

United States Bankruptcy Court Northern District of Ohio

Local Rules

Enacted: January 1, 1992
Revised: April 7, 1997;
January 15, 1998;
May 2, 2001;
March 8, 2010

LOCAL BANKRUPTCY RULES
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

TABLE OF CONTENTS

Rule 1001-1	SCOPE AND CITATION OF RULES.	1
Rule 1001-2	RULES OF CONSTRUCTION.....	2
Rule 1002-1	PETITION – GENERAL.....	3
Rule 1007-1	LISTS, SCHEDULES & STATEMENTS: REPEALED	4
Rule 1007-2	MAILING-LIST OR MATRIX.	5
Rule 1014-1	TRANSFER OF CASES: REPEALED	6
Rule 1015-2	RELATED CASES.	7
Rule 1071-1	DIVISIONS – BANKRUPTCY COURT.	8
Rule 1073-1	ASSIGNMENT OF CASES.	9
Rule 2002-1	NOTICE TO CREDITORS & OTHER INTERESTED PARTIES.....	10
Rule 2016-1	COMPENSATION OF PROFESSIONALS.	11
Rule 2016-2	COMPENSATION OF PETITION PREPARERS	12
Rule 2083-1	CHAPTER 13 – GENERAL: REPEALED	12 13
Rule 2090-1	ATTORNEYS – ADMISSION TO PRACTICE.....	13 14
Rule 2090-2	ATTORNEYS – DISCIPLINE & DISBARMENT.....	14 15
Rule 2091-1	ATTORNEYS – WITHDRAWALS	16
Rule 3011-1	UNCLAIMED FUNDS	17
Rule 3018-2	ACCEPTANCE/REJECTION OF PLANS.....	15 18

Rule 4001-1	AUTOMATIC STAY – RELIEF FROM..	16	19
Rule 4008-1	REAFFIRMATION		20
Rule 5003-2	COURT PAPERS – REMOVAL OF: REPEALED	17	21
Rule 5005-1	FILING PAPERS – REQUIREMENTS.	18	22
Rule 5005-2	FILING PAPERS – NUMBER OF COPIES: REPEALED	19	23
Rule 5005-4	ELECTRONIC FILING	20	24
Rule 5072-1	COURTROOM DECORUM	20	25
Rule 5072-2	SECURITY IN THE COURTHOUSE COURT SECURITY	21	26
Rule 5073-1	PHOTOGRAPHY, RECORDING DEVICES, & BROADCASTING.	22	27
Rule 5080-1	FEES – GENERAL		28
Rule 6004-1	SALE OF ESTATE PROPERTY.	23	29
Rule 6005-1	APPRAISERS & AUCTIONEERS	24	30
Rule 6007-1	ABANDONMENT.	25	31
Rule 7003-1	COVER SHEET	26	32
Rule 7007-1	MOTION PRACTICE (in APs): REPEALED	27	33
Rule 7026-1	DISCOVERY – GENERAL.	28	34
Rule 7027-1	DEPOSITIONS & EXAMINATIONS: REPEALED	29	35
Rule 7040-1	ASSIGNMENT OF ADVERSARY PROCEEDINGS: REPEALED	30	36
Rule 7067-1	DEPOSITS (REGISTRY FUND)	31	37
Rule 7067-2	WITHDRAWAL OF A DEPOSIT: REPEALED	32	38
Rule 8006-1	DESIGNATION OF RECORD: REPEALED	33	39
Rule 9001-1	DEFINITIONS	34	40

Rule 9004-1	PAPERS – REQUIREMENTS OF FORM: REPEALED	35	41
Rule 9004-2	CAPTION – PAPERS, GENERAL: REPEALED	36	42
Rule 9011-4	SIGNATURES: REPEALED	37	43
Rule 9013-1	MOTION PRACTICE	38	44
Rule 9013-2	BRIEFS AND & MEMORANDA OF LAW	39	45
Rule 9013-3	CERTIFICATE OF SERVICE – MOTIONS	40	46
Rule 9015-1	JURY TRIAL	41	47
Rule 9015-2	PROCEDURES APPLICABLE TO JURY TRIALS: REPEALED	42	48
Rule 9019-2	ALTERNATIVE DISPUTE RESOLUTION (ADR)	43	49
Rule 9025-1	SECURITY – PROCEEDING AGAINST SURETIES	44	50
Rule 9036-1	NOTICE BY ELECTRONIC TRANSMISSION		51
Rule 9037-1	ELECTRONIC CASE FILING: REPEALED		52
Rule 9037-1	REDACTION		53
Rule 9070-1	EXHIBITS	46	54
Rule 9074-1	TELEPHONE AND VIDEO CONFERENCES	48	56

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1001-1 SCOPE AND CITATION OF RULES

(a) *Scope of the Rules.* Pursuant to [Fed. R. Bankr. P. 9029](#), the following Local Rules for the United States Bankruptcy Court, Northern District of Ohio, will control the conduct of proceedings in this Court. Nothing in these Rules shall be construed in a manner inconsistent with the [Federal Rules of Bankruptcy Procedure](#).

(b) *Citation.* The Local Bankruptcy Rule(s) shall be cited as "Local Bankruptcy Rule(s)" or "LBR."

(c) ~~*Effective-Date Applicability.*~~ The Local Bankruptcy Rules shall apply to ~~all cases~~ every case, proceeding, and matter pending in this district, unless otherwise ordered.

(d) *Construction of Rules.* The Local Bankruptcy Rules shall be construed to ~~achieve an orderly administration of the business of this Court, to govern the practice of attorneys before this Court, and to~~ secure the just, speedy, and inexpensive determination of ~~all litigation~~ every case, proceeding, and matter coming before this Court.

NOTE: Some of the proposed new language in sections (c) and (d) comes from the third sentence of [Fed. R. Bankr. P. 1001](#).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1001-2 RULES OF CONSTRUCTION

(a) Reference in the Local Bankruptcy Rules to an "attorney" or "counsel" for a party is in no way intended to preclude a party from proceeding *pro se*, in which case reference to attorney or counsel applies to the *pro se* litigant.

(b) "Ordered by the Court" or similar language shall mean ordered by the Judges in respect of matters of general application and shall mean ordered by the Judge having jurisdiction if the order relates only to cases, ~~or~~ proceedings, ~~or matters~~ assigned to a particular Judge.

(c) "Available from the Clerk" or similar language shall include materials made available by the Clerk at Court locations, through the Court's [Internet Web site](#), or as otherwise ordered by the Court.

See LBR 9001-1 for Definitions.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1002-1 PETITION – GENERAL

(a) *Filing.* The Clerk shall accept any petition **or other document** duly presented for filing, except that the Clerk may refuse to accept for filing any petition (1) not accompanied by the **proper filing fee**, unless otherwise authorized **by law**; or (2) presented for filing on behalf of a person or entity subject to an order enjoining such person or entity from filing such petition. The Clerk shall time stamp all petitions **and other documents** accepted for filing, **unless otherwise authorized.** See **LBR 5005-1(b).**

~~(b) *Form.* Except as otherwise ordered by the Court, all papers filed with the Clerk, including exhibits, shall comply with the prescribed Official Bankruptcy Forms, and shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Clerk may accept different sized documents, such as computer printouts.~~

~~*The text of this Rule also appears in LBR 5005-1(a) and 9004-1(a).*~~

~~(c) *Copy Requirements - All Chapters.* An original and 3 copies of the petition, each schedule, statement, or list required under Fed. R. Bankr. P. 1007, and any plan required by Fed. R. Bankr. P. 3015 shall be filed with the Clerk. Upon conversion of any case, an original and 3 copies of amended schedules or related documents shall be filed with the Clerk. The above copy requirements shall not apply to papers filed by electronic means established by the Court.~~

~~*The text of this Rule also appears in LBR 1007-1(b) and 5005-2(a).*~~

NOTE: This local rule reflects the philosophy that the decision to accept or reject a petition or other document should generally be made by a Judge, not by the clerk's office. The Notice to Debtors Filing a Bankruptcy Petition Without an Attorney, which is posted on the Court's website, includes additional reasons for refusing to accept a petition or adversary complaint. Therefore, if this amendment is adopted, the Notice will need revision.

Section (b) of this local rule would be moved, in part, to LBR 5005-1(a).

The copy requirements of section (c) are outdated due to electronic case filing.

