United States Bankruptcy Court

Northern District of Illinois

Local Rules

As amended, effective April 19, 2022

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RULE 1000-1 DEFINITIONS

(1) "Administrative Procedures" means the Administrative Procedures for the Case Management/Electronic Case Filing System, adopted by the court on February 17, 2004, as amended;

(2) the "Bankruptcy Code" means Title 11 of the United States Code, as amended;

(3) "bankruptcy court" means the bankruptcy judges of the United States District Court for the Northern District of Illinois;

(4) "clerk" includes the clerk of the court, any deputy clerk, and any member of a judge's staff who has taken the oath of office to perform the duties of a deputy clerk;

(5) "clerk of the court" means the clerk of the court duly appointed by the bankruptcy court;

(6) "CM/ECF" means the Case Management/Electronic Case Filing System;

(7) "courtroom deputy" means the deputy clerk assigned to perform courtroom duties for a particular judge;

(8) the "date of presentment" means the day on which the motion is to be presented according to the notice required by Rule 9013-1;

(9) "district court" means the United States District Court for the Northern District of Illinois;

(10) "District Court Local Rules" means the Civil Rules promulgated by the district court;

(11) "Executive Committee" means the Executive Committee of the district court;

(12) "Fillable Order" means an order created using the Fillable Order PDF template available on the court's web site. The Fillable Order PDF template must be downloaded from the court's web site and must be filed with the text of the proposed order inserted without changing the underlying template.

(13) "judge" or "court" means the judge assigned to a case or an adversary proceeding or any other judge sitting in that judge's stead;

(14) "motion" includes all requests for relief by motion or application, other than applications to waive the filing fee or pay the filing fee in installments.

(15) "Registrants" means individuals with unrestricted passwords registered to file documents in CM/ECF;

(16) “Rules” means these Local Bankruptcy Rules and any amendments or additions thereto;

(17) “Rule” means a rule within these Rules and any amendments and additions thereto;

(18) “trustee” means the person appointed or elected to serve as case trustee under the Bankruptcy Code, but not the debtor in possession in a case under Chapter 11.

RULE 1000-2 SCOPE OF RULES

A. Scope of Rules

These Rules are promulgated by the district court and the bankruptcy court pursuant to Fed. R. Civ. P. 83 and Fed. R. Bankr. P. 9029. They may be cited as "Local Bankruptcy Rules" and will govern procedure in the bankruptcy court, and in the district court in all bankruptcy cases and proceedings as defined in 28 U.S.C. § 157, to the extent that they are not inconsistent with applicable law, the Fed. R. Bankr. P., or the Official Bankruptcy Forms. These Rules will be construed to secure the expeditious and economical administration of every case within the district under the Bankruptcy Code and the just, speedy, and inexpensive determination of every proceeding therein.

B. Previous Bankruptcy Rules Rescinded

All local bankruptcy rules adopted by the district court and the bankruptcy court before the adoption of these Rules are rescinded.

C. Application of District Court Local Rules

The District Court Local Rules will apply to the bankruptcy court and bankruptcy cases only when the District Court Local Rules or these Rules so specify, or when applied by any judge to proceedings before that judge in situations not covered.

D. Additional Procedural Orders

(1) In addition to these Rules, procedures in the bankruptcy court may also be governed by:

(a) General Orders, issued by the court, applicable in all cases; and

(b) Standing Orders, issued by an individual judge, applicable in cases pending before that judge.

(2) The chief judge may issue, on behalf of the court, Administrative Orders governing matters such as hours of operation, court holidays, and case assignments.

(3) Administrative Procedures have been adopted by the court pursuant to Fed. R. Bankr. P. 5005 and Rule 5005-1(A).

RULE 1006-1 PAYMENT OF FILING FEE IN INSTALLMENTS

If a debtor applies to pay the filing fee in installments pursuant to Fed. R. Bankr. P. 1006, the clerk may enter on behalf of the judge to whom the case is assigned the appropriate order. The order must require that (a) fifty percent of the filing fee be paid no later than 60 days after the petition date; (b) the fee be paid in no more than four installments; and (c) the final installment be paid no later than 120 days after the petition date.

RULE 1006-2 PAYMENT OF FEES FOR ELECTRONIC FILINGS

Subject to Rule 1006-1, any document filed electronically must be accompanied by the appropriate fee.

RULE 1006-3 PAYMENT OF FEES BY DEBTORS AND OTHER NON-REGISTRANTS

Subject to Rule 1006-1, any document filed on paper must be accompanied by the appropriate fee in the form of cash, cashier's check, certified check, or money order. The clerk may not accept personal, non-certified checks or credit cards from *pro se* parties or other non-registrants.

RULE 1006-4 FAILURE TO PAY FILING FEE

All petitions that do not comply with Fed. R. Bankr. P. 1006 will not be accepted for filing.

RULE 1007-1 COMPUTER READABLE LISTS OF CREDITORS

In all voluntary cases filed under the Bankruptcy Code filed by parties other than *pro se* debtors, the petition for relief must be accompanied by a list, in a computer readable format designed and published from time to time by the clerk, of the names and complete addresses, including zip codes, of the following:

(1) the debtor;

(2) the attorney of record;

(3) all secured and unsecured creditors; and

(4) all other parties in interest entitled to notice in the case.

Upon motion for cause shown, the court may excuse compliance with this Rule.

RULE 1007-2 CLAIMS REGISTERS

A. Clerk to Supervise

The clerk will supervise preparation and maintenance of claims registers in all cases.

B. Claims Agent

On motion of the debtor or trustee, the court may authorize retention of a claims agent under 28 U.S.C. § 156(c) to prepare and maintain the claims register. In all cases with more than

500 creditors, the debtor must file a motion to employ a notice or claims agent approved by the clerk to perform this function. The claims register prepared and maintained by a claims agent retained under this Rule will be the official claims register of the court.

RULE 1009-1 NOTICE OF AMENDMENTS TO VOLUNTARY PETITIONS, LISTS, OR SCHEDULES; NOTICE TO CREDITORS

The debtor must serve amendments to voluntary petitions, lists, or schedules under Fed. R. Bankr. P. 1009(a) on all creditors, the trustee, and in Chapter 11 cases, on the United States Trustee and any official committee of unsecured creditors, and must file proof of such service with the clerk. In addition, if, after filing the petition, the debtor files the creditor list or adds any creditors to the schedules, the debtor must serve each such creditor, by first-class or certified mail, with a copy of the original notice of the meeting of creditors, and must file proof of such service with the clerk.

RULE 1014-1 TRANSFERS

A. Time of Transfer

When an order is entered directing the clerk to transfer a matter to another district, the clerk must delay the transfer of the case for fourteen days following the date that the order of transfer is docketed, except when the court directs that the case be transferred forthwith. In effecting the transfer, the clerk will transmit a certified copy of the docket and order of transfer and the original of all other documents. The clerk will note on the docket the date of the transfer.

B. Completion of Transfer

The filing of a motion under Fed. R. Bankr. P. 9023 with respect to an order of transfer referred to in section A of this Rule will not serve to stop the transfer of the case. However, on motion, the court may direct the clerk not to complete the transfer process until a date certain or further order of court.

RULE 1015-1 RELATED CASES

A. Relatedness Defined

Two or more cases are related if one of the following conditions is met:

(1) the debtors are husband and wife;

(2) the debtor was a debtor in a previous case under Chapter 11 of the Bankruptcy Code; or

(3) the cases involve persons or entities that are affiliates as defined in § 101(2) of the Bankruptcy Code.

B. Assignment of Related Case by Clerk at Filing

If two or more cases to be filed in this district at the same time are related, the attorney filing the cases must file a Certification of Relatedness in substantially the form posted on the court's web site. If a case to be filed in this district is related to a case previously filed in this district, the attorney filing the case must file a Certification of Relatedness in substantially the form posted on the court's web site. If the Certification of Relatedness shows that the cases are related, the clerk must directly assign the related cases to the same judge.

C. Transfer to Chief Judge for Reassignment as Related

A motion by a party in interest to transfer a case on the grounds of relatedness must be brought before the judge assigned to the higher-numbered case. If the cases are related, the judge must transfer the case to the chief judge for reassignment to the judge assigned the lower-numbered case. The judge assigned the higher-numbered related case may also transfer the case *sua sponte* to the chief judge for reassignment.

D. Effect of Filing County of Reassignments for Relatedness

No reassignment may be made on the basis of section A(2) of this Rule if the case is pending in a county other than Cook County.

RULE 1017-1 CONVERSION FROM CHAPTER 13 TO CHAPTER 7

All notices of conversion of Chapter 13 cases to Chapter 7 cases, pursuant to § 1307(a) of the Bankruptcy Code and Fed. R. Bankr. P. 1017(f)(3), must be filed with the clerk's office, accompanied by: (1) proof of service on the designated Chapter 13 standing trustee and the United States Trustee, and (2) any required fee.

RULE 1017-2 [RESERVED]

RULE 1017-3 EFFECT OF DISMISSAL OF BANKRUPTCY CASE ON PENDING ADVERSARY PROCEEDINGS

Whenever a bankruptcy case is dismissed, a pending adversary proceeding arising under, arising in, or related to the case will not be dismissed unless ordered by the court. When a bankruptcy case is dismissed, any adversary proceedings pending in the case that are civil actions removed to the bankruptcy court must be remanded.

RULE 1019-1 CONVERSION BY ONE DEBTOR UNDER A JOINT PETITION

When only one of two joint debtors in a joint petition files a notice of conversion or motion to convert, upon payment of any required additional filing fees, the clerk shall divide the case into two separate cases and assign a case number to the new case. The debtor seeking to convert his or her case shall give notice to the other debtor, as well as to all other parties entitled to notice under the Bankruptcy Code and Bankruptcy Rules, and shall be responsible for the payment of all required fees. Each debtor shall file within 14 days of division of the case all necessary amendments to the schedules and statement of financial affairs.

RULE 1073-1 ASSIGNMENT OF CASES

Except as provided in Rules 1073-4 and 1015-1, the clerk must assign cases by lot to calendars of judges, both upon initial filing and upon reassignment, through use of any means approved by the court.

RULE 1073-2 IMPOSITION OF SANCTIONS RELATING TO INTERFERENCE WITH THE ASSIGNMENT SYSTEM

A. Application of Sanctions to Employees of the Clerk's Office

(1) No clerk or other employee of the clerk's office will:

(a) reveal to any person the sequence of judges' names within the assignment system;

(b) reveal to any person the sequence of names of Chapter 7 trustees designated by the United States Trustee; or

(c) number or assign any case or matter except as provided by these Rules.

(2) Any employee violating this provision will be discharged from service. Any violation of this provision may also constitute contempt of court.

B. Application of Sanctions to Persons Other than Employees

(1) No person will directly or indirectly cause or attempt to cause any clerk or other employee of the clerk's office:

(a) to reveal to any person the sequence of judges' names within the assignment system;

(b) to reveal to any person the sequence of names of Chapter 7 trustees designated by the United States Trustee; or

(c) to number or assign any case or matter, otherwise than as provided by these Rules.

(2) Any person who violates this provision may be charged with contempt of court.

RULE 1073-3 REASSIGNMENT

A. Reassignment Generally

No case will be transferred for reassignment from the calendar of a judge to the calendar of any other judge except as provided by these Rules or by other applicable law. Nothing in this Rule will prohibit a judge from transferring a specific matter for hearing and determination by another judge in the interest of judicial efficiency and economy, or when exigency requires.

