

BANKRUPTCY RULE 1001-1

SCOPE OF RULES

(A) AUTHORITY AND CITATION

These rules are adopted pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure and General Orders of the United States District Court for the District of North Dakota to govern the local practice and procedures before the United States Bankruptcy Court for the District of North Dakota. These rules may be amended or supplemented by additional orders as the court deems necessary. Unless otherwise specified, all statutory references are to Title 11 of the United States Code.

(B) APPLICATION

These rules shall apply to all cases and proceedings in the United States Bankruptcy Court for the District of North Dakota. The failure of a party to comply with these rules may result in a ruling adverse to that party or the imposition of appropriate sanctions.

(C) EFFECTIVE DATE

These rules are effective April 2, 2013 and supersede all rules or General Orders issued by the Bankruptcy Court prior to this date, except the general order entered on November 30, 2012 adopting interim rule 1007-I.

(D) DISTRICT COURT RULES

Certain provisions of the Local Rules of the United States District Court, District of North Dakota, have been incorporated in the Bankruptcy Local Rules. Additional District Court Local Rules may be applied in particular cases at the discretion of the judge.

(E) ELECTRONIC CASE FILES (ECF)

[ECF Administrative Procedures](#) have been adopted by this court to supplement the rules regarding electronic filing. Additionally, the clerk of court will maintain operating guidelines in an [ECF User's Manual](#). The manual will contain local forms, guidelines and instructions incidental to these rules.

(F) WEBSITE

The clerk of court will maintain rules, procedures, manuals and local forms on the court's website at www.ndb.uscourts.gov.

BANKRUPTCY RULE 1002-1

NONELECTRONIC FILING

(A) PETITIONS

Nonelectronic filers are required to file their original bankruptcy petitions with the clerk of court. The petitions shall substantially conform to the [Official Bankruptcy Forms](#).

(B) MATRIX

Nonelectronically filed cases shall include a master address matrix listing the name and address of each creditor and interested party and shall be filed with the bankruptcy petition. Guidance on the [preparation of the matrix](#) is available on the court's website.

(C) FILING FEE

Payment of required filing fees for documents such as petitions, motions, amendments, appeals and adversary complaints must be delivered to the court within three business days of the filing, excluding weekends and holidays.

(D) TRANSMISSION OF DOCUMENT BY FACSIMILE OR EMAIL

Filing papers by facsimile or email is not permitted except in limited emergency situations and only after authorization by the court.

A party requesting facsimile or email transmission to or from the court will be assessed the fee for reproducing any record or document as provided in the [fee schedule](#) on the court's website.

BANKRUPTCY RULE 1009-1

AMENDMENTS OF VOLUNTARY PETITIONS, LISTS, SCHEDULES AND STATEMENTS

(A) PROCEDURE

Amendments of voluntary petitions, lists, schedules and statements shall be filed consistent with guidelines outlined in the [ECF User's Manual](#). An [Amendment Cover Sheet](#) shall accompany all amendments.

(B) AMENDMENTS ADDING A CREDITOR

A debtor shall file and serve amendments adding omitted creditors to schedules, matrices and statements with a [notice](#) that shall include:

- (1) the name and address of the trustee and debtor's counsel;
- (2)
 - (a) the bar date for filing proofs of claim. If the bar date has passed or will pass within 30 days and a creditor without knowledge of the bankruptcy is added, the notice shall provide that the creditor has 30 days after service of the notice to file a proof of claim; or
 - (b) a statement clarifying that no date has been set or that it is a no-asset case and proofs of claim need not be filed; and
- (3) the deadline to file complaints seeking denial of discharge. If the deadline has passed or will pass within 30 days and a creditor without knowledge of the bankruptcy is added, the notice shall provide that the creditor has 30 days after service of the notice to file a complaint.

A debtor shall also serve omitted creditors with the Notice of Meeting of Creditors and Deadlines. Do not include this notice with any filing you make with the court.

(C) AMENDMENTS REDUCING THE AMOUNT OF THE CLAIM OR RECLASSIFYING THE CLAIM

If a debtor amends schedules to reduce the amount of a claim or to reclassify a claim as contingent, unliquidated or disputed after the notice of the claims bar date was served, the debtor shall serve the amended schedules and a [notice](#) of the claims bar date upon the affected creditor. The debtor shall also provide written notice that the affected creditor must file any proof of claim by the bar date or 30 days after the date of the notice, whichever is later.

See Local Form - [Notice to Creditor\(s\) of Amended Schedule\(s\)](#).

BANKRUPTCY RULE 1015-1

JOINT ADMINISTRATION

In all joint petitions filed with the court, the case will be administered through joint administration of the estates without further court order unless the trustee or other interested party files an objection to joint administration within 14 days after the conclusion of the first meeting of creditors. Pursuant to § 302, a joint petition may only be commenced by the filing of a single petition that includes both debtors. A petition filed by an individual debtor may not be amended at a later time to add a spouse as a debtor.

