

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

LOCAL RULES

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RULE 1001-1 - SCOPE OF RULES; SHORT TITLE

These Maine Bankruptcy Rules and Forms, adopted pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Federal Rule of Bankruptcy Procedure 9029, shall be the District of Maine Local Bankruptcy Rules and shall govern procedure in all cases under Title 11 of the United States Code in the District of Maine. These rules may be cited as D. Me. LBR ____ - __. These rules supplement the Federal Rules of Bankruptcy Procedure (Fed. R. Bankr. P.), as adopted by the United States Supreme Court and shall be construed to secure just, speedy and inexpensive determination of every case and proceeding in the District of Maine, including cases and proceedings under Title 11 pending in the United States District Court and in the Bankruptcy Court for the District of Maine. Strict requirements of the D. Me. LBRs may be modified or relaxed by the Court in exceptional circumstances when justice requires. As of their effective date, these rules supersede all previously-adopted local bankruptcy rules and standing orders in this district.

RULE 1002-1 - PETITION – GENERAL

- (a) Form. A petition commencing a voluntary case shall conform substantially to Official Form No.101 or 201. A petition commencing an involuntary case shall conform substantially to Official Form No. 105 or 205.
- (b) Corporate Petition and Petitions for Non-Individuals
- (1) *Corporate Petitions*. A petition filed by a corporate debtor shall be signed or verified by an officer or authorized agent of the corporation and signed by counsel of record, and shall include a copy of a board of directors' resolution or of the minutes of a corporate meeting or other evidence of the verifying officer's or agent's authority to file the petition on behalf of the corporation. Failure of

counsel to sign the petition as attorney for the debtor will be grounds for dismissal of the case, or other appropriate relief.

(2) *Petitions for Other Non-Individuals.* A petition by a partnership, trust or other, nonindividual debtor shall be signed or verified by a general partner or trustee or appropriate agent and signed by counsel of record, and shall be accompanied by evidence of the signator's authority to file the petition. Failure of counsel to sign the petition as attorney for the debtor will be grounds for dismissal of the case, or other appropriate relief.

(3) *Disclosure Statement.* In addition to other documents required to be filed, any nongovernmental non-individual debtor shall file with the petition, or within fourteen (14) days thereafter, a statement identifying all "affiliates" and "insiders" (as defined in 11 U.S.C. § 101(2), (31)).

(c) Facsimile Transmission Filings Not Permitted. The Bankruptcy Court for the District of Maine will not accept petitions for relief submitted for filing by facsimile transmission.

RULE 1004-1 - PETITION – PARTNERSHIP

Voluntary partnership petitions shall include or be accompanied by an affidavit or verified statement that all general partners join in the petition.

RULE 1005-1 - PETITION - CAPTION [RESERVED]

RULE 1005-2 - PETITION - FORM

(a) Size. All papers and pleadings, including the petition, schedules, statements, lists and documents must be filed on 8½ by 11 inch paper. When necessary to comply with this rule, photo reduction of documents, to the extent practicable, is required.

(b) Signature. Each pleading filed shall include a signature block setting forth the name, address, e-mail address and telephone number of the party or attorney filing the pleading.

Signature blocks for attorneys shall include the law firm's name and the name of the client.

RULE 1006-1 - FEES - INSTALLMENT PAYMENTS

Installment Payments. In all cases where an installment fee is permitted by the federal rules and the Court, the fee shall be paid in four (4) equal installments.

RULE 1006-2 - FEES - MANNER OF PAYMENT

Manner of Payment. Required fees may be paid in cash or by cashier's check or money order, made payable to "United States Courts." Payment by check, bank card or other electronic means may be accepted only if payment is made from an account of the submitting attorney or on the account of a law firm of which such attorney is a member, partner or associate, or, in a Chapter 11 case, on the account of the debtor-in-possession. The Clerk of the Bankruptcy Court shall maintain a list of attorneys and law firms whose payments have been dishonored, and may refuse to accept payments from such attorneys or firms.

RULE 1007-1 - LISTS, SCHEDULES AND STATEMENTS

(a) Schedules and Statements. The schedules and statements required by Fed. R. Bankr. P. 1007(b) shall be filed in accordance with the requirements of D. Me. LBR 1002-1. Schedule E/F (Official Form 106 E/F) shall list any person or entity who may possess or potentially assert a claim for a domestic support obligation pursuant to 11 U.S.C. § 101(14A), and such person or entity shall be listed regardless of whether such claim is contingent, unliquidated or disputed, or whether such claim accrues or may accrue, before, on, or after the date of the order for relief.

(b) List of Creditors. The list of twenty (20) largest unsecured creditors required by Fed. R. Bankr. P. 1007(d) shall include, in addition to the otherwise required information, the telephone number of each creditor listed.

(c) Notification of Claim Status. The debtor in each Chapter 9 or Chapter 11 case shall serve each creditor whose claim is listed on the schedules as disputed, contingent or unliquidated with a notification of that fact within fourteen (14) days after filing the schedules of liabilities, or within fourteen (14) days of adding such creditors to previously-filed schedules or amending the schedules to reflect that a previously undisputed claim is disputed, contingent or unliquidated. When an amendment to the schedules effects a substantial modification of the amount or characterization of a claim, a similar notice must be served. The notification must advise such creditors of their right to file proofs of claim and that their failure to do so may prevent them from voting upon a proposed plan of reorganization or from participating in any distribution thereunder. The debtor shall file with the Clerk a certificate of service regarding the notification required by this subparagraph.

RULE 1007-2 - MAILING - LIST OR MATRIX

(a) Matrix Format. In all cases, a mailing matrix shall be filed with the Clerk. The matrix shall conform substantially to the "Format for Creditor Matrix" promulgated by the Clerk's office. The Clerk is authorized, from time to time, to revise the "Format for Creditor Matrix" and may, consistent with technological advances, require or accept matrices on computer diskettes.

(b) Required Addresses. The matrix shall include the names and addresses pursuant to Fed. R. Bankr. P. 1007(a)(1).

(c) Certification of Matrix. The petitioner is responsible to ensure that all addresses set forth on the matrix are accurate and complete, and that they conform to the addresses set forth on the schedules. The petitioner shall file with the matrix a Certification of Creditor Matrix in the form prescribed by the Clerk.

(d) Number to be Filed. In all cases, one original matrix and one matrix certification must be filed with each voluntary petition. If the petition is not accompanied by schedules and statements at the time of filing, an appropriate number of matrices may be filed in lieu of the listings of creditors and addresses required by Fed. R. Bankr. P. 1007(c).

(e) Involuntary Cases. In involuntary cases, the matrix shall be filed within fourteen (14) days of the entry of an order for relief. The matrix shall be filed by the debtor or, when another party is responsible for filing the schedules and statement of affairs, by that party.

RULE 1007-3 - STATEMENT OF INTENTION [RESERVED]

RULE 1009-1 - AMENDMENTS TO LISTS AND SCHEDULES

(a) Notice of Amendment. In each instance in which the debtor amends its petition, lists, schedules or statements, it shall give notice of the amendment to the trustee, the United States Trustee, and to any entity affected by the amendment and shall file a certificate of service conforming to the requirements of D. Me. LBR 9042-1.

(b) Amendments. Any document filed to effect an amendment to a previously-filed document, including petitions, lists, schedules, and statements shall clearly state in bold print that it is an amendment. Any amendment adding creditors shall be accompanied by a supplemental matrix containing only the names and addresses of the additional creditors.

(c) Number of Copies. An amendment of a petition, list, schedule or statement shall be filed with the same number of copies as are required for the accompanying petition under D. Me. LBR 1007-2(d).

(d) Matrix. Whenever creditors are added to the schedules by amendment, a supplemental matrix, setting forth only the names and addresses of the additional creditors and their addresses in the form prescribed by D. Me. LBR 1007-2(a), shall be simultaneously filed.

(e) Notice of Deadlines. When creditors are added by amendment after the original Notice of Section 341 Meeting has been mailed, the debtor's attorney (or the Clerk in the case of pro se debtors) shall give each creditor so added notice of the filing of the petition and of all bar dates and deadlines applicable as of the time of the amendment. The required notice shall be evidenced by the filing of a certificate of service conforming to the requirements of D. Me. LBR 9042-1.

RULE 1010-1 - PETITION - INVOLUNTARY

(a) Designation. Involuntary petitions relating to corporations, trusts or partnerships must include or be accompanied by a designation of the subject entity's principal operating officer, trustee, managing general partner or an appropriate, authorized agent, as the case may be. If the identity of the person to be designated under this rule is not known, the petition shall include or be accompanied by a statement to that effect.

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

RULE 1014-1 - TRANSFER OF CASES [RESERVED]

RULE 1014-2 - VENUE - CHANGE OF [RESERVED]

RULE 1015-1 - JOINT ADMINISTRATION/CONSOLIDATED

(a) Clerk's Duties. Upon the entry of an order of joint administration in a case, the Clerk shall:

- (1) designate one of the cases to be the lead case for purposes of docketing and filing;
- (2) enter the order of joint administration simultaneously on the dockets of all cases covered by that order; and
- (3) thereafter, maintain only the lead case file and docket for all activity affecting any of the jointly administered cases.

(b) Mailing List. The party that obtained an order of joint administration shall, within seven (7) days of the entry of the order, file with the Clerk a single consolidated mailing list constituting a total mailing list of all interested parties in all the jointly administered cases without duplication. The mailing list must be in compliance with the requirements set forth in D. Me. LBR 1007-2. The requirements of this rule do not relieve any party from the requirements of D. Me. LBR 1007-2.

RULE 1015-2 - RELATED CASES [RESERVED]

RULE 1017-1 - CONVERSION - REQUEST FOR/NOTICE OF [RESERVED]

RULE 1017-2 - DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS

[RESERVED]

RULE 1019-1 - CONVERSION - PROCEDURE FOLLOWING

(a) Final Report. The final report required by Fed. R. Bankr. P. 1019(5) shall include, in addition to other required information, a statement of the total funds which passed through the Chapter 11, Chapter 12 or Chapter 13 estate, itemizing disbursements made and the balance on hand at the time of conversion. If the debtor operated a business, the report shall include a statement setting forth all assets in the debtor's possession at the time of conversion, including inventory, fixtures, leases and executory contracts, and accounts receivable.

(b) Unpaid Debts. The schedule of unpaid debts required by Fed. R. Bankr. P. 1019(5) shall be accompanied by a supplemental mailing matrix conforming to the requirements of D. Me. LBR 1007-2(a).

RULE 1020-1 - CHAPTER 11 SMALL BUSINESS CASES - GENERAL

In a Chapter 11 reorganization case, a debtor that is a small business may elect to be considered a small business by filing a written statement of election no later than sixty (60) days after the date of the order for relief or by a later date as the Court, for cause, may fix.

RULE 1070-1 - JURISDICTION [RESERVED]

RULE 1071-1 - DIVISIONS - BANKRUPTCY COURT

The Bankruptcy Court shall be administered in two divisions. For debtors residing, having a principal place of business or principal assets in the following counties, administration shall be conducted by the Office of the Clerk of the Bankruptcy Court at Bangor: Aroostook, Franklin, Hancock, Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Somerset, Waldo, or Washington. For debtors residing, having a principal place of business or principal assets in the following counties, administration shall be provided by the Office of the Clerk in Portland: Androscoggin, Cumberland, Oxford, Sagadahoc or York.

RULE 1072-1 - PLACES OF HOLDING COURT [RESERVED]

RULE 1073-1 - ASSIGNMENT OF CASES [RESERVED]

RULE 1074-1 - CORPORATIONS [RESERVED]

RULE 2002-1 - NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) Twenty-One-Day Notice to Parties-in-Interest.

(1) *Dispositions of Property.* Notice of a proposed use, sale, or lease of property, other than in the ordinary course of business, shall, in Chapter 11 cases, be prepared by the debtor or the trustee. In all other cases, such notice shall be given by the Clerk, unless the Court otherwise directs.

(2) *Compromise.* Notice of hearing on approval of a compromise or settlement of a controversy shall be given by the Clerk in all cases, except that the notice of such hearing in a Chapter 11 case shall be given by the debtor or by the trustee. Agreements relating to relief from stay; prohibiting or conditioning the use, sale, or lease of property; providing adequate protection; use of cash collateral; and obtaining credit are governed by Fed. R. Bankr. P. 4001(d) and D. Me. LBR 4001-1(g), 4001-2(h), 4001-3 and 4001-4.

(3) *Claims Bar Date - Chapter 7 - Surplus Funds.* Notice of the date fixed for the filing of claims against a surplus in a Chapter 7 estate, as provided by Fed. R. Bankr. P. 3002(c)(6), shall be given by the Clerk.

(4) *Dismissal or Conversion.* Notice of hearing on motions to dismiss a Chapter 7 case or to convert a Chapter 7 case to another chapter shall be given by the Clerk. Notice of a hearing on motions to dismiss or convert in Chapter 11, 12 or 13 cases

shall be given by the movant, except that the Clerk shall give notice of such hearing in Chapter 11 cases when the U.S. Trustee is the movant.

- (5) *Plan Modifications.* In cases under all chapters, notice of the time fixed to accept or reject a proposed modification of a plan shall be given by the proponent of the modification. When a modification is proposed by a pro se debtor, notice shall be accomplished by the Clerk.
- (6) *Professional Compensation.* Notice of hearings on all applications for compensation or reimbursement of expenses shall be prepared in accordance with D. Me. LBR 2016-1(a)(6). Service of such notices in Chapter 7, 12 and 13 cases shall be made by the Clerk. Service of such notices in Chapter 11 cases shall be made by the applicant.
- (7) *Claims Bar Date - Chapters 9 and 11.* Notice of the time fixed for filing proofs of claim or interest in Chapter 9 and Chapter 11 cases, pursuant to Fed. R. Bankr. P. 3003(c)(3), shall be given by the Clerk and incorporated in the Notice of Chapter 11 Case for either individuals or corporations/partnerships (Official Forms 309E or F).
- (8) *Claims Bar Date - Chapters 7, 12 and 13.* . Notice of the time fixed for filing proofs of claim or interest in Chapter 7, 12 or 13 cases, pursuant to Fed. R. Bankr. P. 3002(c), shall be given by the Clerk and incorporated in the Notice of Chapter 7/12 Case for either individuals or corporations/partnerships (Official Forms 309A/C or G/H) or the Notice of Chapter 13 Bankruptcy Case (Official Form 309I).

(b) Twenty-Eight-Day Notices to Parties-in-Interest. The notices required by Fed. R. Bankr. P. 2002(b), pertaining to hearings and objections on Chapter 11 disclosure statements and hearings and objections on confirmation of a Chapter 9 or Chapter 11 plan, shall be given by the proponent of the disclosure statement or plan to be considered at the hearing.

(c) Notice to Equity Security Holders. The notices required in Chapter 11 cases by Fed. R. Bankr. P. 2002(d)(1) and (2) shall be given by the debtor in possession or the trustee. The notices required by Fed. R. Bankr. P. 2002(d)(3), (4), (5), (6), and (7) shall be given by the parties designated as responsible for giving notice in D. Me. LBR 2002-1(a) and (b).

(d) Other Notices.

