



US Bankruptcy Court Middle District of Pennsylvania

Filing Guidelines and Noticing



Presenters

- Belinda Wagner, Operations Supervisor
- Sue Frisch, Applications Administrator
- Chris Gambini, Case Administrator



Topics for Discussion:

- How to interpret the filing instruction guidelines on the Court's website.
- How to avoid receiving a Notice to Filing Party for an e-filed document.
- How to translate if a notice needs to be served with a document.
- How to determine what to include in a notice.



UNITED STATES BANKRUPTCY COURT Middle District of Pennsylvania

Honorable Mary D. France, Chief Judge | Terrence S. Miller, Clerk

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Welcome

Circled below are the 5 main references for finding out how to file a document. If you are a new filer and unfamiliar with our practices, start with Filing Instructions. In this presentation we start out with information for persons who have some experience with filing.

Case Administrator Search

Enter the last two digits of the case number (term digits) below to contact a case administrator

Apply

Court Locations

Wilkes-Barre

274 Max Rosenn U.S. Courthouse (directions)
197 South Main Street
Wilkes-Barre, PA 18701

570-831-2500
877-298-2053

570-829-0249(Fax) [**Click here for provisions regarding transmitting facsimile documents to the court](#)



Court Calendars



Local Rules & General Orders



Self-Scheduling Hearings



Matter Hearing Dates (CHS)



Filing Instructions



Noticing Information



Guide to Docketing & Noticing

News & Announcements

Fri, 2014-06-06

Electronic Proof of Claim System (ePOC)

Effective June 6, 2014, Proof of Claims, Amended Claims and Withdrawal of Claims in all cases, in all chapters can be filed electronically using CM/ECF or through the Court's website without a login using an...

Sat, 2014-05-31

Increased Filing Fees Effective 06/01/2014

The Judicial Conference has approved changes to the federal court miscellaneous fee schedules effective June 1, 2014. [More »](#)

Tue, 2014-04-29

Procedural Change re: Request to List



Not Intended to Represent Legal Advice. If the Guide Conflicts with the Statute or Rules the Statute and/or Rules Prevail
 U.S. Bankruptcy Court for the Middle District of PA
 Guide to Docket Events and Noticing Procedures

Serve Motion and Notice unless otherwise stated.

HIGHLIGHTED PROCEDURES ARE NOT COMPLETE YET - IN PROCESS:

Type of Pleading	Bankr. Code	Rules & Forms	Type of Notice	Served By	Recipients	Sched.
Plan - Amended Chapter 13 Pre-Confirmation	1323	FRBP 2002(b), 3015, LBR 3015-2-(b)-(d), LBF 3015-1	Hearing Required - 28 Day SEE PROCEDURES for Sample Notice	Movant (if Amended Plan is filed after confirmation hearing notice was sent by Clerk); or Clerk (if filed before confirmation hearing notice is sent or if Pro Se Debtor)	Matrix	Self Sched.
Plan Payment Completed - Chapter 13	1302, 1325(a)(8)	FRBP 3005, LBR 3015-5, LBF	None	N/A	N/A	N/A

The Guide is not intended to be legal advice. It's supposed to be a helping tool, a shortcut for when you know what you are filing but are unsure of the noticing requirements.

Use search features (CTRL+F) to find key words, Code sections or Rule sections. Look for all the occurrences, don't stop on the first one. 362 has many different types of motions, you don't want to use the wrong one. If you are not sure, Ask your Attorney for guidance.

In this slide we are looking at an Amended Chapter 13 Plan being filed pre-confirmation. This filing requires a Hearing Notice, must be served on the matrix, and is self-scheduled.

[Home](#) » [Court Info](#)

Noticing Information

Register of Governmental Units is a list of Federal and State governmental units which have provided mailing addresses pursuant to Federal Rules of Bankruptcy Procedure 5003(e).

National Creditor Registration System (NCRS) is a free service provided by the US Bankruptcy Court to give creditors options to specify a preferred US mail, e:mail or fax number to which notices should be sent.

Electronic Bankruptcy Noticing (EBN) is a free service that allows court notices to be transmitted electronically thereby reducing delivery time and postage costs associated with US mail.

There is a wealth of information on our noticing page. See below for a List of Bankruptcy Notice Providers. This list is a resource for companies that can serve your documents for you.

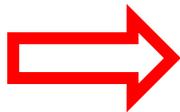
Bankruptcy Noticing Center (BNC) ByPass Notices - The Administrative Office of the U.S. Courts authorizes the BNC to bypass notices with incomplete addresses. The BNC notifies the debtor or debtor's attorney of notices that are bypassed and for whom. Please refer to Local Rule 1007-2(d) regarding debtor responsibilities to notify the court of creditor address corrections.

