



**LOCAL BANKRUPTCY RULES
AND FORMS
Effective June 1, 2007**

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Rule 1001-1

Scope

(A) **Title.** These rules are the Local Bankruptcy Rules for the District of Wyoming. These rules are numbered in accordance with the Uniform Numbering System for Bankruptcy Rules and may be cited as Wyoming LBR _____ - ____.

(B) **Scope.** These rules supplement the Federal Rules of Bankruptcy Procedure, govern practice and procedure in the United States Bankruptcy Court for the District of Wyoming, and are available from the Clerk of the United States Bankruptcy Court or on the Bankruptcy Court's Internet site, www.wyb.uscourts.gov.

(C) **Applicable United States District Court Local Rules.** Except when specifically required by the United States District Court Local Rules or by these Local Bankruptcy Rules, the United States District Court Local Rules are not applicable for practice before the United States Bankruptcy Court for the District of Wyoming. This is a list of the Local Rules of the United States District Court which are applicable to practice before the bankruptcy court:

<u>LBR No.</u>	<u>USDCLR</u>		<u>DC pg. no.</u>
5011-1(A)	83.13.2	Transfer of Particular Proceedings for Disposition by a District Judge	133
5011-1	83.13.1	Withdrawal of Reference	131
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Rule 1002-1

Petition - General

Minimum Filing Requirements to Commence a Case

(A) To commence a bankruptcy case, at least the following must be filed with the bankruptcy clerk:

- The applicable filing fee, an application to pay in installments, or an application in forma pauperis;
- A petition with original signatures, a federal employer identification number or a redacted social security number on the petition, and a Form 21 - Statement of Social Security Number;
- A Clerk's Notice to Consumer Debtor(s) when debts are primarily consumer debts;
- A list of creditors and their addresses;
- A list of assets and their location;
- Corporate resolution if applicable.

(B) The clerk of the bankruptcy court is not authorized to accept or docket any petition that does not meet the minimum filing requirements stated in section (A).

Rule 1005-1

Petition - Caption

(A) **Initial Filing.** In addition to meeting the requirements of Fed. R. Bankr. P. 1005 and Official Bankruptcy Forms 16A, 16B, or 16D, as applicable, the caption on the petition must include the following:

- the full and correct first, middle, and last name of each debtor. If the debtor has no middle name or has only a middle initial, that fact must be indicated;
- the chapter of the bankruptcy code under which the case is filed;
- the debtor's federal employer identification number or the last four digits of the debtor's social security number.

(B) **Individual Petitions.** An individual debtor may not include any corporate or partnership entity in the caption of the petition. Any individual debtor who includes a separate entity as a d/b/a or otherwise in the caption must amend the petition to delete the separate entity and provide notice of the amendment to all parties in interest.

(C) **Corporate, Partnership or LLC Petition.** A corporate, partnership, or LLC petition may not be combined with the petition of any individual or other entity. The caption of the petition must state the full and correct title of the entity and the entity's federal employer identification number.

A certified copy of a corporate resolution authorizing the filing must be filed with the petition of a corporation. A certified copy of a statement signed by a general partner stating that all partners have consented to the filing of the partnership petition, together with a certificate of mailing to all general partners who have not signed the petition, must be filed with a partnership petition.

(D) **Subsequent Pleadings.** The last four digits of a debtor's social security number or federal employer identification number, except to the extent required by 11 U.S.C. § 342 or the Federal Rules of Bankruptcy Procedure, is not permitted on pleadings filed after the petition.

Rule 1006-1

Filing Fees

Because refunding fees paid on filing is prohibited, filing fees paid in error will not be reimbursed unless the fee was collected without authority.

Rule 1007-1

Lists, Schedules, Statements, & Other Documents

(A) **Schedule of Current Income and Expenditures of Individual Debtor.** The schedule of current income and current expenditures of all individual debtors, including income and expenditures of a non-debtor spouse in a chapter 11, 12 or 13 case, must be filed in all chapter 7, 11, 12, or 13 cases. In an individual case where the debtor is separated and not filing a joint petition, the schedules must so state, and the schedules of current income and expenditures of the non-debtor spouse are not required.

(B) **Extension of Time to File Schedules.** The Court will not grant extensions of time to file schedules and statements to a date beyond the first meeting of creditors held under 11 U.S.C. § 341 (a), except on motion and a showing of exceptional circumstances.

(C) **Payment Advices.** To the extent a debtor is not in possession of payment advices required to be filed under 11 U.S.C. § 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(E) [Interim] because the debtor was not employed, did not receive such advices for certain periods, is receiving income not from an employer, is self-employed or for any other reason that payment advices are not filed, the debtor must file an affidavit to that effect in lieu of the payment advices. A sample form is available on the bankruptcy court's internet website located at www.wyb.uscourts.gov.

Rule 1007-2

Mailing - List

(A) **Accuracy.** The debtor is responsible for filing an accurate and complete mailing list and any necessary amendments. The clerk will not compare the names and addresses of the creditors listed in the schedules with the names and addresses shown on the master list or any amendment.

(B) **Format.** DO NOT include the name and address of the debtor, debtor's attorney, the United States trustee, or the case trustee on the list. They will be listed automatically by the court's electronic filing system. Do not include the Judge's chambers on the list.

Double spacing is required between creditor entries.

Except for *pro se* debtors, all mailing lists must be submitted to the clerk's office in electronic format, such as a diskette or CD. The debtor(s) may submit the mailing list on media such as diskette or CD in ASCII DOS text format. Parties interested in diskette submission should contact the clerk's automation department for further instructions.

If the debtor is a corporation or a partnership, the debtor must include the names and addresses of all corporate officers or general partners on the mailing list.

(C) **Amendments.** Amendments to the mailing list may only include the names added or deleted.

Rule 1009-1

Amendments To Lists and Schedules

(A) **Heading.** All amendments to a voluntary petition, list, schedule, or statement must be designated as “AMENDMENT” to (name, petition, list, schedule, or statement being amended).

(B) **Content of Amendment.** Amendments to the lists and schedules should include only the amended information, or the amended information must be clearly indicated.

(C) **Notice.** Within 5 days of filing an amendment which adds a creditor by amendment, the filer must serve the added creditor with each notice that has previously been served on all creditors in the case and shall file a certificate showing service in compliance with this rule.

(D) **Signature.** All amendments must be signed and verified by the debtor in the same manner as required for originals.

(E) **Additional Filing Fees.** Any amendment to Schedules D, E or F or the list of creditors must be accompanied by the current, applicable filing fee required by 28 U.S.C. § 1930 and the Bankruptcy Court Miscellaneous Fee Schedule. Amendments which require a fee include: adding a creditor; deleting a creditor; changing the amount specified as owed to a creditor; and changing the classification of a debt.

(F) **Supplement to the Mailing List.** If an amendment contains an additional creditor or a change of a creditor's address, the debtor must submit a supplemental mailing list that includes only the additional creditor in the same format required by LBR 1007-2.

Rule 1015-1

Joint Administration/Consolidation

If the Court enters an order for consolidation or joint administration, the clerk will provide notice of the order to all creditors and other interested parties.

(A) **Joint Administration.** All motions, pleadings, and other documents filed in jointly administered cases must bear a combined caption, but a motion which applies in only one specific case may reflect the caption of only that case.

In a jointly administered case, a creditor must file its proof of claim in the specific estate to which the claim is applicable.

(B) **Consolidation.** In a consolidated case, pleadings will be filed and docketed only in the case designated in the consolidation order.

Rule 1017-2

Dismissal

(A) **Cause for Dismissal.** If a case is deficient as defined in subsection (B) of this rule, the deficiency will constitute cause for dismissal as authorized by 11 U.S.C. §§ 707(a), 1112(b) & (e), 1208(c), or 1307(c).

(B) **Deficiency Defined.** A case is deemed deficient if all submissions required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and these Local Bankruptcy Rules are not timely filed.

(C) **Standing Motion to Dismiss by United States Trustee.** The United States Trustee has filed a document entitled United States Trustee's Standing Motion to Dismiss Deficient Case which applies to any deficient case filed with the clerk.

(D) **Notice of Deficiency and Dismissal for Failure to Cure.** If a deficient voluntary case is filed, the clerk will provide notice of the deficiency to the debtor and to the debtor's attorney at the addresses shown on the petition. The deficient case will be dismissed without further notice or hearing unless the deficiency is cured under Fed. R. Bankr. P. 1007(c) [Interim 2006].