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 1007-1 LISTS, SCHEDULES, & STATEMENTS~~

~~(a) Schedules. The schedules shall state the names and addresses of creditors and parties in interest in alphabetical order within the designated boxes by the last names of natural persons and the first names of other entities. Computer generated forms may not exceed the box size of the official forms. Each address shall include the number and street or the post office box and the city, state, and zip code. If full address information is unknown, the schedules shall so state. Whenever an interest in real estate is scheduled, the legal description, permanent parcel number, and street address shall be stated.~~

~~*The text of this Rule also appears in LBR 5005-1(e) and 9004-1(b).*~~

~~(b) Copy Requirements. An original and 3 copies of each schedule, statement, or list required under Fed. R. Bankr. P. 1007, and any plan required by Fed. R. Bankr. P. 3015 shall be filed with the Clerk. Upon conversion of any case, an original and 3 copies of amended schedules or related documents shall be filed with the Clerk. The above copy requirements shall not apply to papers filed by electronic means established by the Court.~~

~~*The text of this Rule also appears in LBR 1002-1(e) and 5005-2(a).*~~

Note: This local rule is no longer needed. Section (a) is now governed by sections II A 5 and III C of the Electronic Case Filing (ECF) Administrative Procedures Manual.

The copy requirements of section (b) are outdated due to electronic case filing (ECF).

Rule 1007-2 MAILING-LIST OR MATRIX

(a) *Form of ~~Label~~ Matrix.* The Clerk, with approval of the Judges, may from time to time issue instructions for **label address** matrices for automated noticing ~~requirements~~ compatible with ~~the needs of~~ the electronic data processing equipment available in the ~~Office of the Clerk clerk's office~~. Unless otherwise ordered by the Court, all petitions must be accompanied by a mailing matrix listing creditors and parties in interest.

- ~~(1) Each address cannot exceed 5 lines of type;~~
- ~~(2) Each matrix page must be prepared showing creditors in a single column no closer than 1½ inches from any edge;~~
- ~~(3) Each line of type cannot exceed 35 characters;~~
- ~~(4) Addresses should not contain account numbers or other internal creditor identifying codes;~~
- ~~(5) The last line within each address must show only the city, state, and zip code;~~
- ~~(6) Only two letter state abbreviations shall be used;~~
- ~~(7) Matrices must be submitted in letter quality print using Courier, Prestige Elite, or Letter Gothic font styles.~~

(b) Technical Standards.

(1) Attorneys filing new petitions or creditor amendments via electronic case filing are required to upload creditor mailing data as part of the electronic filing procedure in accordance with the [Electronic Case Filing \(ECF\) Administrative Procedures Manual](#).

(2) Pro se debtors or attorneys with prior authorization to file manually must submit matrices ~~must be~~ formatted to conform to **current** automated scanning equipment used by the Clerk. ~~All matrices must meet the following~~ Requirements for matrix technical ~~minimum~~ standards are available from the Clerk.

~~(b c)~~ *Modifications to Matrix.* Modifications to a previously filed matrix **(i)** shall be treated as an amendment to the listing of creditors; ~~and (ii)~~ will require debtor verification pursuant to [Fed. R. Bankr. P. 1008](#); and **(iii)** may require payment of ~~appropriate costs~~ additional fees.

NOTE: The matrix requirements listed in section (a) are no longer needed due to electronic case filing (ECF). The requirements for petitions that are filed manually are covered in section (b)(2). The only proposed changes in the matrix requirements are as follows: # 3 is changed to "cannot exceed 40 characters," and # 7 is changed to "Matrices must be submitted in a BNC-supported font, which includes Courier (Regular, Bold, Oblique, and Bold Oblique), Helvetica (Regular, Bold, Oblique, and Bold Oblique), Arial (Regular, Bold, Italic, and Bold Italic), Times (Regular, Bold, Italic, and Bold Italic), Times New Roman (Regular, Bold, Italic, and Bold Italic), Symbol, and ZapfDingbats." If approved, the revised standards will be posted on the Court's website, and a hyperlink to the standards will be created.

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 1014-1 TRANSFER OF CASES~~

~~Transfer of Cases. A petitioner requesting the transfer of a case within the district shall file the motion for transfer with the petition~~

NOTE: This local rule is not needed, nor does it reflect current practice, i.e., motions to transfer a case within the district are regularly filed after the petition has been filed because the attorney for debtor misfiled the case electronically in the wrong division by selecting an incorrect county of debtor residence, or because there is later identification that a case is related to another petition already pending in another office.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1015-2 RELATED CASES

(a) *Related Cases Defined.* A petition involving a related case shall be filed at the Court location where the first related case was filed, which may be accomplished by electronic means established by the Court. Related cases include cases in which the debtors are:

- (1) Identical individuals or entities, e.g., DBAs, FDBAs, other cases of the same person;
- (2) A corporation and any major shareholder thereof;
- (3) Affiliates;
- (4) A partnership and any of its general partners;
- (5) An individual and his or her general partner or partners;
- (6) An individual and his or her spouse; or
- (7) Entities having substantial identity of financial interests or assets.

(b) *Assignment of Related Cases by Clerk.* A related case shall be assigned by the Clerk to the Judge to whom the first of the related cases was assigned.

(c) *Reassignment of Related Cases.* Notwithstanding the foregoing, if a related case is assigned to a Judge (the "Second Judge") other than the Judge to whom the prior related case was assigned (the "First Judge"), the Second Judge shall, *sua sponte* or on the motion of any party, reassign the case to the First Judge unless the Second Judge in his or her sole discretion decides to retain jurisdiction over the related case because of convenience of the parties, considerations of judicial economy, or other cause. Nothing in the Local Bankruptcy Rules shall preclude the First Judge from reassigning, at his or her sole discretion, the prior case to the Second Judge with the consent of the Second Judge.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1071-1 DIVISIONS – BANKRUPTCY COURT

Locational Assignment of Cases and Proceedings. Except as provided in [28 U.S.C. § 1408\(2\)](#), or as otherwise ordered by the Court, the filing of cases or proceedings properly venued in a Court within this district shall be assigned to the Court in the division serving that county:

EASTERN DIVISION:	COUNTIES:	COURT ADDRESS:
Akron	Medina, Summit, and Portage	U.S. Courthouse and Federal Building 2 South Main Street Akron, OH 44308
Canton	Ashland, Carroll, Crawford, Holmes, Richland, Stark, Tuscarawas, and Wayne	Frank T. Bow Federal Building 201 Cleveland Avenue, SW Canton, OH 44702
Cleveland	Cuyahoga, Geauga, Lake, and Lorain	Key Tower 127 Public Square Cleveland, OH 44114-1309
Youngstown	Ashtabula, Columbiana, Mahoning, and Trumbull	U.S. Courthouse and Federal Building 125 Market Street Youngstown, OH 44501
WESTERN DIVISION:	COUNTIES:	COURT ADDRESS:
Toledo	Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot	U.S. Courthouse and Custom House 1716 Spielbusch Avenue Toledo, OH 43624

Note: Instead of listing the Court addresses in the local rule, the name of each office location includes a hyperlink to the address on the Court's website.

Last revised April 7, 1997

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1073-1 ASSIGNMENT OF CASES

(a) *Assignment of Cases.* At each location of the Court where more than one Judge sits, cases shall be assigned at the time of filing by automated random draw.

(b) *Core and Related to Matters and Proceedings.* Adversary Proceedings and matters arising in or related to a case shall be assigned to the Judge to whom the case is assigned.

(c) *Assignment of Related Cases.* See [LBR 1015-2](#).

(d) *Reassignment.* ~~Assignment of Adversary Proceedings. See LBR 7040-1.~~ Nothing in the Local Bankruptcy Rules shall preclude the reassignment of cases, proceedings, or matters from one Judge to another Judge with the consent of both Judges.

NOTE: The provision in section (d) relating to the assignment of adversary proceedings would be moved to section (b).

The proposed new section (d) recognizes the practice of reassigning cases from one Judge to another Judge.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2002-1 NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) *Limitation on Notices in Chapter 7 Cases.* After ~~90 days following the first date set for the meeting of creditors pursuant to 11 U.S.C. § 341,~~ the time for filing non-governmental claims has expired in Chapter 7 cases, all notices required by [Fed. R. Bankr. P. 2002\(a\)\(2\)](#), (3), (4) ~~(5)~~, and ~~(6)~~ ~~(7)~~ shall, unless otherwise ordered by the Court, be mailed only to creditors who have filed claims, and ~~to~~ persons who have filed a request for all notices pursuant to [Fed. R. Bankr. P. 2002\(i\)](#).

(b) *Responsibility for Mailing.* All notices to creditors required by [Fed. R. Bankr. P. 2002\(a\)\(2\)](#) through (8) ~~(3)~~, ~~(6)~~, ~~(7)~~, and 2002(b) shall, unless otherwise ordered by the Court, be mailed by the trustee, debtor in possession, debtor, or the respective counsel for each, and a certification of service shall be filed with the Clerk.

(c) *Notice of Motion for Relief From Stay.* See [LBR 4001-1](#).