Bankruptcy Noticing Center (BNC) Centralized Processing of Returned Mail - The Administrative Office of the U.S. Courts authorizes the BNC to accept, process and securely dispose of notices that would otherwise be returned to the bankruptcy courts by the United States Postal Service (USPS). This BNC notifies the debtor's attorney of notices that are returned and for whom. Please refer to Local Rule 1007-2(d) regarding debtor responsibilities to notify the court of creditor address corrections.

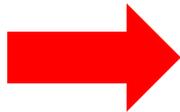
Bankruptcy Notice Providers: A list of Approved Bankruptcy Notice Providers pursuant to Fed. R. Bankr. P. Rules 2002(g)(4) and 900(9) is available [here](#). An Application to the Administrative Office of the United States Courts for Approval as a Notice Provider pursuant to Fed. R. Bankr. P. Rules 2002(g)(4) and 900(9) is available [here](#).

Noticing Motions or Objections

Passive Notice	Provides an objection/response deadline. No hearing will be scheduled unless an objection/response has been filed. If no objections/responses are filed, the court may enter an order without a hearing. If objections/responses are filed, the court will generate a Court Hearing Notice advising parties of the date, time, location, and matter set for hearing.
Semi-Passive Notice	Provides an objection/response deadline and a proposed hearing date if objections/responses are filed. If no objections/responses are filed, the court may enter an order without conducting a hearing. If objections/responses are filed, the matter will proceed to hearing at the date, time, and location indicated in the notice. If a default order has not been signed and entered on the docket, the parties or their counsel are required to appear in court.
Hearing Required Notice	May provide an objection/response deadline and sets the matter for hearing. The hearing will take place at the date, time and location indicated in the notice regardless if objections/responses are filed.
Court Hearing Notice	Generated by the court and will advise parties of the date, time, location, and matter set for hearing.



[Sample Notice](#) for passive, semi-passive, and hearing required notices.



[Sample Notice](#) for Amended Ch. 13 Plans (Pre-Confirmation)

***** The court, at its discretion, may set any matter for hearing. *****

If a notice is required for your filing and you do not know what language to include in the notice, we have provided the above information and sample language for your use. In processing an amended plan filed reconfirmation, we saw that a hearing required notice is needed. Because amended plan noticing is different by Judge, we have provided a specific sample for your use.

to

the

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In Re:

[Debtor(s) Name]

Debtor(s)

Chapter: [x]

[Movant(s) Name]

Movant

Case No.: [case number]

v.

[Respondent(s) Name]

Respondent

NOTICE

The [who] filed a [what] on [when]. [Include where and why if applicable.]

If you object to the relief requested, you must file your objection/response [specify date certain OR when objections are otherwise due] with the Clerk of Bankruptcy Court [address of the Clerk's Office] and serve a copy on [appropriate parties].

Use only one of the following paragraphs depending on the type of notice being served.

[This is passive]

If you file and serve an objection/response within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection/response within the time permitted, the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

[This is semi-passive]

If you file and serve an objection/response within the time permitted, a hearing will be held on [date, time and location]. If you do not file an objection/response within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

[This is hearing required]

A hearing has been scheduled for [date, time and location] and will be held regardless of any objections or responses having been filed.

Date: [date of service]

[Attorney Name and Address]

The items in red are to be replaced by the pertinent information from your document or filing.

The type of notice that is to be used per the Guide and the Filing Instructions will determine which paragraph to use.

All notices should contain the mailing address of the Clerk's Office so respondents know where to file a response and contact information of the filer i.e. you.

Sample Pre-Confirmation Amended Plan Notice

This notice was created to ensure that the correct evidentiary hearing information is in the notice.

If you are using this notice, Please make sure you include the Judge's Initials in the case number so the recipients of the notice know which paragraph pertains to this case .

This is a self-scheduled matter so you must find and add the hearing date.

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

In Re: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Debtor(s)

Chapter: _____

Case Number: _____

NOTICE

The confirmation hearing on the Amended Plan ("Plan") has been scheduled for the Debtor(s) at the following date, time and location:

Date: _____

Time: _____

Location: _____

The deadline for filing objections to confirmation of the Plan is: _____

For cases before the Hon. Mary D. France (indicated in the Case No. with the initials "MDF"):

Evidentiary hearings will not be conducted at the time of the confirmation hearing. If it is determined at the confirmation hearing that an evidentiary hearing is required, an evidentiary hearing will be scheduled for a future date.