B. Reassignments by the Chief Judge

The chief judge may reassign cases or proceedings from and to any judge, and may decline to reassign related cases or proceedings under Rule 1015-1, in order to adjust case loads or otherwise to promote efficient judicial administration.

C. Limited Reassignments for Purposes of Coordinated Proceedings in Complex Cases

Two or more judges may determine that it would be efficient to hold coordinated proceedings in a group of matters that are not related within the meaning of Rule 1015-1. Where such a determination is made, those judges will designate one or more of themselves to conduct the proceedings. The matters will remain on the calendars of the judges to whom they were assigned.

RULE 1073-4 ASSIGNMENT OF JUDGE IN CHAPTER 9 CASES

Upon the filing of any case under Chapter 9 of the Bankruptcy Code, the clerk will not assign such case to the calendar of any judge but will immediately inform the chief judge of such filing. The chief judge will then request that the chief judge of the Court of Appeals for the Seventh Circuit designate a bankruptcy judge to conduct the case.

RULE 2002-1 LIMITED NOTICE IN CHAPTER 7 CASES

In Chapter 7 cases, the clerk rather than the trustee must serve the required notice of a trustee's motion to dismiss the case if the ground for the motion is either that the debtor failed to attend a meeting under § 341 of the Bankruptcy Code or that the debtor failed to file a document

required by § 521 of the Bankruptcy Code. The clerk must serve the motion to dismiss on the debtor but may serve only the notice of the motion on all other parties in interest. The trustee need not serve a copy of the notice of motion or the motion on any party.

RULE 2002-2 NOTICE OF TRUSTEE'S FINAL REPORT IN CHAPTER 7 CASES

In Chapter 7 cases, if the assets in the estate available for distribution exceed $5,000, the trustee, rather than the clerk, must serve the Notice of Trustee's Final Report and Applications for Compensation. Notices will be served on the debtor, trustee, and only those creditors who have filed claims.

RULE 2004-1 RULE 2004 EXAMINATIONS

A motion to take a Fed. R. Bankr. P. 2004 examination must be served on all parties entitled to notice, including the person or entity to be examined.

RULE 2015-1 DEFERRAL OF FILING FEES DUE FROM TRUSTEE

In an adversary proceeding, if the case trustee certifies that the estate lacks the funds necessary to pay a filing fee, the trustee will enter the deferral of the fee on the docket. If the estate later receives funds sufficient to pay the deferred fees, the trustee will then pay the fee.

RULE 2016-1 DISCLOSURE OF AGREEMENTS BETWEEN DEBTORS AND THEIR ATTORNEYS

Every agreement between a debtor and an attorney for the debtor that pertains, directly or indirectly, to the compensation paid or given, or to be paid or given, to or for the benefit of the attorney must be in the form of a written document signed by the debtor and the attorney. Agreements subject to this rule include, but are not limited to, the Court-Approved Retention Agreement, other fee or expense agreements, wage assignments, and security agreements of all kinds. Each such agreement must be attached to the statement that must be filed under Fed. R. Bankr. P. 2016(b) in all bankruptcy cases. Any agreement entered into after the filing of the statement under Fed. R. Bankr. P. 2016(b) must be filed as a supplement to that statement within 14 days of the date the agreement is entered into.

RULE 2070-1 SURETIES ON BONDS

A. Security for Bonds

Except as otherwise provided by law, every court-ordered bond or similar undertaking must be secured by:

(1) the deposit of cash or obligations of the United States in the amount of the bond;

(2) the undertaking or guaranty of a corporate surety holding a certificate of authority from the Secretary of the Treasury; or

(3) the undertaking or guaranty of two individual residents of the Northern District of Illinois.

B. Affidavit of Justification

A person executing a bond as a surety pursuant to section A(3) of this Rule must attach an affidavit of justification, giving the person's full name, occupation, residence, and business addresses and showing that the person owns real or personal property in this district which, after excluding property exempt from execution and deducting the person's debts, liabilities, and other obligations (including those which may arise by virtue of the person's suretyship on other bonds or undertakings), is properly valued at no less than twice the amount of the bond.

C. Restriction on Sureties

No member of the bar and no officer or employee of this court may act as surety in any action or proceedings in this court.

RULE 2070-2 SUPERSEDEAS BOND

A. Judgment for a Sum Certain

Where judgment is for a sum of money only, a supersedeas bond must be in the amount of the judgment plus one year's interest at the rate provided in 28 U.S.C. § 1961, plus $500 to cover costs. The bond amount fixed hereunder is without prejudice to any party's right to seek timely judicial determination of a higher or lower amount.

B. Condition of Bond; Satisfaction

The bond must be conditioned for the satisfaction of the judgment in full, together with costs, interest, and damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs, interest, and damages as the appellate court may adjudge and award.

RULE 2090-1 APPEARANCE OF ATTORNEYS

A. Admission to District Court Required

Except as provided in Rules 2090-2 and 2090-3, an attorney appearing before this court must be admitted to practice before the district court.

B. Circumstances Under Which Trial Bar Membership Required

(1) If witnesses will testify at a proceeding, an attorney who is to participate as lead counsel or alone must be a member of the trial bar of the district court if:

(a) the proceeding is an adversary proceeding governed by Fed. R. Bankr. P. 7001 *et seq*., or

(b) the court on its own motion or on motion of a party in interest orders that a member of the trial bar will participate.

(2) Where trial bar membership is required by this Rule, an attorney who is a member of the general bar, but not a member of the trial bar, may appear during testimonial proceedings only if accompanied and supervised by a member of the trial bar.

(3) On motion for cause shown, the court may excuse the trial bar requirement in particular cases, proceedings, or matters.

C. Exemption for Certain Officers Appearing in Their Official Capacity

The following officers appearing in their official capacity will be entitled to appear in all matters before the court without admission to the trial bar of the district court: the Attorney General of the United States, the United States Attorney for the Northern District of Illinois, the attorney general or other highest legal officer of any state, and the state's attorney of any county in the State of Illinois. This exception to membership in the trial bar will apply to the persons who hold the above-described offices during their terms of office, not to their assistants.

RULE 2090-2 REPRESENTATION BY SUPERVISED SENIOR LAW STUDENTS

A student in a law school who has been certified by the Director of the Administrative Office of the Illinois Courts to render services in accordance with Illinois Supreme Court Rule 711 may perform such services in this court under like conditions and under the supervision of a member of the trial bar of the district court. In addition to the agencies specified in paragraph (b) of Illinois Supreme Court Rule 711, the law school student may render such services with the United States Attorney for this District, or the United States Trustee, or the legal staff of any agency of the United States government.

RULE 2090-3 APPEARANCE BY ATTORNEYS NOT MEMBERS OF THE BAR OF THE DISTRICT COURT (*Pro Hac Vice*)

An attorney who is not a member of the bar of the district court but who is a member in good standing of the bar of the highest court of any state or of any United States district court may appear before this court after:

(1) completing the form application for leave to appear *pro hac vice* as prescribed by the district court,

(2) paying the required fee to the clerk of the district court, and

(3) filing the application and receipt for payment with the clerk of the bankruptcy court.

The clerk of the bankruptcy court will enter the order on behalf of the assigned judge.

RULE 2090-5 APPEARANCES

A. Individual Appearances; Appearances by Firms Prohibited

(1) Filing a document electronically constitutes entering an appearance for the party on whose behalf the document is filed. No separate appearances form should be filed.

(2) Any other appearance must be filed by the attorney appearing using forms prescribed by the district court.

(3) Only individual attorneys may file appearances. Appearances by firms are not allowed.

(4) An appearance of an attorney under this Rule does not constitute the substitution or withdrawal of any other attorney who has appeared. To substitute or withdraw, an attorney must comply with Rule 2091-1.

B. Appearance of Attorney for Debtor; Adversary Proceedings

Counsel who represents the debtor upon the filing of a petition in bankruptcy is deemed to appear as attorney of record on behalf of the debtor for all purposes in the bankruptcy case, including any contested matter and any audit, but is not deemed to appear in any adversary proceeding filed against the debtor.

C. Appearance by United States Attorney or United States Trustee

No appearance form need be filed by the United States Attorney or the United States Trustee or any of their assistants when appearing in the performance of their duties.

D. Appearance of Attorney for Other Parties

Once an attorney has appeared in a contested matter or an adversary proceeding, that attorney is the attorney of record for the party represented for all purposes incident to the matter or proceeding, unless a court orders otherwise.

RULE 2091-1 WITHDRAWAL, ADDITION, AND SUBSTITUTION OF COUNSEL

A. General Rule

An attorney of record may not withdraw, nor may other attorneys appear on behalf of the same party or as a substitute for the attorney of record, without first obtaining leave of court by motion, except that substitutions or additions may be made without motion where both counsel are of the same firm. Where the appearance indicates that pursuant to these Rules a member of the trial bar is acting as a supervisor or is accompanying a member of the bar, the member of the trial bar included in the appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court. Any motion to withdraw must be served on the client as well as all parties of record.

B. Failure to Pay

In a case under Chapter 7 of the Bankruptcy Code, including a case converted from Chapter 13, where (1) the debtor's attorney has agreed to represent the debtor conditioned on the debtor entering into an agreement after the filing of the case to pay the attorney for services rendered after the filing of the case, and (2) the debtor refuses to enter into such an agreement, the court may allow the attorney to withdraw from representation of the debtor on motion of the attorney.

RULE 3007-1 OBJECTIONS TO CLAIMS

Subject to Fed. R. Bankr. P. 3007, an objection to a claim must be noticed for hearing as an original motion in accordance with Rule 9013-1 and must identify the claimant and claim number. A copy of the proof of claim that is the subject of the objection must be attached.

RULE 3011-1 MOTIONS FOR PAYMENT OF UNCLAIMED FUNDS

All motions for payment of unclaimed funds under 28 U.S.C. § 2042 must be filed before the chief judge or such other judge as the chief judge may designate. All such motions must be made in accordance with procedures established by the court and available to the public in the clerk's office and on the court's web site.

RULE 3015-1 [RESERVED]

RULE 3016-1 DISCLOSURE STATEMENTS AND PLANS IN CHAPTER 11 CASES

Unless the court orders otherwise, the following requirements will apply to all disclosure statements or amended disclosure statements:

(l) Each disclosure statement must include the following:

(a) An introductory narrative summarizing the nature of the plan and including a clear description of the exact proposed treatment of each class showing total dollar amounts and timing of payments to be made under the plan, and all sources and amounts of funding thereof. The narrative should plainly identify all classes, the composition of each class (as to number and type of creditors), the amount of claims (specifying any that are known to be disputed and how they will be treated under the plan), and the amount (dollar and/or percentages) to go to each class. The distinction between pre- and post-petition creditors must be clear.

(b) A summary exhibit setting forth a liquidation analysis as if assets of the debtor were liquidated under Chapter 7.

(2) Except where a liquidating plan is proposed, each disclosure statement must also include the following:

(a) a projected cash flow and budget showing all anticipated income and expenses including plan payments, spread over the life of the plan or three fiscal years, whichever is shorter;

(b) a narrative summarizing the scheduled assets and liabilities as of the date of filing in bankruptcy, reciting the financial history during the Chapter 11 (including a summary of the financial reports filed), describing the mechanics of handling initial and subsequent disbursements under the plan, and identifying persons responsible for disbursements; and

(c) consolidated annual financial statements (or copies of such statements for the years in question) covering at least one fiscal year before bankruptcy filing and each fiscal year of the debtor-in-possession period.

