

**United States Bankruptcy Court**  
*Northern District of Illinois*



**Local Rules**

As amended, Effective January 1, 2012

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**RULE 1000-1            DEFINITIONS**

(1) “Administrative Procedures” shall mean the Administrative Procedures for the Case Management/Electronic Case Filing System, adopted by the court on February 17, 2004, as amended;

(2) the “Bankruptcy Code” shall mean Title 11 of the United States Code, as amended;

(3) “Bankruptcy Court” shall mean the bankruptcy judges of the United States District Court for the Northern District of Illinois;

(4) “clerk” shall include the clerk of the court, any deputy clerk, and any member of a judge’s staff who has taken the oath of office to perform the duties of a deputy clerk;

(5) “clerk of the court” shall mean the clerk of the court duly appointed by the Bankruptcy Court;

(6) “CM/ECF” shall mean the Case Management/Electronic Case Filing System;

(7) “courtroom deputy” shall mean the deputy clerk assigned to perform courtroom duties for a particular judge;

(8) the “date of presentment” shall refer to the day on which the motion is to be presented in open court according to the notice required by Rule 9013-1;

(9) “District Court” shall mean the United States District Court for the Northern District of Illinois;

(10) “District Court Local Rules” shall mean the Civil Rules promulgated by the District Court;

(11) “Executive Committee” shall mean the Executive Committee of the District Court;

(12) “judge” or “court” shall mean the judge assigned to a case or an adversary proceeding or any other judge sitting in that judge’s stead;

(13) “motion” shall include all requests for relief by motion or application, other than applications to waive the filing fee or pay the filing fee in installments.

(14) “Rules” shall mean these Local Bankruptcy Rules and any amendments or additions thereto;

(15) “Rule \_\_\_\_\_” shall mean a rule within these Rules and any amendments and additions thereto;

(16) “trustee” shall mean the person appointed or elected to serve as case trustee under the Bankruptcy Code, but not the debtor in possession in a case under Chapter 11.

## **RULE 1000-2           SCOPE OF RULES**

### **A.     Scope of Rules**

These Rules are promulgated by the District Court and the Bankruptcy Court pursuant to Fed. R. Civ. P. 83 and Fed. R. Bankr. P. 9029. They may be cited as “Local Bankruptcy Rules” and will govern procedure in the Bankruptcy Court, and in the District Court in all bankruptcy cases and proceedings as defined in 28 U.S.C. § 157, to the extent that they are not inconsistent with applicable law, the Federal Rules of Bankruptcy Procedure, or the Official Bankruptcy Forms. These Rules will be construed to secure the expeditious and economical administration of every case within the district under the Bankruptcy Code and the just, speedy, and inexpensive determination of every proceeding therein.

### **B.     Previous Bankruptcy Rules Rescinded**

All local bankruptcy rules adopted by the District Court and the Bankruptcy Court prior to the adoption of these Rules are rescinded.

### **C.     Application of District Court Local Rules**

The District Court Local Rules will apply to the Bankruptcy Court and bankruptcy cases only when the District Court Local Rules or these Rules so specify, or when applied by any judge to proceedings before that judge in situations not covered.

### **D.     Additional Procedural Orders**

(1) In addition to these Rules, procedures in the Bankruptcy Court may also be governed by

(a) General Orders, issued by the court, applicable in all cases, and

(b) Standing Orders, issued by an individual judge, applicable in cases pending before that judge.

(2) The chief judge may issue, on behalf of the court, Administrative Orders governing matters such as hours of operation, court holidays, and case assignments.

(3) Administrative Procedures have been adopted by the court pursuant to Fed. R. Bankr. P. 5005 and Rule 5005-1(A).

**RULE 1006-1            PAYMENT OF FILING FEE IN INSTALLMENTS**

**A.     Required Payments**

If a debtor applies to pay the filing fee in installments pursuant to Fed. R. Bankr. P. 1006, the clerk may enter on behalf of the judge to whom the case is assigned the appropriate order, which will require four equal payments due 30, 60, 90, and 120 days after the petition is filed.

**B.     Notice to Creditors**

If a debtor applies to pay the filing fee in installments, the clerk will not send notice of the commencement of the case or meeting of creditors to any party in interest until the order described in section A has been entered or the judge to whom the case is assigned has entered an order allowing the filing fee to be paid in installments.

**RULE 1006-2            PAYMENT OF FEES FOR ELECTRONIC FILINGS**

Subject to Rule 1006-1, any document filed electronically must be accompanied by the appropriate fee.

**RULE 1006-3            PAYMENT OF FEES BY DEBTORS AND OTHER  
NON-REGISTRANTS**

Subject to Rule 1006-1, any document filed on paper must be accompanied by the appropriate fee in the form of cash, cashier's check, certified check, or money order. The clerk may not accept personal, non-certified checks or credit cards from pro se parties or other non-registrants.

**RULE 1007-1            COMPUTER READABLE LISTS OF CREDITORS**

In all voluntary cases filed under the Bankruptcy Code filed by parties other than pro se debtors, the petition for relief shall be accompanied by a list, in a computer readable format

designed and published from time to time by the clerk, of the names and complete addresses, including zip codes, of the following:

- (1) the debtor;
- (2) the attorney of record;
- (3) all secured and unsecured creditors; and
- (4) all other parties in interest entitled to notice in the case.

Upon motion for cause shown, the court may excuse compliance with this Rule.

## **RULE 1007-2 CLAIMS REGISTERS**

### **A. Clerk to Supervise**

The clerk will supervise preparation and maintenance of claims registers in all cases.

### **B. Claims Agent**

On motion of the debtor or trustee, the court may authorize retention of a claims agent under 28 U.S.C. § 156(c) to prepare and maintain the claims register. In all cases with more than 500 creditors, the debtor must file a motion to employ a notice or claims agent approved by the clerk to perform this function. The claims register prepared and maintained by a claims agent retained under this Rule will be the official claims register of the court.

## **RULE 1009-1 NOTICE OF AMENDMENTS TO VOLUNTARY PETITIONS, LISTS OR SCHEDULES; NOTICE TO CREDITORS**

The debtor must serve amendments to voluntary petitions, lists, or schedules under Fed. R. Bankr. P. 1009(a) on all creditors, the trustee, and in chapter 11 cases, on the United States Trustee and any official committee of unsecured creditors, and must file proof of such service with the clerk. In addition, if, after filing the petition, the debtor files the creditor list or adds any creditors to the schedules, the debtor must serve each such creditor, by first-class or certified mail, with a copy of the original notice of the meeting of creditors, and must file proof of such service with the clerk.

## **RULE 1014-1 TRANSFERS**

### **A. Time of Transfer**

When an order is entered directing the clerk to transfer a matter to another district, the clerk shall delay the transfer of the case for fourteen days following the date that the order of

transfer is docketed, except when the court directs that the case be transferred forthwith. In effecting the transfer, the clerk shall transmit a certified copy of the docket and order of transfer and the original of all other documents. The clerk shall note on the docket the date of the transfer.

#### **B. Completion of Transfer**

The filing of a motion under Fed. R. Bankr. P. 9023 with respect to an order of transfer referred to in section A of this Rule shall not serve to stop the transfer of the case. However, on motion, the court may direct the clerk not to complete the transfer process until a date certain or further order of court.

### **RULE 1015-1 RELATED CASES**

#### **A. Relatedness Defined**

Two or more cases are related if one of the following conditions is met:

- (1) the debtors are husband and wife;
- (2) the debtor was a debtor in a previous case under Chapter 11 of the Bankruptcy Code; or
- (3) the cases involve persons or entities that are affiliates as defined in §101(2) of the Bankruptcy Code.

#### **B. Assignment of Related Case by Clerk at Filing**

If two or more cases to be filed in this district at the same time are related, the attorney filing the cases must file a Certification of Relatedness in substantially the form posted on the court's website. If a case to be filed in this district is related to a case previously filed in this district, the attorney filing the case must file a Certification of Relatedness in substantially the form posted on the court's website. If the Certification of Relatedness shows that the cases are related, the clerk must directly assign the related cases to the same judge.

#### **C. Transfer to Chief Judge for Reassignment as Related**

A motion by a party in interest to transfer a case on the grounds of relatedness must be brought before the judge assigned to the higher-numbered case. If the cases are related, the judge must transfer the case to the chief judge for reassignment to the judge assigned the lower-numbered case. The judge assigned the higher-numbered related case may also transfer the case *sua sponte* to the chief judge for reassignment.

#### **D. Effect of Filing County of Reassignments for Relatedness**

No reassignment shall be made on the basis of section A(2) of this Rule if the case is pending in a county other than Cook County.

**RULE 1017-1            CONVERSION FROM CHAPTER 13 TO CHAPTER 7**

All notices of conversion of chapter 13 cases to chapter 7 cases, pursuant to §1307(a) of the Bankruptcy Code and Fed. R. Bankr. P. 1017(f)(3), must be filed with the clerk's office, accompanied by: (1) proof of service on the designated chapter 13 standing trustee and the United States Trustee, and (2) any required fee.

**RULE 1017-2            MOTIONS OF PARTIES TO DISMISS CHAPTER 7 CASES**

**A.     Procedure Generally**

Any trustee or party in interest may move to dismiss a chapter 7 case by filing with the clerk each of the following:

- (1) a completed request for notice of hearing on the form approved by the court and supplied by the clerk;
- (2) a notice of motion with a certificate indicating service of the motion on the debtor, the United States Trustee, and any party on the notice list under Fed. R. Bankr. P. 2002 (m); and
- (3) the motion to dismiss.

**B.     Date of Presentment of Motion to Dismiss**

The date of presentment of the motion to dismiss must be no less than 28 nor more than 35 days from the date the documents referred to in section A of this Rule are filed with the clerk. The date and time of presentment must be set for a date and time that the assigned judge normally hears new motions in chapter 7 cases.

**C.     Notice of Motion to Dismiss to be Sent by Clerk**

Upon receipt of the documents referred to in section A of this Rule, the clerk will cause notice to be sent pursuant to Fed. R. Bankr. P. 2002(a)(4).

**RULE 1017-3            EFFECT OF DISMISSAL OF BANKRUPTCY CASE ON PENDING ADVERSARIES**

Whenever a case under the Bankruptcy Code is dismissed, any adversary proceeding arising under, arising in, or related to the case then pending will be dismissed without prejudice unless otherwise ordered by the court either in the dismissal order or by separate order. Cases

that have been removed to bankruptcy court shall be remanded to the courts from which they were removed.

**RULE 1019-1            CONVERSION BY ONE DEBTOR UNDER A JOINT PETITION**

When only one of two joint debtors in a joint petition files a notice of intent or motion to convert, upon payment of any required additional filing fees, the clerk shall divide the case into two separate cases and assign a case number to the new case. The debtor seeking to convert his or her case shall give notice to the other debtor, as well as to all other parties entitled to notice under the Bankruptcy Code and Bankruptcy Rules, and shall be responsible for the payment of all required fees. Each debtor shall file within 14 days of division of the case all necessary amendments to the schedules and statement of financial affairs.

**RULE 1072-1            PLACES OF HOLDING COURT**

Motions for cases assigned to the Geneva, Joliet, Waukegan, and Wheaton calendars shall be heard in those locations on the days on which court is held there. Emergency motions shall be noticed if possible for the days on which court is held in those locations, but if an emergency arises that must be heard on a day when court is not in session in the relevant location, the motion may be heard by the judge assigned to the case. Nothing in this rule shall prevent a judge from transferring a case or proceeding to Chicago or Rockford for hearing or trial.

**RULE 1073-1            ASSIGNMENT OF CASES**

Except as provided in Rules 1073-4 and 1015-1, the clerk shall assign cases by lot to calendars of judges, both upon initial filing and upon reassignment, through use of any means approved by the court.

**RULE 1073-2            IMPOSITION OF SANCTIONS RELATING TO INTERFERENCE WITH THE ASSIGNMENT SYSTEM**

**A.     Application of Sanctions to Employees of the Clerk's Office**

- (1) No clerk or other employee of the clerk's office shall:
  - (a) reveal to any person the sequence of judges' names within the assignment system;

- (b) reveal to any person the sequence of names of chapter 7 trustees designated by the United States Trustee; or
  - (c) number or assign any case or matter except as provided by these Rules.
- (2) Any employee violating this provision shall be discharged from service. Any violation of this provision may also constitute contempt of court.