(1) Notices required by Fed. R. Bankr. P. 2002(f)(1), (3), (4), (5), (6), and (8) shall be given by the Clerk.

(2) Notice of the dismissal of the case under Chapter 7, 11, 12 or 13 shall be given, pursuant to Fed. R. Bankr. P. 2002(f)(2), by the Clerk, except that in a Chapter 11 case such notice shall be given by the debtor in possession if the dismissal was entered on the debtor in possession's motion.

(3) The notices required by Fed. R. Bankr. P. 2002(f)(7) shall be given by the proponent of the confirmed plan.

(e) Debtor to Provide Notice.

(1) In Chapter 11 cases, in all instances in which this rule requires that notice be given by the Clerk or by any other party, the debtor in possession shall give the notice in the event that the mailing matrix required by D. Me. LBR 1007-2 has not been filed.

(2) If the Clerk relies on an incomplete matrix in mailing notice of the Section 341 Meeting, or in mailing any other notice, the debtor shall give notice of the Section 341

Meeting, or any other such notice given, to those entities who do not appear on the matrix filed with the Clerk. Amendments to the matrix are governed by D. Me. LBR 1009-1(b).

(3) Unless the Court orders otherwise, the debtor shall provide notice of the amendment of a voluntary petition, or of any other list, schedule or statement to the United States Trustee, any trustee appointed in the case, any committee of creditors or equity security holders, any party affected by the amendment, any other party entitled to notice under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules or order of the Court.

(f) Notice in Chapter 7 Cases. In Chapter 7 cases, after ninety (90) days following the date set for the meeting of creditors pursuant to § 341 of the Bankruptcy Code, all notices required by Fed. R. Bankr. P. 2002(a), other than those required by clause (4) thereof, as well as the notice of the trustee's final report and account required by Fed. R. Bankr. P. 2002(f)(8), shall be mailed only to creditors whose claims have been filed, creditors, if any, who are still permitted to file claims by reason of an extension granted under Fed. R. Bankr. P. 3002(c)(6), and to parties-in-interest who have filed written demands for notice.

(g) Certificate of Service Required. When this rule requires that notice be given by any person or entity other than the Clerk, the person or entity giving notice shall file a copy of the notice, together with a certificate of service complying with D. Me. LBR 9042-1, upon completion of service.

RULE 2002-2 - NOTICE TO UNITED STATES OR FEDERAL AGENCY

(a) Generally. When these rules or the Fed. R. Bankr. P. require service on the United States or on any federal agency, such service must be evidenced on a certificate of service in accordance with D. Me. LBR 2002-1(g).

(b) Service Waiver. If these rules or the Fed. R. Bankr. P. require that notice be provided a federal agency for a given motion or proceeding, but the agency or its local office has promulgated a categorical waiver of service for such notice, the certificate of service shall include the agency together with the statement "Service Waived per [reference date and form of announced waiver], ("e.g., per U.S. Trustee Memo dated 4/17/96").

RULE 2002-3 - UNITED STATES AS CREDITOR OR PARTY [RESERVED]

RULE 2003-1 - MEETING OF CREDITORS & EQUITY SECURITY HOLDERS

[RESERVED]

RULE 2004-1 - DEPOSITIONS AND EXAMINATIONS

(a) Consultation Required. Before filing a motion for examination under Fed. R. Bankr. P. 2004, in which a date certain is fixed for the examination, counsel for the moving parties shall confer with counsel for the proposed examinee, or with the proposed examinee if unrepresented, to arrange a mutually agreeable date, place and time for the examination. All such motions for examination shall include either (i) a statement that a conference was held as required and that all parties have agreed to the date, time and place of the examination, (ii) a statement explaining why it was not possible for the required conference to be held, (iii) a verified statement that the movant has good reason to believe that the proposed examinee would absent himself or herself from the jurisdiction if notified of the request to examine, or (iv) a statement that a conference was held as required, that no agreement could be reached and that the motion is presented to the Court for determination.

(b) Objections - Protective Orders. Any objection to an order for a Rule 2004 Examination shall be in the form of a Motion for a Protective Order. See Fed. R. Civ. P. 26(c); Fed. R. Bankr. P. 7026. Such motion shall be stated with particularity. In the absence of exigent circumstances,

the motion shall be filed within fourteen (14) days of the service of the examination order or before the examination is convened, whichever is earlier.

(c) Stay. The timely filing of a motion for a protective order as provided for in subparagraph (b) shall stay the order for examination until the Court acts on the motion.

RULE 2007-1 - TRUSTEE & EXAMINERS (Ch. 11)

Election of a trustee in a Chapter 11 case shall follow the procedures outlined in D. Me. LBR 2081-1.

RULE 2010-1 - TRUSTEE - BONDS/SURETY [RESERVED]

RULE 2014-1 - EMPLOYMENT OF PROFESSIONALS

(a) Statement Required. A statement, either in the form of a dated affidavit of the person to be employed or a "signed statement of professional person," must be filed with every application for authority to employ a professional person. The statement shall contain the information, and shall comport with Maine Bankruptcy Form No. 1 or 1A in substance and in form. A "signed statement" shall be executed by the person to be employed, shall be dated, and shall include the unsworn declaration: "I certify under penalty of perjury that the foregoing is true and correct."

(b) Individual Verification Required. The affidavit or signed statement required by this rule shall be executed by an individual professional even though the application will serve to obtain authorization to retain the firm with which the individual is affiliated pursuant to Fed. R. Bankr. P. 2014(b).

RULE 2014-2 - EMPLOYMENT OF PROFESSIONALS - TIME FOR APPLICATION

(a) General Rule. For professionals other than Chapter 11 debtor's counsel, approval of retention will be effective as of the date that the application is filed, absent an effective showing that the authority should be granted post facto.

(b) Chapter 11 Counsel. Although applications to retain counsel for Chapter 11 debtors should be filed with the petition, the Court will consider and authorize retention of counsel for Chapter 11 debtors upon application submitted within thirty (30) days of the filing of the petition. If the application is filed within thirty (30) days of the petition, the order authorizing retention will be effective as of the filing date, without the necessity of seeking and obtaining post facto approval.

RULE 2014-3 - EMPLOYMENT OF PROFESSIONALS - SCOPE OF SERVICE

Every application shall include a particularized, case-specific summary of the services to be performed by the professional. The application shall include a good faith estimate of the anticipated range of fee to be charged for such work. If the range of fees is impossible to forecast, the application shall so state and shall explain why.

RULE 2015-1 – FILING OF MONTHLY OPERATING REPORTS IN CHAPTER 11

(a) **Filing of Monthly Reports.** Except as set forth in section (b), in a Chapter 11 case, the debtor or, if a Chapter 11 trustee has been appointed, the Chapter 11 trustee, shall file with the Clerk monthly operating reports completed in accordance with the United States Trustees Operating Guidelines and Reporting Requirements for Chapter 11 Cases. The monthly operating reports shall be filed until the earlier of (a) the entry of a final decree in the Chapter 11 case or (b) the conversion or dismissal of the case pursuant to 11 U.S.C. § 1112.

(b) **Relief from Filing Requirement.** After notice and a hearing, the Court may excuse compliance with the filing requirement imposed by D. Me LBR 2015-1(a) or may authorize the debtor or the Chapter 11 trustee, as applicable, to file monthly operating reports that do not contain all of the data or information otherwise required by the United States Trustees Operating Guidelines and Reporting Requirements for Chapter 11 Cases.

RULE 2015-2 - DEBTOR-IN-POSSESSION DUTIES [RESERVED]

RULE 2015-3 - TRUSTEES - REPORTS & DISPOSITION OF RECORDS [RESERVED]

RULE 2015-4 - TRUSTEES - CHAPTER 12 [RESERVED]

RULE 2015-5 - TRUSTEES - CHAPTER 13 [RESERVED]

RULE 2016-1 - COMPENSATION OF PROFESSIONALS

(a) Application for Compensation of Professionals, Including Chapter 11 and Chapter 7 Trustees.

- (1) *Scope of Rule.* This rule shall apply to all applications for compensation filed by any professional person, including, but not necessarily limited to attorneys, accountants, appraisers, financial consultants and brokers. Designated portions of it apply, as well, to applications for compensation filed by Chapter 7 and Chapter 11 trustees.
- (2) *Exceptions Considered Upon Retention.* Exceptions to this rule's requirements concerning submission of detailed statements, timekeeping, billing summaries or other matters may be sought when the application for retention is filed. For example, a professional whose compensation is subject to application and review may indicate an inability to comply with requirements for maintaining time records to the tenth of an hour and may, therefore, seek an exception to that provision of this rule. Such exceptions will be considered prospectively only and will be granted only to the extent not inconsistent with the policies underlying the monitoring and review of professional compensation.

(3) *Detailed Statement and Other Required Disclosures.*

- (i) **Time and Task Records.** The detailed statement required by Fed. R. Bankr. P. 2016(a) shall, at minimum, set forth a description of each task performed or service rendered, the date of performance or service, the identity of the individual performing each task or providing each service, and the time (in tenth of hour increments) expended on each task or service. Abbreviations and initials may be employed, but must be accompanied by explanations and references sufficient to make the itemization comprehensible.
- (ii) **Prior Applications, Orders and Payments.** The detailed statement shall set forth any previous application(s) filed by the applicant in the case, the disposition of each and the total compensation and reimbursement received by the applicant to date.
- (iii) **Related Cases and Proration.** If the applicant has provided services in a related case or cases during the period covered by the application and has prorated time or charges between or among such cases, the detailed statement shall clearly disclose and explain the basis for such proration.
- (iv) **Identity of Professionals and Paraprofessionals.** Applications must include a columnar listing of all professionals and paraprofessionals for whose work compensation is sought, the hourly rate or rates charged for each such person, a key to the initials or other device used to identify each such person in itemized billings, and the total hours charged and fees sought for each such person during the period covered by the application.

For any person whose rates have changed during the period covered by the application, that person's name shall be separately listed and hours totaled at each rate.

- (v) **Professional Biography.** Applications shall include a brief statement of professional training or experience for each professional whose work has been charged. The statement should demonstrate that the hourly rate charged for each professional is reasonable, and should include such information as the applicant deems pertinent to that issue. After the initial application, biographies need not be included in subsequent applications, other than for professionals whose biographies were not included in the initial application.

(4) *Trustee Compensation.*

- (i) **Additional Disclosures: Service as Trustee's Counsel.** In any case in which the trustee has retained himself or herself as counsel, an application for compensation, either as trustee or as counsel, shall include a disclosure that he or she provides services in both capacities, an express allocation of tasks to service as trustee or as counsel, and a statement of compensation received, applied for and anticipated in both capacities.
- (ii) **Additional Itemization: Large Cases.** If compensation and reimbursement by a trustee in a Chapter 7, 11 or 12 case exceeds \$3,000.00, the trustee shall state:
 1. the total funds received in the estate;

2. the amount of money disbursed and anticipated to be disbursed by the trustee to parties-in-interest (excluding the debtor) and a calculation of the maximum fee allowable under 11 U.S.C. § 326; and
 3. a brief narrative description of services and activities as trustee; and
- (iii) **Service in More Than One Chapter.** If a trustee has served as both Chapter 7 and Chapter 11 trustee, he or she shall separately itemize his or her services under each chapter.
- (iv) **Certification of Maximum Commission.** Each application for trustee compensation shall include a certification that the amount of compensation sought does not exceed the maximum statutory commission.
- (5) *Reimbursement of Expenses.* Every application for professional compensation shall set forth with specificity all disbursements for which reimbursement is sought.
- (i) **Standard Reimbursement Levels.** Recognizing that reimbursement of expenses is not intended as providing "profit" to the applicant, that expense levels may differ from firm to firm and from applicant to applicant, that providing precise computation for some common expenses in every case would be burdensome, and that it will be administratively convenient to establish standard levels of reimbursement for commonly occurring expenses, the Court will approve reimbursement for expenses listed in Appendix A, the Standard Maine Expense Level List (SMELL) at the levels set forth therein, subject to an applicant requesting reimbursement at other levels upon proof that the reimbursement levels set

by in the SMELL are inadequate in view of the applicant's actual costs.

The SMELL may be amended by the Court, in consultation with the bankruptcy bar.

- (ii) **Extraordinary Expenses.** Applicants seeking reimbursement for non-SMELL expenses shall include specific information regarding the amounts expended in their applications.
- (iii) **Justification of Expenses.** The fact that an expense has been included in the SMELL does not establish the reasonableness of incurring the expense in every case. Applicants for reimbursement must be prepared to explain the reasonableness of making the expenditures in each case.

- (6) *Notice of Hearing.* Prior to filing an application for compensation, the movant shall obtain an appropriate hearing date in accordance with D. Me. LBR 9013-1(d)(2). The movant shall submit with the application a notice of hearing containing the following information: the amount of fees and expenses sought and the time period for which they are sought, a statement that this is an initial fee application, or, if it is not an initial fee application, the amount(s) of each prior application for compensation awarded by the Court and the time period(s) for which each such prior compensation was awarded. The notice shall state the time, date and place for the hearing and the response date in accordance with D. Me. LBR 9013-1(d)(5). The form of notice available from the Court's web site shall be an acceptable Notice of Hearing under the provisions of this rule.

- (b) Service of Disclosures of Compensation and Detailed Statements. Disclosures of compensation and detailed statements required by § 329 of the Bankruptcy Code and by Fed. R.

Bankr. P. 2016 shall, at the time of filing, be served on the United States Trustee, any standing trustee or appointed trustee serving in the case, and on any and all official committees serving in the case.

RULE 2016-2 - COMPENSATION OF PROFESSIONAL - RETAINERS

(a) Applicability of Rule. In any case in which professionals retained or to be retained hold or receive retainer funds in excess of \$25,000.00, whether received from the debtor or from any other source for the benefit of the debtor or for the benefit of an appointed trustee or committee, such retainer funds shall be deposited in a federally-insured, interest-bearing account. Retainers held pursuant to this rule are to be held for the benefit of the bankruptcy estate, as opposed to the benefit of any other person, entity or program, until such time as an order for their disposition issues. None of the retainer so deposited shall be withdrawn until the professional complies with the provisions of this subsection.

(b) Motion for Distribution. A motion seeking authority for distribution of all or a portion of the retainer shall be filed with the Clerk, and served on the United States Trustee, any standing or appointed trustee serving in the case, the twenty (20) largest unsecured creditors or the official creditors' committee if one has been appointed in the case, on any other official committee appointed and serving in the case, on any creditor that has entered an appearance and has demanded service of papers in the case, and on any other parties-in-interest that the Court may direct. The motion shall contain, at a minimum, a description of the services rendered, time spent, hourly rates charged and the name(s) of the professional(s) and paraprofessional(s) performing the services, but need not include the detailed statement required by Fed. R. Bankr. P. 2016. The motion shall be considered as requesting authority to distribute the retainer only. It may, at the movant's option, be accompanied by an interim fee application prepared and

submitted in conformance with these rules, the Federal Rules of Bankruptcy Procedure and the Bankruptcy Code. Final approval of compensation for professionals shall await a hearing on the final application. Without leave of Court, motions for distribution of retainer funds may be filed no more frequently than monthly.

(c) Hearing. Upon the filing of an objection that is timely under D. Me. LBR 9013-1(e) or within the time set by the Court, the motion for distribution of retainer funds will be set for hearing. In the absence of timely objection, the Court may act upon the motion without hearing.

