



MEMORANDUM

To: Local Rules Committee
From: Kyle George, Clerk of Court
Subject: Proposed Rule and Administrative Order Change February 18, 2015

1. Local Bankruptcy Rule 4007-1 addresses the extension of time to file dischargeability complaints pursuant to 11 U.S.C. § 523(c) of the Bankruptcy Code. In addition to this provision of the rule, the Court wishes to require consent of the Chapter 13 Trustee in any proposed settlements of adversary proceedings under 11 U.S.C. § 523(c). Therefore, we propose to modify LBR 4007-1 as follows, with additional language highlighted in red:

LBR 4007-1 - DISCHARGEABILITY COMPLAINTS

a. If additional creditors are added by amendment after the filing of the case but prior to the date set to file a complaint to determine the dischargeability of a debt under 11 U.S.C. § 523(c), the court shall deem such amendment as a request to extend the time to file such complaint until the latter of the original bar date or thirty (30) days from the date of service of the amendment upon the added creditors. The request to extend shall be deemed granted by the court.

b. In a Chapter 13 case, approval of any proposed settlement of an Adversary Proceeding under 11 U.S.C. § 523(c) shall require a hearing upon notice to the parties and the Chapter 13 Trustee, unless the Chapter 13 Trustee consents to the terms thereof.

2. Please disseminate this proposed modification to the Local Bankruptcy Rules Committee and provide comments back to me via email no later than March 2, 2015. My email address is Kyle_George@gamb.uscourts.gov. Your assistance in this matter is greatly appreciated.