(3) Parties filing an amended disclosure statement or plan (or any related amended document) must attach a black-lined version showing all changes made to the preceding version.

RULE 3018-1 COUNTING CONFIRMATION BALLOTS IN CHAPTER 11 CASES

Unless the court orders otherwise, the following will apply in all cases pending under Chapter 11 of the Bankruptcy Code:

(1) Ballots accepting or rejecting a plan are to be filed with the clerk.

(2) Before the confirmation hearing, counsel for each plan proponent must tally all ballots filed with the clerk and prepare a report of balloting which at a minimum must include:

(a) a description of each class and whether or not it is impaired (for example, "Class I, unsecured creditors, impaired");

(b) for each impaired class, the number of ballots received, the number of ballots voting to accept and their aggregate dollar amount, and the number of ballots voting to reject and their aggregate dollar amount;

(c) a concluding paragraph indicating whether the plan has received sufficient acceptance to be confirmed;

(d) a completed ballot report form substantially similar to the one posted on the court's web site;

(e) appended to the completed ballot report form, copies of all ballots not counted for any reason and a statement as to why the same were not counted; and

(f) certification that all ballots were counted for the classes for which those ballots were filed except for ballots appended to the report.

(3) Counsel for each plan proponent must:

(a) file the report of balloting on that plan with the clerk; and

(b) serve notice of such filing together with a copy of the report on the United States Trustee, all parties on the service list, and all parties who have filed objections to confirmation.

(4) The notice and copy of the report must be filed and served at least 3 days before the confirmation hearing. Proof of such service and a copy of the notice and report must be filed with the clerk before the confirmation hearing.

RULE 3022-1 NOTICE TO CLOSE CASE OR ENTER FINAL DECREE IN CHAPTER 11 CASES

Unless the court orders otherwise, debtors or other parties in interest moving after Chapter 11 plan confirmation either to close the case or enter a final decree must (1) give notice of such motion to the United States Trustee, any Chapter 11 trustee, and all creditors, and (2) state within the notice or motion the actual status of payments due to each class under the confirmed plan.

RULE 4001-1 MOTIONS TO MODIFY STAY

A. Required Statement

All motions seeking relief from the automatic stay pursuant to § 362 of the Bankruptcy

Code, must be accompanied by a completed copy of the Required Statement form available on the court's web site (www.ilnb.uscourts.gov). Motions filed without the Required Statement may be stricken or denied without notice.

B. Date of Request

The date of the "request" for relief from the automatic stay referred to in § 362(e) of the Bankruptcy Code is deemed to be the date of presentment of the motion, provided that the movant has complied with applicable notice requirements.

RULE 4001-2 CASH COLLATERAL AND FINANCING MOTIONS AND ORDERS

A. Motions

(1) Except as provided in these Rules, all cash collateral and financing requests under §§ 363 and 364 of the Bankruptcy Code must be heard by motion filed pursuant to Fed. R. Bankr. P. 2002, 4001 and 9014 ("Financing Motions").

(2) Provisions to be Highlighted. All Financing Motions must (a) recite whether the proposed form of order or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (b) identify the location of any such provision in the proposed form of order, cash collateral stipulation or loan agreement, and (c) state the justification for the inclusion of such provision:

(a) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the pre-petition secured creditors (i.e., clauses that secure pre-petition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its pre-petition security agreement or applicable law).

(b) Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured creditor's pre-petition lien or debt or the waiver of claims against the secured creditor without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if formed, at least 60 days from the date of its formation to investigate such matters.

(c) Provisions that seek to waive any rights the estate may have under § 506(c) of the Bankruptcy Code.

(d) Provisions that immediately grant to the pre-petition secured creditor liens on the debtor's claims and causes of action arising under §§ 544, 545, 547, 548, and 549 of the Bankruptcy Code.

(e) Provisions that deem pre-petition secured debt to be post-petition debt or that

use post-petition loans from a pre-petition secured creditor to pay part or all of that secured creditor's pre-petition debt, other than as provided in § 552(b) of the Bankruptcy Code.

(f) Provisions that provide treatment for the professionals retained by a committee appointed by the United States Trustee different from that provided for the professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the committee counsel's use of the carve-out.

(g) Provisions that prime any secured lien, without the consent of that lienor.

(h) A declaration that the order does not impose lender liability on any secured creditor.

(i) Provisions that grant the lender expedited relief from the automatic stay in § 362 of the Bankruptcy Code, or relief from the automatic stay without further order of court.

(j) In jointly administered cases, provisions for joint and several liability on loans.

(3) All Financing Motions must also provide a summary of all provisions that must be highlighted under section (A)(2) of this Rule and a summary of the essential terms of the proposed use of cash collateral or financing, including the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under §§ 363 and 364 of the Bankruptcy Code.

(4) All Financing Motions must also provide a budget covering the time period in which the order will remain in effect. The budget must state in as much detail as is reasonably practical the amount of projected receipts and disbursements during the period covered by the budget.

(5) The court may deem unenforceable any provision not highlighted as required under section (A)(2) of this Rule.

B. Interim Orders

In the absence of extraordinary circumstances, the court will not approve interim financing orders that include any of the provisions identified in section (A)(2)(a) through (A)(2)(j) of this Rule.

C. Final Orders

A final order will be entered only after notice and a hearing pursuant to Fed. R. Bankr. P. 4001. If formation of a creditors' committee is anticipated, no final hearing will be held until at

least 7 days following the organizational meeting of the creditors' committee contemplated by § 1102 of the Bankruptcy Code unless the court orders otherwise.

D. Black-line of Financing Motion, Interim Financing Order and Final Financing Order

Parties filing an amended Financing Motion, interim financing order, or final financing order (or related amended document) must attach a black-lined version showing all changes made to the preceding version.

RULE 4003-1 OBJECTIONS TO DEBTOR'S EXEMPTIONS

Subject to Fed. R. Bankr. P. 4003, objections to exemptions claimed by a debtor must be noticed for hearing as an original motion in accordance with Rule 9013-1.

RULE 5005-1 METHOD OF FILING

A. Administrative Procedures

The court may adopt Administrative Procedures to permit filing, signing, service and verification of documents by electronic means in conformity therewith.

B. Electronic Case Filing

Pursuant to Fed. R. Bankr. P. 5005(a)(2), all documents must be filed in accordance with the Administrative Procedures.

C. Divisions of the District

The caption of each document must identify the division of the court to which the case is assigned.

D. Paper Documents

If paper documents are permitted or required by the Administrative Procedures, they must be filed at the office of the clerk in Chicago, Illinois, for Eastern Division cases, and the office of the clerk in Rockford, Illinois, for Western Division cases.

E. Proof of Identity of Unrepresented Debtors

When a person not represented by an attorney files a petition, the person must furnish proof of identity as follows:

(1) Any person filing a petition at the clerk's office must present acceptable photo identification.

(2) Any person filing a petition on behalf of another person must present acceptable photo identification both for himself or herself and for the other person. When a joint petition is filed, acceptable photo identification must be presented for each debtor.

(3) All identification presented will be photocopied and entered on the court's docket. The entry will be restricted from public view.

(4) Acceptable photo identification is a United States passport, a state driver's license, or an official identification card issued by the United States government or a state or territory of the United States, such as a military identification card or a resident alien card.

(5) If acceptable photo identification is not presented, the clerk will issue a notice of deficiency to the debtor. If the deficiency is not cured within 14 days, the clerk may file a motion to dismiss the case and set the motion for hearing. If the deficiency is not cured before the hearing, the court may dismiss the case for cause.

RULE 5005-3 FORMAT OF DOCUMENTS FILED

A. Numbering Paragraphs in Pleadings

Allegations in any pleading (defined in Rule 7(a) of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 7(a)) must be made in sequentially numbered paragraphs, each of which must be limited, as far as practicable, to a statement of a single set of circumstances. An answer or a reply to an answer must be made in numbered paragraphs, first setting forth the complete content of the paragraph to which the answer or reply is directed, and then setting forth the answer or reply.

B. Responses to Motions

A response to a motion must not be in the form of an answer to a complaint but must state in narrative form, any reasons legal or factual, why the motion should be denied, unless the judge orders otherwise.

C. Requirements

(1) Each document filed on paper must be flat and unfolded on opaque, unglazed, white paper approximately 8 ½ x 11 inches in size. It must be plainly written, or typed, or printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it, and must be secured by staples or other devices piercing the paper on the top at the left corner of the document. Paper clips or other clips not piercing the paper are not acceptable.

(2) Where the document is typed, line spacing must be at least 2 lines.

(3) Where the document is typed or printed:

(a) the size of the type in the document must be no smaller than 12 points; and

(b) the margins, left-hand, right-hand, top, and bottom, must each be no smaller than 1 inch.

(4) The first page of each document must bear the caption, descriptive title, and number of the case or proceeding in which it is filed, the case caption and chapter of the related bankruptcy case, the name of the judge to whom the case is assigned, and the next date and time, if any, that the matter is set.

(5) The final page of each document must contain the name, address, and telephone number of the attorney in active charge of the case as well as that of the attorney signing the pleading, or the address and telephone number of the individual party filing *pro se*.

(6) Copies of exhibits appended to documents filed must be legible.

(7) Each page of a document must be consecutively numbered.

(8) Each document filed electronically must be formatted similarly to documents filed on paper.

(9) Signatures on documents must comply with the Administrative Procedures (II-C).

(10) The caption of every document filed in cases heard in Joliet, DuPage County, Kane County, or Lake County must list the location where the case is heard (either Joliet, DuPage County, Kane County, or Lake County) in parentheses immediately below the name of the assigned judge.

D. Fifteen Page Limit

No motion, response to a motion, brief, or memorandum in excess of fifteen pages may be filed without prior approval of the court.

E. Documents Not Complying with Rule

If a document is filed in violation of this Rule, the court may order the filing of an amended document complying with this Rule. A judge may direct the filing of any communication to the court deemed appropriate for filing.

F. Proof of Service

All documents filed with the clerk must be accompanied by a proof of service consistent with Rules 7005-1 and 9013-1.

RULE 5005-3A FORMAT OF DOCUMENTS SERVED

Any document served on another party must comply with Rule 5005-3, except that the document many be doubled-sided and folded and must not contain more than two pages of text per side.

RULE 5005-4 SEALED AND REDACTED DOCUMENTS

A. Sealed Documents

(1) A party wishing to file an entire document under seal (e.g., an entire motion, an entire exhibit to a motion, etc.) must:

(a) file a motion requesting permission to file the document under seal;

(b) file the document provisionally under seal; and

(c) file a proposed order that contains a paragraph identifying the persons, if any, who may have access to the document without further order of court.

(2) Any document filed provisionally under seal without a motion requesting permission to file the document under seal will be unsealed.

(3) On written motion and for good cause shown, the court may order that the docket entry for a sealed document show only that the document was filed without any notation indicating its nature. Absent such an order, a sealed document must be docketed in the same manner as any other document, except that the entry will reflect that access to the document is restricted.

