and equitable” have narrow and specific meanings unique to bankruptcy law.

The requirement that a plan of reorganization not “discriminate unfairly” means that a dissenting class must be treated equally with respect to other classes of equal rank. The Debtor believes that its Plan does not “discriminate unfairly” with respect to any class of Claims.

The “fair and equitable” standard differs according to the type of claim to which it is applied. In the case of secured creditors, the standard is met if the secured creditor retains its lien and is paid the present value of its interest in the property which secures the secured creditor’s claim. With respect to unsecured creditors, the standard is met if the unsecured creditor receives payment in the full amount of its claim or, in the event that it receives less than the full amount of its claim, no junior class receives or retains any interest in property of the Debtor. The standard as applicable to unsecured creditors is also known as the “absolute priority rule.”

V. LIQUIDATION VALUATION

To calculate what creditors would receive if the Debtor were to be liquidated, the Bankruptcy Court must first determine the aggregate dollar amount that would be generated from the Debtor's assets if the chapter 11 case was converted to a chapter 7 case under the Code and the assets were liquidated by a trustee in bankruptcy (the "Liquidation Value"). The Liquidation Value would consist of the net proceeds from the disposition of the assets of the Debtor augmented by the cash held by the Debtor.

The Liquidation Value available to general creditors would be reduced by (a) the claims of secured creditors to the extent of the value of its collateral, and (b) by the costs and expenses of the liquidation, as well as other administrative expenses of the Debtor's estate. The Debtor's costs of liquidation under chapter 7 would include the compensation of trustees, as well as of counsel and of other professionals retained by the trustees; disposition expenses; all unpaid expenses incurred by the Debtor during the chapter 11 case (such as compensation for attorneys) which are allowed in the chapter 7 proceeding; litigation costs; and claims arising from the operation of the Debtor's business during the pendency of the chapter 11 reorganization and chapter 7 liquidation cases. Once the percentage recoveries in liquidation of secured creditors, priority claimants, general creditors and equity security holders are ascertained, the value of the distribution available out of the Liquidation Value is compared with the value of the property offered to each of the classes of Claims under the Plan to determine if the Plan is in the best interests of each creditor and equity security holder.

The liquidation valuation of a business is often a contested issue in a chapter 11 case. Two methods of valuation widely used are the so-called "auction" method and the "going concern" method. Using the auction approach, assets tend to be valued as though they were sold at a public auction and not in use at the time of the sale. The auction method is widely used with tangible personal property such as trucks, trailers and tractors, assets which you can touch and feel and which are easily valued as a function of the initial purchase price and subsequent depreciation from use. The latter approach, the going concern method, tends to value assets based upon its contribution to earnings. The going concern method tends to be used with assets that tend not to suffer a decline from use such as accounts of a utility, maintenance contracts and the like.

[Other information regarding liquidation can be described here.]

The following table of estimated amounts suggests a likely liquidation scenario for the Debtor.

Source and Application of Funds	Amount	Assumptions
Proceeds from collection of accounts receivable and cash on hand		
Proceeds from liquidation of inventory and furniture, fixtures and equipment on cessation of		
Proceeds from other assets		
Total		
Payment of Secured Creditors		
Chapter 7 Trustee fees and expenses		Estimated costs of trustee commission and counsel fees.
Chapter 11 expenses		Includes unpaid monthly operating expenses and professional fees and expenses.
Priority debt		
Net available for unsecured creditors		

The Debtor estimates that its unsecured creditors would receive a dividend of _____% in liquidation. The Plan provides a dividend of at least _____%. The Debtor believes that the Plan is in the best interests of all creditors. Thus, a conversion to Chapter 7 with the additional costs noted above would provide less of a return to the creditors.

VI. FEDERAL INCOME TAX CONSEQUENCES

Implementation of the Plan may result in federal income tax consequences to holders of Allowed Claims. Tax consequences to a particular creditor may depend on the particular circumstances or facts regarding the claim of the creditor. No tax opinion has been sought or will be obtained with respect to any tax consequences of the Plan, and the following disclosure (the “Tax Disclosure”) does not constitute and is not intended to constitute either a tax opinion or tax advice to any person. Rather, the Tax Disclosure is provided for informational purposes only.

Because the Debtor intends to continue its existence and business operations, it will receive a discharge with respect to its outstanding indebtedness. Actual debt cancellation in excess of the fair market value of the consideration -- stock, cash or other property -- paid in respect of such debt will hereinafter be referred to as a "Debt Discharge Amount."

In general, the Internal Revenue Code (IRC) provides that a taxpayer who realizes a cancellation or discharge of indebtedness must include the Debt Discharge Amount in its gross income in the taxable year of discharge. The Debt Discharge Amounts may arise with respect to Creditors who will receive, in partial satisfaction of their Claims, including any accrued interest, consideration consisting of or including cash. The Debtor's Debt Discharge Amount may be increased to the extent that unsecured Creditors holding unscheduled claims fail to timely file a Proof of Claim and have their Claims discharged on the Confirmation Date pursuant to § 1141 of the Bankruptcy Code. No income from the discharge of indebtedness is realized to the extent that payment of the liability being discharged would have given rise to a deduction.

If a taxpayer is in a case under the Bankruptcy Code and a cancellation of indebtedness occurs pursuant to a confirmed plan, however, such Debt Discharge Amount is specifically excluded from gross income (the "Bankruptcy Exception"). The Debtor intends to take the position that the Bankruptcy Exception applies to it. Accordingly, the Debtor believes it will not be required to include in income any Debt Discharge Amount as a result of Plan transactions.

Section 108(b) of the IRC, however, requires certain tax attributes of the Debtor to be reduced by the Debt Discharge Amount excluded from income. Tax attributes are reduced in the following order of priority: net operating losses and net operating loss carry-overs; general business credits; minimum tax credits; capital loss carry-overs; basis of property of the taxpayer; passive activity loss or credit carry-overs; and foreign tax credit carry-overs. Tax attributes are generally reduced by one dollar for each dollar excluded from gross income, except that general tax credits, minimum tax credits, and foreign tax credits are reduced by 33.3 cents for each dollar excluded from gross income. An election can be made to alter the order of priority of attribute reduction by first applying the reduction against depreciable property held by the taxpayer in an amount not to exceed the aggregate adjusted basis of such property. The Debtor does not presently intend to make such election. If this decision were to change, the deadline for making such election is the due date (including extensions) of the Debtor's federal income tax return for the taxable year in which such debt is discharged pursuant to the Plan.

