



**US Bankruptcy Court
Middle District of Pennsylvania**

Docket, Rule and Forms Updates



Panelists:

- Terry Miller, Clerk
- Seth Eisenberg, Chief Deputy
- Rick Thompson, Information Systems Manager
- Cindy Boyle, Operations Supervisor
- Belinda Wagner, Operations Supervisor
- Sue Frisch, Applications Administrator

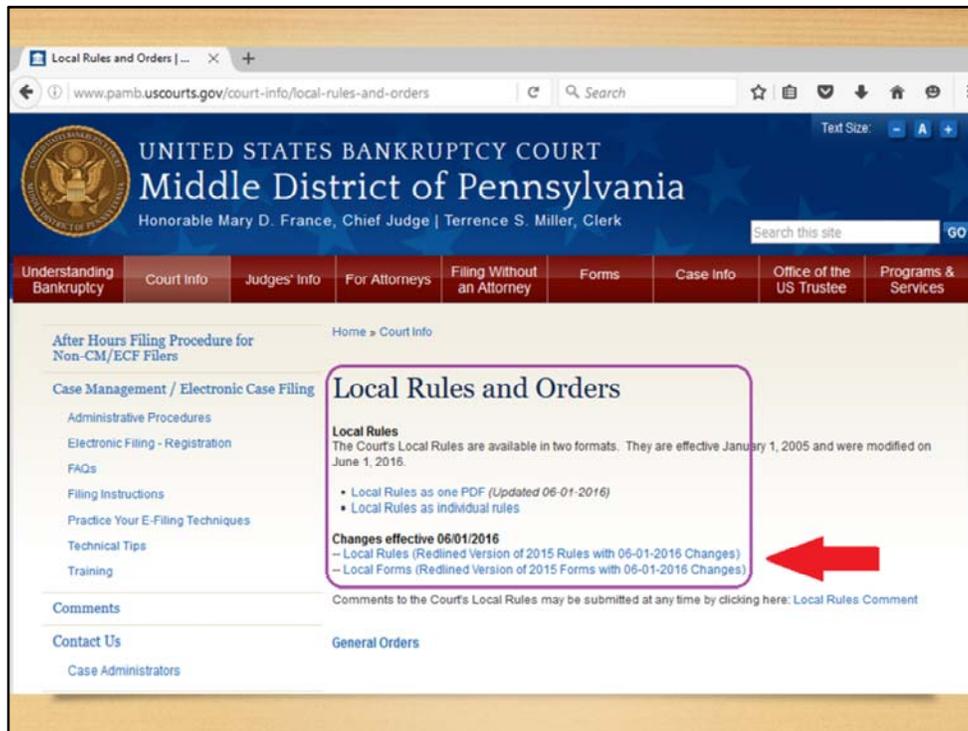


Topics for Discussion:

- Recent Updates/Changes to Local Rules and Forms
- Common Filing Issues
- Redactions
- Motions to Shorten Time and Motions to Expedite Hearings
- How to Get ECF Event Help
- Text Orders

Amended Local Rules and Forms

Effective 06/01/16



The “clean” and “redlined” versions of the local rules and forms are on the **Local Rules and Orders** page of the Court’s website.

Amended Local Rules

- | | |
|------------------------|---------------|
| 1. 1007-3 | 13. 6004-1(c) |
| 2. 2002-1 | 14. 7003-1 |
| <hr/> | |
| 3. 3002.1-1 | 15. 7007-1 |
| 4. 3015-3(a) and (b) | 16. 7008-1 ★ |
| 5. 3015-5 | 17. 7012-1 ★ |
| 6. 4004-1 | 18. 9001-1 |
| 7. 4006-1 | 19. 9004-1 |
| 8. 4008-1 | 20. 9019-3 |
| 9. 5005-3(c) and (d) ★ | 21. 9029-1 |
| 10. 5005-4 ★ | 22. 9037-1 |
| 11. 5005-5 | 23. 9070-1 |
| 12. 5011-1 ★ | |
- ★ = NEW Local Rule

On June 1, 2016, amendments took effect for the Local Rules. In total, there were changes to 23 local rules, of which 5 are new local rules.

LBR 2002-1(c)

Notices by a Chapter 7, 11, 12, or 13 Trustee. Generally, the clerk will provide any notice required to be served on all parties in interest by a chapter 7, 11, 12, or 13 trustee. Notwithstanding the above, a chapter 7 trustee pursuing assets is required to provide notice to all creditors and parties in interest, under these rules or under the Federal Rules of Bankruptcy Procedure, of the following

- (1) a trustee's application for compensation;
- (2) an attorney for trustee's application for compensation;
- (3) any notice of sale; **and**
- (4) any notice of compromise or settlement pursuant to [F.R.B.P. 9019](#); **and**
- (4 5) notice of a trustee's final report, if the net proceeds realized exceed \$1,500.00.

What this will mean for you: Chapter 7 trustees that are pursuing assets will need to notice creditors and parties in interest with notice of compromise or settlement. If it's in an adversary, the certificate of service should also include the creditors and parties in interest in the related bankruptcy case.

LBR 3015-3(a) and (b)

- (a) *Chapter 13 Pre-Confirmation Certifications.* Debtor must **file with the clerk** **submit to the chapter 13 trustee** a Pre-Confirmation Certification in conformity with [L.B.F. 3015-3\(a\)](#) and **submit to the Chapter 13 Trustee** a Certificate Regarding Domestic Support Obligation(s) in conformity with [L.B.F. 3015-3\(b\)](#), if applicable, at least twenty-four (24) hours prior to the time of the hearing.
- (b) *Chapter 12 Pre-Confirmation Certification.* Debtor must **file with the clerk** **submit to the chapter 12 trustee** a Pre-Confirmation Certification in conformity with [L.B.F. 3015-3\(c\)](#) certifying compliance with [11 U.S.C. § 1225\(a\)\(7\)](#) at least twenty-four (24) hours prior to the time of the hearing.

These changes were made to align the local rule with the current filing procedures. So this is what you should have been doing. If you weren't, review and note the change.

