

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**LOCAL BANKRUPTCY RULES**

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## **Rule 1001-1**

### **Title; Scope and Effective Date of Rules**

**(a) Local Rules of Court.** The Supreme Court of the United States has, pursuant to 28 U.S.C. § 2075, prescribed rules of procedure in bankruptcy cases. Fed. R. Bankr. P. 9029 provides that courts may adopt local rules that are not inconsistent with the Federal Rules of Bankruptcy Procedure. The following rules are adopted as the local rules of the United States Bankruptcy Court for the District of Puerto Rico – subject to the limitations set forth in Rule 83k(b) of the Local Rules of the United States District Court for the District of Puerto Rico – and will govern procedure in all cases and proceedings under title 11 of the United States Code in the District of Puerto Rico. These rules may be referred to as the “Puerto Rico Local Bankruptcy Rules,” and will be cited as “P.R. LBR,” or simply “LBR” when cited within a local rule. Official forms appended to these LBRs will be referred to as “P.R. LBF,” or simply “LBF” when cited herein.

**(b) Applicability of Other Rules.** The local rules of the United States District Court for the District of Puerto Rico will apply to the extent that a procedural matter is not covered by these LBRs or the Federal Rules of Bankruptcy Procedure. Those rules may be referred to as the “Local Civil Rules for the U.S. District Court for the District of Puerto Rico,” and will be cited as “L.Cv.R.”

**(c) Waiver or Modification of Local Rules.** The provisions of these rules may be waived or modified in any case or proceeding, on motion or on the court’s own initiative, for the convenience of the parties or in the interest of justice, as determined by the court.

**(d) Adoption of Certain Rules of the District Court.** The provisions of L.Cv.R. 43, 56, and 65 are applicable to adversary proceedings and contested matters in the bankruptcy court, to the extent that they are not inconsistent with these LBRs, the Federal Rules of Bankruptcy Procedure, and title 11 of the United States Code.

**(e) Meaning of Terms.** The terms used herein have the same meaning as ascribed to them under Fed. R. Bankr. P. 9001, or as defined in other sections of the Bankruptcy Code and Rules. The references in the Local Rules of the Bankruptcy Court for the District of Puerto Rico to “court,” “judge,” and “clerk” should be read as the “United States Bankruptcy Court,” “bankruptcy judge,” and “clerk of the United States Bankruptcy Court,” respectively.

**(f) Failure to Comply with Local Rules.** The court, *sua sponte* or on the motion of any interested party, may impose sanctions for failure to comply with these rules. Sanctions may include but are not limited to: the imposition of monetary sanctions; non-monetary sanctions; dismissal of the case or proceeding; striking of papers filed with the court; or denial of the relief sought, as the court in its discretion deems appropriate.

**(g) Effective Date.** These rules shall become effective on May 16, 2013 and supersede all prior local rules, general orders, and administrative orders of the United States Bankruptcy Court for the District of Puerto Rico.

## **(h) General and Administrative Orders.**

(1) The court may supplement these rules, subsequent to their effective date, by general orders and/or administrative orders issued by the court as needed.

(2) All future general orders and administrative orders will be categorized by the year of adoption and numbered consecutively. Copies of these may be obtained from the clerk, through the court's web site ([www.prb.uscourts.gov](http://www.prb.uscourts.gov)), and in the public area of the clerk's office.

**(i) Availability of Information Through the Court's Website.** Detailed information regarding filing requirements, national and local forms, fees, general and administrative orders, or any other information regarding these LBRs is available at the clerk's office and through the court's web site ([www.prb.uscourts.gov](http://www.prb.uscourts.gov)).

### **Rule 1002-1**

#### **Petition – General**

**(a) Filing.** A petition commencing a case under the Bankruptcy Code must be filed by electronic means as established by the court. Only *pro se* debtors or attorneys who have not obtained their Case Management/Electronic Case Filing ("CM/ECF") training, login, and password may file a petition in paper in the office of the clerk. Attorneys who need to file by paper method must include a motion with their filing requesting permission to file by paper method and informing the court the date on which they will take the training to comply with the mandatory electronic requirements of this court. Training information is available on the court's web site ([www.prb.uscourts.gov](http://www.prb.uscourts.gov)).

**(b) Form.** A petition commencing a voluntary case must conform with Official Form B-1 and be fully completed by the petitioner.

#### **(c) Corporate Petition and Petitions for Non-Individuals.**

**(1) Corporate Petitions.** A petition filed by a corporation must be signed in accordance with 28 U.S.C. § 1746, or verified by an authorized officer or authorized agent of the corporation; it must include a copy of the resolution of the board of directors or minutes of the corporate meeting, or other evidence of the authority of the verifying officer or authorized agent to file the bankruptcy petition on behalf of the corporation.

**(2) Petitions for Other Non-Individuals.** A petition by a partnership, trust, or other non-individual debtor must be signed and verified by a general partner, or trustee or appropriate agent; it must include evidence of the signatory's authority to file the bankruptcy petition.

### **Rule 1003-1**

#### **Involuntary Petitions**

**(a) Required Designation.** An involuntary petition filed against a non-individual debtor must include a designation of the alleged debtor's principal operating officer, trustee, managing general partner, or other appropriate authorized agent, as the case may be. If a petitioning creditor does not know the identity of the person designated under this LBR, a statement to that effect must be included.

**(b) Partnership Lists.** An involuntary petition relating to a partnership debtor must include a list with the names, addresses, and telephone numbers of all general and limited partners. If the petitioner does not know this information, a statement to that effect must be included.

### **Rule 1005-1**

#### **Filing Papers – Requirements**

**(a) Caption of Papers.** The bankruptcy case name, number, judge's initials, and chapter, must appear on all documents filed electronically or with the clerk.

**(b) Size.** All documents and pleadings, including the petition, plans, schedules, statements, and lists, must be in a portable document format ("pdf") which measures 8 ½" x 11" in a legible orientation. The resolution measured in dots per inch must not exceed 300. When necessary to comply with this rule, photo reduction of documents is required.

**(c) Signature.** Each paper filed must include a signature block with the name, mailing address, email address, and telephone and facsimile numbers of the party or attorney filing the paper. The signature block for attorneys must include the law firm's name, the name of the client, and the attorney's bar admission number for the United States District Court for the District of Puerto Rico. Electronic signatures of debtors, attorneys, trustees, and all other filers must comply with the LBR 5005-4.

**(d) Caption of Amendments.** Any paper filed to effect an amendment of a previously filed or served paper - including petitions, plans, schedules, statements, and lists - must clearly state in bold print that it is an amendment.

### **Rule 1006-1**

#### **Fees - Installment Payments**

**(a) General Requirement.** Any voluntary individual debtor desiring to pay the filing fee in installments must file an application with the clerk conforming to the Official Form B-3A, "Application to Pay Filing Fee in Installments." Debtor must pay \$50.00 at the time of the filing of the petition. The balance of the total fee must be paid in no more than 3 equal installments, payable every 30 days thereafter until paid in full.



**(b) Penalty for Non-Payment.** Permission to pay in installments the fees due upon filing does not abate the debtor's obligation to pay the fees in full. The court may not grant a discharge in a chapter 7 case if the debtor has failed to pay either the filing fee or any other fees due upon filing the case. If the application is denied for non-compliance with subsection (a) of this LBR, debtor shall immediately remit the full filing fee. Failure to timely pay the filing fee will result in the dismissal of the case.

### **Rule 1007-1**

#### **Lists, Schedules and Statements; Time Limits; Notice of Automatic Dismissal for Non-Compliance; Notice in Chapter 11**

**(a) Mailing Matrix.** All cases filed through the electronic system should have the creditor's mailing matrix uploaded immediately upon filing. In voluntary cases filed by conventional means, a mailing matrix must be filed with the petition. This matrix must contain the names and addresses, including zip codes, of all known creditors and holders of executory contracts.

**(b) Certificate of Credit Counseling and Debt Repayment Plan.** The certificate of credit counseling and debt repayment plan shall be filed separately from the petition.

**(c) Documents subject to Two (2) Day Filing Deadline.** The following documents are required to be filed with the clerk within two (2) days of the bankruptcy filing:

(1) Voluntary Petition;

(2) Statement of Social Security Number(s) - Official Form B-21;

(3) Corporate Resolution/Corporate Ownership Statement;

(4) Fee Payment; Application to Pay Filing Fees in Installments; or Application for Waiver of the chapter 7 filing fee;

(5) Creditor Mailing Matrix (names and addresses) uploaded in the CM/ECF system;

(6) Cover sheet for list of creditors and creditor matrix diskette if filed conventionally;

(7) Chapter 11 List of Creditors Holding 20 Largest Unsecured Claims; and

(8) Notice to Individual Consumer Debtor - Official Form 201 [Unless the petition is filed by a *pro se* debtor]

**(d) Notice of Dismissal if Document Not Timely Filed (Want of Prosecution).** Upon filing the petition, the debtor may receive a "Notice of Deficient Filing and Notice of Possible Dismissal" indicating which documents are missing and giving the debtor two (2) days to file the required documents. If, after the expiration of the stated time period or any court authorized extension

thereof, the debtor fails to timely file the required documents, the clerk shall enter an order of dismissal without further notice.

**(e) Payment Advices.** Copies of all payment advices or other evidence of payment received within sixty (60) days before the date of the filing of the petition shall not be filed with the court unless ordered otherwise. These copies shall be provided by the debtor to the trustee and to any creditor who timely requests copies of the payment advices or other evidence of payment, at least seven (7) days before the meeting of creditors conducted pursuant to 11 U.S.C. § 341. To be considered timely, a creditors' request must be received at least fourteen (14) days before the first date set for the meeting of creditors.

**(f) Notification of Creditors in Chapter 11 Cases Scheduled as Disputed, Contingent, or Unliquidated.** The debtor in each chapter 11 case must serve LBF A on each creditor whose claim is listed on the schedules as disputed, contingent, or unliquidated, within fourteen (14) days after filing the schedules of liabilities, or within fourteen (14) days of adding those creditors to previously filed schedules. The notification must advise those creditors of their right to file proofs of claim and indicate that failure to do so shall prevent them from voting upon the plan or participating in any distribution thereunder. Debtor must file with the clerk a certificate of service evidencing compliance with this LBR within fourteen (14) days of service.

#### **Rule 1009-1**

#### **Amendments to Voluntary Petitions, Lists, Schedules, and Statements**

**(a) Procedure and Form.** A voluntary petition, list, schedule, statement, or other document filed to effect an amendment to a previously-filed document must clearly state in bold print that it is an amendment. The amendment must identify the added or changed information. The amended document must be signed by the amending party, who must attach to the amended documents a signed affirmation relating to all the amended pages in the same form as the original documents.

**(b) Notice and Service of Amendment.** The debtor must give notice and serve a copy of the amendment and the statement of purpose of the amendment to any appointed trustee, to the United States trustee, and to any entity affected by the amendment. The debtor must file a certificate of service showing the parties served and the date and method of service.

**(c) Amendments Adding an Omitted Creditor.** If pre-petition creditors not previously included on the mailing matrix are added by amendments at any time after the first notice of the meeting of creditors, the following procedures apply:

**(1)** The debtor must give notice of the amendment and statement of purpose together with a copy of the original Notice of § 341 Meeting of Creditors to the trustee, United States trustee, and the added creditor;

**(2)** In asset cases, the debtor must give notice informing the creditor of its right to file a Proof of Claim within ninety (90) days of service of the documents required by this LBR, or within the time set for previously scheduled creditors to file Proofs of Claim,

whichever is later; or within such other time as allowed by Fed. R. Bankr. P. 9006(c) and ordered by the court; and

(3) In a chapter 7 case, the debtor must give notice informing the creditor of its right to file complaints under 11 U.S.C. §§ 523 and 727, and objections to the debtor's claim of exemptions, within sixty (60) days of service of the papers required by this LBR, or within the time set for previously scheduled creditors to file those complaints or objections, whichever is later.

(4) The extensions of deadlines granted by this LBR apply only to those creditors added by amendment.

(5) If a creditor is added after the order of discharge is entered in an individual chapter 7 case in which there is no distribution to creditors, the order of discharge is deemed to apply to the pre-petition debts owed to that creditor as of the later of:

(A) 60 days after the date the debtor provides evidence of service if the creditor has not filed complaints under 11 U.S.C. §§ 523 and 727; or

(B) the date the last orders denying or dismissing those complaints become final.

#### **Rule 1015-1**

##### **Joint Administration and Consolidation**

(a) **Specify Action.** A motion filed for this purpose must specify whether the request is for joint administration or substantive consolidation of the cases.

(b) **Joint Administration.** A motion for joint administration is deemed to include all administrative activities of the case, unless the movant specifies that it will only apply to limited activity, and identifies that activity. Separate dockets will be maintained in each case.

(c) **Substantive Consolidation.** After a motion for substantive consolidation is granted, the lead case will be the oldest case, unless otherwise ordered by the court. The debtor must file consolidated schedules and a consolidated creditor mailing matrix within fourteen (14) days from the date of the order granting the motion.

(d) **Service of Motion.** A motion for consolidation of cases must be served on all parties in interest.

#### **Rule 1017-2**

##### **Dismissal for Want of Prosecution**

(a) **Sua Sponte Action by the Court.** The court may dismiss a case for want of prosecution after notice to the debtor, the debtor's attorney (if any), and all creditors, unless the debtor cures the deficiency in a timely fashion and/or the debtor or any other party in interest requests a hearing

within fourteen (14) days of service of the notice of intent to dismiss. An exception to this subsection is the automatic dismissal as permitted by LBR 1007-1(c) & (d).

**(b) Want of Prosecution Defined.** The term “want of prosecution” in Fed. R. Bankr. P. 1017 shall include, but is not limited to:

(1) failure to file lists, schedules, and statements within the time allowed by Fed. R. Bankr. P. 1007;

(2) failure to be represented by counsel within the time set by order of the court if the debtor is a corporation;

(3) failure to pay any required filing fee;

(4) failure to file a plan, disclosure statement, or other document or pleading within the time required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these LBRs, or orders of the court;

(5) failure of a party or counsel to appear at a hearing;

(6) failure of the debtor to appear at the initial § 341 meeting, or any continued meeting, as provided for in LBR 2003-1; and

(7) failure to abide by any court order requiring the filing of papers or payment of fees, costs, or sanctions.

## **Rule 2002-2**

### **Notice of Preferred Addresses and National Creditor Register Service**

**(a) Notice.** The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the entity that provides noticing services for the bankruptcy courts will constitute the filing of such a notice with the court.

**(b) Registration.** Registration with the National Creditor Registration Service must be accomplished through the entity that provides noticing services for the bankruptcy courts. Forms and registration information is available at <https://ncrs.uscourts.gov>.

**(c) Conclusive Presumption.** Any notice sent by the court to a creditor’s preferred address, in accordance with a notice of preferred address filed by a creditor or an interested party pursuant to 11 U.S.C. § 342(e) or § 342(f) or contained in a proof of claim filed with the court, specifying a mailing address and designating a recipient, will be conclusively presumed to have been received by the creditor or interested party upon the mailing of any notice by the court or its noticing agent(s) to the address specified in the notice of preferred address, notwithstanding 11 U.S.C. § 342(g)(1).

## **Rule 2003-1**

### **Meeting of Creditors or Equity Security Holders**

**(a) § 341 Meeting of Creditors; Report of Action Taken.** No later than three (3) days after the § 341 meeting, each presiding officer at a meeting of creditors must file with the court a report of action taken, and must serve that report upon the United States trustee. In chapter 7 cases, the chapter 7 trustee must file a Report of No Distribution no later than fourteen (14) days after the § 341 meeting is concluded or closed, if applicable.

**(b) § 341 Meeting of Creditors; Failure of Debtor to Appear at § 341 Meeting of Creditors.** Failure of the debtor to appear at a scheduled 11 U.S.C. § 341 meeting of creditors may constitute cause for dismissal.