B. Redacted Documents

(1) A party who files a document with portions redacted (i.e., with portions blacked out from public view) and also wishes to file an unredacted version of the document under seal must:

(a) file a motion requesting permission to file the unredacted version under seal;

(b) file an unredacted version of the document provisionally under seal; and

(c) file a proposed order that contains a paragraph identifying the persons, if any, who may have access to the unredacted version of the document without further order of court.

(2) Any unredacted version of a redacted document that is provisionally filed under seal without a motion requesting permission to file it under seal will be unsealed.

(3) When a party files a redacted document but does not seek to file an unredacted version under seal, the court may order the party to file an unredacted version of the document under seal. The order should specify the persons who may have access to the sealed, unredacted version of the document.

C. Converting Paper Documents into Electronic Documents

The clerk will convert any sealed document filed in paper into an electronic document and destroy the paper document.

D. Documents Subject to Redaction under Rule 9037

Nothing in this rule applies to the redaction of documents required by Fed. R. Bankr. P. 9037.

RULE 5010-1 MOTION TO REOPEN CASE WHEN ASSIGNED TO JUDGE NO LONGER HEARING COOK COUNTY CASES

(1) A motion to reopen a Cook County case assigned to a judge who is no longer hearing Cook County cases must be filed before the Chief Judge. The motion must not seek any relief other than reopening the case. If the Chief Judge grants the motion, the case will be randomly reassigned by the clerk of court. After the case has been reassigned, all further motions must be noticed for hearing before the judge to whom the case has been reassigned.

(2) A motion to reopen a case heard in any county other than Cook County must be noticed for hearing before the judge currently hearing cases in that county.

RULE 5011-1 MOTIONS FOR WITHDRAWAL OF REFERENCE

A motion under Fed. R. Bankr. P. 5011(a) to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d) must be filed with the clerk and must be accompanied by the required filing fee. The clerk must promptly transmit the motion to the district court.

RULE 5070-1 CALENDARS

A. General

Bankruptcy cases, ancillary matters, and adversary proceedings assigned to a judge will constitute the calendar of that judge.

B. Calendar of a Judge Who Dies, Resigns, or Retires

The calendar of a judge who dies, resigns, or retires will be reassigned by the clerk as soon as possible under direction of the chief judge, either *pro rata* by lot among the remaining judges, or as necessary to promote efficient judicial administration.

C. Calendar for a Newly-Appointed Judge

A calendar will be prepared for a newly-appointed judge to which cases will be transferred by the clerk under direction of the chief judge in such number as the chief judge may determine, either by lot from the calendar of other judges, or by transfer in whole or part of the calendar of a judge who has died, retired, or resigned. If transfer is by lot from the calendar of other sitting judges, no case or proceeding will be transferred if it is certified by a judge to be one on which that judge has engaged in such a level of judicial work that reassignment would adversely affect the efficient disposition of the matter.

RULE 5070-2 PUBLICATION OF DAILY CALL

The omission of a matter from any published call in the *Chicago Daily Law Bulletin*, on the court's web site, or otherwise will not excuse counsel or parties *pro se* from attendance before the court on the date for which the matter is set.

RULE 5073-1 USE OF PHOTOGRAPHIC, RADIO, AUDIO, AND TELEVISION EQUIPMENT IN THE COURT ENVIRONS

The taking of photographs, radio and television broadcasting, or taping in the court environs during the progress of or in connection with judicial proceedings before a bankruptcy judge, whether or not court is actually in session, is prohibited.

RULE 5082-1 APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT FOR PROFESSIONAL SERVICES IN CASES UNDER CHAPTERS 7, 9, 11, AND 12.

A. Applications

Any application for interim or final compensation for services performed and reimbursement of expenses incurred by a professional person employed in a case filed under Chapter 7, 9, 11, or 12 of the Bankruptcy Code must begin with a completed and signed cover sheet in a form approved by the court and published by the clerk. The application must also include both a narrative summary and a detailed statement of the applicant's services for which compensation is sought.

B. Narrative Summary

(1) The narrative summary must set forth the following for the period covered by the application:

(a) a summary list of all principal activities of the applicant, giving the total compensation requested in connection with each such activity;

(b) a separate description of each of the applicant's principal activities, including details as to individual tasks performed within such activity, and a description sufficient to demonstrate to the court that each task and activity is compensable in the amount sought;

(c) a statement of all time and total compensation sought in the application for preparation of the current or any prior application by that applicant for compensation;

(d) the name and position (partner, associate, paralegal, etc.) of each person who performed work on each task and activity, the approximate hours worked, and the total compensation sought for each person's work on each such separate task and activity;

(e) the hourly rate for each professional and paraprofessional for whom compensation is requested, with the total number of hours expended by each person and the total compensation sought for each;

(f) a statement of the compensation previously sought and allowed; and

(g) the total amount of expenses for which reimbursement is sought, supported by a statement of those expenses, including any additional charges added to the actual cost to the applicant.

(2) The narrative summary must conclude with a statement as to whether the requested fees and expenses are sought to be merely allowed or both allowed and paid. If the latter, the narrative summary must state the source of the proposed payment.

C. Detailed Statement of Services

The applicant's detailed time records may constitute the detailed statement required by Fed. R. Bankr. P. 2016(a). Such statement must be divided by task and activity to match those set forth in the narrative description. Each time entry must state:

(1) the date the work was performed;

(2) the name of the person performing the work;

(3) a brief statement of the nature of the work;

(4) the hourly billing rate of the person performing the work;

(5) the time expended on the work in increments of tenth of an hour; and

(6) the fee charged for the work described in the entry.

D. Privileged Information and Work Product

If compliance with this Rule requires disclosure of privileged information or work product, the applicant may file a motion pursuant to Rule 5005-4, Restricted Documents.

E. Failure to Comply

Failure to comply with any part of this Rule may result in reduction of fees and expenses allowed. If a revised application is made necessary because of any failure to comply with provisions of this Rule, compensation may be denied or reduced for preparation of the revision. The court may also excuse or modify any of the requirements of this Rule.

RULE 5082-2 APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT FOR PROFESSIONAL SERVICES IN CASES UNDER CHAPTER 13

A. Definitions

For the purpose of this Rule:

(1) "Court-Approved Retention Agreement" means Local Bankruptcy Form 23c.

(2) "Form Itemization" means Local Bankruptcy Forms 21 and 22.

(3) "Form Fee Application" means Local Bankruptcy Form 23-1 or 23-2.

(4) "Form Fee Order" means Local Bankruptcy Form 23-3 or 23-4.

(5) "Flat Fee" means a fee not supported by an itemization of time and services.

(6) "Creditors Meeting Notice" means the Notice of Chapter 13 Bankruptcy Case. (Official Form B 309I.)

(7) "Original Confirmation Date" means the date of the confirmation hearing specified in the Creditors Meeting Notice.

B. Requirements

(1) All requests for awards of compensation to debtor's counsel in Chapter 13 cases must be made using the Form Fee Application, which must be accompanied by a completed Form Fee Order specifying the amounts requested.

(2) All requests for awards of compensation to debtor's counsel must include a certification that the disclosures required by Rule 2016-1 have been made.

(3) Applications for original fees must be noticed for hearing on the Original Confirmation Date at the time for confirmation hearing.

C. Flat Fees

(1) If debtor's counsel and the debtor have entered into the Court-Approved Retention Agreement, counsel may apply for a Flat Fee not to exceed the amount authorized by the applicable General Order. If the Court-Approved Retention Agreement has been modified in any way, a Flat Fee will not be awarded, and all compensation may be denied.

(2) If debtor's counsel and the debtor have not entered into the Court-Approved Retention Agreement, the Form Fee Application must be accompanied by a completed Form Itemization.

(3) The Flat Fee will not be awarded and all compensation may be denied if, in addition to the Court-Approved Retention Agreement, the debtor and an attorney for the debtor have entered into any other agreement in connection with the representation of the debtor in preparation for, during, or involving a Chapter 13 case, and the agreement provides for the attorney to receive:

(a) any kind of compensation, reimbursement, or other payment; or

(b) any form of, or security for, compensation, reimbursement, or other payment that varies from the Court-Approved Retention Agreement.

D. Notice

(1) All fee applications must be filed with the clerk, served on the debtor, the trustee, and all creditors, and noticed for hearing as an original motion. However, a fee application need not be served on all creditors if:

(a) the Creditor Meeting Notice is attached to the application, has been served on all creditors, and discloses the amount of original compensation sought; and

(b) the hearing on compensation is noticed for the Original Confirmation Date.

(2) Rule 9013-1(E)(2), which governs the dates for the presentment of motions, does not apply to requests under this Rule.

RULE 7003-1 COMMENCEMENT OF ADVERSARY PROCEEDING

A plaintiff in an adversary proceeding must file an Adversary Proceeding Cover Sheet, Official Bankruptcy Form B 1040, with the adversary complaint.

RULE 7005-1 PROOF OF SERVICE OF PAPERS

Unless another method is expressly required by these Rules or by applicable law, an attorney may prove service of papers by certificate, and other persons may prove service of papers by affidavit or by other proof satisfactory to the court.

RULE 7016-1 CASE MANAGEMENT AND SCHEDULING CONFERENCES IN CHAPTER 11 CASES

The court on its own motion or on the motion of a party in interest may conduct case management and scheduling conferences at such times during a case as will further the expeditious and economical resolution of the case. At the conclusion of each such conference, the court will enter case management or scheduling orders as may be required. Such orders may establish notice requirements, set dates on which motions and proceedings will be heard (omnibus hearing dates), establish procedures regarding payment and allowance of interim compensation under § 331 of the Bankruptcy Code, set dates for filing the disclosure statement and plan, and address such other matters as may be appropriate.

RULE 7020-1 [RESERVED]

RULE 7026-1 DISCOVERY MATERIALS

A. Definition

For the purposes of this Rule, the term "discovery materials" includes all materials related to discovery under Fed. R. Civ. P. 26 through Fed. R. Civ. P. 36, made applicable to bankruptcy proceedings by Fed. R. Bankr. P. 7026 through Fed. R. Bankr. P. 7036 and Fed. R. Bankr. P. 9014, and to discovery taken under Fed. R. Bankr. P. 2004.

B. Discovery Materials Not to Be Filed Except By Order

(1) Except as provided by this Rule, Rule 7037-1, or order of court, discovery materials must not be filed with the clerk. The party serving discovery materials must retain the originals and be custodian of them. An original deposition must be retained by the party who ordered it. The court, on its own motion, on motion of any party, or on motion by a non-party, may require the filing of any discovery materials or may make provision for a person to obtain a copy of discovery materials at the person's own expense.

(2) If discovery materials are received into evidence as exhibits, the attorney producing them will retain them unless the court orders them deposited with the clerk. When the court orders them deposited, they will be treated as exhibits subject to the provisions of Rule 9070-1.

RULE 7033-1 INTERROGATORIES - FORMAT OF ANSWERS

A party responding to interrogatories must set forth immediately preceding each answer or objection a full statement of the interrogatory to which the party is responding.

RULE 7037-1 DISCOVERY MOTIONS

A. All motions under Fed. R. Civ. P. 26 through 37 (made applicable by Fed. R. Bankr. P. 7026 through 7037) relating to a discovery dispute, including any motion under Fed. R. Bankr. P. 37(a) to compel discovery, must include a statement that:

(1) after consultation in person or by telephone, and after good faith attempts to resolve differences, the parties are unable to reach an accord; or

(2) counsel's attempts to engage in such a consultation were unsuccessful due to no fault of counsel.