LBR 5005-3(c) and (d)

(c) *Temporary Paper Filing.* An attorney who is not a registered CM/ECF filer may file initial papers in person, by facsimile, or by email after seeking permission from the court as set forth in [Miscellaneous Order 5:05-mp-50007](#). Before any additional papers are filed, the attorney must apply for and obtain a CM/ECF login and password. Registration may be completed through the court's website: www.pamb.uscourts.gov using "Electronic Filing Registration" under the Court Info tab.

(d) *CM/ECF Filer Systems Failure.* A registered CM/ECF filer may file papers in person, by facsimile, or by email for up to seventy-two (72) hours when electronic filing is not possible due to a failure in the CM/ECF filer's systems, including, without limitation, hardware, software, or internet connection. Any filing made by means other than CM/ECF must be accompanied by an affidavit stating why the document was not filed electronically.

Amended to provide for temporary paper filings by an attorney who is not a registered CM/ECF filer and to provide for temporary paper filings for a registered CM/ECF filer who cannot file electronically due to a failure of his or her own systems.

LBR 5005-4

Filings During Technical Failures. In the event of a technical failure, as defined in L.B.R. 9001-1, an electronic filer may use any of the following filing methods:

- (a) file the documents as a PDF attachment to an email sent to the following address: PAMB_ECF_Failure@pamb.uscourts.gov;
- (b) file the documents in person by bringing the documents to the clerk's office in paper, accompanied by an electronic storage format (i.e., flash drive, CD-ROM) that contains the document in PDF format without any password requirement;
- (c) file the documents via facsimile to: 570-829-0249 (Wilkes-Barre) or 717-901-2822 (Harrisburg); or
- (d) seek appropriate relief from the court or proceed pursuant to any generally applicable order that may have been entered addressing the technical failure.

Electronic filers are cautioned that the court's ability to grant relief may be limited by [F.R.B.P. 9006\(b\)](#).

Adopted to provide for filing alternatives in the event of a technical failure. A technical failure is defined in LBR 9001-1(o) as any day on which the Court's CM/ECF site is unable to accept filings continuously over a period of more than two (2) hours after 7:00 a.m..

LBR 5011-1

(a) *Filing of Motion.* The movant must file a motion, proposed order, and supporting brief with the clerk of the bankruptcy court. The clerk of the bankruptcy court will transmit the motion and supporting documents to the district court. All documents filed after the initial motion, proposed order, and supporting brief must be filed with the clerk of the district court.

(b) *Motion Contents.* The motion must address the following:

- (1) whether the proceeding for which withdrawal is being sought is core under 28 U.S.C. § 157(b) or non-core under 28 U.S.C. § 157(c) and, if core, whether the bankruptcy court lacks the constitutional authority to enter a final order or judgment;
- (2) whether withdrawal of the reference is permissive under 28 U.S.C. § 157(d);
- (3) whether withdrawal of the reference is mandatory under 28 U.S.C. § 157(d).

(c) *Notice of the Motion.* The movant must provide notice to all creditors and parties in interest if the motion requests withdrawal of the entire bankruptcy case or provide notice to the parties in the adversary proceeding if the motion requests withdrawal of an adversary proceeding or counts within the proceeding.

(d) *Objections to the Motion.* Any party opposing the motion must file with the district court and serve on the movant and other interested parties an objection and brief within fourteen (14) days after service of the motion and a supporting brief.

(e) *Bankruptcy Court Report and Recommendations.* After the time for filing objections has expired, the bankruptcy judge assigned to the bankruptcy case will file with the district court, within fourteen (14) days, a report and recommendation on the motion to withdraw the reference. Once the report and recommendation is submitted by the bankruptcy judge, any party may object to the report and recommendations within fourteen (14) days after being served with a copy thereof. Thereafter, the motion will be ripe for disposition by the district court.

(f) *Procedure After Grant of the Motion.* If the district court grants the motion, all further proceedings will be governed by the Rules of Court for the Middle District of Pennsylvania.

Adopted to provide the procedure for filing a motion to withdraw the reference.

LBR 6004-1(c)

Sale Notices. When the proposed use, sale, or lease of property is upon notice or motion (unless subject to the exceptions in [F.R.B.P. 6004\(d\)](#) or L.B.R. 9075-1), the required notice must include:

- (1) the caption of the case;
- (2) the name and address of the seller;
- ~~(3) the place, date, and time of the sale;~~
- ~~(4) the hearing date;~~
- (5) a general description of the property to be sold;
- ~~(6) a statement describing where a complete description or inventory of the property may be obtained or examined;~~
- (7) the place, date, and time the property may be examined prior to the sale or an explanation of how a prospective buyer or interested party may be afforded an opportunity to examine the property prior to the sale;
- (8) the terms and conditions of sale, including the terms of any pending offers, or minimum bid requirements, or breakup fee provisions;
- (6) the date, time, and place of any public sale;
- (9) whether the sale is subject to higher and better offers and how such offers must be submitted;
- ~~(10) in any private sale, the identity of the purchaser and any affiliation or relationship with the debtor or an insider of the debtor;~~
- ~~(11) whether the sale will be advertised and, if so, how and when;~~
- ~~(12) the last date by which objections to the sale must be filed with the court - which must be not less than twenty-one (21) days after the notice is mailed, unless the court shortens the time under [F.R.B.P. 9006](#) or directs another method of giving notice; and~~
- (10) a statement that inquiries regarding the sale should be directed to the seller or their counsel or agent and not to the clerk.

The content requirements of a sale notice have changed. READ! READ! READ before sending a notice of sale.

LBR 7008-1 and LBR 7012-1

Rule 7008-1 *Statement of Consent to Final Orders or Judgment.*

In any adversary proceeding, each complaint, counterclaim, cross-claim, or third-party complaint must contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy court.

Rule 7012-1 *Statement of Consent to Final Orders or Judgment in Responsive Pleadings.*

In any adversary proceeding, each responsive pleading must contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy court.

