

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

**PUBLIC NOTICE**

**Comments are invited to the following proposed revision to the Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Virginia:**

**LBR 1007-1(I); LBR 2002-1(D)(3); LBR 2003-1(B)(2), (3) and (4); and LBR 5077-1 (C) and (D).**

**The proposed revision is available at the Alexandria, Norfolk, Richmond and Newport News divisions of the Court and may be accessed at the Court's Internet we site:**

**<http://www.vaeb.uscourts.gov> under "Local Rules."**

**Comments may be submitted, by mail, to:**

**Local Rule Change  
c/o William C. Redden  
U.S. Bankruptcy Court  
1100 East Main Street, Room 310  
Richmond, VA 23219-3515**

**or by e-mail at:**

**[Localrules@vaeb.uscourts.gov](mailto:Localrules@vaeb.uscourts.gov)**

**Comments will be received by mail or at the Court's web site until 5:00 P.M., Wednesday, March 5, 2003**

**Proposed new language is underlined and deleted language is struck through in the attached proposed revision to the Local Bankruptcy Rules.**

**Date: February 3, 2003**

**William C. Redden  
Clerk**

**Recommended Revisions  
to the  
Local Bankruptcy Rules  
(Version 1/31/03)**

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**United States Bankruptcy Court  
for the  
Eastern District of Virginia**



**Effective April 1, 2003**

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**Note:** New Rule

## RULE 1007-1 (I) LISTS, SCHEDULES AND STATEMENTS

### (1) *List of Creditors:*

(2) ***Dismissal of Case:*** 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 within forty-eight (48) hours after the filing of the petition, no later than three (3) business days after the filing of the petition.

#### Comments

1007-1(I) The rule has been changed to clarify the time within which the petition filer has to cure a deficiency in the list of creditors. [Change effective 4/1/03].

## RULE 2002-1 NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

### (D) *Notices/Copies for United States Trustee:*

(3) ***Alternative Service of Documents upon the United States Trustee:*** For all cases being administered by electronic means established by the Court and those remaining cases being administered by conventional means, service on the United States Trustee may alternatively be made by electronic means by delivery to the following e-mailbox addresses:

Alexandria Division: [USTPRegion04.AX.ECF@usdoj.gov](mailto:USTPRegion04.AX.ECF@usdoj.gov)

Richmond Division: [USTPRegion04.RH.ECF@usdoj.gov](mailto:USTPRegion04.RH.ECF@usdoj.gov)

Norfolk and Newport News Divisions: [USTPRegion04.NO.ECF@usdoj.gov](mailto:USTPRegion04.NO.ECF@usdoj.gov)

#### Comments

Rule 2002-1(D)(3) This addition will allow parties the option to provide service to the United States Trustee's offices by electronic mail to a central office location. [New rule effective 4/1/03.]

## RULE 2003-1 MEETING OF CREDITORS & EQUITY SECURITY HOLDERS

### (B) *Dismissal for Failure to Appear:*

#### (2) Chapter 12 and 13 Cases; No Asset Chapter 7 and 11 Cases

(a) ~~(2)~~ Except as provided in LBR 1017-3, upon certification by the United States Trustee that either debtor or debtor's counsel has not appeared at a meeting of creditors, or has appeared not ready to proceed, in a Chapter 12 or 13 case, the Clerk shall issue an order dismissing the case.

(b) Except as provided in LBR 1017-3, upon certification by the United States Trustee that either debtor or debtor's counsel has not appeared at a meeting of creditors, or has appeared not ready to proceed, in a Chapter 7 or 11 case, and it further appears, based upon information in the debtor's schedules or other reports filed by the debtor or debtor's counsel, that there will be no assets available for distribution to creditors, the Clerk shall issue an order dismissing the case.

(3) **Asset Chapter 7 and 11 Cases:** In a Chapter 7 or 11 case, Upon certification by the United States Trustee that either debtor or debtor's counsel has not appeared at a meeting of creditors, or has appeared not prepared to proceed and that it appears that there may be assets available for distribution to creditors, the Clerk shall issue a rule to show cause to the debtor or counsel, as the case may be, and set the rule for a hearing.

(4) **Rescheduled Meeting of Creditors:** If the order dismissing the case is subsequently vacated by the Court, the attorney for the debtor(s), or if pro se, the debtor(s), shall, within five (5) days after the order is entered, obtain from the ~~judge assigned to the case or the Clerk~~ United States Trustee a new date and time for a rescheduled meeting of creditors and within ten (10) days after obtaining the new date, give written notice of the rescheduled meeting to all creditors and other parties in interest and file proof of service with the Clerk.

#### Comments

Rule 2003-1(B)(2) This change is intended to clarify the application of the rule to Chapter 7, 11, 12 and 13 cases. [Change effective 4/1/03.]

Rule 2003-1(B)(3) This change clarifies that the United States Trustee's certification for the Clerk's issuance of a rule to show cause is applicable only to Chapter 7 asset cases. [Change effective 4/1/03.]

Rule 2003-1(B)(4) While the United States Trustee is responsible for administering meetings of creditors, new meeting dates under the rule best can be provided by the Judge or by the Clerk's Office. [Change effective 4/1/03.]

#### RULE 5077-1 TRANSCRIPTS

(C) ~~Repealed. **Use of Transcripts Available to Public:** Where there are multiple parties to a particular case, a party not ordering a copy of the transcript shall not be permitted to use (on appeal or otherwise) or examine, photocopy or reproduce a copy provided to another party having ordered and paid for same.~~

(D) ~~Repealed. **Perfecting Record on Appeal:** No photocopied or reproduced copy of a transcript may be used by a party not ordering said transcript for the purpose of perfecting a record on appeal, but nothing herein shall preclude the use of photocopied or reproduced copies of a transcript in any brief or memorandum filed with any Court.~~

#### Comments

**5077-1(C)-(D)** The Administrative Office of the U.S. Courts has provided guidance to the courts on the statutory and policy requirements for copying official court transcripts of court proceedings filed with the clerk of court. Accordingly, paragraphs (C) and (D) of LBR 5077-1 are repealed. [Changes effective 4/1/03.]