BANKRUPTCY RULE 2002-1

NOTICES

- (A) The proponent of any motion, application, plan or other request for relief shall serve the pleading and notice as provided on the [Notice and Service Requirements](#) list, available on the court's website. The clerk of court is authorized to modify this list as necessary to conform to the Federal Rules of Bankruptcy Procedure and the Bankruptcy Code.
- (B) If these rules or the Federal Rules of Bankruptcy Procedure do not provide a specific notice period, the proponent of a motion, application or other request for relief shall provide a 14-day notice.
- (C) Notice of motions in adversary proceedings must be provided consistent with D.N.D. Bankr. L.R. 7007-1(C).
- (D) The order confirming a Chapter 11, 12 or 13 plan shall be served by the debtor on all creditors and interested parties.
- (E) The court may rule on the following applications and motions upon filing and without a hearing or an opportunity to respond:
 - (1) application for installment payments;
 - (2) application for waiver of filing fee;
 - (3) a debtor's motion to delay discharge;
 - (4) a debtor's motion to extend time to file schedules, statements or a plan;
 - (5) motion for 2004 examination;
 - (6) motion to appear pro hac vice;
 - (7) motion to expedite hearing;
 - (8) motion to limit notice;
 - (9) motion to reopen case (main case or adversary proceeding)*;
 - (10) motion to dismiss duplicate case;
 - (11) motion to reduce time;

- (12) motion to strike/redact personal identifiers;
- (13) motion to continue hearing/trial;
- (14) motion to seal; and
- (15) motion for telephonic or video conference.

* See D.N.D. Bankr. L.R. 5010-1 requiring a two-step process: a motion to reopen the case which does not require a notice period and an application or motion with notice seeking the relief requested.

BANKRUPTCY RULE 2016-1

Effective December 1, 2015:

Pursuant to Amended General Order dated November 4, 2015 regarding bankruptcy form changes effective December 1, 2015, the Disclosure of Compensation of Attorney for Debtor form referred to in this local rule is now known as Attorney's Disclosure of Compensation.

COMPENSATION FOR LEGAL FEES AND EXPENSES SOUGHT BY DEBTOR'S ATTORNEY IN CHAPTER 13 CASES

(A) LEGAL FEES AND EXPENSES - WITHOUT APPLICATION TO THE COURT

The attorney for a debtor, whether joint or individual, in a Chapter 13 case is excused from the compensation application requirements of Fed. R. Bankr. P. 2016(a) and the notice requirement of Fed. R. Bankr. P. 2002(a)(6) if the attorney's claim for compensation does not exceed a presumptively reasonable fee of \$3,000.00 for below-median cases and \$3,500.00 for above-median cases and actual costs and expenses do not exceed \$150.00 (excluding the filing fee). This fee shall be presumed to compensate a debtor's attorney for a level of service to the debtor that, at a minimum, shall include the services listed in paragraph (1) and the costs listed in paragraph (3) below.

If the attorney elects to accept the presumptively reasonable fee for the services listed below, he or she must clearly specify such election in the Chapter 13 plan.

If the attorney's claim for compensation falls within the scope of this rule, and the court neither receives objections nor raises concerns regarding the compensation and expenses included in the Disclosure of Compensation of Attorney for Debtor or the proposed Chapter 13 plan, the amount of fees and expenses listed in the plan shall be deemed approved under § 330 and allowed as an administrative expense under § 503(b)(2) upon confirmation of the plan.

This rule does not limit the trustee, United States Trustee, creditors or any interested party from questioning the reasonableness of an attorney's fees or expenses. This rule also does not limit the court's discretion to review the amount of fees paid to or agreed to be paid to a debtor's attorney or to enter appropriate orders allowing, disallowing or reducing attorney's fees or expenses. If an objection is raised, the attorney may be required to submit an application for compensation and an itemization of fees and costs that satisfy the requirements of § 330 and Fed. R. Bankr. P. 2016.

(1) The presumptively reasonable fee shall include, at a minimum, the following services:

(a) Prepetition

1. Meeting with the debtor to discuss and analyze the debtor's situation, goals and objectives and to recommend a solution.
2. Counseling the debtor regarding the advisability of filing bankruptcy (as well as non-bankruptcy options) and answering the debtor's questions.
3. Explaining the terms of representation, filing fees and plan payment requirements.
4. Performing due diligence tasks such as obtaining the debtor's credit report, checking the national PACER database to confirm whether the debtor has previously filed a bankruptcy case and verifying ownership of vehicles, real property and other assets.
5. Consulting and communicating with the debtor to gather information and inform the debtor of his/her responsibilities.
6. Timely preparing, revising and finalizing the debtor's petition, plan, statements, schedules and other forms and documents necessary for prosecuting the debtor's bankruptcy case.
7. Advising the debtor of the requirements to obtain prepetition credit counseling, to maintain appropriate insurance and to file all appropriate income and other tax returns. Advising the debtor about the steps necessary to obtain a discharge including filing a statement regarding domestic support obligations and completing a financial management course.
8. Reviewing the completed petition, plan, statements and schedules with the debtor and ensuring the debtor signs them.

(b) Postpetition and Preconfirmation

1. Advising the debtor of the requirement to attend the meeting of creditors, ensuring the debtor is prepared for the meeting and notifying the debtor of the date, time and place of the meeting. In the case of a joint filing, notifying both spouses that both must appear at the meeting.
2. Providing legal representation to the debtor at the meeting of creditors and attending the confirmation hearing if necessary.
3. Ensuring bank statements and income and tax records are timely submitted to the trustee.
4. Initiating and responding to correspondence and calls to and from the trustee, the United States Trustee, creditors and other interested parties as necessary for the timely administration of the debtor's case.
5. Timely responding to objections to plan confirmation and, where necessary, preparing, filing and serving an amended plan.
6. Corresponding with the debtor and creditors to ensure compliance with § 362 (automatic stay) as it pertains to wage garnishments, levied accounts, foreclosures or any other matter.
7. Monitoring all incoming Case Management/Electronic Case Files (CM/ECF) case information.
8. Timely preparing, filing and serving any necessary amended statements and schedules and any change of address in accordance with information provided by the debtor.
9. Assisting the debtor in responding to requests for information made in connection with an audit conducted pursuant to 28 U.S.C. § 586(f).
10. Assisting the debtor in complying with § 521(f)(4) (debtor's duties).

