

MINUTES

**United States Bankruptcy Court
for the District of Maine
Local Rules Committee Meeting
August 2, 2023 – 2:00 p.m.**

Members Present: Mr. Anderson, Ms. Doil, Mr. Dudley, Ms. Economy, Ms. Fisher, Mr. Hull, Mr. Morrell, Mr. Molleur, Ms. Sambatakos, Mr. Sleeper, and Mr. Wholly.

Members Absent: Mr. Crosman

Other Participants: Judge Cary, Ms. Lewis

1. **Approval of Minutes of Prior Meeting.** The minutes from the July 17, 2023 meeting are approved.
2. **Chair Announcements.** No announcements.
3. **Clerk’s Office Announcements/Updates:** No announcements.
4. **Review of Local Rules for Consistency/Cross-References/Updating.**
 - **Follow-up from Previous Meetings:**
 - Ms. Fisher assembled and distributed a memorandum addressing the proposed changes to the local rules to assist in the Committee’s review.
 - **General Discussion of the Local Rules:**
 - **Local Rule 9013-1(c)(1).** Modify the first sentence to read “Except as set forth in Local Rules 9013-2, 9013-3, and 9013-4...”. Judge Cary will check with Ms. Bigley to determine if a reference to Rule 2002-1 needs to be added to this section. If so, he will suggest language for the rule.
 - **Local Rule 9013-1(c)(2).** Judge Cary will check with Ms. Bigley to determine if a reference to Rule 2002-1 needs to be added to this section. If so, he will suggest language for the rule. “Fed. R. Bankr. P. or Local Rules” to be changed to “the Local Rules.” Final sentence to be revised to reflect that the response date shall be no less than seven calendar days prior to the scheduled hearing.
 - **9013-1(d).** Mr. Hull reminded the Committee that it will address the need to respond to each paragraph as a standalone agenda item.
 - **9013-2(c).** Proposed modification to read “a consent motion to continue a hearing;”

- **9013-2(o)**. In the last sentence, revised to read “...the debtor, the chapter 13 trustee, and the lessor or creditor...”
- **9013-2(p)**. New proposed local rule to address Consented to Motion for the Entry of Confidentiality Order.
- **9013-3(a)**. Move the current (6) *Determination* to (2) and renumber as appropriate.
 - **9013-3(a)(1)**. Mr. Sleeper circulated his proposed edits to the Committee. Those proposed edits are approved.
 - **9013-3(a)(2)**. Will become *Determinations*.
 - **9013-3(a)(3)**. Will become *Contact Clerk’s Office to Set for Hearing*.
 - **9013-3(a)(4)**. Will become *Contents*. Mr. Sleeper circulated his proposed stylistic edits to the Committee. Those proposed edits are approved.
 - **9013-3(a)(5)**. Will become *Communication*. Mr. Sleeper circulated his proposed stylistic edits to the Committee. Those proposed edits are approved.
 - **9013-3(a)(6)**. Will become *Notice of Hearing*. Mr. Sleeper circulated his substantive edits to the Committee. Those proposed edits are approved.
- **9013-3(c)**. Subsections to be changed from Roman Numerals to (1) and (2). Mr. Sleeper’s proposed edits to be further considered by Judge Cary.
- **9013-3(d)**. Propose to delete this subsection.
- **9013-4**. Will be headed *Ex Parte*.
- **9014-1(a)(3)**. The words “evidentiary testimony” to be added before the word “discovery” on the second line.
- **9014-1(b)**. To be retitled to “Pleading in Special Matters”.
 - **9014-1(b)(2)(E)**. To be updated to read “as to the balance due and perfection of”.

- **9019-1(a).** Committee proposes amendment to read “in a writing and signed by the parties.”, and “subparagraph (e) below” to be changed to “subparagraph (d) below.”
- **9019-1(b).** Committee proposes to change “the adversary proceeding” to “an adversary proceeding.”
- **9019-1(d)(1).** Committee proposes to change “a copy of the related settlement documents” to “a copy of any related settlement documents”.
- **9019-1(d)(2).** Final sentence to be revised to include “stipulation of dismissal”. Ms. Doil to circulate language regarding attaching dispositive document as exhibit.
- **9027-1.** Committee proposes to change “party noticing removal” to “party seeking removal”.
- **9037-1.** Committee proposes to change the beginning of the local rule to read “A party seeking to redact personal identifiers pursuant to” and remove the comma before the word “shall.”
- **9050-1(b).** Committee proposes to change “over the objection of an interested party” to “without the consent of all interested parties”.
- **1001-1.** Mr. Sleeper’s suggested changes that were circulated on July 5, 2023 were approved.
- **1002-1(b).** Two section symbols are needed at the citation.
- **6004-1(a).** Proposed change to eliminate the phrase “pursuant to section 363(h)”.
- **9013-1(l).** Proposed additional section that deals with preliminary versus non-preliminary hearings. Committee discussed whether this should remain as a standalone agenda item after the comprehensive revisions are implemented.
- **2014-1(b)(2).** Ms. Fisher circulated a proposed revision to the chapter 11 counsel provision that states when filed within thirty days of the petition, the order authorizing retention will be effective as of the filing of the petition. The proposal to remain in the draft.

5. **New Business/Matters/Issues.** None

6. **Scheduling Next Meeting.** Judge Cary will circulate the final clean and red-line version for review to see if it can be sent for public comment.