**(1)** The court may dismiss a voluntary case under any chapter for failure of the debtor (or in the case of a non-individual debtor, the debtor's president, managing partner or other knowledgeable officer) to appear at the meeting of creditors, upon the filing of a motion to dismiss for failure of debtor to appear at the § 341 meeting; and upon determination that:

**(A)** there has been proper notice of the intended action;

**(B)** there is no motion pending, pursuant to LBR 2003-1(c), to reconsider the United States trustee's or the trustee's denial of a request for continuance of the meeting; and

**(C)** the case was not commenced as an involuntary case.

**(2)** In an involuntary case, a motion to dismiss for failure of the debtor (or in the case of a non-individual debtor, the debtor's president, managing partner or other knowledgeable officer) to appear at the § 341 meeting shall be scheduled for hearing.

**(c) Rescheduled Meeting of Creditors; Request.** A request to reschedule any § 341 meeting of creditors must be directed to the trustee, or, in chapter 11 cases, to the United States trustee. Only if the request is denied may the debtor file with the court a motion to reschedule. If the request is granted, notice of the rescheduled § 341 meeting shall be provided pursuant to LBR 2003-1(d).

**(d) Rescheduled Meeting of Creditors; Notice.** When the debtor's case has been dismissed and the dismissal is set aside, or if a meeting of creditors is rescheduled upon request of the debtor, the debtor shall obtain another date for the meeting of creditors from the United States trustee or trustee and the debtor shall give notice of the rescheduled meeting to the trustee, the United States trustee, all creditors, and all other parties in interest and file a certificate of service.

## **Rule 2004-1**

### **Examination**

**(a) Inapplicability to Adversary Proceedings and Contested Matters.** The provisions for examination under this LBR are inapplicable to pending adversary proceedings and contested

matters. The discovery provisions made applicable by Part VII of Federal Rules of Bankruptcy Procedure and Fed. R. Bankr. P. 9014 govern discovery in connection with pending adversary proceedings and contested matters.

**(b) Consultation Required.** Counsel for the party moving for an examination under Fed. R. Bankr. P. 2004 must confer with counsel for the proposed examinee(s), or with the proposed examinee(s), if unrepresented, to arrange a mutually agreeable date, place, and time for the examination before filing a motion for examination. All motions for an examination must include either:

- (1) a statement that the conference has been held as required, and that all parties have agreed to the date, time, and place of the examination;
- (2) a statement explaining why it was not possible for the conference to be held;
- (3) a verified statement that the movant has good reason to believe that the proposed examinee would absent himself or herself from the jurisdiction if notified of the request for examination; or
- (4) a statement that the conference was held, but that no agreement could be reached by the parties, and that the motion is presented to the court for determination.

**(c) Objections/Protective Orders.** Any objection to a motion for a Fed. R. Bankr. P. 2004 examination must be made in the form of an objection or motion for protective order in accordance with Fed. R. Civ. P. 26(c), as adopted in Fed. R. Bankr. P. 7026. The objection or motion must state precisely the basis for the objection or protective order, as well as the nature and scope of the relief requested.

**(d) Notice and Response Time.** The party proposing the examination must give the proposed examinee(s) and his counsel (if known), as well as all other affected parties, no less than fourteen (14) days written notice of a proposed examination. The notice must apprise the party to be examined of the proposed scope of the examination and must list any documents requested to be presented at the examination. The notice must contain the following language regarding the time to object or otherwise respond to the proposed examination:

**NOTICE**

Any party who objects to the examination shall serve and file an objection or motion for protective order with the United States Bankruptcy Court for the District of Puerto Rico within fourteen (14) days of service of this Motion for a Fed. R. Bankr. P. 2004 Examination, and three (3) additional days if you were served by mail, pursuant to Fed. R. Bankr. P. 9006(f). If no objection or motion for protective order is timely filed, the court may grant the motion for examination without further notice or a hearing.

**(e) Stay of Examination.** The timely filing of an objection or motion for protective order, as provided for in subsection (c) of this LBR, automatically stays the examination until the court considers the objection or motion for protective order.

**(f) Unopposed Motion for Fed. R. Bankr. P. 2004 Examination.** If no response or objection is timely filed, the court may grant the motion for an examination under Fed. R. Bankr. P. 2004 without further notice or hearing.

**Rule 2014-1**

**Employment of Professional Persons**

**(a) Application and Statement.** An application of a trustee or committee to employ any professional person, including an attorney, accountant, appraiser, broker, auctioneer, consultant, or agent (hereinafter the “professional”), must include all of the information required by Fed. R. Bankr. P. 2014(a). In addition, the application must include the *curriculum vitae* of the professional to be employed. In a chapter 11 case, the trustee, debtor in possession, or committee must sign the application to employ an attorney under § 327(a). The application must be accompanied by a statement in which the professional to be employed makes the following disclosures under penalty of perjury, in accordance with subsection (b) of this LBR:

(1) Neither I nor any member of my firm holds or represents any interest adverse to the estate of the above-named debtor.

(2) My connections and my firm’s connections with the debtor, any creditor or other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed by the United States trustee are as follows: \_\_\_\_\_.

(3) I am, and each member of my firm is, a “disinterested person” as that term is defined in 11 U.S.C. § 101(14). [Not required for employment of special counsel pursuant to § 327(e)]

(4) I have not agreed to share with any person, except members of my firm, the compensation to be paid for the services rendered in this case, except as follows: \_\_\_\_\_.

(5) The terms of compensation agreed to are as follows: I have received a retainer in this case in the amount of \$\_\_\_\_\_, which sum, upon information and belief, was generated by the debtor from: \_\_\_\_\_

(6) I will amend this statement immediately upon my learning that: (a) any of the representations made herein are incorrect, or (b) there is any change of circumstance relating thereto.

(7) I have reviewed the provisions of LBR 2016-1.

**(b) Clarifying Terms.**

**(1) Connections.** For the purposes of 11 U.S.C. § 101(14) and subsection (a)(2) of this LBR, the term “connections” includes, but is not limited to:

(A) the professional's representation at any time of the debtor or any affiliate of the debtor, as that term is defined in 11 U.S.C. § 101(2), or of any insider of the debtor, as that term is defined in 11 U.S.C. § 101(31);

(B) the professional's representation at any time of a creditor against the debtor, or any insider or affiliate of the debtor;

(C) the professional's representation of a creditor on a regular basis, or in connection with a substantial matter;

(D) the professional's representation or employment of or by another authorized professional, either specifically in connection with the case, or on a regular basis, or in connection with a substantial matter in another case; and

(E) a marital relationship or family affiliation to the third degree of consanguinity between the professional or the member of the professional's firm who will actually render services, and any party in interest (or officer, director, or shareholder of that party) or other professional authorized to be employed in the case.

**(2) Source of Funds.** For the purposes of subsection (a)(5) of this LBR, the professional must disclose how the funds paid were generated by the debtor – such as whether from operations, salary, wages, other income, or from a loan or capital contribution. If the source is a loan or capital contribution – other than an advance on a continuing line of credit – and the loan or capital contribution was made to the debtor within ninety (90) days prior to the filing of the petition, the professional must disclose the identity of the lender or investor/stockholder and the terms of repayment, as well as any claims by and between the debtor and the lender or investor/stockholder.

**(c) Form of Statement.** The statement accompanying the application to employ a professional person must be in the form of an affidavit, dated and signed under penalty of perjury by the person to be employed. Above such signature the affiant must include a sworn declaration that states: "I declare (or certify, or verify, or state) under penalty of perjury that the foregoing is true and correct," as provided in 28 U.S.C. § 1746.

**(d) Certificate of Service.** The application must include a certificate of service that indicates that the application and statement were transmitted to the United States trustee.

**(e) Effective Date.** If the court approves an application for the employment of a professional person, the approval is deemed effective as of the date of the filing of the application. However, if the application is filed within fourteen (14) days of either the commencement of the case or the date the professional first rendered services, whichever is later, court approval is deemed effective on the date that the services were first rendered.



## **Rule 2015 -2**

### **Duties of Trustee or Debtor in Possession**

**(a) Chapter 11 and 13 Monthly Financial Reports.** A chapter 13 business debtor as defined in 11 U.S.C. § 1304(a), or a chapter 11 debtor in possession, or a chapter 11 trustee must file with the court a monthly financial report signed under penalty of perjury, and served on the United States trustee and each member of any committee elected or appointed. Each report is due on the twenty-first (21st) day of the subsequent month. Except as otherwise ordered by the court, the report must include the following:

- (1) statement of cash receipts and disbursements;
- (2) statement of accrued receivables (disclosing amounts considered to be uncollectible);
- (3) statement of post-petition accrued payables, including professional fees (listing the name of each creditor and the amounts owing and remaining unpaid for over thirty (30) days);
- (4) tax disclosure statement (listing post-petition taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and an explanation for any failure to make the required payments or deposits);
- (5) compensation statement (disclosing the amount of compensation paid to all insiders, as defined in 11 U.S.C. § 101(31));
- (6) schedule of current inventory (showing increases or decreases in inventory);
- (7) schedule of insurance coverage;
- (8) bank account reconciliations and/or bank statements; and
- (9) check register listing all checks written and/or copies of cancelled checks.

**(b) Chapter 11 Post-Confirmation Reports.** If a chapter 11 plan proponent has not filed an application for a final decree within three (3) months after confirmation of the plan, it must file a post-confirmation report and provide a copy to the United States trustee by the end of the next calendar quarter and every three (3) months thereafter until a final decree has been entered. The post-confirmation report must disclose the plan's progress toward consummation, and must include the following:

- (1) a summary, by class, of amounts distributed or property transferred to each recipient under the plan, and an explanation of the failure to make any distributions or transfers of property under the plan;
- (2) debtor's projections as to its continuing ability to comply with the terms of the plan;

- (3) a report of any pending or anticipated litigation, including the nature of each matter, the parties involved, and an estimated date when the matter will be resolved;
- (4) a description of any other factors that may materially affect the debtor's ability to consummate the plan; and
- (5) an estimated date when the application for final decree will be filed with the court.

#### **Rule 2016-1**

#### **Application for Compensation of Professionals**

**(a) Compensation.** All professionals, including but not limited to, debtor's attorneys, accountants, and creditor's attorneys, seeking interim or final compensation for services and reimbursement of expenses from the estate under 11 U.S.C. §§ 330, 331, 503(b)(2), 503(b)(4), or 506(b) must file an application for compensation and reimbursement, which shall be sufficiently detailed to allow the court to determine whether all the time charged, or any portion thereof, is reasonable and was actual and necessary. The application must conform generally with Fed. R. Bankr. P. 2016. The application and any attachments must comply with the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses, issued in June 2010. The following rules also apply:

**(1) Trustee Services.** If the trustee is also serving as his/her own attorney, the trustee's attorney application must contain a certification that no compensation has been or will be sought for services as an attorney which are properly trustee services.

**(2) Contingent Fee Matters.** Detailed time records must also be kept on contingent fee matters.

**(3) Travel Time.** The court may allow professional travel time at one-half of the professional's normal hourly rate, unless otherwise justified. This is because time spent traveling is generally unproductive or, if productive, is rarely spent solely on the case for which the professional is traveling. Travel of one (1) hour or less round-trip is not compensable.

**(4) Certification.** Each application must contain a certification by the professional that:

**(A)** the professional has read the application;

**(B)** to the best of the professional's knowledge, information and belief, formed after reasonable inquiry, the compensation and reimbursement of expenses sought conforms with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the United States Trustee Guidelines, and these LBRs; and

**(C)** the compensation and reimbursement of expenses requested are billed at rates no less favorable to the debtor/estate than those customarily employed by the applicant generally.

**(b) Expenses.** An applicant has the burden of establishing that his/her expenses are reasonable and both actual and necessary. The following rules also apply:

**(1) Photocopying.** An applicant must identify the particular documents copied, the number of copies made, and the actual cost per copy – not to exceed 25 cents per page.

**(2) Computerized Research.** Computerized research is reimbursable at actual cost, without markup for handling or administrative charges.

**(3) Messenger Service/Overnight Delivery.** Messenger or overnight delivery services should only be used when the use of first-class mail is impractical. If reasonably incurred, reimbursement for these services will be allowed at actual cost. In-house messenger services are not reimbursable for more than the cost of comparable services outside the firm.

**(4) Postage.** Postage is reimbursable at actual cost.

**(5) Long Distance Telephone Charges.** Long distance telephone charges are reimbursable at actual cost.

**(6) Facsimile Transmissions.** Facsimile transmissions are reimbursable at actual cost, if reasonably incurred. For outgoing transmissions, the actual cost of the telephone charges are reimbursable. Facsimile transmissions received are reimbursable at actual cost, not to exceed 25 cents per page.

**(7) Travel – Air transportation.** Reimbursement for air travel is limited to the amount spent on coach fare.

**(8) Travel – Within Puerto Rico.** Automobile travel within Puerto Rico is reimbursable at a rate to be published by the clerk's office and based upon the mileage information available through the Puerto Rico Highway and Transportation Authority's website, [www.dtop.gov.pr/carretera](http://www.dtop.gov.pr/carretera).

**(9) Travel accommodations and meals.** Reimbursement is allowed for reasonable hotel and meal expenses. Luxury accommodations are not reimbursable.

**(10) Meals – Working.** Working meals at restaurants or private clubs are generally not reimbursable. Reimbursement may be requested for working meals only when food is catered to the professional's office during a meeting with clients, such as a creditor's committee, to permit the meeting to continue through a normal meal period.

**(11) Amenities.** Charges for entertainment, alcoholic beverages, tobacco, newspapers, dry cleaning, etc., are generally not reimbursable.

**(12) Property Inspection Fee.** Charges for these inspections (usually drive-by) should be itemized detailing the date the alleged inspection was made.

**(13) Miscellaneous fees.** Filing fees, court reporter fees, witness fees, and service of process fees are reimbursable at actual cost.

**(c) Denial For Non-compliance.** The court may deny an application for compensation and expenses *sua sponte* if it does not comply with the requirements set forth in this LBR.

**(d) Sanctions.** The failure of an attorney to timely file the plan, schedules, or statements, to attend the meeting of creditors, to timely file amendments, or to appear at confirmation hearings or at any other scheduled meetings or hearings may result in the reduction of the attorney's fee, for each such occurrence, in such amount as the court finds to be appropriate.

**(e) Attorney's Continuing Duty of Representation in Chapter 13 Cases.** An attorney who represents a debtor in the bankruptcy court at the time a petition under chapter 13 is filed, or when a case under another chapter of the Bankruptcy Code is converted to chapter 13, has a continuing duty to represent the debtor until the occurrence of the earliest of:

(1) dismissal of the case;

(2) closing of the case; or

(3) the entry of an order allowing the attorney to withdraw from further representation of the debtor.

**(f) Attorneys' Fees in Chapter 13 Cases.**

(1) The court may approve attorneys' fees in chapter 13 cases at the confirmation hearing without the debtor's attorney filing a detailed application if the fees, costs and expenses [excluding the filing fee] do not exceed \$3,000.00.

(2) When allowing the flat fee, in addition to the requirements of 11 U.S.C. §§ 526 and 527, counsel for the chapter 13 debtor should discharge the following responsibilities:

(A) Meet with the debtor to review the debtor's debts, assets, liabilities, income, and expenses.

(B) Explain which payments will be made directly by the debtor and which payments will be made through the debtor's chapter 13 plan, with particular attention to mortgage and vehicle loan payments, as well as any other claims that may accrue interest.

(C) Explain to the debtor how, when and where to make the chapter 13 plan payments.

(D) Explain to the debtor how the attorney's fees and trustee's fees are paid and provide an executed copy of this document to the debtor.

(E) Explain to the debtor that the first plan payment must be made to the trustee within 30 days of the date the plan is filed.