**B. Application of Sanctions to Persons other than Employees**

- (1) No person shall directly or indirectly cause or attempt to cause any clerk or other employee of the clerk's office:
- (a) to reveal to any person the sequence of judges' names within the assignment system,
  - (b) to reveal to any person the sequence of names of Chapter 7 trustees designated by the United States Trustee, or
  - (c) to number or assign any case or matter, otherwise than as provided by these Rules.
- (2) Any person who violates this provision may be charged with contempt of court.

**RULE 1073-3 REASSIGNMENT**

**A. Reassignment Generally**

No case shall be transferred for reassignment from the calendar of a judge to the calendar of any other judge except as provided by these Rules or by other applicable law. Nothing in this Rule shall prohibit a judge from transferring a specific matter for hearing and determination by another judge in the interest of judicial efficiency and economy, or when exigency requires.

**B. Reassignments by the Chief Judge**

The chief judge may reassign cases or proceedings from and to any judge, and may decline to reassign related cases or proceedings under Rule 1015-1, in order to adjust case loads or otherwise to promote efficient judicial administration.

**C. Limited Reassignments for Purposes of Coordinated Proceedings in Complex Cases**

Two or more judges may determine that it would be efficient to hold coordinated proceedings in a group of matters that are not related within the meaning of Rule 1015-1. Where such a determination is made, those judges will designate one or more of themselves to conduct

the proceedings. The matters shall remain on the calendars of the judges to whom they were assigned.

**RULE 1073-4            ASSIGNMENT OF JUDGE IN CHAPTER 9 CASES**

Upon the filing of any case under chapter 9 of the Bankruptcy Code, the clerk will not assign such case to the calendar of any judge but will immediately inform the chief judge of such filing. The chief judge will then request that the chief judge of the Court of Appeals for the Seventh Circuit designate a bankruptcy judge to conduct the case.

**RULE 2002-1            RETURN OF MAILED NOTICES**

Envelopes containing notices generated and mailed by the Bankruptcy Noticing Center will bear the return address of debtor's counsel or the debtor if *pro se*.

**RULE 2015-1            DEFERRAL OF FILING FEES DUE FROM TRUSTEE**

In an adversary proceeding, if the case trustee certifies to the clerk that the estate lacks the funds necessary to pay a filing fee, the clerk shall defer the filing fee without court order and enter the deferral on the docket. If the estate later receives funds sufficient to pay the deferred fees, the trustee shall then pay the fee.

**RULE 2016-1            DISCLOSURE OF AGREEMENTS BETWEEN DEBTORS  
AND THEIR ATTORNEYS**

Every agreement between a debtor and an attorney for the debtor that pertains, directly or indirectly, to the compensation paid or given, or to be paid or given, to or for the benefit of the attorney must be in the form of a written document signed by the debtor and the attorney. Agreements subject to this rule include, but are not limited to, the Court-Approved Retention Agreement, other fee or expense agreements, wage assignments, and security agreements of all kinds. Each such agreement must be attached to the statement that must be filed under Fed. R. Bankr. P. 2016(b) in all bankruptcy cases. Any agreement entered into after the filing of the statement under Rule 2016(b) must be filed as a supplement to that statement within 14 days of the date the agreement is entered into.

**RULE 2070-1            SURETIES ON BONDS**

**A.     Security For Bonds**

Except as otherwise provided by law, every court-ordered bond or similar undertaking must be secured by:

- (1)     the deposit of cash or obligations of the United States in the amount of the bond;
- (2)     the undertaking or guaranty of a corporate surety holding a certificate of authority from the Secretary of the Treasury; or
- (3)     the undertaking or guaranty of two individual residents of the Northern District of Illinois.

**B.     Affidavit of Justification**

A person executing a bond as a surety pursuant to section A(3) of this Rule must attach an affidavit of justification, giving the person's full name, occupation, residence, and business addresses and showing that the person owns real or personal property in this district which, after excluding property exempt from execution and deducting the person's debts, liabilities, and other obligations (including those which may arise by virtue of the person's suretyship on other bonds or undertakings), is properly valued at no less than twice the amount of the bond.

**C.     Restriction on Sureties**

No member of the bar and no officer or employee of this court may act as surety in any action or proceedings in this court.

**RULE 2070-2            SUPERSEDEAS BOND**

**A.     Judgment for a Sum Certain**

Where judgment is for a sum of money only, a supersedeas bond shall be in the amount of the judgment plus one year's interest at the rate provided in 28 U.S.C. § 1961, plus \$500 to cover costs. The bond amount fixed hereunder is without prejudice to any party's right to seek timely judicial determination of a higher or lower amount.

**B.     Condition of Bond; Satisfaction**

The bond shall be conditioned for the satisfaction of the judgment in full, together with costs, interest, and damages for delay, if for any reason the appeal is dismissed or if the judgment

is affirmed, and to satisfy in full such modification of the judgment and such costs, interest, and damages as the appellate court may adjudge and award.

## **RULE 2090-1 APPEARANCE OF ATTORNEYS**

### **A. Admission to District Court Required**

Except as provided in Rules 2090-2 and 2090-3, an attorney appearing before this court must be admitted to practice before the District Court.

### **B. Circumstances Under Which Trial Bar Membership Required**

- (1) If witnesses will testify at a proceeding, an attorney who is to participate as lead counsel or alone must be a member of the trial bar of the District Court if:
  - (a) the proceeding is an adversary proceeding governed by Fed. R. Bankr. P. 7001 *et seq.*, or
  - (b) the court on its own motion or on motion of a party in interest orders that a member of the trial bar shall participate.
- (2) Where trial bar membership is required by this Rule, an attorney who is a member of the general bar, but not a member of the trial bar, may appear during testimonial proceedings only if accompanied and supervised by a member of the trial bar.
- (3) On motion for cause shown, the court may excuse the trial bar requirement in particular cases, proceedings, or matters.

### **C. Exemption for Certain Officers Appearing in Their Official Capacity**

The following officers appearing in their official capacity shall be entitled to appear in all matters before the court without admission to the trial bar of the District Court: the Attorney General of the United States, the United States Attorney for the Northern District of Illinois, the attorney general or other highest legal officer of any state, and the state's attorney of any county in the State of Illinois. This exception to membership in the trial bar shall apply to the persons who hold the above-described offices during their terms of office, not to their assistants.

## **RULE 2090-2 REPRESENTATION BY SUPERVISED SENIOR LAW STUDENTS**

A student in a law school who has been certified by the Director of the Administrative Office of the Illinois Courts to render services in accordance with Illinois Supreme Court Rule 711 may perform such services in this court under like conditions and under the supervision of a member of the trial bar of the District Court. In addition to the agencies specified in paragraph (b) of Illinois Supreme Court Rule 711, the law school student may render such services with the

United States Attorney for this District, or the United States Trustee, or the legal staff of any agency of the United States government.

**RULE 2090-3 APPEARANCE BY ATTORNEYS NOT MEMBERS OF THE BAR OF THE DISTRICT COURT (Pro Hac Vice)**

An attorney who is not a member of the bar of the District Court but who is a member in good standing of the bar of the highest court of any state or of any United States District Court may appear before this court after:

- (1) completing the form application for leave to appear *pro hac vice* as prescribed by the District Court,
- (2) paying the required fee to the clerk of the District Court, and
- (3) filing the application and receipt for payment with the clerk of this court.

No order of court is required.

**RULE 2090-5 APPEARANCES**

**A. Individual Appearances; Appearances by Firms Prohibited**

- (1) Filing a document electronically constitutes entering an appearance for the party on whose behalf the document is filed, and no further notice of appearance under Fed. R. Bankr. P. 9010(b) is required.
- (2) Any other appearance must be filed by the attorney appearing using forms prescribed by the District Court.
- (3) Only individual attorneys may file appearances. Appearances by firms are not allowed.

**B. Appearance of Attorney for Debtor; Adversary Proceedings**

Counsel who represents the debtor upon the filing of a petition in bankruptcy is deemed to appear as attorney of record on behalf of the debtor for all purposes in the bankruptcy case, including any contested matter and any audit, but is not deemed to appear in any adversary proceeding filed against the debtor.

**C. Appearance by United States Attorney or United States Trustee**

No appearance form need be filed by the United States Attorney or the United States Trustee or any of their assistants when appearing in the performance of their duties.

**D. Appearance of Attorney for Other Parties**

Once an attorney has appeared in a contested matter or an adversary proceeding, that attorney is the attorney of record for the party represented for all purposes incident to the matter or proceeding, unless a court orders otherwise.

**RULE 2091-1 WITHDRAWAL, ADDITION, AND SUBSTITUTION OF COUNSEL**

**A. General Rule**

An attorney of record may not withdraw, nor may other attorneys appear on behalf of the same party or as a substitute for the attorney of record, without first obtaining leave of court by motion, except that substitutions or additions may be made without motion where both counsel are of the same firm. Where the appearance indicates that pursuant to these Rules a member of the trial bar is acting as a supervisor or is accompanying a member of the bar, the member of the trial bar included in the appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court. Any motion to withdraw must be served on the client as well as all parties of record.

**B. Failure to Pay**

In a case under Chapter 7 of the Bankruptcy Code, including a case converted from Chapter 13, where (1) the debtor's attorney has agreed to represent the debtor conditioned on the debtor entering into an agreement after the filing of the case to pay the attorney for services rendered after the filing of the case, and (2) the debtor refuses to enter into such an agreement, the court may allow the attorney to withdraw from representation of the debtor on motion of the attorney.

**RULE 3007-1 OBJECTIONS TO CLAIMS**

Subject to Fed. R. Bankr. P. 3007, objections to claims must be noticed for hearing as an original motion in accordance with Rule 9013-3 and must identify the claimant and claim number.

**RULE 3011-1 MOTIONS FOR PAYMENT OF UNCLAIMED FUNDS**

All motions for payment of unclaimed funds under 28 U.S.C. § 2072 shall be filed before the chief judge or such other judge as the chief judge shall designate. All such motions shall be

made in accordance with procedures established by the court and available to the public in the clerk's office and on the court's web site.

#### **RULE 3015-1            MODEL PLAN IN CHAPTER 13 CASES**

In all cases filed under Chapter 13 of the Bankruptcy Code, the debtor's plan shall conform to the Model Plan adopted by the judges of this court, in effect on the date the case is filed. The Model Plan shall be available in the clerk's office and on the court's web site. The court may modify the Model Plan from time to time by duly adopted General Order, making the revised plan available in the clerk's office and on the court's web site no less than 30 days before its effective date.

#### **RULE 3016-1            DISCLOSURE STATEMENTS IN CHAPTER 11 CASES**

Unless the court orders otherwise, the following requirements will apply to all disclosure statements or amended disclosure statements:

- (1) Each disclosure statement must include the following:
  - (a) An introductory narrative summarizing the nature of the plan and including a clear description of the exact proposed treatment of each class showing total dollar amounts and timing of payments to be made under the plan, and all sources and amounts of funding thereof. The narrative should plainly identify all classes, the composition of each class (as to number and type of creditors), the amount of claims (specifying any that are known to be disputed and how they will be treated under the plan), and the amount (dollar and/or percentages) to go to each class. The distinction between pre- and post-petition creditors must be clear.
  - (b) A summary exhibit setting forth a liquidation analysis as if assets of the debtor were liquidated under chapter 7.
- (2) Except where a liquidating plan is proposed, each disclosure statement must also include the following:
  - (a) A projected cash flow and budget showing all anticipated income and expenses including plan payments, spread over the life of the plan or three fiscal years, whichever is shorter;
  - (b) A narrative summarizing the scheduled assets and liabilities as of the date of filing in bankruptcy, reciting the financial history during the chapter 11 (including a summary of the financial reports filed), describing the mechanics of handling initial and subsequent disbursements under the plan, and identifying persons responsible for disbursements; and
  - (c) Consolidated annual financial statements (or copies of such statements for the years in question) covering at least one fiscal year prior to bankruptcy filing and each fiscal year of the debtor-in-possession period.

