



Welcome to the 2023 Bankruptcy Power Hour

Presented
June 12, 2023 & June 20, 2023

The Corporate Ownership Statement

Pursuant to Bankruptcy Rule 7007.1, corporations (excepting government entities) filing as Debtors or as a party to an adversary proceeding must file a Corporate Ownership Statement. This Statement identifies any corporation (again excepting government entities) owning at least 10% of the filer's equity interests.

Currently there is no Official Form for this Statement, although we hope to create a local form and have it on the Court website soon.

In CM/ECF, the Statement is filed using the Miscellaneous Bankruptcy event and then choosing Corporate Ownership Statement.

Stay tuned for an Attorney Quick Reference Guide for filing instructions coming soon.

A solid blue horizontal bar spanning the width of the page at the bottom.

Change of Address for a Creditor

United States Bankruptcy Court – District of Maine

ATTORNEY – Quick Reference Guide

Change of Address for Creditor

Refer to the step-by-step instructions in the Attorney Quick Reference Guide on the Court website. Attorney Reference Guides are found under the Attorneys tab on the red ribbon at the top of the Home page.

Step	Action
1	Click on the Bankruptcy hyperlink.
2	Click Miscellaneous
3	Enter the Case Number – click NEXT
4	Select Change of Address from the event type list – click NEXT
5	Select Debtor(s) as party filer(s) – click NEXT
6	At the screen which asks "Is this address change for the Debtor?" Choose No . Click NEXT .
7	On next screen, choose " New Address " or " Unknown Address " in the drop-down list. Click NEXT .
8	If New Address , on next screen enter creditor name and previous address AND creditor name and new address in each applicable box. If Unknown Address , enter creditor name and previous address AND creditor name and the word "Unknown" in each applicable box. Click NEXT .
9	At next screen, Click NEXT .
10	Review Docket Text:Final Text and if correct, Click NEXT . If not correct, Click the BACK button to make corrections. The filing is complete and Notice of Electronic Filing screen will appear once you have clicked NEXT on the "Docket Text:Final Text " screen.

September 2022

Motions Seeking Dual Relief

These types of motions should only be filed when two related types of relief are being sought. For example, a “Motion to Avoid Lien and Motion to Expedite” should be filed separately as they are seeking two unrelated types of relief. Examples of allowable, related relief are “Motion to Dismiss or Convert” and “Motion for Relief From Stay and for Adequate Protection”.

From the drop-down menu of Available Events, hold down the **Ctrl key** and click on the motions that match your filing. In this scenario, Relief From Stay and Adequate Protection are selected. The box on the right will confirm the events you have selected. If correct, click next.

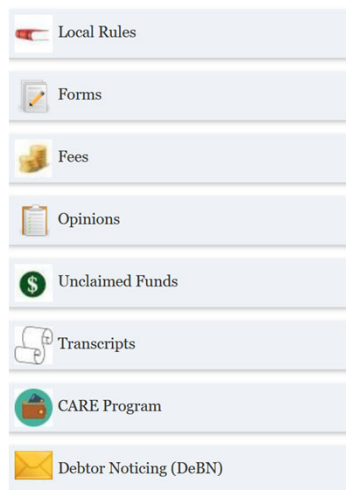
The screenshot displays the CM/ECF "File a Motion" web interface. At the top, there is a navigation bar with links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, Help, and Log Out. Below this, the case information is shown: Case 21-20080, Debtor Joseph T. Smith, Chapter 7 v, Office 2 (Portland), Assets: n, and Judge: pgc. A search bar with the placeholder text "Start typing to find another event. Hold down Ctrl to add additional items." is present. The main area is divided into two panels. The left panel, titled "Available Events (click to select events)", contains a list of legal events. "Adequate Protection" is highlighted in blue. The right panel, titled "Selected Events (click to remove events)", shows the events "Relief from Stay" and "Adequate Protection" that have been selected. At the bottom of the interface are "Next" and "Clear" buttons.