(d) *Notice of Abandonment of Property.* See [LBR 6007-1](#).

(e) *Automated Noticing Requirements.* See [LBR 1007-2](#).

NOTE: LBR 2002-1(a) includes a reference in Chapter 7 cases to limiting notice of the time fixed for modifying a plan. Of course, there are no plans in Chapter 7 cases. The explanation is that [Fed. R. Bankr. P. 2002\(a\)\(5\)](#) *used to be* focused on hearings to dismiss or convert a case, which would be appropriate in a Chapter 7 setting per the parallel local rule. During one of the national rules revisions in the late 1990s, subsection (a)(4) was abrogated, resulting in a renumbering of the [Fed. R. Bankr. P. 2002\(a\)](#) subsections. What had been (a)(6) – "the time fixed to accept or reject a proposed modification of a plan" – became (a)(5) in the national rules.

In 2002-1(a), the changes are made to be consistent with [Fed. R. Bankr. P. 2002\(h\)](#). Under Rule 2002(h), the option for not serving all creditors comes into play only if a deadline has been set for filing proofs of claim. If creditors were initially told not to file proofs of claim, this provision would only apply if a bar date were established after a notice of assets. The new language in this local rule would limit notice only after the bar date has expired for filing non-governmental claims. Notices would still be required for governmental units and other creditors that are still permitted to file claims, consistent with the language in Rule 2002(h). The limited service would apply to notices under 2002(a)(4) (hearings on motions to dismiss or convert), but not to 2002(a)(7) (which does not apply to chapter 7 cases).

In 2002-1(b), the responsibility for mailing notices would apply to all notices required under 2002(a)(2) through (8), unless otherwise ordered by the Court. For example, trustees would not need to mail notices in chapter 13 cases when the time for filing objections to confirmation is sent out by the Court as part of the initial 341 notice.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2016-1 COMPENSATION OF PROFESSIONALS

(a) [Guidelines for Compensation and Expense Reimbursement for Professionals.](#)

Applications for compensation shall be prepared in accordance with the Court's Guidelines for Compensation and Expense Reimbursement of Professionals then in force. Copies of the Guidelines are available from the Clerk.

~~(b) *Chapter 13 Cases.* Compensation of professionals in Chapter 13 cases may be governed by Administrative Orders. Copies of Administrative Orders are available from the Clerk.~~

NOTE: The "Guidelines" hyperlink points to [General Order 93-1](#) (Guidelines for Compensation and Expense Reimbursement of Professionals). If approved, the general order would be vacated and the guidelines would be posted separately on the Court's website.

Section (b) would be deleted because it appears to limit the use of Administrative Orders to the issue of compensation in Chapter 13 cases, whereas Administrative Orders are routinely used to manage many types of issues in bankruptcy cases and adversary proceedings.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2016-2 COMPENSATION OF PETITION PREPARERS

(a) The presumptive maximum allowable fee chargeable by a bankruptcy petition preparer in any case is \$125.00.

(b) The Clerk shall give a copy of this Rule to each pro se debtor at the time a petition is presented for filing.

(c) Should a bankruptcy petition preparer in any individual case seek a determination that the value of services rendered exceeds \$125.00, the bankruptcy petition preparer shall file a motion with the Court requesting a hearing. The motion shall be filed within 14 days after the date of the filing of a petition.

(d) Any bankruptcy petition preparer who charges a fee in excess of the value of services rendered shall be subject to sanctions under 11 U.S.C. § 110, including, but not limited to, the disallowance and turnover of any fee found to be in excess of the value of services rendered.

NOTE: This proposed new local rule incorporates the substantive provisions of General Order 05-3 (Maximum Allowable Fee Chargeable by a Bankruptcy Petition Preparer), with minor changes, and is intended to replace the general order.

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 2083-1 CHAPTER 13 GENERAL~~

~~*Administrative Orders Governing Chapter 13 Practice.* Practice in Chapter 13 cases may be governed by Administrative Orders. Copies of Administrative Orders are available from the Clerk.~~

NOTE: This local rule is recommended for repeal because it appears to limit the use of Administrative Orders to the issue of practice in Chapter 13 cases, whereas Administrative Orders are routinely used to manage many types of issues in bankruptcy cases and adversary proceedings.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2090-1 ATTORNEYS – ADMISSION TO PRACTICE

(a) *Attorneys Admitted to Practice in U.S. District Court.* Every member in good standing of the Bar of the United States District Court for the Northern District of Ohio is entitled to practice before this Court.

(b) *Admission Pro Hac Vice.* The Court's strong preference is that attorneys seek permanent admission to the Bar of this Court; however, Any member in good standing of the Bar of any Court of the United States or of the highest Court of any state may, upon written motion, be permitted to appear and participate in a case or proceeding in the discretion of the Court. The motion shall include a certification, under penalty of perjury, that the attorney seeking admission is in good standing as a member of the Bar of [indicate jurisdiction(s)] and submits to the disciplinary jurisdiction of this Court for any alleged misconduct which occurs in the preparation or course of this action. Unless otherwise ordered by the Court, it shall not be necessary for any attorney entitled to practice before the Court or permitted to appear and participate in a case or proceeding to associate with or to designate an attorney with an office in this district upon whom notices, rulings, and communications may be served.

(c) *Contact Information.* All attorneys admitted to practice in this Court are required to maintain up-to-date information regarding their business address, email address, and phone number, as provided in the [Electronic Case Filing \(ECF\) Administrative Procedures Manual](#) ~~submit a written notice of a change of address to the Clerk of the District and Bankruptcy Court upon the change in address.~~

(d) *Appearance by Law Students.* The procedures applicable to appearance by law students are set forth in [Local Civil Rule 83.6](#).

NOTE: The proposed changes in section (b) are based on District Court's [Local Civil Rule 83.5\(h\)](#).

The proposed changes in section (c) recognize that in an ECF environment, submitting a written notice of a change of address to the Clerk is unnecessary.

The proposed addition of section (d) refers to District Court's [Local Civil Rule 83.6](#).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2090-2 ATTORNEYS – DISCIPLINE & DISBARMENT

~~(a) District Court Rules Governing Discipline and Disbarment. Any attorney may, for good cause shown and after having been given an opportunity to be heard, be disbarred, suspended from practice for a definite time, reprimanded, or subjected to other discipline in accordance with the Local Civil Rules of the District Court. Any person aggrieved by the conduct of any person practicing before this Court (other than a *pro se* litigant) may file a grievance with the Clerk.~~

~~Any person who, before his or her admission to the Bar of this Court or during such person's disbarment or suspension, exercises in any action or proceeding pending in this Court any of the privileges of a member of the Bar, or who pretends to be entitled so to do, is guilty of contempt of Court and subject to appropriate punishment therefor.~~

(a) *Standards for Professional Conduct.* Attorneys admitted to practice in this Court shall be bound by the ethical standards of the [Ohio Rules of Professional Conduct](#) adopted by the Supreme Court of the State of Ohio, so far as they are not inconsistent with federal law.

~~(b) Pro Hae Vice Application. An attorney admitted to practice *pro hae vice* shall be subject to the disciplinary processes of this Court.~~

(b) *Professional Conduct and Attorney Discipline.* Professional conduct and attorney discipline shall be governed by [Local Civil Rule 83.7](#).

~~(c) Court's Inherent Power. When necessary to control or eliminate disruptive, abusive, or unprofessional practices or conduct, this Court, through its inherent powers, may after notice and hearing sanction any attorney or party.~~

NOTE: The new language proposed in section (a) comes from District Court's [Local Civil Rule 83.7\(a\)](#).

The new language proposed in section (b) recognizes that a direct reference to the District Court's [Local Civil Rule 83.7](#) is preferable to rewriting the District Court's rules on attorney discipline.

The language in section (c) is deleted as duplicative of [11 U.S.C. § 105](#). This deletion does not affect the Court's inherent powers or powers under [11 U.S.C. § 105](#) to sanction any attorney or party.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2091-1 ATTORNEYS – WITHDRAWALS

(a) *Withdrawal of Attorney - By Motion.* The withdrawal of an attorney of record shall be permitted only by the filing of a motion for withdrawal, a showing of good cause, and upon such terms as the court shall impose. The motion shall be served on the client and shall include the client's written consent or an explanation why the client's written consent was not obtained.

(b) *Substitution of Attorney.* The substitution of an attorney of record shall be permitted only upon the following:

(1) *With All Relevant Parties' Signatures - By Notice.* The substitution of an attorney of record may be effected by the filing of a notice of substitution signed by the client, the substituting attorney, and the withdrawing attorney; provided, however, that the withdrawing attorney's signature is not necessary if the withdrawing attorney has been suspended or prohibited from the practice of law, or has otherwise withdrawn from practice in this district and that fact is so stated in the notice. Neither the client's signature nor the withdrawing attorney's signature is required if the substituting attorney is a member of the same partnership or legal professional association as the withdrawing attorney and the notice affirmatively states that the substitution is made with the client's knowledge and consent.