The federal tax consequences of the Plan to a hypothetical investor typical of the holders of claims or interests in this case depend to a large degree on the accounting method adopted by that hypothetical investor. A "hypothetical investor" in this case is defined as a general unsecured creditor. In accordance with federal tax law, a holder of such a claim that uses the accrual method and who has posted its original sale to the Debtor as income at the time of the product sold or the service provided hypothetically should adjust any net operating loss to reflect the dividend paid by the Debtor under the Plan provided that holder previously deducted the liability to the Debtor as a "bad debt" for federal income tax purposes. Should that holder lack a net operating loss, then in accordance with federal income tax provisions, the holder

should treat the dividend paid as ordinary income, again provided the holder previously deducted the liability to the Debtor as a “bad debt” for federal income tax purposes. If the accrual basis holder of the claim did not deduct the liability as a “bad debt” for federal income tax purposes, then the dividend paid by the Debtor has no current income tax implication. A holder of a claim that uses a cash method of accounting would, in accordance with federal income tax laws, treat the dividend as income at the time of receipt.

THE DEBTOR MAKES NO REPRESENTATIONS REGARDING THE PARTICULAR TAX CONSEQUENCES OF CONFIRMATION AND CONSUMMATION OF THE PLAN AS TO ANY CREDITOR. EACH PARTY AFFECTED BY THE PLAN SHOULD CONSULT HER, HIS OR ITS OWN TAX ADVISORS REGARDING THE SPECIFIC TAX CONSEQUENCES OF THE PLAN WITH RESPECT TO A CLAIM.

VII. FEASIBILITY

The Bankruptcy Code requires as a condition to confirmation that the Bankruptcy Court find that liquidation of the Debtor or the need for further reorganization is not likely to follow after confirmation. The Debtor depends on recurring monthly revenue from its business and it has prepared financial projections and related schedules which are attached hereto as Exhibit A. Those projections show that the Debtor is capable of operating well into the future and generating sufficient funds to perform its obligations in the Plan and continuing without the need for further financial reorganization.

VIII. DISCLAIMERS

THE CONTENT OF THIS DISCLOSURE STATEMENT HAS BEEN APPROVED BY THE BANKRUPTCY COURT AS PROVIDING ADEQUATE INFORMATION TO CREDITORS SO THAT THEY MAY HAVE SUFFICIENT INFORMATION TO VOTE ON THE PLAN. NO REPRESENTATIONS CONCERNING THE DEBTOR, INCLUDING THOSE RELATING TO ITS FUTURE BUSINESS OPERATIONS, OR THE VALUE OF ITS ASSETS, ANY PROPERTY, AND CREDITORS' CLAIMS, INCONSISTENT WITH ANYTHING CONTAINED HEREIN HAVE BEEN AUTHORIZED. THE DEBTOR DOES NOT WARRANT OR REPRESENT THAT THE INFORMATION CONTAINED HEREIN IS COMPLETE OR WITHOUT OMISSIONS.

THE BANKRUPTCY COURT'S APPROVAL OF THIS PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT DOES NOT CONSTITUTE A RECOMMENDATION FOR OR AGAINST THE PLAN.

THIS DISCLOSURE STATEMENT MAY NOT BE RELIED UPON FOR ANY PURPOSE OTHER THAN TO DETERMINE HOW TO VOTE ON THE PLAN, AND NOTHING CONTAINED IN IT WILL CONSTITUTE AN ADMISSION OF ANY FACT OR LIABILITY BY ANY PARTY, OR BE ADMISSIBLE IN ANY PROCEEDING INVOLVING THE DEBTOR OR ANY OTHER PARTY, OR BE DEEMED

CONCLUSIVE ADVICE ON THE TAX OR OTHER LEGAL EFFECTS OF THE REORGANIZATION ON HOLDERS OF CLAIMS.

THE STATEMENTS CONTAINED IN THIS DISCLOSURE STATEMENT ARE MADE AS OF THIS DATE UNLESS ANOTHER TIME IS SPECIFIED, AND NEITHER DELIVERY OF THIS DISCLOSURE STATEMENT NOR ANY EXCHANGE OF RIGHTS MADE IN CONNECTION WITH THIS DISCLOSURE STATEMENT WILL, UNDER ANY CIRCUMSTANCES, CREATE AN IMPLICATION THAT THERE HAS BEEN NO CHANGE IN THE FACTS SINCE THE DATE OF THE DISCLOSURE STATEMENT AND THE MATERIALS RELIED UPON IN PREPARATION OF THIS DISCLOSURE STATEMENT WAS COMPILED.

IX. EFFECT OF THE ORDER CONFIRMING THE PLAN

To understand the full effect of an order confirming the Plan you should read § 1141 of the Code. The following is a summary of that section.

A. The provisions of the confirmed Plan bind the Debtor, any entity issuing securities under the Plan, any entity acquiring property under the Plan, and any creditor, equity security holder, or general partner in the Debtor, whether or not the claim or interest of such creditor, equity security holder, or general partner is impaired under the Plan and whether or not such creditor, equity security holder, or general partner has accepted the Plan.

B. Except as otherwise provided in the Plan or the order confirming the Plan, the confirmation of the Plan vests all of the property of the estate in the Debtor.

C. Except as otherwise provided in the Plan or in the order confirming the Plan, after confirmation of the Plan, the property dealt with by the Plan is free and clear of all claims and interests of creditors, equity security holders, and of general partners in the Debtor.

D. Except as otherwise provided in the Plan, or in the order confirming the Plan, the confirmation of the Plan discharges the Debtor from any debt that arose before the date of such confirmation. There may be other exceptions set forth in § 1141.

E. The confirmation of the Plan does not discharge a debtor if the Plan provides for the liquidation of all or substantially all of the property of the estate, the Debtor does not engage in business after consummation of the Plan; and the Debtor would be denied a discharge if the case were a case under chapter 7.

X. CONCLUSION

The Bankruptcy Court has determined that this Plan and Disclosure Statement contains information sufficient for holders of Claims to make an informed judgment in exercising their right to vote on the Plan. The Plan is the result of an effort by the Debtor to provide creditors

with a meaningful dividend. An alternative to the Plan is liquidation which will, in all likelihood, reduce significantly the return to creditors on its Allowed Claims. The Debtor believes that the Plan is clearly preferable to liquidation.

