

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK



February 7, 2023

C L E R K ' S N O T I C E 23-02

AMENDMENTS TO LOCAL BANKRUPTCY RULES

After the conclusion of an opportunity for public comment, the Court has adopted amendments to the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas. The Court has amended Local Rules 1001-1, 2016-1, 3016-1, 3018-1, 3020-1, 3022-1, 9001-1, 9007-1, and 9014-1, has added Local Rules 3016-2 and 3017-3, and has removed Appendices E through H. These amendments became effective on February 6, 2023.

A redlined version of the amendments is attached to this notice and the most recent version of the Court's Local Rules can be found at <https://www.txnb.uscourts.gov/court-info/local-rules-and-orders/local-rules>.

FOR THE COURT
Robert P. Colwell
Clerk of Court

LOCAL BANKRUPTCY RULES
OF THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Revised as of [February 6, 2023](#)



TABLE OF CONTENTS

Part I. Commencement of Case; Proceedings Relating to Petition and Order of Relief	1
L.B.R. 1001-1 Short Title and Scope	<u>1</u>
L.B.R. 1002-2 Commencement of Case Without Counsel	<u>1</u>
L.B.R. 1006-1 Filing Fees – Installment Payments	<u>2</u>
L.B.R. 1006-2 Filing Fees – Form of Payment.....	<u>2</u>
L.B.R. 1007-1 Lists, Schedules & Statements.....	<u>2</u>
L.B.R. 1009-1 Amendments to Lists & Schedules	<u>4</u>
L.B.R. 1010-1 Petition – Involuntary	<u>5</u>
L.B.R. 1015-1 Joint Administration.....	<u>5</u>
L.B.R. 1019-1 Conversion – Procedure Following	<u>56</u>
Part II. Officers and Administration; Notices; Meetings; Examinations; Elections; Attorneys and Accountants.....	7
L.B.R. 2002-1 Notice to Creditors and Other Interested Parties.....	<u>7</u>
L.B.R. 2004-1 Examinations	<u>9</u>
L.B.R. 2007.1-1 Examiners – Chapter 11	<u>10</u>
L.B.R. 2014-1 Employment of Professionals.....	<u>10</u>
L.B.R. 2015-1 Trustees – General.....	<u>11</u>
L.B.R. 2016-1 Compensation of Professionals	<u>11</u>
L.B.R. 2020-1 United States Trustee – Guidelines for Chapter 11 Cases.....	<u>12</u>
L.B.R. 2090-1 Attorneys – Admission to Practice.....	<u>12</u>
L.B.R. 2090-2 Attorneys – Discipline and Disbarment	<u>13</u>
L.B.R. 2090-3 Attorneys – Not Admitted to Practice Before This Court.....	<u>15</u>
L.B.R. 2090-4 Attorneys – Requirement of Local Counsel	<u>16</u>
L.B.R. 2091-1 Attorneys – Withdrawals.....	<u>16</u>
L.B.R. 2091-2 Attorneys – Change of Contact Information or Name	<u>16</u>
Part III. Claims and Distribution to Creditors and Equity Interest Holders; Plans.....	<u>1718</u>
L.B.R. 3001-1 Proof of Claim Attachment Required for Claims Secured by Security Interest in the Debtor’s Principal Residence	<u>1718</u>
L.B.R. 3002.1-1 Mid-Case Audit Procedures with Regard to Claims Secured by Security Interest in the Debtor’s Principal Residence.....	<u>1718</u>
L.B.R. 3003-1 Filing Proofs of Claim or Interest in a Chapter 9 or 11 Case.....	<u>1920</u>
L.B.R. 3007-1 Claim Objections.....	<u>1920</u>
L.B.R. 3007-2 Omnibus Claim Objections	<u>1920</u>
L.B.R. 3007-3 Estimation of Claims	<u>21</u>
L.B.R. 3015-3 Chapter 13 – Confirmation.....	<u>2122</u>
L.B.R. 3015-4 Chapter 12 – Confirmation.....	<u>22</u>
L.B.R. 3016-1 Chapter 11 – Plan	<u>22</u>
<u>L.B.R. 3016-2 Special Expedited Consideration of Prepackaged Funded Debt Plans</u>	<u>23</u>
L.B.R. 3017-1 Disclosure Statement – Approval.....	<u>2224</u>
L.B.R. 3017-2 Disclosure Statement – Small Business Cases	<u>2224</u>
<u>L.B.R. 3017-3 Disclosure Statement – Cases that Are Not Small Business Cases</u>	<u>24</u>
L.B.R. 3018-1 Ballots – Voting on Plans.....	<u>2325</u>
L.B.R. 3020-1 Chapter 11 – Confirmation.....	<u>2325</u>
L.B.R. 3022-1 Chapter 11 – Final Decree.....	<u>2325</u>

