

**LOCAL RULES OF COURT APPLICABLE TO BANKRUPTCY  
PROCEEDINGS IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

**PART I**

**1002-1**

**PETITION-GENERAL**

All petitions, lists, schedules and statements shall be filed as set forth in the Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means as amended March 19, 2008, and as may be amended thereafter, and shall be properly signed by the debtor(s). Unless excused by order of the court, all petitions filed by an individual debtor shall include copies of (a) picture identification card and (b) the debtor's social security card.

**1006-1**

**FEES-INSTALLMENT PAYMENTS  
AND MOTIONS TO WAIVE FEES**

Every petition shall be accompanied by the prescribed filing fee except as provided in F.R.B.P. 1006(b)(1); the debtor's Application for Payment of Fees in Installments or a Motion to Waive the Filing Fee under 28 U.S.C. 1930(f) must accompany the petition.

**1007-2**

**MAILING LIST OR MATRIX**

The pro se debtor or attorney filing a petition shall file a complete mailing matrix in accordance with the requirements set forth in the Guide to Practice. If an amendment is submitted that requires a change in the mailing matrix, a supplemental mailing matrix consisting of only the names and addresses of added parties shall be submitted.

**PART II**

**2002-1**

**NOTICE TO CREDITORS & OTHER  
INTERESTED PARTIES**

Pursuant to the provisions of F.R.B.P. 2002, the movant or applicant shall send all notices except that the clerk, a standing trustee or the U.S. Trustee shall send the following notices:

1. The original meeting of creditors pursuant to Section 341;
2. The discharge hearing notice;
3. The order for relief;

4. The hearing on the dismissal or conversion of a case to another chapter;
5. The time fixed for filing claims pursuant to 3003(c);
6. Notice of denial or revocation of discharge pursuant to 11 U.S.C. § 727; and
7. Applicable bar dates.

The clerk may delegate noticing responsibilities to the Bankruptcy Noticing Center.

**2002-2**

**NOTICE TO UNITED STATES OR  
FEDERAL AGENCY**

Failure to properly notice the United States will result in its interests being unaffected by the particular proceeding.

**A. Schedules and Matrix.** When notice is required to be given to the United States pursuant to F.R.B.P. 2002(j), the schedules and mailing matrix must include the following:

1. If the United States is a creditor--all chapters:
  - (a) Name of agency and its headquarter's address;
  - (b) Name of agency and its local field office address; and
  - (c) Name of agency and the address of the United States Attorney for the Western District of Louisiana.
2. District Director of Internal Revenue and the address for the District in which the case is pending; and
3. As applicable in specific cases, the following entities with proper addresses:
  - (a) Securities and Exchange Commission;
  - (b) Commodity Futures Trading Commission;
  - (c) Secretary of Treasury;
  - (d) Secretary of Transportation;
  - (e) Department of Commerce; and
  - (f) Securities Investors Protection Corporation.

**B. Service.** Service on the United States and its officers or agencies must be made on the agencies indicated in this part if required by F.R.B.P. 2002; and, also, as specifically set forth in F.R.B.P. 7004(b)(4) and (5) and 9014. Pursuant to STANDING ORDER Re: Notice to and Service upon the United States of America which became effective October -, 2009, the most recent addresses of the agencies of the United States shall be listed on the official website maintained by the Clerk of the Bankruptcy Court and may, from time to time, be changed by the Assistant United States Attorney, or his successor, requesting such change to the Clerk of the Bankruptcy Court, without further Order of this Court.

2003-1

## MEETING OF CREDITORS & EQUITY SECURITY HOLDERS

When a case is filed, the U.S. Trustee shall assign a 341(a) meeting date. The clerk or the U.S. Trustee shall provide notice of the original 341(a) meeting date pursuant to F.R.B.P. 2002. Debtor's attorney and the debtor(s) shall attend the 341(a) meeting.

A. **Attorney's Failure to Attend.** If the debtor's attorney does not attend the 341(a) meeting, the U.S. Trustee shall file a motion for appropriate sanctions against the attorney.

B. **Rescheduling 341(a) Meeting.** Rescheduling of the 341(a) meeting shall be for good cause only. Any request to reschedule the 341(a) meeting shall be made to the United States Trustee pursuant to the instructions provided on the official website for the United States Trustee, Region 5: [www.usdoj.gov/ust/r05/index.htm](http://www.usdoj.gov/ust/r05/index.htm). The debtor(s) or any party at interest may make such request. In the event that the U.S. Trustee grants any requests to reschedule the 341(a) meeting, then the U.S. Trustee shall provide movant with a written notice to that, including the date and time of the rescheduled meeting. The requesting party shall send a copy of the notice to the debtor(s) and all parties in interest pursuant to F.R.B.P. 2002(a)(1) and shall promptly file with the clerk a Certificate of Service of that notice and send a copy of the certificate to the U.S. Trustee.

C. **Dismissal of Case, or Hearing if Not Rescheduled.**

Failure of the debtor to attend the §341(a) meeting will normally result in the dismissal of the voluntary case on ex parte motion of the United States Trustee or Standing Trustee accompanied by an affidavit attesting the failure of the debtor(s) to both attend and request to reschedule the meeting.

2004-1

## DEPOSITIONS AND EXAMINATIONS

A motion for an order requesting a F.R.B.P. 2004 examination must state that movant has made reasonable efforts to arrange a mutually satisfactory date, time and place for the examination and that the entity to be examined has agreed to the schedule or has refused to cooperate in establishing a schedule. A motion and order for a 2004 examination which does not make such a declaration shall not be granted by the court.

