

Kyle George

From: kyle_george@gamb.uscourts.gov on behalf of US Bankruptcy Court Middle District of GA <kyle_george@gamb.uscourts.gov>
Sent: Wednesday, November 30, 2016 3:14 PM
To: Kyle George
Subject: Message from the US Bankruptcy Court Middle District of GA 11/30/2016
Attachments: Federal Rule Changes, Fee, and Form Changes Presentation December 1, 2016.pdf; LBR 9004-1 Change December 1, 2016 BOTH LOCATIONS.wpd; LBR 9004-1 Forms in Word December 1, 2016 BOTH LOCATIONS.docx; 107 Abrogation of Local Bankruptcy Rules 7008-1 and 7012-1.pdf

Bankruptcy Practitioners in the Middle District of Georgia ,

Effective December 1, 2016, Federal Rule, fee, and form changes go into effect. You have previously been informed about these changes but for your reference, we have adapted a slide presentation produced by the Eastern District of Oklahoma which summarizes the entire Rule, fee, and form changes. The presentation is attached to this email and can also be viewed at our website at www.gamb.uscourts.gov . PLEASE NOTE....Two forms have been updated - Official Form 420A (Notice of [Motion To] [Objection To] and 420B (Notice of Objection to Claim). DO NOT USE THESE TWO PARTICULAR OFFICIAL FORMS. Please use the Local Rule 9004-1 Form Language because it has some added requirements the Official Forms do not contain.

More to the point for our district are changes to Local Rules that are as a result of the amended federal rules.

9004-1 Form Language Updates

In October, we published an updated LBR 9004-1 with clarified form language for the Notice of Motion, Notice of Objection to Claim, and Notice of Hearing. Because of the Federal Rule of Bankruptcy Procedure 9006(f) change effective December 1, 2016 which eliminates the "Three Day Rule" extending the response time for pleadings served electronically, we must update our forms to make sure the new rule is followed. At the same time, we have decided to incorporate some of your (bankruptcy practitioners in the District) suggestions to further improve the form language. These changes are considered technical changes and do not require a commentary period to run. The rule change will be published on our website effective Thursday, December 1, but the revisions to the form language are provided in an attachment to this email. I am also providing additional comments based on questions some of you have asked.

1. LBR 9004-1 (c) says that "All notices served shall substantially conform to the following directives." Our intent was to keep this notice at one page for simplicity but some of you have indicated that your header and footer information makes the notice more than one page. The "one page" intent is not a requirement. If you need additional space that cannot be created by narrowing the margins or reducing the font size (our recommendation is no lower than 10) then by all means use two pages.

2. When we made the original revisions to the forms in October, we added the sentence in the first paragraph regarding how to obtain a copy of the underlying motion if it was not served with the notice. Upon reflection, we realized that this language was not necessary in the Notice of Objection to Claim, as the Objection must be served with the notice. That language has therefore been deleted from the

Notice of Objection to Claim. Additionally, where the language remains in the form Notice of Motion and Notice of Hearing, we allow you the option of indicating that the pleading can be obtained from a Movant or Objecting Party by modifying the phrase to read "may be obtained upon written request to counsel for the Movant (or Objecting Party) (identified below) or at the Clerk's office."

3. Concerning the FRBP 9006(f) change, we have inserted in each of the notices in the second paragraph the phrase "...pursuant to FRBP 9006(f)," and the sentence "If you are receiving this notice by mail, you may add 3 days to the response date stated above."

4. Also, concerning the FRBP 9006(f) change, when you obtain a hearing date from CHS and insert the date, time, and location in your notice, the date used will be calculated assuming the response will be filed electronically. This is because the vast majority of responses are filed electronically in accordance with Local Rule 5005-4(a)(6) (attorneys must file electronically) and it will be easier for case managers to track those responses served by mail to determine if the response complied with the requirement under the new Federal rule.

5. When you docket a motion or other pleading, the docket text will indicate the response date "plus an additional 3 (three) days if served by mail." An example is: "Motion to Do Whatever filed by Debtor Ima Sample. Objections due by 12/13/2016 plus an additional 3 (three) days if served by mail."

6. We added the appropriate phone number to the Macon and Columbus division offices in the address where responses should be sent, as the rule requires.

7. Attached are both the Word and Word Perfect versions of Local Rule 9004-1 and we will place them on our website at www.gamb.uscourts.gov.

8. Amendments to FRBP 7008 and 7012 make superfluous Local Rules 7008-1 and 7012-1, which require a statement that in adversary proceedings the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court. These rules are therefore abrogated. A copy of the Administrative Order abrogating these rules is attached.

If you have any questions regarding the changes please contact the court at 478-752-3506 to get your question to the right person.

Regards,

Kyle

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