(c) Postconfirmation

1. Evaluating proofs of claim, determining the necessity of objecting to filed claims and advising the debtor accordingly.
2. Responding to the debtor's questions throughout the term of the plan or until either the case is dismissed or the court has authorized the debtor's attorney to withdraw from representation.
3. Assisting the debtor with the steps necessary to obtain a discharge including filing a statement regarding domestic support obligations and completing a financial management course.
4. Monitoring all incoming CM/ECF case information.

- (2) The presumptively reasonable fee shall not include the following services:
- (a) Representing the debtor in adversary matters, Rule 2004 examinations or postconfirmation hearings.
 - (b) Preparing the following motions:
 - 1. to buy or sell real or personal property and/or to incur debt;
 - 2. objecting to improper or invalid proofs of claim;
 - 3. to avoid a lien;
 - 4. to modify the Chapter 13 plan;
 - 5. to approve settlements;
 - 6. to deem a mortgage current;
 - 7. to approve sales or refinancing;
 - 8. to substitute collateral;
 - 9. for hardship discharge; and
 - 10. for early termination of the plan.
 - (c) Responding to motions:
 - 1. for relief from stay or for a valuation of property; and
 - 2. to dismiss (postconfirmation).
- (3) The costs and expenses included in the presumptively reasonable sum of \$150.00 include: photocopies, PACER fees, postage, long distance telephone charges, due diligence fees, credit counseling costs and mileage. An attorney is entitled to seek reimbursement of filing fees if paid by the attorney, in addition to the \$150.00 in costs and expenses listed above, without filing a separate application to the court.

(B) COMPENSATION AND EXPENSES - APPLICATION REQUIRED

Employing the fee application waiver process described in subsection (A) is optional. For those attorneys who do not wish to accept the presumptively reasonable fee for the minimum services listed, they may submit applications that conform to the requirements in § 330 and Fed. R. Bankr. P. 2016(a) and 2002(a)(6).

An attorney who elects to accept the presumptively reasonable fee for the tasks and expenses listed in subsections (A)(1) and (A)(3) may apply for additional compensation for tasks which exceed the scope of those subsections. This application must conform to the

requirements in § 330 and Fed. R. Bankr. P. 2016(a) and 2002(a)(6). The application for additional compensation for tasks or expenses exceeding the scope need not include an itemization of tasks or fees that fall within the presumptively reasonable fee under subsections (A)(1) and (A)(3), unless specifically requested by the court.

BANKRUPTCY RULE 3003-1

DEADLINE TO FILE PROOF OF CLAIM IN CHAPTER 11 CASES

Unless otherwise ordered in a Chapter 11 case, the last day to timely file a proof of claim or interest is 90 days after the date first set for the meeting of creditors under § 341. The clerk of court shall give notice of this deadline in the notice of commencement of case.

BANKRUPTCY RULE 3011-1

PAYMENT OF UNCLAIMED FUNDS

A claimant may seek payment of unclaimed funds by following these guidelines:

- (A) The claimant shall file a motion and notice for payment of funds including proof of the right to the funds, certificate of service showing service on the United States Attorney and a proposed order.
- (B) Examples of the type of information required to prove a claimant's right to payment:
 - (1) Owners of Record (the person shown in the court's record)
 - (a) a notarized signature of the claimant;
 - (b) the name, address and telephone number of the claimant; and
 - (c) the social security number (last 4 digits) or tax identification number of the claimant.
 - (2) Successor Claimants
 - (a) Successor Businesses
 - 1. proof of identify of the owner of record;
 - 2. a notarized power of attorney signed by an officer of the successor business;
 - 3. a statement of the signing officer's authority; and
 - 4. documentation establishing chain of ownership from the original business claimant.

- (b) Transferred Claims
 - 1. proof of identify of the owner of record;
 - 2. proof of identify of the successor claimant; and
 - 3. documentation evidencing the transfer of claim.

- (c) Decedent's Estate (Administrator, Executor, Representative)
 - 1. proof of identify of the owner of record;
 - 2. proof of personal identity of the estate administrator; and
 - 3. certified copies of probate documents establishing the representative's right to act on behalf of the decedent's estate.

(3) Claimant Representatives (i.e., funds locators)

- (a) proof of identify of the owner of record;
- (b) a notarized, original power of attorney signed by the claimant on whose behalf the representative is acting;
- (c) proof of identify of the representative; and
- (d) documentation sufficient to establish the claimant's entitlement to the funds.

(C) If no objections are received within 14 days after service of the motion, an order may be entered granting the requested payment of funds.

Additional guidance on payment of unclaimed funds is available in the [ECF User's Manual](#).

BANKRUPTCY RULE 3015-1

CONFIRMATION OF CHAPTER 13 PLAN

The court may confirm a Chapter 13 plan without a hearing if there are no timely-filed objections following notice and service, or if all objections are withdrawn. The court will consider the trustee's recommendations regarding confirmation.

BANKRUPTCY RULE 3015-2

CHAPTER 12 AND 13 PLAN MODIFICATIONS

Chapter 12 or 13 plan modifications shall be made by filing the entire plan as modified. Plan modifications shall be titled "First Modified Plan," "Second Modified Plan," etc., as appropriate. A motion to modify a plan shall include a summary of the modifications to the plan.