Part IV. The Debtor: Duties and Benefits	<u>2426</u>
L.B.R. 4001-1 Automatic Stay – Relief From	<u>2426</u>
 Part V. Courts and Clerks	 <u>2931</u>
L.B.R. 5003-1 Bankruptcy Clerk – General Authority.....	<u>2931</u>
L.B.R. 5004-1 Disqualification – Recusal	<u>2931</u>
L.B.R. 5005-1 Filing Papers – Requirements	<u>2931</u>
L.B.R. 5005-4 Electronic Filing.....	<u>3032</u>
L.B.R. 5011-1 Withdrawal of Reference	<u>3032</u>
L.B.R. 5072-1 Court Decorum.....	<u>3133</u>
L.B.R. 5072-2 Court Security	<u>33</u>
L.B.R. 5073-1 Photography, Broadcasting, Recording and Televising.....	<u>3234</u>
L.B.R. 5075-1 Bankruptcy Clerk – Delegated Functions	<u>34</u>
 Part VI. Collection and Liquidation of the Estate	 <u>3336</u>
L.B.R. 6070-1 Tax Returns and Tax Refunds – Chapter 12 and 13 Cases.....	<u>3336</u>
 Part VII. Adversary Proceedings	 <u>3437</u>
L.B.R. 7001-1 Adversary Proceedings – General.....	<u>3437</u>
L.B.R. 7003-1 Cover Sheet.....	<u>3437</u>
L.B.R. 7004-2 Service of Summons	<u>37</u>
L.B.R. 7005-1 Service of Pleadings and Other Papers by Electronic Means	<u>3437</u>
L.B.R. 7007-1 Motion Practice.....	<u>3437</u>
L.B.R. 7007-2 Briefs.....	<u>40</u>
L.B.R. 7007-3 Confirmation of Informal Leave of Court	<u>3841</u>
L.B.R. 7016-1 Pretrial Procedures	<u>3841</u>
L.B.R. 7026-1 Discovery	<u>42</u>
L.B.R. 7040-1 Assignment of Adversary Proceedings.....	<u>3942</u>
L.B.R. 7042-1 Consolidation of Adversary Proceedings – Separate Trials	<u>3942</u>
L.B.R. 7055-1 Default Judgment.....	<u>4043</u>
L.B.R. 7056-1 Summary Judgment	<u>4043</u>
L.B.R. 7067-1 Registry Fund.....	<u>4245</u>
 Part IX. General Provisions	 <u>4346</u>
L.B.R. 9001-1 Definitions.....	<u>46</u>
L.B.R. 9007-1 General Authority to Regulate Notices.....	<u>4347</u>
L.B.R. 9013-1 Motion Practice.....	<u>4650</u>
L.B.R. 9014-1 Contested Matters	<u>4750</u>
L.B.R. 9019-1 Motions to Compromise	<u>52</u>
L.B.R. 9019-2 Alternative Dispute Resolution (ADR).....	<u>4953</u>
L.B.R. 9027-1 Removal	<u>53</u>
L.B.R. 9029-3 Local Rules – District Court	<u>5054</u>
L.B.R. 9036-1 Notice by Electronic Transmission.....	<u>5054</u>
L.B.R. 9070-1 Exhibits	<u>5154</u>
L.B.R. 9076-1 Electronic Service	<u>5154</u>
L.B.R. 9077-1 Sealed Documents.....	<u>55</u>
L.B.R. 9077-2 Disposition of Sealed Documents.....	<u>5255</u>
L.B.R. 9078-1 Submission of Files to the District Court.....	<u>5255</u>

INDEX OF APPENDICES

Appendix A	Order of Reference of Bankruptcy Cases and Proceedings Nunc Pro Tunc	53 56
Appendix B	Fee Application Cover Sheet.....	57
Appendix C	Frequently Used Addresses of Governmental Agencies, Standing Chapter 12 and 13 Trustee	55 58
Appendix D	Divisional Listing of Counties	60
Appendix E	Procedures for Complex Chapter 11 Cases
Appendix F	Guidelines for Compensation and Expense Reimbursement of Professionals.....
Appendix G	Guidelines for Early Disposition of Assets in Chapter 11 Cases, the Sale of Substantially All Assets Under 11 U.S.C. § 363 and Overbid and Topping Fees.....
Appendix H	Checklist Form and Comments for Motions and Orders Pertaining to the Use of Cash Collateral and Post Petition Financing.....