Two NEW rules for adversary proceedings which require a statement of consent or non-consent to final orders or judgment to be entered by the bankruptcy court

7008-1 requires it be included in each complaint, counterclaim, cross-claim or third party complaint; and

7012-1 requires it be included in each responsive pleading.

| LBR 9019-3 | |
|--|------------------------|
| Mortgage Modification Mediation Program (MMMP) | |
| Rule 9019-3 | Forms |
| (a) Program Description | ** AMENDED ** |
| (b) Application to the MMM Program | LBF 9019-3(a) |
| (c) Proceeding in the MMM Program Using Portal | LBF 9019-3(b) |
| (d) Proceeding in the MMM Program Outside the Portal | LBF 9019-3(c) |
| (e) Request for Status Conference and/or Appointment of Mediator | *** DELETED *** |
| (f) The Mediation Process | LBF 9019-3(d) |
| (g) The Mediation Session | |
| (h) Compensation and Expenses of Mediators | |
| (i) Frequency of Service | |
| (j) MMM Program Results | |
| (k) Relationship to Other Procedures | |

Amended to provide for optional use of a Portal to upload and exchange documents which will facilitate the mortgage modification process.

UNITED STATES BANKRUPTCY COURT
Middle District of Pennsylvania
Honorable Mary D. France, Chief Judge | Terrence S. Miller, Clerk

Text Size: - A +

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Home

Mortgage Modification Mediation Program

The Mortgage Modification Mediation Program ("MMMP") is governed by [Local Rule 9019-3](#)

Local Forms

- [Motion to Participate in Mortgage Modification Mediation Program - Local Bankruptcy Form 9019-3\(a\)](#)
- [Consent to Participate in Mortgage Modification Mediation Program - Local Bankruptcy Form 9019-3\(b\)](#)
- [Order Substituting MMM Servicer - Local Bankruptcy Form 9019-3\(c\)](#)

Connect to the Default Mitigation Management (DMM) Loss Mitigation Web Portal [iP](#)

DMM Documents

- [Quick Setup Guide for Debtors](#)
- [Quick Setup Guide for Creditors](#)
- [Setup Checklist for Creditors](#)
- [Setup Form for Creditors](#)
- [Setup Form for Creditors' Counsel](#)

Unclaimed Funds Search
Debtor Electronic Bankruptcy Noticing (DeBN)
ePOC Claims Filings
Mortgage Modification Mediation Program
Legal Services
PACER Exemption Requests

Under the "Programs & Services" tab is an option for "Mortgage Modification Mediation Program" which takes you to a page with links to information about the Portal and links to the Local Forms.

LBR 9037-1(d)

Request to Redact. Any party in interest or person whose Personal Identifiers are contained in a document filed with the court may file a request to redact. A redaction request may be made using the court's Application Requesting Redaction of Personal Information form ([L.B.F. 9037-1](#)). The request must include the applicable redaction fee, unless the court has granted a waiver of the fee. A person making a redaction request must serve the request on the debtor, any individual whose Personal Identifiers have been exposed, the case trustee (if any), and the United States trustee. A certificate of service conforming to L.B.R. 9013-2 demonstrating service on the above-referenced parties must be filed within five (5) days of filing the request. If the request is approved, the clerk will promptly restrict the original documents from public view and make a notation on the docket that the original has been restricted from public view. Unless the court orders otherwise, the requesting party must then file the redacted document within ~~ten~~ **fourteen (14)** days of the court's approval.

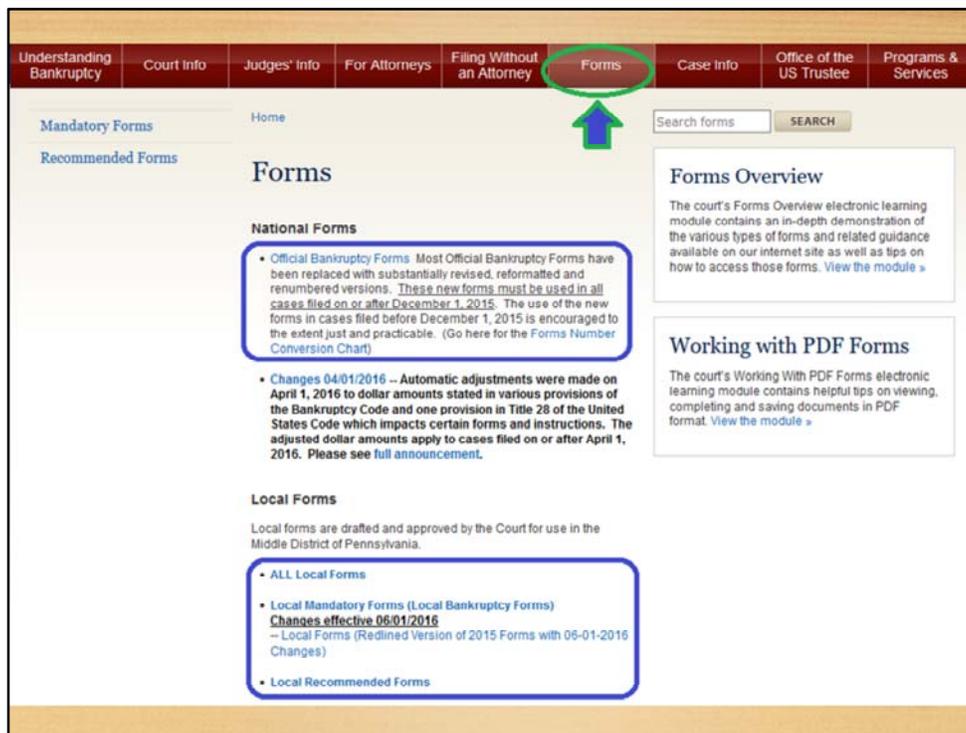
Amended to conform with time computation changes to many Bankruptcy Rules in 2009.

LBR 9070-1 (a) and (b)

(a) *Paper Exhibits.* Whenever the number of exhibits in any case to be presented at hearing or trial by either party exceeds fifteen (15), the party intending to offer such exhibits must tab, number, and index them in a binder. A complete copy of the exhibits must be provided to all parties at least seven (7) days prior to the trial or hearing, and to the court at the time of trial or hearing, unless otherwise ordered by the court. This requirement applies only to exhibits used in a party's case in chief and not to exhibits used for purposes of impeachment or rebuttal. Failure to timely exchange proposed exhibits in accordance with this rule may result in the court barring the admissions of any un-exchanged exhibits.

(b) *Electronic Exhibits.* A party who wishes to electronically display exhibits must contact the assigned judge's courtroom deputy at least seven (7) days before the trial or hearing to coordinate with the court's automation department to allow for such electronic display. Any party using electronically displayed exhibits must, at the time of trial or hearing, provide the court with three (3) copies of the exhibits on digital storage devices, such as USB flash drives.