(F) Advise the debtor of the requirement to attend the § 341 Meeting of Creditors, and instruct the debtor as to the date, time and place of the meeting.

(G) Advise the debtor of the need to file any due tax returns prior to the § 341 Meeting of Creditors.

(H) Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.

(I) Timely prepare and file the debtor's petition, plan, statements and schedules.

(J) Appear at the § 341 Meeting of Creditors with the debtor.

(K) Respond to objections to plan confirmation, and where necessary, prepare an amended plan.

(L) Prepare, file, and serve necessary amendments to the plan which may include suspending, lowering, or increasing plan payments.

(M) Prepare, file, and serve necessary amended statements and schedules, in accordance with information provided by the debtor.

(N) Prepare, file, and serve necessary motions to sell real property when appropriate.

(O) Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.

(P) Represent the debtor in motions for relief from stay and motions to dismiss.

(Q) If appropriate, prepare, file, and serve necessary motions to avoid judicial liens on real or personal property.

(R) Provide such other legal services as are necessary for the administration of the present case before the bankruptcy court.

**(3) Post Confirmation Fees.** If the compensation for debtor attorney's post confirmation services is in an amount of \$500 or less, then no application for compensation need be filed pursuant to subsections (a) and (b) of this LBR.

(4) An application that seeks allowance of fees and expenses totaling \$500.00 or less may be approved if it has the endorsed approval of the debtor and the chapter 13 trustee. If the application lacks their approval, it will be noticed to the debtor and chapter 13 trustee. The court may approve the application if no objection is filed within twenty-one (21) days from the date of the notice.

(5) At the request of any party in interest, or on the court's own initiative, the failure to perform any act required by this LBR in a timely manner may result in a decrease or disgorgement of the amount of attorney's fees allowed by the court for the services rendered.

#### **Rule 2090-1**

##### **Attorneys Authorized to Practice**

(a) **Generally.** L.Cv.R. 83A shall apply to all attorneys appearing before this court.

(b) **Appearances Before the Court.** As provided for in L.Cv.R. 83K(b), attorneys admitted to the bar of the United States District Court for the District of Puerto Rico, may practice in this court.

(c) **Pro Hac Vice Admission.** Except as modified by LBR 9010-1(b), the provisions contained in L.Cv.R. 83A(f), apply to practice in this court. All attorneys seeking admission under this subsection, shall pay the required fee to the district court and file with this court their application accompanied with a copy of the fee receipt, no later than the first appearance or the first document filed upon which the attorney's name appears.

#### **Rule 3003-1**

##### **Chapter 11 Claims Bar Date**

Any creditor or equity security holder whose claim or interest is not scheduled or is scheduled as disputed, contingent, or unliquidated in a chapter 11 case may file a claim not later than ninety (90) days after the date first set for the § 341 meeting of creditors, or for governmental units, within one hundred and eighty (180) days after the date of the order for relief, unless otherwise ordered by the court.

#### **Rule 3007-1**

##### **Objections to Claims**

(a) **Content.** A party who files an objection to the allowance of any proof of claim must state in the objection the factual and legal grounds for the objection with particularity. The party must also make a recommendation to the court as to whether the claim should be disallowed or allowed in an amount or with a priority other than as filed. The party must also certify whether or not the claimant is a servicemember as required by § 201(b)(1) of the Servicemembers Civil Relief Act of 2003 ("SCRA"). The failure to provide this affidavit will result in the denial of the motion.

**(b) Procedures.** The procedures for contested matters set forth in Fed. R. Bankr. P. 9014 govern objections to claims.

**(c) Notice.** An objection to claim must contain the following notice, either below the signature block of the objecting party, or in an otherwise conspicuous place within the document:

**NOTICE**

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may schedule a hearing.

**(d) Requirement of Written Response.** If a claimant contests an objection to claim, it must file with the clerk a written response to the objection. The response must state with particularity why the proof of claim should be allowed, must contain any documentation in support of allowance of the proof of claim and must state why the objection to the proof of claim should be denied. A response to an objection to claim must be served on the objecting party and any other party entitled to receive notice of the response. A claimant who does not file a timely response to a properly served objection to claim is deemed to have agreed that the objection to claim may be granted. If a timely response is not filed, the court may grant the objection to claim without further notice or hearing.

**Rule 3011-1**  
**Unclaimed Funds**

**(a) Procedure for Deposit of Unclaimed Funds.** All unclaimed funds collected by the court shall be immediately deposited into United States Treasury accounts in accordance with applicable Guide to Judiciary Policy.

**(b) Procedure for Payment of Unclaimed Funds.**

(1) The clerk may not disburse unclaimed funds without a court order.

(2) The following documentation is required in order to obtain a court order for disbursement of unclaimed funds:

**(A) Requirements for individuals.** A motion to withdraw unclaimed funds shall be in the form of LBF B. Claimant must submit a photocopy of a valid photo

identification, such as a driver's license or passport. The motion shall include the last four (4) digits of the claimant's social security number.

**(B) Requirements for corporations.** The corporation must be represented by a member of the bar of this court. In addition, if the claimant is a successor corporation, claimant shall provide documents establishing the chain of succession of the original corporate claimant as proof of entitlement to the funds. The motion shall also include the tax identification number.

**(C) Requirements for the representative.** The representative of the estate of a deceased claimant must comply with paragraph (A) above. Certified copies of all probate documents to substantiate the representative's right to act on behalf of the decedent's estate must be provided as proof of entitlement.

**(D) Funds locators.** The claimant must comply with paragraph (A) or (B) above. In addition, the claimant shall provide documentation establishing their authorization to act on behalf of claimant.

**(3) Service of the Motion.** A motion to withdraw unclaimed funds shall be filed and served on the debtor, debtor's attorney, the trustee, the United States trustee, the United States Attorney for the District of Puerto Rico, and the creditor or payee, if not claimant, for whom the funds were deposited.

**(4) Multiple Claims.** Claimants requesting to withdraw unclaimed funds in multiple cases assigned to the same judge, shall file one consolidated motion in each case containing all of the requests up to a maximum of ten (10) cases. The motion shall contain the name of the debtor(s), the case number(s), and the amount requested for each case, in addition to the other requirements of this LBR.

## **Rule 3015-2**

### **Chapter 13 Plan Requirements and Confirmation**

**(a) Applicability.** This LBR applies to all chapter 13 cases filed in all divisions of the United States Bankruptcy Court for the District of Puerto Rico.

**(b) Service and Notice of Plan.** The debtor shall serve a copy of the chapter 13 plan on all creditors, the chapter 13 trustee, and other parties in interest at the time it is filed with the court. A certificate of service setting forth the date and manner of service and the names and addresses of all parties to whom the plan was served, shall be filed contemporaneously with the court.

#### **(c) Objections to Plan Filed Prior to Meeting of Creditors.**

**(1) Term to Object.** Objections to the confirmation of a chapter 13 plan that is timely filed and noticed prior to the § 341 meeting of creditors must be filed not later than seven (7) days after the date of the § 341 meeting of creditors. If the § 341 meeting of creditors is continued to another date, objections must be filed not later than seven (7) days after the continuation date.



**(2) Written Objection.** An objection to the confirmation of a chapter 13 plan shall be made by motion setting forth the facts and legal arguments that give rise to the objection in sufficient detail to allow the debtor to file a reply or an amended plan that addresses the objection.

**(3) Trustee's Objection in Minutes of Meeting of Creditors.** The chapter 13 trustee may elect to object to the confirmation of a chapter 13 plan in the minutes of the § 341 meeting of creditors instead of filing a separate motion of objection under subsections (c)(1) and (c)(2) of this local rule.

**(4) Oral Objection.** An oral objection may be made on the record at the § 341 meeting of creditors by any party in interest, and shall be included in the minutes of the § 341 meeting of creditors. The oral objection included in the minutes of the § 341 meeting of creditors may substitute the separate motion of objection required to be filed not later than seven (7) days after the meeting of creditors by subsections (c)(1) and (c)(2) of this local rule. However, if the oral objection is not resolved to the satisfaction of the objecting party, the objecting party must file a separate subsection (c)(2) motion of objection reiterating the oral objection no later than seven (7) days prior to the first confirmation hearing in order to preserve its objection.

**(5) Service of Objection.** The objecting party shall file the objection with the court and serve the objections on the chapter 13 trustee, the debtor, and the debtor's attorney. The objection shall be accompanied by proof of service evidencing compliance with this requirement.

**(6) Response to Objection.** If an objection to a chapter 13 plan is filed, the debtor must within seven (7) days after service of the objection file either:

(A) an amended plan that addresses each objection; or

(B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

**(d) Amendments to Plan Between Meeting of Creditors and First Confirmation Hearing.** In order to confirm at the first confirmation hearing an amended plan filed with the court after the § 341 meeting of creditors, the amended plan must be received by the chapter 13 trustee and filed with the court at least fourteen (14) days before the first confirmation hearing.

**(1) Written Objection.** An objection to the confirmation of the amended plan must be filed no later than fourteen (14) days from the date the amended plan is filed or seven (7) days before the date set for the first confirmation hearing, whichever is earlier, and shall be made by motion setting forth the facts and legal arguments that give rise to the objection in sufficient detail to allow the debtor to file a reply or another amended plan that addresses the objection.

**(2) Trustee's Objection.** The chapter 13 trustee may file an objection to the confirmation of an amended plan no later than fourteen (14) days from the date the amended plan is filed or five (5) days before the date set for the first confirmation hearing, whichever is earlier.

**(e) First Chapter 13 Confirmation Hearings.** The first confirmation hearing scheduled in the notice of the § 341 meeting of creditors issued by the court will be a non evidentiary confirmation hearing.

**(1)** The plan may be confirmed at the first confirmation hearing if:

**(A)** an objection has not been filed by the chapter 13 trustee, any creditor or other party in interest, or if filed, has been withdrawn or otherwise disposed of;

**(B)** all requirements for confirmation under §§ 1322 and 1325 as well as all other applicable provisions of the Bankruptcy Code are satisfied; and

**(C)** there is no motion to dismiss, convert, or abstain pending in the case.

**(2)** The confirmation hearing will be rescheduled to a later date as a contested confirmation hearing if:

**(A)** the chapter 13 trustee, a creditor or any other party in interest files an objection to the plan before the first confirmation hearing;

**(B)** the § 341 meeting of creditors has not been held and closed prior to the first confirmation hearing; or

**(C)** an amended plan was filed less than fourteen (14) days prior to the first confirmation hearing.

**(3)** If the chapter 13 plan is not confirmed at the first confirmation hearing and the hearing is continued to a contested confirmation hearing, the court may consider the dismissal or conversion to chapter 7 for cause at the contested confirmation hearing.

**(f) Amended Plan Filed Less Than 14 Days Before First Confirmation Hearing or After the First Confirmation Hearing.** If an amended plan is filed less than fourteen (14) days before the first confirmation hearing or is filed after the first confirmation hearing, objections to that amended plan must be filed no later than fourteen (14) days after the date the amended plan is filed. The objection shall be made by motion setting forth the facts and legal arguments that give rise to the objection in sufficient detail to allow the debtor to file a reply or an amended plan that addresses the objection. The amended plan may be confirmed prior to the contested confirmation hearing date if no objection is filed within fourteen (14) days from the date that the amended plan is filed.

**(g) Response to Objections Filed Before Contested Confirmation Hearing.**

(1) If an objection to a plan is filed, the debtor must within seven (7) days after service of the objection file either:

(A) an amended plan that addresses each objection; or

(B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

(2) If seven (7) days prior to the contested confirmation hearing the debtor has not complied with subsection (g)(1), the court may impose sanctions, including but not limited to, reduction in or disgorgement of attorney's fees, denial of confirmation, or dismissal of the petition.

**(h) Contested Confirmation Hearings.** If a plan is not confirmed at the first confirmation hearing under subdivision (e) of this local rule, the confirmation hearing will be continued and scheduled for a contested confirmation hearing by announcement at the first confirmation hearing of the continued date and time, without further written notice. The continued date and time will be reflected in the minutes of the first confirmation hearing.

(1) At the commencement of the contested confirmation hearing calendar, the court may call for the record and confirm those cases in which the plan:

(A) has not been objected to by the chapter 13 trustee, any creditor or other party in interest;

(B) complies with all requirements for confirmation under §§ 1322 and 1325 and all other applicable provisions of the Bankruptcy Code; and

(C) there is no motion to dismiss, convert, or abstain pending in the case.

(2) Any creditor who objects to confirmation of the plan shall attend the contested confirmation hearing if the objection is not resolved or withdrawn prior to the hearing. If the objecting creditor does not appear at the contested confirmation hearing, the court may overrule the objection for failure to prosecute the same.

(3) If the court denies confirmation of a plan at a contested confirmation hearing, the court may enter an order dismissing or converting the case to chapter 7 for cause without further notice or hearing.

(4) The court may continue a contested confirmation hearing from time to time by announcement at the contested confirmation hearing of the continued date and time

without further written notice. The continued date and time will be reflected in the minutes of the contested confirmation hearing.

**(i) Dismissal of Case upon Denial of Confirmation.** If the court denies confirmation of the debtor's plan, the court may issue an order dismissing the case unless, within fourteen (14) days after denial of confirmation:

- (1) the debtor files a new plan;
- (2) the debtor moves to convert the case to another chapter of the Bankruptcy Code;
- (3) the debtor files a motion for relief from the application of this subsection of the local rules; or
- (4) the court otherwise orders.

**(j) Discharge Upon Completion of Plan.**

(1) Upon completion of the debtor's confirmed plan and in compliance with domestic support obligations ("DSO") requirements pursuant to § 1328(a), the Trustee's Report of Plan Completion shall state:

(A) that there were no DSO due to be paid by the debtor;

(B) that there were DSO due to be paid by the debtor and that the debtor has certified that those obligations are current;

(C) that there were DSO owed by the debtor, that the trustee is unable to determine if they are current, and the debtor has not applied for a waiver under applicable statute.

(2) If the trustee informs the court in writing that he is unable to determine if the debtor is current with domestic support obligations, the court shall issue a notice of intent to close the case without a discharge unless, within fourteen (14) days, the debtor files a certification with the court, under penalty of perjury, stating that all post-petition DSO are current.

**(k) Full Force and Effect.** An order previously entered by the court confirming a chapter 13 plan shall remain in full force and effect until a subsequently modified post-confirmation chapter 13 plan is approved by the court. Upon filing of a request for modification which proposes discontinuance of further distributions on a particular claim or claims, the trustee is authorized to hold such funds in reserve until the request is resolved by the court.

### **Rule 3016-1**

#### **Report of Appointed Chapter 11 Trustee**

A chapter 11 trustee must file a report within sixty (60) days of appointment, or such other date as the court may direct, addressing:

- (a) whether a plan can reasonably be formulated, and if not, the reasons why the trustee believes a plan cannot be formulated; or
- (b) a recommendation that the case be converted to another chapter or dismissed.

### **Rule 3016-2**

#### **Modification or Amendments to Filed Disclosure Statement and/or Plan**

Any amendments to a chapter 11 plan and/or disclosure statement must be incorporated into the original of those documents. The revised document must be filed with the court in its entirety identified as the "First, Second, (etc.) Amended Disclosure Statement and/or Plan." All amendments must be highlighted to identify the amendment to the originally filed document. The proponent must serve the document(s) on the United States trustee and on any other party who requests a copy.

### **Rule 3018-2**

#### **Chapter 11 Confirmation - Requirements under 11 U.S.C. § 1129**

**(a) Requirements.** For the court to confirm a plan under chapter 11, the proponent of a plan must file with the court a "Statement under 11 U.S.C. § 1129" which must substantially conform with the instructions contained in LBF C.