2014-1

## EMPLOYMENT OF PROFESSIONALS

**Application for Employment of Professional Persons.** All applications by standing trustees and panel trustees, and applications by debtors-in-possession in reorganization cases to employ attorneys or other professional persons (or motions to substitute a professional person in such matters) shall comply with F.R.B.P. 2014 and Local Bankruptcy Rule 9009-1 Forms 1(a), 1(b) and 1(c). All applications for the approval of the employment of professional persons under this section shall be served upon the United States Trustee and shall be accompanied by a certificate of service in accordance with Local Bankruptcy Rule 9013-3.

All applications for appointment of counsel for Chapter 11 debtors must comply fully with F.R.B.P. 2014, the Orders allowing approval must be submitted after the delay set forth in F.R.B.P.

6003, and must also include a Supplemental Schedule providing accurate and complete answers to the following questions:

### Supplemental Schedule

1. Does any debtor have any affiliates as defined by 11 U.S.C. § 101(2)?

If any debtor in this case has any affiliates as defined by 11 U.S.C. § 101(2), list the affiliate(s) and explain the relationship between debtor and the affiliate(s). If no debtor has any such affiliates, do not answer the remainder of this Schedule.

2. Has any affiliate ever filed for bankruptcy? If yes, list the affiliate(s) and the date and court for each bankruptcy petition and the chapter under which the petition was filed. If any affiliate files after this schedule is filed, debtor's counsel must amend this schedule and notice all creditors and the judge assigned to the case.
3. Has any affiliate guaranteed any debt of debtor(s) or has the debtor guaranteed any debt of any affiliate? If yes, list the name of the affiliate, the amount of the guarantee, the date of the guarantee, the name of the guarantor, the name of the debtor, and whether any security interest was given by debtor or the affiliate to secure the guarantee. Give this information for every guarantee outstanding at the time of the debtor's Chapter 11 petition, and every guarantee outstanding within 18 months before the petition was filed.
4. Has any affiliate extended credit, received credit, or otherwise established a debtor-creditor relationship with debtor(s)? If yes, list the name of the affiliate, the amount of the loan, the date the loan was made, the repayments made on the loan, and the type of security interest, if any, involved in the loan. Give this information for all loans that have been made and fully paid off within 18 months preceding this Chapter 11 filing and for all loans outstanding at the time of the filing.
5. Has any debtor in this case granted any security interest in any property to secure any debts of any affiliate other than as provided in Questions 3 and 4? Has any affiliate granted any security interest in any property to secure any debts of any debtor other than as provided in Questions 3 and 4? If yes, list the affiliate, the debtor, the collateral, the date and nature of the security interest, the creditor to whom it was granted, and the current balance of the underlying debt.
6. Has any affiliate engaged in any other transaction with any debtor in this case during the past 18 months? If yes, briefly describe the transaction(s).
7. List the name and address of any affiliate who potentially is a "responsible party"

for unpaid taxes of any debtor in this case. State the estimated amount of such taxes owed at the time of the Chapter 11 filing.

8. Identify any affiliates employed by the debtor and describe the function or role they perform. Identify any relative or partner or equity security holder employed by the debtor and describe the function or role performed and the amount of compensation received.
9. List all circumstances under which proposed counsel or proposed counsel's law firm has represented any affiliate during the past 18 months. List any position other than legal counsel which proposed counsel holds in either the debtor or affiliate including corporate officer, director, or employee. List any amount owed by the debtor or the affiliate to proposed counsel or counsel's law firm at the time of filing, and also amounts paid within 18 months before filing.

#### **2015-1**

#### **TRUSTEES-GENERAL**

The United States Trustee shall appoint trustees in accordance with 11 U.S.C. § 701 and 28 U.S.C. § 586. Interim Trustees shall be assigned to Chapter 7 cases from a blind rotation list according to procedures established between the clerk and the U.S. Trustee or designee.

#### **2015-2**

#### **DEBTOR IN POSSESSION DUTIES**

The duties of the debtor in possession shall be set forth in the "Order to Debtor-in-Possession" (set forth in the Guide to Practice or on the official website: <http://www.lawb.uscourts.gov> as such form may be modified from time to time or as determined by the Court. The Order to Debtor-in-Possession shall be executed by the court and filed at the commencement of every Chapter 11 case.

#### **2016-1**

#### **COMPENSATION OF PROFESSIONALS**

In making a determination on attorneys' fees and fee applications by professionals other than attorneys, the court shall consider the factors announced by the Fifth Circuit Court of Appeals in the case of *In the Matter of First Colonial Corp. of America*, 544 F.2d 1291 (5th Cir.1977) and *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5th Cir.1974), with such changes as may result from continuing jurisprudence or statutory amendment.

**A. Factors Relative to Quality of Representation.** Among other factors, the court shall consider with respect to the determination of the quality of representation, whether counsel has correctly and effectively performed his duties, including particularly:

1. Whether the debtor was thoroughly interviewed prior to filing;
2. Whether schedules and pleadings are accurate, complete, and professional;
3. The efficiency with which the case was conducted;
4. Whether counsel has been diligent within the rules of professional responsibility to assure that his client fulfills his statutory duties and his duties imposed by the court order;
5. Whether counsel has fully discharged his ethical responsibilities to his client and his professional responsibility to the court;
6. Whether counsel has promptly attended all hearings and has professionally represented his client at those hearings.

**B. Data Supplied in Substantiation of Fees.** To allow the court to efficiently consider the applicable criteria, an application for professional's fees shall include the information listed below. (A sample format appears at Local Bankruptcy Rule 9009-1 Form No. 7).