A BALLOT IS ENCLOSED WITH THIS DISCLOSURE STATEMENT. YOU SHOULD VOTE TO ACCEPT OR REJECT THE PLAN ON THAT BALLOT AND RETURN IT AS FOLLOWS: BALLOTS SHOULD BE SENT TO:

[Fill in here information as to who gets the ballots.]

By

/s/ _____
Attorney
Address
Bar Code Number
Telephone
Email

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *

In re:	:	
	:	BK No.
Debtor(s)	:	Chapter
	:	
	:	

----- *

**MOTION TO COMBINE THE HEARING ON THE DEBTOR'S
SMALL BUSINESS PLAN OF REORGANIZATION AND DISCLOSURE
STATEMENT FOR SMALL BUSINESS DEBTOR
WITH THE HEARING ON CONFIRMATION**

To the Honorable _____, Bankruptcy Judge:

Debtor Corporation, Debtor-in-Possession (the "Debtor") in the above-named case moves the Court to combine the hearing on the Debtor's Combined Plan of Reorganization and Disclosure Statement for Small Business Debtor and in support hereof respectfully represents:

1. On _____, the Debtor filed its chapter 11 petition herein.
2. On _____, the Debtor filed its Combined Plan of Reorganization and Disclosure Statement for Small Business Debtor.
3. The Debtor has attached hereto as Exhibit A the proposed form of Notice and as Exhibit B the proposed form of Ballot for Creditor Claims.

WHEREFORE, the Debtor prays that the Court (i) schedule a combined hearing on the Combined Plan of Reorganization and Disclosure Statement for Small Business Debtor, (ii) approve the form of notice and form of ballot appended hereto, (iii) otherwise approve the balloting procedures described above, and (iv) grant them such other and further relief as this Court deems just and proper.

By

/s/ _____
Attorney
Address
Bar Code Number
Telephone
Email

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *

In re:	:	
	:	BK No.
Debtor(s)	:	Chapter
	:	
	:	

----- *

**BALLOT FOR ACCEPTING OR REJECTING THE COMBINED
PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT
FOR SMALL BUSINESS DEBTOR PROPOSED BY THE DEBTOR**

The Debtor, _____, has filed a **COMBINED PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT FOR SMALL BUSINESS DEBTOR PROPOSED BY THE DEBTOR** dated _____ (the “Plan and Disclosure Statement”). The Disclosure Statement is intended to provide you with information to assist you in deciding how to vote your ballot.

This Ballot is being sent to holders of all claims in all Classes asserted against the Debtor, which claims are classified in the Plan and Disclosure Statement. The holders of such claims are entitled to vote to accept or reject the Plan. The Plan is described in the **COMBINED PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT FOR SMALL BUSINESS DEBTOR PROPOSED BY THE DEBTOR** distributed with this Ballot. The Plan can be confirmed by the Bankruptcy Court and thereby made binding on creditors if accepted by the holders of at least two-thirds in dollar amount and more than one-half in number of the allowed claims in at least one class of unsecured claims voting on the Plan. In the event the requisite acceptances are not obtained, the Bankruptcy Court may nevertheless confirm the Plan if it determines that the Plan accords fair and equitable treatment to rejecting classes and otherwise satisfies the requirements of 11U.S.C. § 1129(b).

To have your vote count, you must complete and return this Ballot prior to the voting deadline set forth below.

PLEASE READ AND FOLLOW THE ENCLOSED INSTRUCTIONS CAREFULLY. COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT BY MAIL OR OVERNIGHT DELIVERY SO THAT IT IS RECEIVED BY 4:30 PM (EASTERN TIME) ON _____, AT THE FOLLOWING ADDRESS:

[Fill in here information as to who gets the ballots.]

Item 1. Vote on Plan. (Please check one.) The undersigned, the holder of a claim in Class _____ in the unpaid amount of \$ _____.

☐ **ACCEPTS**
(Votes **FOR**) the Plan

☐ **REJECTS**
(Votes **AGAINST**) the Plan

Item 2. Authorization. By return of this Ballot, the undersigned certifies that it is the holder of a claim in Class _____ to which this Ballot pertains (or an authorized signatory therefor) and has full power and authority to vote to accept or reject the Plan. The undersigned further certifies that it has received a copy of the Disclosure Statement (including the appendices and exhibits thereto) and understands that the solicitation of votes for the Plan is subject to all the terms and conditions set forth in the Disclosure Statement. No fees, commissions, or other remuneration will be payable to any person for soliciting votes on the Plan. If your address or contact information has changed, please note the new information below.

Name of Creditor: _____
(Print or Type)

Social Security or Federal Tax I.D. No.: _____
(Required)

Name of Person signing below: _____

Title/Affiliation with Creditor: _____

Telephone: _____

Signature: _____

Date Completed: ____ / ____ / ____

VOTING DEADLINE: YOUR VOTE MUST BE RECEIVED AT THE ADDRESS ON THE FRONT OF THIS BALLOT, PRIOR TO THE VOTING DEADLINE, WHICH IS 4:30 PM (EASTERN TIME) ON _____ OR YOUR VOTE WILL NOT BE COUNTED.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *

In re:

Debtor(s)

:
:
:
:
:

BK No.
Chapter

----- *

**ORDER AND NOTICE CONDITIONALLY DETERMINING THAT "SMALL
BUSINESS PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT"
PROVIDES ADEQUATE INFORMATION AND THAT A SEPARATE
DISCLOSURE STATEMENT IS NOT NECESSARY, AND SETTING
HEARING ON CONFIRMATION AND RELATED MATTERS**

1. On _____, 20____, the Debtor filed "Small Business Plan of Reorganization and Disclosure Statement" (docket #____) which appears to contain adequate information.

2. Section 1125(f) of the Bankruptcy Code allows this Court to "determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary." The Court has conditionally made such a determination in this case.

3. Within 5 days of the entry of this Order the Debtor shall mail the "Small Business Plan of Reorganization and Disclosure Statement," the ballot, and this Order to the United States trustee, creditors, equity holders, and other parties in interest pursuant to Fed. R. Bankr. P. 3017(d) and file a certificate of service. At the earliest time possible, the Debtor shall provide, as appropriate, to a single creditor or all creditors additional information which is reasonably requested.

4. Please take note that the Court will hold a hearing on _____, 20____ at _____ am/pm, on the final approval of the Court's determination that a separate disclosure statement is not necessary and on confirmation of the Plan.

