

MINUTES

United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting October 27, 2022 – 10:00 a.m.

Members Present: Mr. Hull (Chair), Mr. Crosman, Ms. Doil, Ms. Sambatakos, Mr. Morrell, Mr. Wholly, Mr. Anderson, Ms. Fisher, Mr. Sleeper, and Mr. Molleur.

Members Absent: Ms. Economy and Mr. Dudley.

Other Participants: Judge Cary, Ms. Bigley, and Ms. Ford.

1. **Approval of Minutes of Prior Meeting.** The minutes from the September 28, 2022 meeting were approved.
2. **Chair Announcements.** Mr. Hull thanked Judge Cary and Mr. Wholly for their assistance in reviewing USDC's Local Rule 16 on such a quick basis.
3. **Clerk's Office Announcements/Updates.** Ms. Bigley expressed that she is looking forward to seeing everyone at the district conference.
4. **Review of Local Rules for Consistency/Cross-References/Updating.**
 - **Follow-up of updates from previous meeting:**
 - **Review of 4000's:** Mr. Sleeper has comments that Judge Cary will incorporate into a new redline and clean version.
 - **Local Rule 2016-1:** This Rule is moving to 2014-4. Mr. Hull sent a further redline on 10/26/22. Judge Cary will incorporate this change into a new redline and clean version.
 - **Local Rule 4001-1(b)(1):** This will be reviewed again when the group looks at the 4000's with a fresh set of eyes. Ms. Fisher will ask her colleague to look at this form.
 - **USDC Local Rule 16.3:** USDC is moving through the Local Rule approval process one by one, as opposed to our package view. Currently, bankruptcy appeals are dealt with in Rule 16.3 (a)(3) and additional bankruptcy-specific information is included in Rule 83.6. Mr. Hull, Mr. Wholly and Judge Cary recommended that the USDC gather all bankruptcy related rules in Rule 83.6. This will be coming down the pipeline as their Local Rules group works towards that Rule. No further action for the Committee at this time.

- **Local Rule 4001-3(g):** It was asked whether the Committee inadvertently deleted a provision that was helpful for individual debtors? When the 4000's are revisited, this specific rule will be revisited. Judge Cary will add a note in the redline version.
- **Local Rule 5001-2:** Federal Rule addresses hours, we don't need to spell it out. Essentially, electronic filing is open 24 hours. To be eliminated.
- **Local Rule 5005-1:** This was the old 5005-3, it has been collapsed into a general rule.
 - **5005-1(a):** Creation of the Appendix will allow us to delete several Standing Orders and allow easy access to administrative ECF procedures. All instances of "files" shall be changed to "filing."
 - **5005-1(b):** Keeping as simple as possible.
 - **5005-1(c):** This is the old 5005-3. Mr. Sleeper does not think we need this, as the big rules address the issue. This will be removed to eliminate confusion; situation will be dealt with when 9000's are reviewed.
 - **5005-1(d):** There are no filing requirements under big rule 5011(a). Creation of a new 5011-1 called "Withdrawal of a Case of Proceeding." This entire section to be moved to that new section.
 - **5005-1(e):** This will become (c). Judge Fagone is working on Administrative Procedures to make this clearer. Remove everything after the first sentence.
- **Local Rule 6004-1:** Title change made to match the lead of the big rules.
 - **6004-1(a):** Okay as is.
 - **6004-1(b):** Pulled from other subsections to create (b) and (c). The breakdown indicates what situations require motions. This is just a clean-up, not substantive change. Glowing accolades for Ms. Doil's work on these sections.
 - **6004-1(b)(2):** Judge Cary had left a comment on the redline version regarding the notice expressly stating whether substantially all assets of the estate are to be sold. The belief is that it's a requirement under Chapter 11 for some reason. Judge Cary will determine why he left this comment and report back.
 - **6004-1(c)(1):** Last sentence regarding the initiation of an adversary proceeding to be deleted.
 - **6004-1(c)(3):** To be deleted.
 - **6004-1(c):** Section titled "Content of Sale Notice" to be changed to (d). Last two sentences (beginning with "Should there be a change in time...") to be deleted.
- **Local Rule 6006-1:** To be removed.
- **Local Rule 6007-1:** Mr. Hull feels that this should stay to enhance the big rules' direction. Committee agrees.
- **Local Rule 7001-1:** To be moved to 9000's to follow big rules.
- **Local Rule 7001-3:** To be moved to 9000's to follow big rules.

- **Local Rule 7001-2:** To be moved to 7065-1 to follow big rules.
 - **Local Rule 7003-1:** To be renamed to match big rules. Ms. Bigley will investigate whether there's an essential reason for the Cover Sheet. The last sentence to be removed.
 - **Local Rule 7016-1:** No changes.
 - **Local Rule 7026-1:** No changes.
 - **Local Rule 7041-1:** To be deleted.
 - **Local Rule 7056-1**
 - **7056-1(a):** Okay as is.
 - **7056-1(b):** To be updated to include reference to USDC Local Rule. Judge Cary will take a stab at cleaning up.
 - **Local Rule 7065-1:** Moved from 7001-3. Committee has agreed to remove section.
5. **Addition of Motions for D. Me. LBR 9013-1(d)(1).** This agenda item will act as a placeholder for the Committee to make any recommendations on adjustments to D. Me. LBR 9013-1(d)(1) once the review of the proposed "comprehensive" changes to the local rules has taken place. Mr. Hull will be keeping a running list of ideas and/or suggestions that are received and/or suggested. This item will remain on the agenda for future discussion.
 6. **New Business/Matters/Issues.** Committee has agreed to uniformly use "Code" throughout the Rules.
 7. **Scheduling Next Meeting.**
 - December 1, 2022 at 10:00 a.m. – 9000s