

AGENDA

Bankruptcy Local Rules Committee Meeting February 25, 2014 – 10 A.M.

1. Chair Announcements.
 - a. Brief Orientation
 - b. Committee membership changes. Farewells and welcomes.
 - c. Process for Meeting Summaries and Agendas
2. Clerk's Office update. CM/ECF, et al. [Alec]
3. Continuations of Stay under §362(e) by Docket Entry. [Alec, Mike]

Issue: In light of the provision in §362(e) that the stay is terminated 30 days after motion is filed, what happens (or should happen) if the movant does not schedule a hearing within 30 days?

Background: When filing the motion in ECF, the movant is presented with a choice of whether to "waive" the "requirement" that a hearing be held within 30 days. At our December 2013 meeting, we discussed: What happens when a movant checks "no" and does not schedule a hearing within 30 days? And, what language should the clerk's office put on the docket to signify that movant consents to continuation of the stay in the event no hearing is held within 30 days? (See Meeting Summary).

For Discussion: Mike and Alec to recommend language changes.

4. 363(f) Motions Free and Clear. [Steve]

Issue: A new fee of \$176 has been imposed. What should a trustee do when he/she wishes to sell property free and clear and the estate has no funds to pay the filing fee? Will trustees be permitted to defer payment of the fee until proceeds of sale are received? The Rules currently do not contemplate this. Also, what would happen if the trustee fails to receive sale proceeds from which to pay the fee?

Should motions to defer payment of filing fee be added to the LBR 9013 list?

For Discussion: Is there a Local Rules solution? Steve will report on his meeting with the trustees.

5. Closing Cases – [Steve Morrell]

Issue: The process for reviewing Trustee Final Reports and Trustee Distribution Reports is changing to streamline the closing of cases. The streamlined process

raises questions as to the maintenance of wet signatures. Trustees will be responsible for keeping wet signatures on file.

For Discussion: Can the LRC do anything to assist as to this issue?

6. Other Matters

- a. Brown Bag Lunches
 - a. Topics
- b. Issues for Future Agendas

7. Next Meeting: Schedule next meeting.