

SYNOPSIS OF CHANGES

The proposed new Local Bankruptcy Rules include the following proposed substantive changes to the existing Local Bankruptcy Rules for the United States Bankruptcy Court for the District of Maryland. There are also additional changes of language and style, and all interested persons are urged to review all of the proposed new Local Bankruptcy Rules critically for content.

RULE 1007-2(a) (AMENDED) - This rule is changed to provide that unless the Maryland Comptroller of the Treasury and the Internal Revenue Service are creditors, they need not be listed on the matrix.

RULE 1014-1 (NEW) - This rule provides a cross-reference to the Local Rules of the United States District Court for the District of Maryland (Local District Rules) regarding motions for change of venue of Personal Injury Tort and Wrongful Death Claims covered by 28 U.S.C. § 157(b)(5).

RULE 1020-1 (DELETED) - This rule on small business cases has been deleted. It was rendered redundant by the enactment of Federal Bankruptcy Rule 1020.

RULE 2004-1 (NEW) - This rule makes the protective measures found in Local Bankruptcy Rule 7026-1 applicable to examinations conducted pursuant to Federal Bankruptcy Rule 2004.

RULE 2007-1 (DELETED) - This rule has been deleted. It was rendered redundant by the enactment of Federal Bankruptcy Rule 2007.1.

RULE 2072-1 (AMENDED) - This rule has been changed in form.

RULE 2081-2 (AMENDED) - This rule has been changed in form and to provide cross-references.

RULE 3007-1(c) (DELETED) - This rule requiring a party objecting to a proof of claim in cases under Chapters 12 and 13 cases to attach a copy of the proof of claim to the objection has been deleted, because the Chapters 12 and 13 trustees have been relieved of the responsibility of maintaining the claims register.

RULE 3015-1(b) (AMENDED) - This rule has been changed to clarify the debtor's responsibility to serve amended Chapter 13 plans upon each creditor and the Chapter 13 trustee.

RULE 3017-1 (DELETED) - This rule has been deleted. It was rendered redundant by the enactment of Federal Bankruptcy Rule 3017.1.

RULE 3017-2 (AMENDED) - This rule has been renumbered as Rule 3017-1.

RULE 4001-1 (SUBSTANTIALLY AMENDED) - This rule has been changed in its entirety. **Subsection (b)** describes the required contents of a motion for relief from stay. **Subsection (c)** describes a procedure whereby the moving party selects the date for the hearing and serves the motion, together with the hearing notice conforming to new Local Bankruptcy Form B. **Subsection (g)** deals with the measuring period of 11 U.S.C. § 362(e) and waiver. **Subsection (h)** deals with a deadline for pre-filing exhibits for motions in cases under Chapter 11.

RULE 4003-2 (SUBSTANTIALLY AMENDED) - This rule has been substantially amended to provide a procedure for lien avoidance actions under 11 U.S.C. § 522(f) similar to relief stay motions. The movant selects the hearing date and serves a notice of hearing with the motion conforming to new Local Bankruptcy Form C.

RULE 4007-1 (AMENDED) - This rule was amended to identify as Local Bankruptcy Form D, the financial statement required to be filed in an adversary proceeding brought under 11 U.S.C. § 523(a)(15).

RULE 4008-1 (NEW) - This rule clarifies procedures with regard to an attorney's compliance with the requirements of 11 U.S.C. § 523(c) by the use of Local Bankruptcy Form E.

RULE 5003-1(c) (DELETED) - This former rule enabling the Clerk to designate the standing trustee to maintain the claims register has been deleted.

RULE 5011-2 (NEW) - This rule has been added to provide a cross reference to the procedures for withdrawal of a reference of proceedings to the Bankruptcy Court.

RULE 6004-1(b) (AMENDED) - This subsection has been changed in form.

RULE 6070-1(a) (AMENDED) - This subsection has been amended to provide that "tax authorities" may not make refunds to individual debtors in cases filed under Chapter 7 and the debtor in cases under all other chapters before thirty (30) days have elapsed from the conclusion of the meeting of creditors held pursuant to § 341.

RULE 6070-1(c) (DELETED) - This subsection authorizing automatic relief from the automatic stay to allow offset to certain tax authorities has been deleted.

RULE 7016-1 (MODIFIED) - This rule has been changed in form and **Subsection (b)(8)** adds a requirement that the pretrial statement disclose any matter that must be resolved before trial.

RULE 7016-1(d) (MODIFIED) - This subsection clarifies the procedure with respect to proof of the amount of a claim or debt.

RULE 7026-1(i) (NEW) - This subsection has been added to refer specifically to Discovery Guidelines adopted by the court. The Guidelines are now found in Appendix C to the Local Bankruptcy Rules.

RULE 7055-1(b) (MODIFIED) - This subsection has been changed in form.

RULE 9009-1 (NEW) - This rule requires the use of the Local Bankruptcy Forms found in Appendix A.

RULE 9013-4(e) (NEW) - This subsection has been added to impose an obligation on a party or attorney filing a motion to review the notice of the hearing prepared by the Clerk and to advise the Clerk of any deficiency.

RULE 9015-1 (DELETED) - This rule has been deleted. It was rendered redundant by Federal Bankruptcy Rule 9015.

RULE 9015-1 (NEW) - This rule sets a time within which a party must file a consent to have a jury trial conducted by a bankruptcy judge.

APPENDIX A - LOCAL BANKRUPTCY FORMS (LBF) - The following six Local Bankruptcy Forms are proposed to be adopted and appear in Appendix A:

LBF-A - Notice of Filing of Case in Bankruptcy Court

This form was formerly Appendix E.

**LBF-B - Notice of Motion for Relief from Stay and
and Hearing Thereon**

This is a new form that replaces the Order Directing Course of Proceeding for motions for relief from stay.

**LBF-C - Notice of Debtor(s)' Motion to Avoid Lien
Pursuant to 11 U.S.C. § 522(f) and Hearing
Thereon**

This is a new form that replaces the Order Directing Course of Proceeding for motions to avoid lien.

LBF-D - Financial Statement

This form was formerly Appendix F.

LBF-E - Summary of Reaffirmation Agreement

This form was formerly Appendix C. The new form contains modifications.

LBF-F - Motion for Admission Pro Hac Vice

This form was formerly Appendix G. The new form contains modifications.

APPENDIX B - Local District Court Rules with Cross-Reference

This appendix was formerly Appendix A and now contains a cross-reference.

APPENDIX C - Discovery Guidelines

This appendix was formerly Appendix B.

APPENDIX D - Compensation Guidelines for Professionals