5. Objections to (1) the Court's determination that a separate disclosure statement is not required, and (2) confirmation of the Plan and other related matters are due not later than _____, 20____ at 4:30 PM.

6. Ballots must be submitted to counsel for the debtor as set forth in the Plan so as to be received by _____, 20____ at 4:30 PM.

7. Motions for valuation, termination of the automatic stay, dismissal or conversion to another chapter which are now pending or subsequently filed will be heard at the same time as the combined disclosure and confirmation hearing unless otherwise expressly scheduled by the Court.

Dated: _____, 20__

United States Bankruptcy Judge

**FOR SERVICE ON THE UNITED STATES TRUSTEE, ALL CREDITORS,
EQUITY HOLDERS, AND PARTIES IN INTEREST.**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE:

Debtor(s)

)
)
)
)

BK No.

REPORT ON BALLOTS
CHAPTER 11 PLAN

CREDITORS

CLASS OF CREDITORS				BALLOTS VOTING			
				YES	NO		
Class NUMBER	DESCRIPTION	QUANTITY	DOLLAR VALUE	QUANTITY	DOLLAR VALUE	***	QUANTITY
I.							
II.							
III.							
IV.							
V.							
VI.							
VII.							

*** Ballots voting YES represent at least one-half (1/2) in quantity and more than two-thirds (2/3) in dollar value of the allowed claims voting in this Class. Check the above box (***) if this applies.

Use additional sheet if necessary. Complete the Form for as many Classes as appropriate.

PAGE TWO OF REPORT ON BALLOTS:

IN RE:)
) BK No.
)
 Debtor(s))
_____)

List separately any ballots filed after the ballot deadline showing the same information as above.

(Debtor's Name)

(Attorney's Name)

State Bar No.
(Address)

(TEL:)

(FAX:)

Dated:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 3020-1.1

- - - - - *

In re: :

BK No.
Chapter 11

Debtor(s) :

**PROPOSED ORDER
OF DISTRIBUTION**

- - - - - *

Proposed Distribution Schedule

A. Secured Claims

Name & Address of claimant	<u>Amount To Be Allowed/ Agrees with claims register and/or Schedules Y/N</u>	<u>(%) Total Amt. to be paid</u>	<u>Amount Paid at Confirmation or Such Other Date as Specified in Plan</u>	<u>Amt/ (#) remaining Payments</u>
-------------------------------	---	--	--	--

Class One

Class Two

B. Priority Unsecured Claims

Name & Address of claimant	<u>Amount To Be Allowed/ Agrees with claims register and/or Schedules Y/N</u>	<u>(%) Total Amt. to be paid</u>	<u>Amount Paid at Confirmation or Such Other Date as Specified in Plan</u>	<u>Amt/ (#) remaining Payments</u>
-------------------------------	---	--	--	--

Class Three

C. General Unsecured Claims

Name & Address of claimant	<u>Amount To Be Allowed/ Agrees with claims register and/or Schedules Y/N</u>	<u>(%) Total Amt. to be paid</u>	<u>Amount Paid at Confirmation or Such Other Date as Specified in Plan</u>	<u>Amt/ (#) remaining Payments</u>
-------------------------------	---	--	--	--

Class Four

PAGE 2 PROPOSED ORDER OF DISTRIBUTION

D. **Equity Interest Holders**

<u>Name & Address of claimant</u>	<u>Amount To Be Allowed/ Agrees with claims register and/or Schedules Y/N</u>	<u>(%) Total Amt. to be paid</u>	<u>Amount Paid at Confirmation or Such Other Date as Specified in Plan</u>	<u>Amt/ (#) remaining Payments</u>
---	---	--	--	--

Class Five

E. **Administrative Claims**

<u>Name & Address of claimant</u>	<u>Amount To Be Allowed/ Agrees with claims register and/or Schedules Y/N</u>	<u>(%) Total Amt. to be paid</u>	<u>Amount Paid at Confirmation or Such Other Date as Specified in Plan</u>	<u>Amt/ (#) remaining Payments</u>
---	---	--	--	--

Class Six

F. **Other (name type of claim)**

<u>Name & Address of claimant</u>	<u>Amount To Be Allowed/ Agrees with claims register and/or Schedules Y/N</u>	<u>(%) Total Amt. to be paid</u>	<u>Amount Paid at Confirmation or Such Other Date as Specified in Plan</u>	<u>Amt/ (#) remaining Payments</u>
---	---	--	--	--

Class Seven

Date:

Counsel to the Debtor
Address:

Telephone Number:
Bar Code Number:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re:	:	
	:	BK No.
Debtor(s)	:	Chapter
-----*		

NOTICE OF FILING OF PROPOSED ORDER OF DISTRIBUTION

To the creditors and interested parties:

PLEASE TAKE NOTICE: On _____ a PROPOSED DISTRIBUTION ORDER was filed with the U.S. Bankruptcy Court for the District of Rhode Island, 380 Westminster Street, 6th Floor, Providence, RI 02903, providing for distribution of funds to creditors pursuant to a Plan of Reorganization filed by _____ pending before the Court. Pursuant to the proposed Distribution Order, the claim of _____ is proposed to be allowed in the amount of \$_____ as a claim within Class _____ of the Plan, consisting of the claims of creditors. A copy of said proposed Order of Distribution is on file with the Clerk's Office and can be reviewed at the above address, or a copy may be obtained by contacting the undersigned at the address listed below. A complete copy of the proposed Order of Distribution has also been provided to the local office of the United States Trustee, U.S. Courthouse, One Exchange Terrace, Suite 431, Providence, RI 02903, and to those interested parties set forth in the certification filed with the Court relating to the same.

PURSUANT TO LOCAL BANKRUPTCY RULE 1005-1(d) within FOURTEEN (14) days of service of this NOTICE, any party who objects to the proposed Order of Distribution or the proposed treatment of a particular claim shall serve and file with the Clerk of Court, with copies to the United States Trustee and the undersigned, an Objection/Response to the Order of Distribution. Only parties who have timely filed an Objection/ Response will be permitted to present their position at hearing, unless otherwise ordered.