Rule 1019-1

Conversion - Procedure After

(A) **Schedule of Unpaid Debts.** Concurrent with the filing of the schedule of unpaid debts required by Fed. R. Bankr. P. 1019(5)(B)(I), the party filing the schedule must serve each entity named with a copy of the schedule and with each notice previously served on all creditors in the case and must file a certificate showing service in compliance with this rule.

(B) **Applications for Professional Fees.** All professionals entitled to fees for pre-conversion services and reimbursement of expenses in a case converted from a chapter 11, 12 or 13 to a chapter 7 case must file an application for those fees within 40 days after the entry of the order converting the case.

(C) **Statement of Current Monthly Income.** Upon conversion of a case from chapter 11 or 13 to a case under chapter 7, or from chapter 7 to a case under chapter 13, the debtor must file a chapter appropriate statement of current monthly income in accordance with Rule 1007(b)(4), (5) or (6) [Interim 2006].

Rule 2002-1

Notice to Creditors and Other Interested Parties

(A) **Required Hearings.** Unless the Court rules otherwise, the Court will set and hold a hearing on the following matters:

- Approval of a chapter 11 disclosure statement unless conditionally approved under Fed. R. Bankr. P. 3017.1 [Interim];
- The confirmation of a chapter 11 or chapter 12 reorganization plan. *See* LBR 3020-1 and 3015-4;
- Objections to claimed exemptions. *See* LBR 4003-1;
- Motions to convert or dismiss chapter 7 or 11 cases, other than on motion of the debtor to convert or unless the Court orders otherwise;
- Motions for the appointment or removal of a trustee or examiner; and
- Motions filed in adversary proceedings, unless the Court determines *sua sponte* that no hearing is warranted.

(B) **Notice and Opportunity.** In all circumstances where relief is requested which can only be granted on notice or "after notice and a hearing" as defined in 11 U.S.C. § 102, the movant must serve notice of the relief sought and of opportunity to object.

(1) The movant must serve the notice on parties in interest, the debtor and any party specifically requesting notice, and must file a certificate showing service in compliance with this rule;

(2) An entity seeking allowance of an administrative expense claim under § 503, other than applications for compensation or reimbursement under Fed. R. Bankr. P. 2002(a)(6), must serve the pleading on the debtor, any party specifically requesting notice and, in a chapter 11 case, on any committee appointed under § 1102 of the Code, or in the absence of a committee, then on the list of twenty largest creditors filed under Fed. Rule Bankr. P. 1007(d);

(3) When notice is required to be served on all creditors and interested parties under Fed. R. Bankr. P. 2002, the party providing notice must serve all parties on a mailing list obtained from the docket no more than 20 days prior to service;

(4) The notice of opportunity to object must be identified in the title to the pleading, must describe the relief sought with sufficient particularity to apprise the noticed parties of the subject matter of the motion, and must be in substantial compliance with Official Bankruptcy Form 20A;

(5) When an interested party is permitted to file a written objection or response before any court action for which no specific time period of time is set forth in the Federal Rules of Bankruptcy Procedure, the movant must allow an interested party at least 13 days to file a written objection (which includes the 3 days for service by mail allowed by Fed. R. Bankr. P. 9006(f)).

(C) **Exceptions.** When relief is requested regarding the automatic stay under 11 U.S.C. § 362, or confirmation in a chapter 12 or 13 case, the movant shall follow the procedures set forth in LBR 4001-1, 3015-4, or 3015-3, respectively.

(D) **Ex Parte Motions.** Motions and applications which may be heard *ex parte* include applications for the approval of employment of professional persons, and motions to shorten or limit notice under Fed. R. Bankr. P. 2002.

(E) **Requests for Notice.** Any party who files a request for service of pleadings and other notices must serve the request on the *pro se* debtor or the debtor's counsel of record. A party providing notice under this rule must honor the request for notice when any pleading is served.

Rule 2002-2

Notice to the United States or Federal Agency

(A) **Notice to the United States.** When giving notice to the United States or any federal agency as required under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules, unless notifying the Internal Revenue Service under LBR 2015-3, the party providing notice must, at a minimum, send notice to BOTH the United States Attorney for the District of Wyoming and the applicable federal agency. The address of the notice to the United States Attorney must include, in parentheses, the name of the federal agency. For example:

United States Attorney
District of Wyoming
For the Internal Revenue Service
P.O. Box 668
Cheyenne, WY 82003-0688

The notice must also be sent directly to the component agency at its current address.

(B) **Service of Summons.** Nothing in this rule is intended to relieve a party from providing proper service when required by and in accordance with Fed. R. Bankr. P. 7004 & 9014 and Fed. R. Civ. P. 4.

(C) **Mailing List.** A mailing list of federal agencies and their respective addresses is available from the Office of the United States Attorney for the District of Wyoming.

Rule 2002-4

Notices After Claims Filed

Immediately after the last day for creditors to file claims in a chapter 7 case, all notices required by Fed. R. Bankr. P. 2002(a) may be served only to creditors who have filed claims.

Rule 2003-1

Meeting of Creditors

(A) **Continuance, Change of Location, or Reschedule.** The Court will not consider a motion to continue, change location, or reschedule an 11 U.S.C. § 341(a) meeting unless the case trustee denies an initial request. In the first, instance, requests must be in writing and addressed in a chapter 11 case to the United States trustee, and in a chapter 7, 12 or 13 case to the appropriate trustee. If the trustee or United States trustee grants the request, the debtor must file a notice of the continued hearing and serve the notice on all parties in interest.

(B) **Waiver of Appearance.** A motion to excuse the appearance of the debtor at the § 341 meeting must be filed with the Court and must state that the United States trustee and the case trustee or standing chapter 12 or 13 trustee have been contacted and whether there is an objection.

(C) **Attendance.** The debtor and the debtor's attorney are required to appear at any scheduled or continued meeting of creditors. The Court may dismiss a voluntary case for failure of a debtor or counsel to appear.

If the debtor or counsel fails to appear as required by this rule, the presiding officer may file and serve on the debtor and debtor's attorney a Notice of Failure to Appear, with a certificate showing service in compliance with this rule.

If no request for a hearing is filed by the non-appearing party within 10 days after service of the Notice, the Court may dismiss the case without further notice or hearing.

Rule 2004-1

Examinations - Rule 2004

Motions brought for an order authorizing a Rule 2004 examination must include the name of the party to be examined, the specific time and place for the examination, cause for the examination, and an averment that the party or counsel for the party to be deposed has been contacted, or that a good faith attempt was made to contact the party and counsel, and whether an agreement has been reached establishing the time and location of the examination.

The motion must be served on the trustee or debtor in possession and the debtor's attorney or *pro se* debtor, and may be granted by the Court *ex parte*, subject to the requirements of this rule.

If an agreement for the time and place has not been reached, the date for the examination or production of documents may not be sooner than 10 days after service of the order on the party to whom the order is directed. Fed. R. Bankr. P. 9006(f) governs the computation of time.

A Rule 2004 examination should not be used to conduct discovery in an adversary proceeding or a contested matter.

Rule 2014-1

Employment of Professionals

An application for an order approving the employment of a professional person, with a verified statement as required by Rule 2014 attached, may be granted by the Court *ex parte* if the applicant files a certificate evidencing service of the application and the verified statement on the United States trustee and any case trustee. If the Court requires that the applicant serve the application on all interested parties, the applicant must serve the application and verified statement in accordance with LBR 2002-1(B).

Rule 2015-3

Debtor in Possession or Chapter 11 Trustee - Tax Reporting Requirements

(A) Within 20 days of the entry of an order authorizing a trustee to operate a business, the trustee must establish a separate bank account in an authorized depository in which to segregate trust fund taxes.

(B) Within 20 days from the filing of a chapter 11 petition, the debtor in possession must establish a separate trust bank account into which only fiduciary tax deposits may be deposited.

Into this trust account, the debtor in possession or the chapter 11 trustee must deposit all fiduciary federal and state taxes required to be withheld, deducted, collected, or contributed.

(C) Verification of compliance with this rule and with the Internal Revenue Service laws and regulations must be provided by:

- mailing written notice to the Internal Revenue Service and the United States trustee of the location of the bank and the account number into which all fiduciary tax deposits will be made, within 5 days from the date the account is opened;
- filing Form 6123, Verification of Fiduciary's Federal Tax Deposit, with the Internal Revenue Service, within 2 days of making the required deposits and serving a copy on the United States trustee; and
- timely filing all required FICA and FUTA employer's tax returns (Forms 940, 941, and 943) and all other required postpetition tax returns with the Internal Revenue Service, rather than filing them with the Regional Service Center.