(2) *Without All Relevant Parties' Signatures - By Motion.* In all circumstances not governed by paragraph (b)(1), the substitution of an attorney of record may be effected by the filing of a motion for substitution. The motion shall be served on the client and the withdrawing attorney.

(c) *Limitations on Substitution and Withdrawal of Attorney.* Unless otherwise ordered, an attorney of record shall not be permitted to withdraw from a case or proceeding at any time within 21 days prior to a trial or hearing on any matter. Unless otherwise ordered, the substitution of an attorney of record shall not serve as the basis for a postponement of any trial or hearing. Until a motion for withdrawal is granted, an attorney shall continue to act as attorney of record.

(d) *Disclosure.* An attorney appearing in substitution for an attorney of record shall, at the time of substitution, make all disclosures required of an attorney by [11 U.S.C. § 329](#) and [Fed. R. Bankr. P. 2014](#) and [2016](#).

NOTE: This proposed rule is new. It is modeled after USBC-SDO [Local Rule 2091-1\(c\)](#).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 3011-1 UNCLAIMED FUNDS

(a) *General Requirements.* A request for unclaimed funds must be made by using the form [Petition for Unclaimed Funds and Order Thereon and Exhibit A](#), available from the Clerk. Any deviation from the standardized petition and exhibit must be explained in bold-faced type within the body of the submitted document.

(b) *Filing Procedures.*

(1) *By an Attorney.* If the claimant or the person authorized to act on behalf of the claimant is an attorney, the petition, exhibit, and all other pleadings and papers shall be filed electronically according to the procedures established by the Court, as prescribed by [LBR 5005-4](#).

(2) *By a Non-attorney Registered for Electronic Case Filing.* If the claimant or the person authorized to act on behalf of the claimant is not an attorney, but is registered with this Court as an electronic case filing user, the petition, exhibit, and all other pleadings and papers shall be filed electronically according to the procedures established by the Court, as prescribed by [LBR 5005-4](#).

(3) *By a Non-attorney Not Registered for Electronic Case Filing.* If the claimant or the person authorized to act on behalf of the claimant is not an attorney, and is not registered with this Court as an electronic case filing user, the petition, exhibit, and all other pleadings and papers must be filed on paper.

(c) *Payment.* Any payment will be issued to the claimant directly unless the claimant is represented, in which case payment will be mailed to the claimant's representative.

NOTE: This proposed new local rule would satisfy the provisions of [Eleventh Amended General Order 90-1](#) (Disposition of Unclaimed Funds), and is intended to replace the general order.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 3018-2 ACCEPTANCE/REJECTION OF PLANS

Certification of Acceptances and Rejections of Plans Under Chapters 11 and 12. In a Chapter 11 or 12 case, prior to or at the hearing on confirmation, the proponent of a plan or other party who receives the acceptances or rejections shall certify to the Court the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan, **unless otherwise ordered by the Court**. A copy of the certification shall be served on the debtor, debtor in possession, trustee, United States Trustee, any parties requesting notice, objecting parties, and any creditors' or equity security holders' committee appointed pursuant to the Code. The Court may find that the plan has been accepted or rejected on the basis of the certification.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 4001-1 AUTOMATIC STAY – RELIEF FROM

~~(a) A motion for relief from the stay shall be served on the debtor, the debtor's counsel, the trustee, the trustee's counsel if appointed, any official committees and their counsel if appointed, and, if applicable, upon any other parties asserting, having, or claiming an interest in the property.~~

(a) *Mandatory Use of Local Forms.* Parties seeking relief from stay must use the local forms, which are available from the Clerk. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document. Any inapplicable paragraphs may not be removed, but should be marked as such. A party may deviate entirely from these revised forms for good cause, examples of which include (but are not limited to) ongoing (non-foreclosure) litigation, domestic relations matters, administrative proceedings, or to effect an offset of prepetition debt.

(b) *Rent.* Any deposit of rent made by the debtor or an adult dependent of the debtor pursuant to 11 U.S.C. § 362(l)(1)(B) shall be in the form of a certified check, cashier's check, or money order payable to the order of the lessor. The deposit shall be delivered to the clerk along with the petition, the certification made under 11 U.S.C. § 362(l)(1)(A), and a copy of the judgment of possession. Upon receipt of all of the above, the Clerk shall transmit the certified check, cashier's check or money order to the lessor, by certified mail/return receipt requested, at the lessor's address listed on the petition.

~~(b) If applicable, the motion shall state the names and purported interests of all parties known, or discoverable upon reasonable investigation, who claim an interest in the property in question, and shall identify the property, and state the amount of the outstanding indebtedness and the fair market value of the property. The motion shall be accompanied by a legible and complete copy of all relevant loan and security agreements and evidence of perfection, unless such documents are voluminous. A copy of any prior orders of the Court upon which the motion relies shall be attached.~~

~~(c) Unless otherwise ordered by the Court, LBR 9013-1, 9013-2, and 9013-3 are applicable to motions for relief from the stay.~~

NOTE: The proposed new language in section (a) comes from General Order 10-1 (Standard Forms for Relief from Stay), and is intended to replace the general order.

The proposed new language in section (b) comes from USBC-SDO Local Rule 4001-1(c) and is intended to replace General Order 05-7 (Debtors Asserting an Exception to the Limitation of the Automatic Stay under 11 U.S.C. §362(l) and Procedure for Receiving Rent Deposits).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 4008-1 REAFFIRMATION

All reaffirmation agreements filed with the Court pursuant to 11 U.S.C. § 524(c) shall conform to the most current Form B240A or Form B240A/B ALT promulgated by the Administrative Office of the United States Courts. Copies of the most current forms are available from the Clerk.

NOTE: This proposed new local rule would satisfy the provisions of Second Amended General Order 05-6 (Standardized Form for Reaffirmation Agreements), and is intended to replace the general order.

Local Bankruptcy Rules -- Northern District of Ohio

~~**Rule 5003-2 COURT PAPERS REMOVAL OF**~~

~~(a) Temporary Withdrawal. No paper on file in this Court shall be withdrawn from the files for any purpose, except by order of the Court, except for printing the Record on Appeal by a local printer. The Court may, in its discretion, prohibit any original papers from being taken from the files for the purpose of printing, and may require copies of such original papers to be made for such purpose.~~

~~(b) Permanent Withdrawal. No paper shall be permanently withdrawn from the files except upon written order of the Court and the filing with the Clerk of (1) a duly certified copy of the paper so withdrawn and (2) a duly signed receipt of the party receiving the same. The party receiving such paper shall pay the fees for such certified copy and for the entry of the order.~~

NOTE: This local rule is no longer needed due to electronic case filing.

Rule 5005-1 FILING PAPERS – REQUIREMENTS

(a) *Form.* Except as otherwise ordered by the Court, ~~all papers filed with the Clerk, including exhibits, shall comply with the prescribed Official Bankruptcy Forms, and all~~ documents presented for filing or lodging in paper format either by mail or over the counter:

(1) Shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Clerk may accept different sized documents, such as computer printouts.

(2) Shall be prepared on only one side of the document. No duplex or double-sided printing will be accepted.

(3) Shall not be pre-punched.

The text of this Rule also appears in LBR 1002-1(b) and 9004-1(a).

(b) *Facsimile Transmissions.* The Clerk shall not accept for filing any facsimile transmission unless ordered by the Court.

~~(c) *Schedules.* The schedules shall state the names and addresses of creditors and parties in interest in alphabetical order within the designated boxes by the last names of natural persons and the first names of other entities. Computer generated forms may not exceed the box size of the official forms. Each address shall include the number and street or the post office box and the city, state, and zip code. If full address information is unknown, the schedules shall so state.~~

The text of this Rule also appears in LBR 1007-1(a) and 9004-1(b).

~~(d) *Designation of Judge in Caption.* On all papers filed with the Clerk after the petition, the name of the Judge to whom the case is assigned shall be included in the caption either above or below the case number.~~

The text of this Rule also appears in LBR 9004-2.

(~~e~~) (c) *Signatures.* Signatures on the petition, pleadings, motions, and other documents submitted to the Court, either by conventional means or by electronic means established by the Court, shall include the attorney’s typewritten name, firm affiliation, if any, address, telephone number, facsimile number, e-mail address, and Bar Registration Number. The signature of an attorney on any document filed by electronic means shall be indicated as “s/name.”

The text of this Rule also appears in LBR 9011-4.

