

MINUTES

United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting December 1, 2022 – 10:00 a.m.

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

Members Absent: Mr. Sleeper, Mr. Morrell, and Ms. Bigley.

Other Participants: Judge Cary and Ms. Ford.

1. **Approval of Minutes of Prior Meeting.** The minutes from the October 27, 2022 meeting were approved.
2. **Chair Announcements.** Mr. Hull reminded all that there are new Federal Rules effective today. Most of these new rules implement the Interim Rules relating to Subchapter V cases. Based on those, the Committee may have some Local Rules to review. Judge Cary is working on a redline version of the Federal Rules and forms updates for posting on the Court's website. He will also take a look to see if any of the updates impact the Local Rules.
3. **Clerk's Office Announcements/Updates.** Judge Cary conveyed that there is nothing to announce from the Clerk's Office.
4. **Review of Local Rules for Consistency/Cross-References/Updating.**
 - **Follow-up of updates from previous meeting:**
 - **Local Rule 4001-1(b)(1):** Ms. Fisher circulated a redline version of the Worksheet. After discussion, further modifications were suggested. An updated version will be circulated to the Committee.
 - **Review of 4000's:** Judge Cary circulated Mr. Sleeper's suggested edits on November 17, 2022. Committee agrees to these edits.
 - **General Discussion of the Local Rules:**
 - **Local Rule 9001-1:** Mr. Sleeper submitted comments about distinguishing between the Court as an institution versus as the judge. Judge Cary will put this on his list to review and will circle back with Mr. Sleeper.
 - **9001-1(c):** This will be eliminated, as it's already defined in the Federal Rules.

- **9001-1(c)(new):** This was added due to something found in 1001-1. “Local Rules” will be removed from this line for clarification purposes.
 - **9001-1(g):** The term “paper” is used in the Federal Rules, so the Committee will stick with it for now.
- **Local Rule 9003:** This will be eliminated.
- **Local Rule 9004:** This will be eliminated.
- **Local Rule 9006-1:** This will be modified to reflect the Federal Rule.
- **Local Rule 9010-1:** This will be modified to reflect the Federal Rule. Judge Cary will incorporate 9029-1 and circulate in the next draft.
- **Local Rule 9013-1:** Judge Cary, Judge Fagone, and their respective Law Clerks are scheduled to meet soon to discuss possible modifications to expedited/emergency motions. As such, that section will be skipped for today’s meeting.
 - **9013-1(a):** This section is all set.
 - **9013-1(b):** Mr. Sleeper submitted some comments regarding limiting the scope on who needs to be consulted; “parties in interest” is too all-encompassing. Neither the Federal Rules of Bankruptcy Procedure, nor the Federal Rules of Civil Procedure require consultation. The Committee agreed that the consenting party should be identified within the motion. Mr. Anderson suggested the following language: “To the extent a party consents to the relief requested in the paper, identify the consenting party/parties.” Judge Cary will include this language in the redraft and will circulate.
 - **9013-1(c):** This section is all set.
 - **9013-1(d)(1):** Mr. Hull received feedback from the bar with requests for the following three motions to be added to the list:
 - **Consented to Motion to Enlarge the Deadline to Object to Discharge.** The Committee feels that this motion should be included as a new line item, Consent Motion Pursuant to 4004.
 - **Motions to Reopen to Enforce the Bankruptcy Discharge Provisions outside of one year.** This will not be included in the list.
 - **Consent Motions filed in Adversary Proceedings.** This will not be included in the list.

The Committee approved removing the following motions from the list, as they are no longer utilized:

- Motion Requiring Tax Filings
- Motion to Establish a Commission in Chapter 12 cases

The Committee approved the addition of the following motion to the list:

- Motion for Interim Distribution

- **9013-1(d)(2):** This section is all set.
- **9013-1(d)(3):** This section is all set.
- **9013-1(d)(4):** The Committee questioned how closely this practice is followed. This practice applies primarily to the Chapter 13 docket. Judge Cary will talk with Judge Fagone about this rule.

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

6. **Scheduling Next Meeting.**

- January 12, 2023 at 9:00 a.m. – 9000s continued