Rule 2016-1

Compensation of Professionals

(A) **Attorney Fee Applications in Chapter 13 Cases.**

In a chapter 13 case, whether or not fees are to be paid postpetition, an application for fees must be filed by the debtor's attorney. If the fees and expenses requested do not exceed a total of \$ 2,500 in the chapter 13 case, exclusive of the filing fee, an itemization of the time and services is not required. This fee is intended to compensate counsel for all reasonable fees incurred to achieve confirmation of a chapter 13 plan, absent extraordinary circumstances. Notice of the fee application must be given in accordance with Fed. R. Bankr. P. 2002(a)(6).

In a chapter 13 case, the attorney must state in the Rule 2016(b) disclosure statement, on the cover sheet, and in the chapter 13 plan whether the attorney requests payment through the chapter 13 plan.

(B) **Notice.** LBR 2002-1(B) applies to all fee applications, including applications for fees requested pursuant to 11 U.S.C. § 506(b). The notice must include a time for filing objections to the application, which will be 23 days after the date on which the application is served. The applicant shall file and serve the notice, along with the cover sheet required by subsection (D)(1) of this rule, on all interested parties and attach a certificate showing service in compliance with this rule.

The applicant must serve the notice, the cover sheet required by subsection (D)(1) of this rule, and the application on the debtor or debtor in possession, and the debtor's attorney and file a certificate showing service in compliance with this rule.

If no objection to the application is filed, the Court will either enter an order on the application or set a hearing, as appropriate.

(C) **Chapter 13 Fee Applications.** When an application for compensation is required under section (A) of this rule, the application and cover sheet must be filed separately from the chapter 13 plan. However, the notice required by Fed. R. Bankr. P. 2002(a)(6) may be included with the chapter 13 Notice of Deadline for Filing Objections in a form in substantial compliance with Local Bankruptcy Form D.

When fees are anticipated to be paid as a claim under the chapter 13 plan, the debtor must separately state in the plan the estimated total fees in addition to the fees to be paid as a claim in the chapter 13 plan, as illustrated in Local

Bankruptcy Form B.

All applications for fees filed in chapter 13 cases must be filed within 30 days after confirmation of the chapter 13 plan. Untimely applications will be summarily denied, unless supported by a statement of the applicant demonstrating cause for the delay.

(D) **Format.**

(1) **Cover Sheet.** Unless excused under section (A) of this rule, all applicants must file and serve a cover sheet in substantial compliance with Local Bankruptcy Form A along with the application.

(2) **Fee Application.**

a. Expenses must be itemized in detail sufficient for the Court to determine whether the expenses were reasonable and necessary, and must include the dates on which the expenses were incurred.

b. Each application must contain a clear and concise narrative which provides detail relative to the complexity of the case or matter on which the fees are requested. At a minimum, the narrative must describe: the nature of the services; the result obtained and benefit to the estate (including any monetary benefit); the remaining services to be performed and an estimate of the time and cost; and a statement regarding the feasibility of any requested interim distribution.

c. The application must be categorized in detail sufficient to the complexity of the case. The itemization must contain a description of tasks performed sufficient for the Court to determine an allowance within the requirements of 11 U.S.C. § 330 and adequate for the purpose and amount of fees for which it is submitted. The time entries must be made from records contemporaneously kept by the applicant, and each person providing services must be separately identified on every applicable entry.

Rule 2083-1

Chapter 13 - General

(A) **Property Sales.** Except for a *de minimis* sale, the debtor may not sell property of the debtor or collateral or apply sale or insurance proceeds to a debt treated in the plan without prior written notice to the chapter 13 trustee. The application of sale or insurance proceeds to any debt treated in the plan is subject to the standing trustee's percentage fee. Sales of property of the estate must be noticed under Fed. R. Bankr. P. 2002(a)(2) [Interim].

(B) **New Debt.** A chapter 13 debtor may not incur new or additional debt without prior, 10-days' written notice to the chapter 13 trustee. In the event of an emergency, such notice may be provided by telephone or by written notice within ten days of the incurring of debt along with an explanation for the subsequent notice.

(C) **Pre-Confirmation Adequate Protection Payments.** Unless otherwise ordered by the Court, all pre-confirmation adequate protection payments set forth in a debtor's proposed chapter 13 plan shall be paid to and disbursed in monthly payments by the chapter 13 trustee and shall include the trustee's fee. The adequate protection payment may be deducted from the debtor's chapter 13 plan payment to the extent necessary to satisfy the proposed adequate protection payment and trustee's fee. The trustee is authorized to deduct the adequate protection payments from the principal amount due the creditor under its allowed secured claim.

Pre-confirmation disbursements by the chapter 13 trustee for adequate protection payments are authorized without further order of the Court if the creditor has filed a secured proof of claim. The trustee is authorized to retain the trustee's statutory fee on the amount of the payments until confirmation, dismissal or conversion, at which time the fee may be disbursed.

Rule 3004-1

Claims - Filed by Debtor or Trustee

When a debtor or a trustee files a proof of claim on behalf of a creditor under 11 U.S.C. § 501(c) and Fed. R. Bankr. P. 3004, the person filing the claim must also file and serve a notice of the claim on the creditor and any counsel of record, and attach a certificate showing service in compliance with this rule.

The notice must advise the creditor that a proof of claim has been filed for the creditor, and of the amount and nature of the claim. A copy of the proof of claim may be attached to the notice in place of the statement of the amount and nature of the claim.

Rule 3007-1

Claims - Objections

(A) **Procedure.** A claim objection and notice of opportunity to object must be served on the claimant and any other party in interest. The notice must contain a 33-day opportunity to respond to the objection under LBR 2002-1(B)(4) and Fed. R. Bankr. P. 3007 and 9006(f). If a response is filed, the Court will either rule on the objection or set a hearing as appropriate.

(B) **Chapter 13.** All claim objections filed in a chapter 13 case must be filed and served within 14 calendar days from the last day to file non-governmental claims in the case, unless the claim objection is brought because a claim was untimely filed.

Rule 3015-3

Chapter 13 - Confirmation

(A) **Filing Plan.** Within the 15-day time limit from the date of the filing of the petition set by Fed. R. Bankr. P. 3015(b), the debtor must file a proposed chapter 13 plan, with a plan summary **attached**. The plan and summary must conform with Local Bankruptcy Form B and C. The failure to timely file the plan and summary will result in a dismissal of the Chapter 13 case under Local Bankruptcy Rule 1017-2.

(B) **Hearing on confirmation.** Along with the Notice of Chapter 13 Case Filing, the Clerk of the Bankruptcy Court will serve the debtor's plan and plan summary and a Notice of Confirmation Hearing and Opportunity to Object on all interested parties. The debtor must serve any amended or modified chapter 13 plan and plan summary on all interested parties, along with a Notice conforming with Local Bankruptcy Form D and a certificate evidencing such service. The debtor is not required to file and serve a plan summary with an amended plan if the calculations in the summary are not affected or amended.

If an objection is filed to the original chapter 13 plan, the Court will hold the previously scheduled telephonic hearing regardless of whether the debtor files an amended chapter 13 plan or withdraws the original plan.

(C) **Objections.** An objection must state with specificity the grounds on which the objection is based. Objections must be filed and served on the debtor and the debtor's attorney, and any other parties requesting notice. If a timely objection to an amended plan is filed, the Court will notice and hold a confirmation hearing.

(D) **Appearance.** The debtor and counsel are required to be present at any confirmation hearing scheduled to be held in the courtroom even if the debtor files an amended chapter 13 plan prior to the hearing, unless excused by the Court on motion.

(E) **Motions.** Prior to filing any motion to vacate or reschedule a confirmation hearing or to excuse the debtor from attending the confirmation hearing, the debtor must contact all opposing parties. The motion must state the position of opposing parties to the motion and must be filed and served on all objecting parties five court days prior to the scheduled hearing.

(F) **Notice.** The notice of an opportunity to object to a proposed chapter 13 plan made subsequent to the initial notice served by the clerk must conform with

Local Bankruptcy Form D. Service must be effected so that all interested parties are given not less than 28-days' notice (inclusive of the 3-days' notice required for service by mail under Fed. R. Bankr. P. 9006(f)) of the date and time fixed for filing objections to confirmation.

(G) **Summary Confirmation.** If no objection to a plan is timely filed, and if the debtor is current on the plan payments, the Court will independently review the plan and may confirm the plan without further notice or hearing. Uncontroverted facts alleged in the plan may be taken as true by the Court for the purposes of confirmation. If the Court confirms a plan without objection, the Court will not hold the confirmation hearing.

