

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

PUBLIC NOTICE

**INVITATION FOR COMMENT ON AMENDMENTS TO LOCAL BANKRUPTCY
RULES 2015-(a)-1(A), 3015-1(D), 8006-1(C), AND 9014-1(B)**

Comments are invited to amendments to Rules 2015-(a)-1(A), 3015-1(D), 8006-1(C), and 9014-1(B) Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia. The Local Bankruptcy Rule, as amended, take effect September 1, 2011.

The above cited amendments to the Local bankruptcy Rules will be available at the Alexandria, Norfolk, Richmond, and Newport News divisions of the Court and may be accessed at the Court's Internet web site: <http://www.vaeb.uscourts.gov/home/localrules.html> under Local Rules > Public Notice.

Comments may be submitted, by mail, to:

Local Rules Change
c/o William C. Redden
U.S. Bankruptcy Court
701 East Broad Street
Suite 4000
Richmond, VA 23219-1888

or, by e-mail, at:

Localrules@vaeb.uscourts.gov

Comments will be received by mail or at the Court's web site until 5:00 P.M., local time, Tuesday, July 26, 2011.

William C. Redden
Clerk of Court

Date: June 27, 2011

Attachment

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

**AMENDMENTS TO
LOCAL BANKRUPTCY RULES
2015-(a)-1(A), 3015-1(D), 8006-1(C), AND 9014-1(B)**



Effective September 1, 2011
(Version 06/27/11)

1. LBR 2015-(a)-1(A), Required Reports of Debtors in Possession and Trustees

(A) *Operating Business Reports*: When the business of the debtor is authorized to be operated, the trustee in a chapter 7 or 11 case, the debtor in possession in a chapter 11 or 12 case or the debtor in a chapter 13 case in which the debtor is engaged in business, shall file with the United States trustee, with the Court and with appropriate governmental units such reports and summaries as are required under 11 U.S.C. §704(7)(a)(8). Debtors in possession or trustees in chapter 11 cases shall continue to file operating reports with the Court and the United States trustee, on at least a calendar quarterly basis, until the case is converted, dismissed or a final decree has been entered by the Court.

Comments

2015-(a)-1 A technical change has been made to the referenced title 11, United States Code provision. [Change effective 09/01/11.]

2. LBR 3015-1(D), Chapter 12 Plan Requirements

(D) *Notice*: The debtor shall send notice of the hearing on confirmation to all creditors, the chapter 12 trustee and equity security holders. The notice shall include the time fixed for filing objections to the proposed plan. Unless the Court fixes a different period, notice of the hearing shall be given not less than ~~24~~ 28 days before the hearing. A copy of the plan shall accompany the notice. Forthwith upon the giving of such notice, the debtor shall file proof of service with the Clerk.

Comments

LBR 3015-1(D) provides that notice of the confirmation hearing should be sent at least 21 days prior to the hearing. FRBP 2002(a)(8), however, requires 21 days notice of both the confirmation hearing and the objection deadline. Under LBR 3015-1(B), the objection deadline is 7 days prior to the confirmation hearing. To give the needed notice requires 21 days plus 7 days for a total of 28 days. [Change effective 09/01/11.]

3. LBR 8006-1, Record on Appeal

(C) *Copies of Record*: The party filing a designation of items to be included in the record on appeal shall file with the designation ~~either: a complete and correct copy of all~~ designated exhibits that were not filed electronically.

- ~~(1) a complete and correct copy of all items designated or~~
- ~~(2) a copy request form with check payable to the Court's authorized copy service. Copy request forms are available from the Clerk's Office upon request.~~

Comments

8006-1 Changes have been made at paragraph (C) and (1)-(2) Therein to conform to an internal procedure for administering the record on appeal between the Bankruptcy and District Clerk's Offices. [Changes effective 09/01/11.]

4. LBR 9014-1(B), Whether Hearing is Evidentiary or Preliminary

(B) *Whether Hearing is Evidentiary or Preliminary:*

- (1) Except as provided for in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Bankruptcy Rules, or as otherwise ordered by the Court on its own motion or on motion of a party, all parties shall be prepared to present evidence and testimony at any scheduled hearing where the hearing has been set on at least 30 days notice unless the parties agree or the Court orders that evidence and testimony will be presented at any scheduled hearing that is set on less than 30 days' notice.
- (2) Notwithstanding paragraph (B)(1), a preliminary hearing on a contested motion for relief from stay shall be non-evidentiary unless the Court orders that evidence and testimony will be presented at any such scheduled preliminary hearing.

Comments

9014-1 Paragraph (B) is reorganized with new paragraphs (B)(1) and (B)(2). Paragraph (B)(2) provides that a preliminary hearing on a motion for relief from stay shall be non-evidentiary unless an exception set forth therein otherwise occurs. [Changes effective 09/01/11.]