Amended to add provisions for the filing of electronic exhibits for use at hearing or trial.



The "Forms" tab of the Court's website has links to the "Official Bankruptcy Forms" and also "ALL Local Forms." The "All Local Forms" will display BOTH the Local Bankruptcy Forms AND the Local Recommended Forms.

Amended Local Forms

| Amended | Deleted |
|--------------|--------------|
| 1. 2016-2(c) | 1. 3002.1-1 |
| 2. 3015-1 | 2. 3015-5 |
| 3. 3015-3(b) | 3. 9004-2 |
| 4. 4008-1(a) | 4. 9019-3(d) |
| 5. 9019-3(a) | |
| 6. 9019-3(b) | |
| 7. 9019-3(c) | |

In addition to the amendments to the Local Rules, there were also Local Form amendments which took effect on June 1, 2016. In total, there were changes to 11 local forms, of which 4 were replaced with official forms.

Deleted Forms

1. LBF 3002.1-1 Use Official Form 4100R
2. LBF 3015-5 Use Official Form 2830
3. LBF 9004-2 Use Official Form 416D
4. LBR 9019-3(d) Deleted

LBF 2016-2(c) Change made to Section B.5.

| | |
|--|----|
| B. Compensation and reimbursement of expenses allowed upon application and order under LBR 2016-2(a) | |
| 1. Retainer received | \$ |
| 2. Compensation earned prepetition and paid to attorney prior to filing petition | \$ |
| 3. Expenses reimbursed prepetition | \$ |
| 4. Balance in retainer after deduction of prepetition compensation and expenses | \$ |
| 5. Compensation and expenses to be approved by the Court and to be paid through plan distributions, less balance in client trust account | \$ |

LBF 2016-2(c) was amended. Please make sure you use the most current form. Section B.5. was changed.

LBF 3015-1
Change made to Section 2.G.

G. Lien Avoidance. The Debtor moves to avoid the following judicial and/or nonpossessory, non-purchase money liens of the following creditors pursuant to Section 522(f) (this section should not be used for statutory or consensual liens such as mortgages):

| Name of Creditor | Description of Collateral |
|---|---------------------------|
| <p>THE DEBTOR(S) PROPOSES TO AVOID THE JUDICIAL LIEN OF THE CREDITOR(S) IN THIS PLAN. CONFIRMATION OF THE PLAN SHALL CONSTITUTE A FINDING OF VALUATION AND ALLOWANCE OF EXEMPTIONS PURSUANT TO § 522(f). NO ADVERSARY COMPLAINT OR MOTION WILL BE FILED AND THE JUDICIAL LIEN WILL BE AVOIDED BY A CONFIRMATION ORDER UPON DISCHARGE. IF THE CREDITOR(S) WISHES TO CONTEST THE AVOIDANCE OF THE LIEN, THE CREDITOR(S) MUST FILE A TIMELY OBJECTION TO THIS PLAN. OTHERWISE, CONFIRMATION OF THE PLAN WILL AVOID THE LIEN UPON DISCHARGE.</p> | |

LBF 3015-1 was amended. Please make sure you use the most current form. Two sections were changed, Section 2.6 and Section 3.B.2.

LBF 3015-1

Change made to Section 3.B.2.

B. Administrative Claims:

- (1) Trustee fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee, not to exceed 10%.
- (2) Attorney fees. Check **only** one box:
 - In addition to the retainer of \$_____ already paid by the Debtor, the amount of \$_____ in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2: (c); **or**
 - \$_____ per hour, to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the requested amount of compensation approved by the Court **pursuant to L.B.R. 2016-2(b)**.

LBF 3015-1 was amended. Please make sure you use the most current form. Two sections were changed, Section 2.6 and Section 3.B.2.

LBF 4008-1(a)

Changes made to Header and Note

Reaffirmation Agreement (Official Form 4008-1(a)) (12-10)

- Presumption of Under Hardship
 No Presumption of Under Hardship
(Check box as directed in Part D Debtor's Statement in Support of Reaffirmation Agreement)

LOCAL BANKRUPTCY FORM 4008-1(a)
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

CHAPTER _____
CASE NO. _____-bk-_____

Debtor(s)

REAFFIRMATION AGREEMENT

(Indicate all documents included in this filing by checking each applicable box.)

- | | |
|--|---|
| <input type="checkbox"/> Part A: Disclosures, Instructions, and Notice to Debtor (pages 1-3) | <input type="checkbox"/> Part D: Debtor's Statement in Support of Reaffirmation Agreement |
| <input type="checkbox"/> Part B: Reaffirmation Agreement | <input type="checkbox"/> Part E: Motion for Court Approval |
| <input type="checkbox"/> Part C: Certification by Debtor's Attorney | |

(Note: Complete Part E only if debtor was not represented by an attorney during the course of negotiating this agreement. Note also: If you complete Part E, you must prepare and file Form 2400C-ALF - Order on Reaffirmation Agreement.)

LBF 4008-1(a)

Changes also made to Part D

P.8

PART D: DEBTOR'S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT

*[Read and complete numbered paragraphs sections 1 and 2, **OR**, if the creditor is a Credit Union and the debtor is represented by an attorney, read section 3. Sign the appropriate signature line(s) and date your signature. If you complete sections 1 and 2 **and** your income less monthly expenses does not leave enough to make the payments under this reaffirmation agreement, check the box at the top of page 1 indicating "Presumption of Undue Hardship." Otherwise, check the box at the top of page 1 indicating "No Presumption of Undue Hardship."]*

LBF 4008-1(a)

Changes also made to Part E

P.9

PART E: MOTION FOR COURT APPROVAL

[To be completed and filed only if the debtor is not represented by an attorney during the course of negotiating this agreement.]

MOTION FOR COURT APPROVAL OF REAFFIRMATION AGREEMENT

I (we), the debtor(s), affirm the following to be true and correct:

I am not represented by an attorney in connection with this reaffirmation agreement.

I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

LBFs 9019-3

These three forms were substantially changed as part of these amendments.

