

MINUTES

United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting September 26, 2024 at 10:00 a.m.

Members Present: Sam Anderson, Shawn Doil, Andrew Dudley, Kellie Fisher, Jennifer Hayden, Nate Hull, and Jim Wholly.

Members Absent: Kevin Crosman and Steve Morrell.

Other Participants: Monica Bigley and Ciera Dye

1. **Approval of Minutes of Prior Meeting.** The minutes from the July 25, 2024 meeting were approved.
2. **Chair Announcements.** Nate Hull reports that he and Monica Bigley met to review all the proposed changes for this year. He will cover all those changes in today's meeting.

Reminder that the Federal Judicial Conference is coming up in November. The format will be different this year, with all plenary sessions.

Nate Hull extended an open invitation to members of the Bar who would add additional perspectives to the Local Rules Committee. If anyone has suggestions for new members, please mention them.

3. **Committee vote on the proposed slate of recommended changes.**

Over the course of the last year, Monica Bigley has been maintaining a set of redlines for everything the Committee has discussed; this working version has been maintained by the Clerk's Office. Monica Bigley and Nate Hull sat down and reviewed the changes that the Committee preliminarily indicated support for. Monica Bigley discussed the proposed slate of changes with the Judges and the Judges had some additional revisions. Monica Bigley circulated a red and blue lined document showing the Committee and Judges' requested changes.

- a. **Proposed LBR 1007-1:** This proposal incorporates language from the remaining Standing Order.
- b. **LBR 3015-1(c):** This update clarifies that the Clerk's Office will notice a Motion to Modify when the debtor is pro se.
- c. **Proposed LBR 4008-1:** This proposal incorporates language from the remaining Standing Order.

- d. **LBR 9010-1(b):** Provides that the filing of a paper by an attorney constitutes an appearance in that case, with the exception of proofs of claim and limited appearances.
- e. **LBR 9013-1(d)(2):** Sets the deadline for a reply as 12:00 p.m. Eastern Time, two calendar days prior to the hearing.
- f. **LBR 9013-3(o):** Adds Motion for Admission Pro Hac Vice to the list of motions that do not require a hearing.
- g. **LBR 4001-1(d):** Committee agrees that the 14-day negative notice should not apply to Consented Motions for Relief from Stay. Nate Hull will work with Monica Bigley to develop proposed language; it will be an affirmative statement rather than a carve out. This will be included on the vote on the slate with this pending change as a caveat.
- h. **9013-3(b):** There was concern expressed that Chapter 13 Plans are not covered by this Local Rule. The Committee decided that Chapter 13 Plans would be added to this Local Rule, provided that the Chapter 13 Trustee consents to the motion. This proposed change will be included on the vote on the slate. Monica Bigley will seek feedback from the Judges. If the Judges approve, this will be included in the December 1st updates.
- i. **LBR 9013-4:** These were revisions requested by the Judges.
 - i. **LBR 9013-4(a)(3):** Clarification of the language.
 - ii. **LBR 9013-4(a)(4):** Adds the requirement of a timeline for the requested hearing date.
 - iii. **LBR 9013-4(a)(5):** Adds the requirement of consultation prior to filing. The Committee was not supportive of the proposed additional language. This Rule will be added as an agenda item for future discussion.

Motion to approve full slate of changes discussed, included the updated to add “the plan” to LBR 9013-3(b) and LBR 4001-1(d) raised today. Committee approves.

Motion to approve LBR 9013-4(a)(5) on Communication. Committee does not approve. This will be added as an agenda item for further discussion.

4. **Open Matters to be Considered and Discussed.**

- a. **Local Rule 9013-1(c):** The subcommittee of Shawn Doil, Sam Anderson, and Nate Hull have met. They propose that admission or denial only be required if the movant has separately laid out a factual section in the motion. The requirement to respond would be limited only to the facts. The Subcommittee will develop

proposed language and bring a redlined version to the larger Committee. This is not yet ready for a vote.

- b. **Local Rule 4001-1(b)(1) and Local Form 6:** No report on this agenda item.
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- 5. **Scheduling Next Meeting.** Tentative meeting scheduled for October 17, 2024 at 10:00 a.m. via Teams. Firm meeting scheduled for December 5, 2024 at 10:00 a.m. via Teams.