By: _____

Tel: _____ Dated: _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re: _____ :

Debtor(s) _____ : BK No. _____

Chapter _____

-----*

CHAPTER 11 CONFIRMATION WORKSHEET AND CERTIFICATION

I. GENERAL PLAN INFORMATION

Date of Bankruptcy Filing: _____

Date of Hearing on Confirmation: _____

Effective Date of Plan: _____

Method/Type of Plan Funding: _____

Projections attached for life of plan (if appropriate): YES _____ NO _____

Summary of cash flow statements for the life of the Ch. 11
plan (included): YES _____ NO _____

Amount required to Fund Plan: _____

Total initial Deposit required at Confirm: _____

Number of Creditor Classes: _____

Classes that are impaired under the Plan: _____

Indicate whether the Debtor intends to see cramdown of the Plan: YES _____ NO _____

Indicate whether any equity shareholders will be retaining any
Interest under the Plan: YES _____ NO _____

Liquidation analysis included: YES _____ NO _____

II. FILING OF REQUIRED DOCUMENTS

1. PROOF OF DEPOSIT is attached to worksheet: YES _____ NO _____

If NO, the required Proof of Deposit MUST be filed at least 7 days prior to the hearing on confirmation or such hearing will be automatically vacated. See, R.I. LBR 3020-1(b). Do not issue a check to the Court. A copy of the bank statement showing the amount on deposit in accordance with Fed. R. Bankr. P. 3020(a) will suffice. The amount of the deposit must be equal to the initial distribution for all classes on the effective date of the plan.

2. CLAIMS REGISTER is attached to worksheet: YES _____ NO _____

3. PROPOSED ORDER OF DISTRIBUTION (R.I. Local Form 3020-1.1) is attached to worksheet and has been mailed to all creditors, or the NOTICE OF FILING OF PROPOSED ORDER OF DISTRIBUTION (R.I. Local Form 3020-1.2) in accordance with R.I. LBR 3020-1(a)(2) at least fourteen (14) days before the hearing on confirmation:

YES _____ NO _____

4. WRITTEN SUMMARY OF BALLOTS (R.I. Local Form 3018-1.1) in accordance with R.I. LBRs 3018-1 and 3020-1 is attached to worksheet:

YES _____ NO _____

5. AFFIDAVIT RELATING TO REQUIREMENTS UNDER 11 U.S.C. §1129 is attached to worksheet. See R.I. LBR 3020-1(a)(6):

YES _____ NO _____

6. CERTIFICATE OF SERVICE has been filed or is attached to worksheet certifying that the approved Disclosure Statement, latest Amended Plan, the Order approving the Disclosure Statement, and the Ballots for Acceptances or Rejections were mailed to all creditors at least twenty-eight (28) days before the hearing on confirmation, or the date set by the Court:

YES _____ NO _____

A. Administrative Expenses/Applications for Compensation:

TOTAL OF ADMININSTRATIVE EXPENSES: _____ *

Payment for administrative claims will be _____ percent (%).

Payment for administrative claims will be made on _____

Amount of deposit for administrative claims on effective date: _____

*NOTE: See breakdown of claimants as set forth in the debtor's proposed order of distribution.

B. CLASS I

TOTAL OF CLASS I CLAIMS: _____ *

Payment for Class I will be _____ percent (%).

Payment for Class I will be made on _____

Amount of deposit for Class I claims on effective date: _____

*NOTE: See breakdown of claimants as set forth in the debtor's proposed order of distribution.

C. CLASS II

TOTAL OF CLASS II CLAIMS: _____ *

Payment for Class II will be _____ percent (%).

Payment for Class II will be made on _____

Amount of deposit for Class II claims on effective date: _____

*NOTE: See breakdown of claimants as set forth in the debtor's proposed order of distribution.

D. CLASS III

TOTAL OF CLASS III CLAIMS: _____ *

Payment for Class III will be _____ percent (%).

Payment for Class III will be made on _____

Amount of deposit for Class III claims on effective date: _____

*NOTE: See breakdown of claimants as set forth in the debtor's proposed order of distribution.

E. CLASS IV

TOTAL OF CLASS IV CLAIMS: _____ *

Payment for Class IV will be _____ percent (%).

Payment for Class IV will be made on _____

Amount of deposit for Class IV claims on effective date: _____

*NOTE: See breakdown of claimants as set forth in the debtor's proposed order of distribution.

F. CLASS V

TOTAL OF CLASS V CLAIMS: _____ *

Payment for Class V will be _____ percent (%).

Payment for Class V will be made on _____

Amount of deposit for Class V claims on effective date: _____

*NOTE: See breakdown of claimants as set forth in the debtor's proposed order of distribution.

G. CLASS VI

TOTAL OF CLASS VI CLAIMS: _____ *

Payment for Class VI will be _____ percent (%).

Payment for Class VI will be made on _____

Amount of deposit for Class VI claims on effective date: _____

*NOTE: See breakdown of claimants as set forth in the debtor's proposed order of distribution.

If there are more than six classes of creditors, extra pages should be included describing the breakdown of each additional class.

CERTIFICATION

I certify that I have reviewed the plan of reorganization, the claims register, the schedules filed in this case, and all other related documents, and that based upon such review, the above information is complete and accurate to the best of my knowledge.

DATED: _____

Attorney for the Debtor
Address:

Telephone Number: _____
Bar Code Number: _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- X
In re: :
: BK No:
: Debtor(s) : Chapter 11
----- X

ORDER CONFIRMING CHAPTER 11 PLAN IN SUBCHAPTER V CASE

The Debtor's Plan under Chapter 11, Subchapter V, of Title 11, United States Code, filed on _____ [or, if applicable, as modified by a modification filed on _____,] (the "Plan"), having been transmitted to its creditors, and it having been determined after notice and a hearing that:

1. The Plan complies with the requirements of 11 U.S.C. §§ 1190(1) and 1190(2); and
2. The requirements for confirmation set forth in 11 U.S.C. § 1191(a) [or § 1191(b)] have been satisfied;

It is ORDERED that:

- A. The Plan (of copy of which is attached) is confirmed;
- B. The Plan may be modified only in accordance with 11 U.S.C. § 1193(b) or § 1193(c), as applicable;
- C. Pursuant to 11 U.S.C. § 1194(a), the trustee shall distribute any payment received from the Debtor prior to the entry of this Order in accordance with the Plan; and
- D. [If Plan confirmed pursuant to 11 U.S.C. § 1191(a)] The Debtor shall file and serve on all interested parties a notice of substantial consummation of the Plan within 14 days of the date of substantial consummation, which date is estimated by the Debtor to be _____.

[or]

[If Plan confirmed pursuant to 11 U.S.C. § 1191(b)] The Debtor shall file and serve on all interested parties a status report within 14 days of the date of completion by the Debtor of all payments due under the Plan, which date is estimated by the Debtor to be _____.