For cases before the Hon. John J. Thomas or the Hon. Robert N. Opel, II (indicated in the Case No. with the initials "JJT" or "RNO" respectively):

Any objections to confirmation of the plan will be heard at the above-scheduled confirmation hearing. Counsel should be prepared to proceed on any unresolved objections to the plan at this time.

A copy of the Plan is enclosed with this Notice. A copy also may be obtained from the case docket through PACER or from the Bankruptcy Clerk's Office.

Requests to participate in a hearing telephonically shall be made in accordance with Local Bankruptcy Rule 9074-1(a).

Date: _____ Filed by: _____



To find the “instructions” for what you are filing, use Ctrl + F to search for key words. If you are filing a motion, click on the motion category to open the motion menu before searching.

- Payment of Fees
- Plan - Amended Chapter 12 Plan -- Pre-Confirmation
- Plan - Amended Chapter 13 Plan -- Pre-Confirmation
- Plan - Chapter 12
- Plan - Chapter 13
- Plan - Chapter 13 Plan Payments Completed



- Means Test Calculation (Ch. 7)
- Mediation
- ▶ Motions and Applications. . .
- Notice of Telephonic Court Appearance
- Notification of Deceased or Incompetent Debtor

The Instruction is generally divided into 4 parts:
Overview, Code, Rules, Forms, Events, and Noticing.

AMENDED CHAPTER 13 PLAN – PRE-CONFIRMATION
(Modification of Plan before Confirmation)

Overview:

Once a plan has been filed, any changes proposed by the debtor must be made by filing an amended plan and not by filing a stipulation between the affected parties. If an amended plan is filed after the clerk's office notices the initial confirmation hearing but prior to the confirmation of the plan, a CM/ECF filer may request a new confirmation hearing date by using the self-scheduling procedures as set forth in L.B.R. 9002-1. At the time the amended plan is filed, the CM/ECF filer must provide a copy of the amended plan and the notice setting confirmation objection and hearing dates for the pre-confirmation amended plan to each party on the mailing matrix, either by U.S. mail or electronically through the CM/ECF system.

A chapter 13 debtor who represents him or herself must file the amended plan with the clerk's office. When the amended plan is filed, the pro se debtor must, within five (5) days, mail a copy of the amended plan to each party on the mailing matrix. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. Then, the clerk will issue and send to the parties a notice setting confirmation objection and hearing dates for the amended plan.

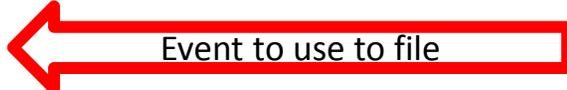
Don't ignore the OVERVIEW

It contains a lot of detail and
information that you need.
It could be considered the heart of the information.



CM/ECF Event(s):

Plan, Amended Chapter 13 Plan (Pre-Confirmation)



I. Noticing:

A. Type: Hearing Required – 28 day language ([Sample Form](#))



B. Who Serves: Clerk -- Only if: (1) amended plan is filed prior to the Confirmation Hearing Notice being sent; or (2) amended plan is filed by a pro-se debtor. Movant -- If amended plan is filed after the Confirmation Hearing Notice has been sent by the Clerk.

C. Service: [Matrix](#)

The hyperlinks in these instructions are for you. This page contains everything you need to know to serve and docket an amended plan pre-confirmation.

The hearing notice **must** include the following language ([Sample Form](#))

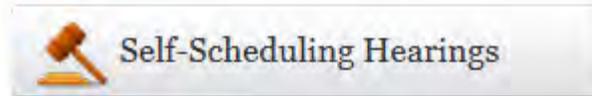
For Judge France cases only:

Please note that evidentiary hearings will not be conducted at the time of the confirmation hearing. If it is determined during the confirmation hearing that an evidentiary hearing is required, the evidentiary hearing will be scheduled for a future date.

For Judges Thomas and Opel cases:

Any objections to confirmation of the plan will be heard at the above-scheduled confirmation hearing. Counsel should be prepared to proceed on any unresolved objections to the plan at this time.

Self-Scheduling



- Only the matters listed here may be self-scheduled.
- If the filing is not in this list and a hearing is needed, the Clerk's Office will provide the date or notice.
- These are also links to the filing instructions.