Available Events (click to select events)	Selected Events (click to remove events)
Abandon	Relief from Stay
Abstention Under Section 305	Adequate Protection
Access to Tax Documents	
Accounting	
Adequate Protection	
Administrative Expenses	
Allow Claims	
Allow and Disallow Claims	
Amend	
Amended Application	
Amended Application for Compensation	
Amended Motion	
Appoint Creditors' Committee	
Appoint Trustee	
Appointment of Consumer Privacy Ombudsman	
Approve Loan Modification	

Transcript Requests

Information about ordering transcripts of court proceedings, including the Transcript Order Form and costs per page can be found on the Court's website. Look for the Transcript tab in the third column on the Home Page.

For step-by-step instructions for filing the Transcript Order Form in CM/ECF, see the Attorney Reference Guide under the Attorneys tab on the red ribbon across the top of the Home Page.



United States Bankruptcy Court - District of Maine

ATTORNEY - Quick Reference Guide

Request for Transcript

Step	Action
1	Review Transcript Information – Transcripts Tab on Home page of this website.
2	Following website instructions, complete AO 435 Transcript Order Form .
3	Save the completed Transcript Order Form as a PDF file.
4	Click on the Bankruptcy or Adversary hyperlink.
5	Choose Miscellaneous and enter Case Number. Click NEXT .
6	At the next screen choose Transcript Request event. Click NEXT .
7	On next screen, Select the party filer(s). Click NEXT .
8	On next screen, browse and attach the PDF of the completed Transcript Order Form. Click NEXT .
9	At the next screen, Click - NEXT
10	Review Docket Text:Final Text and if correct, Click NEXT . If not correct, Click the BACK button to make corrections. The filing is complete and Notice of Electronic Filing screen will appear once you have clicked NEXT on the "Docket Text:Final Text" Screen.

Objections to Claims Noticing Period (Rule 3007)

Any party to a bankruptcy case may file an Objection to Claim, and then that filer then has the burden to prove to the Court that the claim should not be paid. We most often see objections by Trustees and Debtors, but Objections to Claims can be filed by any party-in-interest.

Common reasons for objecting to a proof of claim include (but are not limited to):

- The filing creditor does not attach sufficient documentation;
- The claim amount is incorrect;
- The claim does not belong to the Debtor;
- The same claim was filed twice;
- The claims classification is incorrect (for example, as a secured or priority claim);
- The claim includes interest amounts or fees.

Rule 3007 provides that “An objection to the allowance of a claim and a notice of objection that substantially conforms to the appropriate Official Form* shall be filed and served at least 30 days before any scheduled hearing on the objection or any deadline for the claimant to request a hearing.”

This means that an Objection to Claim should be set for hearing at least 30 days from the date it is filed. This deviates some from our traditional practice, because in addition to a filer calculating a 14-day response deadline, and a seven-day deadline between the objection deadline and the hearing deadline, the filer must also be certain that they have given at least 30 days’ notice of the hearing date.

Objections to Claims Noticing Period (Rule 3007) continued

The following is an example for a Chapter 13 case, using Judge Cary's hearing calendar.

- An Objection to Claim was filed by on **June 5th**.
- Counting 14 days, Responses are due by **June 19th**.
- The 30-day period can be calculated by counting an additional 16 days from the Response deadline (or counting 30 days from the date of filing of the Claim Objection). This 30-day notice is **July 5th**.
- Judge Cary's next available hearing date is **July 12th**.

Taking the above into consideration, the hearing should be set for Judge Cary's calendar on July 12th, with response deadline of June 19th.

A link to the National Form 420B for the Objection to Claim can be found on our website (<https://www.meb.uscourts.gov/forms/>), under the heading of **Commonly Used Forms** and further under the list of forms from other judiciary sites

Labeling or describing exhibits or other attachments to filings

To help everyone who is looking at the case docket, especially when there are numerous exhibits, we ask that you name or describe attachments to your filings.

