

## MEMORANDUM

**To:** Maine Bankruptcy Bar

**From:** Nathaniel R. Hull, Chair, Local Rules Committee of the Bankruptcy Court

**Date:** August 22, 2023

**RE:** Proposed Revised District of Maine Local Bankruptcy Rules

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More than two years ago, the Local Rules Committee of the Bankruptcy Court for the District of Maine began a comprehensive “cover to cover” review of the District of Maine Local Bankruptcy Rules. The Committee’s goal was to revise the Local Rules so that they are shorter, clearer, more consistent, and helpful. To that end, the Committee established and followed general restyling principles and guidelines, unless clarity or accuracy weighed against doing so.

On Friday, August 18, 2023, the Committee voted unanimously to publish the attached proposed revisions to the Local Rules for public comment. Although the Committee was not unanimous in its support for each individual revision, the package of revisions – as a whole – accomplish the Committee’s mandate for this ambitious project.

The proposed revisions to the Local Rules now move to the most important stage: public comment. The Committee encourages you to review the proposed revisions in this package for clarity, consistency, and usefulness and provide us comments. Additionally, the Committee plans to discuss the proposed revisions at the upcoming Maine State Bar Association conference on October 5<sup>th</sup> as well as during two “brown bag” lunches sponsored by the Court. Please attend these sessions if you are able.

Public comments are due by **Monday, October 23, 2023**. Please submit your comments to Clerk of Court Monica Bigley, [Monica\\_Bigley@meb.uscourts.gov](mailto:Monica_Bigley@meb.uscourts.gov), and copy Angie Keith, [angie\\_keith@meb.uscourts.gov](mailto:angie_keith@meb.uscourts.gov), with a subject line indicating that your email is regarding a proposed local rule.

The Committee will review and consider the comments received and, on behalf of the Committee, I extend my sincere “thanks” for your thoughtful feedback.

**Rule 1001-1. Scope of Rules – Short Title**

These rules apply to all cases and proceedings arising in, under, or related to cases pending under the Code in this court. Collectively, these rules are referred to as the “Local Rules. Each rule is separately referred to as a “Local Rule \_\_\_\_” and shall be cited as “D. Me. LBR \_\_\_\_\_ - \_\_\_\_.” All terms used and not otherwise defined in these Local Rules shall have the meanings ascribed to them in the Code, the Fed. R. Bankr. P., and the Local Rules (including Local Rule 9001-1).

**Rule 1002-1. Commencement of Case**

**(a) Petitions By and Against Non-Individual Debtors.** A voluntary petition or a consent to an involuntary petition filed by a debtor or other party that is not an individual shall be accompanied by a copy of the appropriate authorization permitting the filing by or on behalf of that debtor or other party.

**(b) Statement of Affiliates and Insiders.** Any debtor that is not an individual and is not a governmental unit shall file, with the petition or within 14 days thereafter, a statement identifying each “affiliate” and “insider”, as defined in §§ 101(2) and (31) of the Code.

**Rule 1003-1. Involuntary Petition**

An involuntary petition filed against a debtor that is not an individual shall identify the debtor’s principal operating officers, trustees, managing general partners, managing members, managers, and responsible individual. In addition, an involuntary petition relating to a partnership debtor shall list the names and addresses of all general and limited partners. If the identity of any person to be disclosed under this Local Rule is unknown, the petition shall state that.

**Rule 1009-1. Amendments of Voluntary Petitions, Lists, Schedules, and Statements**

**(a) Amendments.** Any amendment filed pursuant to Fed. R. Bankr. P. 1009 shall state that it is an amendment to a particular paper and shall identify all changes made to that paper. Acceptable techniques for identifying changes include, but are not limited to, color lining, highlighting, bold type, and written summaries of changes. Any such amendment adding creditors shall be accompanied by a list containing only the names and addresses of the additional creditors.

**(b) Notice of Deadlines.** When creditors are added by amendment after the issuance of a notice of bankruptcy case, the debtor's attorney, or the clerk in the case of an unrepresented debtor, shall send each added creditor a copy of the applicable version of Official Form B-309. A certificate of service shall be filed in accordance with Local Rule 2002-1(r).

**Rule 1019-1. Conversion – Final Report and Account**

- (a) The final report and account required by Fed. R. Bankr. P. 1019(5)(A)(ii) and 1019(5)(B)(ii) shall include a statement of the total funds which passed through the estate, an itemized schedule of disbursements, and the balance on hand at the time of conversion. The form of final report and account prescribed by the United States trustee shall satisfy this requirement in a chapter 13 case and should be used as a guideline in a chapter 11 or chapter 12 case.
- (b) If the debtor operated a business in a case converting from chapter 11 or chapter 12 to chapter 7, the debtor in possession at the time of conversion or, if the debtor was not a debtor in possession at the time of conversion, the trustee serving at the time of conversion, shall file a schedule setting forth all business assets at the time of conversion, including cash, deposit accounts, inventory, fixtures, leases and executory contracts, and accounts receivable, and the location thereof. The schedule shall be filed not later than 14 days after conversion by the debtor in possession and not later than 30 days after conversion by the trustee, if a trustee was serving at the time of conversion.

**Rule 2002-1. Notices to Creditors and Other Interested Parties****(a) Twenty-One Day Notices to Parties in Interest.**

- (1) *Reserved.*
- (2) *Proposed Use, Sale, or Lease of Property.*
- (A) Notice of the proposed sale and any motion, if any, shall be served on the debtor, the United States trustee, any trustee, all creditors, anyone holding or claiming a lien or interest in the property, and equity security holders who have requested notice. In chapter 11 cases, notice of a proposed use, sale, or lease of property, other than in the ordinary course of business, shall be given by the debtor in possession or, if there is no debtor in possession, the trustee. In chapter 7, 12, and 13 cases, such notice shall be given by the clerk. In chapter 9 cases, such notice shall be given by the debtor, and in chapter 15 cases, by the foreign representative.
- (B) In addition to the information required by Fed. R. Bankr. P. 6004(a) and (c), the notice required in subsection (a)(2)(A) of this Local Rule shall be filed as a separate paper and include the terms and conditions of the sale, whether substantially all assets of the estate are to be sold, and if a hearing is required, the objection deadline and the hearing date.

- (3) ***Compromise or Settlement in Chapter 11 Cases.***
- (A) In chapter 11 cases, notice of a hearing on a compromise or settlement shall be given by the debtor in possession or, if there is no debtor in possession, the trustee. In chapter 7, 12, and 13 cases, such notice shall be given by the clerk. In chapter 9 cases, such notice shall be given by the debtor, and in chapter 15 cases, by the foreign representative.
- (B) The notice required in subsection (a)(3)(A) of this Local Rule shall include a summary of the material terms of the proposed compromise along with instructions for obtaining a copy of the motion and, if applicable, any related settlement documents.
- (4) ***Dismissal or Conversion.*** Notice of hearing on a motion to dismiss or convert in a chapter 11, 12 or 13 case shall be given by the movant, except in a chapter 11 case in which the movant is the United States trustee, in which case the notice shall be given by the clerk. In all other cases, such notice shall be given by the clerk. Notice of hearing on motions to dismiss or convert in chapter 13 cases shall be given to the debtor, the trustee, and all creditors.
- (5) ***Plan Modification.*** Notice of the time fixed to respond to a motion to modify a plan shall be given by the movant. When a modification is proposed by a debtor who is not represented by an attorney, notice shall be given by the clerk.
- (6) ***Compensation or Reimbursement of Expenses.***
- (A) An application for compensation or reimbursement of expenses in chapter 7, 12 and 13 cases shall be accompanied by Local Form    - Hearing Notice. Notice of a hearing on the application shall be given by the clerk.
- (B) An application for compensation or reimbursement of expenses filed in a chapter 11 case shall be accompanied by a notice of hearing that contains the amount of fees and expenses sought and the time period for which they are sought. Notice of a hearing on the application shall be given by the applicant.