1. The caption of the application shall recite the name of debtor, the case number, and a heading "Application for Compensation." The caption shall state whether this is the first, second, etc., or final application for compensation and on whose behalf it is filed. The application shall recite the following:

- (a) The date the debtor filed the petition;
- (b) The date the court authorized the employment of the applicants;
- (c) If it is a first application, it shall recite the retainer received by the applicant. If it is a subsequent application, it shall state the date of all prior applications and the amounts approved by the court;

(d) Any list of extraordinary circumstances involved in the case. As a guide, the factors set out in *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5th Cir.1974) should be considered. If the case does not involve extraordinary factors concerning an item, the applicant should state "None" or "not applicable." Those factors are:

- (1) The novelty and difficulty of the questions;
- (2) The skill required to perform the legal services properly;
- (3) The preclusion of other employment;
- (4) The customary fee;
- (5) Whether the fee is fixed or contingent;
- (6) Time limitations imposed by the client or circumstances;
- (7) The amount involved and the results obtained;
- (8) The experience, reputation and ability of the attorney;
- (9) The "undesirability" of the case;
- (10) The nature and length of the professional relationship;
- (11) Awards in similar cases.

- (e) The period covered by the Application;
- (f) The amount requested for legal services; and
- (g) The amount requested for expenses.

2. Attached to the application shall be exhibits which include the following:

(a) A chronological listing of all the time for which the application is requesting compensation, whether it be attorney, paralegal, or law clerk time; the list should show the amount of time devoted to the case on each date and the legal services performed in that time.

(b) A summary sheet which shows by project category:

(1) The amount of time spent by each attorney and the hourly rate;

(2) The amount of time spent by law clerks and the hourly rate; and

(3) The amount of time spent by paralegals and the hourly rate.

(c) A summary sheet which itemizes all expenses, including copies, telephone charges, courier services, witness fees, postage, mileage, etc.

(d) A statement of the legal experience of the attorneys and paralegals involved.

Comments concerning the reputation and ability of these individuals may be attached.

**C. Applications for Attorneys' Fees.** Applications for attorneys' fees shall be filed prior to or accompanied by the notice of the hearing on the same although the notice need not attach a copy of the attorney fee application. The notice may refer to the application on file in the clerk's office, but no hearing will be held or determination reached on a fee application not timely filed with the notice.

**D. Notice and Hearing of Fee Applications.** The notice for a hearing on an application for attorneys' fees shall require objections to be filed at least seven (7) days prior to the date set for the hearing. There shall be a hearing on each application for attorneys' fees and/or reimbursement of expenses totaling in excess of \$1,000.00. Counsel shall attend the hearing.

2016-2

## CHAPTER 11-GENERAL

Absent specific authorization from the court, no compensation or other remuneration shall be paid, from assets of the estate, to any present or former insider, affiliate, officer, director, or equity-security holder as set forth in 11 U.S.C. § 101. All applications for compensation under this rule shall be accompanied by a sworn disclosure, by the applicant, of all previous compensation, from any source, for services related to the debtor's proceeding. Further, all applications under this rule shall conform to the following sub-sections, where and as applicable:

A. The Bankruptcy Court may authorize compensation, commensurate with prepetition salaries, to a director or an officer, other than one who is also an "equity security holder," "affiliate," or "insider," as defined in Section 101 of the Bankruptcy Code, upon ex parte application, provided that written notice of the authorizing order shall be served in conformity with Local Bankruptcy Rule 4001-1(C), and upon such other parties as the court may direct. The notice of the order shall state that objections to the order may be filed, and a hearing conducted, if and only if an application to discontinue such compensation, with a request for hearing, is timely filed.

An ex parte application under this sub-section shall include a sworn declaration that the applicant is neither an "affiliate," nor an "insider," nor an "equity security holder" as those terms

are defined in § 101 of the Bankruptcy Code.

B. The court may authorize compensation for equity-security holders, insiders, or affiliates, under circumstances considered reasonable by the court, upon ex parte application provided that a hearing to confirm or revoke such authorization shall be conducted after written notice of the order is served and a hearing scheduled in accordance with Local Bankruptcy Rule 9013-3.

C. If an application filed under sub-section A or B of this rule is denied by the court, the applicant may refile the application with a request for a hearing, in conformity with Local Bankruptcy Rule 9013-3 and upon twenty-one (21) days notice. After the hearing, the court may approve the application for good cause shown.

D. Any application under this rule approved by the court under sub-section A, B or C, may be terminated for good cause on motion of the U.S. Trustee or other party in interest after notice and a hearing.

E. In determining "good cause" under section D of this rule, the court will consider the following non-exclusive list of factors:

1. Whether the monthly reports required under Local Bankruptcy Rule 2015-2 reflect that the debtor is operating continuously at a deficit;
2. Whether or not monthly reports have been timely filed during the bankruptcy case;
3. The likelihood of a successful rehabilitation;
4. The debtor's prepetition history, including evidence of seasonal variations in economic performance;
5. Any other factors the court deems relevant to the inquiry.

**2090-1**

**ATTORNEYS- ADMISSION TO PRACTICE**

All attorneys appearing in Bankruptcy Court for the Western District of Louisiana must be admitted to practice in the Western District of Louisiana in accordance with Uniform Local Rule 83.2.3W. All Applications to Appear *Pro Hac Vice* must conform to Uniform Local Rule 83.2.6W.

