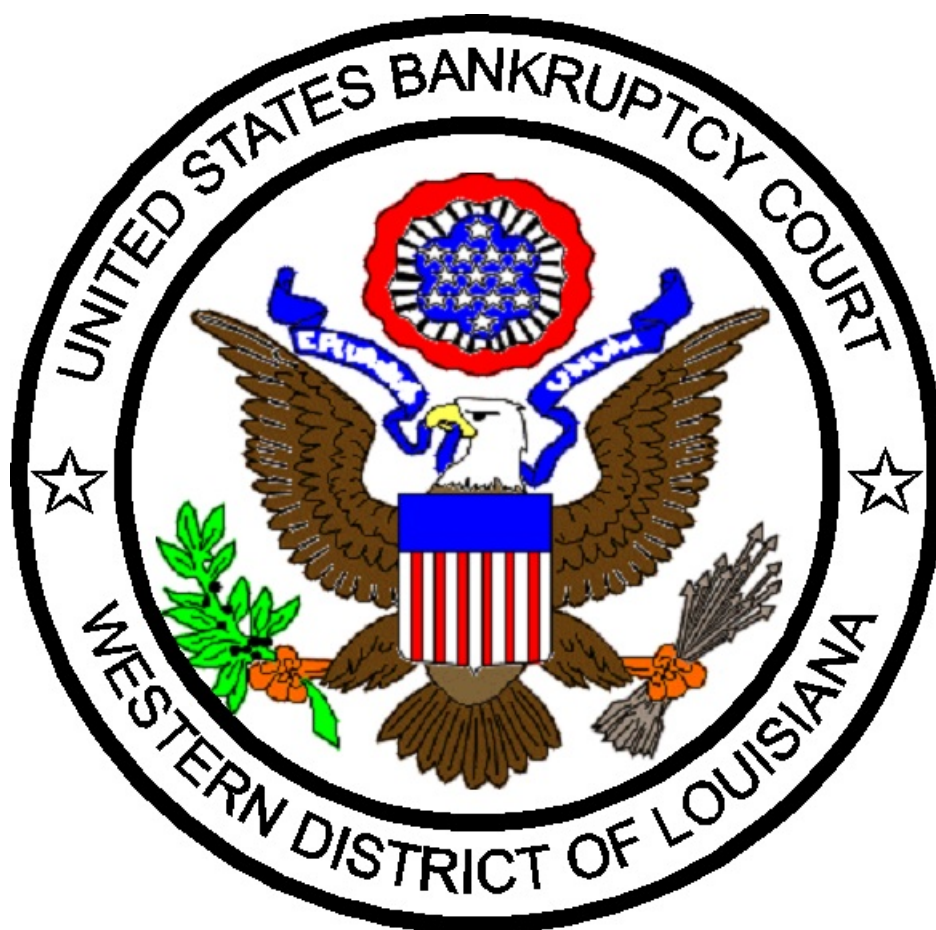


**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**

GUIDE TO PRACTICE



April 30, 2019

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**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**

INTRODUCTION

The Guide to Practice in the United States Bankruptcy Court for the Western District of Louisiana is designed for the assistance of practitioners before this court. **It is not a definitive statement of the law and may not be cited as such!** The Guide is merely provided for the aid and assistance of those using this court.

The United States Bankruptcy Court for the Western District of Louisiana is a mandatory Case Management and Electronic Case Filing (CM/ECF) court. Filings should be made electronically in accordance with the Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means. The official record is the electronic record.

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**

ROSTER OF OFFICIALS

SHREVEPORT DIVISION

John S. Hodge, Judge
Tom Stagg United States Court House
300 Fannin Street, Suite 4400
Shreveport, LA 71101
(318)676-4269

Slattery Johnson, Law Clerk
Joseph Rychlak, Law Clerk

Edward A. Takara, Clerk of Court
Edmund M. Brown, Chief Deputy
Tommie B. Slatten, Operations Manager
Cherry Simpson, Financial Supervisor
Tom Stagg United States Court House
300 Fannin Street, Suite 2201
Shreveport, LA 71101
(318)676-4267

ALEXANDRIA DIVISION

Stephen D. Wheelis, Judge
300 Jackson Street, Suite 201
Alexandria, LA 71301-8357
(318)443-8083

Jennifer Sues, Law Clerk

Clerk of Court's Office
300 Jackson Street, Suite 116
Alexandria, LA 71301-8357
(318)445-1890

Deedra Rollins, Divisional Deputy - Supervisor

LAFAYETTE DIVISION

John W. Kolwe, Chief Judge
214 Jefferson Street, Ste. 120
Lafayette, LA 70501
(337)262-6383 Voice
(337)262-6382 Fax

Karen Hess, Judicial Assistant
Stuart Welch, Law Clerk

Clerk of Court's Office
214 Jefferson Street, Ste. 100 Lafayette,
LA 70501
(337)262-6800 Voice

Jeanette Tizeno, Deputy-in-Charge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**

DIVISIONAL OFFICES

The United States Bankruptcy Court for the Western District of Louisiana consists of forty-two (42) parishes and is presently divided into five (5) specific divisions. Those divisions and the parishes they include are as follows:

1. Alexandria Division consisting of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, Vernon, and Winn Parishes.
2. Lafayette - Opelousas Division consisting of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermillion Parishes.
3. Lake Charles Division consisting of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis Parishes.
4. Monroe Division consisting of Caldwell, East Carroll, West Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, and Union Parishes

Chapter 7, Chapter 11, and Chapter 12 cases filed in the Monroe Division will be assigned to Judge John S. Hodge.

Chapter 13 cases filed in the Monroe Division will be assigned to Judge Stephen D. Wheelis.

5. Shreveport Division consisting of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine, and Webster Parishes.

FILING A VOLUNTARY BANKRUPTCY PETITION

I. PETITION

II. MAILING MATRIX

III. FEES

I. Petition

A. Form:

1. The petition must conform substantially to the Official Bankruptcy Forms, and to Rules 1002 and 9009, Federal Rules of Bankruptcy Procedure.
2. Caption Rule 1005, Federal Rules of Bankruptcy Procedure:
 - a. Name of court, e.g.,

“UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA”
 - b. Title of the case:

Debtor’s name, employer identification number, last **four** digits of the social security number or individual debtor’s taxpayer identification number, any other federal taxpayer-identification number, and all other names used within eight years
 - c. Docket number.
3. The original is filed electronically, and it is to be retained by the filer per the Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means.

B. Check list and assemblage for Chapter 7 petitions:

ITEM	TIME DUE	REMARKS
Petition (Official Form 101/201)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC § 1746, Rule 1008, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required when any petition, list, schedule, statement, or amendment thereto, is filed.
Statement of Social Security Number(s) (Official Form 121)	Immediately or no later than with timely filed Declaration Re: Electronic Filing	<u>Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> This document is not part of the public record.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means.</u>
Copy of Social Security Card and Photo Identification	Immediately or no later than with timely filed Declaration Re: Electronic Filing	<u>Uniform Local Bankruptcy Rule 1002-1</u> This document is not part of the public record. If not available, file Motion to Waive Compliance with Local Rule LBR 1002-1
Certificate of Credit Counseling and Debt Repayment Plan (Or § 109(h)(3) certification or § 109(h)(4) request)	Immediately	<u>Rule 1007(b) & (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.
Schedules A - J, Summary of Schedules, and Statement of Financial Affairs (Official Forms 106/206 and 107/207)	14 days	<u>11 USC § 521(a), Rule 1007(a)(1), (b)(1) & (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Debtor's Statement of Intention (Official Form 108)	30 days	<u>11 USC § 521(a)(2)(A), Rule 1007(b)(2), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if assets and liabilities include consumer debts secured by property of the estate.