- (7) *Reserved.*
- (8) ***Objection to Confirmation of a Chapter 12 Plan.*** Notice of the deadline for filing objections to confirmation of a chapter 12 plan shall be given by the debtor.
- (9) ***Objection to Confirmation of a Chapter 13 Plan.*** Notice of the deadline for filing objections to confirmation of a chapter 13 plan shall be given by the debtor.

**(b) Twenty-Eight Day Notice to Parties in Interest.**

- (1) ***Disclosure Statement.*** Notice of the deadline for filing objections and the hearing to consider the approval of a disclosure statement, or final determination that a separate disclosure statement is not necessary, shall be given by the movant.
- (2) ***Chapter 9 and Chapter 11 Confirmation.*** Notice of the deadline for filing objections and of the hearing to consider confirmation of a chapter 9 or chapter 11 plan, shall be given by the movant.
- (3) ***Chapter 12 and Chapter 13 Confirmation.*** Notice of the hearing to consider the confirmation of a chapter 12 or chapter 13 plan shall be given by the debtor.

**(c) Reserved.**

**(d) Notice to Equity Security Holders.** The notices required in chapter 11 cases by Fed. R. Bankr. P. 2002(d)(1) – (3) shall be given by the debtor in possession or, if there is no debtor in possession, the trustee. The notices required by Fed. R. Bankr. P. 2002(d)(4) – (7) shall be given by the party designated as responsible for giving notice in Local Rule 2002-1(a) and (b).

**(e) Reserved.**

**(f) Other Notices.**

- (1) *Reserved.*
- (2) ***Dismissal of Chapter 11 Case Entered on Debtor in Possession's Motion.*** If the dismissal of a chapter 11 case is entered on the debtor in possession's motion, notice of the dismissal shall be given by the debtor in possession.

(3 – 11) *Reserved.*

(12) ***Amendments of Debtor's Petition, List, Schedule, or Statement.*** The debtor shall provide notice of the amendment of the debtor's voluntary petition, 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, and any other party entitled to notice.

(g) ***Reserved.***

(h) **Notices to Creditors Whose Claims are Filed.** In the cases and under the circumstances identified in Fed. R. Bankr. P. 2002(h), all notices required by Fed. R. Bankr. P. 2002(a) shall be mailed only to the parties identified in Fed. R. Bankr. P. 2002(h) and to parties who have filed written demands for notice.

(i-q) ***Reserved.***

(r) **Certificate of Service Required.** When Fed. R. Bankr. P. 2002 requires that notice be given by any party other than the clerk, the party giving notice shall file a copy of the notice, together with a certificate of service indicating the mode and date of service, the names and addresses of the parties served, and, in instances when service is made on counsel, the party whom counsel represents.

#### **Rule 2004-1. Examination**

(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, the movant 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. Any motion for examination shall include:

- (1) a statement that a conference was held as required and that all parties have agreed to the date, time and place of the examination;
- (2) a statement explaining why it was not possible for the required conference to be held;
- (3) a verified statement that the movant has good reason to believe that the proposed examinee would be unavailable if notified of the proposed examination; or
- (4) 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) Objection - Protective Order.** A hearing is not required on a motion for a Rule 2004 examination. 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. In the absence of exigent circumstances, the motion shall be filed within 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 a Rule 2004 examination until the court acts on the motion.

## **Rule 2014-1. Employment of Professionals**

### **(a) Statement and Verification.**

- (1) ***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, shall be filed with every application for authority to employ a professional person. The statement shall conform, in substance and in form, with Local Form 1 – Affidavit of Professional Person, or 1A – Signed Statement of Professional Person.
- (2) ***Individual Verification Required.*** The affidavit or signed statement required by this Local 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).

### **(b) Time for Application.**

- (1) ***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.
- (2) ***Chapter 11 Professionals.*** If an application to retain a chapter 11 professional is filed within 30 days of the petition, the order authorizing retention will be effective as of the filing of the petition. If an application to retain a chapter 11 professional is filed more than 30 days after the filing of the petition, the order authorizing the retention shall be effective as of the date that the professional first renders services, provided, however, that any application to employ a Chapter 11 professional shall be filed by the later of (A) 30 days after the filing the petition or (B) 30 days after such professional first renders services.

- (c) **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 fees to be charged for such work. If the range of fees is impossible to forecast, the application shall explain why.
- (d) **Exceptions Considered Upon Retention.** Exceptions to the requirements in Fed. R. Bankr. P. 2016(a) and Local Rule 2016-1 concerning submission of detailed statements, timekeeping, billing summaries, or other matters may be sought when the application for retention is filed. Such exceptions will be considered prospectively only.

### **Rule 2015-1. Filing of Monthly Operating Reports in Chapter 11**

Except as otherwise ordered by the court after notice and hearing, the debtor in every chapter 11 case shall file monthly operating reports in accordance with the United States Trustee's *Operating Guidelines and Reporting Requirements*. If the debtor has been removed from possession, the case trustee shall file the monthly operating reports.

### **Rule 2016-1. Compensation of Professionals**

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

- (1) **Scope.** This Local Rule shall apply to all applications for compensation filed by any professional, including, but not limited to attorneys, accountants, appraisers, financial consultants and brokers. Designated portions of it also apply to applications for compensation filed by chapter 7 and chapter 11 trustees.
- (2) **Detailed Statement and Other Required Disclosures.**
- (A) **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 an hour increments) expended on each task or service. Abbreviations and initials may be used but shall be accompanied by explanations and references sufficient to make the itemization comprehensible.
- (B) **Prior Applications, Orders, and Payments.** The detailed statement shall include the amounts awarded and the periods covered by each prior application.



- (C) *Related Cases and Proration.* If the applicant provided services in a related case or cases during the period covered by the application, and prorated time or charges between or among such cases, the detailed statement shall clearly disclose and explain the basis for such proration.
  - (D) *Identity of Professionals and Paraprofessionals.* The application shall 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.
  - (E) *Professional Biography.* Applications shall include a brief statement of professional training or experience for each professional whose work has been charged. Biographies already provided need not be included in subsequent applications. The statement should demonstrate that the hourly rate charged for each professional is reasonable.
- (3) ***Trustee Compensation.***
- (A) *Additional Disclosures: Service as Trustee's Counsel.* In any case in which the case trustee is retained as counsel, an application for compensation, either as trustee or as counsel, shall include a disclosure that the trustee 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.
  - (B) *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:
    - i. the total funds received in the estate;
    - ii. 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 § 326 of the Code; and

iii. a brief narrative description of services and activities as trustee;

(C) *Service in More Than One Chapter.* If a trustee has served as both chapter 7 and chapter 11 trustee in a case, the trustee shall separately itemize services provided under each chapter.

