

UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF PENNSYLVANIA

NOTICE OF PROPOSED AMENDMENTS TO THE LOCAL BANKRUPTCY RULES AND FORMS

TO BECOME EFFECTIVE [DATE]

Posted March 28, 2025, Comment Period Ends April 28, 2025

The United States Bankruptcy Court for the Middle District of Pennsylvania proposes to amend certain of its Local Bankruptcy Rules. The changes have been provisionally approved by the Bankruptcy Judges. The Court hereby offers public notice of the proposed amendments and seeks public comment. The amendments to the Local Rules will become effective on May 1, 2025. Comments on the proposed amendments may be submitted either by email to PAMB_Local_Rules@pamb.uscourts.gov(link sends e-mail) or by U.S. Mail to the Clerk of Court, United States Bankruptcy Court, Max Rosenn U.S. Courthouse, 197 South Main St., Wilkes-Barre, Pennsylvania, 18701. Comments must be submitted no later than April 28, 2025.

Summary of Proposed Changes

RULE	SUMMARY OF CHANGE
4001-5	Adds a new paragraph (a) that imposes a 14 day time within which to file a motion to extend the stay under Section 362(c)(3)(B). The existing provisions are renumbered accordingly.
5005-3	Eliminates the use of faxes to transmit documents to the Court in the event of Court Systems Failure.
9010-2	Eliminates the requirement that attorneys provide a fax number.
9015-1	Eliminates the rule concerning jury trials because the bankruptcy court is not authorized to conduct jury trials in this District.
9029-1(a)	Non-substantive, technical amendments.

Redline of the Proposed Changes:

Rule 4001-5 *Motions to Extend the Automatic Stay Under Section 362(c)(3) and Motions to Impose Automatic Stay Under Section 362(c)(4).*

- (a) *Motion: A motion to extend the automatic stay under Section 362(c)(3)(B) must be filed and served within seven days after the petition is filed. Any such motion not filed and served within seven days must comply with Local Rule 9075-1 (Emergency Orders). If an emergency order is granted, the moving party will be responsible for serving both the motion and notice generated by the Clerk's Office.*

- (b) *Contents.* If the stay is to be extended or imposed with regard to all creditors, then the motion must so indicate. If the motion seeks only to extend the stay or to impose the stay as to particular creditors, then the motion must identify those particular creditors. The motion also must state with particularity why the later filing has been made in good faith.
- (c) *Service.* A motion that seeks to extend or impose the stay as to all creditors must be served upon all creditors. A motion that seeks to extend or impose the stay only as to particular creditors must be served upon those particular creditors.
- (d) *Affidavit.* The movant may file a verified affidavit setting forth the substantial changes in the financial or personal affairs of the debtor since the dismissal of the next most previous bankruptcy case. In the absence of timely filed objections, the Court may enter an order extending the automatic stay without a hearing where a sufficient affidavit has been filed.

Rule 5005-3 *Filings During Systems Failures.*

- (a) *Individual User's Systems Failure.* An entity or individual may file papers in person, by facsimile, or through the Court's Electronic Document Submission System for up to seventy-two (72) hours when electronic filing is not possible due to a failure in the filer's systems, including, without limitation, hardware, software, or internet connection. For CM/ECF filers, any filing made by means other than CM/ECF must be accompanied by an affidavit stating why the document could not be filed through CM/ECF.
- (b) *Court Systems Failure.* In the event that the applicable court electronic filing system (CM/ECF, EDSS, or ePOC) is unable to accept filings continuously over a period of more than two (2) hours after 7:00 a.m., an electronic filer may use any of the following filing methods:
 - (1) file the documents using the Court's Electronic Document Submission System ("EDSS") available on the Court's website;
 - (2) 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;
 - (3) ~~file the documents via facsimile to: 570-829-0249 (Wilkes-Barre) or 717-901-2822 (Harrisburg); or~~
 - (4) seek appropriate relief from the Court or proceed pursuant to any generally applicable order that may have been entered addressing the technical failure.

- (c) The Court's ability to grant relief may be limited by [F.R.B.P. 9006\(b\)](#).

Rule 9010-2 ~~*Faeximile and E-mail Addresses.*~~

In addition to the requirements of [F.R.B.P. 9010\(b\)](#), an attorney must provide the attorney's ~~faeximile number and~~ e-mail address, ~~if any~~.

~~Rule 9015-1—*Jury Trials.*~~

~~The parties may consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly or separately filing a statement of consent no later than thirty (30) days after time of demand or designation, whichever last occurs, if right to a jury trial applies; a timely demand has been filed under Fed. R. Civ. P. 38(b); and the bankruptcy judge has been specially designated to conduct the jury trial.~~

Rule 9029-1 *Attorney Advisory Committee.*

The Court will appoint a committee of attorneys who regularly practice in the Bankruptcy Court for the Middle District of Pennsylvania to advise the Court on issues identified by the Court and by the members of the bar.

- (a) *Membership.* The committee consists of the ~~three (3)~~ judges of the Court, the Assistant United States trustee for the District, or his or her designee, the chapter 13 trustee, or his or her designee, the President of the Middle District Bankruptcy Bar Association, or his or her designee, the Chair of the Middle District Bankruptcy Bar Association Rules Committee, and eight (8) attorneys who are engaged in bankruptcy practice in the District and who represent the diverse interests of the District. The bankruptcy attorney members of the committee will be appointed by the Chief Judge after consultation with the other judge(s) of the Court and the President of the Middle District Bankruptcy Bar Association. The names of the committee members will be posted on the Court's website (www.pamb.uscourts.gov). The eClerk, or his or her designee, will serve as the secretary of the committee, and may invite staff to attend the meetings ~~in order~~ to facilitate the discussion of agenda items.
- (b) *Term of Office.* Each bankruptcy attorney member of the committee will serve a three (3) year term, beginning January 1 of each year. In the event of a vacancy on the committee, the Chief Judge will select a bankruptcy attorney to fill the vacancy for the remainder of the term.
- (c) *Meetings.* The committee will meet quarterly or as otherwise determined by the Chief Judge. All minutes of the committee meetings will be posted on the Court's website (www.pamb.uscourts.gov).
- (d) *Duties.* The committee will advise the Court on matters of Court administration and serve as a liaison between the bankruptcy bar and the Court on administrative matters. The committee, or designated subcommittees thereof, will make any studies and render any reports and recommendations requested by the Court. The

committee, or designated subcommittees thereof, will recommend amendments to the Local Bankruptcy Rules and Forms.