(1) At least seven (7) days prior to the hearing on confirmation the plan proponent must file a statement regarding the requirements of § 1129(a) and the list of outstanding pre-petition tax claims, other priority claims, and expenses of administration; and

(2) At least two (2) days before the hearing on confirmation, the plan proponent must file the list of acceptances and rejections and the computation of acceptances and rejections. If a case has more than one hundred (100) potential voting parties, the proponent shall contact the clerk's office regarding the time frame for filing the above mentioned items.

**(b) Proof of Service.** The plan proponent shall file the § 1129 statement with the clerk's office and serve notice of such filing along with a copy of the § 1129 statement upon the United States trustee and on any other party who requests a copy at least seven (7) days prior to the hearing on confirmation.

## **Rule 3022-1**

### **Final Report/Decree – Chapter 11**

**(a) Filing of Application for Final Decree.** A plan proponent in a chapter 11 case has the continuing post-confirmation duty of preparing and prosecuting the application for a final decree closing the case.

**(b) Deadline for Filing Final Report and Application for Entry of Final Decree.** Unless otherwise provided in the confirmation order, the proponent of the plan shall file a Final Report and Motion for Entry of Final Decree not later than 90 days after the order confirming the plan becomes final. If the application is not filed within the afore-specified time period, the plan proponent must comply with LBR 2015-2(b).

**(c) Form of Application for Final Decree.** The application for a final decree closing a chapter 11 case must contain, at a minimum, the following statements:

(1) that the plan of reorganization has been substantially consummated in accordance with the plan, the order of confirmation, and any orders of the court subsequent to confirmation;

(2) that the debtor or trustee has paid all administrative expenses – including court-authorized professional compensation and costs – unless otherwise agreed in writing by the parties or unless otherwise provided for in the confirmed plan, as evidenced by an attached “Exhibit A” listing the names, addresses, and amounts paid to each of the recipients;

(3) that the debtor or trustee has commenced making the distributions prescribed by the plan, as evidenced by an attached “Exhibit B,” listing the names, addresses, and amounts paid to each of the recipients;

(4) that all remaining distributions prescribed by the plan will be made in accordance thereto, as evidenced by an attached “Exhibit C,” containing the names, addresses, and amounts to be paid to each of the recipients;

(5) if applicable, that distributions have not been made to recipients set forth in an attached “Exhibit D,” listing the names, addresses, and amounts tendered but returned, and the reasons why payments have not been made, despite reasonable attempts; and

(6) all motions, contested matters, and adversary proceedings have been finally resolved.

**(d) Objections to Application for Final Decree.** Any party in interest, including the United States trustee, may object to any application for a final decree within twenty-one (21) days from the date of filing.

## **Rule 4001-1**

### **Relief from Automatic Stay**

**(a) Motion.** A motion for relief from stay shall not be combined with a request for any other type of relief unless so authorized by the court, except that the movant may request adequate protection as alternative relief.

**(b) Affidavit of Military Service Required.** At the time of the filing of a motion for relief from stay in accordance with Fed. R. Bankr. P. 4001, and motions for relief from co-debtor stay in accordance with Fed. R. Bankr. P. 9014, movant must file an affidavit with the court which (a) states whether or not the respondent is in military service and shows necessary facts to support the affidavit, or (b) if movant is unable to determine whether or not the respondent is in military service, states that movant is unable to so determine. The court will not enter any default orders lifting the stay if a movant does not supply the required affidavit of military service. If the court is unable to ascertain a respondent's military status from the presented affidavit, it may require movant to file a bond before entering any default order lifting the stay.

**(c) Service.** Movant must serve both the motion and a notice within three (3) days of issuance of the notice. Movant must file a certificate of service, as provided on the bottom of the reverse side of the notice, within seven (7) days of effecting service. The court may deny the motion for relief from stay and remove the matter from the court's calendar, if movant fails to serve the notice within the three (3) day period prescribed herein. All documents filed pursuant to this LBR must be served on the following parties:

- (1) the debtor;
- (2) debtor's counsel;
- (3) the trustee, if one has been appointed;
- (4) any committee elected pursuant to § 705 or appointed pursuant to § 1102;
- (5) if no committee has been appointed, the creditors listed in Fed. R. Bankr. P. 1007(d);
- (6) all parties with liens of record, or any other party known to the movant claiming an interest in the property;
- (7) parties requesting notice; and
- (8) The United States trustee in a chapter 11 case.

**(d) Relief from Stay of Act Against Property.** If movant seeks relief with respect to a stay of an act against property under 11 U.S.C. § 362(d)(1) or (d)(2), the motion must be accompanied by the following supporting documents:

(1) true copies of all notes, bonds, mortgages, security agreements, financing statements, assignments, pledges, allonges and any other relevant document;

(2) a report of any appraiser whose testimony is to be presented at the hearing;

(3) a statement of amount due, including a breakdown in the following categories:

(A) unpaid principal;

(B) accrued interest, from and to a specific date;

(C) late charges, from and to a specific date;

(D) attorney's fees;

(E) advances for taxes, insurance, and like concepts;

(F) unearned interest;

(G) any other charges including costs and expenses; and

(H) a per diem interest factor.

**(e) Response.** Respondent must file an answer to the motion for relief from stay within fourteen (14) days after service of the notice prescribed in subsection (c) of this LBR. The court may enter the order lifting stay for the moving party and take the matter off the court's calendar if respondent does not file a timely answer, provided that movant has filed the certificate of service prescribed in subsection (c) of this LBR.

**(f) Hearing.** The notice prescribed in subsection (c) of this LBR must set forth a specific date for the preliminary hearing on the motion for relief from stay. A hearing will be held on the date indicated in the notice if movant has timely filed the certificate of service and respondent has filed a timely response.

**(g) Supporting Documents – Respondent.** At least three (3) days prior to the hearing, respondent must file with the court and serve upon movant – or his attorney if so represented – a report of any appraiser whose testimony is to be presented at the hearing, as well as a copy of any other document to be used at the hearing.

**(h) Attorney Conference – Contested Motions.** If the motion for relief from stay is contested, counsel for the parties must confer with respect to the issues raised in the motion, in order to determine whether a consent order may be entered and/or to stipulate to relevant facts.

**(i) Relief from Co-debtor Stay in Chapter 12 or 13 Cases.** A motion for relief from a stay of action against a codebtor in a chapter 12 or 13 case is a contested matter and is governed by Fed.



R. Bankr. P. 9014, 11 U.S.C. § 1201 or 1301 and these LBRs. The motion shall clearly state in the caption of the motion the subsection of 11 U.S.C. § 1201 or 1301 under which the party is proceeding.

### **Rule 4001-2**

#### **Use of Cash Collateral and Obtaining Credit**

**(a) Contents of Motion.** A motion for use of cash collateral or for authority to obtain credit, or a stipulation relating to the same, shall be accompanied by a self-contained, proposed form of order and set forth the following:

- (1) the total dollar amount of the request;
- (2) the specific uses to which the funds will be put;
- (3) the debtor's proposed budget for the use of the funds;
- (4) the amount of debt owed to any creditor claiming an interest in the collateral;
- (5) the value of the collateral that secures the creditor's asserted interest;
- (6) any proposal for providing adequate protection; and
- (7) carve-outs for United States trustee and professional fees.

**(b) Service.** A motion for use of cash collateral or for authority to obtain credit, or a stipulation relating to the same, must be served upon the following parties:

- (1) all creditors asserting an interest in the cash collateral, and, if known, their attorneys;
- (2) any taxing authority having a claim against the debtor;
- (3) the debtor's twenty (20) largest unsecured creditors;
- (4) any official committee appointed and serving in the case under 11 U.S.C. § 1102;
- (5) the United States trustee; and
- (6) any party that has requested service of all documents and notices in the case.

**(c) Urgent Motion Requirements.** If a debtor files an urgent *ex parte* application for an order allowing the interim use of cash collateral, it must present by affidavit the following information:

- (1) the names and addresses of all creditors holding a secured interest in the cash collateral, and, if known, their attorneys;

- (2) the efforts made to contact those secured creditors and any appointed committee or if no committee has been appointed, the twenty (20) largest unsecured creditors, regarding the application for the use of cash collateral;
- (3) the nature of the emergency that requires an *ex parte* order;
- (4) the total dollar amount requested to be authorized; and
- (5) a description of the adequate protection that will be provided to the secured creditors.

**(d) Interim Relief.** The court may enter an interim order authorizing use of cash collateral or borrowing, or a stipulation relating to same only to the extent necessary to avoid immediate and irreparable harm to the estate pending a final hearing. Any provision of an interim order may be reconsidered at the final hearing. Provisions in an interim order shall not be binding on the court with respect to the provisions of the final order, except that a lender: (a) will be afforded the benefits and protections of the interim order for funds advanced during the term of the interim order, and (b) will not be required to advance funds under a final order which contains provisions contrary to or inconsistent with the interim order.

#### **Rule 4001-5**

#### **Continuation and Imposition of the Automatic Stay**

**(a) Content of Motion.** Any motion filed by a party in interest pursuant to § 362(c)(3)(B) or § 362(c)(4)(B) shall contain all of the following:

**(1) Case Information.** Identify the prior case filed by the debtor within the preceding year and its disposition and shall also state whether:

**(A)** the later filed case is a chapter 11 or 13 case that is being refiled after dismissal under 11 U.S.C. § 707(b);

**(B)** if any motion for relief from the stay was pending; and/or

**(C)** if any motion had been resolved by terminating, conditioning, or limiting the stay, in the prior case at the time of dismissal.

**(2) Extent of Stay.** Explain the extent to which the party in interest wishes the automatic stay to be continued, including the length of the proposed continuation and the parties affected (i.e. all creditors or only particular creditors).

**(3) Grounds for Relief.** Indicate the grounds for the relief requested.

**(b) Time for Filing.** A motion for the continuation of the automatic stay shall be filed as a separate document at the time of the filing of the petition, or three (3) days thereafter, in order to allow sufficient time for a hearing on notice, before the thirtieth (30<sup>th</sup>) day after the filing of the case. A motion for the imposition of the automatic stay under § 362(c)(4)(B) shall be filed within thirty (30) days from the filing of the petition.

**(c) Notice.** Service of the motion for continuation or imposition of the automatic stay shall be made to all creditors and parties in interest within three (3) days from the filing of the motion. A certificate of service must be filed within seven (7) days. If the certificate is not timely filed, the court may deny the motion for failure to provide notice. The motion shall allow fourteen (14) days from service to file an opposition, informing that if no timely objection is filed, an order may be entered granting the relief requested in the motion and continuing the automatic stay, or for an imposition motion the court may order the stay to take effect as requested.

**(d) Hearing on the Motion.** Immediately after the motion for continuation of the automatic stay is filed, the clerk shall schedule a hearing to be held within thirty (30) days from the filing of the petition. The hearing may be vacated, if no answer is filed in the fourteen (14) days provided to the parties.

#### **Rule 4002-1**

##### **Duties of Debtor**

In addition to any other duties imposed upon the debtor or its counsel under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these LBRs, or any other applicable law, the debtor has the following duties:

**(a) Fiduciaries.** Debtor and debtor's officers and agents – if any – must hold and manage debtor's assets as fiduciaries for the estate in strict compliance with orders of the court and 11 U.S.C. §§ 363 and 1108.

**(b) Significant Depletion.** Debtor must take all reasonably necessary steps to prevent any significant depletion of the assets of the estate during the pendency of the case and must immediately advise the court of any significant depletion or anticipated depletion of the assets of the estate.

**(c) Best Interest of Creditors.** If – at any time during the pendency of the case – the debtor becomes aware of facts which indicate that the continued operation of its business is not in the best interest of the creditors or the estate, the debtor and/or counsel must immediately advise the court.

**(d) When Debtor is not a Natural Person.** The natural persons occupying the following positions shall perform all acts required to be performed by the debtor and shall attend on behalf of the debtor any examinations, meetings, or hearings unless the court orders otherwise.

**(1)** If the debtor is a corporation, the person serving as its chief executive officer (the person occupying the position of president is presumed to be the chief executive officer).

(2) If the debtor is a partnership, each of the general partners.

(3) If any corporate or partnership debtor deems the persons designated above inappropriate, a motion shall be made consistent with LBR 9013-1 for relief from this rule and for the designation of some other or additional natural person or persons.

(4) No later than fourteen (14) days after entry of the order for relief, the natural person or persons who will perform the act required to be performed by the debtor shall be identified by name, title, and address.

### **Rule 4002-3**

#### **Federal Tax Returns**

(a) **Request for Copy of Debtor's Post-Petition Tax Information.** Parties in interest who require the debtor to file tax information with the court must file a Request for Debtor to File Post-Petition Tax Information. The request must include a statement qualifying the movant as a party in interest, and must be served on the debtor, debtor's attorney, trustee, and United States trustee.

(b) **Motion for Access to Tax Information.** Pursuant to 11 U.S.C. § 521(g)(2), parties in interest who wish to inspect and copy debtor's tax returns must file a Motion for Access to Tax Information. The motion must include a statement qualifying the movant as a party in interest, the reason the information cannot be obtained from any other source, and the method by which the movant will access the information. The motion must be served on the debtor, debtor's attorney, trustee, and United States trustee.

(c) **Personal Data Identifiers.** Pursuant to LBR 5005-1, the debtor is solely responsible for redacting personal identifiers from tax information filed with the court. Tax information filed with the court will be subject to restricted access unless the court orders otherwise.

(d) **Confidentiality Regarding Tax Information.** The movant is advised that the tax information obtained is confidential and secondary dissemination of the information to parties other than the movant's attorney is prohibited. The movant's attorney is identically restricted. Any improper use, disclosure, or dissemination of the tax information may result in the imposition of sanctions.

(e) **Pre-Petition Tax Information.** Pre-petition tax information should not be filed with the court, but should be forwarded directly to the trustee pursuant to 11 U.S.C. § 521(e)(2)(A).

### **Rule 4003-2**

#### **Lien Avoidance of Exempt Property**

(a) **Contents Required.** Any motion to avoid a lien pursuant to 11 U.S.C. § 522(f) must include the following:

(1) the claimed value of the property with respect to which relief is requested;

(2) the name, address, and telephone number of each lienholder and, if known, lienholder's attorney, listed in their order of priority; and

(3) the amount of each lienholder's claim.

**(b) Service.** A party who files a motion to avoid a lien must serve via certified mail a copy of the motion upon the case trustee, the United States trustee, each lienholder and, if known, the lienholders' attorneys. The moving party must file with the court a certificate of service in accordance with LBR 9013-3.

**(c) Notice.** Motions to avoid a lien under 11 U.S.C. § 522(f) must include the following notice:

**NOTICE OF MOTION TO AVOID LIEN**

Within twenty-one (21) days after service as evidenced by the certification, any party against whom this motion to avoid lien under 11 U.S.C. § 522(f) has been served, must file an objection or other appropriate response thereto with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.

**Rule 5001-1**

**Court Administration**

The courtrooms of the bankruptcy court are solely for trials, hearings, and other court business. The courtrooms shall not be utilized for any other purpose unless approved by the chief bankruptcy judge in coordination with the clerk.

**Rule 5001-2**

**Clerk's Office – Location/Hours**

**(a) Filing Hours.** The clerk's office will accept filings made by conventional means Monday through Friday between the hours of 8:00 A.M. & 12:00 P.M. and 1:00 P.M. & 4:00 P.M.

**(b) Special Filings.** Any party needing to file documents by conventional means outside of the regular filing hours indicated above must make advance arrangements for the late filing by contacting the clerk's office by telephone or at the following email address: emergencyfilings@prb.uscourts.gov.