(D) *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.

(4) *Reimbursement of Expenses.* Every application for professional compensation shall set forth with specificity all disbursements for which reimbursement is sought.

**(b) Service of Disclosure of Compensation and Detailed Statements.** Disclosures of compensation and detailed statements required by § 329 of the Code and by Fed. R. Bankr. P. 2016 shall, at the time of filing, be served on the United States trustee, and on any trustee and official committees serving in the case.

**(c) Retainers.** No funds held to secure payment for services rendered after the petition date by a professional retained, or to be retained, under Fed. R. Bankr. P. 2014 and Local Rule 2014-1 may be withdrawn after the commencement of the case until such time as an order for distribution is entered.

### **Rule 3002-1. Filing Proof of Claim or Interest**

**(a) Payments for Personal Property Leases and Adequate Protection pursuant to § 1326(a)(1)(B) or (C) of the Code.** In order to receive personal property lease payments or adequate protection payments under § 1326(a)(1)(B) or (C) and Local Rule 3015-1(d), creditors shall timely file a proof of claim.

**(b) Creditors Added by Amendment.** When a chapter 7, chapter 12, or chapter 13 debtor has amended a schedule to add a creditor, the newly added creditor may file a proof of claim within 90 days after the date that the debtor served the creditor with notice of the amendment.

### **Rule 3002-2. Requests for Allowance and Payment of Administrative Expenses**

Requests for allowance of an administrative expense claim pursuant to § 503(a) of the Code may be filed in the form and manner of a proof of claim and served upon the debtor, any trustee, and the United States trustee.

**Rule 3002.1-1. Notice of Mortgage Payment Change – Home-Equity Line of Credit (HELOC)**

During the pendency of a chapter 13 case, a creditor holding a claim arising from a home-equity line of credit (“HELOC”) shall not, under Fed. R. Bankr. P. 3002.1(b)(1), be required to file or serve a notice of any change in the periodic payment amount required by that HELOC, other than a change resulting from an escrow account adjustment, if:

- (a) The creditor, in compliance with applicable non-bankruptcy law and the terms of the HELOC, otherwise provides notice directly to the debtor of that non-escrow change to the periodic payment; and
- (b) The chapter 13 plan provides that the debtor will make current installment payments coming due under the HELOC to the creditor pursuant to § 1322(b)(5) of the Code.

**Rule 3003-1. Filing Proof of Claim or of Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases**

Subject to the provisions of Fed. R. Bankr. P. 3002(c)(2), (c)(3), (c)(4), and (c)(6), a creditor in a chapter 9 or chapter 11 case listed on the debtor's schedules as holding a disputed, contingent, or unliquidated claim who objects to the amount or characterization of the claim as scheduled by the debtor, shall file a proof of claim in accordance with Fed. R. Bankr. P. 3003 no later than 90 days from the first date set for the meeting of creditors pursuant to § 341(a) of the Code. In instances when a claim is scheduled but not initially listed on the debtor's schedules as disputed, contingent or unliquidated, or when a creditor does not object to the amount or characterization of the claim, a creditor who subsequently receives notice that its claim is disputed, contingent or unliquidated or that the schedules have been amended in a fashion that the creditor now objects to the amount or characterization of the claim, shall file a proof of claim no later than 90 days from the date that the debtor serves that creditor with such notice.

**Rule 3007-1. Objections to Claims in Chapter 13 Cases**

- (a) **Time for Filing.** In a chapter 13 case, an objection to a claim under § 502(b) of the Code shall be filed within 30 days after the applicable deadline for the filing of the claim. An objection to a claim under § 1305 of the Code and Fed. R. Bankr. P. 3007 shall be filed within 30 days after the filing of the claim.
- (b) **Amended Claim.** An objection to an amended claim shall be filed before the later of (1) 30 days after the filing of the amended claim, or (2) the original deadline.

- (c) **Joinder of Claims Objections Permitted.** Notwithstanding Fed. R. Bank. P. 3007(c), objections to more than one claim may be joined in a single objection.

### **Rule 3015-1. Chapter 13 Plan and Modifications**

- (a) **Forms.** In a chapter 13 case, the following Local Forms shall be used:

- (1) Form 2 Chapter 13 Plan;
- (2) Form 2A Notice of Hearing on Confirmation;
- (3) Form 2B Order Confirming Chapter 13 Plan;
- (4) Form 2C Certificate of Service of Notice of Hearing on Confirmation; and
- (5) Form 2D Order Granting Motion to Modify and Approving the Modified Plan.

- (b) **Modifications.** Any party filing a modified plan under § 1323 of the Code or moving to modify a confirmed plan under § 1329 of the Code, shall use Local Form 2 – Chapter 13 Plan, and any modified sections of the plan shall be identified on the first page of the plan. A motion to modify a confirmed plan under § 1329 of the Code shall identify the reason for the requested modification.

- (c) **Service and Notice of Hearing.** The debtor shall serve the plan, modified plan, or any motion to modify and provide notice to the trustee and all creditors of (1) the date, time, and location of the hearing to consider confirmation or modification of the chapter 13 plan; and (2) the deadline to object.

- (d) **Pre-Confirmation Personal Property Lease and Adequate Protection Payments by the Trustee.** If a chapter 13 plan proposes that the trustee pay creditors pursuant to § 1326(a)(1)(B) or (C) of the Code, then the trustee is authorized to make such payments. If the plan is subsequently modified to alter or eliminate the trustee's payments under § 1326(a)(1)(B) or (C) of the Code, then the trustee's authorization shall be modified accordingly as of the date the proposed modification is filed.

### **Rule 3016-1. Chapter 11 Plan and Disclosure Statements**

- (a) **Caption of Plan and Disclosure Statements.** Every plan and disclosure statement filed in a chapter 11 case and any modified plan or disclosure statement shall include the date of the paper and the identity of the plan proponent in the caption. The only change to the caption of a modified plan or disclosure statement shall be the date of such modification.

- (1) Examples of original captions: “Debtor’s Plan Dated \_\_\_\_\_”; “Debtor’s Disclosure Statement Dated \_\_\_\_\_”.

- (2) Examples of modified captions: “Debtor’s Modified Plan Dated \_\_\_\_\_”; “Debtor’s Modified Disclosure Statement Dated \_\_\_\_\_”; “Debtor’s Third Modified Plan Dated \_\_\_\_\_”.

**(b) Filing.** A disclosure statement shall be accompanied by (1) the plan and (2) a notice setting the hearing date and the deadline for objecting to the disclosure statement.

**(c) Modifications.** The modified plan or disclosure statement shall identify all changes from the filed plan or disclosure statement pursuant to Local Rule 1009-1(a).

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

### **Rule 3016-2. Chapter 11 Trustee Report**

The report required by § 1106(a)(5) of the Code shall be filed within 30 days of the appointment of the trustee.