**PART III**

**3002-1**

**PROOFS OF CLAIM AND NOTICES RELATING TO CLAIMS SECURED BY SECURITY INTEREST IN THE DEBTOR'S PRINCIPAL RESIDENCE**

- (A) NOTICE OF ADJUSTMENT TO PAYMENT AMOUNT. In a Chapter 13 case, if a claim secured by a security interest in the debtor's principal residence is provided for under the debtor's plan, pursuant to 11 U.S.C. § 1322(b)(5), the holder



of the claim shall file and serve on the debtor, debtor's counsel, and the standing Chapter 13 trustee notice of any post-petition adjustment to the regular contractual payment amount for the claim, including any change that results from adjustments to the interest rate or escrow account, no later than thirty-five (35) days before a payment at the adjusted amount is due. The holder of the claim shall also amend the holder's proof of claim to include the notice as a supplement to the proof of claim. This notice shall not be subject to Rule 3001(f) of the Federal Rules of Bankruptcy Procedure. Service of this notice on the trustee, the debtor, or debtor's counsel is not a violation of the automatic stay provided by 11 U.S.C. §362.

- (B) **FORM AND CONTENT.** A notice filed under subdivision (a) of this local rule shall conform substantially to the form of notice under applicable non-bankruptcy law and the underlying agreement that would be given if the debtor were not a debtor in bankruptcy.
- (C) **PAYMENT BY TRUSTEE.** Upon receipt of a notice filed under subdivision (a) of this local rule, the standing Chapter 13 trustee and the debtor are authorized to object to the adjustment in payment amount, or the Trustee is further authorized to disburse the adjusted payment amount when due without seeking a formal modification of the plan. If the disbursement of the adjusted payment amount causes the plan to fail to meet the minimum standards for confirmation set forth in 11 U.S.C. § 1325, then the standing Chapter 13 trustee or the debtor may seek a modification of the plan pursuant to 11 U.S.C. § 1329, or file a motion to dismiss or convert the case into a case under Chapter 7 of the Bankruptcy Code.
- (D) **SUPPLEMENTAL INFORMATION IN PROOF OF CLAIM.** In a Chapter 13 case, with respect to a claim secured by a security interest in the debtor's principal residence, a proof of claim filed by the holder of the claim shall include the following information in addition to the information required by Rule 3001 of the Federal Rules of Bankruptcy Procedure:
  - (1) All missed pre-petition payments, including the dates of the missed payments, along with a total dollar amount resulting therefrom;
  - (2) An escrow account balance, including any funds advanced by the creditor on behalf of the debtor as of the date the petition was filed, unless already included in (d)(1);
  - (3) if the claim includes interest, fees, expenses, or other charges incurred pre-petition, an itemized statement of any such interest, fees, expenses, or other charges;

- (4) if any amounts paid by the debtor pre-petition to the holder of the claim pre-petition are maintained or held by the creditor in any account and not applied, a statement of such account(s) as of the date of the petition;
  - (5) a total of all pre-petition debt not included above, with a breakdown of each of the items included therein; and
  - (6) the total of items (1) through (5) above.
- (E) **NOTICE OF FEES, EXPENSES, AND CHARGES.** In a Chapter 13 case, if a claim secured by a security interest in the debtor's principal residence is provided for under the debtor's plan, pursuant to 11 U.S.C. § 1322(b)(5), the holder of the claim shall file and serve on the debtor, debtor's counsel, and the standing Chapter 13 trustee a notice that itemizes all post-petition fees, expenses, and charges incurred in connection with the claim and that the holder of the claim asserts are recoverable against the debtor or against the debtor's principal residence under any applicable contract or non-bankruptcy law. This notice shall be filed and served no later than one (1) year after the date when the fees, expenses, or charges are incurred. The holder of the claim shall also amend the holder's proof of claim to include the notice as a supplement to the proof of claim no later than one (1) year after the date when the fees, expenses, or charges reflected on the notice are incurred. This notice shall not be subject to Rule 3001(f) of the Federal Rules of Bankruptcy Procedure. Service of this notice on the trustee, the debtor, or debtor's counsel is not a violation of the automatic stay provided by 11 U.S.C. §362.
- (F) **FAILURE TO FILE REQUIRED NOTICES.** If the holder of a claim secured by a security interest in the debtor's principal residence that is provided for under the debtor's plan fails to timely provide the information required in subdivisions (a), (d), and (e) of this local rule, the holder shall be precluded from presenting the omitted information, in any form, as evidence in any hearing on a contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or is harmless. In addition to or in lieu of this sanction, the court may, after notice and hearing, award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

**3015(a)-1**

**CHAPTER 12-PLAN**

**A. Filing a Chapter 12 Plan.** When a Chapter 12 Plan is filed, the plan shall be submitted to the Clerk of Court. The petitioner must also comply with L.B.R. 1002-1. A Chapter 12 Plan

must be filed within ninety (90) days of the date the petition was filed unless the court extends the time.

**B. Liquidation Analysis.** Under Section 1225(a)(4) of Chapter 12, the debtor must be able to prove at the hearing on confirmation of the Plan that the amount that will be distributed under the Plan for each allowed unsecured claim is not less than the amount that would be paid on the claim if the debtor were liquidated under Chapter 7. The debtor shall prepare an accurate analysis of the liquidation value of all of the property of the debtor's estate which the debtor shall present to the Chapter 12 Trustee at the Section 341 meeting. The liquidation analysis should also be filed in the case record on or before confirmation of the Plan.

**3015(a)-2**

**CHAPTER 12-CONFIRMATION**

The order fixing the confirmation hearing will be issued by the Clerk of Court who will mail a copy to the attorney for the debtor(s) or to the debtor(s). Within seven (7) days after entry of the order, the attorney for the debtor(s) or the debtor(s) shall mail a copy of the chapter 12 Plan and a copy of the order to all creditors and other parties in interest. If the debtor amends the Plan preconfirmation, a copy of the amended Plan shall be filed with the court and shall contemporaneously be mailed to all creditors and parties in interest.

