

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA**

**PUBLIC NOTICE**

**Changes and Modifications to Local Bankruptcy Rules  
United States Bankruptcy Court for the Eastern District of Virginia,  
Effective – (A) August 1, 2003, and (B) December 1, 2003**

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The following is a summary of the Court-approved revisions to the Local Bankruptcy Rules (LBR(s)) for the United States Bankruptcy Court for the Eastern District of Virginia, effective on the dates indicated below:

**(A) Local Bankruptcy Rules Effective August 1, 2003**

1. *LBR 2003-1 Meeting of Creditors & Equity Security Holders – (A) Policy.* LBR 2003-1(A), which allows for a limited second 341 meeting date option, is repealed to conform the Court's practice to that of the other courts in United States Trustee Region 4.
2. *LBR 2003-1 Meeting of Creditors & Equity Security Holders – (B) Dismissal for Failure to Appear – (4) Rescheduled Meeting of Creditors; Notice.* LBR 2003-1(B)(4) clarifies the period of time in which the attorney for the debtor(s), or the debtor(s), if *pro se*, must serve notice of a rescheduled meeting of creditors on all creditors and other parties in interest.
3. *LBR 2003-1 Meeting of Creditors & Equity Security Holders – (C) Rescheduled Meeting of Creditors; Notice.* LBR 2003-1(C) has been amended by deleting the first sentence of the rule as being inconsistent with the statutory responsibilities of the United States Trustee. The rule also clarifies that only the United States Trustee may permit the rescheduling of a meeting of creditors.
4. *LBR 4001(a)-1 Relief from Stay – (D) Contents of Motion for Relief from Stay.* LBR 4001(a)-1(D) is new. The rule requires the inclusion of relevant information so that all interested parties can formulate a position on the motion prior to the preliminary hearing. The requirements of LBR 9022-1, regarding court orders, apply with respect to motions for relief from the automatic stay.
5. *LBR 9014-1 Discovery in Contested Matters, Relief from Stay Matters and Whether Hearing is Evidentiary or Preliminary – (A) Discovery in Contested Matters and Relief from Stay Matters.* LBR 9014-1(A) incorporates the text of the current rule immediately before August 1, 2003.
6. *LBR 9014-1 Discovery in Contested Matters, Relief from Stay Matters and Whether Hearing is Evidentiary or Preliminary – (B) Whether Hearing is Evidentiary or Preliminary.* This provision is new and is intended to conform the Court's practice to new FRBP 9014(e) regarding whether a hearing will be evidentiary or preliminary to avoid unnecessary expense and inconvenience.
7. *Exhibit 1 to LBRs – Chapter 13 Plan and Related Motions – Section B-2.b. Priority Creditors Under 11 U.S.C. § 1322(a)(2)* has been revised to require a good faith disclosure of the status of the claim.
8. *Exhibit 1 to LBRs – Chapter 13 Plan and Related Motions – Section B-6.c. Lien Avoidance* has been revised to provide the debtor's attorney with additional time to file and serve lien avoidance pleadings.
9. *Exhibit 1 to LBRs – Chapter 13 Plan and Related Motions – Section E Proof of Service* has been revised to effect a technical change to conform the service provision to current procedures.

10. *Exhibit 2 to LBRs – Notice of Chapter 13 Plan and Related Motions – Proof of Service* has been revised to effect a technical change to conform the service provision to current procedures.

**(B) Local Bankruptcy Rules Effective December 1, 2003**

On March 27, 2003, the Supreme Court of the United States transmitted several bankruptcy rule changes to Congress. These changes will take effect December 1, 2003, unless Congress enacts legislation to reject, modify or defer the impending changes.

In compliance with the Judicial Conference privacy policy regarding public access to electronic case files and consistent with the impending amendments to Federal Rules of Bankruptcy Procedure 1005, 1007 and 2002, and Bankruptcy Official Forms 1, 3, 5, 6, 7, 8, 9, 10, 16A, 16C and 19,† the Court has amended LBR 1007-1, as follows:

1. *LBR 1007-1 Lists, Schedules and Statements – Lists of Creditors and Statement of Social Security Number – (1) Filing.* Federal Rule of Bankruptcy Procedure 1007(f) requires an individual debtor to “submit a verified statement [‡] that sets out the debtor’s social security number, or states that the debtor does not have a social security number. In a voluntary case, the debtor shall submit the statement with the petition. In an involuntary case, the debtor shall submit the statement within 15 days after the entry of the order for relief.”  
*(2) Dismissal of Case.* In a voluntary case, if the required statement of social security number is not submitted at the time of filing of the voluntary petition, the statement must be filed no later than one (1) business day after the filing of the petition to avoid the Clerk’s entry of an order of dismissal.

In compliance with Federal Rule of Bankruptcy Procedure 7007.1, the Court has amended LBR 7007-1 and Exhibit 6 thereto, as follows:

1. *LBR 7007-1 Financial Disclosure.* This rule was promulgated as an interim measure pending creation of FRBP 7007.1, which governs the filing of financial disclosure statements. Accordingly, with the exception of the number of statement copies to be filed using the form attached to the LBRs as Exhibit 6, this rule no longer is needed.
2. *Exhibit 6 Financial Interest Disclosure Statement.* This exhibit has been modified to conform to the requirements of new FRBP 7007.1.