### **Rule 3016-3. Chapter 11 Substantial Consummation**

Every plan shall include a case-specific definition of what shall constitute substantial consummation of the plan in accordance with the terms of § 1101(2) of the Code and indicate a projected date or time by which the plan shall be substantially consummated.

### **Rule 3017-1. Chapter 11 Disclosure Statement – Proposed Order**

After all objections are resolved and the disclosure statement is approved, the plan proponent shall file a copy of the disclosure statement and a proposed order containing the following:

- (a)** A statement that the disclosure statement was approved pursuant to § 1125(b) of the Code;
- (b)** The deadline for serving the order, disclosure statement, plan, and ballot on parties in interest;
- (c)** The deadline for voting to accept or reject the plan;
- (d)** The deadline for filing objections to the plan;
- (e)** The date scheduled for the confirmation hearing; and

- (f) A statement that within seven days after mailing the plan and disclosure statement as required by this order, the debtor shall file a certificate of service along with copies of each document mailed.

### **Rule 3022-1. Final Report and Motion for Final Decree in Chapter 11 Cases**

Unless another party or officer is designated in the plan 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 the percentage dividend paid to unsecured creditors. It shall be accompanied by a motion for a final decree seeking discharge of any trustee and closing the case. The allowance and payment 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 Local Rule shall be upon separate application to the court and shall be limited to those incurred by a duly authorized professional.

### **Rule 4001-1. Relief from the Automatic Stay**

- (a) **Service.** In addition to the service requirements of Fed. R. Bankr. P. 4001(a)(1), a motion for relief from the automatic stay shall be served on the debtor, the debtor's attorney, any trustee, the United States trustee, any codebtor, any codebtor's attorney of record, and any foreign representative. A motion for relief from stay necessitated by the imminent threat of irreparable damage, filed pursuant to § 362(f) of the Code shall be served on, to the extent possible, the debtor, the debtor's counsel, any trustee, the United States trustee, any committee 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.

#### **(b) Basis for Relief.**

- (1) ***Motion to Foreclose an Individual Debtor's Interest in Real Property.*** A motion requesting relief to foreclose an individual debtor's interest in real property securing an obligation incurred for personal, family, or household purposes shall be filed with a completed Local Form      - Worksheet in Support of Relief from Stay, signed by an authorized representative of the movant, unless (A) the movant has obtained the debtor's written consent to the relief requested prior to the motion being filed, or (B) the debtor has indicated an intent to surrender the property pursuant to § 521(a)(2) of the Code.
- (2) ***Liens, Mortgages, and Security Interests.*** A motion requesting relief to foreclose on a mortgage, security interest, or other lien on any interest of the debtor or of the estate in property shall state the basis of the movant's entitlement to relief. At a minimum, the motion shall, to the extent not disclosed in a completed Local Form      filed with the motion as otherwise required by this Local Rule, set forth:

- (A) the identity and location of the property;
- (B) the value of the property;
- (C) the extent of any claimed exemption in the property;
- (D) the identity and address of the holder of each lien on the property;
- (E) the best available information as to the type, priority, current balance, and perfection of each lien on the property;
- (F) the amount of prepetition and post-petition arrearages, costs, and interest accruals owing on the movant's claim; and
- (G) the payment schedule for the claim.

(3) ***Other Motions.*** For all motions for relief from the automatic stay imposed by the Code that are not subject to paragraph (b)(2) of this Local Rule, recitation of the basis for which relief is sought shall be provided in the motion. For motions filed under § 362(f) of the Code, the movant shall set forth the basis for which relief is sought upon which it asserts that irreparable damage may occur absent expedited or emergency treatment.

(c) **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 § 362(e)(1) of the Code, until the first hearing on the motion.

(d) **Consent to Relief.** The procedures set forth in Local Rule 9013-1(b) shall apply if the debtor, any trustee, any committee, any codebtor with respect to which relief from a codebtor stay in chapter 12 or 13 cases is sought in the motion, and the movant have stipulated to the relief as evidenced by signed consents filed with that motion.

#### **Rule 4001-2. Use of Cash Collateral and Obtaining Credit**

(a) **Contents of Motion.** A motion for authority to use cash collateral or to obtain post-petition credit shall state the amount of cash collateral to be used or credit to be obtained, a narrative and budget reflecting the intended use of the funds, and any proposal for providing adequate protection. With respect to a motion for authority to obtain credit, the motion shall also identify the name and address of the lender and the proposed terms of the financing.

(b) **Service.** In addition to the requirements of Fed. R. Bankr. P. 4001(b)(1) and (c)(1), a motion for authority to use cash collateral or to obtain post-petition credit shall be served on the United States trustee, any trustee, and any federal or state taxing authority having a claim against the debtor. A motion for authority to obtain post-petition credit shall also be

served on any creditors asserting an interest in the collateral securing the post-petition credit and any proposed lenders.

**(c) Interim Relief.** Any motion seeking interim relief pursuant to Fed. R. Bankr. P. 4001(b)(2) or 4001(c)(2) 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 shall be used to avoid immediate and irreparable harm to the estate pending a final hearing.

**(d) Chapter 11 Cases.**

- (1) ***Certain Provisions Restricted.*** Except as provided in subsection (d)(2) of this Local Rule, the following provisions in an agreement approving or authorizing the use of cash collateral, obtaining credit, or providing adequate protection, shall be unenforceable:
- (A) 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 60 days after the earlier of (i) the court's approval of the retention of counsel to any creditor's committee, or (ii) an order authorizing the appointment of a trustee, during which period any committee or trustee may challenge the secured claim on any basis;
  - (B) Any release of claims or waiver of defenses by the debtor or estate representative;
  - (C) Any post-petition 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 prepetition secured claim after the commencement of the case;
  - (D) Any grant of a security interest in avoidance actions or their proceeds; or
  - (E) Any provision granting a creditor relief from the automatic stay without further order or hearing upon the breach of the cash collateral, adequate protection, or post-petition financing order or agreement.



- (2) **Conspicuous Notice.** The court may approve any terms and conditions restricted under subsection (d)(1) of this Local Rule, provided that (A) the proposed order or agreement specifically states that the proposed terms and conditions vary from the requirements of subsection (d)(1), and (B) the proposed terms and conditions are boldface or otherwise conspicuously set forth in the proposed agreement or order.

### **Rule 5005-1. Filing and Transmittal of Papers**

- (a) **Electronic Filing Required.** Unless otherwise excepted in subsection (b) of this Local Rule, all papers shall be filed electronically using the court's Electronic Case Filing ("ECF") system in accordance with the Administrative Procedures for Electronic Filing, which are attached to the Local Rules in Appendix A.
- (b) **Exceptions to Electronic Filing.** The following papers need not be filed electronically as provided in subsection (a) of this Local Rule and may be filed at the clerk's office in either Bangor or Portland and shall be deemed filed on the date and time received by either office:
  - (1) Papers filed by an unrepresented party in a case or proceeding;
  - (2) A proof of claim filed by a creditor who is not a registered user of ECF; and
  - (3) Papers permitted to be filed non-electronically by an order of the court or a rule of procedure.
- (c) **Highly Sensitive Documents.** All highly sensitive documents shall be filed in accordance with the Highly Sensitive Document Procedures, which are attached to the Local Rules in Appendix C, and shall not be filed electronically.