RULE 2019-1 - REPRESENTATION OF MULTIPLE PARTIES [RESERVED]

RULE 2020-1 - UNITED STATES TRUSTEES [RESERVED]

RULE 2070-1 - ESTATE ADMINISTRATION [RESERVED]

RULE 2071-1 - COMMITTEES [RESERVED]

RULE 2072-1 - NOTICE TO OTHER COURTS [RESERVED]

RULE 2080-1 - CHAPTER 9 [RESERVED]

RULE 2081-1 - CHAPTER 11 - GENERAL

(a) Request for Trustee Election. A request to convene a meeting of creditors for the purpose of electing a trustee in a Chapter 11 reorganization case shall be filed and transmitted to the United States Trustee in accordance with Fed. R. Bankr. P. 5005 within the time prescribed by § 1104(b) of the Bankruptcy Code. Pending court approval of the person elected, a person appointed trustee under § 1104(d) shall serve as trustee.

(b) Manner of Election and Notice. An election of a trustee under § 1104(b) of the Bankruptcy Code shall be conducted in the manner provided in Fed. R. Bankr. P. 2003(b)(3) and 2006. Notice of the meeting of creditors convened under § 1104(b) shall be given in the manner and within the time provided for notices under Fed. R. Bankr. P. 2002(a). A proxy for the

purpose of voting in the election may be solicited by a committee appointed under § 1102 of the Bankruptcy Code and by any other party entitled to solicit a proxy under Fed. R. Bankr. P. 2006.

(c) Application for Approval of Appointment and Resolution of Disputes. If it is not necessary to resolve a dispute regarding the election of the trustee or if all disputes have been resolved by the Court, the United States Trustee shall promptly appoint the person elected to be trustee and file an application for approval of the appointment of the elected person under Fed. R. Bankr. P. 2007.1(b), except that the application does not have to contain names of parties in interest with whom the United States Trustee has consulted. If it is necessary to resolve a dispute regarding the election, the United States Trustee shall promptly file a report informing the Court of the dispute. If no motion for the resolution of the dispute is filed within fourteen (14) days after the date of the creditors' meeting called under § 1104(b) of the Bankruptcy Code, a person appointed by the United States Trustee in accordance with § 1004(d) of the Bankruptcy Code and approved in accordance with Fed. R. Bankr. P. 2007.1(b) shall serve as trustee.

RULE 2082-1 - CHAPTER 12 - GENERAL [RESERVED]

RULE 2083-1 - CHAPTER 13 - GENERAL [RESERVED]

RULE 2090 -1 - ATTORNEYS - ADMISSIONS TO PRACTICE

(a) Admission Required/Pro Se Appearance. No person, other than an individual representing himself or herself, shall appear or practice before this Court unless that person is a member of the bar of the United States District Court for the District of Maine, or unless that person complies, in this Court, with Rule 83.1 or Rule 83.4 of the District Court Rules.

(b) Exception - Attorneys. An attorney need not comply with paragraph (a) above in order to file a notice of appearance and request for notices, or to file a proof of claim.

(c) Exception - Proofs of Claim. A corporation, partnership, trust or other non-individual entity may file proofs of claims in cases before this Court through an officer or agent; otherwise it may appear only through counsel.

RULE 2090-2 - ATTORNEYS - DISCIPLINE & DISBARMENT

District Court Rule 83.3 shall govern attorney discipline and disbarment in the Bankruptcy Court.

RULE 2091-1 - ATTORNEYS - WITHDRAWALS

(a) Service of Notice. The notice of withdrawal shall be served on the following parties:

- (1) the client;
- (2) the U.S. Trustee's local office;
- (3) in cases under Chapters 7, 12 and 13, the trustee;
- (4) in cases under Chapter 11, the twenty (20) largest unsecured creditors or, if a committee or committees have been appointed pursuant to § 1102(a) of the Bankruptcy Code, upon counsel or the authorized agent for such committee or committees; all secured creditors; and, if a trustee has been appointed, the trustee;
- (5) in adversary proceedings, all parties to the proceeding; and
- (6) on all other persons or parties as the Court may require.

(b) Leave of Court Not Required. An attorney may withdraw from a case or proceeding without leave of Court by serving the notice of withdrawal as required by this rule and by filing the notice of withdrawal, provided that (1) such notice is accompanied by notice of the appearance of other counsel or by certification by the attorney seeking to withdraw that his or her client or clients have been advised regarding the procedures and responsibilities related to appearing pro se, and that, after conferring with the attorney, the client or clients have stated

their intention to proceed pro se; (2) there are no motions pending before the Court; and (3) no trial date has been set.

(c) Leave of Court Required. Unless all of the conditions set forth in the preceding subparagraph are met, an attorney may withdraw from a case or proceeding only by leave of Court.

(d) Duties Upon Withdrawal. An attorney granted leave to withdraw shall immediately serve on his or her client the order permitting withdrawal, which order shall direct the client to appear by new counsel or, if an individual, pro se within twenty-one (21) days from the date of the order or within such shorter period as the Court may direct. If a client who has been served with notice of the withdrawal of that client's attorney fails to appear in the case or proceeding either in person or by new counsel within the period prescribed, such failure shall be ground for entry of a default, dismissal, or other appropriate action by the Court.

RULE 3001-1 - CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL

[RESERVED]

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

(a) Chapters 12 and 13 - Service of Proof of Claim on Trustee. An original proof of claim shall be filed with the Clerk. In cases under Chapter 12 or Chapter 13, the claimant shall, contemporaneously with the filing, serve a copy of the proof of claim, with all attachments thereto, on the standing trustee.

(b) Chapter 13 - Filing Proof of Claim to Participate in Distributions Under Interim Order for Payment. The Court may issue an interim order for payment of secured claims to be provided for in a Chapter 13 plan following the Section 341 Meeting. See D. Me. LBR 3015-4. Secured creditors whose claims are not scheduled by the debtor as disputed, contingent or unliquidated

must nevertheless file, and serve upon the standing trustee, a proof of claim complying with the requirements of Fed. R. Bankr. P. 3001 prior to the date of the Section 341 Meeting in order to receive distributions under the interim order for payment. See D. Me. LBR 3015-4. If such a creditor fails to file a proof of claim in time to receive a distribution under the interim order, the debtor or the trustee may file a proof of claim in the name of the creditor in accordance with Fed. R. Bankr. P. 3004.

(c) Late Proof of Claim - Chapter 7. In a Chapter 7 asset case, proofs of claim that are tardily filed under Fed. R. Bankr. P. 3002(c) will receive the subordinated treatment prescribed by § 726(a)(3) of the Bankruptcy Code. The trustee need not file an objection to such late claims if creditors who have timely filed proofs of claims will receive a dividend of less than 100%.

(d) Conversion - Meeting of Creditors and Bar Date. When a Chapter 11, 12 or 13 case has been converted to Chapter 7, the "meeting of creditors" for purposes of determining the timeliness of filed proofs of claim, referred to in Fed. R. Bankr. P. 3002(c), shall mean the meeting of creditors conducted in the Chapter 7 case.

(e) Creditors Added by Amendment - Time for Filing Proofs of Claim. When a Chapter 7, Chapter 12 or Chapter 13 debtor has amended his or her schedule of creditors to add a creditor, the newly-added creditor may file a proof of claim within ninety (90) days after the date that the debtor served the creditor with notice of the amendment. Objections to any claims filed under this subparagraph shall be filed within thirty (30) days from the date the proof of claim is filed.

(f) Notice to Creditors in Chapter 7 Cases. Upon the expiration of ninety (90) days from the first date set for the meeting of creditors, the Clerk may limit the distribution of notices in accordance with D. Me. LBR 2002-1(g). Creditors who are added to the schedules and who file

proofs of claim in accordance with subparagraph (e) of this rule shall also be provided notice by the Clerk.

**RULE 3002-2 - REQUESTS FOR ALLOWANCE AND PAYMENT OF
ADMINISTRATIVE EXPENSES**

Requests for allowance of an administrative expense claim pursuant to 11 U.S.C. § 503(a) may be filed substantially in the form and manner of a proof of claim and served upon the debtor, the trustee, if any, and the United States Trustee. Objections to allowance of such requests shall be governed by Fed. R. Bankr. P. 3007. Motions to compel payment of an administrative expense claim shall be governed by D. Me. LBR 9013-1.

**RULE 3003-1 - FILING OF PROOF OF CLAIM OR OF EQUITY SECURITY
INTEREST IN CHAPTER 9 OR CHAPTER 11 REORGANIZATION CASES**

Creditors in Chapter 9 or Chapter 11 cases who are listed on the debtor's schedules as holding disputed, contingent or unliquidated claims and who are served with the claim status notice provided for in D. Me. LBR 1007-1(c), and creditors who do not agree with the amount or characterization of their claim as scheduled by the debtor, must file a proof of claim in accordance with Fed. R. Bankr. P. 3002 and 3003 no later than ninety (90) days from the first date set for the Section 341 Meeting. In instances when their claims are not initially listed on the debtor's schedules as disputed, contingent or unliquidated, or when the initial scheduling is acceptable, creditors who subsequently receive notification that their claims are disputed, contingent or unliquidated or that the schedules have been amended in a fashion that renders the description unacceptable, must file a proof of claim no later than ninety (90) days from the date that the debtor serves them with such notification. See D. Me. LBR 1007-1(c).

RULE 3006-1 - CLAIMS - WITHDRAWAL [RESERVED]

RULE 3007-1 - CLAIMS - OBJECTIONS

Unless otherwise provided for in this rule, the procedures for motions practice and contested matters set forth in Fed. R. Bankr. P. 3007, D. Me. LBR 9013-1, 9013-2, and 9014-1 govern objections to claims. The hearing date on an objection to claim shall be no less than (30) days from the filing of the objection, and the response date to such an objection shall be no less than thirty (30) days from the filing of the objection, and no later than three (3) business days prior to the date of the hearing. If a creditor timely responds to an objection to its claim, the initial hearing on the objection shall be a preliminary hearing, at which the parties shall appear and be prepared to discuss discovery, the need for evidentiary hearings, scheduling and compromise.

RULE 3008-1 - CLAIMS - RECONSIDERATION [RESERVED]

RULE 3009-1 - DIVIDENDS - CHAPTER 7 [RESERVED]

RULE 3010-1 - DIVIDENDS - SMALL [RESERVED]

RULE 3011-1 - UNCLAIMED FUNDS [RESERVED]

RULE 3012-1 - VALUATION OF COLLATERAL [RESERVED]

RULE 3015-1 - CHAPTER 13 - PLAN

- (a) Form. Any Chapter 13 plan and the Notice of Hearing on Confirmation filed in this District shall comport with Maine Bankruptcy Forms No. 2 and 2A in substance and in form.
- (b) Signature. Every plan or amendment thereto shall be signed by the debtor(s).
- (c) Date. Every plan or amendment thereto shall be dated as required by Fed. R. Bankr. P. 3015(c).

RULE 3015-2 -CHAPTER 13 - AMENDMENTS TO PLANS

- (a) Post-Confirmation Amendments. Prior to filing a post-confirmation modification to a Chapter 13 plan, the proponent of the modification shall consult with the Standing Chapter 13 trustee regarding the proposed modification, its feasibility and permissibility. A motion seeking approval of a modification shall be accompanied by a certification of the proponent or the proponent's counsel that such consultation has taken place and, if known, a statement of the trustee's position on the proposed modification.
- (b) Form. Any amended Chapter 13 plan filed in this District shall comport with Maine Bankruptcy Form No. 2 in substance and in form. Those parts of the amended plan that are changed from the previous plan shall be clearly identified.
- (c) Service. Within fourteen (14) days of filing an amended plan, debtor's counsel (or the debtor, if pro se) shall serve a copy of the amended plan on all parties in interest. Any amended plan filed before the last date for filing claims shall be served on all parties in interest as reflected on the mailing matrix, and as otherwise required by rule; any amended plan filed after the last date for filing claims shall be served on those creditors who have filed proofs of claim with the Clerk, and as otherwise required by rule. Confirmation of an amended plan shall be sought pursuant to D. Me. LBR 3015-3 or 11 U.S.C. § 1329, as appropriate.

RULE 3015-3 - CHAPTER 13 - CONFIRMATION

- (a) Service of Plan and Notice of Hearing on Confirmation.
- (1) *Obtaining a Hearing Date.* Within fourteen (14) days of the conclusion of the first meeting of creditors held pursuant to § 341 of the Bankruptcy Code, debtor's

counsel (or the debtor, if pro se) shall obtain a confirmation hearing date pursuant to D. Me. LBR 9013-1(d)(2).

- (2) *Service.* Within fourteen (14) days of the conclusion of the first meeting of creditors held pursuant to § 341 of the Bankruptcy Code, debtor's counsel (or the debtor, if pro se) shall serve a copy of the debtor's current Chapter 13 plan and of the Notice of Hearing on Confirmation on all parties in interest as reflected by the mailing matrix, or as otherwise required by rule.

(b) Hearing on Confirmation. Any party in interest is entitled to a hearing on confirmation of a Chapter 13 plan. In the absence of a timely filed objection to confirmation, the Court may rule on confirmation pursuant to D. Me. LBR 9013-1(g)(1).

(c) Filing of Claims. Claims shall be filed as provided by Fed. R. Bankr. P. 3002, 3004 or 3005.

- (1) *Claim filed by Creditor.* Any creditor who files or amends a proof of claim shall serve a copy on the trustee and counsel for the debtor, or upon the debtor directly if pro se.
- (2) *Claim filed by debtor, trustee or co-debtor.* Any claim filed by the debtor, trustee or co-debtor on behalf of a creditor pursuant to Fed. R. Bankr. P. 3004 or 3005 shall be served on the creditor on whose behalf the proof is filed in addition to the parties to be served under paragraph (c)(1). Such timely filed claim shall be deemed allowed for the purposes of payment pursuant to Fed. R. Bankr. P. 3001(f) and D. Me. LBR 3015-3(d) thirty (30) days from the date of service, except as otherwise provided by express order of the Court.

(d) Allowance and Payment of Claims.

- (1) *Claims allowed.* Pursuant to Fed. R. Bankr. P. 3001(f), a timely filed claim is allowed as filed except as otherwise determined upon objection by a party in interest, pursuant to the order allowing and disallowing claims after confirmation, or other order of Court after notice and hearing.
- (2) *Objections to Claims.* A party in interest may object to a claim pursuant to Fed. R. Bankr. P. 3007. Objections shall be filed no later than thirty (30) days after the filing of the motion to allow claims filed pursuant to D. Me. LBR 3015-3(d)(3).
- (3) *Allowance and Payment of Claims.* The trustee may pay allowed secured and priority claims as filed pursuant to a confirmed plan unless an objection to such claim is pending. After the last date for filing claims, the debtor or the trustee shall file a motion to allow and disallow claims. Such motion may also address objections to claims, priority of claims, the avoidability of liens, and any other matter which may be raised pursuant to statute or rule. Payment of general unsecured claims shall be made only after the order allowing and disallowing claims except as otherwise authorized by order of Court. The motion(s) and order(s) shall comport with Maine Bankruptcy Forms 3 and 4 in substance and in form.