Part I. Commencement of Case; Proceedings Relating to Petition and Order for Relief

L.B.R. 1001-1 Short Title and Scope.

(a) Short Title.

Any citation referencing these rules shall be made as N.D. Tex. L.B.R. and the number of the pertinent rule.

(b) Scope.

- (1) The Local Bankruptcy Rules govern procedure in the United States Bankruptcy Court for the Northern District of Texas in cases under title 11 of the United States Code (the “Bankruptcy Code”). The Local Bankruptcy Rules supplement, but do not replace the Federal Rules of Bankruptcy Procedure, and shall be construed consistently with those rules to secure the just, expeditious and economical administration and determination of every case and proceeding under the Bankruptcy Code.
- (2) In addition to these Local Bankruptcy Rules, the Administrative Procedures for CM/ECF, ~~Procedures for Complex Chapter 11 Cases~~, and the standing and general orders of the Bankruptcy Court govern practice, [including any orders governing the procedures for complex cases](#).
- (3) Notwithstanding these Local Bankruptcy Rules, the Presiding Judge may direct the parties to proceed in any manner that the judge deems just and expeditious and may suspend or modify any Local Bankruptcy Rule in a particular case.
- (4) Any appendix to these Local Bankruptcy Rules may be modified by the Bankruptcy Court without the necessity of a formal amendment to these Local Bankruptcy Rules.

L.B.R. 1002-2 Commencement of Case Without Counsel.

(a) Individual Filers.

Only an individual may file a voluntary bankruptcy petition or appear in court without being represented by a licensed attorney. All other entities, including partnerships, corporations and trusts may not, without counsel, appear in court or sign pleadings, including the petition. If a debtor that is not an individual files a petition without legal counsel, the Presiding Judge may dismiss the case without notice, either *sua sponte*, or on motion of a party in interest.

L.B.R. 2015-1 Trustees - General.

In any chapter 7 case where the trustee has not been authorized to conduct the business of the debtor, the trustee may advance from estate funds only the following without further order: (1) expenses payable to unrelated third parties, subject to the subsequent court approval for reasonableness after notice and hearing, provided that no single such expense exceeds \$200.00 and the aggregate amount of such expenses does not exceed \$1,000.00; (2) adversary filing fees; and (3) payment of bond premiums as authorized by the United States Trustee.

L.B.R. 2016-1 Compensation of Professionals.

(a) Statement Required by § 329 and Rule 2016(b).

The statement required by 11 U.S.C. § 329 and Bankruptcy Rule 2016(b) shall be filed by the attorney for the debtor within 14 days after the order for relief, whether or not the attorney seeks to be employed or compensated by the estate.

(b) Retainer Funds.

In chapter 9, 11, 12 and 13 cases, all attorneys and accountants employed by a debtor shall deposit retainer funds, whether received from the debtor or an insider of the debtor (as defined in 11 U.S.C. § 101(31)), in a trust account. Any withdrawal in a chapter 13 case from a retainer, other than for payment of filing fees, one credit report and fees paid for credit counseling required by 11 U.S.C. § 109(h)(1), to the extent that the attorney has incurred these charges, may not be made on an amount that exceeds \$3,000.00, in an individual case or \$3,500.00 in a business case, except after approval of a formal fee application. A retainer in a chapter 9, 11 or 12 case may be withdrawn provided the attorney or accountant complies with the following procedure:

- (1) A motion for distribution of retainer shall be filed with the Bankruptcy Clerk, and a copy shall be served on:
 - (A) The debtor, and, if the debtor is represented by an attorney, the attorney;
 - (B) Any attorney for a committee appointed or elected in the case, or if no attorney has been employed to represent the committee, through service on its members; and if no committee has been appointed in a chapter 9 or 11 case, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(d);
 - (C) The United States Trustee;
 - (D) Any trustee appointed in the case; and
 - (E) All parties requesting notice pursuant to Local Bankruptcy Rule 2002-1(j);

- (2) At a minimum, the motion for distribution of retainer shall contain a Fee Application Cover Sheet, a description of services rendered, including the time spent, hourly rates charged and the name of the attorney, accountant, other professional or paraprofessional performing the work;
- (3) For the purpose of distribution of retainer, this motion shall be deemed an application within the provisions of Bankruptcy Rule 2016, with the final compensation of counsel to be determined at a subsequent hearing before the court as required by Bankruptcy Rule 2016; and
- (4) If no objection is filed within 14 days of the mailing thereof, said professional may withdraw funds as described in the proposal in the amounts set forth as interim allowances. Motions for distribution may not be filed more frequently than monthly, without leave of court. If an objection is received, the affected professional shall request a hearing before the court. Said hearing shall be held pursuant to Bankruptcy Rule 2017(a), and will not require preparation of a formal fee application.

