

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

**Proposed Local Bankruptcy Rules Amendments for Public Comment  
November 1, 2021 through November 24, 2021**

Comments concerning the proposed Local Bankruptcy Rules amendments must be submitted to [bkcomments@cacb.uscourts.gov](mailto:bkcomments@cacb.uscourts.gov) and include the name, email address, and telephone number of the person submitting the comment. Comments must be submitted by November 24, 2021.

<b>Summary of LBR Amendments</b> <i>(Draft and Redline LBRs follow)</i>		
<b><i>LBR</i></b>	<b><i>LBR Title</i></b>	<b><i>Type of Amendment</i></b>
LBR 2002-2	Notice To And Service Upon The United States Or Federal Agencies	To reduce the list of documents to be served on the United States Trustee via U.S. Mail.
LBR 2015-2	Periodic Reporting Requirements In Chapter 11 Cases Other Than Small Business Cases And Subchapter V Cases	To require scanned “holographic” signatures to be attached to the new Monthly Operating Reports (MORs) and Post-Confirmation Reports, rather than included within those forms, preserving the forms’ data-enabled functions; and to change the filing MOR deadline from the 15 <sup>th</sup> of the month to the 21 <sup>st</sup> .
LBR 2015-3	Preconfirmation Requirements For Subchapter V Debtors, Debtors In Possession, and Trustees	To set a deadline of 14 days in Subchapter V cases (chapter 11) before any proposed plan is due for the Trustee to file a notice of anticipated fees.

**LBR 2002-2. NOTICE TO AND SERVICE UPON THE UNITED STATES OR FEDERAL AGENCIES**

**(a) United States Trustee.**

- (1) Duty to Provide Notice to and Service Upon the United States trustee. Pursuant to FRBP 2002(k), FRBP 9034 and these rules, and unless otherwise directed, a copy of any document filed by a person or entity in a bankruptcy case or adversary proceeding under chapters 7, 9, or 11 must be served upon the United States trustee. In chapter 12 or 13 cases, only a notice of conversion or motion to convert the case to another chapter must be served upon the United States trustee. Proofs of claim or copies thereof must not be served upon the United States trustee.
- (2) Consent to Electronic Notice and Service of Documents Filed with the Court. Notwithstanding subsection (a)(1) of this rule, and except as provided in subsection (a)(3) of this rule, the United States trustee consents to electronic notice and service of any document filed in a bankruptcy case or adversary proceeding.
  - (A) Electronic Notice. The electronic transmission to the United States trustee of an NEF or a notice through the Bankruptcy Noticing Center constitutes notice to the United States trustee of a document filed in a bankruptcy case or adversary proceeding, including notice of entry of an order or judgment, whether it is the duty of the clerk or another person or entity to give such notice. A proof of service prepared and filed pursuant to LBR 9013-3 must state that the United States trustee will be served electronically by the court.
  - (B) Electronic Service. The electronic transmission to the United States trustee of an NEF regarding a document filed in a bankruptcy case or adversary proceeding, which is required to be served on the United States trustee pursuant to FRBP 2002(k), FRBP 9022, FRBP 9034 or these rules, constitutes service of the document on the United States trustee. A proof of service prepared and filed pursuant to LBR 9013-3 must state that the United States trustee will be served electronically by the court.
- (3) Exceptions to Electronic Notice and Service. Notwithstanding the foregoing and in addition to the exceptions to electronic notice and service set forth in LBR 9036-1(a)(2), the following documents must be served on the United States trustee nonelectronically:
  - (A) Any and all subpoenas directed to the United States trustee, or the Office of the United States trustee or its staff;
  - (B) Complaints and any other papers in adversary proceedings served upon the United States trustee as a defendant—persons and entities must comply with FRBP 7004(b)(10) when the United States trustee is named in an adversary proceeding as a party, whether or not the United States trustee is a trustee in the case;

(C) Any document served upon the United States trustee and/or any of the United States trustee's staff in their capacity as individuals—the service of any such document must comply with Rule 4 of the F.R.Civ.P. and with any and all other applicable rules of civil, bankruptcy and/or appellate procedure; and

(D) All documents in any adversary proceeding or contested matter in which the United States trustee files and serves a request for nonelectronic service.

(4) Telephonic Notice of Hearing Set on an Emergency Basis or Shortened Notice.

Telephonic notice of a hearing set on an emergency basis or hearing set on shortened notice basis pursuant to LBR 9075-1 must be given to the United States trustee if the United States trustee would otherwise be entitled to notice of the type of motion or hearing.

