

BANKRUPTCY POWER HOUR!

Staff and Attorney Training 2022

QUICK REFERENCE GUIDE

MOTIONS

Motion for Redaction of Personal Identifiers

- See “Motion for Redaction of Personal Identifiers” in the Attorney Reference Guides on our website
- Local form must be used and is available on our website
- Attach to your motion a pdf of the entire document you initially filed in redacted form
- Refer to Federal Bankruptcy Procedure 9037(h) for guidance on what to include in your filing and which parties must receive notice
- No proposed order is required

Multi-Part Motions

- See “Multi-Part Motion” in the Attorney Reference Guides on our website
- When filing a motion requesting two forms of relief, i.e., a motion to convert or in the alternative relief from automatic stay, press and hold the Ctrl key and select each event
- Only use the “Generic Motion Two-Part” event if there is no specific event for one or both requests for relief

MODIFIED PLANS & MOTION TO MODIFY PLAN

- A motion to modify plan is required when a post-confirmation modified plan is filed
- There is a separate event for that motion under Bankruptcy Events > Motions/Applications > Motion to Modify Plan
- Only set a hearing on the motion. Do **not** set a hearing on the modified plan

CALCULATING OBJECTION DEADLINES & HEARING DATES

- The rules state minimum periods of time for noticing various motions and pleadings, as well as objection periods for those filings
- You may go over those minimums, but never under. Going under those minimums would require the filing of a motion seeking expedited or emergency treatment
- Begin calculating your objection period from the day after you file your pleading
- Pursuant to D. Me. LBR 9013-1(d)(5), there must be a **minimum of 7 days between the objection deadline and the hearing date**, unless you are seeking expedited or emergency treatment
- **Expedited consideration** should be used when the movant seeks to have a motion considered by the Court earlier than 21 days after the motion is filed. Responses to expedited motions ARE required.

Responses to expedited motions shall be filed no later than the business day preceding the day of the hearing.

- **Emergency consideration** should be used when the movant seeks to have motion considered by the Court earlier than 48 hours after the motion is filed. Written response to emergency motions are NOT required. However, they are encouraged and may be filed up to the time the hearing is convened.
- **NOTE: The Clerk's Office is not allowed to calculate objection deadlines for you**

NOTICES OF HEARING

The Clerk's Office is responsible for noticing the following matters:

- Applications for Compensation (Ch. 7, 12, and 13) **Rule 2002(a)(6)**
- Applications to Compromise (Ch. 7, 12, and 13) **Rule 2002(a)(2)**
- Notice of Intent to Sell (Ch. 7, 12, and 13) **Rule 2002(a)(1)**
- Trustee Final Report Before Distribution (Ch. 7) **Rule 2002(f)**
- Motion to Dismiss Chapter 7 Case (Ch. 7) **Rule 2002(a)(4)**
- Motion to Convert Chapter 7 Case (Ch. 7) **Rule 2002(a)(4)**

The Applicant/Movant is responsible for all noticing in Chapter 11 cases except:

- U.S. Trustee's Motion to Convert Chapter 11 Case (Ch. 11) **Rule 2002(a)(4)**
- U.S. Trustee's Motion to Dismiss Chapter 11 Case (Ch. 11) **Rule 2002(a)(4)**
- Leave all hearing and objection deadlines blank in the proposed hearing notice and docket event associated with any of the above pleadings

PROPOSED ORDERS

- The words "proposed" or "amended" should not be included in the title or docket entry
- Must be filed as a separate pdf attachment
- The date and judge signature lines should not stand alone on a page
- Double check the accuracy of the docket entry number, or leave it blank
- If filing an application for compensation in a Judge Fagone case, you must use the form on our website and not change it in any way

Motion for Request for Discharge

- The correct title of the proposed order is Order Granting Motion Requesting Discharge and NOT Order Discharging Debtor

CERTIFICATES OF SERVICE

Certificates of Service When Using Third-Party Noticing Centers

- Do not indicate in your certificate of service that a service list is attached if it is not

- If you don't have that list at the time you file the certificate of service, indicate that it will be filed separately
- If you file it and the service list is not attached, the Case Administrator will docket an Entry stating that service doesn't meet the requirements of the applicable rules
- Please note that a specific certificate of service for a notice of hearing on confirmation of a Chapter 13 Plan is required. It is Form 2C and can be found on our website

SETTING HEARINGS / TELEPHONIC APPEARANCES

Special Set Matters

Some motions need to be specially set by the Court, i.e., motions for summary judgment.