Instead of this type of docket entry



File a Motion:

19-20034 [Connie Potter](#)

Type: bk	Chapter: 13 v	Office: 2 (Portland)
Assets: y	Case Flag: CONS, DSO, APPEAL	

Docket Text: Final Text

Motion to Dismiss Case for Failure to Make Plan payments Filed by Andrew M. Dudley. Hearing scheduled for 7/12/2023 at 09:00 AM at Bankruptcy Courtroom, Portland. Objections due by 7/5/2023. (Attachments: # (1) Hearing Notice # (2) Proposed order # (3) Certificate of Service # (4) Exhibit A # (5) Exhibit B # (6) Exhibit C) (rmp)

We would like to see this type of docket entry



File a Motion:

19-20034 [Connie Potter](#)

Type: bk	Chapter: 13 v	Office: 2 (Portland)
Assets: y	Case Flag: CONS, DSO, APPEAL	

Docket Text: Final Text

Motion to Dismiss Case for Failure to Make Plan payments Filed by Andrew M. Dudley. Hearing scheduled for 7/12/2023 at 09:00 AM at Bankruptcy Courtroom, Portland. Objections due by 7/5/2023. (Attachments: # (1) Hearing Notice # (2) Proposed order # (3) Certificate of Service # (4) Trustee record of payments # (5) Trustee correspondence to debtor and counsel) (rmp)

When docketing the pleading, browse to attach the underlying pleading and select Yes for attachments

Date filed6/5/2023

Document number assignment:

☒ Automatically assign number

☐ Enter other document number

Filename

Browse...

22-20005 Poulin Order Approving TFR.pdf

Attachments to Document:

☐ No

☒ Yes

Next

Clear

The next screen will give you the opportunity to select attachments and to label/describe them.

1. Browse to select the attachment document (i.e. a Certificate of Service, Proposed Order, or Exhibit).
2. Click on Category to select from a pre-populated list of items such as Appendix, Hearing Notice, Certificate of Service, Proposed Order, etc. If you do not see an item in this list that fits your attachment, name or describe your attachment, (i.e., copy of mortgage deed, promissory note, email correspondence) in the Description box to the right.
3. Select Add to List. Repeat these steps for each attachment. When all attachments have been added, click Next to finalize.

Select one or more attachments.

1) Select the PDF document that contains the attachment.

Filename

Browse...

No file selected.

2) Fill in the fields below.

Category

and/or Description

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

^

Add to List

Remove from List

v

Next

Chapter 13 Confirmation Hearings & Motions to Shorten Time

The Court sends out the Notice of Chapter 13 Bankruptcy Case to all parties and creditors through the Bankruptcy Noticing Center. That notice includes the date of the §341 Meeting of Creditors, as well as the date, time and location of the initial confirmation hearing.

The hearing date is automatically set by the Court in compliance with Code requirements that the confirmation hearing be held no later than 45 days after the initial meeting of creditors. (11 U.S.C §1324) Therefore, the confirmation hearing date cannot be changed, and a hearing WILL BE HELD, whether or not noticed by the debtor.

The debtor must comply with the Code or Rules when noticing the confirmation hearing. (Fed. R. Bankr. P. 2002, 3015, 9006; D. Me. LBR 3015-1(a), 9013-1)

Chapter 13 Confirmation Hearings & Motions to Shorten Time continued

Creditors and case participants must be given:

1. At least 28 days notice of the hearing date.
2. At least 21 days for objections.
3. At least 7 days between the objection deadline and hearing date.

That's a lot of math! To help visualize how this works, we have created an example in calendar form.

What happens if you don't get the notice served in time?

You can file a Motion to Shorten Time. This motion seeks court approval to shorten the notice period and/or objection period. The CM/ECF filing event is under Bankruptcy > Motions/Applications > Shorten Time.