(5) Place of Service for Nonelectronic Notice or Service. For documents for which the United States trustee has not consented to electronic notice and service, the United States trustee must be served nonelectronically at the applicable mailing address listed in the Register of Federal and State Governmental Unit Addresses contained in the Court Manual.

**LBR 2002-2. NOTICE TO AND SERVICE UPON THE UNITED STATES OR FEDERAL AGENCIES**

**(a) United States Trustee.**

- (1) Duty to Provide Notice to and Service Upon the United States trustee. Pursuant to FRBP 2002(k), FRBP 9034 and these rules, and unless otherwise directed, a copy of any document filed by a person or entity in a bankruptcy case or adversary proceeding under chapters 7, 9, or 11 must be served upon the United States trustee. In chapter 12 or 13 cases, only a notice of conversion or motion to convert the case to another chapter must be served upon the United States trustee. Proofs of claim or copies thereof must not be served upon the United States trustee.
- (2) Consent to Electronic Notice and Service of Documents Filed with the Court. Notwithstanding subsection (a)(1) of this rule, and except as provided in subsection (a)(3) of this rule, the United States trustee consents to electronic notice and service of any document filed in a bankruptcy case or adversary proceeding.
  - (A) Electronic Notice. The electronic transmission to the United States trustee of an NEF or a notice through the Bankruptcy Noticing Center constitutes notice to the United States trustee of a document filed in a bankruptcy case or adversary proceeding, including notice of entry of an order or judgment, whether it is the duty of the clerk or another person or entity to give such notice. A proof of service prepared and filed pursuant to LBR 9013-3 must state that the United States trustee will be served electronically by the court.
  - (B) Electronic Service. The electronic transmission to the United States trustee of an NEF regarding a document filed in a bankruptcy case or adversary proceeding, which is required to be served on the United States trustee pursuant to FRBP 2002(k), FRBP 9022, FRBP 9034 or these rules, constitutes service of the document on the United States trustee. A proof of service prepared and filed pursuant to LBR 9013-3 must state that the United States trustee will be served electronically by the court.
- (3) Exceptions to Electronic Notice and Service. Notwithstanding the foregoing and in addition to the exceptions to electronic notice and service set forth in LBR 9036-1(a)(2), the following documents must be served on the United States trustee ~~non-electronically~~nonelectronically:
  - (A) ~~A document exceeding 50 pages in length, including exhibits;~~
  - (B) ~~A motion~~Any and all subpoenas directed to be heard on an emergency basis pursuant to LBR 9075-1(a) or on shortened notice pursuant to LBR 9075-1(b), and any response thereto;
  - (C) ~~Any document filed within 7 days of the date of the hearing;~~

~~(D) Proposed orders or judgments if required to be served on~~ the United States trustee, or the Office of the United States trustee under LBR 9021-1(b); or its staff;

~~(E) B~~ Complaints and any other papers in adversary proceedings served upon the United States trustee as a defendant. ~~Persons~~ persons and entities must comply with FRBP 7004(b)(10) when the United States trustee is named in an adversary proceeding as a party, whether or not the United States trustee is a trustee in the case; **and**

~~(F) C~~ Any document served upon the United States trustee and/or any of the United States trustee's staff in their capacity as individuals. ~~The~~ the service of any such document must ~~be made in compliance~~ comply with Rule 4 of the F.R.Civ.P. and with any and all other applicable rules of civil, bankruptcy and/or appellate procedure. **;** and

(D) All documents in any adversary proceeding or contested matter in which the United States trustee files and serves a request for nonelectronic service.

(4) Telephonic Notice of Hearing Set on an Emergency Basis or Shortened Notice.

Telephonic notice of a hearing set on an emergency basis or hearing set on shortened notice basis pursuant to LBR 9075-1 must be given to the United States trustee if the United States trustee would otherwise be entitled to notice of the type of motion or hearing.

(5) Place of Service for ~~Non-electronic~~ Nonelectronic Notice or Service. For documents for which the United States trustee has not consented to electronic notice and service, the United States trustee must be served ~~non-electronically~~ nonelectronically at the applicable mailing address listed in the Register of Federal and State Governmental Unit Addresses contained in the Court Manual.

**LBR 2015-2. PERIODIC REPORTING REQUIREMENTS IN CHAPTER 11 CASES OTHER THAN SMALL BUSINESS CASES AND SUBCHAPTER V CASES.**

**(a) Chapter 11 Cases Other than Small Business Cases and Subchapter V Cases.**

Debtors in possession and trustees in cases in which the debtor is not a small business debtor (as defined in 11 U.S.C. § 101(51D), or subchapter V debtor (as defined in 11 U.S.C. § 1182), must file reports in compliance with this Rule and any requirements established by the United States Trustee until the effective date of a confirmed plan or an order is entered dismissing or converting a case to another Bankruptcy Code chapter.