**RULE 3018-1            COUNTING CONFIRMATION BALLOTS IN CHAPTER 11  
CASES**

Unless the court orders otherwise, the following shall apply in all cases pending under chapter 11 of the Bankruptcy Code:

- (1) Ballots accepting or rejecting a plan are to be filed with the clerk.
- (2) Prior to the confirmation hearing, counsel for each plan proponent shall tally all ballots filed with the clerk and prepare a report of balloting which at a minimum shall include:
  - (a) a description of each class and whether or not it is impaired (for example, “Class I, unsecured creditors, impaired”);
  - (b) for each impaired class, the number of ballots received, the number of ballots voting to accept and their aggregate dollar amount, and the number of ballots voting to reject and their aggregate dollar amount;
  - (c) a concluding paragraph indicating whether the plan has received sufficient acceptance to be confirmed;
  - (d) a completed ballot report form substantially similar to the one posted on the court’s web site;
  - (e) appended to the completed ballot report form, copies of all ballots not counted for any reason and a statement as to why the same were not counted; and
  - (f) certification that all ballots were counted for the classes for which those ballots were filed except for ballots appended to the report.
- (3) Counsel for each plan proponent shall:
  - (a) file the report of balloting on that plan with the clerk;
  - (b) serve notice of such filing together with a copy of the report on the United States Trustee, all parties on the service list, and all parties who have filed objections to confirmation.
- (4) The notice and copy of the report shall be filed and served at least 3 days prior to the confirmation hearing. Proof of such service and a copy of the notice and report shall be filed with the clerk prior to the confirmation hearing.

**RULE 3022-1            NOTICE TO CLOSE CASE OR ENTER FINAL DECREE IN  
CHAPTER 11 CASES**

Unless the court orders otherwise, debtors or other parties in interest moving after chapter 11 plan confirmation either to close the case or enter a final decree shall (1) give notice of such motion to the United States Trustee, any chapter 11 trustee, and all creditors, and (2) state within the notice or motion the actual status of payments due to each class under the confirmed plan.

**RULE 4001-1****MOTIONS TO MODIFY STAY****A. Required Statement**

All motions seeking relief from the automatic stay pursuant to § 362 of the Bankruptcy Code, must be accompanied by a completed copy of the Required Statement form available on the Court's web site ([www.ilnb.uscourts.gov](http://www.ilnb.uscourts.gov)). Motions filed without the Required Statement may be stricken or denied without notice.

**B. Date of Request**

The date of the "request" for relief from the automatic stay referred to in § 362(e) of the Bankruptcy Code is deemed to be the date of presentment of the motion, provided that the movant has complied with applicable notice requirements.

**RULE 4001-2****CASH COLLATERAL AND FINANCING ORDERS****A. Motions**

- (1) Except as provided in these Rules, all cash collateral and financing requests under §§363 and 364 of the Bankruptcy Code must be heard by motion filed pursuant to Fed. R. Bankr. P. 2002, 4001 and 9014 ("Financing Motions").
- (2) Provisions to be Highlighted. All Financing Motions must (a) recite whether the proposed form of order or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (b) identify the location of any such provision in the proposed form of order, cash collateral stipulation or loan agreement, and (c) state the justification for the inclusion of such provision:
  - (a) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the pre-petition secured creditors (i.e., clauses that secure pre-petition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its pre-petition security agreement or applicable law).
  - (b) Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured creditor's pre-petition lien or debt or the waiver of claims against the secured creditor without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if formed, at least 60 days from the date of its formation to investigate such matters.
  - (c) Provisions that seek to waive any rights the estate may have under §506(c) of the Bankruptcy Code.

- (d) Provisions that immediately grant to the pre-petition secured creditor liens on the debtor's claims and causes of action arising under §§544, 545, 547, 548, and 549 of the Bankruptcy Code.
  - (e) Provisions that deem pre-petition secured debt to be post-petition debt or that use post-petition loans from a pre-petition secured creditor to pay part or all of that secured creditor's pre-petition debt, other than as provided in §552(b) of the Bankruptcy Code.
  - (f) Provisions that provide treatment for the professionals retained by a committee appointed by the United States Trustee different from that provided for the professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the committee counsel's use of the carve-out.
  - (g) Provisions that prime any secured lien, without the consent of that lienor.
  - (h) A declaration that the order does not impose lender liability on any secured creditor.
  - (i) Provisions that grant the lender expedited relief from the automatic stay in § 362 of the Bankruptcy Code, or relief from the automatic stay without further order of court.
  - (j) In jointly administered cases, provisions for joint and several liability on loans.
- (3) All Financing Motions must also provide a summary of all provisions that must be highlighted under section (A)(2) of this Rule and a summary of the essential terms of the proposed use of cash collateral or financing, including the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under § §363 and 364 of the Bankruptcy Code.
  - (4) All Financing Motions must also provide a budget covering the time period in which the order will remain in effect. The budget must state in as much detail as is reasonably practical the amount of projected receipts and disbursements during the period covered by the budget.
  - (5) The court may deem unenforceable any provision not highlighted as required under section (A)(2) of this Rule.

## **B. Interim Orders**

In the absence of extraordinary circumstances, the court shall not approve interim financing orders that include any of the provisions previously identified in section (A)(2)(a) through (A)(2)(j) of this Rule.

## **C. Final Orders**

A final order shall be entered only after notice and a hearing pursuant to Fed. R. Bankr. P. 4001. If formation of a creditors' committee is anticipated, no final hearing shall be held until at

least 7 days following the organizational meeting of the creditors' committee contemplated by §1102 of the Bankruptcy Code unless the court orders otherwise.

#### **RULE 4003-1           OBJECTIONS TO DEBTOR'S EXEMPTIONS**

Subject to Fed. R. Bankr. P. 4003, objections to exemptions claimed by a debtor must be noticed for hearing as an original motion in accordance with Rule 9013-3.

#### **RULE 5005-1           METHOD OF FILING**

##### **A.     Administrative Procedures**

The court may adopt Administrative Procedures to permit filing, signing, service and verification of documents by electronic means in conformity therewith.

##### **B.     Electronic Case Filing**

Pursuant to Fed. R. Bankr. P. 5005(a)(2), all documents must be filed in accordance with the Administrative Procedures.

##### **C.     Divisions of the District**

The caption of each document must identify the division of the court to which the case is assigned.

##### **D.     Paper Documents**

If paper documents are permitted or required by the Administrative Procedures, they must be filed at the office of the clerk in Chicago, Illinois, for Eastern Division cases, and the office of the clerk in Rockford, Illinois, for Western Division cases.

*Committee Note:* Administrative Procedures were first adopted pursuant to this authorization on February 17, 2004.

The Northern District of Illinois has two divisions: the Eastern Division, headquartered in Chicago, and the Western Division, headquartered in Rockford. The Judicial Council determines the counties that fall within the Eastern and Western Divisions. At the time of adoption of this Rule, the counties were divided as follows:

Eastern Division: Cook, DuPage, Grundy, Kane, Kendall, Lake, LaSalle, and Will.

Western Division: Boone, Carroll, DeKalb, Jo Daviess, Lee, McHenry, Ogle, Stephenson, Whiteside, and Winnebago.

All Western Division cases are heard in Rockford. All Eastern Division chapter 11 cases and all Cook County cases are heard in Chicago. All DuPage County chapter 7 and chapter 13 cases are heard in Wheaton. All Kane County chapter 7 and chapter 13 cases are heard in Geneva. All Lake County chapter 7 and chapter 13 cases are heard in Waukegan. All chapter 7 and chapter 13 cases from Grundy, Kendall, LaSalle, and Will Counties are heard in Joliet.

### **RULE 5005-3          FORMAT OF DOCUMENTS FILED**

#### **A.          Numbering Paragraphs in Pleadings**

Allegations in any pleading must be made in numbered paragraphs, each of which must be limited, as far as practicable, to a statement of a single set of circumstances. Responses to pleadings must be made in numbered paragraphs, first setting forth the complete content of the paragraph to which the response is directed, and then setting forth the response.

#### **B.          Responses to Motions**

A response to a motion must not be in the form of an answer to a complaint but must state in narrative form any reasons, legal or factual, why the motion should be denied, unless the judge orders otherwise.

#### **C.          Requirements**

- (1) Each document filed on paper must be flat and unfolded on opaque, unglazed, white paper approximately 8 ½ x 11 inches in size. It must be plainly written, or typed, or printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it, and must be secured by staples or other devices piercing the paper on the top at the left corner of the document. Paper clips or other clips not piercing the paper are not acceptable.
- (2) Where the document is typed, line spacing must be at least 2 lines.
- (3) Where the document is typed or printed:
  - (a) the size of the type in the document must be no smaller than 12 points, and
  - (b) the margins, left-hand, right-hand, top, and bottom, must each be no smaller than 1 inch.

- (4) The first page of each document must bear the caption, descriptive title, and number of the action or proceeding in which it is filed, the case caption and chapter of the related bankruptcy case, the name of the judge to whom the case is assigned, and the next date and time, if any, that the matter is set.
- (5) The final page of each document must contain the name, address, and telephone number of the attorney in active charge of the case as well as that of the attorney signing the pleading, or the address and telephone number of the individual party filing *pro se*.
- (6) Copies of exhibits appended to documents filed must be legible.
- (7) Each page of a document must be consecutively numbered.
- (8) Each document filed electronically must be formatted similarly to documents filed on paper.
- (9) Signatures on documents must comply with the Administrative Procedures (II-C).
- (10) The caption of every document filed in cases heard in Joliet, DuPage County, Kane County, or Lake County must list the location where the case is heard (either Joliet, DuPage County, Kane County, or Lake County) in parentheses immediately below the name of the assigned judge.

**D. Fifteen Page Limit**

No motion, response to a motion, brief, or memorandum in excess of fifteen pages may be filed without prior approval of the court.

**E. Documents Not Complying with Rule**

If a document is filed in violation of this Rule, the court may order the filing of an amended document complying with this Rule. A judge may direct the filing of any communication to the court deemed appropriate for filing.

**F. Proof of Service**

All documents filed with the clerk must be accompanied by a proof of service consistent with Rules 7005-1 and 9013-1.

**RULE 5005-4 RESTRICTED DOCUMENTS**

**A. Definitions**

For the purpose of this Rule:

- (1) “Restricted Document” means a document to which access has been restricted either by a court order or by law.
- (2) “Redacted Document” means an altered form of a Restricted Document

that may appear in the public record because portions of it have been deleted or obliterated.

- (3) “Sealed Document” means a Restricted Document that the court has directed be maintained within a sealed enclosure such that access to the document requires breaking the seal of the enclosure.
- (4) “Restricting Order” means any order restricting access to a document submitted to or filed with the clerk.

## **B. General Rule of Access**

All documents filed with the clerk, both electronically and on paper, are accessible to the public unless covered by a Restricting Order.

## **C. Methods of Restriction**

- (1) The court may order that a document not be filed but instead be submitted to the clerk as a Sealed Document.
- (2) The court may order that a document be filed as a Redacted Document. When ordering that a Redacted Document be filed, the court may order that an unredacted version of the document be submitted to the clerk as a Sealed Document.

## **D. Filing and Submitting Restricted Documents**

- (1) No attorney or party may file or submit a Restricted Document without prior order of the court specifying the particular document or portion of a document that may be filed as restricted.
- (2) The final paragraph of any Restricting Order must contain (a) the identity of the persons entitled to access to the documents without further order of the court and (b) instructions for the disposition of the Restricted Documents following the conclusion of the case, consistent with section G of this Rule.
- (3) A copy of the Restricting Order must be attached to a Sealed Document submitted to the clerk and to a Redacted Document filed with the clerk.
- (4) The attorney or party submitting a Sealed Document to the clerk must present it in a sealed enclosure that conspicuously states on the face of the enclosure the attorney’s or party’s name and address, including the email address if the attorney is a registrant under CM/ECF, the caption of the case, and the title of the document.

## **E. Docket Entries**

On written motion and for good cause, the court may order that the docket entry for a Restricted Document show only that the document was filed without any notation

indicating its nature. Absent such an order a Restricted Document must be docketed in the same manner as any other document, except the entry will indicate that access to the document is restricted.

**F. Inspection of Sealed Documents**

The clerk must maintain a record, in a manner provided by internal operating procedures, of persons permitted access to Sealed Documents. Such procedures may require anyone seeking access to show identification and to sign a statement to the effect that they have been authorized to examine the Sealed Document. The clerk shall also keep a log of all such inspections.

**G. Disposition of Sealed Documents**

When a case is closed in which a Restricting Order has been entered, the clerk must maintain any Sealed Documents for a period of 63 days following the final disposition of the case including appeals. Except where the court, at the request of a party or on its own motion, orders otherwise, at the end of the 63-day period the clerk shall return any Sealed Documents to the submitting attorney or party. If reasonable attempts by the clerk to return the Sealed Documents are not successful, the clerk may destroy them.

**RULE 5070-1 CALENDARS**

**A. General**

Bankruptcy cases, ancillary matters, and adversary proceedings assigned to a judge shall constitute the calendar of that judge.