BANKRUPTCY RULE 4001-1

Effective December 1, 2015:

Pursuant to Amended General Order dated November 4, 2015 regarding bankruptcy form changes effective December 1, 2015, the certification referred to in this local rule is now two separate certifications and no longer included in the voluntary petition. See Form 101A Initial Statement About an Eviction Judgment Against You and See Form 101B Statement About Payment of an Eviction Judgment Against You.

DEPOSIT OF RENT AND TRANSMITTAL OF RENT TO LESSOR

- (A) Any deposit of rent made by or on behalf of a debtor, pursuant to § 362(l)(1)(B), shall be in the form of a certified check or money order payable to the order of the lessor and delivered to the clerk of court upon filing of the petition and certification made under § 362(l)(1)(A).
- (B) The debtor shall file a copy of the judgment of eviction with the petition.
- (C) Upon receipt of the certified check or money order and a copy of the judgment of eviction, the clerk of court shall transmit the certified check or money order to the lessor by certified mail/return receipt requested to the address listed on the petition.

BANKRUPTCY RULE 4001-2

MOTIONS FOR RELIEF FROM STAY TO ENFORCE A DEBT SECURED BY PROPERTY OF THE ESTATE

(A) REQUIRED INFORMATION

In all motions under § 362 seeking relief to enforce a debt secured by property of the estate, the moving party shall provide the following information:

- (1) evidence that the moving party has standing to bring the motion, including, at a minimum:
 - (a) a copy of the note;
 - (b) a copy of the mortgage or security agreement;
 - (c) evidence of perfection; and
 - (d) evidence that the moving party holds the right to enforce the security interest and bring the motion, e.g., the moving party is the original mortgagee or a valid transferee;
- (2) a description of the property;

- (3) the moving party's estimated current market value of the property; and
- (4) a loan history indicating the dates and sums of missed payments and all advances made to or charges of any kind made against the debtor beginning on the date of the default applicable to this motion and ending on the date the motion is verified.

(B) AGREEMENTS REGARDING RELIEF FROM STAY MOTIONS

If the parties reach an agreement allowing a debtor additional time to cure a default on a promissory note, mortgage or security agreement, the parties shall use the following noncompliance procedure:

- (1) In the event the debtor fails to comply with the terms and conditions in the agreement, the moving party shall provide written notice to the debtor and debtor's counsel of the default.
- (2) The debtor shall have a period of time, determined by the parties' agreement, to cure the default.
- (3) If the debtor fails to cure the default, the moving party may file an affidavit of noncompliance and submit a proposed order granting the relief the moving party seeks.

As provided in Fed. R. Bankr. P. 4001(d)(4), a stipulation arising from a contested motion made pursuant to Fed. R. Bankr. P. 4001(a), (b) or (c) may be approved without further notice if notice of the original motion was provided in compliance with D.N.D. Bankr. L.R. 2002-1.

BANKRUPTCY RULE 4004-1

Effective December 1, 2015

Pursuant to Amended General Order dated November 4, 2015 regarding bankruptcy form changes effective December 1, 2015, Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) form number has changed from B283 to 2830.

**CHAPTER 12 AND 13 DEBTORS' CERTIFICATIONS REGARDING
DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)**

To be eligible for a discharge under Chapter 12 or 13, a debtor shall file a certification regarding domestic support obligations and § 522(q). See [Form B283 Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522\(q\)](#). This form should be used for both Chapter 12 and Chapter 13 debtors. In joint cases, each debtor is required to file a separate certification.

The certification shall be filed:

- (A) after plan payments are complete but not later than 30 days after the trustee has filed the final report indicating all payments under the plan have been made pursuant to § 1228(a) and § 1328(a); or
- (B) upon the filing of a motion for entry of discharge under § 1228(b) and § 1328(b).

BANKRUPTCY RULE 4008-1

Effective December 1, 2015

Pursuant to Amended General Order dated November 4, 2015 regarding bankruptcy form changes effective December 1, 2015, Reaffirmation Agreement form number has changed from B240A/B ALT to 2400A/B ALT and Reaffirmation Cover Sheet form number has changed from B27 to 427.

REAFFIRMATION AGREEMENTS

- (A) All reaffirmation agreements filed with the court shall substantially conform to procedural form [B240A/B ALT Reaffirmation Agreement](#).
- (B) Reaffirmation agreements containing deficiencies may be deemed incomplete and an order to comply may be issued specifically outlining the deficiencies. Deficiencies that may prompt an order to comply include, but are not limited to:
 - (1) improper form, such as any form that does not substantially conform to procedural form B240A/B ALT;
 - (2) lack of requisite signatures on form;
 - (3) incomplete Debtor's Statement in Support of Reaffirmation Agreement;
 - (4) lack of a motion seeking court approval of reaffirmation agreement (pro se filers only); or
 - (5) missing or incomplete Reaffirmation Agreement Cover Sheet ([Form B27](#)).
- (C) If defects are not cured within 14 days of the date of the order to comply, the court may schedule a hearing.

BANKRUPTCY RULE 5001-1

TELEPHONIC ARGUMENTS AND CONFERENCES

(A) REQUESTS FOR TELEPHONIC CONFERENCES

An interested party in any case or proceeding may, upon reasonable advanced notice, generally not less than 48 hours, file a motion requesting that a hearing be held by telephonic conference. The moving party making such a request shall first contact the other interested parties and advise the court whether all parties agree to a telephonic hearing. The court will consider potential savings in travel time and expenses in determining whether a telephonic hearing is appropriate.