ORDER:

ENTER:

Deputy Clerk

Entered on Docket: _____

Diane Finkle

U.S. Bankruptcy Judge

Date:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re:	:	
	:	BK No.
Debtor(s)	:	Chapter 11
	:	

-----*

APPLICATION FOR FINAL DECREE

Pursuant to 11 U.S.C. § 1142, Fed. R. Bankr. P. 3020 and R.I. LBR 3022-1, (“Debtor”) moves the Court for a final decree and to close its Chapter 11 case. In support, Debtor says:

1. The Court entered an order confirming the Debtor’s _____ plan of reorganization (“Plan”) on _____.

2. The Court conducted hearings on fee applications filed by _____

_____ on _____.

The Court thereafter entered orders approving professional compensation and expenses. Per *Exhibit “A”*, the Debtor has disbursed to the listed professionals the stated amounts.

3. The Debtor has substantially consummated its Plan and has complied with all orders of the Court regarding post-confirmation issues.

4. In *Exhibit “B”*, the Debtor has set forth the creditor distributions actually made per the Plan.

5. In *Exhibit “C”*, the Debtor has set forth proposed remaining Plan distributions by creditor.

6. No distributions made under the Plan have been returned. [If a distribution under the Plan is returned, attach *Exhibit "D"* containing a list of creditors whose distributions were returned].

7. The Debtor has paid to the United States trustee all post-confirmation quarterly fees due per 28 U.S.C. § 1930. The Debtor remitted all post-petition quarterly fees to the United States trustee on _____.

WHEREFORE, the Debtor respectfully requests that the Court enter a final decree and order closing its Chapter 11 case and grant it general relief.

DATED:

Attorney for the Debtor
Address:

Telephone Number:
Bar Code Number:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *
In re: :

Debtor(s) : BK No.
Chapter 11

----- *

**INDIVIDUAL DEBTOR(S) MOTION FOR ENTRY OF
DISCHARGE AND CERTIFICATE OF PLAN CONFIRMATION**

I/We the undersigned Debtor(s) move the court for entry of a discharge in this case pursuant to 11 U.S.C. § 1141(d)(5)(A) by certifying under penalty of perjury that:

1. All plan payments have been completed.
2. Compliance with 11 U.S.C. § 1141(d)(5)(C), including, but not limited to, 11U.S.C. § 522(q)(1)(A) and (B).

I declare under penalty of perjury that the information contained in this Certificate is true and correct.

/s/ _____
Debtor Signature

/s/ _____
Joint Debtor Signature

Date: _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 4001-1.1

----- *

In re: :

Debtor(s) : BK No.
Chapter

----- *

RELIEF FROM STAY WORKSHEET – REAL ESTATE

I _____ (Name and Title) of _____ (Name of Organization/
Corporation/Moving Party) (hereinafter, “Movant”) hereby declare (or certify, verify, or state):

BACKGROUND INFORMATION

1. Real property address which is the subject of this motion:
_____.
2. Lender Name: _____.
3. Date of Mortgage: _____.
4. Post-Petition payment address:
_____.
5. The manner in which the movant perfected its interest in the property:
_____.
6. All other material liens and encumbrances on the property:
_____.

DEBT/VALUE REPRESENTATIONS

7. Total pre-petition and post-petition indebtedness of Debtor(s) to Movant at the time of filing the motion: \$ _____.
(Note: this amount may not be relied on as a “payoff” quotation.)
8. Movant’s estimated market value of the real property: \$ _____.

9. Source of estimated valuation:_____.

STATUS OF DEBT AS OF THE PETITION DATE

10. Total pre-petition indebtedness of Debtor(s) to Movant as of petition filing date: \$ _____.

- A. Amount of principal: \$_____.
- B. Amount of interest: \$_____.
- C. Amount of escrow (taxes and insurance): \$_____.
- D. Amount of forced placed insurance expended by Movant:_____.
- E. Amount of Attorney's fees billed to Debtor(s) pre-petition: \$_____.
- F. Amount of pre-petition late fees, if any, billed to Debtor(s): \$_____.

11. Contractual interest rate:_____ (If interest rate is (or was) adjustable, please list the rate(s) and dates(s) the rate(s) was/were in effect on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: .)

12. Please explain any additional pre-petition fees, charges or amounts charged to Debtor's/Debtor's account and not listed above:

(If additional space is needed, please list the amounts on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: .)

**AMOUNT OF ALLEGED POST-PETITION DEFAULT (AS OF
(MM/DD/YYYY)**

13. Date last payment was received:_____ (mm/dd/yyyy)

14. Alleged total number of payments post-petition from filing of petition through payment due on_____ (mm/dd/yyyy):_____.

15. Please list all post-petition payments alleged to be in default:

SCHEDULE OF PAYMENTS THAT WERE DUE:

Date Payment Due	Payment Amount Due Post Petition
Totals:	\$

SCHEDULE OF PAYMENTS THAT WERE RECEIVED

Date	Amount Received	Amount Applied to Principal and Interest	Amount Applied to Escrow	Late Fee Charged (if any)	Amount applied to legal fees or costs (specify)
Totals:	\$	\$	\$	\$	

16. Amount of Movant's Attorneys fees billed to Debtor for the preparation, filing and prosecution of this motion: \$_____.

17. Amount of Movant's filing fee for this motion: \$_____.

18. Other Attorney's fees billed to Debtor post-petition: \$_____.

19. Amount of Movant's post-petition inspection fees: \$_____.

20. Amount of Movant's post-petition appraisal/broker's price opinion: \$_____.
21. Amount of forced placed insurance or insurance provided by the Movant post-petition: \$_____.
22. Sum held in suspense by Movant in connection with this contract, if applicable: \$_____.
23. Amount of other post-petition advances or charges: i.e., taxes, insurance incurred by Debtor, etc.: \$_____.
24. Amount and date of post-petition payments offered by the debtor and refused by the Movant: \$_____; Date(s):_____
- Movant: \$_____; Date(s):_____
- Movant: \$_____; Date(s):_____.

REQUIRED ATTACHMENTS TO MOTION

Please attach the following documents to this motion and indicate the exhibit number associated with the documents.

- (1) Copies of documents that indicate Movant's interest in the subject property. For purposes of example only, a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the mortgage and any assignments in the chain from the original mortgagee to the current moving party. (Exhibit _____.)
- (2) Copies of documents establishing proof of standing to bring this Motion. (Exhibit _____.)
- (3) Copies of documents establishing that Movant's interest in the real property was perfected. For the purposes of example only, a complete and legible copy of the Financing Statement (UCC-1) filed with either the Clerk's Office or the Register of the county the property is located in. (Exhibit_____.)