[Adequate Protection](#)
[Amended Chapter 12 Plan - Pre-Confirmation](#)
[Amended Chapter 13 Plan - Pre-Confirmation](#)
[Automatic Stay \(Relief from\)](#)
[Cash Collateral \(Use or Prohibit Use\)](#)
[Compel](#)
[Convert Ch. 11 to Ch. 7](#)
[Convert Ch. 11 to Ch. 12 or 13](#)
[Deconsolidate](#)
[Dismiss Case/Party and/or Convert Ch 11 to Ch 7 \(11 U.S.C. §§ 1112\(e\) and 1112\(f\)\)](#)
[Dismiss Case/Party and/or Convert Ch 11 to Ch 12 or 13 \(11 U.S.C. §§ 1112\(e\) and 1112\(f\)\)](#)
[Dismiss Ch. 11 Case \(11 U.S.C. § 1112\(e\)\)](#)
[Dismiss Ch. 12 Case/Party \(11 U.S.C. § 1208\)](#)
[Dismiss Ch. 13 Case/Party \(11 U.S.C. § 1307\)](#)
[Dismiss Ch. 13 Case by Trustee \(11 U.S.C. §§ 521\(i\) and 1307\(c\)\)](#)
[Dismiss Ch. 13 Case by Trustee \(11 U.S.C. §§ 521\(i\) and 1307\(c\)\) \(](#)
[Dismiss Ch. 7 Case/Party \(11 U.S.C. §§ 521 and 707\(a\)\)](#)
[Dismiss Ch. 7 Case \(11 U.S.C. § 707\(b\)\)](#)
[Executory Contracts of Unexpired Leases, Assume or Reject](#)
[Extend Time of Claims Bar Date \(File a Late Claim\)](#)
[Incur Debt/Obtain Credit](#)
[Require Modification of Plan \(Post Confirmation\) by Trustee](#)
[Substantive Consolidation](#)
[Value Collateral](#)



Matter Hearing Dates (CHS)

Access Matter Hearing Dates (CHS) to obtain a valid hearing date. Enter information as requested on the screen. The service date is very important because of the timing of the hearings and criteria built into the program. You should always work in the present and not anticipate for the future by using dates in the future.



U.S. Bankruptcy Court
Middle District of Pennsylvania

Court Calendar (v2.0)
[Public Access]

This program provides motion hearing dates. After selecting the motion you are filing, the program will calculate the proper objection deadline based on Federal and local rules. This date, not a period of time, is to be included in your notice. Please enter the case number and the date that the Notice of Motion was served. Click the **Continue** button to bring up the Motion Selection screen. Select a motion type and the program will list all hearing dates that are possible after the objection period has run. Do not delay docketing the motion in the CME/CF as the hearing date may no longer be valid if you wait.

Case and Date Entry	
Office Number:	<input checked="" type="radio"/> 1 (Harrisburg) <input type="radio"/> 4 (Williamsport) <input type="radio"/> 5 (Wilkes-Barre)
Case Number:	<input type="text"/>
Case Type:	<input checked="" type="radio"/> Bankruptcy <input type="radio"/> Adversary
Date Notice Served:	<input type="text"/>

To see a list of future Motion Hearing Dates for each Judge, click [Here](#). These dates are provided for planning and convenience purposes only.

Case and Date Entry	
Office Number:	<input checked="" type="radio"/> 1 (Harrisburg) <input type="radio"/> 4 (Williamsport) <input type="radio"/> 5 (Wilkes-Barre)
Case Number:	<input type="text" value="15-2173"/>
Case Type:	<input checked="" type="radio"/> Bankruptcy <input type="radio"/> Adversary
Date Notice Served:	<input type="text" value="6/12/15"/>

Continue

Enter your case information and when the notice will be served. It's always best to do this same day but if that is not possible it can be prepared in advance. Just be aware!

On this screen select the document being filed.

- Adequate Protection
- Amended Chapter 13 Plan (Pre-Confirmation)
- Amended Chapter 12 Plan (Pre-Confirmation)
- Automatic Stay (Relief from) *without concurrence*
- Cash Collateral (Use or Prohibit Use)
- Compel
- Deconsolidate
- Dismiss Ch. 11 Case (11 U.S.C. § 1112(e))
- Dismiss Ch. 11 Case/Party and/or Convert to Ch. 7 (11 U.S.C. §§ 1112(a) or 1112(b))
- Dismiss Ch. 11 Case/Party and /or Convert to Ch. 12 or 13 (11 U.S.C. § 1112(d))
- Dismiss Ch. 12 Case/Party (11 U.S.C. § 1208)
- Dismiss Ch. 13 Case/Party (11 U.S.C. § 1307)
- Dismiss Ch. 13 Case by Trustee(11 U.S.C. §§ 521(i) and 1307(c))
- Dismiss Ch. 13 Case by Trustee(11 U.S.C. §§ 521(i) and 1307(c)) (material default OR tax returns)
- Dismiss Ch. 7 Case/Party (11 U.S.C. §§ 521 and 707(a))
- Dismiss Ch. 7 Case (11 U.S.C. §§ 521 and 707(a)(3))
- Dismiss Ch. 7 Case (11 U.S.C. § 707(b))
- Executory Contracts of Unexpired Leases, Assume or Reject
- Extend Time of Claims Bar Date (File a Late Claim)
- Incur Debt/Obtain Credit
- Require Modification of Plan (Post Confirmation) by Trustee
- Substantive Consolidation
- Value Collateral