**RULE 3015- 4 - CHAPTER 13 - CONVERSION TO CHAPTER 12 OR 13 FROM
ANOTHER CHAPTER**

- (a) Filing Plan and Amended Schedules and Statements. Unless the Court extends the time, the debtor shall file a plan and any amended schedules and statements within fourteen (14) days

from the date of conversion of the case to Chapter 12 or 13 from another chapter. Amended portions of the schedules and statements shall be identified conspicuously.

(b) Filing Proof of Claim or Interest.

- (1) *By a governmental unit.* A proof of claim filed by a governmental unit is timely filed in a case converted to Chapter 12 or 13 from another chapter if it is filed not later than one hundred eighty (180) days from the date of conversion.
- (2) *By an entity other than a governmental unit.* A proof of claim is timely filed in a case converted to Chapter 12 or 13 from another chapter if it is filed not later than ninety (90) days after the first date set for the meeting of creditors called under § 341(a) of the Bankruptcy Code in the converted case.
- (3) *Claims filed before conversion.* A claim timely filed and not previously disallowed in the case before conversion to Chapter 12 or 13 is timely filed in the Chapter 12 or 13 case upon conversion.

RULE 3016-1 - CHAPTER 11 - PLAN AND DISCLOSURE STATEMENTS

(a) Caption of Plan and Disclosure Statements. Every plan of reorganization and disclosure statement filed in a Chapter 11 case and any amended plan and amended disclosure statement shall include the date of the document and the identity of the plan proponent in the caption. The only change to the caption of an amended plan or an amended disclosure statement shall be the date of such amendment.

- (1) Examples of original captions: “Debtor’s Plan Dated _____”; “Debtor’s Disclosure Statement Dated _____”.
- (2) Examples of amended captions: “Debtor’s Amended Plan Dated _____”; “Debtor’s Amended Disclosure Statement Dated _____”.

(b) Original and Copy Required. The plan proponent shall file and serve an original and a copy, which shall clearly and conspicuously identify all changes to the previously filed plan and disclosure statement.

(c) Plan to be Filed as Separate Document. The plan shall be filed as a separate document and shall not be attached as an exhibit to the disclosure statement.

RULE 3016-2 - EXCLUSIVITY PERIOD

A debtor seeking an extension of the exclusivity period established by § 1121(b) of the Bankruptcy Code shall proceed by motion. Accompanying the motion shall be a report or memorandum setting forth, in narrative fashion, the reasons why the debtor cannot file a plan within one hundred twenty (120) days of the entry of the order for relief, or within such further time as has been provided for by order of the Court, and setting forth in detail the steps necessary to be taken preliminary to filing a plan and a time table for the completion of those steps, together with a target date for the plan's filing. Without such an accompanying narrative, the Court will not entertain or grant a motion seeking enlargement of the exclusivity period.

RULE 3016-3 - CHAPTER 11 TRUSTEE - REPORT

A Chapter 11 trustee shall file a report, within thirty (30) days of appointment, addressing: (1) whether a plan can be filed, (2) the reasons why a plan cannot be formulated and filed or (3) a recommendation that the case be converted to another chapter or dismissed.

RULE 3017-1 - DISCLOSURE STATEMENT - APPROVAL

(a) Filing. Each disclosure statement filed with the Court shall be accompanied by (1) the plan of reorganization, and (2) a notice setting the hearing date and the deadline for objections to the disclosure statement. The notice shall conform to D. Me. LBR 3017-3. Unless otherwise

ordered, the objection date shall be no less than twenty-eight (28) days from the filing date of the disclosure statement.

(b) Proposed Order. Unless otherwise directed by the Court, no later than seven (7) days after a disclosure statement is approved, counsel for the plan proponent shall submit a proposed order containing the following:

(1) The date by which the order, disclosure statement, plan, and ballot shall be served on parties in interest;

(2) The last day for filing ballots;

(3) The last day for filing objections to the plan;

(4) The date scheduled for the confirmation hearing pursuant to D. Me. LBR 9013-1(d);

and

(5) Proof of mailing that provides “Within seven (7) days after mailing the plan and disclosure statement as required by this order, the debtor shall file a certificate of such mailing along with copies of each document mailed.”

RULE 3017-2 - DISCLOSURE STATEMENT - SMALL BUSINESS CASES

(a) Conditional Approval. If the debtor is a small business and has made a timely election to be considered a small business in a Chapter 11 case, the Court may, on application of the plan proponent, conditionally approve a disclosure statement file in accordance with Fed. R. Bankr. P 3016. On or before conditional approval of the disclosure statement, the Court shall:

(1) fix a time within which the holders of claims and interests may accept or reject the plan;

(2) fix a time for filing objections to the disclosure statement;

(3) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and

(4) fix a date for the hearing on confirmation.

(b) Application of Fed. R. Bankr. P. 3017. If the disclosure statement is conditionally approved, Fed. R. Bankr. P. 3017(a), (b), (c), and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Fed. R. Bank. P 3017(d).

(c) Objections and Hearing on Final Approval. Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with D. Me. LBR 3017-1(a) and Fed. R. Bankr. P 2002(b) and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the United States Trustee, and served on the debtor, trustee, any committee appointed under the Bankruptcy Code and any other entity designated by the Court at any time before final approval of the disclosure statement or by an earlier date as the Court may fix. If a timely objection to the disclosure statement is filed, the Court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

RULE 3017-3 -DISCLOSURE STATEMENT - NOTICES

Unless the Court orders otherwise, the proponent of the Chapter 11 plan shall mail the notices and other materials required by Fed. R. Bankr. P. 3017(d).

RULE 3018-1 - BALLOTS - VOTING ON PLANS [RESERVED]

RULE 3018-2 - ACCEPTANCE/REJECTION OF PLANS [RESERVED]

RULE 3019-1 -AMENDMENTS TO PLANS

Unless otherwise ordered by the Court, any proposal to modify an accepted Chapter 11 plan so as to adversely affect creditors or interest holders shall be submitted by written motion and served upon all creditors and interest holders who are affected by the proposed modification, all persons who have requested notice of pending matters and to the persons and entities identified in Fed. R. Bankr. P. 3019 not less than twenty-one (21) days prior to any hearing on the proposed modification.

RULE 3020-1 - CHAPTER 11 - CONFIRMATION

(a) Plan Must Address Jurisdiction - Limitations. Every plan of reorganization shall include a section detailing the extent to which the Court will retain jurisdiction over the affairs of the debtor following confirmation. Unless notice is given within the plan and disclosure statement that a broader retention of jurisdiction is sought and required, the Court will retain post-confirmation jurisdiction only as to the following matters:

- (1) To hear and determine objections to claims;
- (2) To hear and determine any disputes arising under the plan, its implementation and execution of any necessary documents thereunder, and any requests to amend, modify, or correct the plan, provided that such matters are brought before the Court prior to the point of substantial consummation as that term is defined by § 1101(2) of the Bankruptcy Code and by the plan itself, and subject, further, to the restrictions set forth in § 1127(b) of the Bankruptcy Code;
- (3) To grant extensions of any deadlines set forth in the confirming order as may be appropriate;
- (4) To enforce all discharge provisions under the plan; and

(5) To review and rule upon applications for compensation of professional persons. If at the time of the confirmation hearing the plan proponent expects that a broader retention of jurisdiction will be sought, but is not in a position to request a specific enlargement, the Court may conditionally reserve the question of additional retained jurisdiction in the confirming order and shall set a time within which the plan proponent shall file a motion on notice requesting retention of such additional jurisdiction as necessary, to be embodied in a supplementary order.

(b) Substantial Consummation. Every plan of reorganization shall include within its provisions a case-specific definition of what shall constitute substantial consummation of the plan in accordance with the terms of Bankruptcy Code § 1101(2). The definition embodied in the plan shall include a projected date or time by which the plan shall be substantially consummated. Absent demonstrated cause shown, the plan shall provide for substantial consummation within one hundred twenty (120) days from confirmation.

RULE 3021-1 - DIVIDENDS - UNDER PLAN (Ch. 11) [RESERVED]

RULE 3022-1 - FINAL REPORT/DECREE (Ch. 11)

Unless another party or officer is designated in the plan of reorganization or order of confirmation, the plan proponent shall be responsible for filing a final account with the Court. The final account shall include a schedule of all disbursements and shall be accompanied by an application for a final decree and a proposed final decree: (1) discharging the case trustee, if any; (2) making such provisions by way of injunction or otherwise as may be equitable; and (3) closing the case. Unless otherwise ordered, the final account and application for final decree shall be filed not later than one hundred twenty (120) days following the date of confirmation. An estimate of anticipated professional fees and expenses to be incurred by the plan proponent or

other designated party or officer in fulfilling the requirements of this rule shall be presented in the plan and the disclosure statement as a projected administrative expense. The allowance and payment of such fees and expenses shall be upon separate application to the Court and shall be limited to those incurred by a duly authorized professional. A failure to comply with the requirements of this rule may result in appropriate sanctions.

RULE 3022-2 - CONSUMMATION - EXTENSION OF TIME

In the event that the plan is not consummated within the time contemplated by the plan, the debtor or the trustee, as appropriate, shall, within thirty (30) days thereafter, file with the Court a request for an extension of time within which to consummate the plan. Such request shall demonstrate cause for the extension or shall otherwise show cause why the case should not be converted or dismissed.

RULE 3070-1 - CHAPTER 13 - PAYMENTS [RESERVED]

RULE 4001-1 - AUTOMATIC STAY - RELIEF FROM

(a) Service. A motion for relief from the automatic stay shall be served on the debtor, the debtor's attorney, the trustee (if a trustee has been appointed), the U.S. Trustee, any co-debtor, any co-debtor's attorney of record, and on such other entities as the Court may direct. In a Chapter 11 case, the motion shall also be served on any committee appointed under the Bankruptcy Code or its authorized agent, any such committee's attorney, or, if no committee has been appointed, the motion shall be served upon all creditors included in the list filed pursuant to Fed. R. Bankr. P. 1007(d). For motions for relief from stay necessitated by the imminent threat of irreparable damage, filed pursuant to 11 U.S.C. § 362(f), service shall be made, to the extent possible, upon the debtor, the debtor's counsel, the trustee (if one has been appointed), the U.S. Trustee, any committee appointed under the Bankruptcy Code or its authorized agent, and upon

any other entities known or believed to claim an interest in property that is the subject of the motion. For cause shown, the Court may dispense with notice requirements for § 362(f) motions.

(b) Basis for Relief.

- (1) *Liens, Mortgages and Security Interests.* If the motion requests relief to foreclose upon a mortgage, security interest or other lien upon any interest of the debtor or of the estate in property, the basis of the movant's entitlement to relief must be stated with particularity in the motion. At a minimum, the motion shall set forth: the value of the subject property; the nature of the movant's interest in the property; the manner in which the movant has perfected its interest; all other material liens and encumbrances; the amount of the movant's claim as of the date of the petition; a specification of pre- and post-petition arrearages, costs and interest accruals; and the payment schedule for the claim secured by the property.

If the motion requests relief to foreclose an individual debtor's interest in real property, then the motion shall be filed with a completed verification in accordance with Local Bankruptcy Form 4001-1 (b), appended thereto and signed by an authorized representative of the moving party, unless (1) the movant has obtained the debtor's written consent to the relief requested prior to the motion being filed, or (2) the debtor has indicated an intent to surrender the property pursuant to 11 U.S.C. Section 521 (a)(2).

Failure to append a completed and verified LBF 4001-1(b) to the motion may result in denial of the motion and/or sanctions.

- (2) *Other Motions.* As to all motions not provided for in paragraph (b)(1) of this rule, a full and complete recitation of the basis for which relief is sought shall be provided in the motion. For motions filed under § 362(f) of the Bankruptcy Code, the movant shall set forth a full and complete explanation of the grounds upon which it asserts that irreparable damage may occur absent expedited treatment.
 - (3) *Additional Information.* In addition to the foregoing, the movant shall set forth all information required by D. Me. LBR 9014-1(b) and, by narrative or otherwise, any additional information that is material to the motion.
- (c) Scheduling Hearings.
- (1) *Hearing Date.* It is the movant's responsibility to obtain an appropriate hearing date, providing sufficient time for adequate notice and response, using the hearing dates found on the Court's web site or by contacting the Clerk's office.
Scheduling of hearings, and special arrangements for expedited, emergency and ex parte, hearings are governed by the provisions of D. Me. LBR 9013-1.
 - (2) *Notice of Hearing Date - Certification.* The movant shall provide notice of the time and date set for hearing to all parties-in-interest. The movant shall file with the Clerk and attach to its motion a certificate of service complying with D. Me. LBR 9042-1.
 - (3) *Stay Pending Hearing.* A movant that schedules the first hearing on a request for relief from the stay more than 30 days after the date of the filing of the motion is deemed to have consented to a continuation of the stay, for purposes of 11 U.S.C. § 362(e)(1), until the first hearing on the motion.

- (d) Response Required.
- (1) *Parties Respondent.* A response to a motion for relief from the automatic stay may be filed by the trustee; the debtor; in Chapter 12 and 13 cases any co-debtor; or by any other party-in-interest wishing to be heard.
 - (2) *Time for Response.* A response to a motion for relief from the automatic stay shall be filed in accordance with the notice of hearing and the provisions of D. Me. LBR 9013-1(d) and (e). If the motion is scheduled for expedited or emergency hearing, the response shall be filed in accordance with the terms of D. Me. LBR 9013-1(i)(3) or (j)(3).
- (e) Content of Response. Every response to a motion for relief from the automatic stay shall admit or deny each allegation of the motion and assert such defenses or other matters as may be required to inform the Court of the scope of issues raised by the motion. If value is at issue, the response shall set forth the respondent's position regarding value. In addition, if "adequate protection" is at issue, the responding party shall explain the character of adequate protection offered in lieu of relief from stay. The response shall, as well, provide all additional information, by narrative or other means, that the respondent considers material to a decision on the motion.
- (f) Default. If any party-in-interest wishes to be heard in connection with the motion for relief from the automatic stay, it must file a timely written response to the motion in accordance with the response date set in the notice and the pertinent provisions of D. Me. LBR 9013-1. In the absence of a timely and complete response, the Court may enter an appropriate order without further notice or hearing.
- (g) Consent to Relief - Chapters 7, 12 and 13. In Chapter 7, 12 and 13 cases, the debtor, the trustee and the moving party may stipulate to the relief requested. In cases under Chapter 7 in

which a committee has been elected pursuant to § 705 of the Bankruptcy Code, an authorized agent of the committee must join in the stipulation. Uncontested motions for relief from stay may be filed if the motion is accompanied by signed consents to relief. Such signed consents may be provided in the form of orders, stipulations or motions bearing signed consents of counsel or the parties. A written representation of consent by the moving party will not suffice to permit the motion to be filed as an uncontested motion. A motion that meets the requirements of this subparagraph qualifies for filing with such reduced or eliminated filing fees as are established for consented to motions for relief from stay.

RULE 4001-2 - CASH COLLATERAL

(a) Motion: Service. A motion or stipulation for authorization to use cash collateral shall be served in accordance with Fed. R. Bankr. P. 4001(b)(1), upon any federal or state taxing authority having a claim against the debtor and upon the U.S. Trustee. A motion or stipulation for authority to obtain credit shall be served in accordance with Fed. R. Bankr. P. 4001(c)(1), upon any federal or state taxing authority having a claim against the debtor and upon the U.S. Trustee.