**B. Calendar of a Judge who Dies, Resigns, or Retires**

The calendar of a judge who dies, resigns, or retires shall be reassigned by the clerk as soon as possible under direction of the chief judge, either *pro rata* by lot among the remaining judges, or as necessary to promote efficient judicial administration.

**C. Calendar for a Newly-Appointed Judge**

A calendar shall be prepared for a newly-appointed judge to which cases shall be transferred by the clerk under direction of the chief judge in such number as the chief judge may determine, either by lot from the calendar of other judges, or by transfer in whole or part of the calendar of a judge who has died, retired, or resigned. If transfer is by lot from the calendar of other sitting judges, no case or proceeding shall be transferred if it is certified by a judge to be

one on which that judge has engaged in such a level of judicial work that reassignment would adversely affect the efficient disposition of the matter.

**RULE 5070-2 PUBLICATION OF DAILY CALL**

The omission of a matter from any published call in the *Chicago Daily Law Bulletin*, on the court's website, or otherwise shall not excuse counsel or parties *pro se* from attendance before the court on the date for which the matter is set.

**RULE 5073-1 USE OF PHOTOGRAPHIC, RADIO, AUDIO, AND TELEVISION EQUIPMENT IN THE COURT ENVIRONS**

The taking of photographs, radio and television broadcasting, or taping in the court environs during the progress of or in connection with judicial proceedings before a bankruptcy judge, whether or not court is actually in session, is prohibited.

**RULE 5082-1 APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT FOR PROFESSIONAL SERVICES IN CASES UNDER CHAPTERS 7, 9, 11 AND 12.**

**A. Applications**

Any application for interim or final compensation for services performed and reimbursement of expenses incurred by a professional person employed in a case filed under Chapter 7, 9, 11 or 12 of the Bankruptcy Code must begin with a completed and signed cover sheet in a form approved by the court and published by the clerk. The application must also include both a narrative summary and a detailed statement of the applicant's services for which compensation is sought.

**B. Narrative Summary**

- (1) The narrative summary must set forth the following for the period covered by the application:
  - (a) a summary list of all principal activities of the applicant, giving the total compensation requested in connection with each such activity;
  - (b) a separate description of each of the applicant's principal activities, including details as to individual tasks performed within such activity, and a description sufficient to demonstrate to the court

- (c) that each task and activity is compensable in the amount sought; a statement of all time and total compensation sought in the application for preparation of the current or any prior application by that applicant for compensation;
  - (d) the name and position (partner, associate, paralegal, etc.) of each person who performed work on each task and activity, the approximate hours worked, and the total compensation sought for each person's work on each such separate task and activity;
  - (e) the hourly rate for each professional and paraprofessional for whom compensation is requested, with the total number of hours expended by each person and the total compensation sought for each;
  - (f) a statement of the compensation previously sought and allowed;
  - (g) the total amount of expenses for which reimbursement is sought, supported by a statement of those expenses, including any additional charges added to the actual cost to the applicant.
- (2) The narrative summary must conclude with a statement as to whether the requested fees and expenses are sought to be merely allowed or both allowed and paid. If the latter, the narrative summary must state the source of the proposed payment.

**C. Detailed Statement of Services**

The applicant's detailed time records may constitute the detailed statement required by Fed. R. Bankr. P. 2016(a). Such statement must be divided by task and activity to match those set forth in the narrative description. Each time entry must state:

- (1) the date the work was performed,
- (2) the name of the person performing the work,
- (3) a brief statement of the nature of the work,
- (4) the time expended on the work in increments of tenth of an hour, and
- (5) the fee charged for the work described in the entry.

**D. Privileged Information and Work Product**

If compliance with this Rule requires disclosure of privileged information or work product, the applicant may file a motion pursuant to Rule 5005-4, Restricted Documents.

**E. Failure to Comply**

Failure to comply with any part of this Rule may result in reduction of fees and expenses allowed. If a revised application is made necessary because of any failure to comply with provisions of this Rule, compensation may be denied or reduced for preparation of the revision. The court may also excuse or modify any of the requirements of this Rule.

**RULE 5082-2**

**APPLICATIONS FOR COMPENSATION AND  
REIMBURSEMENT FOR PROFESSIONAL  
SERVICES IN CASES UNDER CHAPTER 13**

**A. Definitions**

For the purpose of this Rule:

- (1) “Court-Approved Retention Agreement” means Local Bankruptcy Form 23c.
- (2) “Form Itemization” means Local Bankruptcy Forms 21 and 22.
- (3) “Form Fee Application” means Local Bankruptcy Form 23.
- (4) “Form Fee Order” means Local Bankruptcy Form 23a or 23b.
- (5) “Flat Fee” means a fee not supported by an itemization of time and services.
- (6) “Creditors Meeting Notice” means the Official Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, and Deadlines. (Official Form B9L.)
- (7) “Original Confirmation Date” means the date of the confirmation hearing specified in the Creditors Meeting Notice.

**B. Requirements**

- (1) All requests for awards of compensation to debtor’s counsel in chapter 13 cases must be made using the Form Fee Application, which must be accompanied by a completed Form Fee Order specifying the amounts requested.
- (2) All requests for awards of compensation to debtor’s counsel must include a certification that the disclosures required by Rule 2016-1 have been made.
- (3) Applications for original fees must be noticed for hearing on the Original Confirmation Date at the time for confirmation hearing.

**C. Flat Fees**

- (1) If debtor’s counsel and the debtor have entered into the Court-Approved Retention Agreement, counsel may apply for a Flat Fee not to exceed the amount authorized by the applicable General Order. If the Court-Approved Retention Agreement has been modified in any way, a Flat Fee will not be awarded.
- (2) If debtor’s counsel and the debtor have not entered into the Court-

Approved Retention Agreement, the Form Fee Application must be accompanied by a completed Form Itemization.

- (3) The Flat Fee will not be awarded if, in addition to the Court-Approved Retention Agreement, the debtor and an attorney for the debtor have entered into any other agreement in connection with the representation of the debtor in preparation for, during, or involving a Chapter 13 case, and the agreement provides for the attorney to receive
  - (a) any kind of compensation, reimbursement, or other payment, or
  - (b) any form of, or security for, compensation, reimbursement, or other paymentthat varies from the Court-Approved Retention Agreement.

#### **D. Notice**

- (1) All fee applications must be filed with the clerk, served on the debtor, the trustee, and all creditors, and noticed for hearing as an original motion. However, a fee application need not be served on all creditors if
  - (a) the Creditor Meeting Notice is attached to the application, has been served on all creditors, and discloses the amount of original compensation sought; and
  - (b) the hearing on compensation is noticed for the Original Confirmation Date.
- (2) Rule 9013-1(E)(2), which governs the dates for the presentment of motions, does not apply to requests under this Rule.

#### **E. Compensation Following Dismissal**

- (1) When a chapter 13 case is dismissed, the court will retain jurisdiction to hear requests from debtor's counsel as follows:
  - (a) In cases heard in Chicago and Rockford, jurisdiction will be retained for 30 days following the date of dismissal.
  - (b) In cases not heard in Chicago or Rockford, jurisdiction will be retained for 45 days following the date of dismissal.
- (2) Notice of a request for compensation under this subsection E must be given in accordance with subsection D.

### **RULE 5096-1 EMERGENCY MATTERS; EMERGENCY JUDGE**

#### **A. Definitions**

For the purpose of these Rules:

- (1) “Emergency judge” means the judge assigned to perform the duties of emergency judge specified by any local rule or procedure adopted by the court.
- (2) “Emergency motion” means a motion that arises from an occurrence that could not reasonably have been foreseen and requires immediate action to avoid serious and irreparable harm.

## **B. Duties of Emergency Judge**

The emergency judge is responsible for hearing all emergency matters that arise outside of the regular business hours of the court. During regular business hours of the court, the emergency judge will hear emergency matters arising out of the cases assigned to the calendar of another judge when that judge is not sitting. The emergency judge will not hear emergency matters arising during regular business hours of the court when the assigned judge is sitting, except by agreement of the emergency judge at the request of the assigned judge.

## **C. Unavailability of the Emergency Judge**

If the assigned judge and the emergency judge are unavailable, the person seeking to present an emergency motion must follow the procedure in the Administrative Procedures.

## **RULE 7005-1 PROOF OF SERVICE OF PAPERS**

Unless another method is expressly required by these Rules or by applicable law, an attorney may prove service of papers by certificate, and other persons may prove service of papers by affidavit or by other proof satisfactory to the court.

## **RULE 7016-1 CASE MANAGEMENT AND SCHEDULING CONFERENCES IN CHAPTER 11 CASES**

The court on its own motion or on the motion of a party in interest may conduct case management and scheduling conferences at such times during a case as will further the expeditious and economical resolution of the case. At the conclusion of each such conference, the court shall enter case management or scheduling orders as may be required. Such orders may establish notice requirements, set dates on which motions and proceedings will be heard (omnibus hearing dates), establish procedures regarding payment and allowance of interim compensation under 11 U.S.C. § 331, set dates for filing the disclosure statement and plan, and address such other matters as may be appropriate.

**RULE 7020-1                    MULTI-DEFENDANT AVOIDANCE ACTIONS**

Claims under 11 U.S.C. §§ 547, 548, or 550 against multiple defendants may not be asserted in a single adversary proceeding, and a separate adversary proceeding asserting such claims must be commenced for each defendant, unless all of the claims in the adversary proceeding arise out of a transaction involving all of the defendants.

**RULE 7026-1                    DISCOVERY MATERIALS**

**A.        Definition**

For the purposes of this Rule, the term “discovery materials” shall include all materials related to discovery under Fed. R. Civ. P. 26 through Fed. R. Civ. P. 36, made applicable to bankruptcy proceedings by Fed. R. Bankr. P. 7026 through Fed. R. Bankr. P. 7036 and Fed. R. Bankr. P. 9014, and to discovery taken under Fed. R. Bankr. P. 2004.

**B.        Discovery Materials Not to Be Filed Except By Order**

- (1)        Except as provided by this Rule or order of court, discovery materials shall not be filed with the clerk. The party serving discovery materials shall retain the original and be custodian of it. An original deposition shall be retained by the party who ordered it. The court, on its own motion, on motion of any party, or on motion by a non-party, may require the filing of any discovery materials or may make provision for a person to obtain a copy of discovery materials at the person’s own expense.
- (2)        If discovery materials are received into evidence as exhibits, the attorney producing them will retain them unless the court orders them deposited with the clerk. When the court orders them deposited, they will be treated as exhibits subject to the provisions of Rule 9070-1.

**RULE 7033-1                    INTERROGATORIES - FORMAT OF ANSWERS**

A party responding to interrogatories shall set forth immediately preceding each answer or objection a full statement of the interrogatory to which the party is responding.

**RULE 7037-1                    DISCOVERY MOTIONS**

All motions under Rules 26 through 37 of the Federal Rules of Civil Procedure (made applicable by Fed. R. Bankr. P. 7026 through 7037) relating to a discovery dispute, including any motion under Fed. R. Bankr. P. 37(a) to compel discovery, must include a statement that:

- (1) after consultation in person or by telephone, and after good faith attempts to resolve differences, the parties are unable to reach an accord; or
- (2) counsel's attempts to engage in such a consultation were unsuccessful due to no fault of counsel.

Where consultation has occurred, the statement in the motion must recite the date, time, and place of the consultation, and the names of all persons participating. Where counsel was unsuccessful in engaging in the consultation, the statement in the motion must recite in detail the efforts counsel made to engage in the consultation.

**RULE 7041-1 NOTICE REQUIREMENTS FOR DISMISSAL OF PROCEEDINGS TO DENY OR REVOKE DISCHARGES**

**A. Requirements for Motion to Dismiss Adversary Proceeding to Deny or Revoke Discharge**

No adversary proceeding objecting to or seeking to revoke a debtor's discharge under Sections 727, 1141, 1228, or 1328 of the Bankruptcy Code shall be dismissed except on motion and hearing after 21 days notice to the debtor, the United States Trustee, the trustee, if any, and all creditors and other parties of record. The motion shall either (1) state that no entity has promised, has given, or has received directly or indirectly any consideration to obtain or allow such dismissal or (2) specifically describe any such consideration promised, given, or received.

**B. Additional Notice Requirements**

The notice required under part A of this Rule must include a statement that the trustee or any creditors who wish to adopt and prosecute the adversary proceeding in question shall seek leave to do so at or before the hearing on the motion to dismiss.