Where consultation has occurred, the statement in the motion must recite the date, time, and place of the consultation, and the names of all persons participating. Where counsel was unsuccessful in engaging in the consultation, the statement in the motion must recite in detail the efforts counsel made to engage in the consultation.

B. A party moving to compel discovery responses must attach to the motion a copy of the discovery request that is the subject of the motion and any response to the request. Failure to attach a discovery request and any response will be grounds for denial of the motion.

RULE 7041-1 NOTICE REQUIREMENTS FOR DISMISSAL OF PROCEEDINGS TO DENY OR REVOKE DISCHARGES

A. Requirements for Motion to Dismiss Adversary Proceeding to Deny or Revoke Discharge

No adversary proceeding objecting to or seeking to revoke a debtor's discharge under §§ 727, 1141, 1228, or 1328 of the Bankruptcy Code will be dismissed except on motion and hearing after 21 days' notice to the debtor, the United States Trustee, the trustee, if any, and all creditors and other parties of record. The motion must either (1) state that no entity has promised, has given, or has received directly or indirectly any consideration to obtain or allow such dismissal or (2) specifically describe any such consideration promised, given, or received.

B. Additional Notice Requirements

The notice required under section A of this Rule must include a statement that the trustee or any creditors who wish to adopt and prosecute the adversary proceeding in question must seek leave to do so at or before the hearing on the motion to dismiss.

C. Court's Discretion to Limit Notice

Nothing contained herein is intended to restrict the discretion of the court to limit notice to the debtor, the United States Trustee, the case trustee, if any, and such creditors or other parties as the judge may designate, or, for cause shown, to shorten the notice period.

RULE 7054-1 TAXATION OF COSTS

A. Time for Filing Bill of Costs

Within thirty days of the entry of a judgment allowing costs, the prevailing party may file a bill of costs with the clerk and serve a copy of the bill on each adverse party. If the bill of costs is not filed within the thirty days, costs under 28 U.S.C. § 1920, other than those of the clerk, will be deemed waived. The court may, on motion filed within the time provided for the filing of the bill of costs, extend the time for filing the bill.

B. Costs of Stenographic Transcripts

Subject to the provisions of Fed. R. Bankr. P. 7054, the necessary expenses of any prevailing party in obtaining all or any part of a transcript for use in a case, for purposes of a new trial, for amended findings, or for appeal will be taxable as costs against the adverse party. The costs of the transcript or deposition must not exceed the regular copy rate as established by the Judicial Conference of the United States in effect at the time the transcript or deposition was filed, unless some other rate was previously provided for by order of court. Except as otherwise ordered by the court, only the cost of the original and one copy of such transcript or deposition, and for depositions, the cost of the copy provided to the court, will be allowed.

RULE 7054-2 SECURITY FOR COSTS

Upon good cause shown, the court may order the filing of a bond as security for costs. Except as ordered by the court, the bond will be secured in compliance with Rule 2070-1. The bond will be conditioned to secure the payment of all fees which the party filing it must pay by law to the clerk, marshal, or other officer of the court and all costs of the action that the party filing it may be directed to pay to any other party.

RULE 7055-2 CLERK NOT TO ENTER DEFAULT JUDGMENTS

Unless otherwise directed by a judge, the clerk will not prepare or sign default judgments in any adversary proceeding or contested matter under Fed. R. Bankr. P. 9021 or Fed. R. Bankr. P. 7055. Such judgments must be presented to the court for entry. Notwithstanding Fed. R. Bankr. P. 7055, a party seeking entry of judgment by default must present a motion to the judge, rather than the clerk.

RULE 7056-1 MOTIONS FOR SUMMARY JUDGMENT; MOVING PARTY

A. Supporting Documents Required

With each motion for summary judgment filed under Fed. R. Bankr. P. 7056, the moving party must serve and file a supporting memorandum of law and a statement of material facts as

to which the moving party contends there is no genuine issue and that entitles the moving party to judgment as a matter of law, and that also includes:

(1) a description of the parties;

(2) all facts supporting venue and jurisdiction in this court; and

(3) any affidavits and other materials referred to in Fed. R. Civ. P. 56(c)(1)(A).

B. Form - Statement of Facts

The statement of facts must consist of short numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion.

C. Subsequent Filings by Moving Party

If additional material facts are submitted by the opposing party pursuant to Rule 7056-2, the moving party may submit a concise reply in the form prescribed in Rule 7056- 2 for response. All additional material facts set forth in the opposing party's statement filed under section A(2)(b) of Rule 7056-2 will be deemed admitted unless controverted by a statement of the of moving party filed in reply.

RULE 7056-2 MOTIONS FOR SUMMARY JUDGMENT; OPPOSING PARTY

A. Supporting Documents Required

Each party opposing a motion for summary judgment under Fed. R. Bankr. P. 7056 must serve and file the following:

(1) a supporting memorandum of law;

(2) a concise response to the movant's statement of facts that will contain:

(a) a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon; and

(b) a statement, consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon; and

(3) any opposing affidavits and other materials referred to in Fed. R. Civ. P. 56(c)(1)(A).

B. Effect

All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

RULE 7056-3 – NOTICE TO *PRO SE* LITIGANTS OPPOSING SUMMARY JUDGMENT

Any party moving for summary judgment under Fed. R. Bankr. P. 7056 against a party proceeding *pro se* must serve and file as a separate document, together with the papers in support of the motion, a "Notice to *Pro Se* Litigant Opposing Motion for Summary Judgment" in the form indicated below. If the *pro se* party is not the defendant, the movant must amend the form notice as necessary to reflect that fact.

NOTICE TO *PRO SE* LITIGANT OPPOSING MOTION FOR SUMMARY JUDGMENT

The plaintiff has moved for summary judgment against you. This means that the plaintiff is telling the judge that there is no disagreement about the important facts of the case. The plaintiff is also claiming that there is no need for a trial of your case and is asking the judge to decide that the plaintiff should win the case based on its written argument about what the law is.

In order to defeat the plaintiff's request, you need to do one of two things: you need to show that there is a dispute about important facts and a trial is needed to decide what the actual facts are or you need to explain why the plaintiff is wrong about what the law is.

Your response must comply with Rule 56(e) of the Federal Rules of Civil Procedure and Local Rule 7056-2 of this court. These rules are available at any law library. Your Local Rule 7056-2 statement needs to have numbered paragraphs responding to each paragraph in the plaintiff's statement of facts. If you disagree with any fact offered by the plaintiff, you need to explain how and why you disagree with the plaintiff. You also need to explain how the documents or declarations that you are submitting support your version of the facts. If you think that some of the facts offered by the plaintiff are immaterial or irrelevant, you need to explain why you believe that those facts should not be considered.

In response, you must also describe and include copies of documents which show why you disagree with the plaintiff about the facts of the case. You may rely upon your own declaration or the declarations of other witnesses. A declaration is a signed statement by you or another witness. The declaration must end with the following phrase: "I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct," and must be dated. If you do not provide the Court with evidence that shows that there is a dispute about the facts, the judge will be required to assume that the plaintiff's factual contentions are true, and, if the plaintiff is also correct about the law, your case will be dismissed.

If you choose to do so, you may offer the Court a list of facts that you believe are in dispute and require a trial to decide. Your list of disputed facts should be supported by your documents or declarations. It is important that you comply fully with these rules and respond to each fact offered

by the plaintiff, and explain how your documents or declarations support your position. If you do not do so, the judge will be forced to assume that you do not dispute the facts which you have not responded to.

Finally, if you think that the plaintiff is wrong about what the law is, you should explain why.

RULE 9013-1 MOTIONS

A. General Requirements

Except as otherwise provided in these Rules or as ordered by the court:

(1) Every motion must be in the format required by section B of this Rule.

(2) Every motion must be filed with each of the items specified in section C of this Rule and must be filed no later than the date on which the motion is served. The date and time of filing a motion filed electronically are those shown on the Notice of Electronic Filing issued by the court's CM/ECF system. The date of filing a paper motion is the date on which the clerk receives the motion.

(3) Every motion must be served on parties in interest as required by section D of this Rule.

(4) Every motion must be presented by the movant as required by section E of this Rule.

B. Title and Format of Motions

Every motion must be titled as one of the events contained in the court's CM/ECF system, unless no event accurately describes the subject of the motion. Every motion must conform to the requirements of Rule 5005-3.

C. Items Required to be Filed with Motions

Every motion must be filed with the clerk of court, and the filing must include each of the items specified below

(1) Notice of Motion

For all motions, a notice of motion, signed by the moving party or counsel for the moving party, using Local Form G-3 (Notice of Motion).

(2) Exhibits

If a motion refers to exhibits, legible copies of the exhibits must be attached to the motion, unless the court orders otherwise.

(3) Certificate of Service

Except for motions filed *ex parte*, a certificate of service stating the date on which the motion and each item filed with the motion were served. The certificate must also state

(a) for each recipient who is a registrant with the court's CM/ECF system, the date of the filing and the name of the recipient, and

(b) for each recipient who is not a registrant with the court's CM/ECF system, the date, manner of service, and name and address of the recipient.

(4) *Ex parte* affidavit

For all motions filed *ex parte*, an affidavit showing cause for the filing of the motion *ex parte*.

(5) Proposed Order

For all motions, a proposed order that:

(a) is a Fillable Order;

(b) grants the relief requested in the motion; and

(c) contains a title specifying the relief granted in the order (e.g., "Order Granting Motion to Modify Stay" or "Ordering Extending the Time to Object to Discharge").

D. Service of Motions

The notice of motion required under section (C)(1) of this Rule must be served at least 7 days before the date of presentment, regardless of the method of service.

E. Presentment of Motions

(1) Except for emergency motions under Rule 9013-2, and unless otherwise ordered by the court, every motion not granted in advance without a hearing because no notice of objection has been filed under section (F) of this Rule must be presented on a date and at a time when the judge assigned to the case regularly hears motions.

(2) The presentment of a motion must be no more than 30 days after the motion is filed, unless applicable statutes or rules require a longer notice period, in which case the date of presentment must be within 7 days after the expiration of the notice period.

F. Notice of Objection

(1) A party who objects to a motion and wants it called must file a notice of objection no later than 2 business days before the date of presentment. The notice of objection need only say that the party objects to the motion. No reason for the objection need be given.

(2) If a notice of objection is timely filed, the motion will be called on the date of presentment. If no notice of objection is timely filed, the court may grant the motion without a hearing before the date of presentment.

G. Oral Argument

Oral argument on motions may be allowed in the court's discretion.

H. Failure to Comply

If a motion fails to comply with the provisions of this Rule in any respect, the court may, in its discretion, deny the motion.

I. Failure to Prosecute

If a movant fails to present the motion at the time set for presentment, the court may, in its discretion, deny the motion.

J. Request for Ruling

Any party may file a motion calling to the court's attention a matter that is fully briefed and ready for decision and requesting a status hearing.

K. Service of Modified Orders on *Pro Se* Parties and Certificate of Service

If the court enters an order that changes the proposed order presented by the movant in accordance with Paragraph C(5) above and the change affects any *pro se* party, the moving party must serve on the *pro se* party a copy of the order within three days of its entry. The moving party must file a certificate of service stating the date, manner of service, and name and address of the recipient.