Rule 3015-4

Chapter 12 - Confirmation

(A) **Filing Plan.** The debtor shall file either a proposed chapter 12 plan or a motion for an extension of time to file the plan within the time limit set by 11 U.S.C. § 1221. If the debtor files a motion for an extension of time, the Court may set a status conference to discuss the case and the motion.

(B) **Hearing.** From the bankruptcy Judge's chambers, the debtor must obtain a hearing date for the preliminary hearing on confirmation of the plan to be held by telephone and for the final hearing to be held in open court. The debtor shall serve the notice of hearing and time fixed for filing objections to the plan on all creditors and other interested parties with a copy of the chapter 12 plan, all in accordance with Fed. R. Bankr. P. 2002(a)(8) and 3015.

If no timely objection to confirmation is filed, and if the plan meets the requirements of 11 U.S.C. §§ 1222 and 1225, the Court may enter an order confirming the plan after the preliminary hearing. If an objection is filed, the Court will conduct the preliminary hearing as a status conference and determine the legal and factual matters to be resolved at the final hearing. Counsel should be prepared to discuss any objections and confirmation issues at the preliminary hearing.

The debtor and the chapter 12 trustee must be present at any hearing on confirmation held in open court.

(C) **Notice.** The notice shall fix a 28-day time for filing objections to confirmation of the plan, and shall include the dates of the preliminary and final hearings on confirmation.

The notice must also be filed and served to ensure that the hearing is held within 45 days of the filing of the plan, as required by 11 U.S.C. § 1224.

(D) **Objections.** Objections must be filed and served on the debtor, the debtor's attorney, and any other parties requesting notice.

Rule 3016-2

Disclosure Statement - General

A chapter 11 plan proponent must simultaneously file a chapter 11 disclosure statement and a proposed chapter 11 plan of reorganization. These documents may be combined in a small business chapter 11 case under Fed R. Bankr. P. 3016(b) [Interim]. The Court will issue an order setting the time and place for the hearing on the adequacy of the disclosure statement and the specific date fixed for filing any objections.

The plan proponent must serve a copy of the proposed plan, the proposed disclosure statement, and the order setting the hearing on approval of the disclosure statement to all creditors and other interested parties and must file a certificate showing service in compliance with this rule.

Rule 3020-1

Chapter 11 - Confirmation

(A) **Ballot Report.** Not less than 5 days before the hearing on plan confirmation, the plan proponent shall file a ballot report containing a tally of the ballots cast and indicating for each class of claims or interests: the number and percentage of votes for the plan; the total dollar amounts; and the percentages of the claims or interests so voting. The report must have a copy of each ballot attached.

(B) **Objections.** Objections to confirmation must be in writing and filed within the time fixed by the order approving the disclosure statement and must be served on the plan proponent and the plan proponent's attorney.

Rule 3022-1

Final Report/Decree - Chapter 11

(A) **Filing.** Immediately after a chapter 11 estate is fully administered, the debtor in possession or chapter 11 trustee shall file a final report showing full administration and any other factors necessary to enable the Court to issue a final decree. Concurrent with the final report, the debtor in possession or trustee must file a motion for entry of a final decree and a proposed order closing the case as required by Fed. R. Bankr. P. 3022.

The movant must provide the United States trustee with a 20-day notice to file any objection to the report and motion for entry of a final decree.

(B) **Format.** At a minimum, the final report must indicate:

- whether the order confirming the plan has become final;
- whether any deposits required by the plan have been distributed;
- whether the property proposed to be transferred by the plan has been transferred;
- whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
- whether payments under the plan have commenced; and
- whether all motions, contested matters, and adversary proceedings are resolved.

(C) **Fees.** Before the Court closes the case, all fees due and payable to the United States trustee must be paid in full.

(D) **Applications for Professional Fees.** Before the debtor files a motion for a final decree, and no later than 4 months after the entry of the confirmation order, the debtor or chapter 11 trustee must ensure that each professional entitled to administrative fees 11 files a final fee application.

Rule 3070-1

Chapter 13 - Payments

A cashier's check or money order payable to "Standing Chapter 13 Trustee," in an amount equal to the monthly payment or a monthly proration of a quarterly payment proposed by the plan, is due on the date first set for the meeting of creditors held under 11 U.S.C. § 341. At the meeting, the standing chapter 13 trustee may fix a schedule for regular periodic payments in accordance with the proposed plan.

Rule 4001-1

Automatic Stay

(A) **Motion for Relief from Stay.** All motions requesting relief from the automatic stay must contain the following information:

- A title which includes the relief sought and “Notice of Time to Object;”
- The name of the movant;
- The amount owed by the debtor to the movant;
- A complete description, including the value, of any property on which relief is requested; and
- Copies of all documents showing proof of debt must be attached to the motion and include, where applicable, a copy of a vehicle certificate of title showing perfection of a lien or a copy of the mortgage on real property showing recording information by the county clerk, and/or a copy of documents showing perfection of a security interest with filing information.

(1) **Movant.** The movant’s name must be set forth both in the pleading and above the signature line of the attorney for the movant. The attorney’s written name, address, and telephone number must be set forth as required by LBR 9004-1(B).

(2) **Service.** In addition to the service required by Fed. R. Bankr. P. 4001 and 9014, the movant must serve the notice and the motion on the debtor, the debtor’s attorney, and any joint owner or co-borrower who is not a debtor in the case.

(3) **Notice.** A 13-day notice of time to object must be set forth after the motion. The 13-day period includes 3 days for service by mail allowed by Fed. R. Bankr. P. 9006(f).

The form of the notice is:

NOTICE OF TIME TO OBJECT

YOU ARE HEREBY NOTIFIED that if you desire to oppose this motion, you are required to file with this court and serve on _____, attorney for the movant, whose address is shown above, a written objection to the motion on or before _____, or the relief requested may be granted by the Court.

Dated: _____.

_____(movant)
By _____

(4) **Court Action.** In the absence of a timely objection, the Court will consider the motion and may grant relief 14 days after the motion is served.

If a timely objection is filed, the Court will notice and hold a telephonic preliminary hearing on the motion. If after the preliminary hearing an evidentiary hearing is required, the Court will set and hold a final hearing on the motion.

(5) **Proposed Order.** Contemporaneous with the filing of the motion, the movant must submit a proposed order containing a complete description of the property on which relief is requested. The proposed order must be a separate document from the motion and may not contain an attorney's heading in the upper left hand corner. When relief is requested to permit a creditor to exercise its state law remedies with regard to its collateral, the proposed order must contain language which provides that the creditor shall provide an accounting to the trustee or debtor in possession after any sale of the creditor's collateral.

(B) **Motion to Extend the Stay under 11 U.S.C. § 362(c)(3)(B) or Impose the Stay Under 11 U.S.C. § 362(c)(4)(B).** A motion to extend or impose the stay should be filed with the petition or promptly thereafter. The motion must be verified and identify the creditors to be affected by the relief requested and must explain why the present case is filed in good faith as to those creditors.

The movant must obtain a hearing date from the Judge's chambers which shall be within 27 days from the date of filing of the petition. The movant must give at least 10 days' notice (7 calendar days plus 3 days for mailing) prior to the date of the hearing to all creditors against whom relief is sought and must file a certificate evidencing such service. The notice must include a copy of the motion.

Rule 4003-1

Objection to Exemptions

(A) **Content.** All objections to claimed exemptions must contain:

(1) A specific identification of the property which the debtor claims exempt and to which the objection is addressed; and

(2) The basis for the objection, setting forth the applicable legal and evidentiary grounds.

(B) **Response.** If the debtor opposes the objection, the debtor must file a response at least 5 court days before the scheduled hearing.

Rule 5003-1

Clerk - General/Authority

The clerk of court is authorized to execute a summons, notice, order setting the first meeting of creditors, and any other document authorized by the Court, subject to being vacated by the Court for cause shown.

Rule 5003-4

VCIS and PACER

Voice Case Information System (VCIS). The bankruptcy court employs a VCIS system which allows the public to access certain case information from the court's computer system by use of a touch tone telephone. The VCIS is always available.

To access VCIS:

Dial 307-433-2238 or 888-804-5537;

Make a selection based on the options provided. For example, you will have the option of listening to or bypassing the instructions and the option of searching by case number or name through use of the telephone keypad;

The synthesized voice of the computer will provide essential case information for up to 3 cases per call.

Public Access to Court Electronic Records (PACER). PACER allows users to obtain case and docket information from the bankruptcy court. Electronic access is available by registering with the PACER Service Center. The system allows viewing or downloading of basic case information, docket sheets, pleadings, judgments, opinions, and the claims' registry.

To access PACER you must open an account with the PACER Service Center. For information and registration go to www.pacer.psc.uscourts.gov or call 1-800-676-6856.