### **Rule 5007-1. Transcripts**

- (a) **Ordering.**
  - (1) Transcripts shall be prepared by a court reporting service at the direction of the clerk. Payment for transcripts shall be made directly to the court reporting service.
  - (2) Electronic filers shall order transcripts through the court's ECF system. Non-electronic filers shall contact the clerk's office to order transcripts.
- (b) **Filing.** Whenever a transcript is ordered, the original shall be transmitted to the court by the court reporting service and the court shall file the transcript in the case. The requesting party will be furnished with a copy of the transcript.

**Rule 5011-1. Withdrawal of the Reference**

A motion for the withdrawal of the reference in a case or proceeding under Fed. R. Bankr. P. 5011(a) shall be filed with the bankruptcy court.

**Rule 6004-1. Sale of Property**

(a) **A Motion is Required.** A motion is required if the proponent of the sale seeks to sell property free and clear of liens and other interests without the consent of the holders of any such liens or interests.

(b) **No Motion is Required.** No motion is required if the proponent of the sale seeks to sell the property (1) subject to liens and other interests, or (2) free and clear of liens and other interests with the consent of all holders of any such liens or interests.

**Rule 6007-1. Abandonment**

The trustee shall provide notice of abandonment only to the debtor, the debtor's attorney, the United States trustee, lienholders, any party known or believed to hold or claim an interest in the property to be abandoned, and to any party who has filed a request for notice.

**Rule 7003-1. Commencement of Adversary Proceeding**

(a) **Caption.** 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.

(b) **Cover Sheet - Unrepresented Parties.** Every unrepresented party shall file a completed cover sheet, Official Form B 1040. Cover sheets may be obtained from the clerk's office or from the court's website.

**Rule 7026-1. Discovery**

(a) **Written Report Required by Fed. R. Civ. P. 26(f)(2).** The written report of the parties required by Fed R. Civ. P. 26(f)(2) and Fed. R. Bankr. P. 7026 shall conform with Local Form 4 – Rule 26(f) Report.

**(b) Discovery Motions.**

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

- (2) ***Motions Practice Governs.*** After the conference required by subparagraph (b)(1) above, discovery motions shall be set for hearing in accordance with the procedures set forth in Local Rules 9013-1. Memoranda submitted in connection with discovery disputes shall not exceed five 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. Civ. P. 37 and Fed. R. Bankr. P 7037.

(c) **Confidentiality Order.** A party by motion or with the agreement of all parties may submit a proposed order governing the production and use of confidential documents and information in the pending action. The proposed order shall conform with Local Form [REDACTED] - Confidentiality Order. Any proposed modification to the form Confidentiality Order shall be identified with a short statement of the reason for each modification.

### **Rule 7056-1. Summary Judgment**

D. Me. Local R. 56 and Local Rule 9013-1 apply to summary judgment motions filed in adversary proceedings, except that no prefiling notices or conferences shall be required as set forth in D. Me. Local R. 56(h). The deadlines relating to motions for summary judgment shall be governed by the terms of the applicable pretrial scheduling order.

### **Rule 9001-1. General Definitions**

In the Local Rules, the following terms shall have the meanings indicated below, unless inconsistent with the context:

- (a) “address” includes house or apartment number, street or post office box, state and zip code.
- (b) “clerk” means clerk of the United States Bankruptcy Court for the District of Maine, or a deputy clerk authorized to act on behalf of the clerk.
- (c) “court” or “bankruptcy court” means the United States Bankruptcy Court for the District of Maine.
- (d) “D. Me. LBR” or “Local Rule” means a local rule of the United States Bankruptcy Court for the District of Maine.
- (e) “Local Form” is a form of the United States Bankruptcy Court for the District of Maine.
- (f) “district court” means the United States District Court for the District of Maine.

- (g) “ECF” means the court’s electronic case filing system.
- (h) “D. Me. Local R.” means a local rule of the United States District Court for the District of Maine.
- (i) “Fed. R. Civ. P.” means a Federal Rule of Civil Procedure for the United States District Courts, as adopted by the Supreme Court of the United States.
- (j) “Fed. R. Bankr. P.” means a Federal Rule of Bankruptcy Procedure, as adopted by the Supreme Court of the United States.
- (k) “Official Form” is a form prescribed by the Judicial Conference of the United States and referred to in Fed. R. Bankr. P. 9009(a).
- (l) “paper” means any petition, pleading, motion, application, schedule, statement, or document filed with the court.
- (m) “unrepresented party” means any party to a case or proceeding who or which is not represented by an attorney authorized to practice in this court.

#### **Rule 9006-1. Motions for Enlargement of Time**

(a) **Generally.** A motion for enlargement of time shall state:

- (1) the date of the existing deadline;
- (2) whether previous enlargements have been granted, including the length of any previous enlargement;
- (3) whether parties in interest agree to the enlargement; and
- (4) the grounds demonstrating cause for the requested enlargement.

(b) **Schedules.** A motion for enlargement of the time to file schedules shall include the date and time set for the meeting of creditors, if it has been scheduled. If the motion seeks an extension beyond the date set for the meeting of creditors, the movant shall demonstrate extraordinary circumstances establishing cause for that enlargement.

**Rule 9010-1. Attorneys - Appearance and Withdrawal****(a) Admission Required.**

- (1) **General.** No person, other than an individual representing themselves, shall appear before this court unless that person is a member of the bar of the district court or complies with D. Me. Local R. 83.1, 83.2 or 83.4.
- (2) **Exception – Attorneys Only Filing a Proof of Claim.** An attorney need not comply with paragraph (a) above in order to file a proof of claim.

**(b) Filing Constitutes Appearance.** Unless otherwise permitted by the court or the Code, the filing of any paper shall constitute a general appearance by the attorney who signs it in the main case or adversary proceeding in which the paper is filed.

**(c) Form.** A filing and notice of appearance shall contain the name, address, e-mail address and telephone number of the person entering an appearance.

**(d) Withdrawal.**

- (1) **General.** A motion to withdraw as counsel shall be made in accordance with applicable law and rule. The motion and accompanying proposed order shall state all pending cases, contested matters, clients, and adversary proceedings to which the motion to withdraw applies.
- (2) **Service of Notice.** The notice of withdrawal shall be served on the following parties to the extent applicable:
  - (A) the client;
  - (B) the United States trustee;
  - (C) any trustee;
  - (D) the 20 largest unsecured creditors or, if a committee has been appointed pursuant to § 1102(a) of the Code, upon counsel or the authorized agent for such committee;
  - (E) all secured creditors; and
  - (F) all parties in an adversary proceeding.
- (3) **Leave of Court.** An attorney may withdraw from a case or proceeding without leave of court, if the following conditions are met:
  - (A) the notice of withdrawal is filed and served as required by this Local Rule;

- (B) such notice is accompanied by notice of the appearance of other counsel or by certification by the attorney seeking to withdraw that the client has been advised regarding the procedures and responsibilities related to appearing unrepresented, and that, after conferring with the attorney, the client has stated their intention to proceed unrepresented;
  - (C) there are no motions pending before the court; and
  - (D) no trial date has been set.
- (4) ***Duties Upon Withdrawal.*** An attorney granted leave to withdraw shall immediately serve on the client the order permitting withdrawal, directing the client to appear by new counsel or, if an individual, appear unrepresented within 21 days from the date of the order. If a client fails to appear in the case or proceeding either in person or by new counsel within the period prescribed, such failure shall be grounds for entry of a default or dismissal.