Disclosure of Compensation Paid Attorney (Procedural Form 2030)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director’s Procedural Forms</u> Required whether or not attorney applies for compensation.
Statement of Current Monthly Income and Means Test Calculation (Official Forms (122A-1, 122A-1Supp, & 122A-2)	14 days	<u>11 USC § 521(a), Rule 1007(b) & (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual with primarily consumer debts.
Employee Income Records/Payment Advices	14 days	<u>Rule 1007(b) & (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual.
Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 423)	60 days after the first date set for the 341 meeting of creditors	<u>Rule 1007(b)(7), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.

C. Check list and assemblage for Chapter 9 petitions:

ITEM	TIME DUE	REMARKS
Petition (Official Form 201)	Immediately	<u>11 USC § 109(c), Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
List of Creditors Holding 20 Largest Unsecured Claims (Official Form 204)	Immediately	<u>Rule 1007(d), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> List should include the name, address, and claim of the creditors. Insiders are not to be included.
Application & Order for Appointment of Attorney	Immediately	<u>Rule 2014(a), Federal Rules of Bankruptcy Procedure, Uniform Local Bankruptcy Rule 2014-1</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC § 1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement, or amendment thereto, is filed.
List Containing Name and Address of Each Entity Included	Fixed by court	<u>11 USC § 521(a), Rule 1007(e), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means.</u>
Disclosure of Compensation Paid Attorney (Procedural Form 2030)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms</u> Required whether or not attorney applies for compensation.
Chapter 9 Plan	With the petition or thereafter, but within a time fixed by the court	<u>11 USC § 941, Rule 3016, Federal Rules of Bankruptcy Procedure</u>

D. Check list and assemblage for Chapter 11 petitions:

The court will issue an Order to Debtor-In-Possession which will require the debtor to take specific actions that do not include the below statutory requirements.

In a voluntary Chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor. Rule 1020(a), Federal Rules of Bankruptcy Procedure.

ITEM	TIME DUE	REMARKS
Petition (Official Form 101/201)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Attachment to Petition by Non Individual (Official Form 201A)	Immediately	<u>Official Bankruptcy Forms</u> Required if the debtor is a Non Individual Debtor.
Declaration Under Penalty of Perjury for Non Individual (Official Form 202)	Immediately	<u>Official Bankruptcy Forms</u> Required if the debtor is a Non Individual Debtor.
List of Creditors Holding 20 Largest Unsecured Claims (Official Form 104/204)	Immediately	<u>Rule 1007(d), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> List should include the name, address, and claim of the creditors. Insiders are not to be included.
Application for Appointment of Attorney	Immediately	<u>Rule 2014(a), Federal Rules of Bankruptcy Procedure, Uniform Local Bankruptcy Rule 2014-1</u>
Order on Application for Appointment of Attorney	21 days	<u>Rule 6003, Federal Rules of Bankruptcy Procedure</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC § 1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement, or amendment thereto, is filed.
Supplemental Schedule	Immediately	<u>Uniform Local Bankruptcy Rule 2014-1</u>

Periodic Report Concerning Related Entities (Official Form 26)	7 days prior to §341 Meeting	<u>Rule 2015.3, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Statement of Social Security Number(s) (Official Form 121)	Immediately or no later than with timely filed Declaration Re: Electronic Filing	<u>Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> This document is not part of the public record. Required if the debtor is an individual.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means.</u>
Copy of Social Security Card and Photo Identification	Immediately or no later than with timely filed Declaration Re: Electronic Filing	<u>Uniform Local Bankruptcy Rule 1002-1</u> This document is not part of the public record. If not available, file Motion to Waive Compliance with Local Rule LBR 1002-1. Required if the debtor is an individual.
Balance Sheet or a statement made under penalty of perjury that no balance sheet has been prepared	Immediately	<u>11 USC §1116</u> Required if the debtor is a small business.
Statement of Operations or a statement made under penalty of perjury that no statement of operations has been prepared	Immediately	<u>11 USC §1116</u> Required if the debtor is a small business.
Cash Flow Statement or a statement made under penalty of perjury that no cash flow statement has been prepared	Immediately	<u>11 USC §1116</u> Required if the debtor is a small business.
Federal Income Tax Return or a statement made under penalty of perjury that no Federal tax return has been filed	Immediately	<u>11 USC §1116</u> Required if the debtor is a small business.
Certificate of Credit Counseling and Debt Repayment Plan (Or § 109(h)(3) certification or § 109(h)(4) request)	Immediately	<u>Rule 1007(b) & (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.

Schedules A - J, Summary of Schedules, and Statement of Financial Affairs (Official Forms 106/206 and 107/207)	14 days	<u>11 USC § 521(1), Rule 1007(a)(1) & (b)(1) & (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Disclosure of Compensation Paid Attorney (Procedural Form 2030)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms</u> Required whether or not attorney applies for compensation.
Statement of Current Monthly Income (Official Form 122B)	14 days	<u>11 USC § 521(a), Rule 1007(b) & (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual.
Monthly Operating Report	15 th day of each Month	<u>Guidelines and Operating Report forms available at www.usdoj.gov/ust/r05.</u>
Monthly Operating Report Small Business (Official Form 25C)	15 th day of each Month	<u>Guidelines available at www.usdoj.gov/ust/r05. Official Bankruptcy Forms</u>
Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 423)	No later than the date the last payment is made as required by the plan	<u>Rule 1007(b)(7), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual and if 11 USC §1141(d)(3) applies. Required for all cases filed on or after March 10, 2008.
Chapter 11 Plan	120 days	<u>11 USC § 1121(a), (b), (c),and (d), Rule 3016, Federal Rules of Bankruptcy Procedure</u> Only a debtor may file a Chapter 11 Plan for the first 120 days after the Order for Relief. Any party in interest may file a Chapter 11 Plan after 120 days if: (1) a trustee has been appointed; (2) debtor has not filed a Plan, or; (3) debtor has not filed a plan which has been accepted by each class of impaired claims by 180 days from the Order for Relief.

Chapter 11 Small
Business Plan
(Official Form 25A)

180 days

11 USC § 1121(e), Rule 3016 & 9009, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms In a small business only the debtor may file a plan until after 180 days after the Order for Relief, unless that period is extended or otherwise ordered by the court.