**C. Court's Discretion to Limit Notice**

Nothing contained herein is intended to restrict the discretion of the court to limit notice to the debtor, the United States Trustee, the case trustee, if any, and such creditors or other parties as the judge may designate, or, for cause shown, to shorten the notice period.

**RULE 7054-1 TAXATION OF COSTS**

**A. Time for Filing Bill of Costs**

Within thirty days of the entry of a judgment allowing costs, the prevailing party shall file

a bill of costs with the clerk and serve a copy of the bill on each adverse party. If the bill of costs is not filed within the thirty days, costs under 28 U.S.C. § 1920(1), other than those of the clerk, shall be deemed waived. The court may, on motion filed within the time provided for the filing of the bill of costs, extend the time for filing the bill.

**B. Costs of Stenographic Transcripts**

Subject to the provisions of Fed. R. Bankr. P. 7054, the necessary expenses of any prevailing party in obtaining all or any part of a transcript for use in a case, for purposes of a new trial, for amended findings, or for appeal shall be taxable as costs against the adverse party. The costs of the transcript or deposition shall not exceed the regular copy rate as established by the Judicial Conference of the United States in effect at the time the transcript or deposition was filed, unless some other rate was previously provided for by order of court. Except as otherwise ordered by the court, only the cost of the original and one copy of such transcript or deposition, and for depositions, the cost of the copy provided to the court, shall be allowed.

**RULE 7054-2 SECURITY FOR COSTS**

Upon good cause shown, the court may order the filing of a bond as security for costs. Except as ordered by the court, the bond will be secured in compliance with Rule 2070-1. The bond shall be conditioned to secure the payment of all fees which the party filing it must pay by law to the clerk, marshal, or other officer of the court and all costs of the action that the party filing it may be directed to pay to any other party.

**RULE 7055-2 CLERK NOT TO ENTER DEFAULT JUDGMENTS**

Unless otherwise directed by a judge, the clerk shall not prepare or sign default judgments in any adversary proceeding or contested matter under Fed. R. Bankr. P. 9021 or Fed. R. Bankr. P. 7055. Such judgments shall be presented to the court for entry. Notwithstanding Fed. R. Bankr. P. 7055, a party seeking entry of judgment by default shall present a motion to the judge, rather than the clerk.

**RULE 7056-1 MOTIONS FOR SUMMARY JUDGMENT; MOVING PARTY**

**A. Supporting Documents Required**

With each motion for summary judgment filed under Fed. R. Bankr. P. 7056, the moving party must serve and file a supporting memorandum of law and a statement of

material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to judgment as a matter of law, and that also includes:

- (1) a description of the parties;
- (2) all facts supporting venue and jurisdiction in this court; and
- (3) any affidavits and other materials referred to in Fed. R. Civ. P. 56(e).

**B. Form - Statement of Facts**

The statement of facts must consist of short numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion.

**C. Subsequent Filings by Moving Party**

If additional material facts are submitted by the opposing party pursuant to Rule 7056-2, the moving party may submit a concise reply in the form prescribed in Rule 7056-2 for response. All additional material facts set forth in the opposing party's statement filed under section A(2)(b) of Rule 7056-2 will be deemed admitted unless controverted by a statement of the moving party filed in reply.

**RULE 7056-2 MOTIONS FOR SUMMARY JUDGMENT; OPPOSING PARTY**

**A. Supporting Documents Required**

Each party opposing a motion for summary judgment under Fed. R. Bankr. P. 7056 shall serve and file the following:

- (1) a supporting memorandum of law;
- (2) a concise response to the movant's statement of facts that shall contain:
  - (a) a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon; and
  - (b) a statement, consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon; and
- (3) any opposing affidavits and other materials referred to in Fed. R. Civ. P. 56(e).

**B. Effect**

All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

## **RULE 9013-1            MOTIONS**

### **A.     General Requirements**

Except as otherwise provided in these Rules or as ordered by the court:

- (1) Every motion must be in the format required by section B of this Rule..
- (2) Every motion must be filed with each of the items specified in section C of this Rule and must be filed no later than the date on which the motion is served. The date and time of filing a motion filed electronically are those shown on the Notice of Electronic Filing issued by the court's CM/ECF system. The date of filing a paper motion is the date on which the clerk receives the motion.
- (3) Every motion must be served on parties in interest as required by section D of this Rule.
- (4) Every motion must be presented by the movant as required by section E of this Rule.

### **B.     Title and Format of Motions**

Every motion must be titled as one of the events contained in the court's CM/ECF system, unless no event accurately describes the subject of the motion. Every motion must conform to the requirements of Rule 5005-3.

### **C.     Items Required to be Filed with Motions**

Every motion must be filed with the clerk of court, and the filing must include each of the items specified below

- (1) Notice of Motion

For all motions, a notice of motion, signed by the moving party or counsel for the moving party, and stating the date, time, and location of the motion's presentment to the court. The location must include the room number and full street address.

- (2) Exhibits

If a motion refers to exhibits, legible copies of the exhibits must be attached to the motion, unless the court orders otherwise.

- (3) Certificate of Service

Except for motions filed *ex parte*, a certificate of service stating the date on which the motion and each item filed with the motion were served. The certificate must also state

- (a) for each recipient who is a registrant with the court's CM/ECF system, the date of the filing and the name of the recipient, and
- (b) for each recipient who is not a registrant with the court's CM/ECF system, the date, manner of service, and name and address of the recipient.

(4) *Ex parte* affidavit

For all motions filed *ex parte*, an affidavit showing cause for the filing of the motion *ex parte*.

(5) Proposed Order

For all motions, a proposed order in the form required by the Administrative Procedures, with a title specifying the relief granted in the order (e.g., "Order Granting Motion to Modify Stay" or "Order Extending the Time to Object to Discharge").

**D. Service of Motions**

(1) Service by Mail

Where service of the notice of motion is by mail, the notice of motion must be mailed at least 7 days before the date of presentment.

(2) Personal Service

A notice of motion served personally must be served no later than 4:00 p.m. on the third day before the date of presentment. Personal service includes actual delivery and delivery by facsimile transmission ("fax").

(3) Fax Service

Where service is by fax, the certificate of service must be accompanied by an automatically generated statement confirming transmission. The statement must contain the date and time of transmission, the telephone number to which the motion was transmitted, and an acknowledgment from the receiving fax machine that the transmission was received.

(4) Service by the CM/ECF System

In accordance with the Administrative Procedures for the Case Management/Electronic Case Filing System, electronic filing of a document constitutes service on any person who is a Registrant entitled to file documents using the Case Management/Electronic Case Filing System and who has filed a document in the case in electronic format via the System.

(5) E-mail Service

Except for service by the CM/ECF System as provided in this rule, service by electronic mail is prohibited.

**E. Presentment of Motions**

- (1) Except for emergency motions, and unless otherwise ordered by the court, every motion must be presented in court on a date and time when the judge assigned to the case regularly hears motions.
- (2) The presentment of a motion must be no more than 30 days after the motion is filed, unless applicable statutes or rules require a longer notice period, in which case the date of presentment must be within 7 days after the expiration of the notice period.

**F. Oral Argument**

Oral argument on motions may be allowed in the court's discretion.

**G. Failure to Comply**

If a motion fails to comply with the provisions of this Rule in any respect, the court may, in its discretion, deny the motion.

**H. Failure to Prosecute**

If a movant fails to present the motion at the time set for presentment, the court may, in its discretion, deny the motion.

**I. Request for Ruling**

Any party may file a motion calling to the court's attention a matter that is fully briefed and ready for decision and requesting a status hearing.

**RULE 9013-2 through 8 [RESERVED]**

## **RULE 9013-9            ROUTINE AND UNCONTESTED MOTIONS**

### **A.     Routine Motion or Application Defined**

A party presenting any of the following, upon required notice, may designate it as a “routine motion” or “routine application”, as the case may be:

- (1) request for payment of administrative expenses other than fees and reimbursement of expenses pursuant to section 330 or 331 of the Bankruptcy Code;
- (2) motion to be added to the notice list under Rule 2002-2;
- (3) motion to pay bond premium;
- (4) motion to destroy books and records of a debtor;
- (5) motion to extend time for filing complaints to determine dischargeability and objections to discharge;
- (6) motion to extend by no more than 28 days the unexpired time to file an appearance, pleading, or response to a discovery request, provided that the motion states the next set court date and states that no court date will be affected by the extension;
- (7) motion for leave to appear as an attorney or an additional attorney, or to substitute one attorney for another with the written consent of the client, except as to attorneys for a debtor in possession, trustee, or an official committee;
- (8) motion to dismiss or withdraw all or any part of an adversary proceeding by agreement, which motion shall set forth any consideration promised or received for the dismissal or withdrawal and shall specify whether the dismissal or withdrawal is with or without prejudice, provided, however, that this subsection shall not apply to adversary proceedings under 11 U.S.C. § 727 (see Rule 7041-1) nor to any motion by a trustee that, if granted, would effectively abandon a cause of action;
- (9) motion to avoid a lien pursuant to § 522(f) of the Bankruptcy Code;
- (10) motion for leave to conduct examinations pursuant to Fed. R. Bankr. P. 2004, subject to Rule 7026-1;
- (11) in cases under chapter 13 of the Bankruptcy Code, on notice to the standing trustee and all creditors:
  - (a) motion to increase the payments by the debtor into the plan; and
  - (b) motion to extend the duration of the plan, without reduction of periodic payments, where the proposed extension does not result in a duration of the plan beyond 60 months after the date of confirmation of the plan;
- (12) motion by the trustee or debtor in possession, with notice to all creditors, to abandon property of the estate pursuant to § 554 of the Bankruptcy Code and Fed. R. Bankr. P. 6007(a); and
- (13) motions by the debtor to dismiss under §§ 1208(b) or 1307(b) of the Bankruptcy Code.

**B. Identifying Routine Motions or Applications; Proposed Order; Ruling Without Hearing**

Each copy of a routine motion or routine application shall be designated as such in the heading below the caption and shall have appended to it a proposed order. The notice of a routine motion or routine application shall state in bold face type or capital letters that the appended proposed order may be entered by the judge without presentment in open court unless a party in interest notifies the judge of an objection thereto pursuant to section C of this Rule.

**C. Order of Calling Routine Motions or Applications; Request for Hearing**

Routine motions may be called by the courtroom deputy at the beginning of the motion call. If no party in interest requests a hearing, the court may enter an order granting relief in a form substantially similar to the proposed order without presentation of the motion or application in open court and without a hearing. If a hearing is requested, the motion or application shall not be granted routinely, but shall be heard in open court at the date and time noticed.

**D. Uncontested Motion Defined**

An “uncontested motion” is a motion properly noticed as to which all parties in interest entitled to notice have no objection to the relief sought by the movant, and the movant wishes the motion to be considered pursuant to this Rule.

**E. Identifying Uncontested Motions; Proposed Order**

An “uncontested motion” shall be designated as such in the heading below the caption and shall have appended to it either a proposed order signed by each party in interest entitled to notice of the motion or a certification of movant’s counsel that each such party has no objection to entry of the proposed order.

**F. Court May Rule on Uncontested Motion Without Hearing**

The court may enter an order granting relief upon an uncontested motion in a form substantially similar to the movant’s proposed order without presentation of the motion and without a hearing.

**G. Procedure Where Court Declines to Grant Routine Motion or Application or Uncontested Motion**

Before the commencement of the motion call, the court may post a list outside the courtroom of routine motions or applications and uncontested motions upon which ruling may be entered without hearing, if a hearing is not requested. Should the court decline to grant a routine motion or application or an uncontested motion without presentation in open court or a hearing,

the movant or applicant shall present the same at the date and time noticed. If the movant or applicant fails to do so, the motion or application may be stricken or decided pursuant to Rule 9013-5.

**H. Requirements of Notice Not Affected**

Nothing in this Rule excuses the notice requirements for motions.

**I. Individual Judge May Adopt Other Practices**

Nothing in this Rule requires any judge to follow the procedures set forth herein.

**RULE 9015-1 JURY TRIALS BEFORE BANKRUPTCY JUDGES**

**A. Designation of Bankruptcy Judges to Conduct Jury Trials**

Each bankruptcy judge appointed or designated to hold court in this district is specially designated to conduct jury trials pursuant to 28 U.S.C. § 157(e). The District Court may for good cause withdraw the designation of any bankruptcy judge. Such withdrawal shall be in the form of a general order.