- Call the Courtroom Deputy for a hearing date and time to include in your hearing notice.
- Have your objection deadline ready as a reference for the Courtroom Deputy (the Court cannot provide or calculate objection deadlines)

Agreed Request for Continuance

- See Local Rule 9045-1(b)
- Only two consecutive requests are allowed for each matter. After that, you must file a motion to continue
- The continued hearing date must be within 45 days.
- Due by 4:30 the day before the hearing
- Link only to the motion or plan being continued, not to a hearing notice or other related document

Hearing Locations

- No matter what is being set, ONLY use "Bankruptcy Courtroom, Portland" or "Bankruptcy Ctrm 30600, Bangor"
- Do not indicate in your notices of hearing that a hearing is scheduled as telephonic. All hearings are scheduled as in-person hearings with the option of telephonic appearance

Telephonic Appearances

- Register with CourtCall prior to 3:00 p.m. the day before the hearing
- See Court Info>>Video/Telephonic Hearings>>Administrative Procedures for Telephonic Participation on our website
- Participants must dial-in no later than 10 minutes before the hearings so there is time to do an audio test
- Also, if you do not timely call and connect with CourtCall, the hearing may proceed in your absence

AMENDED SCHEDULES & STATEMENTS

- See "Amended Schedules" and "Required Documentation for Amended Schedules" in the Attorney Reference Guides on our website
- Please be sure to check the "Check if this is an amended filing" box
- Pursuant to D. Me. LBR 1009-1(b), amended schedules and statements should clearly state that the document is an amendment, and should clearly identify all changes

- Acceptable techniques for identifying changes may include black lining, red lining, bold type, highlighting, and written summaries of changes

FILING ERRORS, ENTRIES & CORRECTIVE ENTRIES

Filing Errors

- When you realize you've made an error when filing a pleading, you can file it again
- The CA will do a corrective entry on the first submission, terminating it from the docket
- Do **not** title the corrected pleading as amended. File the corrected pleading as if the first one were not there.

The Court will issue the following entries when an error is found during our data quality process:

Entries

- Are made to inform you of deficiencies
- Do not terminate the motion or other pleading related to it
- If deficiencies are not cured, matter will remain on for hearing

Corrective Entries

- Are made to inform you of critical errors (i.e. incorrect filing event used, incorrect PDF attached, incorrect caption information)
- Terminate the pleading, which would require the refiling of the pleading

ADDING A PARTY TO A CASE

Adding a Party to a Case

- Do not add your client's address. If one appears, take it out.
- Notices will be emailed to you as the attorney and not directly to your client
- Identify appropriate role type code

HELPFUL HINTS

Search CM/ECF

- The Search function will help you find docketing events and menus
- Type in one or two words

  [Bankruptcy](#) [Adversary](#) [Query](#) [Reports](#) [Utilities](#) [Search](#) [Help](#) [What's New](#)

Skeleton Petition

- Do not set deadlines for schedules, statements, plan, etc.

Question: If a motion/application is filed that is not objected to, but Chambers requests that it be set for hearing, what issues might be the trigger for a hearing being set?

Answer:

- The Judge may have questions to ask of the movant
- The motion may fall under a rule or category that requires a hearing be held
- There may be an issue of inadequate service on the motion

Question: When filing a motion and motion to expedite, is there a preference that a single notice of hearing covering both motions be filed separately from the two motions, and linked to both, or does the Clerk's Office prefer a separate notice of hearing to be filed as an attachment to each motion?

Answer: The Clerk's Office has no preference. If it is easier for you to file one hearing notice and link it back to both motions, that is acceptable.

Question: I just came across an order that a judge signed and changed the wording (or removed wording). Is it possible to ask that Chambers issue a redline order showing what is changed or removed? Maybe I should check the signed orders against what I submitted, but I usually do not. I just assumed it was signed as filed.

Answer: Filers are required to submit proposed orders, but the orders are just that ... proposed. The judges frequently make changes to submitted proposed orders. It is not the court's policy to provide counsel with redlined documents for comparison. The responsibility for checking or tracking those changes to proposed orders rests with the filers. For help comparing various versions of a document in Word by merging, comparing and combining, go to <https://support.microsoft.com/en-us/office/combine-document-revisions-f8f07f09-4461-4376-b041-89ad67412cfe?ns=winword&version=90&ui=en-us&rs=en-us&ad=us>

OUR WEBSITE – www.meb.uscourts.gov



Judge's Info

- Procedures and Requirements specific to each Judge
- For example, the following relates to Judge Fagone only:

Procedures:

1. [Required Form of Order Granting Fee Application in a Chapter 13 Case.](#)
2. [Procedure for Proposed Orders.](#)
3. [Requirements for Relief From Stay forms of order in chapter 7, 12 & 13 cases](#)
4. [Requirements for Forms of Order on Certain Motions to Avoid Judicial Liens Under 11 U.S.C. § 522\(f\)](#)

- Hearing Dates and Times

For Attorneys

- Attorney Reference Guides
- Federal and Local Rules
- Standing and General Orders

Forms

View and Print Bankruptcy Forms

- Official Bankruptcy Forms available at the US Courts website
- Commonly Used Bankruptcy Forms
- Forms From Other Judiciary Sites
- Local Forms

CONTACT US



When in DOUBT...give us a SHOUT!

We are happy to help with all of your filing questions



Bangor Office 945-0348 -- Portland Office 780-3482