

**United States Bankruptcy Court for the District of Maine  
Local Rules Committee**

**Meeting Minutes – September 16, 2014, 10:00 a.m.**

A regular meeting of the Local Rules Committee for the United States Bankruptcy Court for the District of Maine was held at the Bankruptcy Court in Portland, Maine on September 16, 2014. Members of the Committee in attendance were Chief Judge Louis H. Kornreich, Darcie P.L. Beaudin, Esq., Roger A. Clement, Jr., Esq. (Chair), Randy J. Creswell, Esq., Michael A. Fagone, Esq., Andrea Bopp Stark, Esq.

Members Judge Peter G. Cary, Steven G. Cope, Esq., Peter C. Fessenden, Esq., Standing Chapter 13 Trustee, Alec Leddy, Clerk of Court, Perry O'Brian, Esq., Stephen G. Morrell, Assistant U.S. Trustee and Richard A. Silver, Esq. were absent.

I. Approval of Minutes. Minutes of the April 29, 2014 meeting have not yet been circulated. Mike Fagone will circulate them for approval shortly.

II. Chair Announcements

a. There were no general announcements from the chair.

III. Clerk's Office Report

a. In Alec's absence, Judge Kornreich gave a brief report from the clerk's office. Bankruptcy filings are down from prior years. Although budget issues are a concern, the clerk's office is functioning well and performing all required duties.

b. Next Gen CM/ECF will be rolled out in the next few months. The changes will be significant and will require training.

c. Judge Cary is the program coordinator for the District of Maine Judicial Conference. As with past conferences, there will be panels for bankruptcy, civil litigation and criminal law practices.

IV. Local Rule 4001-1 – 11 U.S.C. § 362(e)

This is a carry-over item from prior meetings. Proposed language has been drafted for new LBR 4001-1(c)(3) relating to continuation of the automatic stay when the moving party schedules a preliminary hearing more than 30 days after filing a motion for relief from stay. Judges Kornreich and Cary have approved the language of the new Rule. The proposed new rule will be sent to the District Court for approval.

V. 11 U.S.C. § 363(f) – Motions to Sell Free and Clear – New Filing Fee (\$176)

This item remained on the Agenda from prior meetings. The concern is how trustees will pay the filing fee when the estate has no funds. Judge Kornreich, who is a member of the Bankruptcy Judges Advisory Group, noted that a committee of the Judicial Conference may revisit this issue in the future. There being nothing for the Rules Committee to do on this matter, it will be removed from the Agenda.

VI. Closing Cases – Streamlining Process

This item remained on the Agenda from prior meetings, where it was raised by Mr. Morrell. This issue was tabled until the next meeting, when Mr. Morrell can lead a discussion of it.

VII. Discovery in Contested Matters

This item remained on the Agenda from the previous meeting. Issue: Are all discovery processes and methods available to litigants in adversary proceedings also available to parties in contested matters in light of Rules 7026 and 9014 of the Fed. R. Bankr. P. and Local Rule 9014-1(a)(1) and (3)? For example, are parties in contested matters entitled to discovery before the first hearing in a contested matter? Judge Kornreich noted that parties are given an opportunity to ask for discovery at the preliminary hearing in a contested matter. The Committee noted some potential ambiguities in the language of the applicable federal and local rules.

Ms. Bopp Stark and Messrs. Creswell and Fagone will review this and recommend whether any modifications to the Local Rules would be appropriate.

VIII. Global Review of Local Rules

Mr. Creswell will review the Local Rules for improper cross references and similar issues. Ms. Bopp Stark will review the Local District Court Rules for the same purpose.

IX. Judge's Report

Judge Kornreich stated that he will be stepping down as the Judicial liaison member of the Committee after 13 years of service. Mr. Clement thanked him for his service. Judge Cary will be the new Judicial liaison member.

X. Next Meeting

November 12, 2014 at 10:00 a.m. – Bankruptcy Court, Portland