

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

PUBLIC NOTICE

ADOPTION OF REVISION TO LOCAL BANKRUPTCY RULES

The following is a summary of the Court-approved revision to the Local Bankruptcy Rules (LBR) of the United States Bankruptcy Court for the Eastern District of Virginia, which, through the entry of Standing Order No. 11-3, takes effect September 1, 2011.

LBR 2015-(a)-1. REQUIRED REPORTS OF DEBTORS-IN-POSSESSION AND TRUSTEES – LBR 2015-(a)-1(A) has been amended to reflect a technical change to the referenced title 11, United States Code provision.

LBR 3015-1. CHAPTER 12 PLAN REQUIREMENTS – 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.

LBR 8006-1. RECORD ON APPEAL – LBR 8006-1(C) has been amended to conform to an internal procedure for administering the record on appeal between the Bankruptcy and District Clerk's Offices.

LBR 9014-1. WHETHER HEARING IS EVIDENTIARY OR PRELIMINARY – LBR 9014-1(B) has been 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.

William C. Redden
Clerk of Court

Date: August 19, 2011

Attachment

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

In re:

Revision of Local Rules

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Standing Order No. 11-3

ORDER ADOPTING REVISION OF LOCAL RULES

After giving appropriate public notice and an opportunity for comment, pursuant to delegation of authority from the United States District Court, the accompanying revision of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia is hereby adopted, effective September 1, 2011.

Amendments to Local Bankruptcy Rules 2015-(a)-1(A), 3015-1(D), 8006-1(C), AND 9014-1(B) shall take effect on the 1st day of September 2011, and shall govern procedures in all cases pending on that date or filed thereafter.

Dated: August 18, 2011

FOR THE COURT:

/s/ Douglas O. Tice Jr.
DOUGLAS O. TICE JR.
Chief United States Bankruptcy Judge

**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.]