Rule 5005-1

Facsimile Filing

No person authorized to file pleadings electronically may fax documents to the clerk of court for filing unless CM/ECF is inoperable. Parties may fax documents to the clerk of court for filing only after obtaining the permission of the clerk of court for reasonable cause, to be followed within 5 court days by the submission of a signed original pleading.

No person may fax documents to the Judge's chambers unless previously requested or authorized to do so.

Rule 5005-2

Electronic Case Filing

The filing of documents in electronic format through use of the Electronic Case Filing System (ECF) will be in accordance with this rule and the Electronic Filing Procedures established by the Clerk of the Bankruptcy Court.

(A) **Signature.** The use of an attorney's password to file a document electronically by ECF constitutes the signature of that attorney for purposes of Fed. R. Bankr. P. 9011 and for any other purpose for which a signature is required in connection with proceedings in this court. The filed document must indicate that the original document bears an appropriate signature.

(B) **Unauthorized Use.** Any pleading filed under a registered participant's login and password is deemed a pleading filed by that counsel for all purposes.

(C) **Docket.** The docket contained under ECF constitutes the Clerk of Bankruptcy Court's official record required to be maintained under Fed. R. Bankr. P. 5003. The electronic filing of a pleading or other paper in accordance with the clerk's established procedures constitutes the filing of the document and entry of that pleading or other paper on the docket kept under Fed. R. Bankr. P. 5003, and the filing party is bound by the document as filed. Each order, decree, judgment or proceeding entered on the docket kept by the clerk of court in accordance with ECF procedures constitutes entry on the docket for purposes of Fed. R. Bankr. P. 9021.

(D) **Consent to Electronic Notice.** Participation in ECF by receipt of a password constitutes a request for and consent to service and electronic notice under Fed. R. Bankr. P. 9036.

(E) **Notice.** When a pleading or other paper is filed electronically in accordance with ECF procedures, the clerk of court will electronically transmit a Notice of Electronic Filing to the filing party and to all electronic filers registered in that case. The filer must serve any other person entitled to service with a paper copy in the conventional manner.

If the recipient of service is a registered participant in ECF, service by electronic means of the Notice of Electronic Filing (with a hyperlink to the filed document and without the pleading attached) is the equivalent of service of the pleading or other paper by First Class mail, postage prepaid, and constitutes service of the filed document. The United States trustee and the appropriate case trustee will be served automatically with every pleading filed.

Rule 5010-1

Reopening Cases

(A) **Motions.** The movant must serve a copy of a motion to reopen a bankruptcy case on the 20 largest unsecured creditors in a chapter 11 case and any party affected by the motion.

(B) **Payment.** A motion to reopen must be accompanied by the payment of any filing fee required by 28 U.S.C. § 1930. Please see the fee schedule available on the bankruptcy court's internet website located at www.wyb.uscourts.gov.

Rule 5011-1

Withdrawal of Reference

(A) **Motion for Withdrawal of the Reference.** USDCLR 83.13.1 applies to motions to transfer proceedings to the United States District Court. The bankruptcy clerk will transmit the motion to the United States District Court.

(B) **Caption.** If a district judge grants a motion to withdraw the reference, further pleadings shall be filed with the clerk of the United States district court and must bear the caption of the United States District Court for the District of Wyoming.

(C) **Fee Payment.** A motion to withdraw the reference must be accompanied by the required filing fee.

Rule 5073-1

Photography, Recording Devices & Broadcasting

USDCLR 83.4.1(b) & (c) apply in the bankruptcy court and in all 11 U.S.C. § 341 meetings.

Rule 5081-1

Fees - Form of Payment

The clerk of court charges fees in accordance with 28 U.S.C. § 1930 and the fee schedule of the Judicial Conference of the United States. The clerk will accept only a cashier's check, money order or cash for payment of fees from a debtor. The clerk will accept a check from a debtor-in-possession account or a credit card payment from a debtor in possession subsequent to the filing of the petition.

Rule 6070-1

Tax Refunds

(A) **Setoff.** The Internal Revenue Service must serve notice of a setoff authorized under 11 U.S.C. § 362(b)(26) to the debtor, the debtor's attorney, and the appropriate trustee within 40 days after the setoff.

(B) **Cases under Chapter 7.** The Internal Revenue Service is authorized to make income tax refunds for tax years ending prepetition or for tax years ending postpetition in which part of the refund accrued prepetition, in the amount of \$2,000 or less, directly to the debtor. This does not bar the chapter 7 trustee from seeking to collect refunds from the debtor. Tax refunds exceeding \$2,000 must be paid to the trustee only if the trustee has notified the Internal Revenue Service in the manner specified in LBR 2002-2 of the request before the refund is paid. A refund for any tax year accruing and ending entirely postpetition may be paid to the debtor.

A notice to the Internal Revenue Service by the trustee may be sent only in those cases in which the trustee has a reasonable and justifiable belief that a refund exceeding \$2,000 is due the debtor. In all cases in which a notice is provided by the trustee, the trustee must also specifically notify the Internal Revenue Service of the filing of the trustee's final report.

(C) **Cases under Chapter 13.** Any setoff taken in a case with a confirmed chapter 13 plan is subject to the standing trustee's percentage fee, to be paid from plan payments, if the tax claim was included in the plan.

Rule 7007.1-1

Corporate Ownership Statement

Fed. R. Bankr. P. 7007.1 also applies in all contested matters. A corporation shall file the statement with its initial pleading.

Rule 7016-1

Adversary Practice - Pretrial Procedures

(A) **Scheduling Conference.** A scheduling conference will be held in each adversary proceeding. At the conference, counsel should be prepared to discuss with the Court the basic nature of the case, their discovery requirements (including discovery issues, a proposed discovery plan, limitations, or proposed orders), settlement prospects, possible trial dates, and any other pertinent matters including those specifically set forth in Fed. R. Civ. P. 16(c).

(B) **Attorneys' Conference.** At a time which will be fixed during the scheduling conference, counsel for the parties are required to hold an attorneys' conference to discuss settlement, a jointly proposed pretrial order, stipulated facts, exhibit list, witness list, and other matters that will aid in the preparation of an accurate, complete, and definitive pretrial order.

(C) **Final Pretrial Conference.** A final pretrial conference will be scheduled by the Court. Trial counsel must participate as required by Fed. R. Civ. P. 16(d) and must be prepared to discuss any anticipated evidentiary issues and the previously submitted joint pretrial order.

(D) **Pretrial Orders.** The parties must jointly prepare a proposed pretrial order approved by all counsel, and must submit it directly to the Judge's chambers. Do not file the proposed order. The order must substantially conform to the format of Local Bankruptcy Form E.

With the proposed order, counsel must submit copies of all exhibits anticipated to be introduced at the trial. The plaintiff's exhibits should be marked with numbers and each defendant's exhibits should be marked with letters. If offered at the trial, the exhibits will be handled in accordance with LBR 9070-1.

If counsel are unable to agree on the contents of a proposed pretrial order, the plaintiff's counsel must timely submit a proposed order, accompanied by a statement from counsel for both parties explaining the areas of disagreement.

Rule 7024-2

Claim of Unconstitutionality

When in any action or proceeding to which the United States or any of its agencies, officers, or employees, is not a party, and the constitutionality of any Act of Congress affecting the public interest is questioned, or in any action or proceeding in which a state or any of its agencies, officers, or employees is not a party, and the constitutionality of any statute of that state affecting the public interest is questioned, the party raising the constitutional issue must notify this court of the existence of the question and the legal reason for the claim of unconstitutionality.

The Court will notify the Attorney General of the United States or the Attorney General of the state of the pendency of the constitutional claim and will provide an opportunity to intervene on the issue.

Rule 7026-1

Discovery

(A) **Applicability.** This rule governs discovery in contested matters and adversary proceedings.

(B) **Reasonable Notice.** Notices of depositions under Fed. R. Bankr. P. 7030 must be served more than 10 days before the scheduled date. Fed. R. Bankr. P. 9006(f) governs the computation of time.

(C) **Discovery Motions.** The filing of any motion under Fed. R. Bankr. P. 2004 or Fed. R. Civ. P. 26(c), 30(d), or 45(c), stays the discovery or examination until the motion is resolved by the Court. Any motion must be filed and served no less than 5 days before a scheduled deposition.

The Court will not entertain any motion seeking the type of relief provided for in Fed. R. Civ. P. 26(c), 37, or 45(c) or under Fed. R. Bankr. P. 2004, unless counsel for the moving party has conferred with opposing counsel or has made a reasonable effort to resolve the matter in dispute before filing the motion. Counsel for the moving party must file a certificate of compliance with this rule along with any motion filed.