**(c) Clerk's Office Mailing Address & Telephone.** Any document mailed to the clerk's office shall be sent to the following address for San Juan:

U.S. Bankruptcy Court for the District of Puerto Rico  
José V. Toledo Federal Building and U.S. Courthouse  
300 Del Recinto Sur Street, Suite 134  
San Juan, Puerto Rico 00901-1964  
Telephone Number: (787) 977-6000

and to the following address for the Southwestern Divisional office:

U.S. Bankruptcy Court for the District of Puerto Rico  
Southwestern Divisional Office  
MCS Building, Suite 221 A  
880 Tito Castro Avenue  
Ponce, Puerto Rico 00716-4733  
Telephone Number: (787) 290-6070

**(d) Bankruptcy Court Website Address:** [www.prb.uscourts.gov](http://www.prb.uscourts.gov)

### **Rule 5003-1**

#### **Clerk, General Authority**

The clerk and the employees of the clerk's office desire to be of help to litigants and attorneys. However, interpreting the rules of procedure and giving legal advice are not permitted functions. Notice is hereby given to litigants and attorneys that the clerk and the clerk's office employees are not responsible for information respecting rules or law.

**(a) Request for Search of Court Records.** A search of the court records and/or a certification of information in the official record will be made only upon written request and upon prior payment of the applicable search fee. *See* Bankruptcy Court Miscellaneous Fee Schedule, issued in accordance with 28 U.S.C. § 1930(b).

#### **(b) Court Papers and Review of Case Files**

**(1) Public Access.** A person may review filings that have not been sealed by the court at the clerk's office. A person may also access CM/ECF at the court's internet site [www.pacer.gov](http://www.pacer.gov) by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. (*See* LBR 5005-4(b)(2)(A)(i))

**(2) Hours for Public Access.** The public will have electronic access in the clerk's office for viewing documents and docket entries in the system during regular business hours, Monday through Friday.

**(3) Review Procedures for Case Files.** Case files may be reviewed by the public during the official business hours of the clerk's office. Any person that needs to review a case file must make arrangements with the clerk's office as files may not be removed from the clerk's office for any reason without prior court authorization.

### **Rule 5005-1**

#### **Filing of Papers**

**Discovery Materials Must Not Be Filed.** Discovery material, including notices of deposition, transcripts of depositions, interrogatories, answers to interrogatories, requests for production or inspection, and responses to those requests, should not be filed with the court. If any discovery material is needed in connection with a pretrial matter, the relevant portions thereof should be submitted to the court as an exhibit to a motion or response thereto. Any discovery material

needed at trial should be introduced as provided in the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Federal Rules of Bankruptcy Procedure.

#### **Rule 5005-2**

##### **Virtual Entries**

The clerk is authorized to designate specific types of pre-approved docket entries that, upon execution, will constitute the official record without reference to any other documentation.

#### **Rule 5005-4**

##### **Electronic Filing**

**(a) Requirement to File Cases and Documents Electronically.** All pending and newly filed cases and adversary proceedings after February 22, 2005 are part of the court's CM/ECF system. All petitions, motions, memoranda of law, and other pleadings and documents must be electronically filed except as expressly provided in section (c) below, or in circumstances where the electronic filer is prevented from filing electronically, i.e., CM/ECF system failure. "Electronic Filer" refers to those who have a court-issued log-in and password to file documents electronically. Filing of documents submitted, signed, or verified by electronic means must be consistent with technical standards established by the Judicial Conference of the United States and must comply with this LBR and such other LBRs as are applicable.

##### **(b) Eligibility and Registration for Electronic Filing; Use of Passwords.**

**(1) Eligibility.** Attorneys, United States trustees and their assistants, private trustees, and others as the court deems appropriate, are entitled to system passwords to enable the user or any support staff so authorized by the user to participate in the electronic retrieval and filing of documents within the system.

##### **(2) Registration and Training.**

**(A) Registration and Training Requirements:** In order to receive a login name and password, an attorney or limited user (creditor) must complete the registration application available on the court's website. Both attorneys and creditors must also complete the CM/ECF training established by the clerk's office. For training requirements please refer to the court's website ([www.prb.uscourts.gov](http://www.prb.uscourts.gov)). Applicants must have a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at [www.pacer.gov](http://www.pacer.gov) or by calling their Service Center at (800) 676-6856. PACER access to the CM/ECF system will allow retrieval of the docket sheet and documents. PACER access to the CM/ECF system will be on a "read only" basis.

**(B) Training.** After successful completion of the court's training, or certification by the clerk in circumstances where completion of the court's training is not required, each Electronic Filer will receive a system password.

**(C) Passwords; Unauthorized Use Prohibited.**

**(i) Admission.** Admission to the system by receipt of a password from the court constitutes a request for electronic service and notice pursuant to Fed. R. Bankr. P. 9036. By receiving a password, Electronic Filers agree to accept notice and service by electronic means, and registration as an Electronic Filer constitutes: (a) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (b) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

**(ii) Password.** The login and password serves as the filer's signature. The password required to submit documents to the system serves as the Electronic Filer's original signature on all electronically filed documents. The password also serves as a signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number, and the attorney's bar registration number and email address. In addition, the name of the Electronic Filer under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

**(iii) Unauthorized Use of Passwords.** No Electronic Filer shall permit his/her password to be used by anyone other than himself/herself or an authorized employee. An Electronic Filer shall immediately notify the clerk by telephone, facsimile, or email if they learn that their password has been compromised. Electronic Filers may be subject to sanctions for failure to comply with this provision.

**(iv) Revocation.** The court may revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for: (1) failure to comply with any provision of the agreement contained in the Electronic Filer's Registration Form; (2) failure to adequately protect his or her password; (3) failure to comply with the provisions of these LBRs; (4) failure to pay fees required for documents filed electronically; (5) other misuse of the system; or (6) as a sanction ordered by the court after notice and opportunity for hearing.



**(c) Exemption/Withdrawal From Electronic Filing.**

**(1) Attorney Exemption.** If filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the court and shall contain a detailed explanation of the reason(s) for the request. However, prior to requesting an exemption, attorneys are urged to register for a login and password and attempt to file after taking the training and to seek assistance from the clerk's office. Information regarding CM/ECF training and support may be obtained from the clerk's office and is also included on the court's web site ([www.prb.uscourts.gov](http://www.prb.uscourts.gov)). If an exemption is granted, the attorney or his representative may be required to scan the filings into the system at a workstation at the clerk's office Intake counter. Upon the issuance of an order to show cause, notice, and hearing, the court may withdraw an exemption and require the attorney to file documents electronically.

**(2) One Time Exemption.** An attorney who is not an Electronic Filer may conventionally file the first document on behalf of a client in an CM/ECF case without leave of court. The attorney must register as an Electronic Filer, or seek an exemption under subsection (1) above and the document filed conventionally must contain such information including the date the attorney is registered for the training. Failure to register or seek an exemption may result in the issuance of an order to show cause why the attorney should not be sanctioned.

**(3) Attorneys Appearing *Pro Hac Vice*.** An attorney who is not a member of the bar of this court, but who is permitted to appear and practice in this court pursuant to LBR 9010-1, may register as an Electronic Filer and participate in the system for the duration of the *pro hac vice* appearance, but is not required to.

**(4) *Pro Se* Litigants.** *Pro se* litigants may conventionally file.

**(5) Withdrawal.** Once registered, an attorney/participant may withdraw as an Electronic Filer by providing the clerk with a request to withdraw, stating the reason(s) for the request. Copies of the request must also be served upon all registered attorneys/participants who have appeared in pending cases in which the withdrawing attorney/participant has appeared. Upon approval of said withdrawal, the clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list. However, once an Electronic Filer withdraws from the system, he or she will be unable to file documents with the court unless one of the exemptions listed above applies.

**(d) Format for Filing Electronic Documents.**

**(1) Format for Transmission of Electronic Documents.** All electronically filed documents must be submitted as a pdf file, and when viewed in the electronic filing system, shall conform in appearance to the requirements listed in LBR 1005-1.

**(2) Designation of Electronic Documents.** Electronic Filers must designate a title for the document by selecting the appropriate event title from the categories provided in the system. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the clerk's office or after motion and approval by the court.

**(e) Consequences of Electronic Filing.** Electronic transmission of a document to the CM/ECF system or the e-filing of an event on the system, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes under the Federal Rules of Bankruptcy Procedure and the LBRs of this court, and constitutes entry of the document or event on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

**(f) Time of Filing.** The system is "real-time," so the receipt of the Notice of Electronic Filing will show the actual date and time a document was filed on the system. Documents filed electronically outside of normal business hours will be deemed filed on the date and time received. Deadlines will not change as a result of this rule. The deadline for filing, unless otherwise specifically set, is 11:59 P.M. (A.S.T.).

**(g) Waiver of Notice and Service.** Registration with the court as an Electronic Filer of the CM/ECF system will constitute:

(1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and

(2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

**(h) Service of Documents by Electronic Means.**

(1) Each Electronic Filer of the CM/ECF system who electronically files a pleading or other document will automatically receive a Notice of Electronic Filing generated by the system and this Notice of Electronic Filing will automatically be transmitted by the system to all parties who are registered users of the system for that case. Electronic transmission by the court of the Notice of Electronic Filing generated by the CM/ECF system will constitute service or notice of the filed document. Parties having been excepted from the requirement to file and receive documents electronically or not deemed to have consent to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice by the Electronic Filer must be made in accordance with the Federal Rules of Bankruptcy Procedure and these LBRs.

(2) A certificate of service is still required in all filings. The certificate of service must state the manner in which service or notice was accomplished on each party so entitled,

and must be filed by the filing user within two (2) days following their receipt of the Notice of Electronic Filing provided by CM/ECF.

(3) Nothing contained herein shall be construed to eliminate the necessity of service of the summons and complaint in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure. The return of the service on the summons must be filed electronically.

**(i) Official Court Record.** CM/ECF shall constitute the official court record in electronic form. The electronic filing of a pleading or other paper in accordance with the CM/ECF system procedures, or the conventional filing of a document which is subsequently imaged by the court and placed into the system, shall constitute entry of that pleading or other papers on the docket kept by the clerk pursuant to Fed. R. Bankr. P. 5003. The court will not maintain paper except for the following:

(1) Conventionally filed petitions, lists, plans, schedules, statements, amendments, pleadings, affidavits, and other documents which contain original signatures;

(2) Official Bankruptcy Form B21; and

(3) Conventionally filed handwritten documents.

**(j) Original Signatures.** Petitions, lists, plans, schedules, statements, amendments, pleadings, affidavits, stipulations, and other documents which must contain original signatures, documents requiring verification under Fed. R. Bankr. P. 1008, and unsworn declarations under 28 U.S.C. § 1746, shall be filed electronically and bear “electronic signatures” including the /s/. The Electronic Filer shall retain the original documents containing the original signatures for two (2) years after the case is closed. This retention period does not affect or replace any other retention periods required by other applicable laws or rules. The Electronic Filer must produce all such original documents for review or filing at the request of a party in interest or upon order of the court.

**(k) Consent Motions/Joint Motions.** The following procedure shall be used in the case of documents requiring signatures of more than one person, such as stipulations and joint motions the filing user:

(1) The Electronic Filer shall confirm that the content of the document is acceptable to all parties intending to be bound and that all parties consent to the relief requested;

(2) The Electronic Filer shall then file the document electronically indicating all of the parties' signature, e.g. “/s/ Jane Doe,” “/s/ John Doe,” etc.; and

(3) The Electronic Filer shall retain the original documents containing the original signatures for two years after the case is closed.

## **(l) Exhibits**

**(1) Exhibits.** Exhibits which are not available in electronic form, may be submitted to the court in paper format. The clerk will indicate on the electronic docket the date such exhibits were filed. Trial exhibits will not be scanned unless the court orders otherwise.

**(2) Exhibits to Proofs of Claim.** Exhibits in support of a proof of claim shall be filed electronically whenever possible and shall be e-filed as one event with the proof of claim. The exhibits should be electronically imaged (i.e., scanned) and filed in pdf format as an attachment to the proof of claim.

## **(m) Orders**

**(1)** All orders, judgments, and proceedings of the court will be filed in accordance with these LBRs, which will constitute entry in the docket kept by the clerk of court under Fed. R. Bankr. P. 5003 and 9021. Any order signed, filed, and entered electronically by the court has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

**(2)** Orders may also be issued as "text-only" entries (virtual entries of orders) in the docket, without an attached document. Such orders are official and binding.

**(3) Notice of Entry of Orders and Judgments by the Court.** Upon the entry of an order or judgment in an action pending in the CM/ECF system, the system will automatically generate to all Electronic Filers in the case, in electronic form, a Notice of Electronic Filing. Transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The clerk shall give conventional notice to persons who have not consented to electronic service.

**(n) System Failure.** If electronic filing cannot be accomplished because of a court or filer system failure, the Electronic Filer shall, after making at least two attempts to file electronically, send the document and/or event as an attachment in pdf format via e-mail to the following address: [prbecfsupport@prb.uscourts.gov](mailto:prbecfsupport@prb.uscourts.gov) explaining why it was not possible to file directly in the CM/ECF system. The Electronic Filer must call the clerk's office prior to 10:00 A.M. of the next business day to advise that a document has been filed via e-mail. The clerk's office will download and file the pdf document, which will be deemed filed on the date and time of the e-mail transmittal.

**(o) Fees Payable to the Clerk.** All filing fees must be paid electronically by the Electronic Filer using the following methods: credit card, debit card or by ACH withdrawal from a registered bank account in the name of the attorney for the debtor, or the law firm of which the attorney for the debtor is a member, partner or associate. Payment of the filing fee is due on the date the document is filed. Failure to make payment on the date of the filing may cause the Electronic Filer to be locked out of the system, and/or be sanctioned.

**(p) Public Access to Electronically Filed documents.**

(1) Any person or organization may access the CM/ECF at the court's internet site, [www.prb.uscourts.gov](http://www.prb.uscourts.gov), by obtaining a PACER log-in and password. Such access to CM/ECF will allow retrieval of the docket sheets and documents, but will not allow the filing of documents.

(2) Electronic access at the clerk's office is available to the public during regular business hours for viewing the docket sheet and documents filed in the system. Conventional and certified copies of electronically filed documents may be purchased at the clerk's office during regular business hours, or by mail, with a check, money order, or credit card for the exact amount of the purchase.

**(q) Clerk's Authority.** The clerk may accept for filing documents submitted, signed, verified, or served by electronic means that are consistent with the technical standards, if any, that the Judicial Conference of the United States establishes, and that comply with the administrative procedures established by the bankruptcy court. The electronic filing procedures may be updated by this court as needed. The clerk is authorized to alter these procedures from time to time as circumstances require.

**Rule 5010-1**

**Reopening Cases - Notice and Service**

A motion to reopen a case shall give twenty-one (21) days notice to all parties in interest for filing objections. The motion shall be served upon the United States trustee, the previously appointed trustee, and any party being added, if any, as a creditor or party in interest in the case. The motion shall be accompanied by the appropriate fee to reopen the case and a certificate of service.

**Rule 5011-1**

**Withdrawal of Reference**

**(a) Filing of motion.** A motion for withdrawal of reference must be filed with the clerk, it must indicate that the filer seeks relief from the district court, and must contain the required response time language specified in LBR 9013-1(c)(1). The motion must be accompanied by a properly completed district court cover sheet, the prescribed filing fee, and a certificate of service.

**(b) Transmittal to the District Court.** Upon expiration of the objection period, the clerk will transmit the motion and any responses or objections thereto to the district court. Counsel are responsible for advising the clerk of any additional documents for transmittal with the motion to withdraw, and are required to make and submit all necessary copies thereof.

**(c) Documents Filed after transmittal of the record to the District Court.** After transmittal of the record to the district court, any further documents pertaining to the withdrawal of reference must be filed with the clerk of the district court. All documents relating to other aspects of the bankruptcy case or proceeding shall be filed in the normal manner with the clerk of the bankruptcy court.