(b) Basis for Motion. A motion or stipulation for use of cash collateral or for authority to obtain credit shall state the amount of the request, a narrative and budget reflecting the intended use(s) of the funds, the debtor's proposed budget for the use of the funds, the amount of debt encumbering the collateral, and any proposal for providing adequate protection.

(c) Certain Provisions Restricted. Except as provided in section (d), the following provisions in an agreement approving or authorizing the use of cash collateral, obtaining credit, or providing adequate protection, shall be unenforceable:

- (1) Any acknowledgement of the validity, amount, perfection, priority, extent or enforceability of the secured claim, if the agreement or order purports to bind any party other than the debtor, unless the agreement or order affords an objection period of not less than sixty (60) days after the earlier of (i) the Court's approval of the retention of counsel to the creditor's committee, or (ii) an order authorizing the appointment of a trustee, during which period parties may challenge the secured claim on any basis;
- (2) Any release of claims or waiver of defenses by the debtor or estate representative;
- (3) Any postpetition lien to secure a claim of a secured creditor other than (i) a claim arising from post-petition advances which constitute an additional non-replacement extension of credit; or (ii) a claim representing the diminution in value of a pre-petition secured claim after the commencement of the case;
- (4) Any grant of a security interest in avoidance actions or their proceeds; or
- (5) Any provision granting a creditor relief from automatic stay without further order or hearing upon the breach of the cash collateral, adequate protection or postpetition financing order or agreement.

(d) Conspicuous Notice. Notwithstanding section (c), the Court may approve any terms and conditions for the use of cash collateral, obtaining credit or providing adequate protection, provided that (i) the proposed order or agreement specifically advises that the proposed terms and conditions vary from the requirements of section (c), and (ii) such advice and any proposed terms and conditions are boldface or otherwise conspicuously set forth in the proposed agreement or order.

(e) Hearing. A final hearing regarding use of cash collateral or obtaining credit may be held no earlier than fourteen (14) days after service of the motion except that the Court may conduct

an expedited, preliminary hearing in accordance with Fed. R. Bankr. P. 4001(b)(2) or Fed. R. Bankr. P. 4001(c)(2). Any motion seeking interim relief shall state the reasons necessitating an early hearing, the nature of any interim adequate protection or lien to be provided and an estimation of the amount of cash collateral or credit that must be used to avoid immediate and irreparable harm to the estate pending a final hearing. Hearings sought on an expedited, emergency or ex parte basis shall be scheduled, filed and supported in a manner consistent with D. Me. LBR 9013-1(i)(j) or (k), as supplemented by this rule.

(f) Response to Motion.

(1) *Time for Response.* A written response to a motion for use of cash collateral or for authority to obtain credit must be filed and served in accordance with and to the extent required by D. Me. LBR 9013-1 and the notice of hearing.

(2) *Content of Response.* The response shall admit or deny each allegation in the motion and set forth such further matters as may be necessary fully to inform the Court of the relevant issues. The response shall specifically state whether any protection offered is adequate and, what additional protection if any, is sought.

(g) Ex Parte Motions. An ex parte motion to use cash collateral shall include the following information by affidavit, and a certification by counsel that counsel has investigated the facts set forth in the affidavit and believes the facts to be reasonably based in fact:

(1) The date of entry of the order of relief;

(2) Names, addresses and telephone numbers of all known entities holding or claiming an interest in the cash collateral, and of their attorneys;

(3) A full explanation of all efforts to contact entities holding or claiming an interest in cash collateral with regard to use of cash collateral, setting forth the dates and times of each attempted contact;

(4) The nature of the emergency requiring ex parte relief;

(5) The total dollar amount of cash collateral for which authorization for use is sought; and

(6) A description of proposed provisions for providing adequate protection of the affected creditors' interests. Proposed ex parte orders limiting the amount of cash collateral which may be used pending a hearing and shall set an expiration date for the ex parte authorization.

(h) Agreements Relating to the Use of Cash Collateral. Consent agreements relating to the use of cash collateral shall be signed by the entity claiming an interest in cash collateral or its attorney, shall be filed with the Court and shall specify all provisions for adequate protection and all limitations agreed to regarding the use of cash collateral.

(i) Entitlement to Information. Any party-in-interest that so requests is entitled to receive from the debtor or the person or entity responsible for preparing and filing it, that information required to be set forth in the schedules, statement of affairs and lists required to be filed by the debtor, under Fed. R. Bankr. P. 1007, no less than forty-eight (48) hours prior to any final hearing on the use of cash collateral.

**RULE 4001-3 - CASH COLLATERAL AND POST-PETITION DEBT IN CHAPTER 12
AND CHAPTER 13 CASES AND IN CERTAIN CHAPTER 11 CASES**

(a) Cash Collateral. A motion or stipulation for authorization to use cash collateral shall state the dollar amount sought to be used; a budget; a narrative reflecting the intended use(s) of

the funds; the amount of debt encumbering the collateral which includes the amount claimed of any creditor asserting an interest in the collateral; and any proposal to provide adequate protection.

(b) Service. The motion or stipulation for cash collateral shall be served on all creditors who assert an interest in the collateral or their attorneys, the trustee, any parties who have filed a request for service of all pleadings, and the United States Trustee.

(c) Obtaining Credit. A motion or stipulation to incur post-petition debt shall include: the amount and a description of debt to be incurred; the terms of the proposed financing; a narrative reflecting the intended use(s) of the funds; the item(s) to be purchased or the collateral to be used; the name and address of any seller of goods or services; the name and address of the proposed lender; and a budget demonstrating that the debtor can still perform under the existing plan.

(d) Service. The motion or stipulation to obtain credit shall be served on any creditors asserting any interest in the collateral securing the post-petition credit, the proposed lender(s), the trustee, any parties who have filed a request for service of all pleadings, and the United States Trustee.

(e) Objection. Any objections to the use of cash collateral or obtaining credit, shall set forth the specific objections to the motion or stipulation.

(f) Hearing. If no objection is filed, or alternatively if all filed objecting parties waive hearing, the Court may act upon the motion or stipulation without hearing.

(g) Individual Chapter 11 Cases. Upon motion and leave of Court, this rule may apply to individual Chapter 11 cases.

RULE 4001-4 - AGREEMENTS

Agreements Relating to Relief From the Automatic Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Providing Adequate Protection, Use of Cash Collateral, and Obtaining Credit.

- (a) Motion: Service. In addition to the parties upon whom service is to be made in accordance with Fed. R. Bankr. P. 4001(d)(1), the motion seeking approval of an agreement relating to relief from stay; use, sale or lease of property; use of cash collateral; or obtaining credit, shall be served upon the U.S. Trustee. Prior to filing the motion, the movant may either self-calendar a hearing date that is no less than twenty-one (21) days from the date that the motion is filed, or obtain such a hearing date by calling the Clerk's office.
- (b) Objection. Any objection filed pursuant to Fed. R. Bankr. P. 4001(d)(2) shall set forth specific objections to the proposed agreement. Unless expressly waived in the objection, a hearing to consider the objection will take place at the time and place set for hearing in the notice.
- (c) Disposition: Hearing. If no objection is filed or, alternatively, if all filed objecting parties waive hearing, the Court may act upon the motion seeking approval or disapproval of the agreement without hearings.

RULE 4002-1 - DEBTOR - DUTIES [RESERVED]

RULE 4002-2 - ADDRESS OF DEBTOR [RESERVED]

RULE 4003-1 - EXEMPTIONS

A debtor's claim of exemptions shall be specific and shall, as to each item or category of items claimed as exempt, designate by title, section and subsection, the statutory basis for the claim. Exempt assets need not be inventoried and valued item by item in every case. However,

the schedules must disclose the debtor's exemption claims with meaningful particularity and the debtor must be prepared to provide detailed information regarding assets claimed as exempt at the meeting of creditors. In joint cases, exemptions claimed by each debtor shall be listed separately.

RULE 4003-2 - LIEN AVOIDANCE [RESERVED]

RULE 4004-1 - DISCHARGE HEARINGS [RESERVED]

RULE 4004-2 - OBJECTIONS TO DISCHARGE [RESERVED]

RULE 4007-1 - DISCHARGEABILITY COMPLAINTS [RESERVED]

RULE 4008-1 –REAFFIRMATION

- (a) Agreements: Execution, Content and Timing. Reaffirmation agreements shall be executed by the debtor prior to the date of the debtor's discharge. Unless otherwise ordered by the Court, an executed reaffirmation agreement shall be filed no later than sixty (60) days after the first date set for the Meeting of Creditors under 11 U.S.C. § 341(a). Reaffirmation agreements shall be filed on the currently approved form, as available on the Court's website.
- (b) Approval without Hearing. A reaffirmation agreement filed in compliance with section (a) shall be a valid and enforceable agreement, without hearing or court order, if no undue hardship is created by the reaffirmed debt and the agreement is accompanied by a declaration or an affidavit of an attorney that meets the requirements of 11 U.S.C. § 524(c)(3). Nothing in this section precludes the Court from conducting a hearing on any reaffirmation agreement.
- (c) Hearing Required. If the reaffirmed debt creates an undue hardship or if the reaffirmation agreement is filed without an attorney's declaration or affidavit, a hearing shall be required. At least seven (7) days prior to the hearing, the Clerk shall serve notice of the hearing upon the trustee, the debtor, debtor's counsel and all parties to the agreement.

RULE 4070-1 - INSURANCE [RESERVED]

RULE 4071-1 - AUTOMATIC STAY - VIOLATION OF [RESERVED]

RULE 5001-1 - COURT ADMINISTRATION [RESERVED]

RULE 5001-2 -CLERK LOCATION/HOURS

(a) Public Hours. Unless otherwise ordered by the Court, the offices of the Clerk at Bangor and Portland shall be open to the public from 8:30 a.m. until 4:30 p.m. on all days except Saturdays, Sundays, federal holidays and holidays recognized by the U.S. District Court (which may include state holidays). The public hours of the Clerk's offices may be changed by standing order of the Court, made in consultation with the Clerk, and entered upon reasonable notice to the bar and the public.

(b) Filing Hours. Papers may be filed in the Clerk's office during public hours. The Clerk is authorized, with leave of the Chief Judge of the Court, to limit the times during which papers may be filed by up to one (1) hour (total) per day. Such restrictions in the hours for filing shall be published and shall be posted at the office. Notwithstanding limitations on regular filing hours, papers may be filed with the Clerk at any time, and the Bankruptcy Court shall be open for that purpose; provided, however, that advance arrangements shall be made with the Clerk for filing papers at times other than those during which papers are generally accepted for filing, including weekends and holidays.

RULE 5003-1 - CLERK - GENERAL/AUTHORITY [RESERVED]

RULE 5003-2 - COURT PAPERS - REMOVAL OF [RESERVED]

RULE 5003-3 - CLAIMS REGISTER [RESERVED]

RULE 5005-1 - FILING PAPERS - REQUIREMENTS

(a) Place for Filing. Any original petition, pleading or paper filed in connection with a bankruptcy case or adversary proceeding may be filed in the Clerk's office in either Bangor or Portland. The Clerk shall, in each instance, assign the appropriate docket number to the petition, pleading or paper and shall cause it to be forwarded to or retained by the appropriate office of the Clerk as designated by the preceding paragraph of this rule. In any event, petitions, pleadings or papers are deemed to be filed on the date they are received by either office of the Clerk.

(b) Filing of Pleadings With Bankruptcy Clerk or District Court Clerk.

(1) All petitions and pleadings in bankruptcy cases and adversary proceedings, including notices of removal under Fed. R. Bankr. P. 9027; motions for withdrawal of the reference under Fed. R. Bankr. P. 5011(a); motions for remand under Fed. R. Bankr. P. 9027 and motions for abstention under Fed. R. Bankr. P. 5011(b), shall be filed with the Bankruptcy Clerk. The Bankruptcy Court Clerk shall forward motions for withdrawal of the reference to the District Court Clerk for assignment to a District Judge for hearing. Motions to remand and motions to abstain shall be assigned to the presiding Bankruptcy Judge.

(2) After reference has been withdrawn and the case has been assigned to a District Judge, all pleadings and papers related to the case or proceeding shall be filed with the District Court Clerk and shall bear the civil case number assigned by the District Court Clerk in addition to the bankruptcy case number(s).

(3) After the District Court Clerk or the Bankruptcy Appellate Panel Clerk has notified all parties that an appeal from a decision of the Bankruptcy Court has been docketed, all

pleadings and papers related to the appeal shall bear the District Court civil case number and the bankruptcy case number(s) and shall be filed with the District Court Clerk.

RULE 5005-2 - FILING PAPERS - NUMBER OF COPIES [RESERVED]

RULE 5005-3 - FILING PAPERS - SIZE OF PAPERS [RESERVED]

RULE 5005-4 - ELECTRONIC FILING

The Bankruptcy Court Clerk may accept for filing documents submitted, signed, verified, or served by electronic means that are consistent with technical standards, that the Judicial Conference of the United States may establish and that comply with the administrative procedures established by the Bankruptcy Court.

RULE 5009-1 - FINAL REPORT/DECREE [RESERVED]

RULE 5010-1 - REOPENING CASES [RESERVED]

RULE 5011-1 - WITHDRAWAL OF REFERENCE [RESERVED]

RULE 5011-2 - ABSTENTION [RESERVED]

RULE 5070-1 - CALENDARS & SCHEDULING [RESERVED]

RULE 5071-1 - CONTINUANCE [RESERVED]

RULE 5072-1 - COURTROOM DECORUM [RESERVED]

RULE 5073-1 - PHOTOGRAPHY, RECORDING DEVICES & BROADCASTING

[RESERVED]

RULE 5075-1 - CLERK -DELEGATED FUNCTIONS OF [RESERVED]

RULE 5076-1 - COURT REPORTING [RESERVED]

RULE 5077-1 - TRANSCRIPTS [RESERVED]

RULE 5078-1 - COPIES - HOW TO ORDER [RESERVED]

RULE 5080-1 - FEES - GENERAL [RESERVED]

RULE 5081-1 - FEES - FORM OF PAYMENT [RESERVED]

RULE 5090-1 - JUDGES - VISITING & RECALLED [RESERVED]

RULE 5091-1 - SIGNATURES - JUDGES [RESERVED]

RULE 5092-1 - SEAL OF COURT [RESERVED]

RULE 5095-1 - INVESTMENT OF ESTATE FUNDS [RESERVED]

RULE 6004-1 - SALE OF ESTATE PROPERTY

(a) Applicability of Rule. This rule governs all sales of property not in the ordinary course of business by a trustee, debtor or debtor-in-possession under 11 U.S.C. § 363(b).

(b) Notice of Proposed Sale of Property (Subject to Liens or Free and Clear of Liens).

Pursuant to Fed. R. Bankr. P. 2002(a)(2) and 9006(c) and D. Me. LBR 2002-1(a)(1), the proponent of the sale or, in a Chapter 7 case, the Clerk, shall give no less than twenty-eight (28) days notice by mail of a proposed sale of property other than in the ordinary course of business, unless, upon motion, the Court shortens the time or directs another method of providing notice. The party who provides notice of the proposed sale under this rule shall file with the Clerk a certificate of service conforming to D. Me. LBR 9042-1.