**B. Consent**

Any bankruptcy judge designated to conduct a jury trial may conduct such a trial in any case, proceeding, or matter that may be heard under 28 U.S.C. § 157, within which the right to a jury trial exists, only upon the consent of all parties. Whenever a party is added, the consent of each party must be of record, either in writing or recorded in open court. The filing of a consent does not preclude a party from challenging whether the demand was timely filed or whether the right to a jury trial exists.

**C. Applicability of District Court Procedures**

Jury trials shall be conducted in accordance with the procedures applicable to jury trials in the District Court.

**RULE 9016-1 ATTACHING A NOTE TO THE SUBPOENA IS PERMITTED**

The validity of a subpoena shall not be affected by the attaching or delivering of a note or other memorandum containing instructions to a witness regarding the exact date, time, and place the witness is required to appear.

**RULE 9019-1            MOTIONS TO COMPROMISE OR SETTLE  
ADVERSARY PROCEEDINGS**

A motion under Fed. R. Bankr. P. 9019 seeking approval of a compromise or settlement of an adversary proceeding must be filed in the bankruptcy case and not in the adversary proceeding.

**RULE 9020-1            CIVIL CONTEMPT OF COURT**

**A.        Commencing Proceedings**

- (1) A proceeding to adjudicate a person in civil contempt of court for conduct outside the presence of the court shall be commenced under Fed. R. Bankr. P. 9020 either on the court's own motion by order to show cause, or motion by a party in interest.
- (2) A contempt motion shall be accompanied by an affidavit describing the alleged misconduct on which it is based, stating the total of any monetary claim occasioned thereby, and listing each special item of damage sought to be recovered. A reasonable counsel fee, necessitated by the contempt proceeding, may be included as an item of damage.
- (3) If an order to show cause is entered, such order shall describe the misconduct on which it is based. It may also, upon necessity shown therein, direct the United States Marshal to arrest the alleged contemnor, and in that case shall fix the amount of bail and require that any bond signed by the alleged contemnor include as a condition of release that the alleged contemnor will comply with any order of the court directing the person to surrender.
- (4) If the court initiates a contempt proceeding, the court may appoint an attorney to prosecute the contempt. If an attorney files a motion for contempt, that attorney is authorized to prosecute the contempt unless the court orders otherwise.

**B.        Order Where Found in Contempt**

- (1) Should the alleged contemnor be found in civil contempt of court, an order will be entered:
  - (a) Reciting findings of fact upon which the adjudication is based or referring to findings recited orally from the bench;
  - (b) Setting forth the damages, if any, sustained by any injured party;
  - (c) Fixing any civil contempt award imposed by the court, which award shall include the damages found, and naming each person to whom such award is payable;
  - (d) Stating any acts that will purge or partially purge the contempt;
  - (e) Directing arrest of the contemnor by the United States Marshal and the

confinement of the contemnor, should that be found appropriate, until the performance of some act fixed in the order and the payment of the award, or until the contemnor be otherwise discharged pursuant to law.

- (2) Unless the order for contempt otherwise specifies, should confinement be ordered the place of confinement shall be either the Chicago Metropolitan Correctional Center in Chicago, Illinois, or the Winnebago County Jail in Rockford, Illinois. No party shall be required to pay or to advance to the Marshal any expenses for the upkeep of the prisoner. Upon such an order, the person shall not be detained in prison for a period exceeding 180 days. A certified copy of the order committing the contemnor shall be sufficient warrant to the Marshal for the arrest and confinement.
- (3) Should a civil contempt award be entered, a party to whom it is payable will have the same remedies against property of the contemnor as if the award were a final judgment, and a formal final dollar judgment may also be separately entered. Should the United States Trustee initiate the proceeding by motion, or should the court initiate the proceeding by order to show cause, any contempt award ordered will be in favor of the United States of America unless otherwise ordered.

#### **C. Discharge Where No Contempt**

Where a finding of no contempt is entered, the alleged contemnor will be discharged from the proceeding.

#### **RULE 9021-1 SATISFACTION OF JUDGMENT AND DECREES**

The clerk shall enter a satisfaction of judgment in any of the following circumstances:

- (1) upon the filing of a statement of satisfaction of the judgment executed and acknowledged by (a) the judgment creditor, (b) the creditor's legal representative or assignee, with evidence of its authority; or (c) if the filing is within two years of the entry of the judgment, the creditor's attorney; or
- (2) upon payment to the court of the amount of the judgment plus interest and costs, if the judgment is for money only; or
- (3) if the judgment creditor is the United States, upon the filing of a statement of satisfaction executed by the United States Attorney; or
- (4) upon receipt of a certified copy of a statement of satisfaction entered in another district.

**RULE 9027-1            REMAND**

**A.     Time for Mailing of Order**

When an order is entered directing that a matter be remanded to a state court, the clerk shall delay mailing the certified copy of the remand order for fourteen days following the date of docketing of the order of remand, provided that, where the court directs that the copy be mailed forthwith, no such delay shall occur.

**B.     Completion of Remand**

The filing of a motion under Fed. R. Bankr. P. 9023 affecting an order of remand referred to in section A of this Rule shall not stop the remand of the case. However, on motion, the court may direct the clerk not to complete the remand process until a date certain or further order of court.

**RULE 9027-2            REMOVAL OF CASES FROM STATE COURT**

**A.     Notice of Removal to Be Filed With Clerk of This Court**

A party desiring to remove to this court, pursuant to 28 U.S.C. §1452 and Fed. R. Bankr. P. 9027, a civil action or proceeding from a state court in this district shall file all required papers with the clerk.

**B.     Copy of Record to Be Filed With Clerk Within 21 Days**

Within 21 days after filing the notice of removal, the petitioner shall file with the clerk a copy of all records and proceedings had in the state court.

**RULE 9029-2            PROCEDURE FOR PROPOSING AMENDMENTS TO RULES**

Amendments to these Rules may be proposed to the District Court by majority vote of all the judges.

**RULE 9029-3            INTERNAL OPERATING PROCEDURES**

The judges may by majority vote adopt general orders of the court with respect to internal court and clerical administrative matters (“Internal Operating Procedures”), provided that no such general order of the court may conflict with applicable law, the Fed. R. Bankr. P., these Rules, or applicable local rules of the District Court. All such general orders and Internal Operating Procedures must be assigned numbers and be made public by the clerk.

**RULE 9029-4A      RULES OF PROFESSIONAL CONDUCT**

The *Rules of Professional Conduct for the Northern District of Illinois*, as amended from time to time, shall apply in all proceedings and matters before this court.

**RULE 9029-4B      ATTORNEY DISCIPLINARY PROCEEDINGS**

**A.      Disciplinary Proceedings Generally**

(1)      Definitions

The following definitions apply to the disciplinary Rules:

- (a)      “Misconduct” means any act or omission by an attorney that violates the disciplinary rules of the district court. Such an act or omission constitutes misconduct regardless of
  - (1)      whether the attorney performed the act or omission individually or in concert with any other person or persons, or
  - (2)      whether the act or omission occurred in the course of an attorney-client relationship.
- (b)      “Discipline” includes, but is not limited to, temporary or permanent suspension from practice before the bankruptcy court, reprimand, censure, or such other disciplinary action as the circumstances may warrant, including but not limited to restitution of funds, satisfactory completion of educational programs, compliance with treatment programs, and community service.

(2)      Jurisdiction

Nothing in these Rules restricts the power of any judge over proceedings before that judge.

(3)      Attorneys Subject to Discipline

By appearing in the bankruptcy court, an attorney, whether or not a member of the bar of the district court, submits to the disciplinary jurisdiction of the bankruptcy court for any alleged misconduct that the attorney commits.

(4)      Confidentiality

- (a)      Before a disciplinary proceeding is assigned to a judge pursuant to these Rules, the proceeding is confidential, except that the bankruptcy court may, on such terms as it deems appropriate, authorize the clerk of the court to

- disclose any information about the proceeding.
- (b) After a disciplinary proceeding is assigned to a judge pursuant to these Rules, the record and hearings in the proceeding are public, and all materials submitted to the chief judge before the disciplinary proceeding was assigned must be filed with the clerk of the court, unless for good cause the judge to whom the disciplinary proceeding is assigned orders otherwise.
  - (c) A final order in a disciplinary proceeding is a public record.

## **B. Discipline of Attorneys for Misconduct**

### (1) Complaint of Misconduct

A disciplinary proceeding is commenced by submitting a complaint of misconduct to the chief judge of the bankruptcy court. The complaint may be in the form of a letter. The complaint must state with particularity the nature of the alleged misconduct and must identify the Local Rule of the district court that has been violated. The chief judge must refer the complaint of misconduct to the bankruptcy court for consideration and appropriate action.

### (2) Request for a Response to a Complaint of Misconduct

On receipt of a complaint of misconduct, the bankruptcy court may forward a copy to the attorney and ask for a response within a set time. Any response must be submitted to the chief judge.

### (3) Action by the Bankruptcy Court on a Complaint of Misconduct

On the basis of the complaint of misconduct and any response submitted, the bankruptcy court may, by a majority vote --

- (a) determine that the complaint merits no further action and provide notice of this determination to the complainant and the attorney;
- (b) direct that formal disciplinary proceedings be commenced; or
- (c) take other appropriate action.

### (4) Statement of Charges

If the bankruptcy court determines, based on allegations in the complaint of misconduct and any response, that formal disciplinary proceedings should be initiated, the bankruptcy court must issue a statement of charges against the attorney. The statement of charges must set forth the alleged misconduct and must require the attorney to show cause, within 28 days after service, why the attorney should not be disciplined.

(5) Method of Service

The clerk of the court must mail two copies of the statement of charges to the last known address of the attorney. One copy must be mailed by certified mail restricted to addressee only, return receipt requested. The other copy must be mailed by first class mail. If the statement of charges is returned as undeliverable, the clerk of the court must notify the chief judge. The bankruptcy court may direct that further, alternative attempts at service be made.

(6) Date of Service

For purposes of this rule, the date of service is

- (a) the date of mailing, if service is by mail, or
- (b) the date of delivery, if service is personal.

(7) Answer to Statement of Charges

Within 28 days after the date of service, the attorney who is the subject of the statement of charges must submit to the chief judge an answer to the statement of charges showing cause why the attorney should not be disciplined.

(8) Appointment of the United States Trustee

The bankruptcy court may appoint the United States Trustee for this region to investigate a complaint of misconduct and prosecute a statement of charges. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then elect either to dismiss the proceeding or request that a member of the bar investigate the complaint of misconduct and prosecute the statement of charges.

(9) Assignment to Judge for Hearing

If, after the attorney has answered the statement of charges, the bankruptcy court determines by a majority vote that an evidentiary hearing is warranted, the chief judge will assign the disciplinary proceeding to a judge for hearing.

(10) Subpoenas

The United States Trustee or any other investigating or prosecuting attorney may cause subpoenas to be issued.

(11) Hearing

The Federal Rules of Evidence will apply in any hearing on a statement of charges.

The burden is on the party prosecuting the complaint to demonstrate by a preponderance of the evidence that the attorney charged has committed misconduct.

(12) Decision

Upon completion of the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law, determining whether the attorney charged has committed misconduct, and if so, imposing appropriate discipline. A separate order imposing discipline must be entered in accordance with the written decision.

(13) Appeal

Entry of an order imposing the discipline is a final order, appealable as of right to the Executive Committee of the district court. Part VIII of the Federal Rules of Bankruptcy Procedure governs all appeals from disciplinary orders of the bankruptcy court, except that Rule 8001(f) of the Federal Rules of Bankruptcy Procedure does not apply.

**C. Indefinite Suspension on Consent**

(1) Declaration of Consent

Any attorney who is the subject of a complaint of misconduct or a statement of charges may consent to indefinite suspension from practice before the bankruptcy court, but only by delivering to the chief judge a declaration stating that the attorney consents to indefinite suspension.

(2) Order on Consent

Upon receipt of the required declaration, the chief judge must enter an order indefinitely suspending the attorney. The order indefinitely suspending the attorney on consent is a matter of public record.

**D. Reinstatement**

(1) Reinstatement when Suspension is 90 Days or Fewer

An attorney suspended for 90 days or fewer is automatically reinstated at the end of the period of suspension.

(2) Reinstatement when Suspension is more than 90 Days

An attorney suspended for more than 90 days may not resume practice in the bankruptcy court until reinstated by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement at any time following the period of suspension.

(3) Reinstatement when Suspension is for an Indefinite Period

An attorney who is indefinitely suspended may not resume practice in the bankruptcy court until reinstatement by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement any time after five years from the effective date of the suspension.