(D) **Self-Executing Routine Disclosure.** The filing of pretrial dispositive or nondispositive motions will not stay the requirements of Fed. R. Civ. P. 26(a) or 26(e) absent an order of the Court on motion by a party.

If a party fails to make a required disclosure, a motion to compel disclosure must include a certification that the movant has conferred or attempted to confer in good faith with the party not making disclosure in an effort to resolve the issue without Court action.

(E) **Filing not Required.** Discovery material including deposition transcripts, interrogatories and answers, requests for production or inspection, requests for admission and the responses to them, and initial disclosures may not be filed with the Court.

If relief is sought under Fed. R. Civ. P. 26(c) or 37 concerning any interrogatories, requests, answers or responses, copies of the portions in dispute should be filed with the motion. If interrogatories, requests, answers, or responses are to be used at a hearing or trial, the portions to be used must be marked for

introduction as evidence.

(F) **Limited and Simplified Discovery.** Discovery is limited as follows unless otherwise ordered by the Court:

- A party may take the depositions of only 3 persons; and
- No party may serve on any other party more than 1 set of 20 requests for admission, including subparts, each of which must consist of a single request.
- If necessary, the timing of disclosure relating to expert witnesses under Fed. R. Civ. P. 26(a)(2) and to pretrial preparation under Fed. R. Civ. P. 26(a)(3) will be established by Court order in each adversary proceeding.

Rule 7054-1

Costs - Taxation/Payment

Within 20 days after entry of a final judgment, a party entitled to costs may file a Certificate for Clerk to Tax Costs containing an itemized statement of costs incurred and an affidavit of counsel that the costs claimed are allowable by law, are correctly stated, and were necessarily incurred. Proof of service on all counsel of record must be filed with the statement.

If no objection is filed within 20 days of service, the clerk will tax the costs which appear to be properly claimed. If an objection is filed, the clerk will consider the objection and tax costs subject to review by the Court.

Rule 7055-1

Default

(A) **Judgment by Default.** A motion for a default judgment must be accompanied by an affidavit that the person against whom judgment is sought is neither an infant, an incompetent person, nor in the military service within the meaning of the Servicemembers Civil Relief Act of 2003, 50 App. U.S.C.. §§ 521 & 522.

(B) **Default Trial or Hearing.** When a motion for a default judgment is filed, unless the Court orders otherwise, the Court will set and hold a hearing with notice to any opposing party that previously appeared.

Rule 7055-2

Failure to Prosecute

If no action has been taken in any adversary case by a party for 3 consecutive months, or if a case is not at issue by that time, the Court will dismiss the case for lack of prosecution on 30-days' notice to counsel of record and to any unrepresented party if that party's address is known.

Rule 7067-1

Registry Fund

USDCLR 67.1 governing Deposits and Withdrawals in the Registry of the Court applies to all deposits of funds into the registry account of the bankruptcy court.

Rule 8006-1

Transcripts - Appeal

A party to an appeal who has designated a transcript as part of the record on appeal must file a certified copy of the transcript with the bankruptcy court and with the appropriate appellate court.

Rule 8011-1

Motions - Appeal

Any motion brought for failure to designate the record or failure to prosecute an appeal must be filed in the appropriate appellate court.

Rule 9004-1

Pleadings - Requirements of Form

(A) **Telephone Numbers and Addresses.** At the top left margin on the first page of a pleading, the pleading must contain the name of the client, and the name, address, telephone and facsimile numbers of the person signing the pleading. Government attorneys may identify the agency represented in the body of the pleading.

(B) **Exhibits to Pleadings or Papers.** Bulky or voluminous materials should not be submitted for filing with a pleading or paper unless the materials are essential to the Court's determination. A summary is usually sufficient.

Rule 9006-1

Time Periods

Unless otherwise stated, Fed. R. Bankr. P. 9006 governs the computation of time in all matters under these Local Bankruptcy Rules.

Rule 9010-1

Attorneys - Notice of Appearance

(A) **Admission of Attorneys.** The bar of this Court consists of those attorneys admitted to practice and in current good standing as members of the bar of the United States District Court for the District of Wyoming.

(B) **Appearance by Corporations, Partnerships, and Other Entities.** This rule does not prohibit a corporation from appearing without an attorney to file a claim, vote to elect a trustee, serve on an approved committee, or file an acceptance/rejection of a proposed plan. In all other cases a corporation, partnership, or entity other than an individual may appear and participate only through an attorney authorized to practice in the United States District Court for the District of Wyoming.

(C) **Appearance Pro Hac Vice.** USDCLR 83.12.2(b) and (c) apply to all attorneys who appear in adversary proceedings or contested matters before this Court, unless otherwise excused from compliance. Counsel not admitted to practice before this Court may file motions without admission *pro hac vice*, but if any relief sought becomes a contested matter as defined by Fed. R. Bankr. P. 9014 or is an adversary proceeding, USDCLR 83.12.2(b) applies. The United States District Court's General Order Regarding Non-Appropriated Fund Administration applies to all motions to appear *pro hac vice* filed in adversary proceedings.

(D) **Attorney's Appearance.** Attorneys who file an entry of appearance will be placed on the creditors' mailing list for the case as a party in interest. An appearance entitles counsel to receive copies of notices, orders and other documents to which parties in interest are entitled under Fed. R. Bankr. P. 2002.

(E) **Withdrawal of Appearance.** An attorney who has appeared in a case will be authorized to withdraw only on motion and notice to the attorney's client and for good cause shown. The motion shall state the specific reasons for withdrawal, unless that would violate Wyoming's Rules of Professional Conduct. The notice to the attorney's client must include an admonition that the client is personally responsible for complying with all court orders, the time limitations established by the Court and the applicable rules, and a statement of any pending or impending matters. The attorney shall serve the notice and motion on the attorney's client and file a certificate evidencing service. Absent written consent of the client, the Court will hold a hearing on the motion at which the movant and the client must appear.

Rule 9011-2

Pro Se Parties

An individual proceeding without an attorney is expected to read and be familiar with these Local Bankruptcy Rules, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure and the Federal Rules of Evidence, as appropriate in the case. Hard copies of these rules are available for review at the Office of the Clerk of the Bankruptcy Court and are available on line at the bankruptcy court's internet website located at www.wyb.uscourts.gov.

Every *pro se* party is under a continuing duty to notify the clerk, in writing, of any change of address or telephone number. Any notice mailed to the last address of record of a *pro se* party will be deemed sufficient notice.

Rule 9011-4

Signatures on Pleadings

(A) **Pleadings.** Every pleading, motion, or other paper filed by an attorney must bear the signature of at least one attorney of record. The original of every pleading, motion, or other paper filed by a party not represented by an attorney must bear the original signature of that *pro se* party.

Stamped or facsimile signatures on original paper pleadings filed by *pro se* parties or conventionally filed by attorneys are not permitted.

(B) **Plans.** All disclosure statements and plans submitted in a chapter 11 case, and plans submitted in chapter 12 and 13 cases, must be signed by the plan proponent and counsel.

Rule 9013-1

Motion Practice

(A) Motions.

(1) Every request for relief must be submitted as a separate motion and may not be combined with any other pleading or motion, but a Notice of Hearing or Notice of Time to Object may be included with the motion if the Notice is identified in the title of the pleading.

(2) Dispositive motions in adversary proceedings must be accompanied by a separate memorandum as provided by LBR 9013-2. Affidavits and other supporting papers must be filed with the motion and memorandum.

(3) A party who files a motion, other than a dispositive motion in an adversary proceeding, may either file a separate memorandum or may include in the motion a short, concise statement of the arguments and authorities relied on.

(4) Any motion to vacate or continue a hearing will be summarily denied if it does not contain an averment as to the position of the opposing party.

(B) Hearings.

(1) Any party, either proposing or opposing a motion, who does not intend to actively participate or prosecute its respective position, must immediately notify all counsel of record and the bankruptcy Judge's chambers. Unless excused by the Court from attending, the failure of counsel or *pro se* party to be present at a scheduled hearing will be deemed a waiver of the motion or consent to the relief requested.

(2) In response to a non-dispositive motion filed in an adversary proceeding opposing parties shall file a statement conceding the motion or an objection to a motion within ten court days of the filing of the motion. Motions filed in adversary proceedings may be considered by the Court without hearing or will be resolved on oral argument at the Court's discretion.

(C) **Proposed Orders.** The movant shall submit a separate proposed order concurrently with the filing of any motion. The proposed order shall not include the heading of counsel submitting the order. *See* LBR 9072-1(A).