NOTE: The proposed new language in section (a) comes from General Order 02-3 (Provisions for Formatting Papers Presented for Filing), and is intended to replace the general order.

Current section (c) is now governed by sections II A 5 and III C of the the Electronic Case Filing (ECF) Administrative Procedures Manual.

Current section (d) is not needed. Since the ECF case number includes the initials of the assigned Judge, indicating the name of the Judge in the caption is unnecessary.

Local Bankruptcy Rules -- Northern District of Ohio

~~**Rule 5005-2 FILING PAPERS NUMBER OF COPIES**~~

~~(a) Copy Requirements - All Chapters. An original and 3 copies of the petition, each schedule, statement, or list required under Fed. R. Bankr. P. 1007 and any plan required by Fed. R. Bankr. P. 3015 shall be filed with the Clerk. Upon conversion of any case, an original and 3 copies of amended schedules or related documents shall be filed with the Clerk. The above copy requirements shall not apply to papers filed by electronic means established by the Court.~~

~~*The text of this Rule also appears in LBR 1002-1(c) and 1007-1(b).*~~

~~(b) Electronic Filing. The Clerk may accept documents filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes and that comply with the administrative procedures established by this Court.~~

NOTE: This local rule is no longer needed. Section (a) is outdated due to electronic case filing.

Section (b) would be moved to proposed new LBR 5005-4.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5005-4 ELECTRONIC FILING

(a) *Electronic Filing Procedures.* The Court adopts electronic case filing consistent with technical standards, if any, that the Judicial Conference of the United States establishes. The Clerk may accept documents for filing, establish electronic service requirements, issue notices, serve orders and otherwise specify practices and procedures in electronic case management as indicated within the [Electronic Case Filing \(ECF\) Administrative Procedures Manual](#) available from the Clerk.

(b) *Service on Participants in Electronic Case Filing.* By registering for a login and password from the Court, participants in electronic case filing waive the right to receive notice by first class mail, including notice pursuant to [Fed. R. Bankr. P. 2002\(a\)](#), and agree to receive notice electronically. By registering for a login and password from the Court, participants in electronic case filing also waive the right to service by personal service or first class mail and agree to electronic service, except with regard to service of process of a summons and complaint in an adversary proceeding under [Fed. R. Bankr. P. 7004](#), service of a motion initiating a contested matter under [Fed. R. Bankr. P. 9014](#), and service of a subpoena under [Fed. R. Bankr. P. 9016](#).

NOTE: This is a proposed new local rule. The language in section (a) comes from current [LBR 9037-1](#). The proposed language in section (b) comes from USBC-SDO [LBR 7004-1\(b\)](#). If the language in paragraph (b) is adopted, section II (D) of the [Electronic Case Filing \(ECF\) Administrative Procedures Manual](#) will be revised to comply with section (b).

The reference in section (a) to the [Electronic Case Filing \(ECF\) Administrative Procedures Manual](#) satisfies the provisions of [Sixth Amended General Order 03-1](#) (Provisions for Mandatory Electronic Case Filing), [General Order 02-2](#) (Provisions for Electronic Case Filing), and [General Order 00-1](#) (Court Electronic Noticing Procedures), and is intended to replace those general orders.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5072-1 COURTROOM DECORUM

~~(a) No person shall loiter, sleep, or conduct himself or herself in an unseemly or disorderly manner in the rooms, halls, courtrooms, or entryways of any buildings or courtrooms, or on any stairway leading thereto, or otherwise interfere with or obstruct judicial activities or proceedings.~~

~~(b) No smoking shall be permitted in any area of the Courthouse not designated as a smoking area. No food or drink shall be permitted in any courtroom.~~

~~(c) When the Court is in session, the parties, counsel, and spectators shall refrain from reading books, newspapers, etc.~~

~~(d) Jurors, attorneys, witnesses, and others having business with the Court shall enter and leave any courtroom only through such doorways and at such times as shall be designated by the United States Marshal or the federal security force having jurisdiction of such building.~~

~~(e) Cards, signs, placards, or banners shall not be brought into any courtroom or hallway leading to any courtroom.~~

~~(f) Spectators shall be allowed to sit in that portion of a courtroom allocated by the Marshal or security officer charged with carrying out this order for spectator seating. No spectator shall be admitted to or be allowed to remain in a courtroom unless spectator seating is available. If spectator seating is not available within the confines of the courtroom, those persons for whom seating is not available shall not be permitted to remain in the halls or rooms adjacent to the courtroom.~~

~~(g) Spectators leaving a courtroom while Court is in session or at a recess shall not loiter in the halls or rooms of any United States Courthouse and may be re-admitted to the courtroom only in accordance with the provisions of this Rule.~~

Courtroom decorum shall be governed by [Local Civil Rule 83.3](#).

NOTE: The proposed changes in this local rule would result in the substitution of the District Court's [Local Civil Rule 83.3](#), titled "Courtroom and Courthouse Decorum," for the current local rule. However, the caption of this local rule would remain as "Courtroom Decorum" in line with the caption used by the [Uniform Numbering System for Local Bankruptcy Court Rules](#).

Last revised April 7, 1997

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5072-2 SECURITY IN THE COURTHOUSE COURT SECURITY

~~(a) The United States Marshal, the Federal Protective Service, or other federal security force are authorized to require all persons entering any Court to pass through an electronic metal detector before gaining access to the building or the corridors leading to the Judges' chambers. Whenever any person who activates the detector wishes to gain access to these areas, such person must submit to a reasonable, limited search of his or her person and property, in order to determine the existence, if any, of explosive or dangerous weapons that might cause injury to persons or property.~~

~~(b) All packages, bags, parcels, and brief cases shall be submitted for magnetometer, x-ray, and/or manual inspection upon entry into any Court. Any person who refuses to allow such inspection shall be denied entrance.~~

~~(c) Except for the United States Marshal, the Marshal's deputies, and assigns, no one shall have an explosive, incendiary, deadly, or dangerous weapon on or about his or her person while inside any Court, unless such person is a federal law enforcement officer, or is a law officer of another jurisdiction who receives approval of the United States Marshal. This approval shall be accomplished by signing a register in the office of the United States Marshal on each day that the person enters the Courthouse with a weapon. Such register will record the date, signature of the person carrying the weapon, destination in the Courthouse, and a brief description of the weapon.~~

~~(d) The United States Marshal and any other federal security force authorized by law are directed to enforce this Rule and to take into custody any person violating its provisions. Such persons who commit any violation of this Rule while outside the confines of a courtroom or in a courtroom outside the presence of the Judge or Judges of such Court shall be brought before the United States Magistrate Judge without any unnecessary delay. Such persons who commit any violation of this Rule while within the confines of a courtroom in the presence of a Judge or Judges shall be brought before the Judge or Judges as directed without unnecessary delay.~~

Court security shall be governed by Local Civil Rule 83.4.

NOTE: The proposed changes in this local rule would result in the substitution of the District Court's Local Civil Rule 83.4, titled "Security in the Courthouse," for the current local rule. However, the caption of this local rule would be changed to "Court Security" in line with the caption used by the Uniform Numbering System for Local Bankruptcy Court Rules.

Last revised April 7, 1997

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5073-1 PHOTOGRAPHY, RECORDING DEVICES, & BROADCASTING

~~(a) General Provisions. The taking of photographs in the courtroom or its environs, or radio or television broadcasting, or the use of equipment incident to radio or television broadcasting from the courtroom or its environs, during the progress of and in connection with judicial proceedings, whether or not Court is actually in session, is prohibited.~~

~~(b) Definitions. The term "environs" as used herein is defined as including any facility occupied by the Court.~~

~~(c) Recordings. This Rule shall not prohibit recordings by a court reporter or other Court-designated representative; provided, however, no court reporter or any other person shall use or permit to be used any part of any recording of a Court proceeding on, or in connection with, any radio or television broadcast of any kind. The Court may permit photographs of exhibits to be taken by, or under the direction of, the Court and counsel.~~

~~(d) Proceedings Other Than Judicial Proceedings. Proceedings other than judicial proceedings, designed and conducted as ceremonies, such as administering oaths of office to appointed officials of the Court, presentation of portraits, and similar ceremonial occasions, may be photographed in, or broadcast, or televised from the courtroom with the permission and under the supervision of the Court.~~

~~(e) Enforcement. The United States Marshal is charged with the responsibility of taking necessary steps to enforce this Rule.~~

Photography, recording devices, and broadcasting shall be governed by Local Civil Rule 83.1.