CERTIFICATION AND DECLARATION FOR BUSINESS RECORDS

I certify that the information provided in this worksheet and/or exhibits attached to this worksheet is derived from records that were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters, were kept in the course of the regularly conducted activity; and were made by the regularly conducted activity as a regular practice.

I further certify that copies of any transactional documents attached to this worksheet as required by paragraphs 1, 2, and 3, immediately above, are true and accurate copies of the original documents, I further certify that the original documents are in movant's possession, except as follows:_____.

I/we declare (or certify, swear, affirm, verify or state) that the foregoing is true and correct.

Executed on _____[date]

[signature]

[title]

Subscribed and sworn to before me this _____[date]

Notary Public:[name]

My commission Expires: _____
[date]

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

NOTICE OF SUBSTITUTE COUNSEL

Attorney_____hereby withdraws as counsel of record in the attached listed bankruptcy cases and/or proceedings, and attorney_____hereby enters his/her appearance as substitute counsel in the attached listed bankruptcy cases and/or proceedings.

DATED:

BY WITHDRAWING COUNSEL:

Name

Address:

Firm Name

Telephone Number:

Bar Code Number:

DATED:

BY SUBSTITUTE COUNSEL:

Name:

Firm Name:

Address:

Telephone Number:

Bar Code Number:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- X

In re:

:

BK No.

:

Chapter

(Debtors)

----- X

**REQUEST FOR DEBTOR TO FILE POST PETITION
TAX INFORMATION DURING PENDENCY OF CASE**

_____, a party in interest in the above individual chapter 7, 11 or 13 case,
qualifies as such for the following reasons: _____

_____.

Accordingly, pursuant to 11 U.S.C. § 521(f)(1-4), _____ hereby requests
that the Debtor file the following post petition tax information with the Court: _____

_____.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

(Signature) _____

Name of Movant/Attorney for Movant

Address Phone

Number

For: _____

CERTIFICATE OF SERVICE

I hereby certify that on _____ I mailed, by United States Postal Service, postage
prepaid, the Request for Debtor to file Post Petition Tax Information filed with the Court on the
following non CM/ECF participants: _____.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 4002-3.2

Rev. 6/1/06

----- x

In re:

:

BK No.

:

Chapter

(Debtors)

----- x

**MOTION BY PARTY IN INTEREST FOR ACCESS
TO DEBTOR'S TAX INFORMATION**

_____ is a party in interest in the above entitled case, and qualifies as such for the following reasons:_____. The tax information designated below cannot be obtained from any other source, and is necessary for the following reasons:_____

_____.

Accordingly, pursuant to 11 U.S.C. § 521(g)(2),_____ hereby requests access to Debtor's tax information on file with the Clerk, for the year(s):_____.

Access is requested in the following manner:

Regular Mail at the following address:_____.

In Person (Tel.)_____.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Movant's/Attorney's Name

Address

Phone Number

For: _____

Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that on_____I mailed, by United States Postal Service, postage prepaid, the Motion for Access to Debtor's Tax Information filed with the Court on the following non CM/ECF participants:_____.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

R.I. Local Form 6005-1.1
Rev. 12/1/16

----- *

In re:	:	
	:	BK No.
Debtor(s)	:	Chapter
	:	

----- *

NOTICE OF INTENDED PUBLIC SALE OF ESTATE PROPERTY

To Creditors and Parties in Interest:

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. § 363, Fed. R. Bankr. P.
2002(a)(2) and 6004, and R.I. LBR 6004-1, that the Debtor, _____,
intends to sell at public sale the Debtor's right, title and interest to certain property of the estate
consisting of:

[Property Description].

The sale will be conducted by _____
[Auctioneer] at _____ [Address] on
_____ [Date] at _____ [Time].

The proposed sale procedures are more particularly described in the Debtor's Motion for
Order Authorizing and Approving Sale of Property of the Estate.

The _____ [Property] will be sold
free and clear of all liens, claims and encumbrances, with such liens, claims and encumbrances,
if any, to the extent valid, attaching to the same extent and in the same order of priority to the net
proceeds of the sale, and such liens, claims and encumbrances attached to the _____
_____ [Property].

RESPONSE TIME

Within twenty-one (21) 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 you were served by mail, or other excepted means specified, any party against whom this **Notice of Intended Public Sale** has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an **Objection or other appropriate response** to this Notice of Intended Public Sale with the Bankruptcy Court Clerk's Office, 380 Westminster St., 6th Floor, Providence, RI 02903, (401) 626-3100. A copy of the objection or response shall also be served upon Debtor/Debtor's counsel and the case trustee, if any. If no objection or other response is timely filed within the time allowed herein, 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. If the Court determines that a hearing is necessary, you will receive no less than 14 days notice, unless otherwise ordered.

DATED:

BY:

Name:

Firm Name:

Address:

Telephone Number:

Bar Code Number:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----X

In re: _____ :

Debtor : BK No.
Chapter

Plaintiff : A.P. No.

Defendant : _____

-----X

DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(f)

Pursuant to Fed. R. Civ. P. 26(f) incorporated into bankruptcy by Fed. R. Bankr. P. 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 Fed. R. Bankr. P. 7026(a) have been made or the parties agree that all disclosures under Fed. R. Bankr. P. 7026(a)(1) will be made on or before _____ -or- that by written stipulation in accordance with Fed. R. Bankr. P. 7026(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, Fed. R. Bankr. P. 7026(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,

In re: _____ AP No. _____

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.

Respectfully submitted this ____ day of _____, 20____,

Plaintiff: _____

Defendant: _____

BY: Signature and Address of
Attorney for Plaintiff

Signature and Address of
Attorney for Defendant

UNITED STATES BANKRUPTCY
COURT FOR THE DISTRICT OF
RHODE ISLAND

-----*

In re:	:	
	:	BK No.
	:	Chapter
Debtor(s)	:	

-----*

**ATTORNEY CERTIFICATION IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE***

1. I, _____, certify that I am a member in good standing of the bar of the state(s) of _____ and _____ of the following federal district court bar(s) _____, without any restriction on my eligibility to practice, and that I understand my obligation to notify this Court immediately of any change respecting my status in this respect.