DO NOT FILE A MOTION TO EXPEDITE HEARING



Receiving Case Activity Notifications

Have you ever wanted to monitor a case by receiving notices of electronic filing without having to enter your appearance? It's easy to do.

See the step-by-step instructions in the Attorney Quick Reference Guide under Attorneys in the red ribbon towards the top of the Court's website Home Page.



How to Receive Case Activity (Email) Notifications (without entering an appearance)

Turning on Notifications

Step	Action
1	Go to: Utilities > Maintain Your ECF Account.
2	Choose the "Email information" box at the bottom of the screen.
3	Check the box next to "Send notices in these additional cases" and insert the case number in the text field to the right. Click on "Find this Case." Enter as many case numbers as you wish.
4	Click "Return to Account screen" box at the bottom of the screen.
5	Click Submit.
6	The confirmation screen will show that the update was successfully made, as well as the list of all cases for which email notifications have been turned on.

Turning off Notifications

Step	Action
1	Go to: Utilities > Maintain Your ECF Account
2	Choose the "Email information" box at the bottom of the screen.
3	To remove only one case, delete that case number from the text box.
4	To turn off all notifications, uncheck the box next to "Send notices in these additional cases."
5	Click on "Return to Account screen."
6	Click Submit.
7	The confirmation screen will show that the update was successfully made, and an updated case list will appear.

Incomplete New Case Filings

Change to procedure for Judge Fagone's case only

Rules 1006 and 1007 of the Federal Rules of Bankruptcy Procedure identify certain items, documents, and payments that must be filed or tendered with the petition or shortly thereafter (collectively the “Petition Date Requirements”). In the past, if a new case came in and any of the Petition Date Requirements were not met, the assigned Case Administrator would issue an Order to Comply. Moving forward, the practice in Judge Fagone’s chapter 7, 12, and 13 cases will be different.

If any of the following are not submitted at the time of case filing, you may see an Order to Show Cause issued:

- Creditor Matrix
- Corporate Ownership Statement (when applicable)
- Certificate of Credit Counseling, Motion for Waiver of Credit Counseling Requirements, or Motion to Extend Time to File Certificate of Credit Counseling
- Filing Fee, Application for Waiver of Ch. 7 Filing Fee, or Application to Pay Filing Fee in Installments

The Order to Show Cause will set a telephonic hearing on an expedited timeframe.



Some CM/ECF Filing Event changes.....

1. Objection to Claim. In the past, filers used the Bankruptcy > Answer/Response and selected Objection. Recently, we created a separate event called “Response to Objection to Claim”. It can be found under Bankruptcy > Claim Actions.
2. Suggestion of Death. This event has been changed to “Notice of Death”.

Just a reminder...you can search for events if you're having trouble finding them. Select “Search” at the top of the CM/ECF home page.

REMINDER

Pursuant to Standing Order of March 1, 2023, there are no limits on the number of times a matter may be continued using the Agreed Request for Continuance filing event. This change is in place until the end of the calendar year.

Chapter 11 Motions for Approval of Final Accounting and for Final Decree

The Court will be tracking the percentage dividend amount paid to the general class of unsecured creditors.

Please remember to include that information in your motion or proposed order.

Reminders

- The Maine Bankruptcy Court's CM/ECF system will be unavailable from noon on Friday, June 23rd to 8:00 AM on Monday, June 26th. This period of downtime is scheduled for a necessary upgrade to the CM/ECF software. We apologize for any inconvenience this may cause.
- Keep an eye out for proposed Local Rules Amendments and the comment period for those Amendments. The Local Rules Committee is closing in on finalizing the proposed amendments and will be seeking your input prior to final adoption. An announcement will appear on the Court website when that time has arrived.
- Keep an eye on the Court's website. We're often updating Judges' schedules, forms, posting updates, and more.



Please contact us anytime. If your question is time-sensitive, calling is the fastest way to obtain a response to your question.

For the promptest response, call the Clerk's Office in the location of the Judge assigned to the case.