NOTE: The proposed changes in this local rule would result in the substitution of the District Court's Local Civil Rule 83.1, titled "Photography, Radio, and Television," for the current local rule. However, the caption of this local rule would remain as "Photography, Recording Devices, & Broadcasting" in line with the caption used by the Uniform Numbering System for Local Bankruptcy Court Rules.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5080-1 FEES – GENERAL

(a) *General Rule.* Neither the Clerk nor a Judge has the authority to permit refund of fees due upon filing except for fees collected without authority or due to administrative error on the part of the clerk's office. Refunds will not be permitted if a party files a document in error, even if the Court dismisses the case or proceeding or denies the relief requested.

(b) *Requests for Refund.* All requests for the refund of the payment of fees collected without authority or due to administrative error on the part of the clerk's office shall be by written motion. If granted, refunds will be processed through the electronic credit card system. Repeated refund requests may result in an order to show cause why further requests for refunds should be considered.

NOTE: This proposed new local rule incorporates the substantive provisions of General Order 05-2 (Prohibition on Refund of Filing Fees), with minor changes, and is intended to replace the general order.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 6004-1 SALE OF ESTATE PROPERTY

~~(a) *Certification of No Objection to Sale.* Where a trustee, seeking to sell property of the estate pursuant to 11 U.S.C. § 363, has caused notice to be given, and no objection has been made by any party in interest within the time fixed by Fed. R. Bankr. P. 6004(b) or by order of the Court, the Clerk shall issue written certification thereof to the trustee or a party in interest upon request at the expiration of time for filing objections to the sale.~~

~~(b) *Purchasing or Acquiring Assets of the Estate Prohibited.* No professional person appointed in a case by order of Court, no employee or affiliate of the professional, and no member of the professional's immediate family shall, directly or indirectly, purchase or acquire any interest in any asset of the estate.~~

NOTE: Section (a) of this local rule is recommended for repeal because it does not reflect the current practice of the Court.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 6005-1 APPRAISERS & AUCTIONEERS

~~(a) *Appraiser Disqualified from Employment.* No person employed by order of the Court to appraise estate property shall be employed to sell any property of the estate.~~

~~(b) Auctioneer's Expenses. An auctioneer may be allowed reasonable expenses for labor, cataloging, advertising, printing, postage, and other actual and necessary disbursements pertaining to the sale.~~

NOTE: Section (b) of this local rule is not needed. Provisions governing auctioneer's expenses are included in the Guidelines for Compensation and Expense Reimbursement for Professionals, which is covered in LBR 2016-1.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 6007-1 ABANDONMENT

~~Abandonment of Property - Service of Notice. Except as otherwise ordered by the Court, property of the estate shall not be abandoned by the trustee or upon motion of a party in interest, except upon notice to the case trustee, debtor, debtor's attorney, United States Trustee, and to those parties in interest who request in writing notice of such abandonment proceedings at or before the conclusion of the meeting of creditors held pursuant to 11 U.S.C. § 341. The movant shall file a certificate of service pursuant to LBR 9013-3 with the request for abandonment. The following notice shall be incorporated in the order and notice fixing the 11 U.S.C. § 341 meeting:~~

~~Creditors who wish to be notified of abandonment proceedings must file a written request for notice with the Court prior to the conclusion of the 11 U.S.C. § 341 meeting. Otherwise, the Court may order abandonment with notice only to affected parties. See LBR 2002-1(a).~~

Parties seeking abandonment must use the **local forms**, which are available from the Clerk. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document. Any inapplicable paragraphs may not be removed, but should be marked as such. A party may deviate entirely from these revised forms for good cause, examples of which include (but are not limited to) ongoing (non-foreclosure) litigation, domestic relations matters, administrative proceedings, or to effect an offset of prepetition debt.

NOTE: The proposed new language comes from General Order 10-1 (Standard Forms for Relief from Stay), and is intended to replace the general order.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 7003-1 COVER SHEET

Cover Sheets for Adversary Proceedings. At the commencement of each adversary proceeding, an [Adversary Proceeding Cover Sheet](#) in the form prescribed by the Administrative Office of the United States Courts, available from the Clerk, ~~shall be filed with the complaint~~ must be completed and filed with each complaint that is not filed electronically.

NOTE: Some of the proposed new language in this local rule comes from USBC-SDO [Local Rule 7003-1](#). Since the information provided in cover sheets is already provided as part of the ECF filing of an adversary complaint, a cover sheet is needed only if the complaint is not filed electronically.

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 7007-1 MOTION PRACTICE (in APs)~~

~~Motion Practice. See LBR 9013-1 through LBR 9013-3.~~

NOTE: This local rule is not needed. Motion practice is already governed by LBR 9013-1 through LBR 9013-3; a separate rule for adversary proceedings is unnecessary.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 7026-1 DISCOVERY – GENERAL

Discovery Disputes. To curtail undue delay in the administration of justice, no discovery procedure filed under [Fed. R. Civ. P. 26](#) through [37](#) to which objection or opposition is made by the responding party shall be taken under consideration by the Court unless the party seeking discovery shall first advise the Court in writing that, after personal consultation and sincere attempts to resolve differences, the parties are unable to reach an accord. This statement shall recite those matters which remain in dispute, and, in addition, the date, time, and place of such conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation. In the case of a failure to answer a question at a deposition (including a claimed evasive or incomplete answer), such personal consultation may take place at the deposition at which the alleged failure to answer occurs. Unless otherwise ordered by the Court, no discovery dispute shall be brought to the attention of a Judge, and no motion to compel may be filed, more than 14 days after the discovery cut-off.

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 7027-1 DEPOSITIONS & EXAMINATIONS~~

~~Videotape depositions may be taken in and used in conformity with Local Civil Rule 32.1.~~

NOTE: This local rule is not needed. Discovery matters are already covered by LBR 7026-1.

Local Bankruptcy Rules -- Northern District of Ohio

~~**Rule 7040-1 ASSIGNMENT OF ADVERSARY PROCEEDINGS**~~

~~All adversary proceedings shall be assigned to the Judge to whom the related case is assigned. See LBR 1073-1(b).~~

Note: This local rule is not needed. The assignment of adversary proceedings is covered in the proposed revision of LBR 1073-1(b).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 7067-1 DEPOSITS (REGISTRY FUND)

(a) *Deposits.*

(1) A party requesting a Court order for money to be deposited by the Clerk into an interest-bearing account shall submit a Motion for Order for Deposit and Investment of Funds and a proposed Order for Deposit and Investment of Funds, directing the Clerk to invest the funds in an interest-bearing account. Unless the Court orders otherwise, money delivered to the Court will be deposited into the registry of the Court pursuant to [28 U.S.C. § 2041](#).

(2) The [Motion for Order for Deposit and Investment of Funds](#) and the proposed [Order for Deposit and Investment of Funds](#) shall conform substantially to the local forms ~~provided by the Court~~ available from the Clerk. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document.

(b) *Withdrawals.*

(1) A party requesting a Court order for the withdrawal and disbursement of funds that have been invested by the Court shall submit a Motion for Order for Withdrawal and Disbursement of Funds and a proposed Order for Withdrawal and Disbursement of Funds, directing the Clerk to withdraw the principal plus all interest accrued from the account, and disburse the funds.

(2) The [Motion for Order for Withdrawal and Disbursement of Funds](#) and the proposed [Order for Withdrawal and Disbursement of Funds](#) shall conform substantially to the local forms ~~provided by the Court~~ available from the Clerk. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document.

(3) A signed [IRS Form W-9](#) that includes the name, address, and tax identification number for each individual receiving any portion of the distribution shall be provided to the Court in a manner prescribed by the Court, and shall not be filed electronically or scanned into the Court's electronic filing system.

NOTE: The caption of this local rule would be changed in line with the caption used by the [Uniform Numbering System for Local Bankruptcy Court Rules](#).

[LBR 7067-2](#) would be incorporated as a new section (b) of this rule.

Adopted March 8, 2010

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 7067-2 WITHDRAWAL OF A DEPOSIT~~

~~(a) A party requesting a Court order for the withdrawal and disbursement of funds that have been invested by the Court shall submit a Motion for Order for Withdrawal and Disbursement of Funds and a proposed Order for Withdrawal and Disbursement of Funds, directing the Clerk to withdraw the principal plus all interest accrued from the account, and disburse the funds.~~

~~(b) The Motion for Order for Withdrawal and Disbursement of Funds and the proposed Order for Withdrawal and Disbursement of Funds shall conform substantially to the local forms provided by the Court. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document.~~

~~(c) A signed IRS Form W-9 that includes the name, address, and tax identification number for each individual receiving any portion of the distribution shall be provided to the Court in a manner prescribed by the Court, and shall not be filed electronically or scanned into the Court's electronic filing system.~~

NOTE: LBR 7067-2 would be incorporated as a new section (b) of LBR 7067-1.