Chapter 11 Disclosure
Statement

120 days

11 USC §1125, Rule 3016 & 3017, Federal Rules of Bankruptcy Procedure, Uniform Local Rule 3016-2 Disclosure Statement shall be filed with the plan or within a time fixed by the court, unless the plan is intended to provide adequate information under 11 USC § 1125(f)(1). If the plan is intended to provide adequate information under 11 USC § 1125(f)(1), it shall be so designated and Rule 3017.1 shall apply as if the plan is a disclosure statement. The statement should include: (1) A full statement of the events leading up to the filing of the petition; (2) A description of assets and a valuation of same; (3) Financial statements (both income statement and balance sheet) in reasonable detail; (4) Financial forecasts (both income and cash flow) in sufficient detail and with sufficient background data (such as assumptions on which the forecasts are based) to enable the reader to judge the likelihood of a successful reorganization; (5) Description of the classes established in the plan and a summary of the plan; (6) A comparison of the estimated return

Chapter 11 Disclosure
Statement - Continued

to creditors, (a) if the case were converted to a case under Chapter 7, and (b) if the reorganization were approved; (7) A comparison of estimated administrative expenses: (a) if the case were converted to a case under Chapter 7, and (b) if the reorganization were approved; (8) Full disclosure concerning future management of the debtor and compensation to be paid management; (9) Any anticipated future litigation, including preference and fraudulent conveyance avoidance litigation; and a statement of whether the debtor knows of any preference or fraudulent conveyance actions that will not be pursued; (10) Significant tax attributes of the debtor.

Chapter 11 Small Business
Disclosure Statement
(Official Form 25B)

180 days

11 USC §1125, Rule 3016, 3017, & 9009, Federal Rules of Bankruptcy Procedure, Uniform Local Rule 3016-2, Official Bankruptcy Forms Disclosure Statement shall be filed with the plan or within a time fixed by the court unless the plan is intended to provide adequate information under 11 USC § 1125(f)(1). If the plan is intended to provide adequate information under 11 USC § 1125(f)(1), it shall be so designated and Rule 3017.1 shall apply as if the plan is a disclosure statement.

Please see the above Chapter 11 Disclosure Statement information for specifics regarding content.

E. Check list and assemblage for Chapter 12 petitions:

The court will issue an Order to Debtor-In-Possession which will require the debtor to take specific actions that do not include the below statutory requirements.

ITEM	TIME DUE	REMARKS
Petition (Official Form 101/201)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC § 1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement, or amendment thereto, is filed.
Statement of Social Security Number(s) (Official Form 121)	Immediately or no later than with timely filed Declaration Re: Electronic Filing	<u>Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> This document is not part of the public record. Required if the debtor is an individual.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means.</u>
Copy of Social Security Card and Photo Identification	Immediately or no later than with timely filed Declaration Re: Electronic Filing	<u>Uniform Local Bankruptcy Rule 1002-1</u> This document is not part of the public record. If not available, file Motion to Waive Compliance with Local Rule LBR 1002-1. Required if the debtor is an individual.
Schedules A - J, Summary of Schedules, and Statement of Financial Affairs (Official Forms 106/206 and 107/207)	14 days	<u>11 USC § 521(a), Rule 1007(a)(1) & (b)(1) & (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Disclosure of Compensation Paid Attorney (Procedural Form 2030)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms</u> Required whether or not attorney applies for compensation.

Chapter 12 Plan

90 days

11 USC § 1221 & § 1224, Rule 3015(a),
Federal Rules of Bankruptcy Procedure
Required within 90 days after the Order for
Relief unless extended by the court. The
confirmation hearing must be concluded
within 45 days after filing the Plan.

F. Check list and assemblage for Chapter 13 petitions:

ITEM	TIME DUE	REMARKS
Petition (Official Form 101)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Verification (Unsworn Declaration)	Immediately	<u>28 USC § 1746, Rule 1008, Federal Rules of Bankruptcy Procedure</u> Required when any petition, list, schedule, statement, or amendment thereto, is filed.
Statement of Social Security Number(s) (Official Form 121)	Immediately or no later than with timely filed Declaration Re: Electronic Filing	<u>Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> This document is not part of the public record.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means.</u>
Copy of Social Security Card and Photo Identification	Immediately or no later than with timely filed Declaration Re: Electronic Filing	<u>Uniform Local Bankruptcy Rule 1002-1</u> This document is not part of the public record. If not available, file Motion to Waive Compliance with Local Rule LBR 1002-1.
Certificate of Credit Counseling and Debt Repayment Plan (Or § 109(h)(3) certification or § 109(h)(4) request).	Immediately	<u>Rule 1007(b) & (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.
Schedules A - J, Summary of Schedules, and Statement of Financial Affairs (Official Forms 106 and 107)	14 days	<u>11 USC § 521(a), Rule 1007(a)(1) & (b)(1) & (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
Disclosure of Compensation Paid Attorney (Procedural Form 2030)	14 days	<u>11 USC § 329(a), Rule 2016(b), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms</u> Required whether or not attorney applies for compensation.

Chapter 13 Plan	14 days	<u>11 USC § 1321, Rule 3015(b), Federal Rules of Bankruptcy Procedure, Standing Order Adopting Mandatory Form Plan dated November 30, 2017</u>
Statement of Current Monthly Income and Means Test Calculation (Official Form 122C-1 & 122C-2)	14 days	<u>11 USC § 521(a), Rule 1007(b) & (c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual with primarily consumer debts.
Employee Income Records/Payment Advices	14 days	<u>Rule 1007(b) & (c), Federal Rules of Bankruptcy Procedure</u> Required if the debtor is an individual.
Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form 423)	No later than the date the last payment is made as required by the plan.	<u>Rule 1007(b)(7), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u> Required if the debtor is an individual. Required for all cases filed on or after March 10, 2008.

G. Check list and assemblage for Chapter 15 petitions:

ITEM	TIME DUE	REMARKS
Petition (Official Form 401)	Immediately	<u>Rule 1002(a), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms</u>
List of names and addresses	Immediately	<u>Rule 1007(a)(4), Federal Rules of Bankruptcy Procedure</u> A corporate ownership statement containing the information described in Rule 7007.1; and unless the court orders otherwise, a list containing the names and addresses of all persons or bodies authorized to administer foreign proceedings of the debtor, all parties to litigation pending in the United States in which the debtor is a party at the time of the filing of the petition, and all entities against whom provisional relief is being sought under § 1519 of the Code.
Certified Copy of Order Granting Recognition or decision commencing foreign proceeding and appointing a foreign representative	Immediately	<u>11 USC § 1511(b) & 1515(b)</u> In the absence of evidence, any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.
Certificate from foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative	Immediately	<u>11 USC § 1515(b)</u> In the absence of evidence, any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.
Statement	Immediately	<u>11 USC § 1515(c)</u> A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.
Declaration Re: Electronic Filing	48 Hours	<u>Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means.</u>

H. Check list - signatures, pro se party, and party represented by attorney:

Party not represented by an attorney	Party shall sign all papers, stating address and telephone number	<u>Rule 9011, Federal Rules of Bankruptcy Procedure</u>
Party represented by an attorney	Attorney's signature, Attorney's name, office address and office telephone number	<u>Rule 9011, Federal Rules of Bankruptcy Procedure, Uniform Local Bankruptcy Rule 2090-1, Local Civil Rule 83.2.1.</u> Attorney must be admitted to practice before the United States District Court for the Western District of Louisiana.