(c) Fee Application Form.

At a minimum, an application for compensation shall:

- (1) include a Fee Application Cover Sheet; [and](#)
- ~~(2) — comply with the Court’s Guidelines For Compensation and Expense Reimbursement of Professionals; and~~
- ~~—(3)(2)~~ comply with any other applicable guidelines and court orders.

L.B.R. 2020-1 United States Trustee - Guidelines for Chapter 11 Cases.

The United States Trustee may from time to time publish and file with the Bankruptcy Clerk guidelines on matters such as insurance, operating reports, bank accounts and money of estates and other subjects pertaining to the administration of chapter 11 cases. Failure to comply with the requirements of these guidelines may constitute cause justifying the appointment of a trustee, or dismissal or conversion of the case pursuant to 11 U.S.C. § 1112(b).

L.B.R. 2090-1 Attorneys - Admission to Practice.

- (a) **Eligibility for Admission.** Any attorney licensed to practice law by the Supreme Court of Texas, or by the highest court of any state or the District of Columbia, may be admitted to the bar of this court if the attorney is of good personal and professional character and is a member in good standing of the bar where the attorney is licensed.
- (b) **Procedure for Admission.** Attorneys desiring admission to the bar of this court must complete an application for admission, to be approved by a district judge, and except as

Unless the court orders otherwise, an objection to confirmation shall be filed no later than 7 days prior to the date set for the pre-hearing conference on confirmation of the plan.

L.B.R. 3015-4 Chapter 12 - Confirmation.

(a) Objections.

Unless the court orders otherwise, an objection to confirmation shall be filed no later than 7 days prior to the date set for hearing on confirmation of the plan.

(b) General Provisions Applicable in Chapter 12 Plans.

- (1) Settlement Conference.** Unless the court orders otherwise, prior to the confirmation hearing, debtor's attorney, the standing chapter 12 trustee, and any party who has filed written objections to the debtor's plan shall appear at a pre-confirmation settlement conference to be held at a time and place specified by the standing chapter 12 trustee. Any party objecting to the plan shall be represented at the conference by a person with full authority to settle. If no written objections to the confirmation of the debtor's plan are filed within the time prescribed by the court, then the conference need not be held.
- (2) Hearing.** After notice, the court shall conduct a hearing on confirmation of the chapter 12 plan. The court may accept the standing chapter 12 trustee's report.
- (3) Notice.** When a chapter 12 plan is filed, the debtor's attorney shall give the standing chapter 12 trustee, all creditors, and all parties in interest notice of the time fixed for filing objections to the debtor's plan, the date, time and place of the pre-confirmation conference and of the confirmation hearing. The debtor's attorney shall give notice by a form of notice promulgated by the standing chapter 12 trustee.

L.B.R. 3016-1 Chapter 11 - Plan.

(a) Extension of Exclusivity Period.

If the debtor desires an extension of the exclusive period for filing a plan of reorganization, the debtor shall file a motion requesting the extension that includes a statement of the reasons why a plan has not been filed and a [detailed description and/or timetable](#) of the steps to be taken in order to file a plan. ~~No order extending the periods of exclusivity as provided in 11 U.S.C. § 1121(b) or (e) shall be entered in the absence of such information.~~

(b) Small Business Cases.

If the debtor desires an extension of the periods provided for filing or confirming a plan of reorganization in a small business case, as provided in 11 U.S.C. § 1121(e)(3), then the debtor shall file and serve a motion requesting the extension, as described in subsection (a), on all parties in interest. The motion should be filed sufficiently in advance of the expiration of the time periods provided in § 1121(e) to provide at least 21 days' notice of the hearing and for the order extending time to be signed before the existing deadline has expired. Expedited or emergency hearings will be granted only in exceptional circumstances.

~~**(c) — Report Required for Plans Not Filed Within Initial Exclusivity Period.**~~

~~Whenever a plan has not been filed within the exclusive period for filing a plan of reorganization as set forth in 11 U.S.C. § 1121(b) or (e), or upon the expiration of any extension or reduction of exclusivity, the debtor shall file either: (1) a report stating the reasons why a plan has not been filed and a detailed timetable of the steps to be taken in order to file a plan; or (2) a recommendation that the case either be dismissed or converted.~~

L.B.R. 3016-2 Special Expedited Consideration of Prepackaged Funded Debt Plans.

(a) Authorization.