#### **Rule 9013-1. Motions - General**

**(a) Motions and Applications Required.** A request for an order shall be made by motion or application, unless otherwise provided for in the Fed. R. Bankr. P. or the Local Rules.

**(b) Proposed Order.** Every motion shall be accompanied by a proposed form of order. To the extent that a party consents to the relief requested in a motion, the movant shall identify consenting parties. Otherwise, the proposed order shall indicate that it is issued after notice and hearing or an opportunity for a hearing. If an applicable form of order is posted on the court's website, the movant shall use that form as the proposed form of order.

**(c) Hearings.**

(1) ***Scheduling.*** Except as set forth otherwise in Local Rules 2002-1, 9013-2, 9013-3, and 9013-4, it is the responsibility of the movant to obtain and schedule a hearing date that provides adequate time for filing, notice and response. The movant shall self-calendar a non-evidentiary hearing using the hearing dates found on the court's website, or if the movant is unrepresented, call the clerk's office.

(2) ***Notice and Timing.*** Except as set forth otherwise in Local Rules 2002-1, 9013-2, 9013-3, and 9013-4, the movant shall file and provide notice of the time and date set for the hearing to all parties in interest. Unless provided otherwise in the Local Rules, the hearing date for a motion shall be no less than 21 days from the date on

which the motion was filed. The response date shall be no less than 14 days from the date the motion is filed, and the response date shall not be less than seven calendar days prior to the hearing date.

- (d) Written Response.** Any party objecting to the entry of the order requested by motion shall file a written response to the motion no later than the response date set in the hearing notice. Every response to a motion shall admit or deny each allegation of the motion and shall assert such defenses or other matters as may be required to inform the court of the responding party's position.
- (e) Reply Permitted.** A reply, limited to five pages, is not required but is permitted if the movant has information that is:
- (1) not repetitive of materials contained in the motion or opening brief, and
  - (2) responsive to material raised in the opposition to the motion or opening brief.

### **Rule 9013-2. Motions – Relief Requested Without a Hearing**

In addition to the procedures set forth in Local Rules 2004-1(b) and 4001-1(d), 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. A motion filed pursuant to this Local Rule shall state, in the upper right corner of the first page, "Relief Requested Without a Hearing," and be filed with a proposed order which provides: "This order shall become final in 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."

- (a)** an application to employ professional persons;
- (c)** a motion to extend time to file schedules, statements, tax returns, earnings statements and other documents required by § 521 of the Code or Fed. R. Bankr. P. 1007 that have the consent of the United States trustee, any trustee, and any committee;
- (d)** a consent motion to continue a hearing;
- (e)** a motion for enlargement of time pursuant to either Fed. R. Bankr. P. 4008(a) or Fed. R. Bankr. P. 9006(b)(1);
- (e)** a motion to dismiss filed pursuant to § 1208(b) or § 1307(b) of the Code;
- (f)** a motion to defer filing fees;

- (g) a motion to deduct and pay over to employers;
- (h) a motion to reopen a case filed within a year of the date that the case was closed;
- (i) a motion to limit notice;
- (j) a motion for redaction of personal identifiers using Local Form 3;
- (k) a motion for conditional approval of disclosure statement pursuant to Fed. R. Bankr. P. 3017.1;
- (l) a motion to suspend trustee payments to a creditor;
- (m) a motion for interim distributions under a plan;
- (n) a consented to motion to enlarge the deadline to object to discharge;
- (o) a motion in a chapter 13 case seeking authorization for the chapter 13 trustee to make pre-confirmation, post-petition lease payments under § 1326(a)(1)(B) of the Code or pre-confirmation adequate protection payments under § 1326(a)(1)(C) of the Code when the proposed plan fails to provide for such payments, provided the motion is consented to by the debtor, the chapter 13 trustee, and the lessor or creditor entitled to the pre-confirmation payments; and
- (p) a consented-to motion for the entry of a confidentiality order.

### **Rule 9013-3. Motions – Emergency or Expedited Determination**

#### **(a) Motion for Both Relief and Determination.**

- (1) ***Separate Motion Not Permitted.*** A movant seeking an emergency or expedited determination of a motion shall embed any request for an order scheduling the emergency hearing or the expedited hearing in that motion and shall not file a separate motion seeking that determination and scheduling.
- (2) ***Determination.***



- (A) *Emergency Determination.* If a movant seeks to have the court consider a motion requesting relief earlier than 48 hours after the motion is filed, the title of the motion shall include the language “Request for Emergency Determination.”
- (B) *Expedited Determination.* If a movant seeks to have the court consider a motion earlier than 21 days, but more than 48 hours, after the motion is filed, the title of the motion shall include the language “Request for Expedited Determination.”
- (3) *Contact Clerk’s Office to Set for Hearing.* If a movant seeks emergency or expedited determination of a motion, the movant shall contact the clerk’s office to schedule the hearing and shall not utilize the self-calendaring process in Local Rule 9013-1(b)(1).
- (4) *Contents.* A motion containing a request for emergency or expedited determination shall list the facts and circumstances that justify such a determination and may include or be accompanied by documents, affidavits, or a memorandum that includes citations to pertinent authority.
- (5) *Communication.* Prior to filing a motion that includes a request for an expedited or emergency determination, the movant shall make a good faith effort to advise all affected parties of the substance of the motion and that request.
- (6) *Notice of Hearing.* The movant shall advise all affected parties of the date and time of the hearing and any objection deadline, and shall file a certificate setting forth the time, date, and manner in which such notification and the motion were provided to each such party.

**(b) Limitation of Notice.** If a movant seeks to limit notice of a motion that includes a request for an expedited or emergency determination, the motion shall:

- (1) include the language “Request for Limitation of Notice” in its title;
- (2) list the facts and circumstances that justify limitation of the notice that would otherwise be required;
- (3) designate the recipients to whom the notice should be limited;

- (4) recommend a manner of notice reasonably calculated to inform affected parties of the motion and the request for an emergency or expedited determination in a manner that is reasonably appropriate in the circumstances; and
- (5) include a representation that the movant made a good faith effort to advise all affected parties of the time and date of the hearing.

**(c) Responses.**

- (1) ***Emergency Determination.*** Any written response to a motion for relief requesting emergency determination, including any documents, affidavits, or memoranda supporting that response, is not required though the same may be filed up to the time that the hearing is convened.
- (2) ***Expedited Determination.*** A written response to a motion for relief requesting expedited determination is required, and shall, to the extent possible under the existing circumstances, include the information required for responses to motions that do not seek emergency or expedited determination. A response to a motion seeking expedited determination shall be filed no later than the business day preceding the day of hearing.