RULE 9013-2 EMERGENCY MOTIONS

A. Motions That May Be Treated as Emergencies

A motion may be treated as an emergency only if it arises from an occurrence that could not reasonably have been foreseen and requires immediate action to avoid serious and irreparable harm.

B. Application to Set Hearing

A party seeking to present an emergency motion:

(1) must file an Application to Set Hearing on Emergency Motion ("the Application") that states the reasons that the motion should be heard on an emergency basis and the proposed time frame for presentment of the emergency motion;

(2) must attach the proposed emergency motion to the Application;

(3) must not notice the Application for hearing; and

(4) need not serve the Application or submit a draft order with the Application.

C. Response to Application Prohibited

No response to the Application may be filed.

D. Procedure After Application Filed

After filing the Application and attached proposed motion specified in section B of this Rule, the movant must telephone the chambers of the judge assigned to the case to notify the judge of the filing of the Application. If the assigned judge is available to rule on the Application, the judge must promptly determine whether to grant the Application. If the judge assigned to the case is not available to rule on the Application, the movant should telephone the chambers of the emergency judge of the filing of the Application. If the emergency judge is available, the emergency judge must determine whether to grant the Application. If the emergency judge is not available, the movant may contact the clerk, using the emergency telephone numbers available on the court's web site if necessary, and the clerk must attempt to contact another judge to rule on the Application.

E. Procedure if Application Granted

If the Application to Set Hearing on Emergency Motion is granted, the movant must:

(1) immediately notify all parties entitled to notice, including the Chapter 7 trustee or Chapter 13 trustee, the U.S. Trustee and all parties who may be affected by the motion, by phone, fax, or personal service of the date, time, and place of the hearing on the emergency motion; and

(2) file the emergency motion with:

(a) a notice of motion using Local Form G-3.1 (Notice of Emergency Motion); and

(b) a certificate of service reflecting the date, time, and method of service of the notice of motion and the motion.

F. Procedure if Application Denied

If the Application to Set Hearing on Emergency Motion is denied, the movant must notice the motion in accordance with Rule 9013-1.

RULE 9013-3 through 8 [RESERVED]

RULE 9015-1 JURY TRIALS BEFORE BANKRUPTCY JUDGES

A. Designation of Bankruptcy Judges to Conduct Jury Trials

Each bankruptcy judge appointed or designated to hold court in this district is specially designated to conduct jury trials pursuant to 28 U.S.C. § 157(e). The district court may for good cause withdraw the designation of any bankruptcy judge. Such withdrawal will be in the form of a general order.

B. Consent

Any bankruptcy judge designated to conduct a jury trial may conduct such a trial in any case, proceeding, or matter that may be heard under 28 U.S.C. § 157, within which the right to a jury trial exists, only upon the consent of all parties. Whenever a party is added, the consent of each party must be of record, either in writing or recorded in open court. The filing of a consent does not preclude a party from challenging whether the demand was timely filed or whether the right to a jury trial exists.

C. Applicability of District Court Procedures

Jury trials will be conducted in accordance with the procedures applicable to jury trials in the district court.

RULE 9016-1 ATTACHING A NOTE TO THE SUBPOENA IS PERMITTED

The validity of a subpoena is not affected by the attaching or delivering of a note or other memorandum containing instructions to a witness regarding the exact date, time, and place the witness is required to appear.

RULE 9019-1 MOTIONS TO COMPROMISE OR SETTLE ADVERSARY PROCEEDINGS

A motion under Fed. R. Bankr. P. 9019 seeking approval of a compromise or settlement of an adversary proceeding must be filed in the bankruptcy case and not in the adversary proceeding.

RULE 9020-1 CIVIL CONTEMPT OF COURT

A. Commencing Proceedings

(1) A proceeding to adjudicate a person in civil contempt of court for conduct outside the presence of the court must be commenced under Fed. R. Bankr. P. 9020 either on the court's own motion by order to show cause, or motion by a party in interest.

(2) A contempt motion must be accompanied by an affidavit describing the alleged misconduct on which it is based, stating the total of any monetary claim occasioned thereby, and listing each special item of damage sought to be recovered. A reasonable counsel fee, necessitated by the contempt proceeding, may be included as an item of damage.

(3) If an order to show cause is entered, such order must describe the misconduct on which it is based. It may also, upon necessity shown therein, direct the United States Marshal to arrest the alleged contemnor, and in that case will fix the amount of bail and require that any bond signed by the alleged contemnor include as a condition of release that the alleged contemnor will comply with any order of the court directing the person to surrender.

(4) If the court initiates a contempt proceeding, the court may appoint an attorney to prosecute the contempt. If an attorney files a motion for contempt, that attorney is authorized to prosecute the contempt unless the court orders otherwise.

B. Order Where Found in Contempt

(1) Should the alleged contemnor be found in civil contempt of court, an order will be entered:

(a) reciting findings of fact upon which the adjudication is based or referring to findings recited orally from the bench;

(b) setting forth the damages, if any, sustained by any injured party;

(c) fixing any civil contempt award imposed by the court, which award will include the damages found, and naming each person to whom such award is payable;

(d) stating any acts that will purge or partially purge the contempt; and

(e) directing arrest of the contemnor by the United States Marshal and the confinement of the contemnor, should that be found appropriate, until the performance of some act fixed in the order and the payment of the award, or until the contemnor be otherwise discharged pursuant to law.

(2) Unless the order for contempt otherwise specifies, should confinement be ordered the

place of confinement will be either the Chicago Metropolitan Correctional Center in Chicago, Illinois, or the Winnebago County Jail in Rockford, Illinois.

No party will be required to pay or to advance to the Marshal any expenses for the upkeep of the prisoner. Upon such an order, the person will not be detained in prison for a period exceeding 180 days. A certified copy of the order committing the contemnor will be sufficient warrant to the Marshal for the arrest and confinement.

(3) Should a civil contempt award be entered, a party to whom it is payable will have the same remedies against property of the contemnor as if the award were a final judgment, and a formal final dollar judgment may also be separately entered. Should the United States Trustee initiate the proceeding by motion, or should the court initiate the proceeding by order to show cause, any contempt award ordered will be in favor of the United States of America unless otherwise ordered.

C. Discharge Where No Contempt

Where a finding of no contempt is entered, the alleged contemnor will be discharged from the proceeding.

RULE 9021-1 SATISFACTION OF JUDGMENT AND DECREES

The clerk will enter a satisfaction of judgment in any of the following circumstances:

(1) upon the filing of a statement of satisfaction of the judgment executed and acknowledged by (a) the judgment creditor, (b) the creditor's legal representative or assignee, with evidence of its authority; or (c) if the filing is within two years of the entry of the judgment, the creditor's attorney; or

(2) upon payment to the court of the amount of the judgment plus interest and costs, if the judgment is for money only; or

(3) if the judgment creditor is the United States, upon the filing of a statement of satisfaction executed by the United States Attorney; or

(4) upon receipt of a certified copy of a statement of satisfaction entered in another district.

RULE 9027-1 REMAND

A. Time for Mailing of Order

When an order is entered directing that a matter be remanded to a state court, the clerk will delay mailing the certified copy of the remand order for fourteen days following the date of

docketing of the order of remand, provided that, where the court directs that the copy be mailed forthwith, no such delay will occur.

B. Completion of Remand

The filing of a motion under Fed. R. Bankr. P. 9023 affecting an order of remand referred to in section A of this Rule will not stop the remand of the case. However, on motion, the court may direct the clerk not to complete the remand process until a date certain or further order of court.

RULE 9027-2 REMOVAL OF CASES FROM STATE COURT

A. Notice of Removal to Be Filed With Clerk of This Court

A party desiring to remove to this court, pursuant to 28 U.S.C. § 1452 and Fed. R. Bankr. P. 9027, a civil action or proceeding from a state court in this district must file all required papers with the clerk.

B. Copy of Record to Be Filed With Clerk Within 21 Days

Within 21 days after filing the notice of removal, the petitioner must file with the clerk a copy of all records and proceedings had in the state court.

RULE 9029-2 PROCEDURE FOR PROPOSING AMENDMENTS TO RULES

Amendments to these Rules may be proposed to the district court by majority vote of all the judges.

RULE 9029-4A RULES OF PROFESSIONAL CONDUCT

Except as provided in Rule 2090-5, the rules of professional conduct that apply in cases before the district court pursuant to District Court Local Rule 83.50 apply in cases and proceedings before this court.

RULE 9029-4B ATTORNEY DISCIPLINARY PROCEEDINGS

A. Disciplinary Proceedings Generally

(1) Definitions

The following definitions apply to the disciplinary Rules:

(a) "Misconduct" means any act or omission by an attorney that violates the rules of professional conduct of the district court. Such an act or omission constitutes misconduct regardless of:

1. whether the attorney performed the act or omission individually or in concert with any other person or persons; or

2. whether the act or omission occurred in the course of an attorney-client relationship.

(b) "Discipline" includes, but is not limited to, temporary or permanent suspension from practice before the bankruptcy court, reprimand, censure, or such other disciplinary action as the circumstances may warrant, including but not limited to restitution of funds, satisfactory completion of educational programs, compliance with treatment programs, and community service.

(2) Jurisdiction

Nothing in these Rules restricts the power of any judge over proceedings before that judge.

(3) Attorneys Subject to Discipline

By appearing in the bankruptcy court, an attorney, whether or not a member of the bar of the district court, submits to the disciplinary jurisdiction of the bankruptcy court for any alleged misconduct that the attorney commits.

(4) Confidentiality

(a) Before a disciplinary proceeding is assigned to a judge pursuant to these Rules, the proceeding is confidential, except that the bankruptcy court may, on such terms as it deems appropriate, authorize the clerk of the court to disclose any information about the proceeding.

(b) After a disciplinary proceeding is assigned to a judge pursuant to these Rules, the record and hearings in the proceeding are public, and all materials submitted to the chief judge before the disciplinary proceeding was assigned must be filed with the clerk of the court, unless for good cause the judge to whom the disciplinary proceeding is assigned orders otherwise.

(c) A final order in a disciplinary proceeding is a public record.

B. Discipline of Attorneys for Misconduct

(1) Complaint of Misconduct

A disciplinary proceeding is commenced by submitting a complaint of misconduct to the chief judge of the bankruptcy court. The complaint may be in the form of a letter. The complaint must state with particularity the nature of the alleged misconduct and must identify the rule of professional conduct of the district court that has been

violated. The chief judge must refer the complaint of misconduct to the bankruptcy court for consideration and appropriate action.

(2) Request for a Response to a Complaint of Misconduct

On receipt of a complaint of misconduct, the bankruptcy court may forward a copy to the attorney and ask for a response within a set time. Any response must be submitted to the chief judge.

(3) Action by the Bankruptcy Court on a Complaint of Misconduct

On the basis of the complaint of misconduct and any response submitted, the bankruptcy court may, by a majority vote:

(a) determine that the complaint merits no further action and provide notice of this determination to the complainant and the attorney;

(b) direct that formal disciplinary proceedings be commenced; or

(c) take other appropriate action.

(4) Statement of Charges

If the bankruptcy court determines, based on allegations in the complaint of misconduct and any response, that formal disciplinary proceedings should be initiated, the bankruptcy court must issue a statement of charges against the attorney. The statement of charges must describe the alleged misconduct, state the proposed discipline, and require the attorney to show cause, within 28 days after service, why the attorney should not be disciplined.