**Rule 5071-1**  
**Continuances**

**(a) Written Request.** All requests for continuance of matters set for hearing or trial must:

- (1) be filed in the case seven (7) days prior to the hearing;
- (2) set forth the reason(s) for the request; and
- (3) be served upon opposing counsel in such manner as will ensure actual receipt prior to the scheduled hearing date.

**(b) Oral Request.** Absent a timely filed and granted request, all interested parties must appear at the scheduled hearing and, if necessary, make an oral request for continuance at that time.

**(c) Court Authorization Required.** Employees of the clerk's office and chamber's staff are not authorized to grant continuances.

**Rule 5072-1**  
**Courtroom Decorum**

**(a) Announcement of Representation.** When the case is called, counsel or, if applicable, a *pro se* litigant must announce his/her name and the name of the party he/she represents for the record. Attorneys shall stand behind the lectern, unless otherwise authorized by the court, speaking loudly and clearly, making sure they are speaking directly in front of the microphone when addressing the court.

**(b) One Counsel Per Party.** Unless leave of court is obtained in advance, only one counsel for each party may conduct the examination of any one witness, present argument, or make objections with respect to the testimony of that witness. There shall be no oral confrontation or colloquy between opposing attorneys. All counsel, parties, and witnesses shall be formally addressed by their surnames.

**(c) Offer and Marking of Exhibits.** Counsel must have any proposed exhibit marked for identification and give a copy to opposing counsel before referring to, using, or offering the exhibit into evidence.

**(d) Objections.** All objections must be stated with specificity prior to any argument or explanation of the same; e.g., leading, hearsay, improper foundation, etc.

**(e) Witness Box.** During the testimony of a witness, attorneys may only examine the witness from the lectern and may not approach the witness box except to present to the witness an exhibit pertinent to the examination, and only upon leave of court.

**(f) Courtroom Attire.** All persons attending or appearing before the court must dress in a proper and dignified manner and abstain from any apparel or ornament calculated to call attention to themselves. The court reserves the right to dismiss individuals from the courtroom if they are dressed inappropriately.

**(g) Courtroom Decorum.** Counsel shall at all times conduct and demean themselves with dignity and propriety. When addressing the court, counsel shall rise unless excused therefrom by the court. All statements and communications to the court shall be clearly and audibly made from a standing position at the attorneys' lectern facing the court or the witness. Counsel shall not approach the bench unless requested to do so by the court or unless permission is granted upon the request of counsel.

#### **Rule 5073-1**

##### **Photography, Recording Devices, and Broadcasting**

**(a) Photographs and Electronic Recordings.** Except with the express authorization of the court, photography, electronic recording, videotaping and/or broadcasting are not permitted in the courtroom and its environs during the progress of or in connection with judicial proceedings, whether or not court is actually in session.

**(b) Definition of "Environs."** "Environs," as used in this LBR, shall include any floor on which any courtroom or hearing room is located, including all hallways, attorney conference rooms, stairways, windows, and elevators immediately adjacent to any such floor.

#### **Rule 5077-1**

##### **Transcripts**

Any party that wishes to order a transcript of a hearing or other recorded court session must complete the Transcript Order Form (AO Form 435) and deliver it to the clerk's office for transmittal. Arrangements for delivery of the transcript and payment shall be made directly with the transcriber.

#### **Rule 5080-1**

##### **Fees – General**

**(a) Authority.** The fees charged for services to be performed by the court are contained in the Bankruptcy Court Miscellaneous Fee Schedule, promulgated by the Judicial Conference of the United States in accordance with 28 U.S.C. § 1930(b). The clerk and her designees do not have the authority to waive the payment of any prescribed fee.

**(b) Treatment Where Fee Is Not Timely Paid.** The prescribed fee must be paid in advance of the service to be performed by the clerk's office.

**(c) Refunds - Motion to Reopen.** Refunds are prohibited in motions to reopen a case. The Judicial Conference Policy prohibits refunding the fee even if the court denies the motion.

#### **Rule 5081-1**

##### **Fees – Form of Payment**

When filing electronically, any required fee must be paid by credit card through the internet, or through such other means as may be subsequently approved by the court. When filing

conventionally, any required fee must be paid in cash, by credit card, or by cashier's check or money order payable to "Clerk, U.S. Bankruptcy Court." The clerk will not accept personal checks or credit cards of current debtors. A fee will be assessed for any dishonored check as prescribed by the Judicial Conference from time to time; this fee is also payable to "Clerk, U.S. Bankruptcy Court." The clerk will maintain a list of persons or businesses whose checks have been dishonored and may refuse to accept the checks of such persons or businesses.

#### **Rule 5090-1**

##### **Judges – Visiting & Recalled**

**Judge Assigned from Outside the District.** Whenever a bankruptcy judge from outside the district is assigned a Puerto Rico bankruptcy case or proceeding, the documents will continue to be filed with the clerk's office of the Puerto Rico Bankruptcy Court. Copies of documents will not be transmitted to the visiting judge unless specifically requested by the court.

#### **Rule 6004-1**

##### **Sale of Estate Property Not in the Ordinary Course of Business**

**(a) Motion/Notice of Proposed Sale of Property (Subject to Liens or Free and Clear of Liens).** When proposing to sell property other than in the ordinary course of business, the proponent of the sale must give notice in accordance with Fed. R. Bankr. P. 2002(a)(2), 2002(c)(1), and 6004(c) and must file a Certificate of Service with the clerk.

**(b) Scope and Content of Notice.** A motion/notice for the sale of property must include the following documents, as may be applicable: Title Study; Appraisal of the Property; Terms of the Sale (detailed closing fees and costs); Purchase Option or Sale Agreement; CRIM Debt Certification; and Debt Cancellation Payoff Amount. The notice must afford creditors, parties in interest, and affected parties and lienholders not less than twenty-one (21) days notice and opportunity to object to the proposed action, unless the court shortens the notice period upon appropriate request.

**(c) Objection to Proposed Use, Sale or Lease.** An objection to the proposed use, sale, or lease, not in the ordinary course of business, shall be filed with the court and served upon the proponent of the action not less than seven (7) days before the date set for the proposed action.

**(d) Report of Sale.** The trustee or debtor in possession shall file with the court a report of any sale of estate property not in the ordinary course of business. The report shall be filed within thirty (30) days after the sale with a copy to the United States trustee.

#### **Rule 6007-1**

##### **Abandonment**

**(a) No Asset Cases.** In cases in which a no asset notice is issued and not superseded by an asset notice, the clerk shall transmit notice of the proposed abandonment in the manner specified in Fed. R. Bankr. P. 6007(a).



**(b) Effective Date of Abandonment.** The abandonment will be considered uncontested if no objection to a notice of intent to abandon is filed within fourteen (14) days of the mailing of the notice of abandonment.

**Rule 7003-1**

**Adversary Proceedings – Cover Sheet**

At the time of filing an adversary proceeding, counsel or a *pro se* litigant shall file with the complaint a properly completed AO Form B104.

**Rule 7004-2**

**Adversary Proceedings - Summons**

**Forms.** If the complaint is filed electronically, the clerk will issue the signed and sealed summons conforming to LBF D to the plaintiff through CM/ECF within the next working day after the filing of the complaint. If the complaint is filed by conventional means, the summons must be presented to the clerk for issuance at the same time the complaint is being filed.

**Rule 7016-1**

**Pretrial Procedures**

**(a) Initial Scheduling Conference.** In any proceeding the court may in its discretion schedule an initial scheduling conference, in accordance with Fed. R. Bankr. P. 7016. At such initial scheduling conference, the court may issue a scheduling order setting dates for:

- (1) the amendment of pleadings and joinder of additional parties;
- (2) the completion of discovery;
- (3) the filing and hearing of dispositive motions; and
- (4) a final pretrial conference and/or trial.

**(b) Continuance of Dates Set in Scheduling Order.** The parties and their counsel are bound by the dates specified in the scheduling order and no extensions or continuances thereof shall be granted in the absence of a showing of good cause. Mere failure on the part of counsel to proceed promptly with the normal process of discovery shall not constitute good cause for an extension or continuance of any date set in the scheduling order. Motions for continuance of any date set in the scheduling order shall be filed at least seven (7) days prior to that date.

**(c) Proposed Joint Pretrial Report.** In all adversary proceedings, the parties will be ordered to file a proposed Joint Pretrial Report at least seven (7) days prior to the final pretrial conference, in accordance with the requirements set forth in paragraphs (1) and (2) below.

**(1) Initial Draft by Plaintiff/Movant.** In all instances that require the filing of a Joint Pretrial Report, it is the plaintiff/movant's responsibility to prepare the initial draft of the report and to serve its portion on opposing counsel at least four (4) days before the report is due. The opposing party must then submit its portion to the plaintiff/movant within two (2) days thereafter. If either party fails to perform as required herein, the aggrieved party must file an affidavit stating the facts which constitute the failure to cooperate by the other party.

**(2) Affidavit of Noncompliance.** Upon consideration of an affidavit filed in accordance with paragraph (c)(1) of this LBR and any response thereto, the court may order that the matter proceed as a defaulted matter in the following manner:

**(A)** If the plaintiff/movant is in default as to the filing of the Joint Pretrial Report or any of the requirements specified in subsection (c)(1) of this LBR, the court may dismiss the matter for want of diligent prosecution.

**(B)** If the respondent is in default as to the filing of the Joint Pretrial Report or any of the requirements specified in subsection (c)(1) of this LBR, the respondent may not be allowed to present its defense at trial, except by leave of court, for cause shown.

**(d) Duty to Confer Prior to Evidentiary Hearing.** At least ten (10) days prior to the commencement of an evidentiary hearing, counsel must confer in a good faith effort to resolve the dispute.

#### **Rule 7026-1**

##### **Discovery – General**

**Certification of Noncompliance.** If either party fails to perform as required in Fed. R. Civ. P. 26 the aggrieved party must file an affidavit stating the facts which constitute the failure to cooperate. Upon consideration of a certification of noncompliance and any response thereto, the court may order that the adversary proceeding continue as a defaulted matter as follows:

**(1)** If the plaintiff is in default regarding the holding of the Fed. R. Civ. P. 26(f) conference, the filing of the discovery plan, or any of the requirements specified in that rule, the court may dismiss the matter for want of diligent prosecution. The plaintiff may have the matter reinstated only upon the filing of a motion showing special circumstances within fourteen (14) days of the dismissal.

**(2)** If the defendant is in default regarding the holding of the Fed. R. Civ. P. 26(f) conference, the filing of the discovery plan, or any of the requirements specified in that rule, the defendant may not be allowed to present its defense at trial, except by leave of court, for cause shown.

### **Rule 7041-1**

#### **Dismissal of Adversary Proceedings**

Whenever a case under the Bankruptcy Code is dismissed by order of the court, any adversary proceeding pending in the case will be dismissed without prejudice and without further order of the court.

### **Rule 7055-1**

#### **Default**

At the time of the filing of the request for judgment, movant must file an affidavit with the court which (a) states whether or not the respondent is in military service and shows necessary facts to support the affidavit, or (b) if movant is unable to determine whether or not the respondent is in military service, states that movant is unable to so determine. If the court is unable to ascertain a respondent's military status from the presented affidavit, it may require movant to file a bond before entering any default judgment. The court or clerk will not enter any default judgments if a movant does not supply the required affidavit of military service.

### **Rule 7055-2**

#### **Dismissal for Want of Prosecution**

**(a) Grounds.** In any adversary proceeding in which no action has been taken by any party during the preceding six (6) months, the court may enter an order giving notice to all persons who have entered their appearance that the adversary proceeding will be dismissed thirty (30) days from the date of the order, subject to the provisions of subsection (c) of this LBR.

**(b) Dismissal.** Subject to the provisions of subsection (c) of this LBR, after the thirtieth (30<sup>th</sup>) day following the entry of the order the court will enter an order of dismissal without prejudice and serve the order upon the appearing parties.

**(c) Avoiding Dismissal.** An adversary proceeding will not be dismissed for want of prosecution under this LBR if a party to the proceeding files a motion within thirty (30) days of the entry of the order.

**(d) Effect of Dismissal.** The dismissal of an adversary proceeding pursuant to this LBR is without prejudice and without the imposition of costs, unless the court orders otherwise.

### **Rule 7065-1**

#### **Injunctions**

Temporary restraining orders and preliminary injunctions may be sought as provisional remedies in a pending adversary proceeding, not in the bankruptcy case itself. An adversary complaint must already be on file or be filed at the same time that the request for a temporary restraining order or preliminary injunction is made.

### **Rule 7067-1**

#### **Registry Account**

**Form of Consignment.** All moneys consigned in the court's Registry Account must be in the form of certified check, money order, or a manager's check made payable to the "Clerk, U.S. Bankruptcy Court." Personal and third party checks will not be accepted. Consignment of funds under this order will not be accepted unless payment is made as hereby indicated. The clerk will accept funds for consignment only after the court enters an order authorizing such consignment.

### **Rule 8001-1**

#### **Manner of Taking Appeal**

Upon the filing of a Notice of Appeal with the clerk, the appellant who wishes to have an appeal heard by the district court shall also complete and file an "Election to Proceed to District Court" LBF E, indicating the appeal is being taken to the district court.

### **Rule 8006-1**

#### **Record on Appeal**

**(a) Designating Record on Appeal.** Unless the parties file timely a written designation of record with the clerk pursuant to Fed. R. Bankr. P. 8006 designating the papers which shall constitute the record on appeal, the clerk shall forward to the proper appellate court a certification that no designation of record was filed.

#### **(b) Copies of Record.**

**(1)** If the appeal is to the Bankruptcy Appellate Panel for the First Circuit ("BAP"), the party filing a designation of items to be included in the record on appeal shall not include copies of the documents designated.

**(2)** If the Court of Appeals certifies a direct appeal, until that time in which electronic transmittal of the record on appeal is implemented, the party filing a designation of items to be included in the record on appeal shall file with the designation either:

**(A)** a complete and correct copy of all items designated; or

**(B)** a copy request form with check payable to the "Clerk, U.S. Bankruptcy Court" for the total amount of copies needed to complete the record on appeal. Copy request forms are available from the clerk's office upon request.

**(c) Documents filed after Record on Appeal is Transmitted.** After transmittal of the record to the district court or the BAP, any further documents pertaining to the appeal must be filed with the clerk of the district court or the clerk of the BAP.

## **Rule 9009-1**

### **Official Local Forms**

The LBFs prescribed in these LBRs are set out in the Appendix and shall be observed and used.

## **Rule 9010-1**

### **Attorneys – Admission to Practice, Representation and Appearances**

(a) **Admission to Practice and Admission *Pro Hac Vice*.** See LBR 2090-1.

(b) **Local Counsel Not Required in Uncontested Matters.** An attorney may appear *pro hac vice* without a local attorney if the matter is uncontested, with the exception of representation as counsel to a debtor or trustee. However, if the matter is or becomes contested, local counsel must enter an appearance at least seven (7) days before the scheduled hearing.

(c) **Representation.**

(1) **Counsel Required/*Pro Se* Appearance.** All persons, other than an individual representing himself, must be represented by counsel in proceedings before this court. Any individual representing himself without an attorney must appear personally for all purposes. Any individual appearing without an attorney is required to comply with these LBRs, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Federal Rules of Evidence.

(2) **Corporations, Unincorporated Associations, Partnerships, and Trusts.** Notwithstanding subsection (c)(1) of this LBR, a corporation, unincorporated associations, partnership, or trust may file a proof of claim. Otherwise, these entities may appear only through counsel.

(3) **Filing Proofs of Claim/No Representation Required.** An attorney does not need to file a notice of appearance or comply with LBR 2090-1 merely to file a proof of claim on behalf of a client.

(4) **Representation of Debtor.** An attorney that represents a debtor in a bankruptcy case must represent the debtor in any adversary proceeding filed within the bankruptcy case in which the debtor is a named defendant, unless the debtor expressly agrees otherwise in writing at the commencement of the representation.