(4) Presentation of Petition for Reinstatement

A petition for reinstatement must be filed with the clerk of the court. The clerk must present the petition to the bankruptcy court which, by a majority vote, must either grant or deny the petition without an evidentiary hearing, or else determine the matter requires an evidentiary hearing before a judge of the bankruptcy court assigned by the chief judge.

(5) Appointment of the United States Trustee

Following the filing of a petition for reinstatement, the bankruptcy court may appoint the United States Trustee for this region to investigate the petition and support or oppose reinstatement. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then request that a member of the bar investigate the petition and oppose or support reinstatement.

(6) Hearing

The Federal Rules of Evidence will apply in any hearing on a petition for reinstatement. The burden is on the petitioner to demonstrate by clear and convincing evidence that the petitioner has the requisite character and fitness to practice law before the bankruptcy court and that the petitioner's resumption of practice before the bankruptcy court will not be detrimental to the administration of justice.

(7) Decision by Assigned Judge

Upon completion of the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law and determining whether the petitioner should be reinstated. A separate order must be entered.

(8) Conditions of Reinstatement

If the petitioner fails to demonstrate fitness to resume the practice of law before the bankruptcy court, the petition for reinstatement must be denied. If the petitioner is found fit to resume practice before the bankruptcy court, the petitioner must be reinstated, but reinstatement may be subject to conditions, including but not limited to partial or complete restitution to parties harmed by the conduct that led to the suspension.

(9) Appeal

Entry of an order granting or denying a petition for reinstatement is a final order appealable as of right to the Executive Committee of the district court. Part VIII of the Federal Rules of Bankruptcy Procedure governs all appeals from disciplinary orders of the bankruptcy court, except that Rule 8001(f) of the Federal Rules of Bankruptcy Procedure does not apply.

(10) Limitation on Successive Petitions for Reinstatement

Following the denial of a petition for reinstatement, the petitioner may not file another petition for reinstatement until at least one year from the date of the order denying reinstatement.

**E. Notice to Executive Committee and ARDC**

Following

- (a) the entry of a final order imposing discipline or a final order granting or denying a petition for reinstatement, and
  - (b) the exhaustion of all appellate rights in connection with such an order,
- the clerk of the court must transmit a copy of the order to the Executive Committee of the District Court and to the Illinois Attorney Registration and Disciplinary Commission.

**RULE 9029-5 STANDING ORDERS OF INDIVIDUAL JUDGES**

Nothing in these Rules shall limit the authority of each judge to issue standing orders generally applicable to administration or adjudication of cases and matters assigned to that judge without approval of the Bankruptcy Court or District Court, to the extent the standing orders are not in conflict with applicable law, the Fed. R. Bankr. P., these Rules, the Internal Operating Procedures, or local rules of the District Court. Each judge shall furnish copies of all standing orders to the clerk who will make them public.

**RULE 9029-6            ACTING CHIEF JUDGE**

If the chief judge is absent from the District or is unable to perform his or her duties, such duties shall be performed by the judge in active service, present in the Eastern Division of the District and able and qualified to act, who is next in line of seniority based on the date of his or her first appointment. Such judge is designated as the acting chief judge on such occasions.

**RULE 9033-1            NON-CORE PROCEEDINGS - TRANSMITTAL TO THE  
DISTRICT COURT OF PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

**A.        Time of Transmittal**

The clerk shall transmit to the District Court the proposed findings of fact and conclusions of law filed pursuant to Fed. R. Bankr. P. 9033 upon the expiration of time for filing objections and any response thereto.

**B.        Procedures Following Transmittal**

After transmission of proposed findings and conclusions to the District Court, no filings, except motions pursuant to Fed. R. Bankr. P. 9033(c), may be made in the Bankruptcy Court with respect to the non-core proceeding until after a dispositive ruling by the District Court. When findings of fact and conclusions of law are filed that do not completely resolve the non-core proceeding, the Bankruptcy Court retains jurisdiction over the remaining issues and parties.

**RULE 9037-1            MOTION TO REDACT PERSONAL INFORMATION**

A motion to redact personal information prohibited under Fed. R. Bankr. P. 9037(a) should be filed without a notice of motion and without serving other parties. The motion must be accompanied by a redacted version of the filed document and a proposed order requiring the clerk to substitute the redacted document for the unredacted document. The judge should rule on the motion as soon as possible without holding a hearing unless there appears to be a reason to deny the motion, in which case the judge should set the matter for hearing with the movant as soon as possible.

**RULE 9060-1            REFERRAL TO MEDIATION**

- (a) A party to any dispute pending before the court may, at any time, request entry of an order referring the dispute to mediation under these Rules by presenting to the

court a motion for mediation, in the form appended to and made a part of this Rule. Each such motion shall be accompanied by a mediation agreement signed by the parties.

- (b) The motion shall state whether the parties have agreed on a mediator. If the parties have not agreed on a mediator, the motion may name any mediator from the list maintained by the clerk pursuant to Rule 9060-5 whom a party wishes to exclude from service. Upon presentation of the motion for mediation, the court may enter an order referring the dispute to mediation under these Rules.
- (c) These provisions do not apply when a sitting bankruptcy judge agrees to mediate a case assigned to another sitting bankruptcy judge, or when the parties use other types of alternate dispute resolution.

[Case/adversary caption]

**MOTION FOR MEDIATION**

The undersigned party or Parties (“Parties”) hereby request that this court enter an order referring the following dispute to mediation pursuant to the Local Bankruptcy Rules:

(brief description of the nature and status of the dispute)

- 1. Have the necessary Parties agreed upon mediation of this dispute? Yes/No
- 2. If the Parties have agreed upon a mediator, state the name, address and phone number of the mediator agreed upon:

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3. If the Parties do not notify the clerk that they have agreed upon a mediator, the Parties understand and agree that, then within seven (7) days of the entry of an order of reference to mediation, the clerk will randomly assign a mediator from the list of mediators maintained by the clerk pursuant to Local Bankruptcy Rule 9060-5A.

4. By agreeing to enter into mediation with the intention of reaching a consensual settlement of their dispute, the Parties and their counsel agree to be bound by the Local Bankruptcy Rules governing mediation and to proceed in a good faith effort to resolve this dispute.

Wherefore, the undersigned Parties and their counsel request that the court enter an order referring this dispute to mediation and granting such other relief as is just and proper.

Signed: \_\_\_\_\_ Print name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date:

[Case/adversary caption]

**BANKRUPTCY MEDIATION AGREEMENT**

This is an agreement by and between \_\_\_\_\_ and \_\_\_\_\_ (hereinafter referred to as “the Parties”) and their representatives. The Parties have agreed to enter into mediation with the intention of reaching a consensual settlement of their dispute.

1. The Parties agree to make complete and accurate disclosure of all information necessary for an understanding of each party’s factual and legal position.

2. The Parties, together with their representatives and those in privity with them, agree to comply with the provisions of the local Bankruptcy Rules governing confidentiality and discovery of mediation proceedings, and further agree that disclosure by a party of privileged information to the mediator does not waive or otherwise adversely affect the privileged nature of the information. However, nothing in this agreement shall be construed to prevent or excuse the Parties or those in privity with them from reporting matters such as crimes, imminent threats of bodily injury, or such other matters as to which the law imposes a duty to report.

3. The Parties and their representatives understand that the Mediator will not be offering legal advice to any party. Nor will the mediator be rendering any opinion or decision in connection with the mediation. The Mediator’s role is to aid the parties in seeking a fair agreement in accordance with their respective interests. The Parties understand that they have a right to be represented by legal counsel in the mediation proceedings, and that such representation is recommended by the court. None of the Parties or those in privity with them will be permitted to employ the Mediator nor any attorney of his or her firm in any legal proceeding or other matter relating to the subject of the mediation, nor for any matter while the mediation is pending.

4. Any Party may withdraw this dispute from mediation at any time pursuant to Local Bankruptcy Rule 9060-3F.

5. The Parties agree to share the fees and expenses of the Mediator as follows:

\_\_\_\_\_

However, any party who fails to comply with the Local Bankruptcy Rules governing mediation or the terms of this agreement without good cause will be responsible for any expenses of the other parties arising out of the failure to comply as determined by the court on notice with an opportunity for a hearing.

6. The Parties hereby release, indemnify and hold harmless the Mediator from any liability arising in connection with the performance of his or her duties as Mediator in accordance with this Agreement and the Local Bankruptcy Rules. However, nothing in this Agreement shall release the Mediator for liability arising from the willful derogation of his or her duties as mediator.

7. The Local Bankruptcy Rules governing mediation are expressly made a part of this agreement and are incorporated by reference herein. The Parties agree to be bound by these Rules.

8. The Parties agree that any dispute arising out of this mediation shall be heard and resolved by the bankruptcy judge, and the Parties expressly waive any requirement of the Federal Rules of Bankruptcy Procedure that relief pursuant to or arising out of this mediation be sought in the form of a complaint, and hereby consent to the application of Fed. R. Bankr. P. 9014 to any request for relief relating to this agreement. Furthermore, to the extent that any such request for relief is not a core proceeding under 28 U.S.C. § 157(b), the Parties hereby agree that a bankruptcy court may nevertheless enter appropriate orders and judgments with respect to the request for relief.

I have read, understand and agree to each of the provisions of this agreement.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

## **RULE 9060-2            SELECTION OF A MEDIATOR**

### **A.        Selection or Exclusion by the Parties**

The parties to a dispute submitted to mediation under these Rules may select a person to serve as mediator, either by identifying that person in their motion for mediation, or by filing a designation of an agreed mediator with the clerk, within seven (7) days after entry of the order of reference to mediation. If the parties do not select a mediator, any party may file with the clerk, within six (6) days of the entry of the order of reference to mediation, a designation of any mediator from the list maintained by the clerk pursuant to Rule 9060-5(A) whom that party wishes to exclude from service as mediator.

### **B.        Selection by the Clerk**

If the parties do not select a mediator, the clerk shall randomly assign a mediator from the list maintained by the clerk pursuant to Rule 9060-5(A), other than a mediator whom a party has excluded in a motion for mediation or a designation filed under section A of this Rule.

### **C.        Acceptance or Declination by the Mediator**

The clerk shall promptly notify the person selected as mediator of the selection, including with the notification a copy of any motion for mediation and of the order referring the dispute to mediation. Within seven (7) days of the notification, the mediator selected (1) shall discuss with the parties his or her availability to serve and, if available, the terms of compensation under which he or she would be willing to serve; and (2) shall file with the clerk and serve on the parties to the dispute either (a) a statement of acceptance together with an affidavit of disinterestedness, or (b) a statement declining to serve as mediator.

### **D.        Selection of an Alternative Mediator**

Upon receipt of a statement of declination by the selected mediator, or upon the passage of seven (7) days from the notice of the selection without a response from the selected mediator, the clerk shall notify the parties that the selected mediator will not serve. Within seven (7) days of such a notice, the parties may select an alternative mediator or specify mediators for exclusion, pursuant to section A of this Rule. If the parties fail to make the selection within seven (7) days from the notice, the clerk shall make the selection of an alternate mediator pursuant to section B of this Rule. The alternate mediator shall be notified and shall respond as provided in section C of this Rule.

**RULE 9060-3            MEDIATION PROCEDURE**

**A.     Effect of Mediation on Other Pending Matters**

The referral of a dispute to mediation does not relieve the parties from complying with any other court orders or applicable law and rules. Referral to mediation does not stay or delay discovery, pre-trial hearing dates, or trial schedules unless otherwise provided by court order.

**B.     Scheduling of a Mediation Conference; Submission of Materials**

After consulting with all counsel and any pro se parties, the mediator shall promptly schedule, at the earliest practicable date, a convenient time and place for an initial mediation conference, and shall give at least seven (7) days notice to all parties of the date, time and place of the initial mediation conference. The mediator may include in the notice of the initial mediation conference a direction to the parties to submit statements of their positions, copies of relevant documents, evidentiary exhibits, or other materials that the mediator believes will be helpful in the mediation process. The parties shall submit to the mediator all materials specified by the mediator and shall serve copies on all other parties, unless otherwise directed by the mediator, at least three days prior to the initial mediation conference.

**C.     Attendance at the Initial Mediation Conference**

The following individuals shall attend the initial mediation conference unless excused by the mediator:

- (1) each party who is a natural person;
- (2) for each party that is not a natural person, either
  - (a) a representative, not the party's attorney of record, who has full authority to negotiate and settle the dispute on behalf of that party, or
  - (b) if the party is an entity that requires settlement approval by a committee, board or legislative body, a representative who has authority to recommend a settlement to the committee, board or legislative body;
- (3) the attorney who has primary responsibility for each party's case; and
- (4) any other entity determined by the mediator to be necessary for a full resolution of the dispute referred to mediation.