Next

**U.S. Bankruptcy Court
Middle District of Pennsylvania**

06/09/2015 at 11:53 AM

In the Notice of Motion include the objection due date listed below and choose one of the listed hearing dates. Hearing dates are current as of the above date and time. However, if you delay docketing the motion in CM/ECF, the hearing date may no longer be valid.

Amended Chapter 13 Plan (Pre-Confirmation)

Office Number	1 (Harrisburg)
Case Number	15-2173
Judge	France
Trustee	DeHart, III (Trustee)
Service Date	06/12/2015
Objection Due Date	07/13/2015

Valid Hearing Dates and Times

07/22/2015 at 09:30 am - 3rd & Walnut Sts, 3rd F1 Courtroom, Harrisburg, PA - 26 matter(s) set
08/12/2015 at 09:30 am - 3rd & Walnut Sts, 3rd F1 Courtroom, Harrisburg, PA - 2 matter(s) set
08/26/2015 at 09:30 am - 3rd & Walnut Sts, 3rd F1 Courtroom, Harrisburg, PA - 2 matter(s) set
09/09/2015 at 09:30 am - 3rd & Walnut Sts, 3rd F1 Courtroom, Harrisburg, PA - 0 matter(s) set

Based upon the service date entered, the Objection date will be calculated and Valid hearing dates will be supplied. Choose a hearing date that meets your needs. Enter this info into the notice. It can be your notice or our Sample notice.

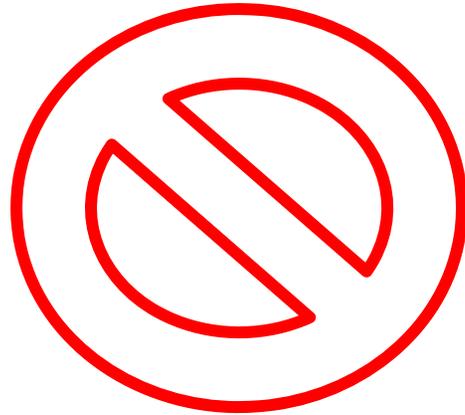
When you docket the amended plan, you should use the same service date. The event will calculate the same objection date and the same hearing dates should be available for selection.

The objection date displayed has extra days added to it for mailing per the Federal Rules of Bankruptcy Procedure.

Time to File

- Once you have all the information you need
 - Noticing requirement
 - Objection date
 - Hearing date
 - Form of notice
- And the Documents you need
 - Amended plan (or motion etc.)
 - Certificate of service
 - Proposed order
- You are ready to
 - Proof Read
 - Assemble
 - Serve
 - File in ECF
- If you missed something, we will notify you via

The Notice to Filing Party (NTFP)



We don't like them either!

NFTP Stats

(Jan 1 – May 31)

850

Top 5 Reasons:

- Discrepancy between CM/ECF entry and pdf
- Notice not attached to the docket entry
- Proposed order not revisable or not attached
- Notice not in compliance
- Certificate of Service does not evidence service on all creditors

How many:

- 329
- 112
- 111 and 81
- 53
- 34

Discrepancy - 329

Reasons:

- Pdf contains the incorrect case number, debtor name, alias, middle name or initial, address, zip codes, ss#.
- Pdf does not match the event chosen.
- Notice is not for correct case, has incorrect hearing information or doesn't match the docket, is not dated, caption does not match, etc.
- Order is not for the correct case or is not revisable, etc.

How to avoid:

- Proof Read
- Verify filing requirement and documents before filing
- Create forms with blanks instead of reusing documents from other cases.
- Verify the image before attaching to an entry.
- Make sure all information is entered correctly before opening a new bankruptcy case.

How to Avoid the NTFP

- Proof Read
 - Double check
 - Verify dates
 - Verify all documents
 - Make service
-
- Make yourself a check list
 - Use it every time
- Search for the correct events.
 - Use Filing Instructions to find events etc.
 - Call us, we have toll free numbers.
 - 877-298-2053 (WB)
 - 888-531-9485 (HB)
 - Use our Event Help e-mail.



US Bankruptcy Court Middle District of Pennsylvania

Questions & Answers