(B) ARRANGEMENTS FOR CONFERENCE CALLS

The court will send interested parties instructions for participating in conference calls.

(C) USE OF EXHIBITS

Upon motion, the court may allow exhibits to be offered at a telephonic hearing under extenuating circumstances and with reasonable advanced notice, generally not less than 48 hours. If the court authorizes a party to offer exhibits, counsel shall mail, facsimile or email copies of the exhibits to the clerk of court and all parties in sufficient time for them to arrive at least one business day prior to the hearing. Guidance on submitting exhibits by facsimile or email is prescribed by the clerk of court.

(D) TESTIMONY

Upon motion, the court may allow telephonic testimony under extenuating circumstances and with reasonable advanced notice, generally not less than 48 hours. The party who will be offering telephonic testimony shall arrange for witnesses to be available at the hearing.

BANKRUPTCY RULE 5001-2

VIDEO CONFERENCES

(A) LOCATION

The court will provide notice of the place and time for all hearings held by video conference.

(B) REQUESTS FOR VIDEO CONFERENCES

Interested parties in any case or proceeding may, upon reasonable advanced notice, generally not less than 48 hours, file a motion requesting that a hearing be held by video conference. The moving party shall first contact the other interested parties and advise the court whether all parties agree to a hearing by video conference. The court will consider potential savings in travel time and expenses in determining whether a hearing by video conference is appropriate.

(C) EVIDENCE OFFERED AT VIDEO CONFERENCES

Parties may offer testimony and/or exhibits at any video conference scheduled by the court. Counsel shall mail, facsimile or email copies of the exhibits to the clerk of court and all parties in sufficient time for them to arrive at least one business day prior to the hearing. Guidance on submitting exhibits by facsimile or email is prescribed by the clerk of court.

(D) DECORUM

Rule 1.6, D.N.D. Gen. L.R., applies to all video conference proceedings. Parties appearing by video conference shall enter the video conference room quietly. Upon entering the video conference room, parties shall sit in chairs located around the perimeter of the room and wait silently until their case is called by the court. When called, parties shall be seated in a location where they are able to view the video screen and be seen by the court.

BANKRUPTCY RULE 5001-3

DIVISIONS AND PLACES OF HOLDING COURT

The State of North Dakota is one judicial district with four divisions. The city where sessions are held and the counties in each division are as follows:

- (1) Southwestern Division, Bismarck, North Dakota: Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Sioux, Slope and Stark;
- (2) Northeastern Division, Grand Forks, North Dakota: Benson, Cavalier, Grand Forks, Nelson, Pembina, Ramsey, Rolette, Traill, Towner and Walsh;
- (3) Southeastern Division, Fargo, North Dakota: Barnes, Cass, Dickey, Eddy, Foster, Griggs, LaMoure, Ransom, Richland, Sargent, Steele and Stutsman;
- (4) Northwestern Division, Minot, North Dakota: Bottineau, Burke, Divide, McHenry, McKenzie, Mountrail, Pierce, Renville, Sheridan, Ward, Wells and Williams.

BANKRUPTCY RULE 5005-1

ELECTRONIC FILING

Any document filed by an attorney, U.S. Trustee or case trustee (registered user) shall be filed electronically using the court's CM/ECF system. The court has adopted [ECF Administrative Procedures](#). Registered users must follow the ECF Administrative Procedures. The clerk of court is authorized to modify the ECF Administrative Procedures.

(A) CM/ECF REGISTRATION

By registering with CM/ECF, the registered user waives the right to receive notice and service by first class mail and consents to receive notice electronically, except service of a summons and complaint under Fed. R. Bankr. P. 7004. The registered user also consents to receive electronic notice of entry of a judgment or order in lieu of notice as required by Fed. R. Bankr. P. 9022 and Fed. R. Civ. P. 5(b).

(B) SIGNATURE

An attorney's use of the login and password issued for CM/ECF shall constitute the signature of the attorney and client(s) for all purposes, including Fed. R. Bankr. P. 9011.

(C) VERIFICATION

By filing a document electronically, an attorney affirms that all petitions, lists, schedules, statements and amendments are verified under Fed. R. Bankr. P. 1008 and 9011.

(D) SERVICE

Electronic transmission of a document or order to the CM/ECF system together with the Notice of Electronic Filing that is automatically generated by the court's CM/ECF system constitutes filing, service and proof of service of the filed document or order on registered users for all purposes of the Federal Rules of Bankruptcy Procedure and the rules of this court, except as required by Fed. R. Bankr. P. 7004.

BANKRUPTCY RULE 5005-2

DOCUMENTS FILED IN CLOSED CASES

Unless otherwise directed by the court, no action will be taken on documents received in a closed case. Electronic filers will receive an electronic notice that no action will be taken. Documents submitted nonelectronically will be returned to the filing party unfiled.

BANKRUPTCY RULE 5005-3

SEALED DOCUMENTS

ELECTRONIC FILERS

(A)

Guidance on the electronic filing of sealed documents is available in the [ECF User's Manual](#).

(B) NONELECTRONIC FILERS

A party seeking to file a document under seal shall submit a motion, a supporting memorandum, a proposed order and the document the party seeks to seal. The motion shall contain the phrase "Motion to Seal" in the caption.

A party seeking to seal a document which has previously been filed shall submit a motion, a supporting memorandum and a proposed order. The motion shall contain the phrase "Motion to Seal" in the caption.

Any document under seal will be sealed in its entirety. Portions of a document cannot be put under seal.