Objections to confirmation must be filed in writing and served on the debtor, debtor's attorney and Trustee at least seven (7) days prior to the confirmation hearing.

**3015(a)-3**

**CHAPTER 12 - AMENDMENTS TO PLANS**

The attorney for the debtor shall send notice of such modification, accompanied by a copy or summary of the proposed modification, to the Trustee and to all creditors affected by the modification. The notice shall advise that any objections to the proposed modification shall be filed by written pleading with the court and the Trustee within twenty-one (21) days of mailing of the notice and that a hearing will be held on a specific date if, and only if, such objection is filed. A copy of the notice, including a certificate of mailing, shall be filed with the proposed modification. If no objections are timely filed, the court may approve the Plan as modified.

**3015(b)-1**

**CHAPTER 13-CONFIRMATION**

Objections to confirmation must be filed in writing and served on the debtor, debtor's attorney and Trustee at least seven (7) days prior to the confirmation hearing.

**A. Prior to Confirmation.** The debtor may file a modification of the Chapter 13 Plan at any time before the Plan is confirmed, in accordance with Section 1323(a). The attorney for the debtor shall send notice of such modification to the trustee and to all creditors affected by the modification. A copy of the notice, including a certificate of mailing, shall be filed with the modification.

**B. After Confirmation Pursuant to Section 1329.** The attorney for the debtor shall send notice of such modification, accompanied by a copy of summary of the proposed modification, to the Trustee and to all creditors affected by the modification. The notice shall advise that any objections to the proposed modification shall be filed by written pleading with the court and the Trustee within twenty-one (21) days of mailing of the notice and that a hearing will be held on a specific date if, and only if, such objection is filed. A copy of the notice, including a certificate of mailing, shall be filed with the proposed modification. If no objections are timely filed, the court may approve the plan as modified.

**3016-2****DISCLOSURE STATEMENT-GENERAL**

A disclosure statement normally 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 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.

When appropriate to the case, additional items may be needed, some items in the above list may be supplemented, and some items may be omitted.

A. *Disclaimers.* Disclaimers of accuracy or responsibility for items in a disclosure statement may be considered as failure to provide information on the issue disclaimed.

B. *References to Schedules.* References to schedules filed in a case or to information found in the case record are not considered to be the disclosure of information. Information sufficient to satisfy the requirement of the Code must be found within the disclosure statement itself.

## **3020-1**

## **CHAPTER 11-CONFIRMATION**

Objections to confirmation must be filed with the court and served on the debtor, the United States Trustee, the trustee serving in the case (if any), any committee appointed under the Code, and the proponent of the plan (if other than the debtor or a committee mentioned herein) at least seven (7) days prior to the confirmation hearing.

### **PART IV**

## **4001-1**

## **AUTOMATIC STAY-RELIEF FROM**

The procedures applicable to all motions also apply to Section 362(d) Motions and Agreements relating to relief from the Automatic Stay. Motions for relief as described in this section shall comply with F.R.B.P. 4001 and with 9014 where applicable. In addition, such motions shall comply with the following.

### **A. Contents of the Motion.**

1. The motion shall contain a short and plain statement of the alleged facts that are grounds for relief; mere statement of the statutory grounds for relief is insufficient.

2. If "cause" other than lack of adequate protection is alleged, the motion must explain the "cause."

3. If valuation of property is an issue, the motion must state the valuation asserted by movant. The following shall be attached to the motion or must be supplied to the court and to the opposing party (through counsel) as soon as possible.

(I) If movant intends to offer valuation testimony at the hearing, the name(s) and address(es) of the witness(es) and a copy of the appraisal (if one is to be introduced at the hearing);

(II) If expert testimony will be offered at the hearing, a statement of the qualifications of the expert must be attached;

(III) The court may refuse to admit evidence or may impose other appropriate sanctions for failure to observe the requirements of this rule.

4. If the motion seeks relief from the stay to proceed to foreclose on a security device (security interest) affecting property of the estate, copies of the following must be attached to the motion:

(a) All notes or other obligations secured by the property;  
(b) All security devices (instruments included);  
(c) Proof of perfection of the security instrument (stamped copies may be filed with the motion, but certified copies shall be submitted at trial of the motion or in the event an entry of default is desired, then at the time such default is requested).

**B. Answer Required.** No hearing will be held on a motion for relief from the automatic stay and relief may be granted by default as set forth hereinafter in *D. Relief From the Stay by Default*, unless an answer, objection or opposition is filed by the **RESPONSE DEADLINE** set forth hereinafter in *G. Required notice and Filing of Response Deadline*. An answer, opposition or objection shall contain the following.

1. If valuation of property is an issue, the answer must state the valuation asserted by respondent. The following shall be attached to the answer or must be supplied to the court and to the opposing party (through counsel) as soon as available:

(I) If respondent intends to offer valuation testimony at the hearing, the name(s) and address(es) of the witness(es) and a copy of the appraisal (if one is to be introduced at the hearing);

(II) If expert testimony will be offered at the hearing, a statement of the qualifications of the expert must be attached;

(III) The court may refuse to admit evidence or may impose other appropriate sanction for failure to observe the requirements of this rule.

2. If the party intends to dispute the existence, validity, effect or other aspect of the notes or security devices (instruments) required by these rules to be attached to the motion for relief from the stay, the objections must be stated with specificity.

3. If the party proposes to offer adequate protection, it must state with specificity the adequate protection that is offered; if periodic payments are proposed, the specific amounts and intervals (if applicable) must be stated or a formula must be set forth to determine the amount of the payments; if substitute liens are proposed, a description of the proposed collateral must be set forth as well as valuation allegations (such as those described above) must be supplied. If other indubitable equivalents are involved, the allegations must be equally specific.