Rule 9013-2

Memoranda of Law

A memorandum of law may be submitted in any contested matter, or with a nondispositive motion in an adversary proceeding, and must be submitted with all dispositive motions in adversary proceedings. Any memorandum submitted must be filed and served at least 5 calendar days before the scheduled hearing, except as allowed or required by the Court.

No memorandum may exceed 15 pages in length, exclusive of the table of contents and exhibits, without prior permission from the Court. Photocopies of cases relied on may be attached if desired.

When the movant is required by these or other rules, or by court order, to submit a memorandum, any responsive memorandum must be filed by the opposing party within 15 days after service of the movant's pleadings.

Rule 9013-3

Certificate of Service

Certificates of service must state the name and address of the attorney or party served, the capacity in which the person was served, and the manner and date of service. The certificate must be filed within 3 calendar days of service.

Certificates evidencing service on all parties listed on the official court mailing list must have a copy of that list attached per LBR 2002-1(B)(3).

Rule 9015-1

Jury Trial

(A) **Jury Trial Demand.** A demand made under Fed. R. Civ. P. 38(b) must be filed in accordance with Fed. R. Bankr. P. 5005.

(B) **Consent to Bankruptcy Judge Conducted Trial.** If the right to a jury trial applies, a timely demand has been filed under Fed. R. Civ. P. 38(b), and the district court judge has specially designated the bankruptcy judge to conduct the jury trial, 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 within the time specified in the designation order.

Rule 9019-1

Settlements and Agreed Orders

(A) **Hearings.** When a matter is set for a hearing and the parties enter into a stipulation or other means of disposition which negates the need for the hearing, the parties must notify the Court at least 48 hours before the scheduled hearing, failing which they must appear.

(B) **Pleadings.** Any stipulated settlement to a contested matter or any withdrawal of an objection must be filed within 15 days after the date and time of the vacated hearing.

(C) **Agreed Orders.** The Court will only approve a stipulation if the parties file a motion for approval and submit a proposed order and any applicable filing fee.

Rule 9070-1

Exhibits

(A) **Courtroom Procedure.** All exhibits introduced into evidence must be legible. Exhibits may be printed only on one side of the page. Exhibits submitted by the movant, plaintiff, applicant, or proponent, must be labeled with exhibit numbers, and those submitted by the respondent or defendant must be labeled with exhibit letters.

When exhibits are offered, the witness will testify from the original exhibit, which will then be returned to the courtroom deputy. The courtroom deputy will retain all originally marked exhibits. Counsel must provide a copy of each exhibit for the Court and for opposing counsel.

Copies of all exhibits to be introduced at the trial in an adversary proceeding must be submitted with the proposed pretrial order. Exhibits submitted to the Judge's chambers must be separated by pages with tabs or by sheets of differently colored paper.

(B) **Post-Trial or Post-Hearing Procedure.**

(1) The courtroom deputy has safekeeping responsibility for all exhibits marked for identification and offered at any trial or hearing.

(2) The clerk will scan all exhibits received at hearing or trial into ECF. The clerk will retain custody of the originally received exhibits for three (3) weeks following completion of the hearing or trial or until any appeal is final. Unless notified by a party during that period that the party seeks return of the exhibits, the court will retain an electronic copy and dispose of the originally received exhibits without further notice.

Rule 9072-1

Orders - Proposed

(A) **Format.** Proposed orders must be separately captioned as a single document and not combined with any other pleading. The signature line for the Judge may not appear on a continuation page having no language from the text. Proposed orders shall **not** include submitting counsel's name and address at the top left hand margin.

(B) **Approval.** If an attorney prepares a judgment or order, the form must be approved by all parties to the cause. Unless the Court orders otherwise, approval may be deemed waived if a copy of the judgment or order is personally served on all counsel of record at least 5 calendar days, or if served by mail, at least 8 calendar days before the judgment or order is submitted to the Court.

Rule 9074-1

Telephone Conferences

(A) **Request for Telephone Conference.** Any party requesting that a scheduled courtroom hearing be held by telephone must first contact opposing counsel and must advise the Court whether other counsel agrees to a telephone hearing. If the Court determines that the matter may be handled by telephone, the Court will set and notice the hearing.

(B) **Arrangements for Conference Call.** The Court will initiate a telephone conference call, unless the party requesting the conference call is ordered by the Court to arrange for and place the call.

(C) **Availability for Telephone Conference.** Counsel must be at the published office telephone numbers 30 minutes before the time set and must take any steps necessary to keep the telephone lines open for the call. If counsel is to be reached at a telephone number other than the published office telephone number, counsel must advise the Court at least 24 hours in advance of the hearing.

(D) **Documents.** If the use of written documents is anticipated at a telephone hearing, counsel must ensure that the Court and opposing counsel have copies of the documents in time for adequate review before the telephone hearing.

Local Bankruptcy Form A

Cover Sheet for Application for
Professional Compensation
LBR 2016-1(D)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

In re _____)
 _____)
 _____) Case No. _____
 _____) Chapter _____
 _____)
 Debtor(s). _____)

COVER SHEET FOR APPLICATION FOR PROFESSIONAL COMPENSATION

Name of Applicant _____

Date of Order Authorizing Employment _____

Period for which compensation is sought _____

Amount of fees sought _____

Amount of expense reimbursement sought _____

Total hours billed and applicable billing rate for each person requesting fees as part of this application:

Name	Rate	Hours	Total Requested
_____	_____	_____	_____

Interim Application [] Final Application []

If this is not the first application filed, disclose all prior fee applications:

Date Filed	Period Covered	Total Requested (Fees & Expenses)	Total Allowed
_____	_____	_____	_____
_____	_____	_____	_____

The aggregate amount of fees and expenses paid to the applicant to date for services rendered and expenses incurred is: \$ _____

Dated _____ Applicant _____

Local Bankruptcy Form B

Chapter 13 Plan
LBR 3015-3(A)

a. Secured claims subject to § 506 and paid in full through the plan. The debtor moves to value the collateral as indicated. The trustee will pay allowed secured claims at the amount of the claim or the value of the collateral to which the creditor's lien attaches, whichever is less. The creditor will retain its lien until the allowed secured portion of the claim is fully paid. The claimant will be deemed unsecured and will be paid as an unsecured creditor for any deficiency balance if the creditor files a timely claim for any deficiency balance remaining.

<u>Creditor</u>	<u>Collateral</u>	<u>Value</u>	<u>Claim Amount</u>	<u>Interest Rate</u>
-----------------	-------------------	--------------	---------------------	----------------------

b. Secured claims not subject to § 506: The following debts either incurred within 910 days before the petition date and secured by a PMSI in a motor vehicle or incurred within one year before the petition date and secured by a PMSI in any other thing of value will be paid as follows:

<u>Creditor</u>	<u>Collateral</u>	<u>Value</u>	<u>Claim Amount</u>	<u>Interest Rate</u>
-----------------	-------------------	--------------	---------------------	----------------------

4. **Defaults Cured.** The trustee will pay these claims pro rata to cure a default or arrearage, and the Debtor shall timely pay the postpetition monthly payments to the creditor due under the contract. Full payment of the amount specified will cure the arrearage and cause any default to be waived notwithstanding the terms of any agreement between the parties to the contrary. In the absence of a written objection, the amount necessary to cure an arrearage and obtain waiver of default will be determined to be the amounts stated.

<u>Creditor</u>	<u>Collateral</u>	<u>Arrearage</u>	<u>Term</u>	<u>Interest Rate</u>
-----------------	-------------------	------------------	-------------	----------------------

5. **Secured Claims for Which Collateral is Surrendered.** The debtor will surrender the following collateral. The claimant is deemed unsecured and will be paid as an unsecured creditor if the creditor files a timely claim for any deficiency balance remaining.

<u>Creditor</u>	<u>Collateral surrendered</u>
-----------------	-------------------------------

6. **Specially classified unsecured claims.**

Codebtor claims: The trustee will pay these codebtor claims, together with interest:

<u>Creditor</u>	<u>Amount</u>	<u>Interest Rate</u>
-----------------	---------------	----------------------

Liens Avoided under § 522(f): The debtor moves to avoid these liens that impair exemptions. The claims are deemed unsecured and are treated under Class 7 if the creditor files a timely proof of claim.

<u>Creditor</u>	<u>Collateral</u>	<u>Amount to be Avoided</u>
-----------------	-------------------	-----------------------------

7. **Unsecured claims.** All non-priority, unsecured claims will be paid pro rata from at least the total sum of \$ _____, resulting in a distribution to unsecured creditors of approximately _____%.