(5) Method of Service

The clerk of the court must mail two copies of the statement of charges to the last known address of the attorney. One copy must be mailed by certified mail restricted to addressee only, return receipt requested. The other copy must be mailed by first class mail. If the statement of charges is returned as undeliverable, the clerk of the court must notify the chief judge. The bankruptcy court may direct that further, alternative attempts at service be made.

(6) Date of Service

For purposes of this Rule, the date of service is:

(a) the date of mailing, if service is by mail; or

(b) the date of delivery, if service is personal.

(7) Answer to Statement of Charges

Within 28 days after the date of service, the attorney who is the subject of the statement of charges must submit to the chief judge an answer to the statement of charges showing cause why the attorney should not be disciplined.

(8) Effect of Failure to Answer

If the attorney fails to submit an answer to the statement of charges, the allegations will be treated as admitted. The chief judge will then enter an order imposing the discipline proposed in the statement or such lesser discipline as the chief judge determines.

(9) Appointment of the United States Trustee

The bankruptcy court may appoint the United States Trustee for this region to investigate a complaint of misconduct and prosecute a statement of charges. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then elect either to dismiss the proceeding or request that a member of the bar investigate the complaint of misconduct and prosecute the statement of charges.

(10) Assignment to Judge for Hearing

If, after the attorney has answered the statement of charges, the bankruptcy court determines by a majority vote that an evidentiary hearing is warranted, the chief judge will assign the disciplinary proceeding to a judge for hearing.

(11) Subpoenas

The United States Trustee or any other investigating or prosecuting attorney may cause subpoenas to be issued.

(12) Hearing

The Federal Rules of Evidence will apply in any hearing on a statement of charges. The burden is on the party prosecuting the complaint to demonstrate by a preponderance of the evidence that the attorney charged has committed misconduct.

(13) Decision

Upon completion of the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law, determining whether the attorney charged has committed misconduct, and if so, imposing appropriate discipline. A separate order imposing discipline must be entered in accordance with the written decision.

(14) Appeal

Entry of an order imposing discipline is a final order, appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from disciplinary orders of the bankruptcy court, except that Fed. R. Bankr. P. 8006 does not apply.

C. Emergency Interim Suspension

If the chief judge concludes that the misconduct charged poses a genuine risk of serious harm, the chief judge may, after notice to the attorney and an opportunity for a hearing, enter an order immediately suspending the attorney from practice before the bankruptcy court until the charges are resolved. Any order suspending an attorney on an interim basis is an appealable order under Rule 9029-4B(B)(14).

D. Suspension on Consent

(1) Stipulation of Facts and Declaration of Consent

Whether or not a complaint of misconduct has been submitted or a statement of charges issued under this Rule, an attorney may consent to suspension from practice before the bankruptcy court by delivering to the chief judge a signed stipulation. The stipulation must (a) set forth the facts warranting the attorney's suspension, (b) declare that the attorney consents to suspension, (c) declare that the attorney's consent is knowing and voluntary, and (d) propose a period of suspension. The period of suspension may be indefinite or for a defined period of time.

(2) Order on Consent

Upon receipt of the stipulation, the chief judge must enter an order suspending the attorney for the proposed period, unless the chief judge concludes the order is unreasonable. If the chief judge concludes the order is unreasonable, the question must be referred to the bankruptcy court for decision by majority vote. The bankruptcy court may decide that suspension is unreasonable or, if suspension is warranted, that the proposed period of suspension is inappropriate. If the bankruptcy court decides suspension is unreasonable, no order suspending the attorney will be entered. If the bankruptcy court decides the proposed period of suspension is inappropriate and a different period is appropriate, the chief judge must enter an order suspending the attorney consistent with the decision. An order suspending an attorney on consent is a matter of public record.

E. Reinstatement

(1) Reinstatement when Suspension is 90 Days or Fewer

An attorney suspended for 90 days or fewer is automatically reinstated at the end of the period of suspension.

(2) Reinstatement when Suspension is More than 90 Days

An attorney suspended for more than 90 days may not resume practice in the bankruptcy court until reinstated by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement at any time following the period of suspension.

(3) Reinstatement when Suspension is for an Indefinite Period

An attorney who is indefinitely suspended may not resume practice in the bankruptcy court until reinstatement by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement any time after five years from the effective date of the suspension.

(4) Presentation of Petition for Reinstatement

A petition for reinstatement must be filed with the clerk of the court. The clerk must present the petition to the bankruptcy court which, by a majority vote, must either grant or deny the petition without an evidentiary hearing, or else determine the matter requires an evidentiary hearing before a judge of the bankruptcy court assigned by the chief judge.

(5) Appointment of the United States Trustee

Following the filing of a petition for reinstatement, the bankruptcy court may appoint the United States Trustee for this region to investigate the petition and support or oppose reinstatement. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then request that a member of the bar investigate the petition and oppose or support reinstatement.

(6) Hearing

The Federal Rules of Evidence will apply in any hearing on a petition for reinstatement. The burden is on the petitioner to demonstrate by clear and convincing evidence that the petitioner has the requisite character and fitness to practice law before the bankruptcy court and that the petitioner's resumption of practice before the bankruptcy court will not be detrimental to the administration of justice.

(7) Decision by Assigned Judge

Upon completion of the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law and determining whether the petitioner should be reinstated. A separate order must be entered.

(8) Conditions of Reinstatement

If the petitioner fails to demonstrate fitness to resume the practice of law before the bankruptcy court, the petition for reinstatement must be denied. If the petitioner is found fit to resume practice before the bankruptcy court, the petitioner must be reinstated, but reinstatement may be subject to conditions, including but not limited to partial or complete restitution to parties harmed by the conduct that led to the suspension.

(9) Appeal

Entry of an order granting or denying a petition for reinstatement is a final order appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from disciplinary orders of the bankruptcy court, except that Fed. R. Bankr. P. 8006 does not apply.

(10) Limitation on Successive Petitions for Reinstatement

Following the denial of a petition for reinstatement, the petitioner may not file another petition for reinstatement until at least one year from the date of the order denying reinstatement.

F. Notice to Executive Committee and ARDC

Following:

(1) the entry of a final order imposing discipline or a final order granting or denying a petition for reinstatement, or an order suspending an attorney on consent; and

(2) the exhaustion of all appellate rights in connection with such an order,

the clerk of the court must transmit a copy of the order to the Executive Committee of the district court and to the Illinois Attorney Registration and Disciplinary Commission.

RULE 9029-4C RESTRICTED FILERS

A. Restricted Filers

Any party who has abused the processes of the bankruptcy court may be prohibited, after notice and an opportunity to be heard, from filing any documents with the clerk, including petitions, claims, and adversary complaints, unless permission is granted under section F of this Rule.

B. Procedure

(1) Request for Restriction

Any judge or judges of the bankruptcy court, any judge or judges of the district court, or the United States Trustee for this region may submit a written request to the chief judge of the bankruptcy court asking the bankruptcy court to declare a party a restricted filer and prohibit that party from filing documents.

(2) Initial Decision

Upon receiving a request, the chief judge must submit the request to the bankruptcy court for consideration. After considering the request, the bankruptcy court must decide by majority vote either (a) that the request merits no action, or (b) that the request may merit action, and a response is warranted.

(3) Request for Response

If the bankruptcy court decides that a response is warranted, the chief judge must notify the party in writing. The notice must:

(a) state that the bankruptcy court has been asked to restrict the party's right to file documents;

(b) give the reasons why the restriction has been requested; and

(c) state that the party has the right to respond to the request in writing within 30 days.

(4) Final Decision

After receiving the response, or after the time to respond has expired, the chief judge must submit the request and any response to the bankruptcy court. After considering the request and any response, the bankruptcy court must decide by majority vote either (a) that the request merits no action, or (b) that the party should be declared a restricted filer. If the bankruptcy court determines that the party should be declared a restricted filer, the bankruptcy court must also determine the terms of the restriction.

C. Terms of Restriction

The terms of the restriction must include the length of the restriction, which may not be longer than ten (10) years. The terms must give the restricted filer the opportunity to ask for the restriction to be lifted. The terms must state how such a request may be made, when such a request may first be made, and how frequently such requests may be made.

D. Order

(1) The determination that a party has been declared a restricted filer must be set forth in an order signed by the chief judge. The order must set forth the terms of the restriction. The order must also describe how the restricted filer can request permission to file a document.

(2) The signed order must be submitted to the clerk of the court who must docket the order as a separate miscellaneous proceeding under the restricted filer's name. A copy of the order must be sent to the restricted filer by regular mail.

E. Restricted Filers List

The clerk of the court must maintain a current list of parties declared restricted filers under this Rule.

F. Documents Filed by Restricted Filers

(1) Refusal of Document Unless Accompanied by Motion

(a) Any document a restricted filer submits for filing must be returned unfiled unless accompanied by a written motion requesting permission to file the document.

(b) If a restricted filer submits a document for filing along with a written motion requesting permission to file the document, the clerk must not file the document or the motion but must stamp them "received" and deliver them to the chief judge, or some other judge as the restricting order designates, for decision.

(2) Decision on Motion

(a) If the motion requesting permission is granted, the judge must sign an order to that effect. The clerk must docket the order in the miscellaneous proceeding, file the documents submitted in the bankruptcy case or adversary proceeding, as applicable, and mail to the restricted filer a copy of the order and a stamped copy of the documents.

(b) If the motion is denied, the judge must sign an order to that effect. The clerk must docket the order in the miscellaneous proceeding and must mail the order to the restricted filer along with the documents submitted for filing.

G. Appeal

Orders under section D of this Rule declaring parties restricted filers and under section F(2) of this Rule denying motions of restricted filers requesting permission to file documents are final orders appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from orders under this Rule, except that Fed. R. Bankr. P. 8006 does not apply.

H. Effect on Other Powers

Nothing in this Rule is intended to restrict in any way the powers of a judge under other Local Rules, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, or the Bankruptcy Code.

RULE 9029-5 STANDING ORDERS OF INDIVIDUAL JUDGES

Nothing in these Rules will limit the authority of each judge to issue standing orders generally applicable to administration or adjudication of cases and matters assigned to that judge without approval of the bankruptcy court or district court, to the extent the standing orders are not in conflict with applicable law, the Fed. R. Bankr. P., these Rules, the Internal Operating Procedures, or local rules of the district court. Each judge will furnish copies of all standing orders to the clerk who will make them public.

RULE 9029-6 ACTING CHIEF JUDGE

If the chief judge is absent from the District or is unable to perform his or her duties, such duties will be performed by the judge in active service, present in the Eastern Division of the District and able and qualified to act, who is next in line of seniority based on the date of his or her first appointment. Such judge is designated as the acting chief judge on such occasions.

RULE 9033-1 NON-CORE PROCEEDINGS - TRANSMITTAL TO THE DISTRICT COURT OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Time of Transmittal

The clerk will transmit to the district court the proposed findings of fact and conclusions of law filed pursuant to Fed. R. Bankr. P. 9033 upon the expiration of time for filing objections and any response thereto.