(5) **Child Support Creditor and Representative.** A child support creditor or representative may appear and intervene in cases and proceedings upon the filing of the AO Form B281 unless the appearance is solely to file a proof of claim.

(d) **Appearances.**

**(1) Filing Constitutes Appearance.** When an attorney files a signed pleading or other paper, the filing constitutes an appearance by that attorney in the case or proceeding in which the pleading or other paper is filed, unless the pleading or paper states otherwise.

**(2) Request for Service of Papers.**

**(A) Filed Papers.** In order to receive copies of filed papers, an attorney must:

(i) file a formal notice of appearance that specifically requests to be served; and

(ii) serve a copy of the request for service upon the debtor's attorney or the debtor, if *pro se*, the case trustee, and the United States trustee. Otherwise, the attorney will receive only those papers that deal directly with its client, as required by the Federal Rules of Bankruptcy Procedure.

**(B) Orders Served by the Court.** An attorney will only receive notices and orders served by the court that deal directly with its client, as required by the Federal Rules of Bankruptcy Procedure, or as otherwise directed by the court.

**(3) Withdrawal of Attorney.**

**(A) Leave of Court Not Required.** An attorney representing a party may withdraw from a case or proceeding without leave of court by filing a Notice of Withdrawal with the court, provided that:

(i) the Notice of Withdrawal is accompanied by a Notice of Appearance of other counsel;

(ii) the attorney seeking to withdraw certifies that his client has been advised regarding the procedures and responsibilities related to appearing *pro se*, and that after conferring with the attorney, the client has stated his intention to proceed *pro se*;

(iii) there are no motions pending before the court; and

(iv) no trial or hearing date has been scheduled.

**(B) Service of Notice of Withdrawal.** The attorney must serve the Notice of Withdrawal upon the following parties:

(i) the client(s);

(ii) the United States trustee;

(iii) any trustee serving in the case;

(iv) in chapter 11 cases, any committee that has been appointed and is serving in the case under 11 U.S.C. § 1102, or counsel or authorized agent for that committee;

(v) in an adversary proceeding, all parties to the proceeding; and

(vi) all other persons or parties that the court may require.

**(C) Leave of Court Required.** An attorney must file a Motion for Leave to Withdraw if any of the requirements set forth in subparagraph (A) are lacking, and must serve that motion upon the parties listed in subparagraph (B). Counsel remains the attorney of record in the case and/or proceeding until the court enters an order granting the withdrawal.

**(D) Duties upon withdrawal.** An attorney granted leave to withdraw shall immediately serve on his client(s) the order permitting withdrawal.

### **Rule 9011-3**

#### **Sanctions**

**(a) Violation of Rules.** The violation of, or failure to conform to, the Fed. R. Bankr. P. or these LBRs may subject the offending party or counsel to penalties, including monetary sanctions, the imposition of costs and attorneys' fees payable to opposing counsel, and/or dismissal of the case or proceeding.

**(b) Failure to Appear or Prepare.** If counsel for any party, without justifiable excuse, fails to appear before the court at a hearing, to complete the necessary preparations, or be prepared to proceed to trial at the time set, the defaulting party and counsel may be subject to sanctions including the payment of fees and expenses of the other party or parties which were incurred as a result of such failure.

### **Rule 9011-4**

#### **Signing of Electronically Transmitted Documents, Representation to the Court**

**(a) Responsibility for Use of Login and Password.** An attorney or other person who is assigned a court-issued login and password to file documents electronically is responsible for all documents filed with that login and password.

**(b) Signature and Certification.** The transmission of a petition, pleading, motion, or other paper by electronic means shall constitute a signature by both the attorney and other person responsible for transmitting it, as required by Fed. R. Bankr. P. 9011(b). Such transmission shall also constitute a representation by the attorney and the other person responsible for the electronic transmission to the court that he is in possession of the original petition, pleading, motion, or

other paper, with all original signatures thereon, other than those papers signed solely by the filing user and co-counsel.

**(c) Production.** Upon order by the court or reasonable request by an interested party, the attorney and/or the other person responsible for an electronic filing shall produce for inspection and copying the original petition, pleading, motion, or other paper filed by electronic means, with all original signatures thereon.

### **Rule 9013-1** **Motions Practice**

**(a) Urgent Motions.** A movant requesting the court to consider a motion on an expedited basis, it must file a separate motion entitled “Urgent Motion” and must call the attention of the clerk to the urgent filing on the day that it is filed.

**(1) Contents of Urgent Motion.** The urgent motion shall be accompanied by a certification verifying that the proponent:

**(A)** has carefully examined the matter and concluded that there is a true need for an urgent hearing;

**(B)** has not created the urgency through any lack of due diligence; and

**(C)** has made a bona fide effort to resolve the matter without a hearing.

**(2) Limited Notice.** Notice of an urgent motion shall be given by the party filing an urgent motion. The party filing the motion must make a good faith effort to advise all affected parties of the motion and of the time and the date for a hearing, if any. These good faith efforts may include providing notice of the substance of the motion and of the date and time of hearings by email, telephone or facsimile transmission. These efforts may, and in appropriate circumstances should, include attempts to provide notice of the motion and a motion for an order limiting notice in advance of filing the motions.

**(3) Responses to Urgent Motions.** Written responses to urgent motions are required within the time established by the court. If no response time is established by the court, responses may be filed up to the time that the hearing is convened.

**(4) Hearings on Urgent Motions.** The court will set the conditions for the urgent hearing and will schedule and conduct the hearing, telephonically or otherwise, as appropriate under the circumstances.

**(5) Duty of Movant and Counsel to be Available.** Upon the filing of an urgent motion, movant and its counsel have a duty to be and remain available for immediate hearing or contact by the court with respect to the urgent request.



**(b) *Ex Parte* Motions.** A motion seeking *ex parte* relief may be filed only in circumstances in which immediate action is required to maintain the *status quo* until an appropriate hearing on notice can be conducted. A motion for *ex parte* relief must be verified or supported by affidavit and must set forth specific facts and circumstances that necessitate *ex parte* relief. The motion shall include a statement as to why the procedures in subsection (a) of this LBR for urgent hearings are not practical. All orders or proposed orders providing *ex parte* relief must include the finding that the relief requested could not be delayed, and must indicate that the affected parties may request a hearing on the subject matter addressed in the *ex parte* motion by filing a motion for review of the *ex parte* relief within fourteen (14) days of service of the order for *ex parte* relief. If appropriate, the court will schedule a hearing on such *ex parte* motion as soon as practicable.

**(c) Required Response Time Language Must be Included on All Papers.**

**(1) Usual Papers.** Adequate notice must be given to interested parties of the time to respond to every motion, application, or objection to exemption. Motions with a different response time are set forth in paragraph (2) below. This notice may be in single or double space, must be in at least 11 point type, and must contain language substantially similar to the following:

**NOTICE**

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

**(2) Motions with Different Response Times.** A different objection/response time applies to the following matters and should be substituted for the fourteen (14) day period above:

(A) Application to Compromise – twenty-one (21) days;

(B) Motion/Notice of Intended Sale – twenty-one (21) days;

(C) Motion to Amend or Modify a Plan – twenty-one (21) days;

(D) Motion to Shorten Time (Expedited Treatment) – left to discretion of court, above language should not be used;

(E) Urgent Motion for Relief – left to discretion of court, above language should not be used; and

(F) Motion to Dismiss in chapter 7, 12, and/or 13 cases - thirty (30) days.

**(3) Affidavit of Military Service.** At the time of the filing of any motion requesting a remedy which may be granted by the court for a party's failure to respond after notice and a hearing, the movant must certify whether or not the respondent is a servicemember, as required by § 201(b)(1) of the SCRA. If the movant fails to provide the required affidavit, the motion will be denied.

### **Rule 9013-2**

#### **Briefs and Memoranda of Law**

**(a) Supporting Memorandum Required With All Written Motions and Responses.** Except as provided in subsection (b) of this LBR, any motion or response thereto must be accompanied by a supporting memorandum that contains the points and authorities in support of the party's position, together with any affidavits or documents in support thereof. The memorandum must also include specific reference to the applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these LBRs, and/or other controlling authorities. The memorandum and motion or response thereto may be combined in a single document.

**(b) Motions That Do Not Require a Memorandum.** The following motions do not require an accompanying memorandum, unless otherwise ordered by the court:

- (1) Motion to extend time or to continue a hearing date;
- (2) Motion to request a hearing;
- (3) Motion to add creditor(s), except in reopened cases;
- (4) Motion to amend schedules;
- (5) Motion that is stipulated to by all parties in interest;
- (6) Motion for a more definite statement; and
- (7) Informative motions and reports that do not include a request for remedy.

### **Rule 9013-3**

#### **Certificate of Service**

**(a) Contents of Certificate of Service.** The certificate of service must reflect how and when service was made and must include the names and addresses of all persons served and the name and address of the person certifying the service.

**(b) Filing and Serving of Certificate of Service.** When a certificate of service is required, the certificate must be filed with the motion or other paper and shall be placed at the end of the item served.

#### **Rule 9013-5**

##### **Responsibility for Proper Service**

**(a) Parties Entitled to Service.** It is the responsibility of an attorney or party that files a document to determine every party with a cognizable interest in the document that should receive a copy and the current address of each. A certificate of service signed by an attorney, by an attorney's authorized agent, or by a party constitutes a representation to the court that all parties entitled to service have been included and have been properly served. Violation of this paragraph shall be subject to appropriate sanctions.

**(b) Review of Clerk's Notice.** It is the responsibility of an attorney or party filing a motion to review any notice of a hearing on that motion prepared by the clerk and to communicate forthwith to the clerk any deficiency in the notice and any omission in the list of parties receiving notice.

#### **Rule 9015-1**

##### **Jury Trials**

**(a) Consent to Have Trial Conducted by Bankruptcy Judge.** The parties may consent to have a trial by jury conducted by a bankruptcy judge under 28 U.S.C. § 157(e) if the following requirements are met:

- (1) the right to a jury trial applies;
- (2) a timely demand has been filed;
- (3) the bankruptcy judge has been specially designated by the district court to conduct the jury trial; and
- (4) the parties jointly file a statement of consent within thirty (30) days of the date following the date that the last responsive pleading is required to be filed.

**(b) Lack of Mutual Consent to Have Jury Trial Conducted by Bankruptcy Judge.** A proceeding must be referred to the district court if the first three requirements of subsection (a) of this LBR are met but not all of the parties consent to the trial being conducted before a bankruptcy judge.

**(c) Jury Demand.** In any case in which a party asserts the right to a jury trial, the jury trial demand must be made pursuant to Fed. R. Civ. P. 38 and filed in accordance with Fed. R. Bankr. P. 5005. Nothing in this rule shall be deemed to (1) create or imply a right to trial by jury where

such right does not otherwise exist under applicable law or (2) violate a party's right of trial by jury as set forth in the Seventh Amendment to the Constitution or in any statute of the United States. On motion or on its own initiative, the court may determine whether there is a right to trial by jury in any adversary proceedings or contested matter or whether a jury demand should be granted or stricken.

#### **Rule 9018-1**

##### **Secret, Confidential, Scandalous, or Defamatory Matter**

**(a) Documents Filed Under Seal.** Documents under seal shall be filed electronically using the correct event in CM/ECF, unless otherwise authorized by the court.

**(b) Motion and Proposed Order.** The sealed material must be accompanied by a motion and proposed order. The proposed order shall identify the parties, if any, who may have access to material that is under seal and under what circumstances.

**(c) Determination of Motion to Submit Sealed Materials.** If a motion to submit sealed materials is denied, the document shall be stricken from the record or returned to the movant if paper filing was authorized.

**(d) Access to Sealed Material.** Access to material that is under seal for parties not already authorized shall be by motion. The clerk shall give electronic access to the party granted access.

#### **Rule 9027-1**

##### **Removal and Remand**

**(a) Filing Requirement.** The party filing a notice of removal of an action from local or federal court to this court pursuant to Fed. R. Bankr. P. 9027 must file with the clerk true and accurate copies of all pertinent papers filed in the court from which removal is sought and a certified or attested copy of all docket entries in that action, if available, within fourteen (14) days of filing the notice of removal.

**(b) Party Information.** Any party removing a civil action to this court must file with the clerk a list containing the name of each party to the removed case and the names, addresses, and telephone numbers of their counsel or, if *pro se*, the party.

**(c) Summons.** Any party removing a civil action must inform the court if summons was served in the removed case.

#### **Rule 9036-1**

##### **Notice by Electronic Transmission**

**(a) Service by Electronic Means.**

(1) Notice shall be given by electronic transmission to any entity entitled to receive the bankruptcy notice if: (A) a written request is made by the entity for electronic notice; (B) the entity executes an electronic notice agreement with the Bankruptcy Noticing Center (www.ebnuscourts.com) and otherwise meets the system requirements for electronic noticing; and (C) the clerk's office is capable of transmitting the notices electronically.

(2) Filing users of CM/ECF consent to notice and service by electronic transmission upon registration as filing users. A Notice of Electronic Filing ("NEF") is automatically generated by CM/ECF and sent electronically to filing users. Service of the NEF constitutes notice and service pursuant to the Fed. R. Civ. P., Fed. R. Bankr. P., and these rules for all persons and entities that have consented to electronic service.

(3) A person or entity that is entitled to service of a document but is not a filing user of CM/ECF must be served as otherwise provided by the Fed. R. Civ. P., Fed. R. Bankr. P., and these rules.

**(b) Exceptions.** Electronic transmission of a NEF generated by CM/ECF does not constitute service or notice of the following documents that must be served non-electronically:

(1) A summons and complaint under Fed. R. Bankr. P. 7004;

(2) A subpoena under Fed. R. Bankr. P. 9016;

(3) A summons and petition under Fed. R. Bankr. P. 1010; and

(4) Any other document where conventional service is otherwise required under the Fed. R. Civ. P., Fed. R. Bankr. P., LBRs, or by court order.

#### **Rule 9037-1**

#### **Privacy Protection**

**(a) Responsibility for Redaction of Personal Identifiers.** The responsibility for redacting the personal identifiers enumerated in Fed. R. Bank. P. 9037(a) rests solely with counsel and the parties.

**(b) Sua Sponte Protective Orders.** The court may enter a *sua sponte* protective order where a document has been filed that includes unredacted information prohibited by Fed. R. Bank. P. 9037(a) or information protected under 11 U.S.C. § 107.

**(c) Compliance with Electronic Transcripts Policy.** Access to every electronic transcript filed with the court will be available at the clerk's office for inspection only, for a period of ninety (90) days after it is delivered to the court to allow interested parties the opportunity to review the transcript and file a Notice of Redaction requesting that personal data identifiers be redacted prior to the transcript being made available to the public. During the ninety (90) day period, a copy of the transcript may be obtained from the transcriber upon payment of the applicable fee.

Attorneys who obtain transcripts from the transcriptionist may obtain remote electronic access to the transcript through the court's CM/ECF system for the purpose of creating hyperlinks to the transcript in court filing and for other purposes. After the ninety (90) day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and from CM/ECF through PACER. It is the responsibility of the parties to monitor the docket for the filing of the transcript.

**(1) Procedure for Filing a Notice of Redaction.** Each party wishing to redact from a transcript personal data identifiers described in Fed. R. Bank. P. 9037(a) must, within seven (7) calendar days of the filing of the electronic transcript, file with the clerk and serve the transcriber with a Notice of Redaction of personal data identifiers.

**(2) Statement Required.** Within twenty-one (21) calendar days from the filing of the transcript, the party who filed a Notice of Redaction must file with the court and serve the transcriber with a statement indicating the page and paragraph numbers of the transcript where the personal data identifiers are located.

**(3) Motion for Additional Redactions to the Transcript.** During the twenty-one (21) days period, an attorney may file a Motion for Additional Redactions to the transcript. The transcript shall not be electronically disseminated until the court has ruled upon any such motion.