**C. Service of Pleadings in Motions Under Section 362.** The following persons must receive service unless otherwise designated by F.R.B.P. 4001 and/or F.R.B.P. 9014.

1. Chapter 7 cases--The debtor, debtor's attorney, debtor's trustee, and the United States Trustee. All parties requesting notice under F.R.B.P. 2002(I).

2. Chapter 11 cases--The debtor, debtor's attorney, the debtor's trustee if one is appointed, the United States Trustee, any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, the creditors on the list filed pursuant to F.R.B.P. 1007(d), and all parties requesting notice under F.R.B.P. 2002(i).

3. Chapter 12 and 13 cases--The debtor, debtor's attorney, the debtor's trustee, the United States Trustee, and all parties requesting notice under F.R.B.P. 2002(I).

**D. Relief From the Stay by Default.** If no answer, objection or opposition is filed by the **RESPONSE DEADLINE**, then the clerk shall, as soon as possible thereafter, submit the Order Lifting the Stay to the court for consideration ex parte. If the pleadings and papers are in proper form and indicate that relief is warranted as prayed for, then the court shall execute the proposed Order Lifting the Stay and same shall be duly filed and entered on the docket and notice given. If

the pleadings and papers are defective or do not warrant the relief prayed for, then the court shall deny the relief prayed for and state in writing on the proposed order or in the court's own order the grounds for the denial, and same shall be duly filed and entered on the docket and notice given.

If an answer, objection or opposition is filed after the **RESPONSE DEADLINE** and before the court executes an order granting the relief prayed for, the court **shall not consider same UNLESS** it is accompanied by an additional ex parte motion stating cause for the late filing and requesting that the court grant leave for the late filing and place the then contested Motion to Lift the Stay on the court's calendar for the originally noticed hearing date, as if the opposition was timely filed. The ex parte motion shall be accompanied by a proposed order granting leave to file the opposition late and resetting the original hearing date, and a certificate of counsel certifying that prior to the submission to the court that counsel has been in contact with counsel for the movant in the motion to lift the stay, informed such person when the ex parte motion to allow the late filed answer would be submitted, and the response of opposing counsel. If counsel was unable to make such contact with opposing counsel, then the certificate shall state what efforts were made to make such contact. If the court decides to grant the ex parte motion, then it shall execute the proposed order granting leave to file the late opposition and resetting the hearing and same shall be duly filed and entered on the docket. *Counsel for the party requesting the late filing shall promptly give timely and sufficient notice to opposing counsel of the granting of the ex parte motion and the resetting of the hearing for the originally scheduled date, and proof of such notice shall be set forth in a certificate of notice which shall be filed and entered on the docket prior to the hearing date.* If the court decides to deny the ex parte motion, then it shall state in writing on the proposed order or in the court's own order the grounds for the denial, and same shall be duly filed and entered on the docket and notice given.

**E. Procedure for Motions Timely Controverted.** If the motion is timely and properly controverted:

1. The initial hearing will, in most cases, be a final hearing. The parties, unless they agree otherwise prior to the hearing, should be prepared to proceed to final hearing of the issue. The court will ordinarily set a time later on the same motion day when the merits shall be heard, but the court may set the case for final hearing at a later date in its discretion and in the interest of justice.

2. The initial hearing may be a preliminary hearing to:

- (a) determine length of hearing necessary;
- (b) determine if there is reasonable likelihood that the party opposing relief from such stay will prevail at the final hearing;
- (c) set date for final hearing; and
- (d) enter such other orders as may be appropriate.

**F. Certificate of Service Required.** All motions filed hereunder shall be accompanied by a Certificate of Service as described in Local Bankruptcy Rule 9013-3.

**G. Required Notice, Response Deadline and Determining Factors on Hearings.** The movant in a Motion to Lift the Stay shall obtain a hearing date from the clerk's office controlling the division where the motion will be heard. Movant shall give notice of the filing of the motion and the hearing date to parties entitled to notice under these Rule, the F.R.B.P. and the Code. The notice shall inform all parties that a hearing will be held on the motion **IF AND ONLY IF** an

answer, objection or opposition to the motion is filed with the clerk's office and mailed to the movant's counsel within seventeen (17) days of the mailing date shown on movant's certificate of mailing of the motion to lift the stay. This seventeen (17) day period is calculated by using fourteen (14) days from F.R.B.P. Rule 4001, PLUS three (3) days from F.R.B.P. Rule 9006(f). The date to answer, object or oppose shall be clearly and succinctly stated in bold type on the notice and shall be referred to as the **RESPONSE DEADLINE**. The hearing date assigned by the clerk shall be no less than seven (7) calendar days after the **RESPONSE DEADLINE**. The clerk shall not place the Motion to Lift the Stay on the hearing calendar unless an answer, objection or opposition to the motion is filed by the **RESPONSE DEADLINE**. The court may, for cause stated in written and filed pleadings, extend or reduce these notice, response and hearing provisions.

**H. Motion for Relief From Co-Debtor Stay.** In addition to the notice provisions outlined in this rule, movant shall specifically certify that the co-debtor against whom relief is sought has been properly served with notice according to F.R.B.P. 7004.

## PART V

**5001-1**

### **COURTS - DIVISIONS-BANKRUPTCY COURT**

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

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

Court is conducted in Shreveport, Monroe, Alexandria, Lafayette, and Lake Charles.