BANKRUPTCY RULE 5010-1

REOPENING CASES

A motion to reopen a closed case shall state specific facts and reasons showing cause for reopening the case. The motion shall be served on the former trustee in the case and the United States Trustee. There is no notice period for a motion to reopen. See D.N.D. Bankr. L.R. 2002-1.

If the court grants the motion to reopen, the moving party shall then file and serve an application or motion with a notice to interested parties requesting the relief sought. The notice period for an application or motion seeking relief after a case is reopened is 14 days, except when the debtor seeks to amend schedules to add an omitted creditor or to modify a claim under D.N.D. Bankr. L.R. 1009-1. For example, if a debtor seeks to reopen a case to file a financial management certificate or a certification of domestic support obligations, the debtor must file a motion to reopen. If the motion is granted, the debtor may then file the certificate and a [motion seeking entry of discharge](#) with a 14-day notice to interested parties.

BANKRUPTCY RULE 5071-1

CONTINUANCES

Motions for continuance of any bankruptcy matter, including in adversary proceedings, shall be filed as soon as the grounds for continuance are known. The court will grant a continuance only upon a showing of good cause.

If a continuance is granted, the moving party is responsible for noticing interested parties of the continuance and, if a continuance is granted within 24 hours of the scheduled bankruptcy matter or adversary proceeding, notice shall be by direct communication as well as electronic filing. If one of the parties is pro se, the moving party shall provide notice of the continuance by direct communication if a continuance is granted within 48 hours of the scheduled hearing.

All requests to continue a meeting of creditors under § 341 shall be directed to the United States Trustee or the trustee assigned to the case.

BANKRUPTCY RULE 5072-1

DECORUM

Rule 1.6, D.N.D. Gen. L.R., shall apply.

BANKRUPTCY RULE 7007-1

MOTIONS IN ADVERSARY CASES

(A) DISPOSITIVE MOTIONS

(1) DEADLINES AND PAGE LIMITATIONS

A dispositive motion is one in which the moving party seeks dispositive relief, whether partial or complete, under Fed. R. Civ. P. 12 or 56. Upon serving and filing a dispositive motion, the moving party shall contemporaneously serve and file a memorandum in support of the motion not to exceed 40 pages, of which no more than 25 pages may be argument. The adverse party has 21 days after service of the memorandum in support of the motion to serve and file a response subject to the same page limitations. The moving party has 14 days to serve and file a reply not to exceed 10 pages.

DISPOSITIVE MOTION DEADLINES & PAGE LIMITS		
	DAYS	PAGES
Memorandum in Support of Motion		40
Response	21	40
Reply	14	10

(2) MEMORANDUM IN SUPPORT OF A MOTION FOR SUMMARY JUDGMENT

A memorandum in support of a motion for summary judgment shall contain, separate from the argument portion of the memorandum, a recitation of the material facts that the moving party claims are uncontested consistent with Fed. R. Civ. P. 56. The statement of facts may be in narrative form or in separately-numbered paragraphs.

(3) RESPONSE TO A MOTION FOR SUMMARY JUDGMENT

A response to a motion for summary judgment shall also state the facts upon which the party opposing summary judgment relies and shall clearly identify those facts that the opposing party claims are contested and that require a trial. The recitation of facts in the response to a motion for summary judgment may be in narrative form or in separately-numbered paragraphs. Factual statements shall be supported by reference to specific pages, paragraphs or parts of the pleadings, depositions, answers to interrogatories, exhibits and affidavits that have been served and filed with the court and that conform to the requirements of Fed. R. Civ. P. 56. The party opposing summary judgment shall clearly explain in the argument portion of the response why the facts claimed to be contested are material to the issues to be resolved. All material facts in the movant's memorandum will be deemed admitted unless controverted in the response by the opposing party.

(B) NON-DISPOSITIVE MOTIONS

A non-dispositive motion is any motion filed in an adversary proceeding other than the dispositive motions described in D.N.D. Bankr. L.R. 7007-1(A) or listed on the [Notice and Service Requirements](#) list. Upon serving and filing a non-dispositive motion, the moving party shall contemporaneously serve and file a memorandum in support of the motion not to exceed 20 pages. The adverse party has 14 days after service of a memorandum in support of the motion to serve and file a response not to exceed 20 pages. The moving party has 7 days to serve and file a reply not to exceed 7 pages.

NON-DISPOSITIVE MOTION DEADLINES & PAGE LIMITS		
	DAYS	PAGES
Memorandum in Support of Motion		20
Response	14	20
Reply	7	7

(C) NOTICE OF MOTIONS

A notice of motion shall be filed with all motions. The notice shall include the number of days an interested party has to respond.

(D) REQUESTS FOR ADDITIONAL FILINGS OR TO EXCEED PAGE LIMITATIONS

Parties shall serve and file a motion seeking leave of court to submit any additional filings or filings that exceed the page limitations. Leave of court will be granted only upon a showing of good cause. A memorandum in support of a motion for leave of court to submit an additional filing or to submit a filing that exceeds the page limitation is not required but, if filed, shall not exceed 2 pages in length.

(E) MOTIONS FOR ORAL ARGUMENT

The court may order oral argument on its own or upon motion of either party. A memorandum in support of the motion for oral argument is not required but, if filed, shall not exceed 2 pages in length.

(F) FAILURE TO FILE A RESPONSE

An adverse party's failure to serve and file a response to a motion may be deemed an admission that the motion is well taken.