I. Non-attorney bankruptcy petition preparer, 11 USC § 110, Official Bankruptcy Forms:

A bankruptcy petition preparer who prepares a document for filing shall sign the document and print on the document the preparer's name and address. If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the bankruptcy petition preparer shall be required to sign the document for filing; and print on the document the name and address of that officer, principal, responsible person, or partner.

Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice which shall be on an official form prescribed by the Judicial Conference of the United States in accordance with Rule 9009 of the Federal Rules of Bankruptcy Procedure.

A declaration under penalty of perjury by the bankruptcy petition preparer shall be filed together with the petition, disclosing any fee received from or on behalf of the debtor within 12 months immediately prior to the filing of the case, and any unpaid fee charged to the debtor.

II. Mailing matrix Uniform Local Bankruptcy Rule 1007-2 and U.S. Bankruptcy Court Creditor Matrix Specifications. The aforementioned specifications are attached to this Guide as Exhibit 1.

A. Must be filed with the petition. Uniform Local Bankruptcy Rule 1007-2.

B. The list must be typed in a single column with one (1) blank line between each creditor, and the name and addresses must be left-margin justified.

- C. Each name/address must contain no more than five (5) total lines with at least one (1) blank line between each name/address block. The name line must be 50 characters or less in length including blanks and each address line must be 40 characters or less in length.
- D. ONLY CREDITORS and the Sheriff for the Parish in which debtor(s) resides should be listed on the matrix. Do not include the debtor(s), debtor's attorney, the U.S. Trustee, LA Department of Employment and Training (Labor), or the LA Department of Revenue and Taxation.

III. Fees 28 USC § 1930 and Rule 1006(a), Federal Rules of Bankruptcy Procedure

Current court filing fees may be verified at www.uscourts.gov/library/courtfees.html or by contacting the Clerk's office.

A. Filing fees for cases commenced under

- 1. Chapter 7 - \$ 245.00
- 2. Chapter 9 - \$1,167.00
- 3. Chapter 11 - \$1,167.00
- 4. Chapter 11 Railroad - \$1,000.00
- 5. Chapter 12 - \$ 200.00
- 6. Chapter 13 - \$ 235.00
- 7. Chapter 15 - \$1,167.00

B. Miscellaneous administrative fees:

All cases filed under all chapters of Title 11 of the United States Code, the debtor or the petitioner shall pay a bankruptcy miscellaneous administrative fee. 28 USC § 1930 and Appendix, Rule 1006, Federal Rules of Bankruptcy Procedure.

- 1. The bankruptcy miscellaneous administrative fee is \$75.00 for Chapters 7, 12, and 13 and \$550.00 for Chapters 9, 11, and 15 and is due at the time of filing.
- 2. The bankruptcy miscellaneous administrative fee may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Rule 1006, Federal Rules of Bankruptcy Procedure.

C. Trustee fee surcharge:

In all cases filed under Chapter 7 of Title 11 of the United States Code, the petitioner shall pay a trustee fee surcharge. 28 USC § 1930 and Appendix, Rule 1006, Federal Rules of Bankruptcy Procedure.

1. A \$15.00 trustee fee surcharge will be paid by the petitioner upon the filing of a petition under Chapter 7, by the movant upon the filing of a motion to convert a case to Chapter 7 or the filing of a notice of conversion.
2. The trustee fee surcharge may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Rule 1006, Federal Rules of Bankruptcy Procedure.

D. The miscellaneous administrative fee and the trustee fee surcharge shall be paid in addition to the filing fees prescribed under 28 USC § 1930(b) and Appendix.

E. Installment fees Rule 1006(b)(1), (2) & (3), Federal Rules of Bankruptcy Procedure, Uniform Local Bankruptcy Rule 1006-1 and Official Bankruptcy Forms:

1. Signed application in accordance with Rule 9011, Federal Rules of Bankruptcy Procedure, for payment of filing fees in installments by an individual debtor shall include statements that debtor is unable to pay the filing fees except in installments. (Official Form 3A)
2. All installments of the filing fee must be paid in full before the debtor or Chapter 13 trustee may make further payments to an attorney or any other person who renders services to the debtor in connection with the case.
3. Prior to the first meeting of creditors, the court will act on the application.
4. The number of installments allowed for a case are listed below and shall be paid pursuant to the court's Fee Schedule available on the court's website, www.lawb.uscourts.gov.
 - a. Chapter 7 for all divisions shall not exceed three (3)
 - b. Chapter 11 for all divisions shall not exceed four (4)
 - c. Chapter 12 for all divisions shall not exceed three (3)
 - d. Chapter 13 for Alexandria, Monroe, Lafayette, and Lake Charles divisions shall not exceed three (3)
 - e. Chapter 13 for Shreveport division shall not exceed two (2)

F. Waiver of the Filing Fee Rule 1006(c), Federal Rules of Bankruptcy Procedure, 28 USC § 1930(f), and Official Bankruptcy Forms:

1. A voluntary Chapter 7 petition filed by an individual shall be accepted for filing if accompanied by the debtor's application requesting a waiver under 28 USC § 1930(f), prepared as prescribed by the appropriate Official Form. (Official Form 3B)

FILING AN INVOLUNTARY BANKRUPTCY PETITION

I. GENERAL

II. PETITION

III. FEES

IV. SUMMONS

V. JOINDER OF PETITION

VI. RESPONSIVE PLEADINGS

VII. ORDER FOR RELIEF

VIII. PROCEDURE AFTER ORDER FOR RELIEF

I. General 11 USC § 303

- A. An involuntary case may be commenced only under Chapter 7 or 11 of this title, and only against a person, except a farmer, family farmer, or a corporation that is not a moneyed, business, or commercial corporation, that may be a debtor under the chapter under which such case is commenced.
- B. An involuntary case against a person is commenced by the filing with the bankruptcy court of a petition under Chapter 7 or 11 of this title-
 - 1. By three (3) or more entities, each of which is either a holder of a claim against such person that is not contingent as to liability or the subject of a bona fide dispute as to liability or amount, or an indenture trustee representing such a holder, if such noncontingent, undisputed claims aggregate at least \$15,325 more than the value of any lien on property of the debtor securing such claims held by the holders of such claims;
 - 2. If there are fewer than twelve (12) such holders, excluding any employee or insider of such person and any transferee of a transfer that is voidable under section 544, 545, 547, 548, 549, or 724(a) of this title, by one or more of such holders that hold in the aggregate at least \$15,325 of such claims;

3. If such person is a partnership-
 - a. By fewer than all of the general partners in such partnership; or
 - b. If relief has been ordered under this title with respect to all of the general partners in such partnership, by a general partner in such partnership, the trustee of such a general partner, or a holder of a claim against such partnership; or
4. By a foreign representative of the estate in a foreign proceeding concerning such person.

II. Petition 11 USC § 303, Rule 1003 & 1010(b), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms (Official Form 5)

- A. The original is filed electronically and is retained by the filer per the Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means .

Each petitioner that is a corporation shall file with the involuntary petition a corporate ownership statement containing the information described in Rule 7007.1, Federal Rules of Bankruptcy Procedure

- B. Transferor or Transferee of Claim:

1. Attach all documents evidencing the transfer.
2. Signed statement that the transfer was not for the purpose of commencing the case, and set forth the consideration for and terms of the transfer.