**5001-2****CLERK- OFFICE LOCATIONS**

The Clerk of Court for the United States Bankruptcy Court for the Western District of Louisiana presently maintains three (3) offices in the District. These offices are located in the Federal Courthouses located in Shreveport (300 Fannin Street), Lafayette (214 Jefferson Street, Suite 100), and Alexandria (300 Jackson Street), Louisiana. Cases arising in any division and all petitions and pleadings filed therein may be filed in any office of the Clerk of the Bankruptcy Court in the District.

**5001-4****COURT ADMINISTRATION**

The clerk of the United States Bankruptcy Court shall maintain the Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means and a current list of the service addresses for the agencies of the United States of America pursuant to the STANDING ORDER Re: Notice to and Service upon the United States of America which became effective October 30, 2009. The clerk of the United States Bankruptcy Court may issue a *Guide to Practice* which may be amended from time to time for the administration of that office. The *Guide to Practice* shall govern the administration of bankruptcy cases before the court unless they are found by the court to be inconsistent with the Local Bankruptcy Rules or with the Local District Court Rules or where the court determines in the interest of justice that the *Guide to Practice* is inappropriate. A copy of the *Guide to Practice* shall be provided without charge to each member of the bar of this court upon request.

**5004-1****CLAIMS OF JUDICIAL MISCONDUCT  
OR DISABILITY**

To improve the administration of justice in the federal courts, Congress passed the Judicial Conduct and Disability Act of 1980, codified at 28 U.S.C. § 372(c). The law authorizes complaints against United States circuit, district, bankruptcy, and magistrate judges who have "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or who are "unable to discharge all the duties of office by reason of mental or physical disability." The conduct to which the law is addressed does not include making wrong judicial decisions, for the law provides that a complaint may be dismissed if it is "directly related to the merits of a decision or procedural ruling."

The Judicial Council of the Fifth Circuit has adopted Rules Governing Complaints of Judicial Misconduct or Disability. These rules apply to judges of the U.S. Court of Appeals for the Fifth Circuit and to the district, bankruptcy, and magistrate judges of federal courts within the Fifth Circuit. The circuit includes the states of Texas, Louisiana, and Mississippi. These rules may be obtained from, and written complaints filed at, the following office:

Clerk

U.S. Court of Appeals, Fifth Circuit  
F. Edward Hebert Building  
600 Maestri Place  
New Orleans, Louisiana 70130

## PART VI

**7004-1**

### **ADVERSARY PROCEEDINGS-SERVICE OF PROCESS**

Upon filing of a Complaint, a Summons and Pretrial Order will be issued and delivered to complainant's counsel for service; counsel may obtain blank forms from the clerk and may fill them in prior to filing to expedite issuance of the Summons. Counsel for complainant must serve the Summons, Preliminary Pretrial Order and Complaint and must timely file proof of service.

**7016-1**

### **PRE-TRIAL PROCEDURES**

**A. Summons Will Set Pretrial Conference.** Each adversary proceeding will be set for a pretrial conference as soon as possible after filing, unless otherwise directed by the Court.

**B. Pretrial Conference.** The preliminary pretrial conference and/or pretrial conference must be attended by trial counsel who must be prepared to discuss settlement and who must present at the conference, or earlier if ordered, all information in the form required by the pretrial order. The procedure for setting additional conferences which may be needed in the more complex litigation shall be determined by the Bankruptcy Judge at the preliminary pretrial conference.

**C. Division Variances.** The Bankruptcy Judge of each division will devise and implement the pretrial procedures to be used in such division and such procedures shall be set forth in detail in the Pretrial Order served with the Summons and Complaint or in any subsequent Order from Pretrial Conference.

**7055-1**

### **FAILURE TO PROSECUTE**

Failure to serve the Summons, Preliminary Pretrial Order and Complaint and timely filed proof of service may result in dismissal for failure to prosecute the case unless good cause is shown for different disposition.

7067-1

## REGISTRY FUND

Prior to a deposit into or withdrawal from the registry of the court, it shall be the responsibility of the party depositing or withdrawing such funds to provide an original proposed paper order, rather than an electronic order, permitting the deposit or withdrawal.

## PART VII

9013-1

## MOTION PRACTICE

A. **Motion Day.** Each judge of each division shall designate a particular day or days as its motion day. Motion day may be cancelled or changed on account of national holidays or other cause. On this day, priority shall be given to the presentation of motions. Motions may also be designated for hearing at some other time by order of the judge to whom the action is allotted.

B. **Setting Motions for Hearing.** All motions (except those made during a hearing or trial) and all applications must be made in writing and shall be filed with the Clerk of the Bankruptcy Court. Scheduling of motions for hearing shall be the responsibility of the Clerk of the Bankruptcy Court. After scheduling by the clerk or the court, counsel for movant shall notice opposing parties, the United States Trustee, as well as any other parties required by the F.R.B.P.; the notice shall state date, time, and place of the hearing. Failure to notice hearings shall result in the matter being stricken from the docket.

C. **Expedited Hearings.** When movant needs an expedited hearing, counsel shall request an earlier date agreed to by opposing counsel; if agreement of opposing counsel cannot be obtained, counsel may file an ex parte motion for expedited hearing with reasons set forth showing the need for an expedited hearing and a statement that opposing counsel has been contacted and refuses to consent to the expedited hearing or reasons why such contact is impractical.

9013-2

## BRIEFS & MEMORANDA OF LAW

Upon request by the court, in its discretion, counsel shall submit a memorandum of authorities in support of or in opposition to any motion which counsel may file or oppose. Such memoranda shall contain or be accompanied by a concise statement of the reasons supporting the movant's or opponent's position and a citation of the statutes, jurisprudence or other authorities upon which the party relies.