(G) STIPULATIONS AND SETTLEMENT AGREEMENTS

All stipulations and settlement agreements shall be reduced to writing and signed by the parties. All settlement agreements resolving adversary proceedings shall be accompanied by a motion or made part of the record in open court. No settlement agreement shall be effective unless approved by the court. Motions shall be accompanied by a proposed order.

In cases in which the trustee is not a party, the moving party shall serve a 21-day notice of the motion to approve a settlement agreement on all parties appearing in the adversary proceeding, trustee and United States Trustee.

In cases in which the trustee is a party, the trustee shall file a motion to approve a settlement agreement in the adversary action and in the main case. Notice shall be provided as required under Fed. R. Bankr. P. 9019, 2002 or other applicable law.

BANKRUPTCY RULE 7016-1

PRETRIAL CONFERENCES AND SCHEDULING

Rule 16(b), Fed. R. Civ. P., does not apply in adversary proceedings unless otherwise ordered.

BANKRUPTCY RULE 7026-1

DISCOVERY

Except for subsections (d)(1) and (f), Fed. R. Civ. P. 26 applies in adversary proceedings unless otherwise ordered.

The court will enter an order setting a scheduling conference as necessary. Following the scheduling conference or under circumstances the court deems appropriate, the court will enter an order setting discovery deadlines and describing trial procedures. Parties may commence discovery from any source prior to the issuance of the scheduling order. Initial disclosure obligations are imposed immediately.

Discovery materials shall not be filed unless relevant to a discovery-related motion or otherwise directed by the court.

BANKRUPTCY RULE 7067-1

DEPOSIT IN COURT

(A) DEPOSIT

The deposit of any money into the registry of the court shall be as directed by order of the court. The order will state the exact amount to be deposited and invested. As soon as practicable, the clerk of court shall deposit and invest the funds pursuant to the court order. Funds deposited pursuant to 28 U.S.C. § 2041 shall be invested by the clerk of court in an interest bearing account using the Court Registry Investment System ("CRIS") administered by the Administrative Office of the United States Courts.

(B) REGISTRY INVESTMENT FEE

The custodian is authorized and directed to deduct the registry fee for maintaining accounts in CRIS. The registry fee is determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference.

(C) WITHDRAWAL

The withdrawal of funds in the registry shall be as directed by order of the court. The disbursement of accrued interest shall only be made if the order so provides. Whenever an order for final distribution from the registry of the court does not provide for the distribution of all funds or interest on deposit, the clerk of court shall pay such funds into the Treasury of the United States. This rule applies to both adversary proceedings and bankruptcy cases.

(D) STATEMENT OF PAYEE'S NAME, ADDRESS AND TAX IDENTIFICATION NUMBER

All orders authorizing disbursement from the registry shall state the payee's name, address, tax identification number and the dollar amount to be paid. Prior to receiving any disbursement from the registry, each payee shall deliver to the clerk of court an executed [IRS Form W-9](#).

BANKRUPTCY RULE 9010-1

STUDENT PRACTICE RULE

Rule 1.4, D.N.D. Gen. L.R., shall apply.

BANKRUPTCY RULE 9010-2

ATTORNEYS

(A) ADMISSION TO PRACTICE

The bar of this court shall consist of those attorneys who are admitted to practice and who remain in good standing before the United States District Court for the District of North Dakota. Except to the extent modified by this rule, the standards and requirements of D.N.D. Gen. L.R. 1.3 shall apply.

(B) PRO HAC VICE ADMISSION

(1) An attorney who is not admitted to practice before the United States District Court for the District of North Dakota may be admitted to practice in a particular bankruptcy case or proceeding pro hac vice by filing a motion with this court seeking admission pro hac vice. Prior to filing the motion the attorney should submit a completed ECF registration form. Guidance on pro hac vice admission is located in the [ECF User's Manual](#).

The filing of a motion to appear pro hac vice is deemed consent to submit to the jurisdiction of the court in matters of discipline and an agreement to comply with the local rules and [ECF Administrative Procedures](#). In addition, the attorney must pay the admission fee listed on the court's fee schedule. Admission to appear pro hac vice is for the limited purposes of a particular case.

(2) Any attorney representing the United States or any federal agency may practice before this court in any action or proceeding without seeking pro hac vice admission if the attorney is admitted to practice in another federal or state court. The attorney

must submit a completed ECF registration form.

(C) CM/ECF ACCESS WITHOUT ADMISSION

An attorney may obtain access to CM/ECF for purposes of monitoring a specific case. Procedures for this limited access are located on the court's website at www.ndb.uscourts.gov.

(D) SUBSTITUTION AND WITHDRAWAL

Rule 1.3(F), D.N.D. Gen. L.R., shall apply. Guidance on withdrawal or substitution of attorney is available in the [ECF User's Manual](#).

(E) APPEARANCE WITHOUT AN ATTORNEY

An entity that is not an individual, including a corporation, partnership or trust, may not file a petition for relief or participate as a debtor, creditor or interested party in any proceeding involving presentation of evidence or argument to the court, without an attorney. This rule does not prohibit an authorized representative of a corporation, partnership or trust from appearing at a meeting of creditors, filing a claim, voting on a Chapter 11 plan or voting to elect a trustee without an attorney.

(F) FORMER LAW CLERKS

An attorney who has been a law clerk to a judge shall not work on a case which was pending before the judge during the clerkship. Breach of this rule may disqualify the attorney and the firm. The employer shall implement procedures so the attorney does not work on cases pending during the clerkship. For one year after a clerk leaves the judge's employ, the clerk shall not work on any newly-filed case assigned to the judge.