2. I have never been disciplined or sanctions by any court or other body having disciplinary authority over attorneys; there are no disciplinary proceedings pending against me at this time; and I have never had my pro hac vice status revoked by any court. (If applicant has been sanctioned, disciplined or had any pro hac vice status revoked, please provide a full explanation.)

3. I have never been convicted of any crime other than minor traffic offenses. (If applicant has been convicted, please provide full explanation.)

4. I am currently admitted, and/or within the preceding 12 months have applied to be admitted, in the following bankruptcy and/or adversary proceeding cases in this district:

5. I have read, acknowledge, and agree to observe and to be bound by the local rules and orders of this Court, including the Rules of Professional Conduct of the Rhode Island Supreme Court, as adopted by this Court as the standard of conduct for all attorneys appearing before it.

☐ For purposes of this case:

I have associated with local associate counsel identified below, and have read, acknowledge, and will observe the requirements of this Court respecting the participation of local associate counsel, as set out in LBR 9010-1 and

Local Rule 204 of the U.S. District Court, recognizing that failure to do so may result in my being disqualified, either upon the Court's motion or motion of other parties in the case.

☐

- OR -

Pursuant to LBR 9010-1(c), local counsel is not required at this time as the matter is not contested. Counsel further understands and agrees that if the matter becomes contested, then local counsel will enter an appearance at least seven days before the scheduled hearing or the granting of within motion for permission to appear *pro hac vice* may be revoked.

Date:

By: _

Attorney applying for *Pro Hac Vice*
admission

Firm name and address

Tel # Fax #

LOCAL COUNSEL CERTIFICATION

I certify that I have read and join in the foregoing motion, and acknowledge and agree to observe the requirements of LBR 9010-1 and Local Rule 204 of the U.S. District Court in their entirety and as they relate to the participation and responsibilities of local associate counsel.

Name and Signature of Local Associate Counsel R.I. Bar ID#
Firm Name Tel # Fax #
Business Address

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re: :

Debtor (s) : BK No.

: Chapter

:
-----*

MOTION TO BE EXCUSED FROM COURT

Now comes _____, Esq. and moves this Honorable Court for permission to be excused from attendance in the U.S. Bankruptcy Court, District of Rhode Island, on the following dates:

1. Date(s) requested: _____
2. The Petitioner seeks to be excused from court because: _____

3. I have no matters scheduled for hearing in Bankruptcy Court during said time period.

Respectfully submitted,

Date

GRANTED except as to any emergency matters
that may occur during the period of the excuse.

DIANE FINKLE, U.S. BANKRUPTCY COURT JUDGE

Date: _____ By: _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

REQUIREMENTS FOR JOINT PRETRIAL STATEMENT

I. PURPOSE OF JOINT PRETRIAL STATEMENT: R.I. LBR 9014-1(d) governs the procedure for filing a Joint Pretrial Statement. The preparation and filing of the Joint Pretrial Statement serves to facilitate and expedite the court hearing (but is *not* intended to force agreement where there is genuine disagreement). Accordingly, parties directed to file a Joint Pretrial Statement shall adhere to the form of statement set forth below.

II. SUBMISSION OF JOINT PRETRIAL STATEMENT: The Joint Pretrial Statement MUST be signed by all counsel (or pro se parties, if applicable), involved in the litigation. One sided statements shall be treated as defective. Parties should refer to R.I. LBR 9014-1 for the proper procedure when obtaining cooperation is difficult. Counsel are required to file the Original and Two (2) copies of the Joint Pretrial Statement, AND three (3) copies of all exhibits. In addition, the attached Exhibit List must also be completed and affixed. Unless specifically in dispute, the underlying loan documentation should not be filed as an exhibit. In addition, in chapter 11 cases (including adversary proceedings) the local office of the United States Trustee must be served with a copy of the Joint Pretrial Statement, the exhibit list and the exhibits.

III. CONTENTS OF JOINT PRETRIAL STATEMENT: The Joint Pretrial Statement shall contain the following numbered paragraphs:

1. Facts which are admitted and require no proof;
2. Issues of fact remaining to be litigated; evidence at trial will be limited to these issues and to the issues of law designated in paragraph 5 below;
3. A list of proposed witnesses for the Plaintiff and for the Defendant, with a brief statement as to the capacity in which each will testify;
4. A list of exhibits to be offered at trial by each party (other than those to be used for impeachment) in accordance with R.I. LBR 9070-1:
 - a. in the sequence proposed to be offered.
 - b. The moving party/plaintiff's exhibits shall be marked alphabetically (A-Z), and the respondent/defendant's exhibits shall be marked numerically (1-100);
 - c. with a description of each, sufficient for identification;
 - d. with a statement of any objections reserved as to admissibility;
 - e. with a statement confirming that parties have exchanged copies of all exhibits.

NOTE: All exhibits listed are full exhibits unless objection is reserved, and are to be marked prior to trial. Attorneys are responsible for providing copies of exhibits for all counsel, witnesses and other parties.

5. The issues of law to be determined with reference to appropriate statutory and/or common law authorities; evidence at trial will be limited to these issues and to the issues of fact stated in paragraph 2 above.
6. The position of other lienholders (if a relief from stay matter);
7. That all discovery has been completed;
8. Whether or not the parties believe that the matter should be referred to a settlement judge prior to trial. The Court will review the Joint Pretrial Statement and issues in dispute to determine whether the matter is one that might benefit by referral to a settlement judge prior to trial. If the Court concludes that a settlement conference is warranted, an order to that effect will issue; and
9. That the parties are ready for trial, together with the estimated time for the entire trial/hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE
DEBTOR

BANKRUPTCY NO. _____

ADVERSARY NO. _____

Plaintiff

VS

Defendant

FOR COURT USE ONLY

JUDGE: _____

COURT REPORTER: _____

HELD AT: _____

DATE: _____

EXHIBIT LIST

PARTY'S NAME: _____

		*** FOR COURT USE ONLY ***					
EX NO	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T	D A T E	DISPOSITION AFTER TRIAL

(Note: This Exhibit List is to be prepared in advance of the date of trial by counsel for all parties and furnished to the Court in duplicate and served on opposing counsel.)

IN RE:
DEBTOR

BANKRUPTCY NO: _____
ADVERSARY NO. _____

EXHIBIT LIST CONTINUED

PARTY'S NAME:

		*** FOR COURT USE ONLY***					
EX NO	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T	D A T E	DISPOSITION AFTER TRIAL

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