**(1) Mandatory Form.** Monthly operating reports (MORs) must be filed using the mandatory data-enabled form adopted by the United States Trustee, without alteration.

**(A)** The mandatory MOR form and instructions for its use are available at <https://www.justice.gov/ust/chapter-11-operating-reports>.

**(B)** MORs must be filed through the court's CM/ECF system.

**(2) Jointly Administered Cases.** Each debtor in jointly administered cases must file separate monthly reports on a nonconsolidated basis consistent with any requirements set forth by the United States Trustee.

**(3) Filing Deadline.** The MOR for each month must be filed by no later than the 21st day of the following month.

**(4) Service.** At the same time they are filed, MORs must be served on:

**(A)** the United States Trustee;

**(B)** any official committee appointed under 11 U.S.C. § 1102;

**(C)** any governmental unit responsible for collecting or determining any tax arising out of the bankruptcy estate's operation;

**(D)** any party in interest requesting to be served; and

**(E)** any other party the court orders to be served.

**(b) Postconfirmation Reports.** In all chapter 11 cases other than small business cases or cases proceeding under subchapter V, the reorganized debtor or any other party authorized to administer the confirmed plan must file quarterly postconfirmation reports (PCRs) using the appropriate mandatory form until a final decree is entered or the case is dismissed or converted to another Bankruptcy Code chapter.

- (1) **Mandatory Form.** PCRs must be filed using the mandatory data-enabled form adopted by the United States Trustee, without alteration.

  - (A) The mandatory PCR form and instructions for its use are available at <https://www.justice.gov/ust/chapter-11-operating-reports>.
  - (B) PCRs must be filed through the court's CM/ECF system.
- (2) **Jointly Administered Cases.** Each reorganized debtor and any other party authorized to administer the confirmed plan in jointly administered cases must file separate postconfirmation reports on a nonconsolidated basis consistent with any requirements set forth by the United States Trustee.
- (3) **Filing Deadline.** The PCR for each quarter must be filed by no later than the 21st day of the month following the end of the calendar quarter covered by the report.
- (4) **Service.** At the same time they are filed, PCRs must be served on:

  - (A) the United States Trustee;
  - (B) any governmental unit responsible for collecting or determining any tax arising out of the reorganized debtor's operation and administration of the confirmed plan;
  - (C) any party in interest requesting to be served; and
  - (D) any other party the court orders to be served.
- (c) **Scanned signatures must be in attachments, not in the forms themselves.** Holographic signatures and their retention are governed by Local Rule 9011-2, except that scanned holographic signatures must be filed as separate attachments to the MOR and PCR forms, just like certain financial information is filed as separate attachments. Violating this rule by including scanned signature pages within the same document as MORs and PCRs will negate the data-enabled functions of those forms and may subject the filer to sanctions. The filed MORs and PCRs themselves must be signed by placing "/s/" on the signature line followed by the typed name of the signor. Counsel for the debtor must retain the holographic signatures for five years. Unrepresented debtors must deliver their holographic signatures to the Office of the United States Trustee.
- (d) **Duties Upon Conversion to Chapter 7.** Upon entry of an order converting a case to one under chapter 7, the debtor in possession, chapter 11 trustee, or subchapter V trustee in possession, if any, must, in addition to complying with those duties set forth in FRBP 1019: (1) Secure, preserve and refrain from disposing of property of the estate; (2) Contact the chapter 7 trustee and arrange to deliver property of the estate and all books and records to the trustee or the trustee's designated agent; and (3) Within 7 days after entry of the conversion order, file and serve upon the United States trustee and the

chapter 7 trustee, a verified schedule of all property of the estate as of the conversion date.