BANKRUPTCY RULE 9013-1

MOTIONS, APPLICATIONS OR OTHER REQUESTED RELIEF: RESPONSE TIME

- (A) For those motions, applications or requests governed by Fed. R. Bankr. P. 9013, interested parties shall have 14 days to file a response to the pleading. Motions which fall within the scope of this rule include, but are not limited to, a debtor's motion to dismiss a Chapter 12 or Chapter 13 case, applications seeking to employ professionals, motions to convert from one bankruptcy chapter to another and motions for stay pending appeal.
- (B) An adverse party's failure to serve and file a response to a motion may be deemed an admission that the motion is well taken.

BANKRUPTCY RULE 9014-1

CONTESTED MATTERS

- (A) All hearings are evidentiary unless, upon the court's initiative or the written request of a party, the court schedules a preliminary hearing to address scheduling, discovery or other matters.
- (B) Rule 12(c), Fed. R. Civ. P., shall apply in contested matters. A party opposing a motion for judgment on the pleadings has 21 days to file an objection.
- (C) An adverse party's failure to serve and file a response to a motion may be deemed an admission that the motion is well taken.
- (D) All settlement agreements addressing substantive rights, interests or claims shall be reduced to writing, signed by the parties and accompanied by a motion or made part of the record in open court. No settlement agreement shall be effective unless approved by the court. Settlement agreements shall be accompanied by a proposed order.

Notice of a motion seeking approval of a settlement agreement shall be given as required in Fed. R. Bankr. P. 2002(a)(3), except as provided in Fed. R. Bankr. P. 4001(d)(4). Specifically, a settlement agreement arising from a contested motion made pursuant to Fed. R. Bankr. P. 4001(a), (b) or (c) may be approved without further notice, if notice of the original motion was provided in compliance with D.N.D Bankr. L.R. 2002-1.

BANKRUPTCY RULE 9015-1

JURY TRIALS

Rule 47.1, D.N.D. Civ. L.R., shall apply.

BANKRUPTCY RULE 9015-2

JURY INSTRUCTIONS

Rule 51.1, D.N.D. Civ. L.R., shall apply.

BANKRUPTCY RULE 9017-1

EXHIBITS

(A) MARKING EXHIBITS

Parties must complete the physical marking and numbering of all papers and objects that may be introduced as exhibits prior to proceedings before the court. Counsel shall mark a copy, rather than an original document, unless there is good cause for offering an original record. Original documents offered shall be noted accordingly. Upon request, a party shall make the original version of the exhibits available for inspection by other parties.

Exhibits are to be marked with an exhibit sticker using the following protocol:

- (1) Trustee is assigned numbers 1-99. Exhibits shall be marked: Trustee-1 or T-1, Trustee-2 or T-2, etc.
- (2) Debtor is assigned numbers 101-199. Exhibits shall be marked: Debtor-101 or D-101, Debtor-102 or D-102, etc.
- (3) Creditors shall begin with number 201. If there is more than one creditor involved in a hearing or trial, one creditor shall be assigned 201-299, the next creditor shall be assigned 301-399, etc. Creditors shall use an acronym or word that easily identifies the litigant. Ex: USA-201 or IRS-201, Bank-301 or US Bank-301, Smith-401, ABC Co-501.
- (4) United States Trustee's exhibits shall be marked alphabetically. Exhibits shall be marked: UST-A, UST-B, etc.

If exhibits exceed 99 for one or more parties, the parties shall agree on a division of numbers or letters, and the exhibit labels shall clearly identify the party who is offering the exhibit.

If a party intends to offer more than 15 exhibits, the copies of the exhibits delivered to the court shall be tabbed and bound or filed in binders.

(B) CUSTODY AND RETURN OF EXHIBITS

Except as noted below, the clerk of court shall retain custody of exhibits offered in evidence, unless the court orders otherwise. Original exhibits shall be returned to the party who produced them 30 days after the disposition of the matter, trial or mandate following an appeal. Exhibits that are copies will be destroyed 30 days after the disposition of the matter, trial or mandate following an appeal. Parties who receive returned original exhibits must execute a receipt prepared by the clerk of court. Exhibits offered at a hearing or trial will not be included in the electronic case file absent court order.

Exhibits of unusual bulk or weight shall remain in the custody of the party producing them. Parties who retain custody of exhibits of unusual bulk or weight must permit their inspection by any party upon reasonable request and bear responsibility for their safekeeping for the duration of the proceedings before the court and subsequent proceedings and shall transport the exhibits to the appellate court or panel, if necessary.

(C) RESERVATION OF THE POWER TO RULE

Nothing contained within this rule shall prevent the court from a specific ruling it might deem advisable with respect to any exhibit. A party's request regarding custody and handling of exhibits will be addressed prior to the trial or hearing.

BANKRUPTCY RULE 9022-1

ENTRY OF ORDERS

All signed orders, decrees and judgments will be filed electronically by the court. Any order or other court-issued document filed electronically without the original signature of a judge or clerk of court has the same force and effect as if the judge or clerk of court had signed a paper copy of the order. Orders may also be issued as "text-only" entries on the docket without an attached document.

The electronic filing of all orders, decrees, judgments and proceedings of the court shall constitute entry on the docket kept by the clerk of court under Fed. R. Bank. P. 5003 and 9021 and notice of entry under Fed. R. Bank. P. 9022. The clerk of court, or some other person as directed by the court, must give notice to interested parties who have not consented to electronic service.