III. Filing fee 28 USC § 1930, Rule 1006, Federal Rules of Bankruptcy Procedure

- A. Chapter 7 - \$245.00
- B. Chapter 11 - \$1,167.00
- C. Miscellaneous administrative fees:

In all cases filed under all chapters of Title 11 of the United States Code, the debtor or the petitioner shall pay a bankruptcy miscellaneous administrative fee. 28 USC § 1930 and Appendix, Rule 1006, Federal Rules of Bankruptcy Procedure.

The bankruptcy miscellaneous administrative fee is \$75.00 for Chapters 7, 12, and 13 and \$550.00 for Chapters 9, 11, and 15 and is due at the time of filing.

D. Trustee fee surcharge:

1. In all cases filed under Chapter 7 of Title 11 of the United States Code, the petitioner shall pay a trustee fee surcharge. 28 USC § 1930 and Appendix, Rule 1006, Federal Rules of Bankruptcy Procedure.
2. A \$15.00 trustee fee surcharge will be paid by the petitioner upon the filing of a petition under Chapter 7.
3. The trustee fee surcharge will be paid in addition to the filing fee prescribed under 28 USC § 1930.

E. There is no provision for filing an involuntary petition with payment of fees by installments.

IV. Summons Rule 1010, Federal Rules of Bankruptcy Procedure and Director's Procedural Forms (Procedural Form 2500E)

- A. Shall be signed by the clerk and bear the seal of the court.
- B. Delivery or mailing of the summons and complaint must be within seven (7) days following issuance. Rule 7004(e), Federal Rules of Bankruptcy Procedure
- C. Service shall be made on the debtor.

Petitioner or petitioner's attorney shall be responsible for prompt service of the summons and a copy of the petition with any attachments.

- D. Service Rule 4(a)-(j), Federal Rules of Civil Procedure and Rule 1010(a) & Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure

Additional information available in the **Service of Summons** section.

V. Joinder of petitioner after filing 11 USC § 303(c) and Rule 1003(b), Federal Rules of Bankruptcy Procedure

- A. Right to join must be prior to relief being ordered and claim must be unsecured and not contingent.
- B. Effect of joinder - the same effect as if joining creditor were a petitioning creditor.

- C. If the answer to an involuntary petition filed by fewer than three creditors avers the existence of 12 or more creditors, the debtor shall file with the answer a list of all creditors with their addresses, a brief statement of the nature of their claims, and the amounts thereof. If it appears that there are 12 or more creditors as provided in 11 USC § 303(b) of the Code, the court shall afford a reasonable opportunity for other creditors to join in the petition before a hearing is held thereon.
- VI. Responsive pleadings Rule 1011(a), (b), (c), & (f), Federal Rules of Bankruptcy Procedure
- A. Who may respond:
1. The debtor.
 2. In the case of a partnership under Rule 1004, Federal Rules of Bankruptcy Procedure, a non-petitioning general partner. B. Time:
 1. Filed and served within twenty-one (21) days after service of the summons, except that if service is made by publication on a party or partner not residing or found within the state in which the court sits, the court shall prescribe the time for filing and serving the response. 2. If service is made out of state, the court shall prescribe the time.
 3. If a motion is filed before the expiration of the time for filing a responsive pleading, time for response is extended until fourteen (14) days after disposition of the motion Rule 12(a), Federal Rules of Civil Procedure.
- C. Corporate Ownership Statement:
- If the entity responding to the involuntary petition is a corporation, the entity shall file with its first appearance, pleading, motion, response, or other request addressed to the court a corporate ownership statement containing the information described in Rule 7007.1, Federal Rules of Bankruptcy Procedure.
- VII. Order for Relief 11 USC § 303(h) and Rule 1013, Federal Rules of Bankruptcy Procedure
- A. When responsive pleadings are filed, a trial is required. Relief against the debtor shall be ordered only if:
1. The debtor is generally not paying such debtor's debts as such debts become due unless such debts are the subject of a bona fide dispute as to liability or amount; or
 2. Within 120 days before the date of the filing of the petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

- B. By default 11 USC § 303(h) and Rule 1013(b), Federal Rules of Bankruptcy Procedure
1. Order for Relief shall be entered by default if no response is filed timely.
 2. The Order for Relief will be submitted to the judge by the clerk, on the next day, or as soon as is practicable after delays have run.

VIII. Procedure after Order for Relief

- A. Filing of schedules and statements:
1. In an involuntary case, the debtor shall file within seven (7) days after entry of the Order for Relief, a list containing the name and address of each entity included or to be included on Schedules D, E, F, G, and H as prescribed by the Official Forms. Rule 1007(a)(2), Federal Rules of Bankruptcy Procedure.
 2. In an involuntary case the schedules, statement, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days of the entry of the Order for Relief. Rule 1007(c), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Forms 6 and 6A - 6J)
 3. In an involuntary case, the debtor shall submit the statement of social security number within 14 days after the entry of the Order for Relief. Rule 1007(f), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Form 21)
- B. Involuntary Chapter 11 Reorganization
1. The List of 20 Largest Creditors shall be filed by the debtor within two (2) days after entry of the Order for Relief under §303(h) of the Code. Rule 1007(d), Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Form 4)
 2. The debtor shall file within 14 days after entry of the Order for Relief a statement as to whether the debtor is a small business debtor. Rule 1020(a), Federal Rules of Bankruptcy Procedure.
- C. After entry of the Order for Relief, an involuntary case follows the same procedures as a voluntary case.

FILING AN ADVERSARY PROCEEDING

I. COMPLAINT

II. BANKRUPTCY ADVERSARY PROCEEDING COVER SHEET

III. FEES

IV. PROCESS FOR EACH DEFENDANT TO BE SERVED

I. Complaint

- A. Form of pleadings Rule 7010, Federal Rules of Bankruptcy Procedure,
- B. All parties MUST be listed in the caption of the original complaint. Rule 10(a), Federal Rules of Civil Procedure, and Rule 7010, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Form 16D)
- C. Type of actions Rule 7001, Federal Rules of Bankruptcy Procedure:
 1. To recover money or property, other than a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under 11 USC § 554(b), 11 USC § 725 of the Code, Rule 2017, or Rule 6002;
 2. To determine the validity, priority, or extent of a lien or other interest in property, other than a proceeding under Rule 4003(d);
 3. To obtain approval under 11 USC § 363(h) for the sale of both the interest of the estate and of a co-owner in property;
 4. To object to or revoke a discharge;
 5. To revoke an order of confirmation of a Chapter 11, Chapter 12, or Chapter 13 plan;
 6. To determine the dischargeability of a debt;
 7. To obtain an injunction or other equitable relief, except when a Chapter 9, Chapter 11, Chapter 12 or Chapter 13 plan provides for the relief;
 8. To subordinate any allowed claim or interest, except when a Chapter 9, Chapter 11, Chapter 12, or Chapter 13 plan provides for subordination;
 9. To obtain a declaratory judgment relating to any of the foregoing; or
 10. To determine a claim or cause of action removed under 28 USC § 1452 to a Bankruptcy Court.