LBF 9019-3(a) – Motion to Participate in Mortgage Modification Mediation Program

LBF 9019-3(b) – Consent to Participate in Mortgage Modification Mediation Program

LBF 9019-3(c) – Order Substituting MMM Servicer

UNITED STATES BANKRUPTCY COURT
Middle District of Pennsylvania
Honorable Mary D. France, Chief Judge | Terrence S. Miller, Clerk

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Connect to the Default Mitigation Management (DMM) Loss Mitigation Web Portal [iP](#)

| DMM Documents |
|---|
| Quick Setup Guide for Debtors |
| Quick Setup Guide for Creditors |
| Setup Checklist for Creditors |
| Setup Form for Creditors |
| Setup Form for Creditors' Counsel |

Unclaimed Funds Search
Debtor Electronic Bankruptcy Noticing (DeBN)
ePOC Claims Filings
Mortgage Modification Mediation Program
Legal Services
PACER Exemption Requests

Under the "Programs & Services" tab is an option for "Mortgage Modification Mediation Program" which takes you to a page with links to information about the Portal and links to the Local Forms.

Amended Local Rules and Forms

In Summary:

- Amendments were made to rules and forms effective 06/01/16.
- A few new rules were added, some had minor modifications and others had substantial changes.
- A few forms were replaced by Official Forms, some had minor changes and others were overhauled.
- Filers are encouraged to take a moment to review the redlined documents on the Court's website.



COMMON FILING
ISSUES

From the Clerk's Staff

- Need Instructions? - Homepage or Call us
- PDF Order formatting and revising
- Noticing
 - *Sample notices*
 - *Sale notices*
- Matrix or mailing list
- Events to use
 - *Relating*
 - *Adding creditors to a case*
- Certification of no pay stubs from a job

UNITED STATES BANKRUPTCY COURT
 Middle District of Pennsylvania
 Honorable Mary D. Franco, Chief Judge | Terrence S. Miller, Clerk

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Case Locator (PACER) | **E-Filing (CM/ECF)** | **Filing a Claim (PFC)** | **Contact Us**

Welcome
 Welcome to the official website for the United States Bankruptcy Court for the Middle District of Pennsylvania. We have offices in Wilkes-Barre and Harrisburg.

IMPORTANT NEWS & ANNOUNCEMENTS
 06/01/2018 - The Local Rules and Forms of the United States Bankruptcy Court for the Middle District of Pennsylvania were amended effective June 1, 2018. The Maintenance Order entered by the Court is available here. Please see the Local Rules and Order webpage for the amended rules and forms.
 03/22/2018 - Automatic adjustments were made on April 1, 2018, to dollar amounts stated in various provisions of the Bankruptcy Code and are provided in Title 28 of the United States Code which impacts certain forms and instructions. The adjusted dollar amounts apply to cases filed on or after April 1, 2018. Please see full announcement.
 11/30/2015 - Official Bankruptcy Forms Must be Used in ALL Cases Filed on or After December 1, 2015. Please see full announcement.

Free Case Information
 866-222-8029

Court Locations
Wilkes-Barre
 374 Main Street, U.S. Courthouse (Directions ?)
 107 South Main Street
 Wilkes-Barre, PA 18701
 610-821-2500
 610-826-2503
 610-826-0245(Fax) ***Click here for directions regarding how to contact the court.
Harrisburg
 Ronald Reagan Federal Building (Directions ?)
 228 Walnut Street, Rm. 320
 Harrisburg, PA 17101

Court Calendars
Local Rules & General Orders
Self-Scheduling Hearings
Matter Hearing Dates (CHS)
Filing Instructions
Noticing Information
Guide to Docketing & Noticing

Case Administrator Search
 Enter the last two digits of the case number (two digits) below to contact a case administrator.

News & Announcements
 June 2018 (01)
Filing Instructions, Guide to Docketing, Fee Schedule, General Order, Local Rules and Forms (06/01/2018)
 On 06/01/18 the Court revised several parts of its website impacted by local rule changes. Changes posted Wednesday, June 1, 2018. Filing instructions. The following filing instructions were updated.

Easy Access on our Home Page to filing instructions (and Noticing Info) or contact us.

Bookmark or create a shortcut on your desktop
www.pamb.uscourts.gov

Proposed orders

(6 pages down to 5 points)

- Captions

| | |
|--|--------------------------------------|
| IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA | |
| DEBTOR NAME DEBTOR ALIAS(S) | CHAPTER 7 |
| DEBTOR | CASE NUMBER: 0-yy-ll-####-XXX |
| | MOTION FOR XXXXXXXX |

- Fonts

- Arial
- Courier
- Helvetica
- Times New Roman
- First paragraph, "Upon Consideration of..." No date lines
- Signature "line" - Enough space for the Judge to sign
- Revisability - Must be created with a word processor and converted or printed to pdf
 - Never a scanned one, not even with OCR performed

The second button from the bottom is the Noticing Information. Today, I want to mention the Bankruptcy Notice Providers. If you click on the “here” link, a page with a listing of companies that provide servicing for your notices. On the lower half of this page [next screen]

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.* * * * *

For an overview of noticing requirements and notices to be sent by movants, please refer to the court's [Guide to Docketing and Noticing](#). For detailed filing and noticing instructions, please refer to the court's [CME/CF Filing Instructions](#).

For notices required to be served by movants, the signature line will be adapted to identify the actual sender of the notice. **DO NOT** identify the court in the signature line.

We have language that should be used for each of the three Types of notices you may be asked to use.

The Passive, the Semi-passive, and the Hearing required notices.

We have drafted a sample that you can use for these and also a sample for the Amended Ch 13 plan (pre-confirmation).

Next screen.

Sale Notices Must contain these items.

If the line item does not apply, state that it does not apply.

We are looking for all of this information to be included in the notice. If we don't see it, you will most likely receive a notice to filing party.