Where there has been solicitation of votes on a Funded Debt Plan prior to the commencement of a case on at least 28 days' notice to the debtor, U.S. Trustee, all creditors, all equity security holders, and all other parties required by Bankruptcy Rule 2002, the court may, after considering any objections to the Funded Debt Plan, hold a hearing and confirm the Funded Debt Plan on an expedited basis. The proponent of the Funded Debt Plan shall contact the Bankruptcy Clerk to coordinate a hearing date and objection deadline.

(b) Notice.

The Funded Debt Plan shall be mailed with the notice of the hearing to at least the debtor, Funded Debt holders, secured creditors, the 30 largest general unsecured creditors, equity security holders, and interested governmental entities. The notice of the hearing shall also be published in a national publication and an international publication to the extent the debtor operates internationally.

(c) Pleadings.

All first-day pleadings relating to the Funded Debt Plan shall be posted on a public forum at least 24 hours before the hearing to consider confirmation of the Funded Debt Plan. The website address or other instructions for accessing such public forum shall be included in the notice described paragraph (b) of this rule.

(d) Objections.

Notwithstanding Local Bankruptcy Rule 3020-1, objections to the Funded Debt Plan shall be served on the proponent of the Funded Debt Plan within 5 days of the hearing to confirm the Funded Debt Plan; upon the commencement of the case, the proponent of the Funded Debt Plan shall cause to be filed with the court any objections to the Funded Debt Plan that were submitted by parties in interest and received prior to the commencement of the case.

(e) Voting Report

Notwithstanding Local Bankruptcy Rule 3018-1, the ballot certification described therein may be filed at any time before the hearing on confirmation of a Funded Debt Plan.

L.B.R. 3017-1 Disclosure Statement - Approval.

The transmission and notice required by subsection (d) of Bankruptcy Rule 3017 shall be mailed by the proponent of the plan.

L.B.R. 3017-2 Disclosure Statement - Small Business Cases.

(a) Procedure for Conditional Approval Under Bankruptcy Rule 3017.1.

A plan proponent in a small business case may seek conditional approval of a disclosure statement, subject to final approval after notice and hearing, by filing a motion with the Court contemporaneously with the filing of the proposed plan of reorganization. Such motion shall contain a certificate of service evidencing service upon the parties designated by Local Bankruptcy Rule 9007-1(b) and shall be accompanied by a proposed order. The motion may be presented to the Court for immediate consideration upon notice to the United States Trustee and any case trustee.

(b) Waiver.

A plan proponent in a small business case may seek to waive the requirement of a disclosure statement because the proposed plan of reorganization itself provides adequate information. Such waiver may be sought by motion to be filed contemporaneously with the proposed plan of reorganization. Such motion shall be served upon the parties designated by Local Bankruptcy Rule 9007-1(b) and may contain 14-day negative notice language.

L.B.R. 3017-3 Disclosure Statement – Cases that Are Not Small Business Cases.

(a) Procedure for Conditional Approval.

In appropriate circumstances, a plan proponent may file a motion requesting (i) conditional approval of a disclosure statement; (ii) approval of solicitation procedures and forms of ballots and notices; and (iii) the scheduling of a joint hearing to consider final approval of the adequacy of the disclosure statement and confirmation of a proposed plan. The motion may be granted without a hearing if the motion provides at least fourteen (14) days' notice to the United States Trustee, any statutory committee, the twenty (20) largest unsecured creditors and all parties who have requested service. Any objections to a request for conditional approval must be filed within

fourteen (14) days. The failure to object to a request for conditional approval does not constitute a waiver of any objection to the final approval of a disclosure statement or confirmation of a proposed plan.

(b) Combining Documents.

A disclosure statement and plan may be combined into one document so long as the combined document contains information consistent with section 1125 of the Bankruptcy Code.

L.B.R. 3018-1 Ballots - Voting on Plans.

~~Unless~~Except as permitted under Local Bankruptcy Rule 3016-2, unless the court orders otherwise, at least one day prior to the hearing on confirmation, the proponent of a plan or other party who receives the acceptances or rejections shall file a ballot certification which identifies the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan. A copy of the certification shall be served on the debtor, case trustee, if any, United States Trustee and any committee appointed or elected in the case. On the basis of the certification, the Presiding Judge may find that the plan has been accepted or rejected.

L.B.R. 3020-1 Chapter 11 - Confirmation.

~~Unless~~Except as permitted under Local Bankruptcy Rule 3016-2, unless the court orders otherwise, an objection to confirmation shall be filed and served no later than 4 days prior to the date set for hearing on confirmation of the plan.

L.B.R. 3022-1 Chapter 11 - Final Decree.