(c) Scope and Content of Notice. Notice of the proposed sale shall be given to the debtor, all creditors, the trustee, the United States Trustee and to equity security holders who have requested notices and to such other persons as the Court may direct. The notice shall include the time and place of any proposed public sale; the terms and conditions of any private sale; and shall fix the deadline for filing objections to the sale. Unless otherwise ordered by the Court, the deadline for filing objections to a proposed sale shall be no less than twenty-one (21) days from the filing date of the notice of sale, and no later than three (3) business days prior to the date of the hearing. Should there be a change in time, place or material terms of sale, notice of such change

shall be given to the Clerk and to all parties appearing at the hearing to consider the proposed sale. In addition, notice of such changes shall be given to all persons who appear at the time and place at which the sale was originally scheduled.

(d) Hearings and Objections. The motion seeking approval of a proposed sale not in the ordinary course of business shall include a date and time for a hearing on the motion. The Court shall conduct a hearing on any timely objection to the sale at the appointed time. The notice may also provide that, absent timely objection, the proposed sale may be considered without hearing.

(e) Procedures to Obtain Order Authorizing Sale.

(1) *Absence of Objection*. Upon expiration of the objection period set in the notice promulgated in accordance with this rule and other pertinent rules, and upon written request of the sale proponent or other party-in-interest, the Court may, in its discretion, issue an order finding that no timely objection to the sale was filed and authorizing the sale without further notice or hearing. The Clerk may request the party seeking the certificate to submit the proposed order in a form acceptable to the Court.

(2) *Proceeding by Notice: Written Consents Required*. A sale not in the ordinary course of business may be conducted by the trustee, debtor or debtor in possession with the written consent of all entities having or claiming an interest in the subject property only after notice and an opportunity for hearing. See Fed. R. Bankr. P. 2002(a)(2). The notice of proposed sale shall expressly state whether substantially all assets of the estate are to be sold. The written consents shall be filed with the Clerk. In the absence of timely objection, the Court may issue an order authorizing the sale without further hearing.

- (3) *Absence of Written Consents:* Proceeding by Motion or Complaint. In the absence of written consent by all entities having or claiming an interest in the property proposed to be sold by the trustee, debtor or debtor in possession, the trustee or debtor in possession shall file a motion or complaint for authority to sell in accordance with Fed. R. Bankr. P. 9013 and 9014. If the non-consenting entity is a co-owner of the property, the sale proponent must initiate an adversary proceeding brought pursuant to § 363(h) of the Bankruptcy Code and Fed. R. Bankr. P. 7001, et seq. If the non-consenting party is the Internal Revenue Service, service on it shall be accomplished in accordance with Fed. R. Bankr. P. 7004(b).

RULE 6005-1 - APPRAISERS & AUCTIONEERS [RESERVED]

RULE 6006-1 - EXECUTORY CONTRACTS

Unexpired Leases. The filing of a motion to assume an unexpired lease of non-residential real property under which the debtor is a lessee within sixty (60) days of the order for relief shall stay automatic rejection pursuant to § 365(d) of the Bankruptcy Code until the Court has acted on the motion, but in no event for more than thirty (30) days except upon motion and order of the Court.

RULE 6007-1 - ABANDONMENT

Unless otherwise ordered by the Court, the trustee shall provide notice of abandonment only to the debtor, the debtor's attorney, the U.S. Trustee, lienholders, any party known or believed to hold or claim an interest in the property to be abandoned, and to any party-in-interest who has filed with the Clerk, within thirty (30) days after the date fixed for the Section 341 Meeting, a written request for notification of proposed abandonments.

RULE 6008-1 - REDEMPTION [RESERVED]

RULE 6070-1 - TAX RETURNS & TAX REFUNDS [RESERVED]

RULE 7001-1 - ADVERSARY PROCEEDINGS – GENERAL [RESERVED]

RULE 7001-2 - JURY DEMAND

In any case in which a party asserts a right to trial by jury, the jury trial demand shall be set forth in accordance with Fed. R. Civ. P. 38 and, if endorsed upon a pleading, with District Court Rule 38.

RULE 7001-3 - INJUNCTIVE RELIEF

If a pleading or motion seeks injunctive relief, in addition to the prayer for such relief, the pleading shall be endorsed with the words "INJUNCTIVE RELIEF SOUGHT" or the equivalent directly beneath the designation of the pleading, in the same fashion as is required by District Court Rule 9(b).

RULE 7001-4 - JURY TRIAL PROCEDURES

(a) Applicability of Certain Federal Rules of Civil Procedure and District Court Rules. Fed. R. Civ. P. 38, 39 and 47-51, Fed. R. Civ. P. 81(c) insofar as it applies to jury trials, and District Court Rule 38 apply in cases and proceedings, except that a demand made under Fed. R. Civ. P. 38(b) shall be filed in accordance with Fed. R. Bank. P. 5005 and D. Me. LBR 5005-1.

(b) Consent to Jury Trial Before Bankruptcy Judge. If the right to a jury trial applies and a timely demand has been filed under Fed. R. Civ. P. 38(b), the parties may consent to have a jury trial conducted by the Bankruptcy Judge under 28 U.S.C. 157(e) and District Court Rule 83.6 by jointly or separately filing a statement of consent no later than the date of the pretrial conference. If a consent has not been filed in advance of the pretrial conference, it may be provided in the

course of the conference and memorialized in the pretrial order issued pursuant to D. Me. LBR 7016-1(d).

RULE 7003-1 - COVER SHEET

Adversary Proceeding Cover Sheet. An Adversary Proceeding Cover Sheet shall be appended to every adversary complaint filed in this District. Adversary Proceeding Cover Sheets may be obtained from the Clerk.

RULE 7004-1 - SERVICE OF PROCESS [RESERVED]

RULE 7004-2 - SUMMONS [RESERVED]

RULE 7005-1 - CERTIFICATE OF SERVICE (APS) [RESERVED]

RULE 7005-2 - FILING OF DISCOVERY MATERIALS [RESERVED]

RULE 7007-1 - MOTION PRACTICE (in APS) [RESERVED]

RULE 7008-1 - CORE/NON-CORE DESIGNATION (COMPLAINT)

The requirement to plead jurisdiction specifically extends to any pleading which sets forth a claim for relief, whether by complaint, counterclaim, cross-claim or third-party claim, unless the claim for relief is clearly within the bounds of the controversy over which the Court already has jurisdiction. The jurisdictional allegations shall specifically designate the claim(s) for relief as core or non-core matter(s). As to non-core matters, the complaint must expressly state whether or not the plaintiff consents to entry of final order or judgment by the Bankruptcy Judge.

RULE 7012-1 - CORE/NON-CORE DESIGNATION (RESPONSIVE PLEADING)

Response Required. A responsive pleading shall admit or deny the jurisdictional allegation and, in a non-core proceeding, shall state whether the party consents or objects to entry of the final order or judgment by the Bankruptcy Judge.

RULE 7016-1 - PRETRIAL PROCEDURES

(a) Initial Pretrial Conference Set. The Clerk will set a date and time for an initial pretrial conference upon issuance of the summons. If the initial pretrial conference is to be conducted telephonically, the plaintiff shall be responsible for placing the call to all parties and chambers.

(b) Conference of Counsel In Advance of Initial Pretrial; Proposed Pretrial Order; Pretrial Order.

(1) *Conference of Counsel.* As soon as practicable and in any event at least fourteen (14) days before the initial pretrial conference is held, counsel (or a pro se party) shall confer to determine the content of a proposed scheduling order. Counsel for the plaintiff shall initiate the conference of counsel. If plaintiff's counsel fails to initiate the conference, counsel for any other party shall initiate the conference and shall indicate as such on the submission to the Court pursuant to subparagraph (2) below.

(2) *Proposed Pretrial Order.* No later than seven (7) days prior to the initial pretrial conference, the parties shall file a proposed joint pretrial order. Counsel shall use the form Joint Pretrial Statement/Pretrial Order which is available on the Court's Website under the category of Forms. If the parties cannot agree upon a proposed joint order, the parties shall submit a proposed joint order on so much as is agreed upon; they shall identify those areas on which there is disagreement; each party shall submit proposed language on those areas in dispute. The proposed pretrial order shall include the following.

(i) Report on compliance with initial disclosures or a deadline for completing initial disclosures pursuant to Fed. R. Bankr. P. 26(a)(1);

- (ii) Deadline(s) to join other parties and to amend the pleadings;
- (iii) Deadline(s) to disclose experts and to complete discovery pursuant to Fed. R. Bankr. P. 26(a)(2) and (3);
- (iv) Deadline(s) for the filing of anticipated procedural and/or dispositive motions;
- (v) Any proposals for ADR or the involvement of another judge as settlement mediator;
- (vi) The need for any further pretrial conference(s); and
- (vii) Any other matter that the Court may consider pursuant to Fed. R. Bankr. P. 16(c).

(c) Representation at Pretrial Conference. Unless excused for good cause, counsel (or a pro se party) appearing at any pretrial conference shall have primary responsibility for the conduct of the case and full authority to act on all procedural and substantive issues, including settlement. Appearance at any pretrial conference without such authority is grounds for imposition of sanctions upon the party, counsel or both.

(d) Initial Pretrial Order. Upon completion of the initial pretrial conference, the Court may adopt the parties' proposed pretrial order or may issue any other pretrial order as may be appropriate.

(e) Further Pretrial Procedures. The Court may conduct such further pretrial conferences and/or may issue such further pretrial orders without a conference as may be necessary or advisable to expedite the conduct of trial. In the absence of an order of Court, the plaintiff shall be responsible for placing the call for any telephonic further pretrial conference.

RULE 7023-1 - CLASS ACTION [RESERVED]

RULE 7024-1 - INTERVENTION [RESERVED]

RULE 7024-2 - UNCONSTITUTIONALITY - CLAIM OF

To assist the Court in ensuring compliance with pertinent statutes and rules, whenever the constitutionality of a federal or state statute is brought into question by an adversary proceeding, the provisions of District Court Rule 24 shall apply.

RULE 7026-1 - DISCOVERY - GENERAL

(a) Disclosures. Unless otherwise ordered, the time limits and disclosure requirements of Fed. R. Bankr. P. 7026 apply to all adversary proceedings in this District.

(b) Discovery Motions.

(1) *Conference*. Prior to filing any motion relating to discovery, counsel shall confer in good faith to eliminate the necessity for filing the motion or to resolve as many discovery disputes as possible. Counsel for the moving party shall initiate the conference. No motion relating to discovery shall be calendared for hearing until the moving party certifies that such a conference has occurred or that reasonable efforts to conduct such a conference have been made, and that counsel have been unable to resolve the dispute.

(2) *Motions Practice Governs*. After the conference required by the foregoing subparagraph, discovery motions shall be set for, and proceed to hearing in accordance with the procedures set forth in D. Me. LBR 9013-1 and 9013-2. Unless otherwise ordered, memoranda submitted in connection with discovery disputes shall not exceed five (5) pages in length.

(3) *Cooperation Required.* Failure of counsel or a party to confer or negotiate in good faith regarding any discovery dispute may result in the imposition of sanctions, including but not limited to the sanctions provided in Fed. R. Bankr. P. 7037.

(c) Confidentiality Order. A party by motion or with the agreement of all parties may submit to the Court a proposed order governing the production and use of confidential documents and information in the pending action. The proposed order shall conform to the Form Confidentiality Order which is available on the Court's Website under the category of Forms. Any proposed modification to the Form Confidentiality Order shall be identified with a short statement of the reason for each modification.

RULE 7027-1 - DEPOSITIONS & EXAMINATIONS (APS) [RESERVED]

RULE 7040-1 - ASSIGNMENT OF ADVERSARY PROCEEDINGS [RESERVED]

RULE 7041-1 - DISMISSAL - WANT OF PROSECUTION

(a) Grounds. In any adversary proceeding in which no action has been taken by any party during the preceding one (1) year, the Clerk shall mail notice to all persons who have entered their appearance that the adversary proceeding will be dismissed thirty (30) days from the date such notice is mailed, subject to the provisions of subsection (c) of this rule.

(b) Dismissal. Subject to the provisions of subsection (c) and after the thirtieth (30) day following the mailing of the notice, the Court shall enter an order dismissing, without prejudice and without costs, the adversary proceeding. No notice of dismissal is required.

(c) Avoiding Dismissal. The adversary proceeding shall not be dismissed by the Court for want of prosecution if a party to the proceeding initiates either of the following actions within thirty (30) days of the mailing of the notice:

- (1) Files a motion, discovery request or takes some other action in the matter; or
- (2) Files a motion opposing dismissal (to be considered in accordance with D. Me. LBR 9013-1 and 9013-2).

RULE 7052-1 - FINDINGS & CONCLUSIONS [RESERVED]

RULE 7054-1 - COSTS - TAXATION/PAYMENT [RESERVED]

RULE 7055-1 - DEFAULT - FAILURE TO PROSECUTE [RESERVED]

RULE 7056-1 - SUMMARY JUDGMENT

- (a) Form. The requirements of District Court Rule 56 govern the form of all summary judgment motions filed in adversary proceedings in this District, except that no pre-filing notices or conferences shall be required as set forth in District Court Rule 56(h)..
- (b) Scheduling. The deadlines for opposing and replying thereto, scheduling, and bringing on for hearing, as necessary, motions for summary judgment shall be governed by the terms of the adversary proceeding's pretrial scheduling order, see D. Me. LBR 7016-1(d), District Court Rule 7(a), (b), (c), (d), (e), and (f), and D. Me. LBR 9013-1(a), (b), (c), and (g) and 9013-2.

RULE 7065-1 - INJUNCTIONS [RESERVED]

RULE 7067-1 - REGISTRY FUND [RESERVED]

RULE 7069-1 - JUDGMENT - PAYMENT OF [RESERVED]

RULE 9001-1 - DEFINITIONS

The following words and phrases in these rules shall have the following meaning, unless inconsistent with the context:

- (a) "Address" includes house or apartment number, street, post office box, state and zip code.

(b) "Clerk" means Clerk of the Bankruptcy Court or a deputy clerk authorized to act on behalf of the Clerk.

(c) "Court" or "Judge" means the judicial officer before whom a case or proceeding is pending.

(d) "Fed. R. Bankr. P." means the Federal Rules of Bankruptcy Procedure as adopted by the Supreme Court of the United States.

(e) "District Court Rules" means the local rules of the United States District Court for the District of Maine.

(f) "Federal Rules of Civil Procedure" or "Fed. R. Civ. P." means the Federal Rules of Civil Procedure for the United States District Courts.

(g) "D. Me. LBR" or "Local Rules" means the local rules of the United States Bankruptcy Court for the District of Maine.

(h) "Official Form" refers to the Official Forms accompanying the Fed. R. Bankr. P.

RULE 9003-1 - EX PARTE CONTACT [RESERVED]

RULE 9004-1 - PAPERS - REQUIREMENTS OF FORM [RESERVED]

RULE 9004-2 - CAPTION - PAPERS, GENERAL

(a) Cases. All papers filed in a case shall contain a caption setting forth the name of the court, the title of the case, the case number and a brief designation of the character of the paper.

