

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

**PUBLIC NOTICE**

**Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal  
Procedure for Public Comment**

At its January and June 2006 and June 2007 meetings, the Judicial Conference Committee on Rules of Practice and Procedure approved the recommendations of the Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules and approved for publication over 90 time-computation provisions found in the Appellate, Bankruptcy, Civil, and Criminal Rules, with a view to simplifying the provisions and eliminating inconsistencies among them. These proposed amendments, which are set forth below, comprise the majority of the rules being published for comment. The Rules Committees also propose amending a handful of other rules, which are also set forth below.

The proposed amendments to the rules and Official Forms may be accessed on the Judiciary's web site at <http://www.uscourts.gov/rules/newrules1.htm>. The proposed amendments and new rules may also be accessed by clicking on the link titled "Rules Published for Comment" in the upper left-hand corner of the Federal Rulemaking page.

The public comment period for the proposed amendments and new rules ends on February 15, 2008. Comments may be submitted electronically via e-mail to [Rules\\_Comments@ao.uscourts.gov](mailto:Rules_Comments@ao.uscourts.gov).

- Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure
  - Appellate Rules 4, 22, 26, 40, and new Rule 12.1;
  - Bankruptcy Rules 4008, 7052, 9021, new Rules 1017.1 and 7058, revisions to Official Form 8, and new Official Form 27 –

**Bankruptcy Rule 4008** (Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement) (requires party filing a reaffirmation agreement to also file a cover sheet on the applicable Official Form)

**Bankruptcy Rule 7052** (Findings by the Court) (conforms to amendment to Civil Rule 58 in 2002, which clarifies the time when a judgment that is not set forth on a separate document becomes final for appeal purposes)

**Bankruptcy Rule 9021** (Entry of Judgment) ((conforms to amendment to Civil Rule 58 in 2002, which clarifies the time when a judgment that is not set forth on a separate document becomes final for appeal purposes)

**New Bankruptcy Rule 1017.1** (Exemption from Prepetition Credit Counseling Requirement) (establishes procedures for court to consider a debtor's request to defer prepetition counseling because of exigent circumstances)

**New Bankruptcy Rule 7058** (Entering Judgment in Adversary Proceeding) (conforms to amendment to Civil Rule 58 in 2002, which clarifies the time when a judgment that is not set forth on a separate document becomes final for appeal purposes)

**Official Form 8** (Chapter 7 Individual Debtor's Statement of Intention) (requires the debtor to provide information on leased personal property and property subject to security interests)

**New Official Form 27** (Reaffirmation Agreement) (proposed new form requires the disclosure of financial information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship for the debtor)

- Civil Rules 8, 13, 15, 48, 81, and new Rule 62.1; and
- Criminal Rules 7, 32, 32.2, 41, Rule 11 and new Rule 12 of the Rules Governing § 2254 Cases, and Rule 11 of the Rules Governing § 2255 Proceedings
- Proposed Time-Computation Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure - August 2007
  - Appellate Rules 4, 5, 6, 10, 12, 15, 19, 25, 26, 27, 28.1, 30, 31, 39, and 41;
  - Bankruptcy Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033;

**Bankruptcy Rule 1007** (Lists, Schedules, Statements, and Other Documents; Time Limits) (time computation amendment)

**Bankruptcy Rule 1011** (Responsive Pleading or Motion in Involuntary and Cross-Border Cases) (time computation amendment)

**Bankruptcy Rule 1019** (Conversion of Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to Chapter 7 Liquidation Case) (time computation amendment)

**Bankruptcy Rule 1020** (Election to be Considered a Small Business in a Chapter 11 Reorganization Case) (time computation amendment)

**Bankruptcy Rule 2002** (Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee) (time computation amendment)

**Bankruptcy Rule 2003** (Meeting of Creditors or Equity Security Holders) (time computation amendment)

**Bankruptcy Rule 2006** (Solicitation and Voting of Proxies in Chapter 7 Liquidation Cases) (time computation amendment)