**(4)** Once a transcript is redacted, access to the unredacted version of the transcript shall be permanently restricted to viewing at a public terminal in the clerk's office.

**(d) Digital Audio Files of Court Proceedings.** If information subject to the judiciary's privacy policy is stated on the record, it will be available in the audio files over the internet. Parties must comply with (a) above and avoid introducing personal data and other sensitive information into the record, unless necessary to prove an element of the case. Clerk's office staff cannot redact audio files before they are placed on CM/ECF. If private information is mentioned during a hearing or trial, the parties may move the court to seal, restrict, or otherwise prohibit placement of the digital audio file of the hearing or trial on the internet through the PACER system.

#### **Rule 9070-1**

##### **Exhibits**

**(a) Exhibits Must be Filed With Joint Pretrial Report.** In cases where a Joint Pretrial Report is required, the parties to an adversary proceeding or contested matter must file the exhibits in pdf format along with the Joint Pretrial Report, and bring three (3) paper copies to the hearing. These copies are in addition to those previously exchanged between counsel. Each set of exhibits must be accompanied by an exhibit list using LBF F. The movant/plaintiff's exhibits must be marked alphabetically (A-Z) and the respondent/defendant's exhibits must be marked numerically (1-100). *See also* LBR 5005-4(1).

**(b) Exhibits Where No Joint Pretrial Report Is Required.** In a contested matter where a Joint Pretrial Report is not required, each party must bring to the hearing three (3) paper copies of all exhibits to be offered at the hearing. These copies are in addition to those previously exchanged between counsel. Each set of exhibits must be accompanied by an exhibit list using LBF F and must be marked in accordance with subsection (a) of this LBR.

**(c) Form of Exhibits.** Copies of exhibits that are intended to be offered as exhibits in a contested matter or hearing must be legible and copies of photographs must be in color, unless the original photograph is in black and white. Exhibits submitted in violation of this rule will not be admissible into evidence. All exhibits and documentary evidence in Spanish or other language shall be fully translated to the English language by a certified translator.

**(d) Release of Exhibits After Trial.** Exhibits will remain in the custody of the court at the conclusion of the hearing. If there is no appeal from the court's decision after the time for filing a notice of appeal has elapsed, or after any appeal has been finally determined, the parties may withdraw the exhibits. If the exhibits are not withdrawn within thirty (30) days from the expiration of that time period, the clerk will dispose of them without further notice. The request to withdraw the exhibits must be made in writing to the clerk.

#### **Rule 9074-1**

##### **Telephone Conferences**

**(a) Request for Telephonic Proceedings.** A party may request that a hearing or conference be conducted by telephone. The request must be made in writing no less than three (3) days prior to the scheduled hearing, unless otherwise authorized by the court. The court will determine whether to grant the request on the basis of, inter alia, conservation of the time and resources of the parties and the court.

**(b) Scheduling a Telephonic Appearance.** If the telephonic appearance is granted by the court, it will only be allowed through Court Call at (866) 582-6878 not later than 3:00 P.M. the court day prior to the hearing date.

**(c) Procedure for Telephonic Appearance Using Court Call.** Court Call will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make the telephonic appearance. It is counsel's responsibility to dial into the call not later than ten (10) minutes prior to the scheduled hearing. Court Call does not place a call to counsel.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo.

At the time of your hearing, you may initially be in the listening mode in which case you will be able to hear the case before yours just as if you were in the courtroom. After your call is

connected to the courtroom, the judge will call the case, request appearances, and direct the manner in which the hearing proceeds. Each time you speak, you should identify yourself for the record. The court's teleconferencing system allows more than one speaker to be heard, so the judge can interrupt a speaker to ask a question or redirect the discussion. When the judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.

Telephonic appearances by multiple participants are only possible when there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation from the required procedures or the court determines that a person's conduct makes telephonic appearances inappropriate. Sanctions may include dropping a matter from calendar, continuing the hearing, proceeding in the absence of an unavailable participant, a monetary sanction, and/or permanent prohibition against a person appearing telephonically.

**(d) Reliance on Written Submissions and Use of Exhibits.** Copies of any written submission or exhibit to be considered in connection with a matter scheduled for a telephonic hearing or conference must be filed with the clerk and served upon the parties in a timely fashion in accordance with LBR 9070-1.

**(e) Duty of Movant and Counsel to be Available.** Upon the filing of a request for a telephone conference, movant and counsel have a duty to be and remain available for immediate hearing or contact by the court with respect to their request.



## **APPENDIX**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In re: \_\_\_\_\_ : Case No.: \_\_\_\_\_  
: \_\_\_\_\_  
Debtor(s) \_\_\_\_\_ : Chapter 11  
: \_\_\_\_\_  
\_\_\_\_\_ :

NOTICE TO CREDITORS IN CHAPTER 11 CASE SCHEDULED  
AS DISPUTED, CONTINGENT, OR UNLIQUIDATED

**PLEASE TAKE NOTICE THAT:** Pursuant to Puerto Rico Local Bankruptcy Rule 1007-1(g), notice is hereby given to creditors listed on the attached sheet that their claims have been scheduled by debtor as disputed, contingent, and/or unliquidated. Accordingly, those creditors are advised of their right to file proofs of claim and that failure to do so may prevent them from voting under the plan or participating in any distribution thereunder. A proof of claim form is available through the court's website at [www.prb.uscourts.gov](http://www.prb.uscourts.gov).

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Attorney for Debtor)

\_\_\_\_\_  
(USDC No.)

\_\_\_\_\_  
(Firm Name)

\_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone & Facsimile Numbers)

\_\_\_\_\_  
(Email address)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In re: : Case No.:  
: :  
Debtor(s) : Chapter  
\_\_\_\_\_:

PETITION FOR PAYMENT OF UNCLAIMED FUNDS

NOW APPEARS (petitioner) \_\_\_\_\_, of (address) \_\_\_\_\_  
\_\_\_\_\_, and states that on (date) \_\_\_\_\_, (name) \_\_\_\_\_ became  
entitled to receive \$ \_\_\_\_\_ as a distribution in the above-entitled case, and now appears in  
the records of this court as the owner of said funds. The amount requested is being held in the  
Treasury of the United States as unclaimed funds.

Petitioner represents that he/she/it is entitled to receive the requested funds based upon  
(check box(es) that apply):

- petitioner is the owner of said funds as appear as such in the records of this court;
- petitioner is the assignee of the owner’s claim to said funds, as evidenced in the attached Affidavit or Assignment of Right;
- petitioner is the owner’s successor in interest, as evidenced in the attached Affidavit or Assignment of Right;
- petitioner is the personal representative of the owner’s estate, as evidenced in the attached Affidavit and/or other identifying documents; or
- petitioner is named in a power of attorney by (grantor) \_\_\_\_\_, valid under the laws of the Commonwealth of Puerto Rico, that empowers petitioner to collect the unclaimed funds described above on behalf of grantor:
  - as the owner of the claim;
  - as the owner’s attorney-at-law, with authorization to receive said funds;
  - as the assignee of the owner’s claim to said funds;
  - as the owner’s successor in interest; or
  - as the personal representative of the owner’s estate.

The petitioner submits with this petition the following document(s) as proof of the petitioner's identity and status, and the owner's claim of entitlement:

[List all documents that are attached, e.g., copy of government-issued photo i.d., power of attorney, formal assignment, letter of appointment, court order, etc.]

WHEREFORE, the petitioner submits to the personal jurisdiction of this court and requests that it enter an order directing payment of the unclaimed funds described above to the petitioner, or (if the petitioner is not the owner) to the petitioner on behalf of the owner, in accordance with the documents submitted in support of this petition.

The petitioner declares under penalty of perjury that the foregoing is true and correct:

Name of Petitioner: \_\_\_\_\_

Signature of Petitioner: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTICE OF RESPONSE TIME**

Within twenty one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, must serve and file an objection or other appropriate response to this paper with the Clerk's Office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed, unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice otherwise requires.

**CERTIFICATE OF SERVICE**

The petitioner mailed a copy of this petition and all attachments to the Office of the United States Attorney for the District of Puerto Rico, at Torre Chardón Suite 1201, 350 Carlos Chardón Ave., San Juan, PR 00918, on (date) \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Petitioner)

**INSTRUCTIONS AND PROCEDURAL GUIDANCE  
FOR CHAPTER 11 CONFIRMATION AND  
REQUIREMENTS UNDER SECTION 1129(a)**

(1) In order to enable the court to adequately and efficiently rule on whether or not to confirm a chapter 11 plan, the following procedural steps must be followed by the proponent of a plan:

(a) The following items are required by the court at least seven (7) days prior to the confirmation hearing:

- (1) a statement regarding compliance with the requirements of §1129(a);
- (2) a list of the outstanding pre-petition tax claims, other priority claims and expenses of administration;
- (3) a list of acceptances and rejections; and
- (4) a computation of acceptances and rejections.

[Note: If a case has more than 100 potential voting parties, contact the clerk of the bankruptcy court regarding the time for filing items (3) and (4) above]

(2) The following explanatory directions and exhibits are intended as guidance towards compliance with the aforementioned procedure:

(a) Statement of Requirements of §1129(a)

This document must state how the proponent of the plan will show during the confirmation hearing that the plan complies with each of the requirements of §1129. All calculations and projections must be a part of this statement.

(b) Declaration of Outstanding Pre-Petition Unsecured Tax Claims, Outstanding Involuntary Gap Expenses, Other Priority Claims, and Expenses of Administration

A sample format is shown in Exhibit 1. Counsel for the proponent of the plan, should contact the various creditors shown on the list for accurate figures concerning expenses, fees, commissions etc., before filing the list. An amended declaration must be filed at the confirmation hearing if any amendment occurs during the week prior to the hearing.

(c) List of Acceptances and Rejections

The list of acceptances and rejections must show the total dollar amount and total number of acceptances and rejections for each class and only those creditors or interest holders

filing an acceptance or rejection are to be shown on the list. A sample format is shown in Exhibit 2.

All acceptances and rejections filed with the court are recorded and docketed, but the only votes which will be counted are those by creditors and interest holders of impaired classes. Acceptances and rejections received by attorneys should be marked with the class number or claim number and should be filed with the court as soon as possible. They should never be returned to the creditor or interest holder because of alleged defects.

**(d) Computation of Acceptances and Rejections**

The computation of acceptances and rejections must accompany the list of acceptances and rejections. A sample format is shown in Exhibit 3. If the box marked “unimpaired” is checked, there is no need to complete the balance of the form for the particular class of creditors.

**EXHIBIT 1**

OUTSTANDING PRE-PETITION UNSECURED TAX CLAIMS, OUTSTANDING INVOLUNTARY GAP EXPENSES, OTHER PRIORITY CLAIMS, AND EXPENSES OF ADMINISTRATION

ADMINISTRATIVE EXPENSES:

Clerk, U.S. Bankruptcy Court	\$ _____
Attorney for Debtor	\$ _____
Attorney for Creditors' Committee	\$ _____
Accountant	\$ _____
Other Professionals (identify)	\$ _____
<u>Total:</u>	\$ _____

PRIORITY CREDITORS:

Wage Claims	\$ _____
Employee Benefit Claims	\$ _____
Layaway Claims	\$ _____
<u>Total:</u>	\$ _____

PRE-PETITION TAX CREDITORS:

Pre-Petition Tax Claims	\$ _____
-------------------------	----------

CASH PAYMENTS DUE ON EFFECTIVE DATE:

Class ____	\$ _____
Class ____	\$ _____
Class ____	\$ _____
<u>Total:</u>	\$ _____

LIST OF ACCEPTANCES AND REJECTIONS

CREDITOR NAME	CLAIM NUMBER	CLAIMED AMOUNT	SCHEDULED AMOUNT	CLASS NUMBER	ACCEPTS	REJECTS



CLASS \_\_\_\_\_

COMPUTATION OF ACCEPTANCES AND REJECTIONS

[NOTE: A separate form must be prepared for each class of claims]

The following figures are based on acceptances and rejections received from creditors.

CLASS OF CLAIMS:

- Impaired\*
- Unimpaired (deemed to have accepted)

\*If the impaired box has been checked, please fill out the remainder of the form

Total amount of acceptances:\*\* \$ \_\_\_\_\_

Total amount of rejections:\*\* \$ \_\_\_\_\_

Total amount of acceptances and rejections: \$ \_\_\_\_\_

Percentage of amount of acceptances: \_\_\_\_\_ %

(total amount of acceptances divided by the total amount of acceptances and rejections)

Number of creditors filing acceptances:\*\* \_\_\_\_\_

Number of creditors filing rejections:\*\* \_\_\_\_\_

Total number of acceptances and rejections: \_\_\_\_\_

Percentage of creditors filing acceptances: \_\_\_\_\_ %

(total number of acceptances divided by the total number of acceptances and rejections)

\*\*Exclude "insiders" (as defined in 11 U.S.C. § 101(31)) and claims that are contingent, unliquidated and/or disputed if the creditor has not filed a proof of claim)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:	:	Case No.:
	:	
Debtor(s)	:	Chapter
_____	:	
	:	
Plaintiff(s)	:	Adv. Proc. No.:
	:	
v.	:	
	:	
Defendant(s)	:	
_____	:	

SUMMONS

YOU ARE HEREBY SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons. If the defendant is the United State or its offices or agencies, then a motion or answer to the complaint shall be filed within 35 days.

At the same time your motion or answer is filed, you must serve a copy of it upon the plaintiff's attorney \_\_\_\_\_, Esq., or upon the plaintiff if not represented by counsel, at the following address:\_\_\_\_\_

If you elect to respond first by motion pursuant to Fed. R. Bankr. P. 7012, that rule governs the time within which your answer must be served.

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

MARIA DE LOS ANGELES GONZALEZ, ESQ.  
CLERK, U.S. BANKRUPTCY COURT

Date of Issuance:\_\_\_\_\_

By:\_\_\_\_\_ Deputy Clerk

## CERTIFICATE OF SERVICE

I, \_\_\_\_\_(name), certify that service of this summons and a copy of the complaint was made on \_\_\_\_\_ (date) by:

[ ] Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:\_\_\_\_\_

[ ] Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:\_\_\_\_\_

I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

**I declare under penalty of perjury that the foregoing is true and correct.**

Date:\_\_\_\_\_

Signature:\_\_\_\_\_

Print Name:\_\_\_\_\_

Address:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re: \_\_\_\_\_ : Case No.: \_\_\_\_\_  
: \_\_\_\_\_  
Debtor(s) \_\_\_\_\_ : Chapter \_\_\_\_\_  
: \_\_\_\_\_

**APPELLANT ELECTION FORM**

Appeal of Order or Judgment of the United States Bankruptcy Court for the District of Puerto Rico dated \_\_\_\_\_, Docket Number \_\_\_\_\_.

APPELLANT(S): \_\_\_\_\_  
Attorney: \_\_\_\_\_

APPELLEE(S): \_\_\_\_\_  
Attorney: \_\_\_\_\_

\_\_\_\_\_  
(Firm Name, Address, and Tel. No.)

\_\_\_\_\_  
(Firm Name, Address, and Tel. No.)

\_\_\_\_\_ I elect to opt out of the Bankruptcy Appellate Panel for the First Circuit and request that this appeal be heard by the United States District Court for the District of Puerto Rico.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Attorney for Appellant, or Appellant if *pro se*)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re: \_\_\_\_\_ : Case No.:  
Debtor(s) \_\_\_\_\_ : Chapter  
Plaintiff(s) \_\_\_\_\_ : Adv. Proc. No.:  
v. \_\_\_\_\_ :  
Defendant(s) \_\_\_\_\_ :

**EXHIBIT LIST**

PLF ID (LTR)	DEF ID (NO.)	EXHIBIT LTR/NO.	JOINT EXHIBIT	DESCRIPTION OF EXHIBIT