B. Procedures Following Transmittal

After transmission of proposed findings and conclusions to the district court, no filings, except motions pursuant to Fed. R. Bankr. P. 9033(c), may be made in the bankruptcy court with respect to the non-core proceeding until after a dispositive ruling by the district court. When findings of fact and conclusions of law are filed that do not completely resolve the non-core proceeding, the bankruptcy court retains jurisdiction over the remaining issues and parties.

RULE 9037-1 MOTION TO REDACT PERSONAL INFORMATION

A motion to redact personal information prohibited under Fed. R. Bankr. P. 9037(a) should be filed without a notice of motion and without serving other parties. The motion must be

accompanied by a redacted version of the filed document and a proposed order requiring the clerk to substitute the redacted document for the unredacted document. The judge should rule on the motion as soon as possible without holding a hearing unless there appears to be a reason to deny the motion, in which case the judge should set the matter for hearing with the movant as soon as possible.

RULE 9060-1 MEDIATION AND ARBITRATION

A. Generally

Except to the extent required by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, parties to an adversary proceeding or contested matter need not request court approval before pursuing mediation or arbitration. Parties must promptly file a motion with the court requesting any scheduling changes that the proposed mediation or arbitration may necessitate.

B. Assignment of Matters to Mediation

On the motion of any party in interest, the court may order the mediation of any dispute, whether it arises in an adversary proceeding, contested matter, or otherwise.

C. Mediation Order

The order for mediation must address these subjects:

- the identity of the mediator
- the subject of the mediation
- the time and place of the mediation
- who may attend the mediation and who must attend
- the costs of the mediation and who will bear them
- the confidentiality and admissibility of statements made during or in connection with the mediation

RULE 9070-1 CUSTODY OF EXHIBITS

A. Retention of Exhibits

Original exhibits must be retained by the attorney or *pro se* party producing them unless the court orders them deposited with the clerk.

B. Exhibits Subject to Orders of Court

Original exhibits retained under section A of this Rule and original transcripts ordered by any party but not filed are subject to orders of the court. Upon request, parties must make the exhibits and transcripts or copies thereof available to any other party to copy at its expense.

C. Removal of Exhibits

Exhibits that have been deposited with the clerk must be removed by the party responsible for them (1) within ninety days after a final decision is rendered if no appeal is taken or (2) within thirty days after the mandate of the reviewing court is filed. Parties failing to comply with this Rule will be notified by the clerk to remove their exhibits. Thirty days after such notice, the material may be sold by the United States Marshal or the clerk at public or private sale, or otherwise disposed of as the court directs. The net proceeds of any such sale will be paid to the Treasurer of the United States.

D. Withdrawal of Exhibits; Receipt for Withdrawal

Exhibits deposited with the clerk must not be withdrawn from the custody of the court except as provided by these Rules or upon order of court. Parties withdrawing their exhibits from the court's custody must give the clerk a signed receipt identifying the material taken, and the receipt will be filed and docketed.

RULE 9090-1 DESIGNATION AS COMPLEX CHAPTER 11 CASE

A. Definition

A "Complex Chapter 11 Case" means a case under Chapter 11 of the Bankruptcy Code, other than a single asset real estate case as defined in 11 U.S.C. § 101(51B), that meets one of the following conditions:

(1) The petition lists $50 million or more in assets and $50 million or more in liabilities, aggregated in cases that are related under Rule 1015-1;

(2) The debtor has filed a Notice of Designation as a Complex Case under section (B) of this rule; or

(3) The court has ordered the case designated a Complex Chapter 11 Case under section (D) of this rule.

B. Notice of Designation

(1) If a case is a Complex Chapter 11 Case under section (A)(1) of this rule, the debtor must file with the petition a Notice of Designation as a Complex Case.

(2) If a case is not a Complex Chapter 11 Case under section (A)(1) of this rule, the debtor may file a Notice of Designation as a Complex Chapter 11 Case within 30 days of the petition date. The Notice must explain why the designation is warranted. Designation as a Complex Chapter 11 Case may be warranted for any reason, including:

(a) The debtor has a large amount of assets, liabilities, or both;

(b) The case has a large number of parties in interest;

(c) The case will likely involve a large amount of litigation; and

(d) Claims against the debtor or equity interests in the debtor are publicly traded.

C. Objection to Notice of Designation

No later than 14 days after a Notice of Designation as a Complex Chapter 11 Case is filed, a party in interest may file an objection to the Notice. The objection must explain why the designation is not warranted and must be noticed for presentment as a motion.

D. Motion to Designate Case

A Chapter 11 case may be designated a Complex Chapter 11 Case at any time on motion of a party in interest or on the court's own motion.

E. Revocation of Designation

The designation of a case as a Complex Chapter 11 Case may be revoked at any time on motion of a party in interest or on the court's own motion.

RULE 9090-2 FIRST DAY MOTIONS AND PROCEDURES

A. Applicability

This Rule applies in a case designated as a Complex Chapter 11 Case under Rule 9090-1.

B. Case Management Summary

No later than three business days after the petition date, the debtor-in-possession must file a Chapter 11 Case Management Summary providing the following information:

(1) A description of the debtor's business;

(2) The locations of the debtor's operations and whether leased or owned;

(3) The debtor's reasons for filing bankruptcy;

(4) The names and titles of the debtor's officers, directors, and insiders, if applicable, and their salaries and benefits at the time of filing and during the one year prior to filing;

(5) The debtor's annual gross revenues for the last five calendar years;

(6) The aggregate amounts owed, including current year to date and prior fiscal year, to the following categories of creditors:

(a) priority creditors such as governmental creditors for taxes,

(b) secured creditors and their respective collateral, and

(c) unsecured creditors;

(7) A general description and the approximate value of the debtor's current and fixed assets;

(8) The number of the debtor's employees and the gross wages owed to employees on the petition date;

(9) The status of the debtor's payroll and sales tax obligations, if applicable; and

(10) The debtor's strategic objectives, e.g., refinancing, cram down, or the surrender or sale of assets or business.

C. First Day Motions

Motions under this rule are not subject to Local Rule 9013-2 and may be noticed for presentment, subject to the court's availability, within two business days of the petition date. As soon as possible after the hearing is scheduled, the debtor must serve each such motion by email or hand delivery on all parties entitled to notice, including the Office of the United States Trustee and on all parties who may be affected by the motion. At the time of service, the debtor must also provide telephonic notice of the hearing date and time to all parties served with a first day motion. First day motions include:

(1) **Motion to Use Cash Collateral.** In addition to the requirements of 11 U.S.C. § 363 and Rules 4001(b) or (d) of the Federal Rules of Bankruptcy Procedure, a motion to use cash collateral must comply with Local Bankruptcy Rule 4001-2.

(2) **Motion to Approve Post-petition Financing.** In addition to the requirements of 11 U.S.C. § 364 and Rules 4001(c) or (d) of the Federal Rules of Bankruptcy Procedure, a motion to approve post-petition financing must comply with Local Bankruptcy Rule 4001-2.

(3) **Motion to Pay Prepetition Wages.** A motion to pay employees of the debtor prepetition wages outstanding as of the petition date must include a schedule stating:

(a) the name of each employee to whom wages are sought to be paid;

(b) the amount due each employee as of the petition date;

(c) the amounts to be withheld from such wages, including all applicable payroll taxes and related benefits;

(d) the period for which prepetition wages are due;

(e) whether the employee is currently employed by the debtor;

(f) the irreparable harm that will result if the relief is not granted; and

(g) whether any of the employees are insiders under 11 U.S.C. § 101(31).

The motion must also include the debtor's representation that all applicable payroll taxes and related benefits due to the debtor's employees will be paid concurrently with payment of the wages.

(4) **Motion to Maintain Prepetition Bank Accounts.** A motion to maintain prepetition bank accounts must include:

(a) a schedule listing each prepetition bank account that the debtor seeks to maintain post-petition;

(b) the reason for seeking such authority;

(c) the amount on deposit in each account as of the petition date;

(d) whether the depository is an authorized depository under 11 U.S.C. § 345(b); and

(e) a representation that the debtor has consulted with the Office of the United States Trustee about the continued maintenance of prepetition bank accounts and a representation about whether the United States Trustee has consented to the proposed maintenance of use of the accounts.

If the debtor is unable to provide the information in sections (a)-(e), the motion must explain why it is unavailable and must estimate when the debtor will supplement its motion with the information.

(5) **Motion for Authority to Pay Affiliate Officer Salaries.** A motion to pay, on an interim basis, the salary of any officer, manager, or employee, who qualifies as an affiliate under 11 U.S.C. § 101(2)(A) must include:

(a) the person's name, position, and job responsibilities;

(b) the nature of the person's relationship to the debtor;

(c) the salary that the person received in the 12 months before the filing of the debtor's Chapter 11 petition, including a description of any prepetition employment agreement;

(d) a description of any services performed for any third party or compensation received or that will be received by the person from any source other than the debtor-in-possession after the date of the petition;

(e) the salary proposed to be paid to the person, including all benefits; and;

(f) the amounts to be withheld from the person's salary, including all applicable payroll taxes and related benefits.

RULE 9090-3 OMNIBUS HEARINGS, MOTIONS, AND BRIEFS

A. Applicability

This Rule applies in a case designated as a Complex Chapter 11 Case under Rule 9090-1. Rules 7016-1 and 9013-1(D), (E) and (F) do not apply in a Complex Chapter 11 Case.

B. Omnibus Hearings

Regular monthly omnibus hearings must be scheduled at which the court will hear motions and other matters. Unless the court orders otherwise, motions and other matters will be heard only at scheduled omnibus hearings.

C. Agendas

Before each omnibus hearing at which more than one matter will be heard, the debtor must file a hearing agenda. The agenda must group the matters the debtor expects to be heard depending on whether they are contested or uncontested. For each matter listed, the agenda must give the title and docket number. The agenda must be filed with the court at least two business days before the omnibus hearing.

D. Motions

(1) Presentment of Motions

Unless the court orders otherwise or the motion is an emergency motion under Rule 9013-2, every motion must be noticed for presentment at an omnibus hearing. The notice of motion must be filed and served at least 14 days before the date of presentment, unless the movant asks in the motion to have the notice shortened for cause.

(2) Improper Notice

Unless the court orders otherwise or the movant has asked for shortened notice, a motion that is either (a) noticed for presentment on a date when no omnibus hearing is scheduled or (b) filed and served less than 14 days before the omnibus hearing will be continued to the next scheduled omnibus hearing.

(3) No Cause to Shorten Notice

If the movant has asked for shortened notice and the court finds no cause to shorten the notice, the motion will be continued to the next scheduled omnibus hearing date.

E. Briefing and Certifications of No Objection

(1) Briefing

(a) If a motion is noticed for presentment 21 days or more before the omnibus hearing where the motion will be presented, an opposing party may file a response no later than 7 days before the omnibus hearing.

(b) If a motion is noticed for presentment fewer than 21 days before the omnibus hearing where the motion will be presented, an opposing party may file a response no later than 3 days before the omnibus hearing.

(2) Certification of No Objection

If no response to a motion is filed under sections (E)(1)(a) or (b) of this Rule, the movant may file a certification of no objection. If a certification of no objection is filed, the court may grant the motion without a hearing.

F. Fifteen-Page Limit

No motion, response to a motion, brief, or memorandum in excess of fifteen pages may be filed without court approval. A request to file a motion or a supporting brief or memorandum in excess of fifteen pages may be made in the motion itself.