**Rule 9013-4. Motions – Ex Parte Motion**

A motion seeking ex parte relief (i.e., relief without notice to any other party) 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) **Contents of Motion.** A motion for ex parte relief shall be verified or supported by affidavit and (1) set forth specific facts and circumstances necessitating ex parte relief; and (2) cite the statute or rule authorizing the court to act.
- (b) **Orders.** All proposed orders providing ex parte relief shall include the finding that the relief requested could not be delayed and that affected parties may request a hearing on the subject matter addressed by the ex parte motion by filing a motion for review of the ex parte relief.

**Rule 9014-1. Contested Matters**

**(a) General Provisions.**

- (1) ***Local Rule 9013-1 Governs Procedure.*** In any contested matter, motion practice shall be governed by Local Rule 9013-1.
- (2) ***Service.*** The movant shall serve any motion in a contested matter in the manner provided by Fed. R. Bankr. P. 7004, except that no summons is required.
- (3) ***Discovery Requirements.*** At the first hearing in a contested matter, the parties should be prepared to address the need for evidentiary testimony, discovery and, if applicable, the issues and topics identified in Fed. R. Civ. P. 26(f)(3)(B)-(F) and Fed. R. Bankr. P. 7026. Discovery in a contested matter may not commence until authorized by order of the court.

**(b) Pleading in Special Matters.**

- (1) ***Scope.*** This subsection applies to matters in which the following relief is sought:
  - (A) abandonment;
  - (B) avoidance of a lien; or
  - (C) a sale free and clear of lien.
- (2) ***Content.*** Unless all parties consent to the requested relief, the following, as applicable, shall be stated:
  - (A) the identity and location of the property which is the subject of the motion;
  - (B) the market value of the property which is the subject of the motion;
  - (C) the extent of any claimed exemptions in the property which is the subject of the motion;
  - (D) the identity and address of the holder of each lien on the property which is the subject of the motion;
  - (E) the type, priority, face amount and the best available information as to the balance due and perfection of each lien on the property which is the subject of the motion; and

- (F) the specific sections of the Code, and the specific procedural rules, germane to determination of the motion.

### **Rule 9015-1. Jury Trials - Consent**

The deadline for filing a consent under Fed. R. Bankr. P. 9015(b) shall be no later than the date of the pretrial conference.

### **Rule 9019-1. Compromise and Settlement**

**(a) Signed Writing Required.** A compromise or settlement in a case or proceeding before the court, shall be in a writing signed by the parties. No compromise or 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 subparagraph (d) below.

**(b) Adversary Proceeding.** The parties shall notify the court in writing within 21 days of the compromise or settlement of an adversary proceeding.

**(c) Dismissal of Adversary Proceeding.** Notwithstanding Fed. R. Civ. P. 41(a)(1)(A) and Fed. R. Bankr. P. 7041, dismissal of an adversary proceeding objecting to the debtor's discharge shall be requested by motion.

#### **(d) Motion to Compromise.**

(1) A motion to compromise made under Fed. R. Bankr. P. 9019 shall comply with the provisions set forth in Local Rule 9013-1 and Fed. R. Bankr. P. 2002(a)(3). A copy of any related settlement documents shall be filed as an attachment to the motion.

(2) A motion to compromise an adversary proceeding shall be captioned and filed in the main bankruptcy case. If the compromise resolves an adversary proceeding, the motion shall set forth the proposed disposition of any such proceeding. Along with a proposed order approving the compromise, the motion shall attach a separate stipulation, order, or judgment captioned in the adversary proceeding which will enter in the adversary proceeding after the order approving the compromise is entered in the main bankruptcy case.

**(f) Exception - Relief from Stay.** The provisions of this Local Rule do not apply to agreements for relief from stay.

**Rule 9027-1. Removal**

Within 14 days after filing a notice of removal of an action from a state or federal court to this court pursuant to Fed. R. Bankr. P. 9027, the party seeking removal shall file a certified copy of the docket sheet of the removed action. In addition, the removing party shall file copies of all filings from the removed action together with written representation that the copies of all filings are true and accurate from the removed action.

**Rule 9037-1. Redaction of Personal Identifiers**

A party seeking to redact personal identifiers under Fed. R. Bankr. P. 9037(h) shall use Local Form      - Motion for Redaction of Personal Identifiers.

**Rule 9050-1. Continuances**

**(a) By Agreement.** Routine matters, other than an adversary proceeding trial or a hearing on a dispositive motion, may be continued or rescheduled upon agreement of the parties using the appropriate ECF docket event, and without filing a motion, subject to the following:

- (1) ***Consents Required.*** The filing of such a docket event shall be the certification by the filer that the consent of all necessary parties has been obtained; and
- (2) ***Limitations.*** Agreed-upon continuances shall not continue any matter for longer than 45 days.

**(b) Without Agreement.** Parties seeking a continuance of a scheduled hearing without the consent of all interested parties shall file a motion in accordance with the provisions of Local Rule 9013-1, as modified by the following:

- (1) The motion shall be filed no fewer than three days before the scheduled hearing, unless good cause is shown;
- (2) The notice shall set a deadline for response no later than 24 hours prior to the hearing; and
- (3) Such motions will be acted upon without hearing unless the movant or an interested party requests a hearing.

**(c) Initial Confirmation Hearing.** No continuance of an initial confirmation hearing shall be granted, even upon agreement of the parties.

**Rule 9051–1. Remote Participation in Court Hearings**

Telephonic and video participation in court hearings shall be conducted in accordance with the court's Administrative Procedures for Telephonic and Video Participation, which are attached in Appendix B. Telephonic participation in court hearings which involves the presentation of testimony or evidence is generally not permitted. Unofficial recordings of court proceedings are not permitted without leave of court.

**Rule 9052-1. Judicial Settlement Conferences**

Bankruptcy judges will be available to conduct judicial settlement conferences as their workload permits and upon conditions that they will set for the parties. All judicial settlement conference proceedings are confidential as provided by the Federal Rules of Evidence, law or contract, and shall not be admissible in any proceeding or trial without the consent of all of the parties.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**



**ADMINISTRATIVE PROCEDURES FOR ELECTRONIC FILING**

Updated May 17, 2023

Electronic filing is the process of uploading documents to the court's online Electronic Case Files ("ECF") system. The ECF system only accepts electronically converted portable document format ("PDF") documents.

**I. ACCESS TO THE ELECTRONIC CASE FILING SYSTEM**

**PACER Login and ECF Access**

Attorneys and creditors seeking to file documents electronically must first register for a PACER account at <http://pacer.psc.uscourts.gov>. Attorneys and creditors must also request access to the ECF filing system for this court through PACER. That request is transmitted to this court for verification and processing.

For additional information contact the PACER Service Center at (800) 676-6856.

**II. ELECTRONIC FILING OF DOCUMENTS**

**A. Signatures**

The password required to electronically file documents also serves as the registered user's original signature for all electronic documents filed with the Court. The password also serves as a signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before this Court. No attorney shall permit their password to be utilized by anyone other than themselves or an authorized employee.