A Post-Confirmation Report and Application for Final Decree (Local Form BTXN-078) shall be filed by the proponent(s) of the Plan. The application for final decree shall either be set for hearing or contain the required negative notice language set forth in Local Bankruptcy Rule 9007-1(c). The application shall be served on the United States Trustee and all creditors and other parties in interest.

Northern District of Texas. Subsection (1) of this Rule 4001-1(e), which more generally refers to there being preliminary hearings on motions to lift stay, applies only in the Dallas and Fort Worth Divisions.

(f) Continuation or Imposition of Automatic Stay.

- (1) Motion Required.** Any party that seeks a continuation or imposition of the automatic stay under 11 U.S.C. §§ 362(c)(3)(B) or -(c)(4)(B) shall file a motion with the court, and shall set the motion for hearing on notice to all parties against whom the movant seeks to continue or impose the stay.
- (2) Filing, Service and Setting.** The motion shall be filed and served promptly upon the filing of a petition for relief under the Bankruptcy Code so that it may be heard by the court within 30 days of the date of the filing of the petition, and so that parties may be given at least 21 days' notice of the hearing without the need for an expedited or emergency hearing, which will be granted only in exceptional circumstances. A copy of the motion and notice of hearing shall be served on all parties against whom the debtor seeks to continue or impose the stay, and proof of such service shall be filed within 2 days after service of the motion.
- (3) Content of Motion.** The motion shall:
 - (A) specifically allege the identity of the creditor(s) as to which the movant seeks to continue or impose the stay;
 - (B) identify, by case number, any and all prior bankruptcy filings by the debtor;
 - (C) state whether the debtor has had more than one previous case pending within the preceding year;
 - (D) state whether any previous case was dismissed within the preceding year after the debtor failed to perform any of the acts set forth in 11 U.S.C. § 362(c)(3)(C)(i)(II);
 - (E) state whether there has been a substantial change in the financial or personal affairs of the debtor and, if so, support the statement with specific factual allegations;
 - (F) state whether any creditor moved for relief from the automatic stay in a previous case and, if so, the disposition of that motion; and
 - (G) allege specific facts entitling the movant to relief.

- (4) **Evidence Presented at Hearing.** At the hearing on the motion, the movant shall present evidence demonstrating that the new case is filed in good faith as to the creditor(s) to be stayed. The movant shall be present at the hearing to testify.

(g) Hearing Dates in Complex Chapter 11 Cases.

In a complex chapter 11 case, the movant may not schedule preliminary or final hearings on the Court's general lift stay self-calendar dates *unless* the Court has scheduled no future omnibus hearing dates in the applicable complex chapter 11 case. In complex chapter 11 cases, the movant shall be required to schedule hearings on the motion for relief from stay on one of the next available omnibus hearing date, following the requisite amount of time necessary for responses under these rules. The Court may not consider the motion if the movant fails to follow this rule.

PART IX. GENERAL PROVISIONS

L.B.R. 9001-1 Definitions.

- (a) “Bankruptcy Rule(s)” means the Federal Rule(s) of Bankruptcy Procedure currently in effect, and as thereafter amended.
- (b) “Bankruptcy Court” means the bankruptcy judges of the United States Bankruptcy Court for the Northern District of Texas, as a collective body.
- (c) “Bankruptcy Clerk” means Clerk of the Bankruptcy Court for the Northern District of Texas.
- (d) “District Clerk” means Clerk of the District Court for the Northern District of Texas.
- (e) “District Court Local Civil Rule(s)” means the Local Rules of the United States District Court for the Northern District of Texas, effective September 1, 2009, and as thereafter amended.
- ~~(f)~~ “(f) “Funded Debt” is an interest-bearing debt that either (i) is recognized on a company’s balance sheet statement as long-term debt or (ii) otherwise resembles such long-term debt.
- “(g) “Funded Debt Plan” is a plan that only impairs a debtor’s Funded Debt, equity securities, and subordinated equity securities claims, and all claims, other than Funded Debt claims, equity security interests, and subordinated equity securities claims, are unimpaired under the Funded Debt Plan.
- “(h) “Local Bankruptcy Rules” means these Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas, as hereafter may be amended.
- ~~(g)~~ “Presiding Judge” means the bankruptcy judge to whom the case, adversary proceeding, or contested matter is assigned.
- ~~(h)~~ “(j) The phrase “complex chapter 11” or “complex case” shall have the meaning ascribed in any procedures approved by the Bankruptcy Court pursuant to Local Rule 1001-1(b) intended to govern the practice and procedures in complex chapter 11 cases.
- “(k) The phrase “small business case” means a case filed under chapter 11 of the Bankruptcy Code in which the debtor is a small business debtor, as defined in 11 U.S.C. § 101(51D).