The following nondischargeable unsecured debts will be paid interest at the rate of ____% during the term of the plan and to the extent allowed under 11 U.S.C. § 1322(b)(10):

<u>Creditor</u>

8. **Unmodified Claims.** These creditors will be paid directly by the debtor in accordance with the contract terms,

and will retain any and all interests in property of the debtor or the estate. This class also includes the following creditors paid under Class 4 of the plan:

<u>Creditor</u>	<u>Collateral</u>	<u>Value</u>
-----------------	-------------------	--------------

9. **Adequate Protection Payments and Payments to Lessors:** The Trustee shall pay the following adequate protection payments or payments on leases of personal property, and shall receive the percentage fee due under the plan on the payments. Upon confirmation, the claims shall be treated under paragraph 3(a) or 3(b) as indicated.

<u>Creditor</u>	<u>Amount of Monthly Payment</u>
-----------------	----------------------------------

OTHER PROVISIONS

a. **Executory Contracts Rejected.** All executory contracts and unexpired leases are rejected and the collateral that is or may be the subject of the leases is abandoned, except the following, on which the debtor will cure all defaults and pay the claimant in accordance with the terms and conditions of the contract:

b. **Vesting of Property of the Estate:** Property of the estate shall revert in the debtor:

_____ Upon confirmation of the plan _____ Upon discharge or dismissal

c. **Application of Proceeds to Debt:** In all cases where a creditor applies sale or insurance proceeds to a debt treated in this plan, the creditor must file an amended proof of claim within 15 days.

d. **Order of Disbursements:** With the exception of adequate protection payments disbursed before confirmation, the trustee will disburse payments received under the plan first to administrative claims allowed under §§ 503(b) and 507(a)(1) concurrently and pro rata; and then concurrently to all other classes of claims pro rata.

e. **Lien Retention:** Allowed secured claim holders shall retain liens until liens are released upon completion of all payments under the plan or the allowed secured claim is paid in full.

DECLARATION UNDER PENALTY OF PERJURY

I (We), the undersigned debtor(s), declare under penalty of perjury that the statements contained in the foregoing Chapter 13 plan are true and correct to the best of my/our knowledge, information, and belief.

Dated _____

Debtor

Attorney for Debtor

Local Bankruptcy Form C

Chapter 13 Plan Summary
LBR 3015-3(A)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

In re)	
)	
)	Case No.
)	CHAPTER 13
Debtor(s).)	

CHAPTER 13 PLAN SUMMARY

A. Total debt provided under the plan and administrative expenses

1. Attorney Fees	\$ _____
2. Mortgage Arrears	_____
3. Secured Claims (including adequate protection payments) (list separately)	_____
4. Priority Claims (list separately)	_____
5. Separate Class of Unsecured Claims	_____
6. All other unsecured creditors	_____
Total payments to above creditors	\$ _____
Trustee percentage fee	\$ _____
Total debtor payments to the plan	\$ _____

B. Reconciliation with Chapter 7

1.	a. Value of real property	\$ _____	
	Less secured claims	(_____)	
	Less exemptions	(_____)	\$ _____
	b. Value of personal property	\$ _____	
	Less secured claims	(_____)	
	Less exemptions	(_____)	\$ _____
	c. Value of avoidable transfers		\$ _____
	f. Less unsecured priority claims		(_____)
	g. Less estimated chapter 7 administrative expenses and costs		(_____)
	Total paid under hypothetical chapter 7 to unsecured creditors		\$ _____
2.	Percent of unsecured, non-priority claims paid under the plan		_____ %
3.	Estimated percentage of unsecured, non-priority claims paid if chapter 7 were filed		_____ %

Dated: _____

Debtor(s)

Counsel

Local Bankruptcy Form D

Notice of Deadline for Filing Objections to
Confirmation of Chapter 13 Plan and/or
Application for Attorney's Fees
LBR 3015-3(F)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

In re)
)
) Case No. _____
) CHAPTER 13
Debtor.)

NOTICE OF DEADLINE FOR FILING OBJECTIONS TO CONFIRMATION OF CHAPTER 13
PLAN and/or APPLICATION FOR ATTORNEY'S FEES
Notice of Potential for Dismissal or Conversion

Enclosed is a copy of the chapter 13 plan proposed by the debtor. If you object to confirmation of the plan or a motion contained in the plan, or to payment of the attorney fees listed in the plan, you must file a written objection with the Clerk of the Court, United States Bankruptcy Court, 2120 Capitol Ave., Ste. 6004, Cheyenne, WY 82001, within 28 days after the date of the mailing of this notice and you must serve a copy of your objection on the debtor, whose address is _____, the attorney for the debtor, whose name and address appear below, and the standing chapter 13 trustee, Mark Stewart, whose address is _____.

In the absence of a written objection to the value of the collateral and/or the secured status asserted in the plan, the Court may accept the allegations of value of a secured creditor's collateral stated, determine the value under 11 U.S.C. § 506(a), and confirm the plan without further notice or hearing.

If an objection is timely filed, the Court will set and hold a hearing. If the plan is not confirmed, the Court may consider dismissal or conversion of the case at that time.

If no objection is timely filed, the Court may enter an order confirming the plan without further notice or hearing.

Inquiries regarding this matter should be directed to the debtor's attorney.

The undersigned certifies that a copy of this notice was served on all interested parties as shown on the attached mailing list on _____.

Attorney for debtor or pro se debtor
Address & telephone number

Local Bankruptcy Form E

Final Pretrial Order
LBR 7016-1(D)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

In re)	
)	
)	Case No.
)	CHAPTER
Debtor.)	
)	
)	
Plaintiff,)	
)	
v.)	Adversary No.
)	
)	
Defendant.)	

FINAL PRETRIAL ORDER

THIS CASE came before the Court on _____ for a final pretrial conference.

1. *Jurisdiction.* The Court has jurisdiction over this matter under 28 U.S.C. § 1334(a) & § 157 and is not disputed.
2. *Venue.* Venue is proper in the District of Wyoming.
3. *General Nature of the Parties' Claims.*
(Set out brief summary without detail)
 - (a) Plaintiff's claims:
 - (b) Defendant's claims:
4. *Uncontroverted Facts.* The following facts are established by admissions in the pleadings or by stipulations of counsel. (Set out uncontroverted facts, including admitted jurisdictional facts and all other material facts concerning which there is no genuine issue.)
5. *Contested Issues of Fact.* The contested questions of fact remaining are: (Set out.)
6. *Contested Issues of Law.* The contested issues of law are: (Set out.)

7. *Exhibits.* The following, constituting all of the exhibits expected to be introduced at trial, have been exchanged between the parties, are pre-marked (plaintiff shall use numbers and defendant shall use letters), and copies are attached or simultaneously submitted:

(a) Plaintiff's exhibits: (List.)

(b) Defendant's exhibits: (List.)

(c) Except as otherwise indicated, the authenticity of the foregoing exhibits has been stipulated subject to objections, if any, by the opposing party at the trial as to their admissibility, relevancy, and materiality.

8. *Witnesses.*

(a) In the absence of reasonable notice to opposing counsel to the contrary, the plaintiff will call, with a brief description of anticipated testimony. (List.) Plaintiff may call: (List.) Plaintiff will use the following depositions: (List.)

(b) In the absence of reasonable notice to opposing counsel to the contrary, the defendant will call, with a brief description of anticipated testimony. (List.) Defendant may call: (List.) Defendant will use the following depositions: (List.)

(c) In the event other witnesses are to be called, a statement of their names and addresses and the general subject matter of their testimony will be served upon opposing counsel and filed with the Court at least five (5) days prior to trial. This restriction shall not apply to rebuttal witnesses, the necessity of whose testimony reasonably cannot be anticipated before the time of trial.

9. *Amendments to the Pleadings.* There are no requests to amend pleadings. (Or) The following order was made at the pretrial conference regarding amendments to the pleadings. (Set out.)

10. *Discovery.* Discovery has been completed. (Or) Discovery is to be completed by _____. (Or) Further discovery is limited to _____. (Or) The following provisions were made for discovery: (Specify.)

11. *Trial Setting.* The case is set for trial to the Court on _____, at _____ (insert time), in _____ (insert location). Estimated length of trial is _____ days.

12. *Settlement.* Counsel have conferred respecting settlement of this matter and consider the possibility of settlement (Good) (Fair) (Poor). Trial will not be postponed to allow further settlement negotiations except upon a showing of good cause.

DATED this _____ day of _____.

BY THE COURT

United States Bankruptcy Judge

The foregoing proposed pretrial order (prior to execution by the court) is hereby adopted this _____ day of _____.

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