- II. Bankruptcy Adversary Proceeding Cover Sheet Rule 9009, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms. (Official Form 104)
- III. Filing fee is \$350.00, except no fee is required for the United States or a debtor, except a debtor-in-possession, 28 USC § 1930 and Appendix.
- IV. Process for summons and complaint; service; proof of service for each defendant to be served, Rule 4(a)-(j), Federal Rules of Civil Procedure and Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms. (Procedural Forms 2500A, 2500B, or 2500C)
 - A. Summons and one copy of the complaint for each defendant to be served, shall be signed by the clerk and bear the seal of the court.
 - B. Issuance - the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal and issue to the plaintiff for service on the defendant.
 - 1. The defendant shall serve an answer within thirty (30) days after the issuance of the summons, except when a different time is prescribed by the court, Rule 7012, Federal Rules of Bankruptcy Procedure.
 - 2. The United States or an officer or agency thereof shall serve an answer to a complaint within thirty-five (35) days after the issuance of the summons, Rule 7012, Federal Rules of Bankruptcy Procedure.
 - C. Obligation to serve - The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m), Rule 4(c)(1), Federal Rules of Civil Procedure.
 - D. Summons - Time limit for service, within the United States. Rule 7004(e), Federal Rules of Bankruptcy Procedure:

Delivery or mailing of the summons and complaint must be within seven (7) days following issuance
 - E. How a summons and complaint is served, Rule 4(a)-(j), Federal Rules of Civil Procedure, and Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure.

APPEALS AND WITHDRAWAL OF REFERENCE

- I. GENERAL**
- II. FILING AN APPEAL AS OF RIGHT**
- III. APPEAL BY LEAVE OF COURT**
- IV. CROSS APPEAL**
- V. MISCELLANEOUS**
- VI. LOCAL CIVIL RULE 83.4 - BANKRUPTCY**
- VII. DIRECT APPEAL**

- I. General

- A. Bankruptcy matters may be heard in the district court in two instances:

- 1. Upon appeal under 28 USC § 158.
 - 2. Upon withdrawal of reference under 28 USC § 157(d).

- B. Any filing which initiates a request for relief in a bankruptcy matter from the district court should be filed electronically with the office of the clerk of the bankruptcy court. When the record is complete for purposes of appeal, the clerk shall transmit a copy thereof to the district court for consideration. Generally, subsequent filings should be made in the district court.

- C. Fees, 28 USC § 1930 and Appendix:

- 1. Appeal, \$298.00 (\$5.00 filing + \$293.00 docketing).
 - 2. Cross Appeal, \$298.00.
 - 3. Withdrawal of Reference, \$176.00.

II. Filing an Appeal as of Right

A. The notice of appeal from a final judgment, order or decree of a bankruptcy judge shall conform substantially to Official Bankruptcy Forms and shall be filed electronically with the clerk within fourteen (14) days of the date of the entry of the judgment, order, or decree appealed. Rule 8002 and 8003, Federal Rules of Bankruptcy Procedure.

B. Service, Rule 8003(c), Federal Rules of Bankruptcy Procedure:

The bankruptcy clerk must serve the notice of appeal on counsel of record for each party to the appeal, excluding the appellant, and transmit it to the U.S. Trustee. If a party is proceeding pro se, the clerk must send notice of appeal to the party's last known address.

C. Fee, See I.C.1. above

D. Record and Issues on Appeal, Rule 8009(a), Federal Rules of Bankruptcy Procedure:

Appellant. File with the bankruptcy clerk and serve on the appellee a designation of items to be included in the record on appeal and a statement of the issues to be presented within fourteen (14) days after the notice of appeal or order granting leave to appeal is entered.

Appellee and Cross-Appellant. Within 14 days after being served file with the bankruptcy clerk and serve on the appellant a designation of additional items to be included in the record. Cross-Appellant file and serve a designation of additional items to be included in the record and a statement of the issue to be presented on the cross-appeal.

Cross-Appellee. Within 14 days after service of the cross-appellant's designation and statement, a cross-appellee may file with the bankruptcy clerk and serve on the cross-appellant a designation of additional items to be included in the record.

Copies for the Bankruptcy Clerk. If paper copies are needed, the parties filing designations must provide to the bankruptcy clerk. If the party fails to do so, the bankruptcy clerk will prepare the copy at the party's expense.

Appeals are currently being transmitted to the District Court by electronic means; therefore, please contact the Bankruptcy Clerk's office to determine if copies will be required in paper or electronic format.

E. Request for transcript, Rule 8009(b), Federal Rules of Bankruptcy Procedure:

1. If the record designated by any party includes a transcript, the party shall deliver to the bankruptcy clerk's office a completed Form AO 435, Transcript Order. Form AO 435 may be obtained from the clerk's office or at www.lawb.uscourts.gov located under Forms.
2. Upon receipt of the AO Form 435, Transcript Order, the electronic court recorder operator (ECRO), will inform the requesting party of the amount required for payment of the transcription.
3. Transcription fees must be paid in advance.

III. Appeal by Leave of Court

A. Notice of Appeal:

(Same requirements as for an appeal as of right.)

B. Fee:

(Same fee as for an appeal as of right.)

C. Motion for leave to appeal, Rules 8004 & 8011, Federal Rules of Bankruptcy Procedure:

1. Contents of motion, Rule 8004(b), Federal Rules of Bankruptcy Procedure:

- a. the facts necessary to understand the question presented;
- b. the question itself;
- c. the relief sought;
- d. the reasons why leave to appeal should be granted; and
- e. a copy of the interlocutory order or decree and any related opinion or memorandum.

2. Service of the motion, Rule 8011(b), (c) & (d), Federal Rules of Bankruptcy Procedure:

Appellant must serve a copy of the motion on all parties and include a certificate of service with the motion.

3. Response in opposition, Rule 8004(b), Federal Rules of Bankruptcy Procedure:

Within fourteen (14) days after service of the motion, an adverse party may file an answer in opposition with the clerk of the bankruptcy court.

4. Transmittal of the motion, Rule 8004(C), Federal Rules of Bankruptcy Procedure:

The bankruptcy clerk must promptly transmit the notice of appeal and the motion for leave to the district clerk.

- D. Record and Issues on Appeal, Rule 8009, Federal Rules of Bankruptcy Procedure:

Designation of the items to be included in the record on appeal and statements of the issues to be presented shall be in accordance with Rule 8009, Federal Rules of Bankruptcy Procedure.

- E. Request for transcript, Rule 8009, Federal Rules of Bankruptcy Procedure:
(Same as for an appeal as of right.)

IV. Cross Appeal

- A. A cross appeal may be filed with the clerk within the time allowed by Rule 8003, Federal Rules of Bankruptcy Procedure.

- B. Fee, See I.C.2. above.

- C. Record and Issues on Appeal, Rule 8009, Federal Rules of Bankruptcy Procedure:

Designation of the items to be included in the record on appeal and statements of the issues to be presented shall be in accordance with Rule 8009, Federal Rules of Bankruptcy Procedure.