(c) **Sale Notices.** When the proposed use, sale, or lease of property is upon notice or motion (unless subject to the exceptions in F.R.B.P. 6004(d) or L.B.R. 9075-1), the required notice must include:

- (1) the caption of the case;
- (2) the name and address of the seller;
- (3) a general description of the property to be sold;
- (4) the place, date, and time the property may be examined prior to the sale or an explanation of how an interested party may be afforded an opportunity to examine the property prior to the sale;
- (5) the terms and conditions of sale, including the terms of any pending offers, or minimum bid requirements, or breakup fee provisions;
- (6) the date, time, and place of any public sale;
- (7) whether the sale is subject to higher and better offers and how such offers must be submitted;
- (8) in any private sale, the identity of the purchaser and any affiliation or relationship with the debtor or an insider of the debtor;
- (9) the last date by which objections to the sale must be filed with the court - which must be not less than twenty-one (21) days after the notice is mailed, unless the court shortens the time under [F.R.B.P. 9006](#) or directs another method of giving notice; and
- (10) a statement that inquires regarding the sale should be directed to the seller or their counsel or agent and not to the clerk.

Matrix

Debtors, Creditors, Parties and Attorneys are all stored in different databases within CM/ECF.

The Mailing Matrix bring all of these together so that Everyone is served. It includes the date and time so you know exactly when it was produced in case there is ever a question on the timing of service.

The Mailing Matrix is available in two (2) locations:

- Query > (run the query) > Mailing Matrix by Case
 - Easiest
- Utilities > Mailings...> Mailing Matrix by Case.
 - Also has Mailing Info for a Case which shows who will receive electronic notice.

What event or entry should I use?

Every instruction will include the events that can be used. Or you can search for an event in ECF.

MOTION FOR SALE FREE AND CLEAR OF LIENS

Overview:
PLEASE READ CAREFULLY THIS IS A TWO-STEP (2) PROCESS

A sale of property free and clear of liens may be commenced by motion and must conform with F.R.B.P. 9014. A sale free and clear of liens is also subject to the additional noticing requirements of L.B.R. 6004-5. When a motion is filed for a sale free and clear of liens, the clerk will issue an order fixing a 14 day response date and a hearing date. A hearing will be held only if a responsive pleading is timely filed, requested by the moving party, or ordered by the court. Otherwise an order granting the relief will be entered without a hearing. This filing should be accompanied by the Motion and Proposed Order.

After the order is issued by the Clerk setting a response and hearing date, the movant must serve the Motion along with a copy of the Scheduling Order on all respondents named in the Motion claiming an interest in the property. A Certificate of Service must be filed evidencing the Motion and Scheduling Order were served on all respondents. Next the movant must prepare and docket a Notice of Sale, which conforms in content to L.B.R. 6004-1(c). A Certificate of Service must also be filed evidencing the Notice of Sale was served on all creditors and applicable parties pursuant to LBR 6004-1(d) & (e) at least twenty-one (21) days before the hearing on the sale.

Property of the estate cannot be sold without a general notice pursuant to U.S.C. Section 363.

A sale of property free and clear of liens must be filed as adversary proceeding and commenced by a complaint when the seller seeks to also:

- (1) Determine the validity, priority, or extent of a lien or other interest in the property other than the avoidance of a lien or other transfer of exempt property under 11 U.S.C. Section 520(f); or
- (2) Obtain approval under 11 U.S.C. Section 363(h) for the sale of both the interest of the estate and of a co-owner in the property unless the concurrence of the co-owner has been obtained.

For order format, please see [Proposed Orders](#).

Codes, Rules and Forms:

| Bankruptcy Code: | Bankruptcy Rule: | Local Rule: | Local Form: |
|------------------|---|---|-------------|
| 363(f) | 6004-1(a), 6004-1(b), 6004-1(c), 6004-1(d), 6004-1(e) | 6004-1(a), 6004-1(b), 6004-1(c), 6004-1(d), 6004-1(e) | None |

CMECF Event(s):

- Motions/Applications, Use, Sale, Lease or Prohibit or Condition of Property
- Miscellaneous, Notice of Use, Sale, Lease or Prohibit or Condition of Property and Certificate of Service (Attorney)
- Trustee, Notice of Use, Sale, Lease or Prohibit or Condition of Property and Certificate of Service (Trustee)
- US Trustee, Notice of Use, Sale, Lease or Prohibit or Condition of Property and Certificate of Service (US Trustee)

I. Noticing:

- Type:** Motion and Scheduling Order - must be served upon all lienholders and other parties claiming interest in the property and their counsel of record. (The hearing will be scheduled no sooner than twenty-eight (28) days after the filing of the motion.)
 Notice of Sale - prepared and filed by the movant which conforms in content with L.B.R. 6004-1(c) must be served on all creditors and applicable parties in interest pursuant to L.B.R. 6004-1(d) at least twenty-one (21) days before the hearing on the sale.
- Who Serves:** Movant
- Service:** Matrix, T, UST, COMM, US FRBP 2002(g), and all holders of liens or encumbrances against the property (L.B.R. 6004-1(d))

Links to the Code, Rules, Local Rules and Forms are listed. These links are for you!

There is a list of events that can be used.

There is Noticing Information. It lists they type of notice needed, who is to serve it and who is to be served.

This set of instructions also has a link to a sample notice and specific information that is to be included in the notices.

Other tidbits

Relating Entries: Please relate entries to prior related entries so the Judges can follow the course of events.

Uploading/Adding Creditors: After adding creditors to a case, there should be a docket entry made, either Creditors uploaded, amendment to schedules or amendment to list of creditors.

Certification of No Payment Advices: Section 521 of the code requires filing of "copies of all payment advices or other evidence of payment received...by the debtor from any employer...". The Court's Local Rules further expands that to request that "If a debtor does not receive payment advices, he must file a certification (L.B.F. 1007-1(c))". If this certification is not filed, the case may be dismissed.

Default Judgment in Adversary proceedings: Must file Request for Entry of Default. Clerk's Office will do Entry of Default. Now you can file the Motion for Default Judgment.

Redactions

What are redactions?

- Redactions are entries made to protect any party in interest or person whose personal identifiers (such as a social security number or financial account numbers) have been exposed.

How do you file a redaction?

- Bankruptcy – Motions/Applications
- Redaction of Personal Information (NOT to be used for Transcripts)
- The filing should be accompanied by the Motion and Certificate of Service (within five (5)days of filing the request).
- We have a Local Form (9037-1) which is fillable for the application.

1587_P1481_15P_3037-4.pdf - Adobe Acrobat Pro

File Edit View Window Help

Open Create +

Tools Fill & Sign Comment

This file includes Adobe form fields.
You can print the completed form and save it for your device or download.com.