(b) Adversary Proceedings. All papers filed in an adversary proceeding shall contain the main case caption followed by the names of the parties to the adversary proceeding, the title of the paper, and the adversary proceeding number.

RULE 9006-1 - TIME PERIODS

Applications to Enlarge.

(a) Generally. All applications for enlargement of time shall state: (1) the date the act is due to occur without the requested enlargement; (2) whether previous applications for enlargement have been made, including the length of any enlargement previously granted; (3) whether or not parties-in-interest agree to the enlargement; and (4) grounds demonstrating cause for the requested enlargement. A proposed order shall accompany the application.

(b) Schedules. An application for enlargement of the time to file schedules which seeks an extension beyond the date set for the meeting of creditors shall set forth the date and time set for the meeting of creditors, if it has been scheduled, and must demonstrate extraordinary circumstances establishing cause or it will be denied.

RULE 9009-1 - FORMS [RESERVED]

RULE 9010-1 - ATTORNEYS - APPEARANCES

(a) Filing Constitutes Appearance. The filing of any pleading or other paper shall constitute an appearance by the attorney who signs it in the case or proceeding in which the pleading or paper is filed, unless the pleading or paper states otherwise. Notwithstanding any purported limitation of appearance, entry of an appearance by debtor's counsel constitutes a general appearance for all contested matters and adversary proceedings pending or thereafter filed to which the debtor is a party, including actions to determine dischargeability, to deny discharge or to revoke discharge.

(b) General Appearance. An appearance in a case or proceeding may be made by entering a notice of appearance.

- (c) Appearances. All filings and notices of appearance must contain the name, address, e-mail address and telephone number of the person entering an appearance.
- (d) Appearance List. The Clerk shall maintain a general appearance list in Chapter 11 cases and make it available to any attorney and the Court upon request.
- (e) Withdrawal. A motion to withdraw as counsel shall be made in accordance with applicable law and rule. The motion and accompanying order shall state with specificity all pending cases, contested matters or adversary proceedings to which it applies. Appropriate notice is required as to each case or action affected by the motion.

RULE 9010-2 - POWER OF ATTORNEY [RESERVED]

RULE 9011-1 - ATTORNEYS- DUTIES [RESERVED]

RULE 9011-2 - PRO SE PARTIES [RESERVED]

RULE 9011-3 - SANCTIONS [RESERVED]

RULE 9011-4 - SIGNATURES [RESERVED]

RULE 9013-1 - MOTIONS PRACTICE

- (a) Written Motion Required. A request for an order shall be made by motion. Unless it is made during the course of a hearing or trial, the motion must be in writing and must be filed with the Clerk.
- (b) Consultation Required. Before filing any motion, the movant shall make a good faith effort to determine whether or not the motion is unopposed. If it is unopposed, the motion shall contain representation that it has been agreed to by the opposing party or parties. Otherwise, the motion shall state that, after consultation, consent could not be obtained or shall state reasons why consultation was not undertaken.

(c) Proposed Order. Every motion must be accompanied by a proposed form of order. If the motion is consented to, the proposed order shall state that it is issued with the consent of the parties. Otherwise, the proposed order shall indicate that it is issued after notice and hearing or an opportunity for a hearing.

(d) Scheduling Hearings.

(1) *Requirement that Hearing Date be Obtained*. Except as set forth below or otherwise ordered by the Court, a movant shall obtain a hearing date prior to filing a motion. A hearing date does not need to be set prior to filing the motions listed below, provided that the movant is not aware of any objection to the motion, that the motion states prominently in the upper right corner of the first page “Relief Requested Without a Hearing,” and, with the exception of consent motions for relief from stay seeking immediate relief pursuant to Fed. R. Bankr. P. 4001(a)(3), that the proposed order states: “This Order shall become final in fourteen (14) days unless a party in interest sooner objects, in which case the matter shall be set for hearing and considered by the Court as if this Order had not been entered.”

applications to employ professional persons that do not seek post facto or nunc pro tunc approval;

motions to extend time to file schedules, statements, tax returns, earnings statements and other documents required by 11 U.S.C. § 521 or Fed. R. Bankr. P. 1007 that have the consent of the U.S. Trustee or any trustee appointed in the case and any committee appointed in the case;

motions for relief from stay that have the consent of the debtor and any trustee and committee appointed in the case;

motions for enlargement of time pursuant to either Fed. R. Bankr. P. 4008(a) and D. Me. LBR 4008-1(a), or Fed. R. Bankr. P. 9006(b)(1);

motions to dismiss filed pursuant to 11 U.S.C. § 1208(b) or § 1307(b);
applications to defer filing fees;
motions to require tax filings;
motions to establish a commission in Chapter 12 cases;
motions to deduct and pay over to employers;
motions to be excepted from electronic filing requirements;
motions to reopen a case;
motions to conduct an examination pursuant to Fed. R. Bankr. P. 2004;
and
motions to limit notice.

- (2) *Procedure for Obtaining a Hearing Date.* Except as set forth below, the movant may either self-calendar a hearing date using the hearing dates found on the Court's web site or may schedule a hearing by calling the Clerk's office. The movant shall obtain an appropriate hearing date from the Clerk for emergency or expedited motions that require a hearing on a date other than a regularly scheduled hearing date. The Clerk may designate a deputy in Bangor and a deputy in Portland who shall be principally in charge of scheduling and whom shall be contacted by the moving party to arrange a hearing date and time.
- (3) *Movant's Responsibilities Regarding Scheduling - Sanctions.* It is the responsibility of the moving party to obtain a hearing date that provides adequate time for filing, notice and response under the pertinent provisions of these rules. Should selection of the hearing date or a delay in filing the motion result in inadequate notice or time for response under these rules, the Court may refuse to hear the motion, continue the hearing or impose other, appropriate sanctions.

- (4) *Notification of Need for Extended Hearing Time Required.* If it is anticipated that the matter will take fifteen (15) minutes or more hearing time, the party arranging the hearing must inform the Clerk as to how much hearing time will be needed.
- (5) *Notice and Timing.* The movant shall be responsible for providing notice of the time and date set for the hearing to all necessary parties-in-interest. Absent a request for expedited hearing, the hearing date for a motion shall be no less than twenty-one (21) days, and the response date no less than fourteen (14) days, from the date the motion is filed. In cases where the Fed. R. Bankr. P. provide for an event, fixed time or hearing-notice period of twenty-one (21) days or more, then the hearing date shall be no less than twenty-eight (28) days, and the response date no less than twenty-one (21) days, from the date the motion is filed. These notice and timing provisions shall govern all motions or objections unless otherwise specifically provided for in these rules. Notwithstanding the foregoing, and absent a request for a shortened response date, in no instance under these rules shall a response date be set later than seven (7) calendar days prior to a hearing date.

(e) Response Required. Any party opposing entry of the order requested by motion shall file a response to the motion no later than the response date set in the hearing notice. Special rules regarding the necessity and time for filing responses to expedited and emergency motions are set forth below in subsections (i), (j) and (k) of this rule.

(f) Content of Response. Every response to a motion shall admit or deny each allegation of the motion and, in addition, shall assert affirmatively, by narrative or otherwise, such defenses or

other matters as may be required fully to inform the Court of the scope of issues raised by the motion.

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

- (1) *Absence of Objection*. If no objection is filed to the motion before the passing of the objection date set in the notice of hearing, the Court may act on the motion with or without a hearing.
- (2) *Other Circumstances*. The Court may act on a motion prior to the expiration of the objection period without a hearing in appropriate circumstances, including but not limited to:
 - (i) Non-adversarial motions of routine nature;
 - (ii) Motions to which parties-in-interest have consented;
 - (iii) Motions that are frivolous in light of the law and the established facts of the case; and
 - (iv) Motions that are opposed only by objections which are, considering the law and the established facts of the case, frivolous.

(h) Removal from the Hearing List. The Court may, in its discretion, remove from the hearing list routine matters as to which no timely written response or objection has been filed. See D. Me. LBR 9014-1(a)(5)(describing “routine” matters). If the party initiating the matter expressly requests that it be heard, for example, to make a statement on the record, it will not be removed from the list under the provisions of this rule. The Court may consider and act upon such matters as have been removed from the list under this rule without hearing and may enter the proposed order submitted with the motion, request from the movant a modified order

indicating the lack of timely opposition and that no hearing was held, or may enter an appropriate order of its own.

(i) Expedited Hearings. If a movant seeks to have a motion considered by the Court earlier than twenty-one (21) days after the motion is filed, it shall file a separate motion denominated "Motion for Expedited Hearing."

- (1) *Motion for Expedited Hearing - Contents*. The motion for expedited hearing shall set forth in detail all facts and circumstances which justify expedited hearing and may include, or be accompanied by documents, affidavits or a memorandum which includes citations to pertinent authority.
- (2) *Limitation of Notice*. If the facts and circumstances leading to the request for expedited hearing or the nature of the relief requested warrant limitation of notice, the motion for expedited hearing shall include a request that notice be limited to designated recipients and shall, in addition, recommend a practical manner of notice reasonably calculated to inform affected parties that the motion pends and that a hearing will take place on an expedited basis. It is the duty of the party seeking expedited hearing and limitation of notice to make a good faith effort to advise all affected parties of the pending motion and of the time and date of the hearing. Such good faith efforts may include providing notice of the substance of the motion and of the date and time of hearings by telephone or by facsimile transmission. Although notice to necessary parties-in-interest may be effected by facsimile transmission in appropriate circumstances, this rule does not approve or authorize filing with the Clerk of any pleading, paper or certificate by such means. See D. Me. LBR 9047-1.

- (3) *Responses to Expedited Motions.* Written responses to expedited motions are required. The content of responses to expedited motions shall, to the extent possible under the existing circumstances, include the information required for responses to routine motions. Responses to expedited motions shall be filed no later than the business day preceding the day of hearing.
- (4) *Hearings on Expedited Motions.* The Court shall set such conditions for hearing, and shall schedule and conduct the hearing, telephonically or otherwise, as is appropriate in the circumstances.
- (j) Emergency Motions. If a movant seeks to have a motion considered by the Court earlier than forty-eight (48) hours after the motion is filed, it shall file a separate motion denominated "Motion for Emergency Hearing."
- (1) *Motion for Emergency Hearing - Contents.* The motion for emergency hearing shall set forth in detail all facts and circumstances which necessitate an emergency hearing and may be accompanied by documents, affidavits or a memorandum which includes citations to pertinent authority.
- (2) *Limitation of Notice.* If the necessity of an emergency hearing precludes the movant's ability to provide notice in the manner and to the parties otherwise required by these rules or the Federal Rules of Bankruptcy Procedure, the motion for emergency hearing shall include a request that notice be limited to designated recipients and shall, in addition, recommend a practical manner of notice reasonably calculated to inform affected parties that the motion pends and that an emergency hearing will take place. It is the duty of the party seeking an emergency hearing to make a good faith effort to advise all affected parties of the

motion and of the time and date for hearing. Such good faith efforts may include providing notice of the substance of the motion and of the date and time of hearings by telephone or by facsimile transmission. Such efforts may, and in appropriate circumstances should, include attempts to provide notice of the motion and hearing in advance of filing the motion or prior to entry of an order limiting notice. Nothing in this rule authorizes filing with the Clerk of any pleading, paper or certificate by facsimile transmission. See D. Me. LBR 9047-1.

- (3) *Responses to Emergency Motions.* Notwithstanding any other provisions of these rules, written responses to emergency motions are not required. However, written responses are encouraged and may be filed up to the time that the hearing is convened.
- (4) *Hearings on Emergency Motions.* The Court shall set such conditions for the emergency hearing, and shall schedule and conduct the hearing, telephonically or otherwise, as appropriate in the circumstances.
- (5) *Procedures and Requirements Flexible.* The Court may waive, relax or amend requirements relating to emergency motions when necessary in order to meet existing exigencies.

(k) Ex Parte Motions. A motion seeking ex parte relief may be filed only in circumstances in which immediate action is required to maintain the status quo until an appropriate hearing on notice can be conducted. A motion for ex parte relief shall be verified or supported by affidavit and shall set forth specific facts and circumstances necessitating ex parte relief. The motion shall include a statement as to why proceeding under this rule's procedures for expedited or emergency hearing is not practical. All orders or proposed orders providing ex parte relief shall include the

finding that the relief requested could not be delayed and that affected parties may request a hearing on the subject matter addressed by the ex parte motion by filing a motion for review of the ex parte action within fourteen (14) days of service of the order for ex parte relief. The Court shall schedule a hearing on such a post-order motion, if appropriate, as soon as practicable.

RULE 9013-2 - BRIEFS & MEMORANDA OF LAW - MOTIONS

Supporting Memorandum. The movant may file with the motion a separate, supporting memorandum, including argument and citations to authorities. If the motion is based upon affidavits and documents evidencing facts on which the motion is based, they must be filed with the motion but, in the event they are unavailable at the time the motion is filed and a hearing is scheduled, they shall be filed no later than one (1) business day in advance of the hearing. Letters from counsel or parties will not be accepted as memoranda in support of a motion and may be disregarded by the Court.

RULE 9013-3 - CERTIFICATE OF SERVICE - MOTIONS [RESERVED]

RULE 9014-1 - CONTESTED MATTERS

(a) General Provisions.

- (1) *Rule 9013 Governs Procedure.* In any contested matter, motion practice shall be governed by D. Me. LBR 9013-1.
- (2) *Service and Service Certificate.* Unless another manner of service is ordered by the Court, the movant shall serve the motion by mail in the manner provided by Fed. R. Bankr. P. 7004. No summons is required. The movant shall file with the Clerk a Certificate of Service, attached to the motion, which complies with D. Me. LBR 9042-1.

- (3) *Discovery Requirements.* Unless otherwise ordered by the Court, Fed. R. Bankr. P. 7026 shall not apply to contested matters.
- (4) *Evidentiary Hearings.* Prior to commencement of an evidentiary hearing on a contested matter, all counsel shall certify, before the presentation of evidence (1) that good faith settlement discussions have been held, or why they were not held, and (2) that all exhibits (except those to be used solely for impeachment) have been pre-marked and exchanged. In addition, counsel shall be prepared to stipulate to uncontested facts and to inform the Court of the anticipated length of the hearing.
- (5) *Removal of Unopposed Routine Matters from Hearing List.* The day prior to a hearing date, routine motions (e.g., motions for relief from stay, motions to sell free and clear of liens, objections to claims) to which no written objections or responses have been filed may, in the Court's discretion, be taken off the hearing list for the following day, unless a party has specifically requested a hearing (e.g. in order to make a statement on the record). Non-routine motions (e.g., cash collateral or where the respondents are pro se debtors) shall be heard unless grounds demonstrating cause why the matter need not be heard are set forth. Parties-in-interest may call chambers the day before a scheduled hearing to ascertain whether a particular motion has or has not been taken off the hearing list.

(b) Pleading Special Matters.

- (1) *Applicability of Rule.* This subsection applies to contested matters in which any of the following types of relief is sought:
 - (i) abandonment;
 - (ii) relief from stay;
 - (iii) avoidance of a lien or liens; or
 - (iv) a sale free and clear of lien or liens.