**LBR 2015-2. ~~REQUIREMENTS FOR CHAPTER 11 DEBTORS IN POSSESSION, CHAPTER 11 TRUSTEES, AND SUBCHAPTER V TRUSTEES.~~**

**~~Reports Before Confirmation of Plan, PERIODIC REPORTING~~**

~~The debtor, the debtor in possession, chapter 11 trustee, or subchapter V trustee in possession, must timely provide the United States trustee with financial, management and operational reports, and such other information requested by the United States trustee pursuant to the Guidelines and **REQUIREMENTS for IN CHAPTER 11 Debtors in Possession as necessary to properly supervise the administration of a chapter 11 case****CASES OTHER THAN SMALL BUSINESS CASES AND SUBCHAPTER V CASES.**~~

**(a) ~~Chapter 11 Cases Other than Small Business Cases and Subchapter V Cases.~~**

~~Debtors in possession and trustees in cases in which the debtor is not a small business debtor (as defined in 11 U.S.C. § 101(51D), or subchapter V debtor (as defined in 11 U.S.C. § 1182), must file reports in compliance with this Rule and any requirements established by the United States Trustee until the effective date of a confirmed plan or an order is entered dismissing or converting a case to another Bankruptcy Code chapter.~~

**(1) ~~Mandatory Form.~~** ~~Monthly operating reports (MORs) must be filed using the mandatory data-enabled form adopted by the United States Trustee, without alteration.~~

**(A) ~~Monthly Operating Reports.~~** ~~The mandatory MOR form and instructions for its use are available at <https://www.justice.gov/ust/chapter-11-operating-reports>The United States trustee may, at any time during the pendency of a case, add or delete requirements where such modifications are necessary or appropriate.~~

**(B)** ~~MORs must be filed through the court's CM/ECF system.~~

**(2) ~~Jointly Administered Cases.~~** ~~Each debtor in jointly administered cases must file separate monthly reports on a nonconsolidated basis consistent with any requirements set forth by the United States Trustee.~~

**Filing Deadline.** ~~The MOR for~~

**(3)** ~~The debtor in possession, chapter 11 trustee, or subchapter V trustee in possession, must file with the Court a copy of each monthly operating report submitted to month must be filed by no later than the 21st day of the following month.~~

**(4) ~~Service.~~** ~~At the same time they are filed, MORs must be served on:~~

**(A)** ~~the United States trustee from the date the Trustee;~~

**(B)** ~~any official committee appointed under 11 U.S.C. § 1102;~~

(C) any governmental unit responsible for collecting or determining any tax arising out of the bankruptcy estate's operation;

(D) any party in interest requesting to be served; and

(E) any other party the court orders to be served.

~~(a)~~**(b) Postconfirmation Reports.** In all chapter 11 case is commenced until the date a plan is confirmed-cases other than small business cases or cases proceeding under subchapter V, the reorganized debtor or any other party authorized to administer the confirmed plan must file quarterly postconfirmation reports (PCRs) using the appropriate mandatory form until a final decree is entered or the case is dismissed or converted to another Bankruptcy Code chapter under title 11.  
~~Each monthly operating report~~

(1) **Mandatory Form.** PCRs must be filed ~~on~~using the ~~date that such documents are submitted to~~mandatory data-enabled form adopted by the United States Trustee, without alteration.

(A) The mandatory PCR form and instructions for its use are available at <https://www.justice.gov/ust/chapter-11-operating-reports>~~trustee, but not,~~

(B) PCRs must be filed through the court's CM/ECF system.

(2) **Jointly Administered Cases.** Each reorganized debtor and any other party authorized to administer the confirmed plan in jointly administered cases must file separate postconfirmation reports on a nonconsolidated basis consistent with any requirements set forth by the United States Trustee.

(3) **Filing Deadline.** The PCR for each quarter must be filed by no later than the ~~15th~~<sup>21st</sup> day of the month following ~~expiration~~the end of the ~~month which is the~~calendar quarter covered by the report.

(4) **Service.** At the same time they are filed, PCRs must be served on:

(A) the United States Trustee;

(B) any governmental unit responsible for collecting or determining any tax arising out of the reorganized debtor's operation and administration of the confirmed plan;

(C) any party in interest requesting to be served; and

(D) any other party the court orders to be served.

**(c) Scanned signatures must be in attachments, not in the forms themselves.**

Holographic signatures and their retention are governed by Local Rule 9011-2, except that scanned holographic signatures must be filed as separate attachments to the MOR and PCR forms, just like certain financial information is filed as separate attachments. Violating this rule by including scanned signature pages within the same document as MORs and PCRs will negate the data-enabled functions of those forms and may subject of the report the filer to sanctions. The filed MORs and PCRs themselves must be signed by placing “/s/” on the signature line followed by the typed name of the signor. Counsel for the debtor must retain the holographic signatures for five years. Unrepresented debtors must deliver their holographic signatures to the Office of the United States Trustee.