V. Miscellaneous

- Stay pending appeal, Rule 8007, Federal Rules of Bankruptcy Procedure:

There is no automatic stay pending appeal. A motion to stay pending appeal should be made in the bankruptcy court. If security is required, it should be filed with the clerk of the bankruptcy court.

VVI. Local Civil Rule 83.4 - Bankruptcy

LR83.4.1 Reference to Bankruptcy Judge

Under the authority of 28 USC § 157 the district court refers to the bankruptcy judges of this district all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to a case under Title 11. As set forth in 28 USC § 157(b)(5), personal injury tort and wrongful death claims shall be tried in the district court.

LR83.4.2 Appeal to the District Court

Appeals from judgments, orders or decrees of a bankruptcy judge shall be governed by Part VIII of the Bankruptcy Rules (Section 8001, et seq.) and the applicable local rules of the district and bankruptcy courts.

LR83.4.3 Motion Seeking Relief From a District Judge

Motions filed seeking relief from a district judge, including motions under 28 USC § 157(d) (for withdrawal of reference), 28 USC § 157(c)(1) (objections to proposed findings of fact and conclusions of law) and Bankruptcy Rule 8007 (for stay pending appeal), shall be governed by the rules set out below.

A. *Original Motion*

1. *Applicable Rules.* The Local Rules for the district court shall be applicable to all motions filed in bankruptcy cases or proceedings seeking relief from a district judge. In those instances where the Bankruptcy Rules require a report from the bankruptcy judge, e.g., Bankruptcy Rules 5011(b) and 9027(e), the local Bankruptcy Rules shall apply until such report is issued.
2. *Place of Filing.* All motions described in this section above shall be filed with the clerk of the bankruptcy court.
3. *Contents of Motion.* In addition to the normal requirements of papers filed in the bankruptcy court, motions described in this section above shall include:
 - a. A clear and conspicuous statement opposite the title of the action that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."
 - b. A designation of the portions of the record of the proceedings in the bankruptcy court that will reasonably be necessary or pertinent for consideration of the motion by the district court.

- c. A list showing each party with an interest in the motion and for each party shown, their attorney along with such attorney's mailing address.
4. *Subsequent Filings.* Any filing in a matter under this section subsequent to the "Original Motion" set forth above shall be filed with the clerk of the district court and shall comply with all rules of such court.
5. *Duties of the Clerk of the Bankruptcy Court.* Upon filing of an original motion, as set forth above, the clerk of the bankruptcy court shall promptly transmit to the clerk of the district court:
 - a. The original motion and all attachments to the motion, and
 - b. The portion of the bankruptcy court record designated in accordance with (3)(b) above.
- B. *No Automatic Stay.* There shall be no automatic stay of bankruptcy court proceedings as a result of the filing of any motion under the above. Any stay of proceedings will result only from an order of the bankruptcy court or the district court.
- C. *Obligation of the Parties.* It shall be the obligation of each and every party and their attorney to apprise the bankruptcy court and the United States District Court of orders entered in either forum which significantly affect matters pending in the other forum.

LR83.4.4 Record Transmitted to the District Court

The authority to retain any portion of the record on appeal or in connection with a motion seeking relief from a district judge is delegated to the clerk of the bankruptcy court. If any portion of a record is retained in the bankruptcy court, a certified copy of such record shall be transmitted to the district court. If the district court requests the retained papers, the bankruptcy clerk shall transmit them forthwith.

In the event that papers are retained in the bankruptcy court and certified copies are transmitted to the district court, the bankruptcy court may order the party upon whose instance the papers were required to reimburse the clerk of the bankruptcy court for the cost of making the copies.

(Source: Local Rules for the United States District Court for the Western Districts of Louisiana).

VII. Direct Appeal

- A. 28 U.S.C. § 158(d)(1) & (d)(2)(A)(B)(C)(D)(E) and Rule 8006, Federal Rules of Bankruptcy Procedure Provides circuit courts of appeal with discretion to accept bankruptcy appeals without an intermediate (district court) appellate decision. The circuit court may accept a direct appeal if the bankruptcy court, district court, or the parties certify that a direct appeal is necessary to resolve a matter of first impression, conflicting decisions, public importance, or a matter that would materially advance the progress of the case.

- B. When a party files a notice of appeal subject to certification for direct appeal, the fee for filing an appeal, currently \$298.00 (\$5.00 filing + \$293.00 docketing) under 28 USC § 1930(c), should be collected by the bankruptcy court. In the event the United States Court of Appeals authorizes the direct appeal, the appellant must pay an additional \$157.00 pursuant to Item 14 of the Bankruptcy Court Miscellaneous Fee Schedule. 28 U.S.C. § 1930 and Appendix.

FILING A NOTICE OF REMOVAL

- I. ACTIONS REMOVABLE GENERALLY
- II. NOTICE OF REMOVAL
- III. FEE
- IV. TIME FOR REMOVAL
- V. NOTICE TO OTHER PARTIES & THE STATE CLERK OF COURT
- VI. BOND
- VII. REMOVAL ORDER
- VIII. REMAND
- IX. REMAND ORDER
- X. REMOVAL OF CLAIMS

- I. Actions removable generally 28 USC §1441

“Any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

- II. Notice of removal 28 USC §1446(a), Rule 9027(a)(1), Federal Rules of Bankruptcy Procedure

- A. Formerly known as a “petition for removal”

- B. Requirements:

- 1. “File in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.
- 2. “Containing a short and plain statement of the grounds for removal”
- 3. Include “a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.”

III. Fee 28 USC §1914(a),

“The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350.”

IV. Time for removal 28 USC §1446(b), Rule 9027(a)(3), Federal Rules of Bankruptcy Procedure

The notice of removal of a civil action or proceeding shall be filed within thirty (30) days after the receipt by the defendant

- A. “through service or otherwise, of a copy of the initial pleading”, or
- B. “after the service of summons”, or
- C. “through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable...”

V. Notice to other parties and the State Clerk of Court 28 USC §1446(d), Rule 9027(b), Federal Rules of Bankruptcy Procedure

- A. “Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court”.
- B. Filing of a copy of the notice of removal with the State clerk “shall effect the removal and the State court shall proceed no further unless and until the case is remanded.”

VI. NO BOND IS REQUIRED FOR REMOVAL OF A STATE COURT ACTION.

VII. Removal Order - Procedure after removal generally 28 USC §1447(a), Rule 9027(e), Federal Rules of Bankruptcy Procedure

- A. Immediately upon the filing of an application/notice of removal, an order will be issued by the Court setting forth the requirements for the parties to the removed action.

VIII. Remand 28 USC §1447(c) and (d), Rule 9027(e), Federal Rules of Bankruptcy Procedure

- A. A motion to remand for procedural defect must be filed within thirty (30) days of filing of the notice of removal.
- B. A motion to remand for lack of subject matter jurisdiction may be filed at any time before final judgment.
- C. A motion for remand of the removed claim or cause of action shall be governed by Rule 9014, Federal Rules of Bankruptcy Procedure and served on the parties to the removed claim or cause of action.

IX. Remand Order

- A. An order remanding the case “may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal.”
- B. “A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court.”
- C. “An order remanding a case to the State court from which it was removed is not reviewable on appeal...”