Close Save As

LOCAL BANKRUPTCY FORM 5027.1

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

IN RE: CHAPTER 11
[REDACTED] CASE NO. 11-00044
* Debtor(s)

APPLICATION REQUESTING REBATION OF PERSONAL INFORMATION

[Specify cases that the following document(s) contain personally identifiable information as defined in Fed. R. Bankr. P. 9037 and requests that these document(s) be ordered pursuant to Local Rule 9037-1.]

[Specify the document(s) you are seeking to retract, preferably indicating the docket number. For example, Docket No. 12, Exhibit A or Certificate of Support of Debtor for Relief from the Automatic Stay.]

I am [check appropriate box]

seeking the \$27.00 retraction fee.

requesting waiver of the retraction fee on the grounds that

[Specify the reason(s) you believe you should not have to pay the retraction fee. For example, "I am the debtor and am seeking to retract personal identifiers from records that were filed by a creditor in the case."]

I understand that I must serve a copy of this application on the debtor, my individual whose personal identifiers have been requested, the case trustee (if any), and the United States trustee. I must file proof of service of this application within five (5) days of filing it with the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Applicant

Date: _____

Fee Due

- There is a \$25.00 fee associated with each redaction request unless you are requesting a waiver with your filing.



Order Granting

- If the Judge signs an order granting the application to redact, the Clerk's office will promptly restrict the image containing the personal identifiers.
- You can then docket **Miscellaneous, Redacted Document** and attach the redacted image. This document should be filed within fourteen (14) days of the court's approval.

Bankruptcy Code, Rules and Form

- Bankruptcy Code: 11 USC Section 107 (b)(c)
- Bankruptcy Rule: 9037
- Local Rule: 9037-1
- Local Form: 9037-1

Any Questions?



Motions to Shorten Time
and
Motions for Expedited Hearings

These are two different
animals



Motions to Shorten Time

- Overview: This event is used to make a request of the court to shorten a **deadline**. This event is **not** to be used to file a request for an expedited hearing.
- This Motion to Shorten Time should be accompanied by the Proposed Order and a copy of the pleading for which you are seeking the shortened deadline (attached as an exhibit).
- **An Order from the Court is Required prior to filing a pleading with a shortened deadline.**

- **After** an Order from the court is signed approving a shortened deadline you may then:
 1. Docket the Motion using the docket event Motion (Order entered shortening notice time); and
 2. Depending on the type of Motion being filed , it may need to be accompanied by the Motion, Notice of Motion, Proposed Order and Certificate of Service. Please review the appropriate Filing Instructions for requirements.

Motion For Expedited Hearing and Emergency Motions

- Overview: A motion for expedited hearing or an emergency motion is filed whenever movants, in order to avoid irreparable harm, need the requested relief in less time than is normally required by the Court to receive and consider a response. This motion must specify the reason why expedited consideration is necessary and the motion for which you are seeking expedited consideration must be attached as an **Exhibit**. You should contact Chambers prior to filing and all interested parties must be notified of the request by facsimile, e-mail, or other electronic means prior to the filing of the request for expedited hearing. The caption of the motion must state, "Emergency Motion" or "Request for Expedited Consideration."

- Docket the pleading under **Motions, Expedited Consideration** or **Motions, Expedited Hearing**.
- The filing should be accompanied by the Motion, Certificate of Service and Proposed Order.

We will forward immediately to Chambers.

- If the judge signs an Order granting the Motion:

The Courtroom Deputy will make the expedited hearing date available through CHS so the underlying motion that was attached as an exhibit can now be filed as a motion (using the proper motion event in CM/ECF).

Any Questions?

Thank You!



ECF Event Help

PAMB_CMECF_Event_Help@pamb.uscourts.gov

Established 3/15/2013

What is ECF Event Help?

- ECF event help is an email account for you to use when you cannot find a docket event in CM ECF to match the pleading you are filing.
- It can be used if the events available do not adequately describe your pleading or the relief you are seeking.
- It can also be used if an event needs more functionality (i.e. needs to include an objection date).

CM ECF Event Help vs. CM ECF Help Desk

- Event Help – Is like the name implies – help with events.
- Help Desk - can answer most other case related or general questions.
- Event Help – is answered timely and checked throughout the day.
- Help Desk – is checked twice a day.

How to contact ECF Event help

- You can send an email to this account by accessing our web site at www.pamb.uscourts.gov and going under Court Info., Contact Us.
- You can email us directly from that site.
- Or, you can email us at:

PAMB_CMECF_Event_Help@uscourts.gov

[Filing Instructions](#)
[Practice Your E-Filing Techniques](#)
[Technical Tips](#)
[Training](#)

[Comments](#)
Contact Us
[Case Administrators](#)

[Court Holidays](#)
[Court Locations](#)
[Financial \(Filing Fees\)](#)
[Unclaimed Funds Search](#)

[Job Announcements](#)
[Local Rules and Orders](#)
[Local Rules](#)
[General Orders](#)

[Noticing Information](#)
[Court Info](#)

| | Wilkes-Barre | Harrisburg |
|---|----------------|--------------|
| Main Line | 570-831-2500 | 717-901-2800 |
| Toll Free | 877-298-2053 | 888-631-6485 |
| Click here for Case Administrator Contact Information | | |
| VCIS (automated voice case information) | 1-866-222-8029 | |
| After-Hours-Fax - *Use allowed only under the Local Rule 5005-5 | 570-829-0249 | 717-901-2822 |

CM/ECF Contact Information

| | Wilkes-Barre | Harrisburg |
|---|--------------|--------------|
| ECF Help Desk | 570-831-2530 | 717-901-2812 |
| ECF Help Desk via E-Mail | | |
| ECF Event Help via E-mail | | |

***ECF Event Help** - When docketing a pleading, if you cannot find an appropriate event, if events available do not describe your pleading or relief you are seeking, or if an event needs more functionality for you to e-file a document, please click [here](#) to send an e-mail describing your problem to the CM/ECF Event Help mailbox. Please provide case specific information and attach your document. Someone will get back to you as soon as possible. This e-mail address was set up to enable attorneys and their staff to provide prompt feedback to the clerk's office so these issues can be addressed promptly and consistently.

Please Note: Requests for new events or modifications to existing events will not occur immediately or may not be possible. A member of the clerk's office staff may contact you to discuss the specifics of your request.