L.B.R. 9007-1 General Authority to Regulate Notices.

(a) Negative Notice Procedure Authorized.

When authority to act or relief is sought which can only be authorized or granted upon notice or “after notice and hearing” as defined in 11 U.S.C. § 102, subject to Local Bankruptcy Rule 9014-1 and Local Bankruptcy Rule 3007-1, the party may, with respect to both motions under Bankruptcy Rule 9013 and contested matters under Bankruptcy Rule 9014, serve notice of the relief sought, and unless impracticable, any underlying motion, as follows using the “negative notice” procedure as set forth in this rule, except as provided in subsection (h) hereof. When this procedure is used with respect to a contested matter, no summons is required but service shall otherwise comply with the Federal Rules of Bankruptcy Procedure.

(b) Minimum Service Requirement.

At a minimum, the pleading or notice shall be served upon the following parties in interest:

- (1) The debtor, and, if the debtor is represented by an attorney, the attorney;
- (2) Any attorney for a committee appointed or elected in the case, or if no attorney has been employed to represent the committee, through service on its members; and if no committee has been appointed in a chapter 9 or 11 case, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(d);
- (3) The United States Trustee;
- (4) Any trustee appointed in the case; and
- (5) All parties requesting notice pursuant to Local Bankruptcy Rule 2002-1(j); and
- (6) Any entity required to be served by any applicable Bankruptcy Rule.

(c) Notice of Hearing Requirement.

~~The~~Except in a complex chapter 11 case, the pleading or notice served shall contain a statement in substantially the following form:

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON (MONTH) (DAY), (YEAR), WHICH IS AT LEAST 21¹ DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

¹ 14 days for motions to obtain credit, and for motions to waive the requirement of a disclosure statement in a small business case.

~~Where~~

Except in a complex chapter 11 case, where sales free and clear are involved, Bankruptcy Rule 6004 shall be complied with by changing the first paragraph above to read substantially as follows:

HEARING DATE ON SUCH SALE IS SET FOR (MONTH, DAY, YEAR), WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF. NO OBJECTION TO SUCH SALE WILL BE CONSIDERED UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) AT LEAST 4 DAYS IN ADVANCE OF SUCH HEARING DATE.

~~Where~~Except in a complex chapter 11 case, where objections to claims are involved, the first paragraph of the notice shall be modified to provide:

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION TO CLAIM UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON (MONTH, DAY, YEAR), WHICH IS AT LEAST 30 DAYS FROM THE DATE OF SERVICE HEREOF.

(d) Statement of Relief Sought.

Any notice shall state what authority to act or relief is sought by the moving party with sufficient particularity to apprise noticed parties of the subject matter of the notice or motion by reference to the pleadings delivered and shall not just refer to a pleading on file with the court. The court may deny any relief not sufficiently described so as to give general notice of the relevant factors to parties in interest.

(e) Certificate of Service.

The movant shall file with the Bankruptcy Clerk a certificate of service, evidencing the date and mode of service and the names and addresses of the parties served.

(f) Certificate of Conference.

A certificate of conference indicating whether or not a conference was held prior to filing the motion is required. The certificate shall indicate the date of conference and the identities of the attorneys conferring, and explain why agreement could not be reached. If a conference was not held, the certificate shall explain why it was not possible or practicable to confer. A conference is not required to be held when it is reasonably anticipated that the number of responding parties may be too numerous to contact prior to filing the motion.

(g) Certificate of No Objections.

If no response and request for a hearing has been timely filed following service of notice in accordance with this rule, the moving party shall file a certificate with the court after the expiration of the applicable notice period stating that no objections have been timely served upon the moving party. In the event that the court has entered an order limiting the parties to whom notice shall be given or copies shall be sent, or limiting the time to respond, the certificate also shall state the date and substance of such order so that the existence of and compliance with such order may be determined from such certificate.

(h) Exceptions.

This procedure may not be used for the following requests for relief, which shall be set for hearing:

- (1) motions to dismiss or convert filed by a party in interest other than the debtor;
- (2) motions for relief from the automatic stay, which are governed by Local Bankruptcy Rule 4001-1;
- (3) motions to extend or impose the automatic stay;
- (4) motions for use of cash collateral or to obtain credit in chapter 11 cases;
- (5) motions to assume, or to assume and assign, executory contracts or unexpired leases;
- (6) motions to extend exclusivity or the time to confirm a plan of reorganization;
- (7) motions [to approve or implement one or more key employee incentive programs \(KEIP\), key employee retention programs \(KERP\) or any similar program;](#)
- (8) [motions](#) for substantive consolidation;
- (~~8~~9) confirmation of a plan in a chapter 9, 11 or 12 case, or approval of a disclosure statement, other than pursuant to Local Bankruptcy Rule 3017-2(a); and
- (~~9~~10) any motion for which the Bankruptcy Rules specifically require a hearing.