Local Bankruptcy Rules -- Northern District of Ohio

~~**Rule 8006-1 DESIGNATION OF RECORD**~~

~~*Failure to Designate Record.* After a notice of appeal has been filed, if there is a failure to designate the record, the Clerk shall certify to the Bankruptcy Appellate Panel or the District Court that there has been a failure by parties to perfect an appeal pursuant to Fed. R. Bankr. P. 8006. A copy of such certification shall be forwarded to all parties to the appeal.~~

NOTE: This local rule is not needed. Designation of record is an internal issue, and the rule does not provide direction to litigants.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9001-1 DEFINITIONS

- (a) "Clerk" means the Clerk of the Bankruptcy Court and any Deputy Clerk.
- (b) "Judge" means any judicial officer, including any District Judge or Bankruptcy Judge, before whom any bankruptcy case or proceeding is pending.
- (c) "Court" means any Judge or Clerk of Court personnel to whom responsibility for a particular action or decision in a bankruptcy case or proceeding has been duly delegated or assigned.
- (d) "Local Bankruptcy Rule(s)" or "LBR" mean the Local Rule(s) for the United States Bankruptcy Court, Northern District of Ohio.
- (e) "Local Civil Rule(s)" or "~~LCR~~" mean the Local Civil Rule(s) for the United States District Court, Northern District of Ohio.

NOTE: The District Court's Local Civil Rule 1.1 (b) states that the Local Civil Rules should be cited as "Local Rules" or abbreviated as "LR." However, since the District Court's Local Civil Rules title page refers to these rules as "Local Civil Rules," it is proposed that this terminology be used in order to distinguish the District Court's local rules from this Court's local rules.

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 9004-1 PAPERS—REQUIREMENTS OF FORM~~

~~(a) Form. Except as otherwise ordered by the Court, all papers filed with the Clerk, including exhibits, shall comply with the prescribed Official Bankruptcy Forms, and shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Clerk may accept different sized documents, such as computer printouts.~~

~~*The text of this Rule also appears in LBR 1002-1(b) and 5005-1(a).*~~

~~(b) Form of Schedules. The schedules shall state the names and addresses of creditors and parties in interest in alphabetical order within the designated boxes by the last names of natural persons and the first names of other entities. Computer generated forms may not exceed the box size of the official forms. Each address shall include the number and street or the post office box and the city, state, and zip code. If full address information is unknown, the schedules shall so state.~~

~~*The text of this Rule also appears in LBR 1007-1(a) and 5005-1(e).*~~

NOTE: This local rule is not needed. Section (a) is covered by the proposed revisions to LBR 5005-1(a), which govern the form and format of documents presented for filing,

Section (b) is now governed by sections II A 5 and III C of the the Electronic Case Filing (ECF) Administrative Procedures Manual.

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 9004-2 CAPTION PAPERS, GENERAL~~

~~Designation of Judge in Caption. On all papers filed with the Clerk after the petition, the name of the Judge to whom the case is assigned shall be included in the caption either above or below the case number.~~

~~*The text of this Rule also appears in LBR 5005-1(d).*~~

NOTE: This local rule is not needed. Since the ECF case number includes the initials of the assigned Judge, indicating the name of the Judge in the caption is unnecessary.

Local Bankruptcy Rules -- Northern District of Ohio

~~Rule 9011-4 SIGNATURES~~

~~Signatures. Signatures on the petition, pleadings, motions, and other documents submitted to the Court, either by conventional means or by electronic means established by the Court, shall include the attorney's typewritten name, firm affiliation, if any, address, telephone number, facsimile number, e-mail address, and Bar Registration Number. The signature of an attorney on any document filed by electronic means shall be indicated as "s/name."~~

~~*The text of this Rule also appears in LBR 5005-1(e).*~~

NOTE: This local rule is not needed. The issue of signatures is already covered in LBR 5005-1(c).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9013-1 MOTION PRACTICE

(a) ~~*Memorandum in Support, Certificate of Service and Notice.*~~ A motion or application tendered for filing shall be accompanied by ~~a memorandum in support and, except an *ex parte* motion or application, or a motion or application which will be noticed by the Clerk, shall be accompanied by~~ (1) a certificate of service in accordance with [LBR 9013-3](#) and (2) a notice to all persons entitled to notice that any objection must be filed within 14 days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on the certificate of service, if the relief sought is opposed, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.

(b) *Response.* Unless otherwise ordered by the Court, a response ~~memorandum~~ must be filed if the relief sought by a motion or application is opposed. The response shall specifically designate the motion or application to which it responds and, subject to [Fed. R. Bankr. P. 9006\(f\)](#), shall be filed within 14 days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on the certificate of service attached to the motion or application. The response shall state with particularity the reasons that the motion or application is opposed.

(c) *Reply.* Subject to [Fed. R. Bankr. P. 9006\(f\)](#), a reply ~~memorandum~~ may be filed within 7 days after the date of service shown on the certificate of service of the response ~~memorandum~~. No additional ~~memoranda briefing~~ will be considered except upon leave of Court for good cause shown.

(d) *Effect of No Response.* Failure to file a response on a timely basis may be cause for the Court to grant the motion or application as filed without further notice to the extent such action would not conflict with any Federal Rule of Bankruptcy or Civil Procedure.

(e) *No Oral Arguments on Motions.* Motions and applications shall be decided without oral argument ~~on the memoranda~~ unless otherwise provided in these rules or a hearing is scheduled by the Court.

NOTE: The proposed removal of the references to “memorandum” and “memoranda” conforms to current Court practice, which generally does not require the filing of a memorandum.

The additional phrase suggested in section (b) mirrors the language in section (a).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9013-2 BRIEFS ~~AND~~ & MEMORANDA OF LAW

(a) *Page Limitation.* No motion or response thereto, including written argument and cited authorities, shall exceed 20 pages in length, exclusive of appendices, unless the party has first sought and obtained leave of Court. **Font size, including footnotes, shall be at least 12 point.** Where such leave is granted, a table of contents containing a summary of all points raised shall be included with the brief or memorandum.

(b) *Supporting Evidence.* If a motion, opposition brief, or reply brief requires the consideration of facts not appearing of record, a party shall serve and file copies of all documentary evidence and photographs that it intends to rely upon in addition to the affidavits required or permitted by the Federal Rules of Bankruptcy Procedure. In those instances where a party deems it necessary, or the Federal Rules of Bankruptcy Procedure otherwise require that evidence, by way of deposition, be submitted with and/or incorporated into a motion, only those pages of the deposition which contain the pertinent testimony shall be attached to the motion. The party shall not file the entire deposition in support of the motion, as long as certain pages or portions thereof will suffice to establish the party's position.

(c) *Citations of Statutes and Regulations.* All **pleadings motions** and briefs containing references to statutes or regulations shall cite the United States Code or the Code of Federal Regulations, or have attached thereto a copy of the statute or regulation.

(d) *Unreported Opinions.* If an unreported opinion or an opinion available only through an electronic retrieval process is cited, a copy of the opinion shall be attached to the brief or memorandum, and such attachment shall be an exception to the 20 page limitation in (a) above. ~~Failure to submit such attachments may be grounds for striking the pleading.~~

(e) Compliance. Failure to comply with any of the requirements of this Rule may be grounds for striking the motion or brief.

NOTE: The proposed change from “pleadings” to “motions” in section (c) is based on Fed. R. Civ. P. 7(a), which defines pleadings as complaints, answers, counterclaims, crossclaims, third-party complaints, and replies, as opposed to filings in general. The intent of section (c) is to address motions and briefs, not pleadings.

The proposed addition of section (e) recognizes the Court’s authority to enforce the rule.

Rule 9013-3 CERTIFICATE OF SERVICE – MOTIONS

~~Other than the petition, schedules, form documents required by the Executive Office of the United States Trustee's Handbook for chapter 7 trustees, and chapter 7 trustees' no asset or final reports, a~~ A certificate of service shall be appended to and served with any ~~pleading~~ **document** (excepting any pleading required to be served together with a summons), ~~application, motion, or other paper or document, other than a proof of claim,~~ tendered for filing which is required to be served (excepting any ~~pleading~~ **document** required to be served together with a summons). The certificate of service shall be signed and shall:

- (1) Identify, with specificity, the ~~pleading or other paper~~ **document** served;
- (2) State the date and method of service;
- (3) Identify, by name and address, each entity served; and
- (4) Contain or refer to an accompanying notice as required by [LBR 9013-1\(a\)](#).

NOTE: The proposed changes in this local rule are intended to expand the circumstances under which a certificate of service is required. The requirement would apply to any document that is required to be served, not just pleadings.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9015-1 JURY TRIAL

(a) The Bankruptcy Judges of the Northern District of Ohio are specially designated to conduct jury trials pursuant to [28 U.S.C. § 157\(e\)](#).