Other Phone Numbers

| | |
|---------------------------------|---|
| PACER (Nationwide Case Locator) | 800-676-6856 |
| PACER Web Site | http://www.pacer.gov/indcase.html |
| PA Eastern Bankruptcy | 215-408-2800 |
| PA Western Bankruptcy | 412-644-2700 |
| US District Court - Scranton | 570-207-5600 |
| US District Court - Harrisburg | 717-221-3920 |



- Please include the case name and number, a description of your problem and a copy of your pleading (if possible) in your email to the CM/ECF Event Help E-mail account.
- Someone will get back to you as soon as possible.

Examples of when to use the email account:

- We would like to file a “Motion to Approve Set Off and Recoupment and Finalize Closing.” Would you open an event for us for this filing?
- We responded to this message by opening our “Generic” motion and asked the filer to add a description of the motion in the final docket text box.

I am trying to file a second amended plan post-confirmation in case 12-1234. The available events do not allow for this type of amendment.

- Our response was:
- Please see our filing instructions regarding motion to modify plan.
- <http://www.pamb.uscourts.gov/content/modify-plan-chapter-13-post-confirmation>

Another example:

- We would like to file a Motion to Compel Chapter 7 Trustee to pay exemption following sale of real estate in case 12-1234. We can't find an event to use which addresses this pleading under the "Motion to Compel" category.
- We responded (promptly, of course) by making our Generic Motion category available to this filer.

A Couple of Reminders:



- **Don't force it** – Please don't pick an event just to get the item on the docket. If you are in a hurry to file something, send your email to the event help account and follow up with a phone call. We will assist you as quickly as we can.



We can't give legal advice

- We will assist you to the best of our knowledge and abilities but are unable to provide any legal advice.



- If you have a general question about a case, hearing, order etc., please call or email our office or help desk. If you have something to docket that doesn't appear in your list of available events, please email the ECF Event Help Account at the web address below:
- PAMB_CMECF_Event_Help@pamb.uscourts.gov

Thank you!





Text Orders

- A text order is an Order docket entry made by Chambers staff which does not have a PDF associated with it.
- In 2015, the Court implemented several text orders for routine deficiency situations.
- The entries have default text; however, Chambers staff can edit the text to have it accurately reflect either the Judge's request or a situation unique to the case.



Examples of Text Orders

- Order Directing Party to Serve a Notice
- Order re: Certificate of Service
- Order re: Failure to Include a Revisable Order
- Order re: Failure to Indicate Notice was Provided
- Order re: Failure to Use New Forms
- Scheduling Orders
 - Answer & Hearing; Hearing; Continue/Reschedule Hearings or a Trial

In addition to these types of text orders, Chambers also has a generic one which can be used for ANYTHING. Therefore, it is extremely important for recipients to READ the text order to see what, if any, action is required and by whom.

Order Directing Party to Serve a Notice

A passive Notice providing for an objection within fourteen (14) days is to be served by movant for the document at docket entry #25 on all creditors. Failure to file the Notice with Certificate of Service on all creditors on or before June 8, 2106 will result in the denial of the Amended Motion to Suspend Payments, without prejudice, and without further notice. IT IS SO ORDERED on 6/1/2016. /s/John J. Thomas (There is no image or paper document associated with this entry.) (RE: related document(s)[25]). (Rogers, Richard)

Order re: Certificate of Service

A Certificate of Service evidencing service upon Debtor's employer was not filed with the court for the document at docket entry #13. Failure to file a Certificate of Service evidencing service upon Debtor's employer on or before April 1, 2016 will result in the denial of the Motion for Wage Attachment Order, without prejudice, and without further notice. IT IS SO ORDERED on 4/1/2016.
/s/Robert N. Opel, II (There is no image or paper document associated with this entry.) (RE: related document(s)[13]). (Ratchford, Patricia)

Order re: Failure to Include Revisable Order

A proposed order in revisable PDF format was not filed with the court for the document at docket entry #23. Failure to file a proposed order in revisable PDF format on or before May 12, 2016 will result in the denial of the Motion to Avoid a Lien of Sherry Dixon, Esquire, without further notice. IT IS SO ORDERED on 5/9/2016. /s/Robert N. Opel, II
(There is no image or paper document associated with this entry.) (RE: related document(s)[23]).
(Irving, Beth)

Order re: Failure to Indicate Notice was Provided

A Notice was not filed with the court for the document at docket entry #36. Failure to file the Notice with a Certificate of Service evidencing service upon creditors and parties in interest, with an attached service list, on or before June 13, 2016 will result in the denial of the Joint Motion to Dismiss Adversary Proceeding and Approve Settlement Agreement, without prejudice, and without further notice. IT IS SO ORDERED on 6/8/2016. /s/Robert N. Opel, II (There is no image or paper document associated with this entry.) (RE: related document(s)[36]). (Irving, Beth)

Order re: Failure to Use New Forms

The documents filed at docket entry #1 do not appear to substantially conform to the new Official Bankruptcy Forms required to be used as of December 1, 2015. Accordingly, the filing party is hereby ORDERED to show cause at a hearing why the Official Bankruptcy Forms should not be required to be filed. No hearing will be necessary if the properly completed Official Bankruptcy Forms are filed on or before June 6, 2016. IT IS SO ORDERED on 6/1/2016. /s/Robert N. Opel, II (There is no image or paper document associated with this entry.) (RE: related document(s)[1]). Show Cause hearing to be held on 7/14/2016 at 09:30 AM at 197 South Main Street, Courtroom 2, Max Rosenn US Courthouse, Wilkes-Barre, PA 18701. (Irving, Beth)

Generic Text Order

Order that A Notice to filing party was issued concerning the Motion filed at #122 on March 30, 2016. No action has been taken to cure the deficiency. Unless the pleading is withdrawn and filed anew consistent with LBR 9013-1, on or before April 19, 2016, the Motion will be denied as an incomplete filing. IT IS SO ORDERED on 4/13/2016. /s/Robert N. Opel, II (RE: related document(s)[122], [123]). (Ratchford, Patricia)

Text Orders



IMPORTANT!
PLEASE READ



US Bankruptcy Court Middle District of Pennsylvania

Questions & Answers