**D.     Conduct of the Initial Mediation Conference**

- (1) The mediator shall preside over the initial mediation conference with full authority to determine the nature and order of presentations and the time, place, and structure of any proceedings. The mediator may direct that additional parties attend or that additional materials be submitted at any continuance of the mediation conference.
- (2) Except as the mediator may direct, or as the mediation agreement provides, rules of evidence and procedure shall not apply to the mediation process.
- (3) Except as specified in these Rules, no material submitted to the mediator or

prepared in connection with any mediation conference shall be filed with the court as part of the mediation process.

**E. Resignation of Mediator**

The mediator may resign from the mediation at any time during the mediation process, by filing a notice of resignation with the clerk, with service on all parties, stating the reason for the resignation. A mediator who resigns shall forfeit his right to receive fees, unless the court determines that the resignation was proper and without any fault of the mediator. A new mediator will thereupon be selected in conformity with the provisions of Rule 9060-2D. The new mediator shall be served with a copy of the notice of resignation in addition to the other materials specified by Rule 9060-2C. The clerk shall attach a copy of the notice of resignation to the mediator's certificate maintained pursuant to Rule 9060-5A.

**F. Withdrawal of a Dispute from Mediation**

Any party may withdraw a dispute from mediation at any time upon the filing of a statement of withdrawal with the clerk. The clerk shall promptly notify the judge assigned to the case of the withdrawal.

**RULE 9060-4 POST MEDIATION PROCEDURES**

**A. Preparation of Documents Required to Implement Settlement**

If the dispute referred to mediation is resolved, the parties, with the assistance of the mediator, shall determine who will prepare any document (e.g., agreements, stipulations, motions, or agreed orders) required to implement the resolution reached.

**B. Report by the Mediator**

Within seven (7) days after the mediator determines that the mediation is concluded, either by resolution or by withdrawal, the mediator shall file with the clerk and serve on the parties a report stating whether the dispute was resolved, and if so, who will prepare the documents required to implement the settlement.

**RULE 9060-5 LIST OF MEDIATORS**

**A. Maintenance by the Clerk of a List of Mediators and a File of Mediators' Certificates**

The clerk shall maintain and make available to the public a list of mediators, consisting of the name, address, and telephone number of each person who has filed with the clerk the

certificate specified by section B of this Rule, and whose name has not been withdrawn or removed pursuant to section D of this Rule. The clerk shall further maintain and make available to the public a file containing the certificates filed by those persons whose names are included on the list of mediators. Inclusion on the list does not constitute certification by the court of the qualifications of the mediator.

**B. Filing and Form of Mediator's Certificate**

Any adult may be included in the list of mediators maintained by the clerk pursuant to this Rule. To be included, such a person shall file with the clerk a completed mediator's certificate in the form appended to and made a part of this Rule. Each mediator included on the list shall promptly file amendments to the certificate, whenever necessary, to disclose any substantial change in the information provided in the certificate. In addition, each mediator included in the list shall file a complete, updated certificate at no more than three-year intervals.

**C. Pro Bono Mediators**

A person filing a completed mediator's certificate thereby agrees to accept at least one pro bono mediation per year pursuant to Rule 9060-7.

**D. Withdrawal and Removal from the List of Mediators**

Any mediator may voluntarily withdraw from the list of mediators at any time by providing written notification to the clerk, who shall remove the name of the mediator from the list of mediators and remove that mediator's certificate from the file of mediators' certificates. If a mediator fails to update his or her certificate pursuant to section B of this Rule, or if the chief judge notifies the clerk that a mediator has failed to accept at least one pro bono matter per year assigned to the mediator pursuant to Rule 9060-7, the clerk shall remove the name of the mediator from the list of mediators and remove the mediator's certificate from the file of mediator certificates.

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
MEDIATOR'S CERTIFICATE**

I, the undersigned, hereby apply for designation on the List of Mediators in the United States Bankruptcy Court for the Northern District of Illinois. In making this application, I certify under penalty or perjury that all of the following information is true and correct.

- A. Nature and level of training and experience in ADR and training programs you have completed: (include names, locations, dates, and CLE credit hours, where applicable, for any Alternative Dispute Resolution ("ADR")).

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Nature and length of experience in bankruptcy (describe your experience as attorney, trustee, accountant, liquidator, reorganization specialist, assignee or in any other bankruptcy-related field in which you have special expertise):

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- B. Professional licenses (identify any professional license that you hold relevant to your service as mediator or neutral, including the issuing body and the date first issued):

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- C. Membership in professional organizations (identify any professional memberships relevant to your service as mediator or neutral to which you currently belong or have belonged in the past and state the time periods during which you were a member):

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- D. (a) Have you ever been the subject of a finding of misconduct in a disciplinary proceeding that resulted in the suspension or revocation of your professional license or a public censure?  
\_\_\_\_\_
- (b) Have you ever resigned from a professional organization while an investigation was pending into allegations of misconduct which would warrant discipline, suspension, disbarment or professional license

revocation?

- (c) Have you ever been removed for cause as a neutral? \_\_\_\_\_  
(d) Have you ever been convicted of a felony? \_\_\_\_\_

E. If the answer to any part of question 5 is "Yes," set forth the circumstances surrounding the action in question, including the relevant dates and circumstances:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Other relevant experience, skills, honors, publications, or other information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G. Counties in which you are available to conduct mediation conferences:

\_\_\_\_\_  
\_\_\_\_\_

H. General Affirmations:

- (a) I have read the Local Bankruptcy Rules of the Bankruptcy Court for the Northern District of Illinois governing mediation.
- (b) I agree to comply fully with the relevant provisions of the Local Bankruptcy Rules, as well as this court's General Orders and any modifications thereto, governing mediation.
- (c) I will not accept appointment as a mediator in any proceeding or matter unless at the time of accepting the appointment:
- (1) I qualify as a "Disinterested Person" as defined by 11 U.S.C. § 101, I am free of financial or other interests pursuant to 28 U.S.C. § 455 which would disqualify me if I were a judge, and I am unaware of any other reasons that would disqualify me as a mediator; or
- (2) I have fully disclosed any potentially disqualifying circumstances and they have been waived by all parties.
- (d) Upon learning that I am no longer qualified to serve as a mediator pursuant to Rule 9060-5D, I will immediately contact the clerk and any parties for whom I have accepted appointment as mediator.
- (e) I consent to public disclosure of the information contained in this Application.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

*(Print or Type)*

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

## **RULE 9060-6            COMPENSATION**

Before the commencement of the mediation conference, the mediator and the parties to the mediation shall enter into a written agreement setting forth the fees and expenses to be paid to the mediator by each party. A copy of the agreement shall be filed with the court. Nothing in these Rules relieves a mediator or any party to a mediation from complying with applicable sections of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and these Rules governing the retention and payment of professional persons.

## **RULE 9060-7            PRO BONO MEDIATION**

If one or more of the parties to a dispute cannot afford to pay the fees of a mediator, but all parties have agreed to submit the matter to mediation, any party may present a motion to the chief judge, on notice to the other parties, to have the dispute designated for pro bono mediation. If the motion is granted, the chief judge shall appoint a mediator from the list maintained by the clerk and notify the mediator of the appointment. The appointed mediator shall respond in the manner specified by Rule 9060-2C, except that the mediator shall neither discuss nor receive compensation or reimbursement of expenses from any of the parties. If the mediator declines the appointment, the clerk shall so notify the chief judge, who shall appoint an alternate mediator.

## **RULE 9060-8            CONFIDENTIALITY**

### **A.      Confidentiality of Mediation Proceedings**

The mediator, all parties, those in privity with them, and all non-party participants shall not divulge, outside of the mediation process, any oral or written information disclosed in the course of the mediation process, including but not limited to the following:

- (1) views expressed or suggestions made by a party, the mediator, or a nonparty participant with respect to a possible resolution of the dispute;
- (2) whether another participant indicated a willingness to accept a proposal or suggestion for resolution of the dispute;
- (3) any statements, recommendations, or views of the mediator;
- (4) any statements or admissions made in the course of the mediation;
- (5) any documents prepared in connection with the mediation.

### **B.      Admissibility**

The matters described in Section A of this Rule are inadmissible in evidence in any proceeding before the court. Evidence or information otherwise admissible or discoverable does not become inadmissible or undiscoverable solely by reason of its disclosure or use in a mediation proceeding.

**C. Prohibition Against Discovery**

Subject to the second sentence in Section B of this Rule, no one may seek to discover from the mediator, a party, those in privity with them, or a non-party participant, except as otherwise provided in these Rules, any of the matters described in Section A of this Rule.

**D. Waiver**

- (1) The rule of confidentiality in Section A of this Rule may one be waived orally before a court reporter or in writing, if it is expressly waived by all parties to the mediation, and
  - (a) if it relates to actions or statements by the mediator, it is expressly waived by the mediator, or
  - (b) if it relates to actions or statements by a non-party participant, it is expressly waived by the non-party participant.
- (2) A person who violates the rule of confidentiality in Section A of this Rule to the prejudice of another is precluded from asserting the rule to the extent necessary for the other to respond.
- (3) A person who intentionally uses a mediation to plan, attempt to commit, or commit a crime may not assert the rule of confidentiality in Section A of this Rule.

**RULE 9060-9 MEDIATOR’S LIABILITY**

The parties shall include in the mediation agreement a provision releasing, indemnifying and holding harmless the mediator from any liability arising in connection with the performance of his or her duties as mediator in accordance with these Rules, except liability for intentional violations of these Rules.

**RULE 9060-10 TERMINATION OF MEDIATION**

Upon the filing of a mediator’s report pursuant to Rule 9060-4B or the filing of a notice withdrawing a matter from mediation pursuant to Rule 9060-3F, the mediation will be terminated and the mediator relieved from further responsibilities in the mediation, without further court order.

**RULE 9060-11 OTHER DISPUTE RESOLUTION PROCEDURES**

Nothing contained in these Rules is intended to prevent or discourage the parties or the court from employing any other method of dispute resolution.

**RULE 9060-12            EXTENSION OR REDUCTION OF DEADLINES**

For cause, on motion, any party or mediator may request the court to extend or reduce any time limit provided for by these Rules for action to be taken in connection with the mediation process.

**RULE 9065-1            CHAPTER 13 - COPIES OF ORDERS**

In a chapter 13 case, if a copy of a proposed order submitted to the court for entry has not been served on the standing chapter 13 trustee, a copy must be supplied to the chapter 13 trustee in open court. When a draft order is to be submitted after a hearing, a copy shall be served on the chapter 13 trustee when the order is submitted to the court.

**RULE 9065-2            SERVICE OF COPIES OF PROOFS OF CLAIM IN CHAPTER 13 CASES**

In all chapter 13 cases, if a claimant files a proof of claim alleging a security interest in any property of the debtor, the claimant shall serve a copy of the proof of claim on the debtor's attorney, or on the debtor, if *pro se*. Service shall be at the same time that the proof of claim is filed with the clerk.

**RULE 9070-1            CUSTODY OF EXHIBITS**

**A.     Retention of Exhibits**

Original exhibits shall be retained by the attorney or *pro se* party producing them unless the court orders them deposited with the clerk.

**B.     Exhibits Subject to Orders of Court**

Original exhibits retained under section A of this Rule and original transcripts ordered by any party but not filed are subject to orders of the court. Upon request, parties shall make the exhibits and transcripts or copies thereof available to any other party to copy at its expense.

**C.     Removal of Exhibits**

Exhibits that have been deposited with the clerk shall be removed by the party responsible for them (1) within ninety days after a final decision is rendered if no appeal is taken or (2) within thirty days after the mandate of the reviewing court is filed. Parties failing to comply with this Rule shall be notified by the clerk to remove their exhibits. Thirty days after such notice, the

material shall be sold by the United States marshal or the clerk at public or private sale, or otherwise disposed of as the court directs. The net proceeds of any such sale shall be paid to the Treasurer of the United States.

**D. Withdrawal of Exhibits; Receipt for Withdrawal**

Exhibits deposited with the clerk shall not be withdrawn from the custody of the court except as provided by these Rules or upon order of court. Parties withdrawing their exhibits from the court's custody shall give the clerk a signed receipt identifying the material taken, and the receipt shall be filed and docketed.