X. Removal of claims related to bankruptcy cases 28 USC 1452(a)

“A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under Section 1334 of this title.”

SERVICE OF SUMMONS

I. PROCESS

- I. Process: Service of Summons, Complaint. Rule 4(a)-(j), Federal Rules of Civil Procedure, Rule 1010 and Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure, Director's Procedural Forms. (Procedural Forms 2500A, 2500B, 2500C, or 2500E)
 - A. Shall be signed by the clerk and bear the seal of the court.
 - B. Service Rule 4(a)-(j), Federal Rules of Civil Procedure, Rule 1010(a), and Rule 7004(a)-(h), Federal Rules of Bankruptcy Procedure:
 1. Personal service may be made by any person at least eighteen (18) years of age and who is not a party.
 2. Time limit for service is fourteen (14) days from issuance.
 3. For Methods of Service see Rule 7004
 4. If service cannot be made otherwise, see Rule 1010, Federal Rules of Bankruptcy Procedure.
 5. Proving Service, Rule 4(l), Federal Rules of Civil Procedure proof of service must be made to the court and must be by affidavit or unsworn declaration under penalty of perjury, 28 USC § 1746, showing the method of service.

SUBPOENAS

I. FORM; ISSUANCE FOR TRIAL, HEARING, DEPOSITION, PRODUCTION, OR INSPECTION

II. EXAMINATION UNDER RULE 2004, FEDERAL RULES OF BANKRUPTCY PROCEDURE

III. SERVICE

I. Form; issuance for attendance at trial, hearing, deposition or for production or inspection, Rule 45, Federal Rules of Civil Procedure and Rule 9016, Federal Rules of Bankruptcy Procedure, Director's Procedural Forms (Procedural Forms 2540, 2550, or 2560)

A. Every subpoena must:

1. State the name of the court from which it is issued.
2. State the title of the action, the name of the court in which it is pending, and its civil action number.
3. Command each person to whom it is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or control; or permit the inspection of premises.
4. Set forth the text set out in Rule 45(c) & (d), Federal Rules of Civil Procedure.

B. A subpoena must issue as follows:

1. For attendance at a hearing or trial, from the court for the district where the hearing or trial is to be held.
2. For attendance at a deposition, from the court for the district where the deposition is to be taken.
3. For production or inspection, if separate from a subpoena commanding a person's attendance, from the court for the district where the production or inspection is to be made.

- C. The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service. An attorney also may issue and sign a subpoena as an officer of a court in which the attorney is authorized to practice; or a court for a district where a deposition is to be taken or production is to be made, if the attorney is authorized to practice in the court where the action is pending.

There is no longer a requirement that the “Seal” of the court appear on the subpoena.

- II. Subpoena for Examination - see Rule 2004, Federal Rules of Bankruptcy Procedure
- III. Service - see Rule 45, Federal Rules of Civil Procedure and Rule 9016, Federal Rules of Bankruptcy Procedure

AMENDMENTS

A voluntary petition, list, schedules, or statements may be amended by the debtor, as a matter of course, at any time before the case is closed. Rule 1009(a), Federal Rules of Bankruptcy Procedure

The statement of intention may be amended by the debtor at any time before the expiration of the period provided in 11 USC § 521(a), Rule 1009(b), Federal Rules of Bankruptcy Procedure

1. For amendments to a debtor's schedules or lists of creditors after notice to creditors, a \$30.00 fee for each amendment will be due, unless the bankruptcy judge for good cause, waives the charge. 28 USC § 1930 and Appendix
2. All petitions, lists, schedules, statements and amendments thereto shall be verified or contain an unsworn declaration. 28 USC § 1746 and Rule 1008, Federal Rules of Bankruptcy Procedure
3. When amending the schedules to add a creditor(s), a master mailing matrix showing only the newly listed creditor(s) must accompany the amendment.
4. The debtor shall give notice of the amendment to the trustee and to any entity affected. Rule 1009(a), Federal Rules of Bankruptcy Procedure
5. Pursuant to Local Bankruptcy Rule 9014-1, a certificate of service of said notice shall be filed no less than seven (7) days prior to the hearing and should include a statement that the added creditor(s) have been advised of the time for filing complaint objecting to discharge. Rule 4004, Federal Rules of Bankruptcy Procedure
6. The debtor and/or attorney for debtor will be advised by a deficiency letter if the amendment is incorrect.
7. The original is filed electronically and is retained by the filer per the Administrative Procedures For Filing, Signing and Verifying Pleadings and Papers by Electronic Means .

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**

**COURT DELEGATED SERVICES
CERTIFICATION REQUIREMENT**

Effective October 1, 1996, the Chief Judge directed that certain orders of the court will be served upon the required interested parties by the movant or filer of the corresponding antecedent pleading.

Certificates of service for orders sent to attorneys and/or pro se debtors are to be filed with the Clerk of Court not later than seven (7) days after receipt of said order.

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**

ADDITIONAL INFORMATION

The court's website www.lawb.uscourts.gov is available and may be accessed for court information including, judge specific information and requirements, publications, **forms**, CM/ECF Document Filing System, special notices and alerts, and related links.

If in doubt about any information, please contact the Clerk's office.

Alexandria Office:

(318)445-1890

1(866)356-5221 (toll free)

Lafayette Office:

(337)262-6800

1(866)789-6015 (toll free)

Shreveport Office:

(318)676-4267

1(866)721-2105 (toll free)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**

CREDITOR MATRIX SPECIFICATIONS

To ensure the creditors listed on the creditor mailing matrix are properly added to a case, please observe the following guidelines.

- The creditor matrix must be saved as a .txt file in order to “Upload a Creditor Matrix File” in CM/ECF.
- Lists should be typed in a single column with a double line between each creditor.
- Names and addresses must be left margin justified.
- The name line may contain no more than 50 characters including blanks.
- Each address line may contain no more than 40 characters including blanks.
- Do not capitalize the entire matrix, only proper names. Please use Initial Capitals, only.
- The name and address of each creditor cannot be more than 5 lines. If an address is more than 5 lines, the 6th line will be combined with the 5th line and the 7th and 8th lines will be cut short.
- City, state, and zip code must be on the last line.
- Nine digit zip codes must be typed with a hyphen separating the two groups of digits.
- Spaces in the first position of a line will cause an exception report for that creditor and prevent proper noticing.
- Do not use special characters such as ~, ½, or ^. Special characters cause problems. So far, the # and & characters have not been reported to cause errors.
- Do not include account numbers or phone numbers on the list.
- Attention lines should be placed on the second line of the name/address.
- Do not include page numbers, headers, footers, etc...
- Do not duplicate addresses on the matrix.
- Do not list creditors with incomplete addresses on the matrix. Complete addresses are required in order to notice properly.
- Do not include the following on the creditor matrix. These are automatically included on the matrix once the case is entered into the court’s system.
 - Debtor
 - Joint Debtor
 - Attorney for Debtor(s)
 - U.S. Trustee
 - LA Dept. Of Employment and Training (Labor)
 - LA Dept. Of Revenue and Taxation
- The Sheriff for the parish in which the debtor(s) resides must be listed on the matrix.