Date: July 11, 2003

William C. Redden  
Clerk of Court

Attachments

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**Notes:**

†The Administrative Office of the United States Courts (AOUSC) is developing written guidance for the courts on the implementation of these privacy and public access requirements, which will take effect on December 1, 2003. In addition, the AOUSC is developing a new interim release to Bankruptcy CM/ECF Version 2x (Version 2.3). Among other enhancements, this release will automate the redaction of debtors’ social security numbers from the public record. More information on this new interim release will be forthcoming from the Clerk’s Office.

‡ At its June 9-10, 2003, meeting, the Judicial Conference Committee on Rules of Practice and Procedure approved a recommendation made by its Advisory Committee on Bankruptcy Rules to create a new Official Form 21, *Statement of Social Security Number*. This recommendation will be presented to the Judicial Conference for adoption when the latter meets in September 2003.



**REVISIONS  
TO THE  
LOCAL BANKRUPTCY RULES**

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**UNITED STATES BANKRUPTCY COURT  
FOR THE  
EASTERN DISTRICT OF VIRGINIA**



**Effective December 1, 2003  
(Ver. 07/03/03)**

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## RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS

### (I) List of Creditors and Statement of Social Security Number

(1) **Filing:** The debtor shall file with the petition a list containing the name and address of each creditor which shall serve as a mailing matrix. The mailing matrix shall be submitted on a computer diskette in the format specified by the Clerk's Office. The mailing matrix shall suffice for the list of creditors referred to in FRBP 1007(a). As required under FRBP 1007(f), the debtor shall submit a verified statement that sets out the debtor's social security number (statement of social security number), or states that the debtor does not have a social security number. In a voluntary case, the debtor shall submit the statement with the petition.

### (2) Dismissal of Case

- (a) In any case where the list of creditors is not filed at the time of the filing of the voluntary petition, the Clerk shall enter an order of dismissal unless the same is filed in the required format no later than three (3) business days after the filing of the petition.
- (b) In any case where the statement of social security number in a voluntary case is not submitted at the time of the filing of the voluntary petition, the Clerk shall enter an order of dismissal unless the same statement is submitted in the required format no later than one (1) business day after the filing of the petition.

### Comments

1007-1(I) This change is necessary because of the amendment to FRBP 1007, which creates a new subdivision (f) effective December 1, 2003. [Change effective 12/01/03.]

## RULE 7007-1 FINANCIAL DISCLOSURE

If the adversary proceeding is not assigned to the Electronic Case Filing System, the Financial Interest Disclosure Statement shall be filed in duplicate; otherwise the statement shall be filed consistent with the Electronic Case Filing System requirements approved by the Court.

(A) **Required Disclosure:** ~~[Repealed] A nongovernment corporation, partnership, trust, other similar entity that is a party to, or appears in, an adversary proceeding, or other proceeding specified in this Local Bankruptcy Rule, in this Court, shall:~~

(1) file a statement that

- (a) ~~identifies all its parent, subsidiary, or affiliate (corporate or otherwise), that have issued stock or debt securities to the public, and also identifies any publicly held entity (corporate or otherwise) that owns 10 percent or more of its stock, or~~
- (b) ~~states that there is nothing to report under LBR 7007-1(A)(1)(a); and~~

~~(2) file a supplemental statement containing such additional information as may be from time to time required by the Judicial Conference of the United States or this Court.~~

~~(3) If the proceeding is not assigned to the Electronic Case Filing System, the statement shall be filed in duplicate; otherwise the statement shall be filed consistent with the Electronic Case Filing System requirements approved by the Court.~~

~~(B) *Time for Filing:* [Repealed] A statement or form required by LBR 7007-1(A) shall be filed within fourteen (14) days of the party's first appearance, pleading, application, motion, response or other request addressed to the court, except that the statement or form required by LBR 7007-1(A) shall be filed in duplicate; otherwise, the statement shall be filed consistent with the Electronic Case Filing System requirements approved by the Court.~~

~~(C) *Statement Delivered to Judge:* [Repealed] The Clerk shall deliver a copy of the LBR 7007-1(A) disclosure to each judge acting in an adversary proceeding or other proceeding specified in this Local Bankruptcy Rule.~~

#### **Comments**

7007-1 This rule was promulgated as an interim measure pending creation of FRBP 7007.1, which governs the filing of financial disclosure statements. Accordingly, with the exception of the number of statement copies to be filed using the form attached as Exhibit 6, this rule no longer is needed. [Change effective 12/01/03.]

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_ Division**

In re

Debtor(s)                      Case No.

Plaintiff(s)                      Chapter

v.

Defendant(s)                      Adversary No.

**FINANCIAL INTEREST DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and Local Bankruptcy Rule 7007-1 of the Eastern District of Virginia and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for

\_\_\_\_\_ in the above captioned action, certifies that the following is a (are) ~~parents, trusts, subsidiaries and/or affiliates of said party that have issued stock or debt securities to the public or publicly held entities that own ten percent or more of the stock of the said party~~ corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

? None [*Check if applicable*]

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney or Litigant  
Counsel for \_\_\_\_\_

**Note: This form is to be filed with the Clerk of the Court. If the proceeding is not assigned to the Electronic Case Filing System, the statement shall be filed in duplicate; otherwise, the statement shall be filed consistent with the Electronic Case Filing System requirements approved by the Court.**