Documents requiring original signatures such as petitions, lists, schedules, statements, amendments, pleadings, affidavits; or documents requiring verification under Fed. R. Bankr. P. 1008; or an unsworn declaration as provided in 28 U.S.C. § 1746, may be filed with an electronic signature (the party's name typed in full, e.g., "/s/ Jane Doe"), however, the registered filer must maintain the original, executed documents containing the wet signature of a party until two (2) years following the closing of the case or until the expiration of all appeal periods, whichever is later. In addition to any other law or rule, an attorney required to maintain an original wet signature may comply by using an electronically converted PDF document with an image of the signature. Upon request of

the Court or any interested party, the filer shall provide original documents for review.

The Court reserves the right to revoke an attorney's password and, therefore, their ability to electronically file documents, for failure to comply with any provision of these Administrative Procedures for Electronic Filing by Attorneys, failure to adequately protect their password, other misuse of the ECF system, or as a sanction ordered by the Court after notice and opportunity to be heard.

**B. Fees Payable to the Clerk**

Any required filing fees must be paid by credit card at the time of filing. Unpaid filing fees, as of midnight on the date of filing, will result in deactivation of your ECF login until payment has been made.

**C. Sealed Documents**

A motion to file documents under seal shall be filed electronically. If granted, the documents to be filed under seal shall be emailed to the Clerk's Office or hand delivered in paper to the Clerk's Office.



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

**ADMINISTRATIVE PROCEDURES FOR TELEPHONIC AND VIDEO PARTICIPATION**

**I. Telephonic Participation**

Telephonic appearances are permitted except by a person or entity who:

- has been directed by the court to appear in the courtroom;
- has been subpoenaed to appear and give testimony at a hearing or trial;
- intends to introduce evidence during a hearing or trial; and/or
- intends to participate in the examination of a witness during hearing or trial.

**A. Scheduling and Fees**

Telephone appearances may be arranged by calling CourtCall at **(866) 582-6878** or by visiting [www.courtcall.com](http://www.courtcall.com). The initial charge per participant for a CourtCall appearance is \$22.50 for the first 45 minutes plus \$5.25 for every additional fifteen-minute increment. You will be charged for the entire time you are on CourtCall, not just the time spent on the matter in which you are appearing. If you are indigent, you may be able to participate telephonically without cost.

**B. Procedure for Telephonic Appearance**

CourtCall will provide you with a number you must dial not later than 10 minutes prior to the scheduled hearing. **CourtCall does not place a call to participants.** If you do not timely call and connect with CourtCall, the hearing may proceed in your absence.

After placing the call, you will be in listening mode until your case is called, at which time your call will be connected to the courtroom. The judge will call the case, request appearances, and direct the manner in which the hearing proceeds. You should identify yourself each time you speak. You may disconnect after your hearing concludes. If you have multiple hearings on the same calendar, stay on the line until your other matter(s) are called unless instructed otherwise by the court.

**C. Telephonic Appearance Privileges**

The court views the opportunity to appear telephonically as a privilege offered for the convenience of the parties. That privilege may be revoked in the event poor call quality interferes with the audio recording of the hearing or otherwise frustrates the orderly conduct of proceedings.

To ensure optimal call quality, you are discouraged from using cellular phones, speaker phones, and phones in public places for telephonic participation in court proceedings.

**II. Video Participation**

**Placeholder for procedures to be listed**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

**PROCEDURES FOR THE FILING, SERVICE, AND MANAGEMENT  
OF HIGHLY SENSITIVE DOCUMENTS**

The Court finds that good cause exists to require all parties to file certain highly sensitive documents<sup>1</sup> (“HSD”) outside of the Court’s electronic filing system. Thus, the Court requires that documents a party believes to be an HSD shall be subject to the procedures and requirements set forth below.

**1. Filing of Motions to Treat a Document as an HSD.**

a. Parties represented by an attorney.

- i. A party represented by an attorney shall file a motion to treat a document as an HSD and a proposed order electronically under Fed. R. Bankr. P. 9018, *except that the proposed HSD shall not be filed electronically*. The motion shall explain why the proposed document should be subject to the heightened protection for HSDs. Not all documents that meet the criteria for filing under seal will qualify for treatment as an HSD.
- ii. As soon as practicable after the motion is filed, the filing party shall deliver the proposed HSD to the Clerk’s office along with a certificate of service. These documents must be submitted as specified in paragraph 2.b.
- iii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 2.c.
- iv. The Court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the Court. The Clerk’s office will maintain the HSD in a secure paper filing system.

b. Parties appearing without an attorney (“pro se parties”).

- i. Pro se parties shall file the following with the Clerk’s office:
  - o a motion to treat a document as an HSD,
  - o a copy of the HSD, and
  - o a certificate of service indicating the date that the documents were filed at the Clerk’s office.

These documents must be submitted as specified in paragraph 2.b. The motion shall explain why the proposed document should be subject to the heightened protection for HSDs. Not all documents that meet the criteria for filing under seal will qualify for treatment as an HSD.

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<sup>1</sup> As of the date of this order, the Administrative Office of the United States Courts has provided certain guidance regarding HSDs indicating that the following types of documents would be deemed to be HSDs: documents relating to matters of national security, foreign sovereign interests, or cybersecurity; the extent of domestic or international interests; the involvement of public officials; intellectual property or trade secrets; or the reputational interests of the United States. However, HSDs do not include documents to which public access is routinely restricted to protect privacy and prevent identity theft and include bank records, social security records, health records, unclaimed fund applications, and income tax returns. These documents and other sealed filings in many bankruptcy cases and adversary proceedings that are not sufficiently sensitive to require HSD treatment will continue to be sealed in CM/ECF as necessary.

- ii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 2.c.
- iii. The Court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the Court. The Clerk's office will maintain the HSD in a secure paper filing system.

## **2. Filing of Authorized HSDs.**

- a. A party filing an HSD pursuant to a court order or applicable law shall submit to the Clerk's office the HSD, the certificate of service, and, if applicable, a copy of the order authorizing the treatment of that document as highly sensitive.
- b. The required documents, unfolded, shall be submitted to the Clerk's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with any confidential information redacted).
- c. The filing party shall serve the HSD on the other parties in accordance with Fed R. Bankr. P. 2002, Fed. R. Bankr. P. 7004 or D. Me. LBR 2002-1, as applicable.
- d. The Clerk's Office will make an informational docket entry in the Court's electronic filing system indicating that the HSD was filed with the Court and will maintain the HSD in a secure paper filing system.

## **3. Service of Highly Sensitive Court Orders.**

If the Court determines that one of its orders contains highly sensitive information, the Clerk's Office will file and maintain the order in a secure paper filing system and will serve paper copies of the order on the parties via U.S. mail.

## **4. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System.**

- a. Upon motion of a party or upon its own motion, the Court may determine that a document, case, or any portion of it, that has been filed electronically is highly sensitive and direct that the HSD or case be removed from the Court's electronic filing system and maintained by the Clerk's office in a secure paper filing system.
- b. A party's motion to remove an HSD or highly sensitive case from the Court's electronic filing system shall explain why such document should be subject to the heightened protection for HSDs.

## **5. Questions about HSD Filing Procedures.**

Any questions about how an HSD should be filed with the Court pursuant to this General Order should be directed to the appropriate case administrator. Contact information can be found at <https://www.meb.uscourts.gov/case-administration>.