**(b)(d) Duties Upon Conversion to Chapter 7.** Upon entry of an order converting a case to one under chapter 7, the debtor in possession, chapter 11 trustee, or subchapter V trustee in possession, if any, must, in addition to complying with those duties set forth in FRBP 1019: (1) Secure, preserve and refrain from disposing of property of the estate; (2) Contact the chapter 7 trustee and arrange to deliver property of the estate and all books and records to the trustee or the trustee’s designated agent; and (3) Within 7 days after entry of the conversion order, file and serve upon the United States trustee and the chapter 7 trustee, a verified schedule of all property of the estate as of the conversion date.

**LBR 2015-3. PRECONFIRMATION REQUIREMENTS FOR SUBCHAPTER V DEBTORS, DEBTORS IN POSSESSION, AND TRUSTEES**

- (a) **Applicability**. This LBR only applies to cases proceeding under subchapter V of chapter 11 of the Bankruptcy Code.
- (b) **Subchapter V Status Report**. Unless otherwise ordered by the Court, not later than 14 days before the date of the first-scheduled status conference, the debtor must:
- (1) file a completed Subchapter V Status Report, local form **F 2015-3.1.SUBV.STATUS.RPT**, executed by both the debtor and the debtor's counsel, if any; and
  - (2) serve a copy of the Subchapter V Status Report on the trustee, the United States trustee, and all parties in interest.
- (c) **Monthly Operating Reports**. The debtor must file with the Court timely subchapter V monthly operating reports ("MORs") on the appropriate Official Form (Official Form B 425C) required by section 308 of the Bankruptcy Code and in accordance with the timing requirements of FRBP 2015(a)(6). If the debtor is removed as debtor in possession, the obligation to file MORs shall be the obligation of the subchapter V trustee in possession, unless the Court orders otherwise. LBR 2090-1.
- (d) **Complete Inventory**. Upon written motion pursuant to LBR 9013-1, filed by a party in interest, including the subchapter V trustee, the Court may direct the debtor to file a complete physical inventory of the debtor's property as of the date (1) the petition was filed, or (2) the case was converted to chapter 11, subchapter V.
- (e) **Subchapter V Trustee's Estimate of Fees and Expenses**. Unless otherwise ordered by the Court, not later than 14 days before the deadline to file any proposed plan, the Subchapter V Trustee must:
- (1) file a completed Notice of Subchapter V Trustee's Estimated Fees and Expenses for Purposes of Plan Confirmation, local form **F 2015-3.2.SUBV.TRUSTEE.FEE.EST**; and
  - (2) serve a copy of the Subchapter V Trustee's Estimated Fees and Expenses on the debtor, counsel for the debtor, and the United States trustee.

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- (a) **Applicability**. This LBR only applies to cases proceeding under subchapter V of chapter 11 of the Bankruptcy Code.
- (b) **Subchapter V Status Report**. Unless otherwise ordered by the Court, not later than 14 days before the date of the first-scheduled status conference, the debtor must:
- (1) file a completed Subchapter V Status Report, local form **F 2015-3.1.SUBV.STATUS.RPT**, executed by both the debtor and the debtor's counsel, if any; and
  - (2) serve a copy of the Subchapter V Status Report on the trustee, the United States trustee, and all parties in interest.
- (c) **Monthly Operating Reports**. The debtor must file with the Court timely subchapter V monthly operating reports ("MORs") on the appropriate Official Form (Official Form B 425C) required by section 308 of the Bankruptcy Code and in accordance with the timing requirements of ~~LBR 2015- 2(b)(2)~~**FRBP 2015(a)(6)**. If the debtor is removed as debtor in possession, the obligation to file MORs shall be the obligation of the subchapter V trustee in possession, unless the Court orders otherwise. LBR 2090-1.
- (d) **Complete Inventory**. Upon written motion pursuant to LBR 9013-1, filed by a party in interest, including the subchapter V trustee, the Court may direct the debtor to file a complete physical inventory of the debtor's property as of the date (1) the petition was filed, or (2) the case was converted to chapter 11, subchapter V.
- ~~(e) **Subchapter V Trustee's Estimate of Fees and Expenses**. Unless otherwise ordered by the Court, not later than 14 days before the deadline to file any proposed plan, the Subchapter V Trustee must:~~
- ~~(1) file a completed Notice of Subchapter V Trustee's Estimated Fees and Expenses for Purposes of Plan Confirmation, local form **F 2015-3.2.SUBV.TRUSTEE.FEE.EST**; and~~
  - ~~(2) serve a copy of the Subchapter V Trustee's Estimated Fees and Expenses on the debtor, counsel for the debtor, and the United States trustee.~~