(b) Any joint or separate statement of consent to have a jury trial conducted by a Bankruptcy Judge under [28 U.S.C. § 157\(e\)](#) and ~~Rule~~ [Fed. R. Bankr. P. 9015](#) – which may be included in a pleading – shall be filed no later than the time the initial pretrial is held or as otherwise ordered by the Court.

(c) If a party demands a jury trial by endorsing it on a pleading, as permitted by [Fed. R. Civ. P. 38\(b\)](#), a notation shall be placed on the front page of the pleading, immediately following the title of the pleading, stating "Demand for Jury Trial" or equivalent statement. This notation will serve as a sufficient demand under ~~Rule~~ [Fed. R. Civ. P. 38\(b\)](#). Failure to use this manner in noting the demand will not result in a waiver under ~~Rule~~ [Fed. R. Civ. P. 38\(d\)](#).

(d) The procedures applicable to jury trials are set forth in Local Civil Rules [47.1](#), [47.2](#), [47.3](#), [47.4](#), [48.1](#), [48.2](#), [48.3](#), and [54.1](#).

NOTE: Current [LBR 9015-2](#) would be incorporated as a new section (d) of this local rule. The reference in section (d) to [Local Civil Rule 48.1](#) was inadvertently omitted from the current LBR 9015-2. It governs the number of jurors.

Local Bankruptcy Rules -- Northern District of Ohio

~~**Rule 9015-2 PROCEDURES APPLICABLE TO JURY TRIALS**~~

~~The procedures applicable to jury trials are set forth in Local Civil Rules 47.1, 47.2, 47.3, 47.4, 48.2, 48.3, and 54.1.~~

NOTE: This local rule is not needed since it would be incorporated as a new section (d) of LBR 9015-1.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9019-2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

Alternative Dispute Resolution is available in adversary proceedings or contested matters. Alternative Dispute Resolution shall be governed by [Local Civil Rules 16.4](#) through [16.10](#).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9025-1 SECURITY – PROCEEDING AGAINST SURETIES

(a) Bonds. The Court, on motion or its own initiative, may order any party to file an original bond or additional security for costs in such amount and so conditioned as the Court by its order may designate.

(b) Sureties. Every bond under this Rule must be secured by either:

(1) A cash deposit equal to the amount of the bond, or

(2) A corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under ~~the Act of August 13, 1894 (28 Stat. 279), as amended, 6 U.S.C. §§ 1-13~~ **19 CFR 113.37 and Treasury Department Circular 570**.

(c) Persons Who May Not Be Sureties. No Clerk, Marshal, member of the Bar, or other officer of this Court shall be accepted as surety on any bond or undertaking in any action or proceeding in this Court.

(d) Release of Bond or Other Security. Upon motion, the Court may order release of the original bond or other security for cause.

NOTE: The legal authority for a corporation to act as surety on official bonds, as set forth in section (b)(2), has been updated.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9036-1 NOTICE BY ELECTRONIC TRANSMISSION

The Clerk is authorized to send notices by electronic transmission upon written request, by an entity entitled to receive notice. Such a request shall have no effect on any service required to be made by anyone other than the Clerk. See LBR 5005-4.

NOTE: This proposed new local rule is the same as USBC-SDO Local Rule 9036-1, and is intended to replace General Order 00-1 authorizing the Court to send electronic notices to parties requesting electronic notice; this covers parties who get electronic notice from BNC, such as large creditors, as opposed to CM/ECF registered users. The advisory committee note to Fed. R. Bankr. P. 9036 provides that electronic notice is permitted only upon request of the entity and only if approved by the Court. This local rule would constitute Court approval.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9037-1 ELECTRONIC CASE FILING

~~Electronic Filing Procedures. The Court adopts electronic case filing consistent with technical standards, if any, that the Judicial Conference of the United States establishes. The Clerk may accept documents for filing, establish electronic service requirements, issue notices, serve orders and otherwise specify practices and procedures in electronic case management as indicated within the electronic case filing administrative procedures manual.~~

NOTE: This local rule is not needed since it would be incorporated as section (a) of the proposed new LBR 5005-4.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9037-1 REDACTION

(a) Unless otherwise permitted by the Court, a party's request for an order redacting from a Court filing any personal identifiers that are in violation of the [Fed. R. Bankr. P. 9037](#) shall be made by use of the standardized form "[Order Granting Motion to Redact Personal Identifiers, with Redacted Filing](#)," available from the Clerk. Any deviation from the standardized form shall be explained in bold-faced type within the body of the submitted document.

(b) The standardized form "[Order Granting Motion to Redact Personal Identifiers, with Redacted Filing](#)" shall be submitted to the appropriate Judge according to the [Procedures Governing Submission of Proposed Orders](#), available from the Clerk.

(c) The movant shall append the entire document as redacted to the proposed order. If the Court grants the motion, the clerk will attach the redacted document to the original docket entry and restrict access to the unredacted document to Court users only.

NOTE: This proposed new local rule would satisfy the provisions of [General Order 09-01](#) (Redaction of Personal Identifiers), and is intended to replace the general order.

The current [LBR 9037-1](#) (Electronic Case Filing) would be moved to proposed new [LBR 5005-4](#).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9070-1 EXHIBITS

~~(a) Exhibits Not Public Record Until Admitted. Neither the index of exhibits nor any exhibit, model, etc. which has been lodged with the Clerk shall be considered public record until admitted into evidence at the trial.~~

(b a) *Marking of Exhibits and Index of Exhibits.* Unless otherwise ordered by the Court, the following conventions shall govern the marking and indexing of exhibits:

(1) *Case Number and Exhibit Stickers.* All exhibits must bear the case number and shall be marked before trial with exhibit stickers.

(2) *Plaintiff's Exhibits.* The plaintiff shall mark exhibits with numbers.

(3) *Defendant's Exhibits.* The defendant shall mark exhibits with letters. If there are multiple defendants, letters shall be used followed by the party's last name. If the defendant has more than 26 exhibits, double letters shall be used.

(4) *Joint Exhibits.* Joint exhibits shall be marked with numbers.

(5) *Multiple-Page Exhibits.* Where a multiple-page exhibit is introduced, multiple pages should be numbered consecutively.

(6) *Index of Exhibits.* An index of the exhibits to be used at trial, along with a brief description of such exhibits, shall be filed with the Court and served upon opposing counsel no later than ~~1 week~~ 7 days before the final pretrial.

(c b) *Retention and Disposal of Exhibits.*

(1) *Retention of Exhibits by Counsel.* All models, diagrams, and exhibits of material filed or placed in the custody of the Clerk for inspection of the Court on the hearing of a cause shall be taken by the party presenting the model, diagram, or exhibit at the conclusion of the hearing unless a party should object and request that the item be retained by the Clerk and the Clerk is so ordered by the Court in writing. It shall be the responsibility of the party offering the model, diagram, or exhibit to maintain the offered or accepted exhibits until after the entering of final judgment or final judgment on appeal on matters appealed, whichever is later, unless directed otherwise by the Court. Upon motion of any party and/or the Court's order, when a demonstrative exhibit is retained by counsel, a picture or other paper record must be substituted for the exhibit.

Local Bankruptcy Rules -- Northern District of Ohio

(2) *Disposal of Exhibits by the Clerk.* When an exhibit is retained in the custody of the Clerk, it shall be removed by counsel within 60 days after entry of final judgment or final judgment on appeal. All exhibits not removed by counsel shall be disposed of by the Clerk as waste at the expiration of the withdrawal period.

NOTE: Section (a) of this local rule does not reflect current practice. Exhibit lists filed through ECF are public records, even if the exhibits themselves are not public.

The proposed change from “one week” to “7 days” in section (a)(6) is premised on the December 1, 2009, time-computation amendments to the Federal Rules of Bankruptcy Procedure.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9074-1 TELEPHONE AND VIDEO CONFERENCES

(a) *Pretrial and Status Conferences.* The use of telephone conference calls and, where available, video conferencing for pretrial and status conferences is encouraged. The Court, upon motion by counsel or its own instance, may order pretrial and status conferences to be conducted by telephone conference calls. In addition, upon motion by any party and upon such terms as the Court may direct, the Court may enter an order in appropriate cases providing for the conduct of pretrial and status conferences by video conference equipment.

(b) *Trial and Hearing.* Upon motion of any party and upon such terms as the Court may direct, the Court may enter an order in appropriate cases providing for the taking of testimony by video conferencing equipment at a trial or other hearing.

NOTE: The Judges of this district have different practices when it comes to permitting counsel and parties to appear at pretrials, status conferences, and other proceedings via telephone or video conferencing. This local rule accommodates that variation in practices among the Judges.