L.B.R. 9013-1 Motion Practice.

(a) Application of Local Adversary Rules.

Local Bankruptcy Rules 7007-1(a) - (c) and 7007-3 apply to motion practice before the Bankruptcy Court.

(b) Paper Copies.

Unless otherwise ordered by the Presiding Judge, a complete paper copy of the following pleadings, including all attachments thereto and any related briefs and appendices, should be delivered within 24 hours of the electronic filing of the following documents to the Bankruptcy Clerk:

- (1) Chapter 9 or Chapter 11 Plan of Reorganization;
- (2) Disclosure Statement;
- (3) Motion for Summary Judgment;
- (4) Application for Compensation and/or Reimbursement of Expenses; and
- (5) Motion to Dismiss pursuant to Fed. R. Bankr. P. 7012.

L.B.R. 9014-1 Contested Matters.

(a) Response Required.

Except as set forth in subparagraphs (f) and (g) hereof, and subject to the requirement that a movant provide proof in support of a motion, a response is required with respect to a contested matter. This rule shall constitute the Bankruptcy Court's direction requiring a response under Bankruptcy Rule 9014. A response is not required to a Chapter 13 Trustee's Notice of Intent to Dismiss, or an objection to confirmation of a chapter 13 plan.

(b) Service and Conference.

The movant shall serve the motion electronically, or by mail, in the manner provided by Bankruptcy Rule 7004. No summons is required. Following service of the motion, pursuant to Bankruptcy Rule 7005, movant shall file with the Bankruptcy Clerk a certificate of service, attached to the motion, evidencing the date and mode of service and the names and addresses of the parties served, and where reasonably feasible, a certificate of conference evidencing compliance with Local Bankruptcy Rules 7007-1(a) and 9014-1(d)(1). A certificate of conference will not be required when it is reasonably anticipated that the number of opposing parties may be too numerous to contact prior to the filing of the motion.

(c) Exchanging Exhibits, Lists, and Designating Deposition Excerpts.

- (1) **Exchanging Exhibits.** All exhibits that a party intends to offer at the hearing, except those to be offered solely for impeachment, shall be marked with gummed labels or tags that identify them by the party's initials or name, followed by the exhibit number or letter under which they will be offered, and shall be exchanged with opposing parties at least 3 calendar days before the scheduled hearing date, except in a complex chapter 11 case where the applicable procedures shall govern

[the applicable deadline](#). Two bound copies of such exhibits shall be furnished to the Presiding Judge prior to the beginning of the hearing.

(2) **Exchanging Exhibit and Witness Lists.** At least 3 [calendar](#) days before the scheduled hearing date, [except in a complex chapter 11 case where the applicable procedures shall govern the applicable deadline](#), the parties shall file with the Bankruptcy Clerk and deliver to opposing parties, separate lists of exhibits and witnesses, except those to be offered solely for impeachment. One copy of the exhibit and witness list shall be presented to the court reporter at the beginning of the hearing. It is assumed that the debtor(s) will testify.

(3) **Designating Deposition Excerpts.** The parties shall designate, in lists delivered to opposing parties and filed with the Bankruptcy Clerk at least 3 [calendar](#) days before the scheduled hearing date, the portions of any depositions to be offered at the hearing, [except in a complex chapter 11 case where the applicable procedures shall govern the applicable deadline](#).

(d) Certification of Counsel at Evidentiary Hearing.

In any evidentiary hearing, all counsel shall certify before the presentation of evidence:

- (1) that good faith settlement discussions have been held or why they were not held,
- (2) that all exhibits (except for those used solely for impeachment), lists of witnesses, and appraisals (if applicable) have been exchanged at least 3 days in advance of the hearing date. In any conflict between a scheduling order entered in a contested matter and these Local Bankruptcy Rules, the scheduling order controls.

(e) Motions to Lift Stay.

Motions to lift the automatic stay pursuant 11 U.S.C. § 362(d) are governed by Local Bankruptcy Rule 4001-1.

(f) Objections to Claims.

Objections to claims do not require a written response unless the party filing the objection has used the negative notice procedure set forth in Local Bankruptcy Rule 9007-1.

(g) Expedited Motions.

Where a party has obtained a hearing on an expedited motion, the Court may waive the response requirement.