**CERTIFICATE OF SERVICE-MOTIONS**

**A. Certificate of Service.** A certificate of service of the motion and notice of hearing shall be filed no later than seven (7) calendar days prior to the hearing. The certificate of service shall specify, where applicable, the names and addresses of the parties served and shall not simply state that “all interested parties” have been served. Notice by mail as imposed by F.R.B. P. 2002(a) shall include any reasonable method of transmitting printed documents including, but not limited to, U.S. Mail, Telex, hand delivery, facsimile, electronic notice as allowed and set forth by the Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means, or private carrier. When there is a right or requirement to act or undertake some proceedings within a prescribed period after service and that service is by mail or under Rule 5(b)(2)(C) or (D) F.R.Civ. P., three (3) days are added after the prescribed period would otherwise expire under F.R.B.P. Rule 9006(a) per F.R.B.P. Rule 9006(f). The certificate of service shall state the method of delivery used by sender. Counsel who files an ex parte motion for expedited hearing shall serve that motion and shall certify service as the Court may direct.

**B. Responsive Pleadings.** Parties opposing the relief sought in 362 motions or contradictory motions pursuant to F.R.B.P. 9014 shall file an opposition or objection to same and a request for a hearing thereon, which responses to Motions to Lift the Stay shall be filed by the **RESPONSE DEADLINE** per **4001-1 G.** and other contradictory motion objections shall be filed as least seven (7) calendar days prior to the noticed hearing date. The court in its discretion may hear or may refuse to hear a response not timely filed. The discretionary factors that the court should consider include: the reason opposition was not timely filed; the need for the court to consider the defenses alleged in order to determine the appropriate action, and the injury that might result to the untimely filed opponent. All oppositions shall contain a short and plain statement of the law and facts on which the respondent relies and shall set forth any applicable defenses of law or fact on which the respondent relies. Oppositions styled as merely Requests for a Hearing shall not be allowed. All oppositions or objections and request for hearings thereon shall be served in accordance with the subsection (A), and shall further comply with sub-section (C)(1)-(3) of this Rule.

**C. Contents of Motion and Default.**

(1) The name, address and telephone number and e-mail address of attorneys and litigants acting in proper person (pro se) shall be typed or printed under all signatures. In addition, counsel's attorney identification number assigned by the U.S. District Court shall be typed or printed under the signature. All such persons have a continuing obligation to keep the clerk's office advised of their current physical addresses and electronic contact information.

(2) No petitions, applications, motions, or pleadings shall be in letter form or on letterhead paper.

(3) All papers subsequent to those commencing a case shall show, when offered for filing, in the caption, the proper case number, the proper adversary number if applicable, the chapter in which the case is pending, the division in which the petition was filed, an accurate indication of their contents and the parties on whose behalf they are filed.

(4) Failure to comply with the provisions of these Rules may result in the Clerk of

Bankruptcy Court requiring the filing party to file corrective pleadings. Failure to comply with this or any other rule imposing a merely formal requirement does not ordinarily result in the loss of right. See F.R.B.P. 9005.

(5) A motion should contain a short and plain statement of all facts necessary to entry of relief by default, and the movant should attach relevant documentation supporting his motion; mere statement of the statutory grounds for relief is not sufficient. Relief by default may be granted without hearing when no objection has been timely filed and the motion and supporting documentation, if any, evidence entitlement to relief. The court may consider, or may refuse to consider, an opposition to a motion if the opponent does not appear at the hearing to support the opposition.

**D. Procedure on Motion Day.** On motion day, the court shall call all proceedings set for hearing, except those disposed of by default without hearing or by consent without hearing. Counsel shall state their appearances and shall state whether they have an agreed order; if they do not have an agreed order, counsel shall state the estimated time required for hearing the motion or their intention to request relief by default. After the docket call, the court shall:

1. Set hearing times later in the day to hear matters that will be contested or set the motion for final hearing on a later date;
2. Receive and consider agreed orders approved by all parties in interest;
3. Consider and enter orders by default;
4. Uncontested matters will be considered; and
5. At the conclusion of the above, the court will hear contested motions.

**E. Status Conferences.** Motion days may include hearings on status conferences on such matters as the court may direct.

**F. Continuances.** Motions for continuance without agreement of all parties will be granted only for good cause shown.

9029-1

## LOCAL RULES -GENERAL

These Local Bankruptcy Rules are part of the Local Rules of the United States District Court for the Western District of Louisiana; the Local Bankruptcy Rules govern proceedings before the Bankruptcy Judge for this district, and they also govern any bankruptcy cases withdrawn in toto by a District Judge, except as modified by the District Judge with respect to the case withdrawn; the Local District Court Rules not the Local Bankruptcy Rules, apply to cases withdrawn in part by a District Judge and apply to motions to withdraw cases or proceedings. These rules are intended to expedite bankruptcy cases and proceedings with consideration of the characteristics, case load, travel requirement of the Western District, and the needs of litigants before each of the Bankruptcy Judges of the Western District (herein "Court"). These rules shall be construed to secure the just, speedy and inexpensive determination of every case and proceeding in accordance with F.R.B.P. 1001.

The generally applicable rules of the United States District Court for the Western District of Louisiana apply to bankruptcy cases and proceedings commenced in the Western District, except where they conflict with these Local Bankruptcy Rules, or where the proceedings are conducted before a District Court Judge in which case the Local District Court Rules shall apply. The present Local District Court Rule which addresses bankruptcy matters is Rule 83.4. Local Civil Rule 83.4 is recited in full below and is adopted as a portion of these Local Bankruptcy Rules, as are any future revisions, modifications or additions that the District Court may adopt as to bankruptcy matters.

### 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 8005* (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 either forum.

#### **LR83.4.4 Record Transmitted to 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.

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