- (2) *Content.* Unless all parties formally consent to the requested relief, the following, as applicable, shall be stated with particularity:
 - (i) the identity and location of the property which is the subject of the motion;
 - (ii) the market value of the property which is the subject of the motion;
 - (iii) the extent of any claimed exemption(s) in the property which is the subject of the motion;
 - (iv) the identity and address of the holder of each and every lien on the property which is the subject of the motion;
 - (v) the type, priority, face amount and the best available information as to the amount balance and perfection of each and every lien on the property which is the subject of the motion; and
 - (vi) the specific sections of the Bankruptcy Code, and the specific procedural rules, germane to determination of the motion.

RULE 9015-1 - JURY TRIAL [RESERVED]

RULE 9016-1 - SUBPOENAS [RESERVED]

RULE 9016-2 - WITNESSES [RESERVED]

RULE 9019-1 - SETTLEMENTS AND AGREED ORDERS

- (a) Signed Writing Required. All stipulations affecting a case or proceeding before the Court, except stipulations made in open court and recorded by the court reporter, shall be written, signed and filed. Except to prevent injustice, no stipulation which does not comply with these requirements shall be given effect. No stipulation shall have the effect of relieving the parties from a prior order of the Court, including a scheduling order, unless the stipulation is approved by the Court in writing. No stipulation of final disposition to which a trustee or debtor in possession is a party shall be binding upon a trustee or debtor in possession until it is approved pursuant to paragraph (e) below.
- (b) Relief From Stay. The terms and requirements of this rule apply to agreements for relief from stay. See D. Me. LBR 4001-1(g).
- (c) Adversary Proceeding Settlements. Upon settlement of an adversary proceeding, the parties shall notify the Court and, within twenty-one (21) days, or, if the settlement is announced in open court, within such period of time as the Court directs, file a signed agreement or stipulation for dismissal, as appropriate, accompanied by a proposed form of order. Failure to execute and file the papers necessary to terminate the action in accordance with the terms of this rule will result in dismissal for want of prosecution pursuant to District Court Rule 41.1. No settlement to which a trustee or debtor in possession is a party shall be binding upon a trustee or debtor in possession until it is approved pursuant to paragraph (e) below.
- (d) Dismissal of Adversary Proceedings. Dismissal of adversary proceedings subject to the notice requirements of Fed. R. Bankr. P. 7041 shall be requested by application. The application may state that, in the absence of objection filed within twenty-one (21) days from the date the application is filed, the Court may act on the application without hearing.

(e) Applications to Compromise.

(1) Applications to compromise made in accordance with Fed. R. Bankr. P. 9019 may be set for hearing in accordance with the procedures for motions practice set forth in Fed. R. Bankr. P. 2002(a)(3) and D. Me. LBR 9013-1(d)(5). With regard to the timing of responses, the content of responses, and the Court's discretion to act without a hearing, the provisions of D. Me. LBR 9013-1(d)(5), (e), (f), and (g) shall govern. A notice of hearing shall be prepared by the applicant after either self-calendaring a hearing date through use of the hearing dates found on the Court's web site or by scheduling a hearing by calling the Clerk's office, and must be attached to the application as a separate document. Such notice shall include a detailed summary of the proposed compromise along with instructions for obtaining a copy of the proposed settlement agreement or proposed stipulation. A proposed order on the compromise shall be attached to the application as a separate document. A copy of the proposed settlement agreement or proposed stipulation may be attached to the application as a separate document.

(2) Applications to compromise an adversary proceeding shall be captioned, filed, noticed, and heard in the main case rather than the adversary proceeding. *See* D. Me. LBR 9004-2(a). In addition to the requirements set forth in (e)(1) above, a separate proposed disposition of the adversary proceeding (e.g., judgment or order) shall be captioned as the adversary proceeding, and attached to the application. Such proposed disposition shall also be included in the proposed order on the compromise.

(f) Discretion of Court. The failure of a party to file a written objection to an application for dismissal or compromise does not entitle the applicants to the relief requested without hearing.

The Court may set a hearing on the application, with notice to such additional parties-in-interest as it, in its discretion, designates.

RULE 9019-2 - ALTERNATIVE DISPUTES RESOLUTION (ADR)

(a) In general. Parties are authorized and encouraged to employ, at their own expense, any available Alternative Dispute Resolution (“ADR”) process on which they can agree, including early neutral evaluation, settlement conferences, mediation, non-binding summary jury trial, corporate mini-trial and arbitration proceedings.

(b) Court-annexed ADR. To implement Section 652(a) of the Alternatives Dispute Resolution Act of 1998, 28 U.S.C. § 651, *et seq.*, the Court provides the following forms of ADR: the Bankruptcy Judges in this District shall be available at any time prior to hearing on any contested matter or adversary proceeding to conduct early neutral evaluation and settlement conferences with counsel and the parties. The Bankruptcy Judges may assist in obtaining other qualified judicial officers from this District or any other district to assist in court-annexed ADR. With the exception of attendance at a Court ordered settlement conference, as described in subsection (c) of this Rule, Court-annexed ADR is voluntary and nonbinding, unless the parties agree otherwise. The neutrals recognized under this rule for court-annexed ADR are judicial officers of the Court, subject to disqualification in accordance with federal law, including but not limited to 28 U.S.C. § 455 and the Canons of Judicial Ethics.

(c) Court Ordered Settlement Conference. A Bankruptcy Judge may order a settlement conference before another judicial officer.

(d) Confidentiality. All ADR proceedings are confidential. No disclosure shall be made to anyone, including any judicial officer not serving as a neutral in the matter, of any confidential dispute resolution communication that in any respect reveals the dispute resolution positions of

the parties or advice or opinions of neutrals. No such communication shall be admissible in any subsequent proceeding, including hearing or trial, except as the Federal Rules of Evidence may otherwise permit.

RULE 9020-1 - CONTEMPT [RESERVED]

RULE 9021-1 - JUDGMENTS & ORDERS - ENTRY OF [RESERVED]

RULE 9021-2 - ORDERS - EFFECTIVE DATE [RESERVED]

RULE 9022-1 - JUDGMENTS & ORDERS - NOTICE OF [RESERVED]

RULE 9027-1 - REMOVAL/REMAND

Within fourteen (14) days after filing an application for removal of an action from a state or federal court to this Court pursuant to Fed. R. Bankr. P. 9027(e)(2), the applicant shall file certified copies of all records and proceedings in the state or federal court and a certified or attested copy of all docket entries therein with the Clerk of the Bankruptcy Court.

RULE 9029-1 - LOCAL RULES - GENERAL [RESERVED]

RULE 9029-2 - LOCAL RULES - GENERAL ORDERS [RESERVED]

RULE 9029-3 - LOCAL RULES - DISTRICT COURT

To the extent not modified or amended by these Local Rules, the following District Court Rules, as reasonably adapted to bankruptcy practice, shall apply in this Court to the extent they are not inconsistent with provisions of the Bankruptcy Code and the Fed. R. Bankr. P.: District Court Rules 9(b), 24, 26(a), 26(c), 26(d), 39, 56, 65.1, 79, 83.1, 83.3, and 83.4.

RULE 9035-1 - BANKRUPTCY ADMINISTRATION [RESERVED]

RULE 9036-1 - NOTICE BY ELECTRONIC TRANSMISSION [RESERVED]

RULE 9037-1 – REDACTION OF PERSONAL IDENTIFIERS

Rule 9037 of the Federal Rules of Bankruptcy Procedure provides that no filing made with the Court contain certain listed personal data identifiers. Parties wishing to redact personal identifiers from a Court filing shall use the Court's standardized form "Application for Redaction of Personal Identifiers." Any deviation from the standardized form shall be explained in bold-faced type within the body of the submitted request. All requests shall be accompanied by a redacted version of the Court filing that is an exact duplicate of the document to be redacted.

Any party seeking to redact information not listed in Federal Rule of Bankruptcy Procedure 9037(a) shall proceed by motion pursuant to District of Maine Local Bankruptcy Rule 9013-1.

RULE 9041-1 - DEPOSITS

(a) Deposits. With regard to all cases, matters and proceedings before this Court, the deposit of monies into the Registry of the Court shall be made only pursuant to written order of the Court. Funds so deposited shall be invested by the Clerk in accordance with the terms of the order. If no such terms are set forth in the order, the funds shall be invested at the discretion of the Clerk and in accordance with the rules and regulations promulgated by the Administrative Office of the U.S. Courts. Negotiable instruments tendered for deposit shall be made payable to "Clerk, U.S. Bankruptcy Court" and will be accepted subject to collection.

(b) Withdrawals. The withdrawal of funds, including disbursements of accrued interest, from the Registry of Court shall be effected only pursuant to written order of the Court. Any withdrawals of interest shall be subject to pertinent rules and regulations of the Administrative Office of the U.S. Courts.

(c) Partial Withdrawals. Any order for the distribution of less than all funds and accrued interest on deposit with the Court shall be denominated "Order for Partial Distribution from the Registry of the Court." Otherwise the order shall be treated as one for final distribution.

(d) Incomplete Withdrawals. Whenever an order for final distribution from the Registry of the Court does not provide for the distribution of all funds and accrued interest on deposit, the Clerk shall pay such funds as remain after distribution to the Treasury of the United States.

RULE 9042-1 - CERTIFICATE OF SERVICE

Parties charged with the duty to provide notice of any proceedings must file a certificate of service evidencing the scope and manner of notice provided. See D. Me. LBR 2002-1(g). Certificates of service filed with the Court shall indicate the mode and date of service, the names and addresses of the person served and, in instances when service is made on counsel, the parties whom the persons served represent. The certificate of service shall be filed no later than twenty-four (24) hours prior to any scheduled hearing.

RULE 9045-1 - CONTINUANCES

(a) Adversary Proceeding Trials and Extended Hearings. No continuance of adversary proceeding trials or for matters set for extended hearing time pursuant to D. Me. LBR 9013-1(d)(4) will be granted, even upon stipulation of counsel, except upon a written motion filed at the earliest practicable time in advance of the trial or hearing, and approved in writing by the Court.

(b) Routine Motions - Agreement.

(1) *Scope of Rule*. Routine motions, which have not been scheduled for extended hearing pursuant to D. Me. LBR 9013-1(d)(4) may be continued or rescheduled

upon agreement using the appropriate CM/ECF docket event, and without the necessity of filing a motion for continuance, subject to the following:

- (i) **Consents Required.** The filing of such a docket event shall be the certificate of the filer that the consent of all necessary parties has been obtained;
- (ii) **Timing.** No agreed upon continuance shall be filed after 4:30 PM the day before the scheduled hearing; and
- (iii) **Limitations.** Agreed upon continuances shall be limited to a maximum of two (2) per matter, and, in each instance, shall not continue any matter for longer than forty-five (45) days.

(2) *Motion Required.* Any continuance, even one agreed upon by the parties, that is outside the scope of part one of this rule must proceed by written motion filed in accordance with the pertinent provisions of D. Me. LBR 9013-1.

(c) Routine Matters - Without Agreement. Parties seeking a continuance of scheduled hearings over the objection of other affected parties must proceed by written motion filed and prosecuted in accordance with pertinent provisions of D. Me. LBR 9013-1, as modified by this rule. With regard to such motions, the following procedures apply:

- (1) The motion shall be filed no fewer than three (3) days before the scheduled hearing, unless cause for later filing is made apparent on the face of the motion;
- (2) The notice shall set a deadline for response no later than twenty-four (24) hours prior to the scheduled hearing; and
- (3) Such motions will be acted upon without hearing, unless the movant or an affected party expressly requests a hearing.

RULE 9047-1 - FILING OF PLEADINGS BY TELECOPIER PROHIBITED

The Clerk's office will accept no petition, pleading, paper or certificate for filing by facsimile transmission.

RULE 9070-1 - EXHIBITS [RESERVED]

RULE 9071-1 - STIPULATIONS [RESERVED]

RULE 9072-1 - ORDERS -PROPOSED

- (a) Proposed Orders Required. Except as otherwise provided in these rules, all motions, applications and requests for relief shall be accompanied by a proposed form of order.
- (b) Orders in Open Court. Unless otherwise ordered by the Court, orders announced in open court shall be prepared and submitted by the prevailing party and served upon opposing counsel.
- (c) Preparation of Orders and Judgments. Unless otherwise ordered by the Court, orders and judgments prepared by an attorney will not be signed by the Court unless they have been approved as to form by counsel for all affected parties. In the event an objection to the form of the order is filed, the Court may require counsel to appear and be heard or may sign or modify the proposed form of order or judgment, as appropriate.
- (d) Failure to Submit and Serve Orders. If, after hearing, the Court has assigned responsibility for preparation of an order to counsel, or if counsel has volunteered to submit an order, and responsible counsel fails to prepare the order, serve it on interested parties and file it with the Court within fourteen (14) days of the hearing, the Court may take such action as it deems appropriate, including, but not necessarily limited to entry of its own order, imposing sanctions, overruling objections or denying the relief sought.

RULE 9073-1 - HEARINGS [RESERVED]

**RULE 9074-1 - TELEPHONIC HEARINGS, TELEPHONIC PARTICIPATION IN
COURT HEARINGS, AND TELEPHONIC CONFERENCES**

- (a) Telephonic Attendance of In-Court Hearings. The Court may permit parties-in-interest and observers to attend in-Court hearings telephonically. For routine matters, parties-in-interest may be heard telephonically, but, without leave of Court, will not be permitted to participate in the presentation of evidence. The Court may determine that observers attending hearings telephonically do so only in a “listen only” or “muted” mode.
- (b) Telephonic Conferences and Telephonic Hearings for Non-Routine Matters. Telephonic conferences and telephonic hearings in non-routine matters, including discovery disputes, shall be set specially utilizing procedures for setting special matters.
- (c) Facilities and Procedures for Telephonic Hearings, Telephonic Participation in In-Court Hearings, and Telephonic Conferences. The Clerk shall promulgate administrative procedures for telephonic participation in hearings and conferences. Such procedures may include requirements for advance notification and for use of a designated telephone conference vendor (including compliance with such vendor’s reservation and payment requirements).
- (d) Record of Telephonic Proceedings. The Court will record telephonic proceedings for the official record as appropriate. Unofficial recordings are not authorized and may not be made without leave of Court.

RULE 9075-1 - EMERGENCY ORDERS [RESERVED]

[Effective April 15, 1997]

APPENDICES

APPENDIX A. STANDARD MAINE EXPENSE LEVEL LIST

In accordance with the provisions of D.Me. LBR 2016-1(a)(5)(I) the following expenses will be approved for reimbursement at the following rates, subject to proof that an applicant's actual costs warrant reimbursement at some other rate:

1. Mileage. Mileage will be approved for reimbursement at the rate set by the Secretary of the Treasury in Revenue Procedures adapted pursuant to the Internal Revenue Code.
2. Telephone Charges Reimbursement will be approved for actual long distance telephone charges only.
3. Telecopier / Facsimile Transmission Charges. Charges for telecopier or facsimile transmission will be reimbursed at the rate of \$.50 per page, outgoing transmissions only.
4. Copy Charges. In-house photocopying expenses will be reimbursed at the rate of \$.10 per page. Copying services obtained from other sources will be reimbursed at actual cost.

[Effective April 15, 1997]