**Bankruptcy Rule 2007** (Review of Appointment of Creditors' Committee Organized Before Commencement of the Case) (time computation amendment)

**Bankruptcy Rule 2007.2** (Appointment of Patient Care Ombudsman in a Health Care Business Case) (time computation amendment)

**Bankruptcy Rule 2008** (Notice to Trustee of Selection) (time computation amendment)

**Bankruptcy Rule 2015** (Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status) (time computation amendment)

**Bankruptcy Rule 2015.1** (Patient Care Ombudsman) (time computation amendment)

**Bankruptcy Rule 2015.2** (Transfer of Patient in Health Care Business Case) (time computation amendment)

**Bankruptcy Rule 2015.3** (Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest) (time computation amendment)

**Bankruptcy Rule 2016** (Compensation for Services Rendered and Reimbursement of Expenses) (time computation amendment)

**Bankruptcy Rule 3001** (Proof of Claim) (time computation amendment) **Bankruptcy Rule 3015** (Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case) (time computation amendment)

**Bankruptcy Rule 3017** (Court Consideration of Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case) (time computation amendment)

**Bankruptcy Rule 3019** (Modification of Accepted Plan Before or After Confirmation in a

Chapter 9 Municipality or Chapter 11 Reorganization Case) (time computation amendment)

**Bankruptcy Rule 3020** (Deposit; Confirmation of Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case) (time computation amendment)

**Bankruptcy Rule 4001** (Relief from Automatic Stay; Prohibiting Or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements) (time computation amendment)

**Bankruptcy Rule 4002** (Duties of Debtor) (time computation amendment)

**Bankruptcy Rule 4004** (Grant or Denial of Discharge) (time computation amendment)

**Bankruptcy Rule 6003** (Interim and Final Relief Immediately Following the Commencement of the Case—Applications for Employment; Motions For Use, Sale, or ease of Property; and Motions for Assumption or Assignment Of Executory Contracts) (time computation amendment)

**Bankruptcy Rule 6004** (use, Sale, or Lease of Property) (time computation amendment)

**Bankruptcy Rule 6006** (Assumption, Rejection or Assignment of Executory Contract or Unexpired Lease) (time computation amendment)

**Bankruptcy Rule 6007** (Abandonment or Disposition of Property) (time computation amendment)

**Bankruptcy Rule 7004** (Process; Service of Summons; Complaint) (time computation amendment)

**Bankruptcy Rule 7012** (Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleading) (time computation amendment)

**Bankruptcy Rule 8001** (Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals) (time computation amendment)

**Bankruptcy Rule 8002** (Time for Filing Notice of Appeal) (time computation amendment)

**Bankruptcy Rule 8003** (Leave to Appeal) (time computation amendment)

**Bankruptcy Rule 8006** (Record and Issues on Appeal) (time computation amendment)

**Bankruptcy Rule 8009** (Brief and Appendix; Filing and Service) (time computation amendment)

**Bankruptcy Rule 8015** (Motion for Rehearing) (time computation amendment)

**Bankruptcy Rule 8017** (Stay of Judgment of District Court or Bankruptcy Appellate Panel) (time computation amendment)

**Bankruptcy Rule 9006** (Time) (template and time computation amendment) **Bankruptcy Rule 9027** (Removal) (time computation amendment)

**Bankruptcy Rule 9033** (Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings) (time computation amendment)

- Civil Rules 6, 12, 14, 15, 23, 27, 32, 38, 50, 52, 53, 54, 55, 56, 59, 62, 65, 68, 71.1, 72, 81, Supplemental Rules B, C, and G, and Illustrative Civil Forms 3, 4, and 60; and
- Criminal Rules 5.1, 7, 12.1, 12.3, 29, 33, 34, 35, 41, 45, 47, 58, 59, Rule 8 of the Rules Governing § 2254 Cases, and Rule 8 of the Rules Governing § 2255 Proceedings.