

Rule 2002-1. Notices.

(A) By Whom Served. Unless otherwise provided by these rules or order of the court:

- (1)** The proponent of any action in any case or proceeding shall serve notice of the proposed action on all parties to whom notice of the proposed action is mandated by the Bankruptcy Rules or by these rules and on all directly affected parties. The proponent shall serve notice of any hearing scheduled on the proposed action on the same parties in the manner provided by Local Rule 9073-1 or, if applicable, subdivision (K) of this rule. The debtor shall ensure that the mailing matrix required by Local Rule 1007-2 includes those parties required to be served pursuant to Bankruptcy Rule 2002(j).

 2004 Amendment: Amended to require debtor to include names of entities required to be served pursuant to Bankruptcy Rule 2002(j) on mailing matrix.

- (2)** If the proponent of any action is the U. S. trustee, or a trustee in a case designated in the § 341 or post-conversion meeting notice as a no-asset case, and the rules require service upon all creditors in addition to other affected parties, the proponent shall prepare the notice and the clerk shall provide the required service.

[Comment: See also Local Rules 2002-1(I) (certificate of service required), 9073-1 (notices of hearing) and 9013-1(C) (motions for which no hearing is necessary).]

(B) Notices Required to be Served by Clerk or Other Person. Unless otherwise directed by the court, wherever the Bankruptcy Rules or Local Rules require that the clerk or some other person as the court may direct shall provide notice pursuant to that rule, the clerk is authorized to designate a trustee, debtor in possession, or other party to provide any notice required to interested parties where the interests of justice and efficiency are served. The clerk is further authorized to review the form of all such notices to ensure that the notice complies with the requirements of the court and appropriate rules.

(C) Form, Content, and Manner of Service of Particular Notices.

- (1) Clerk's Notices of Bankruptcy Case, § 341 Meeting or Post-Conversion Meeting, Chapter 13 Confirmation Hearing, Deadlines, and Intended Actions.** The clerk shall prepare notices in each case filed and in each case converted, which set forth:

[Comment: The clerk's notice of bankruptcy case which is mailed to all parties of record pursuant to local rule 2002-1(C)(1) shall, on the service copy, contain the complete social security number of a debtor, however, the original retained in the court records shall be a redacted copy, containing only the last four digits of the number. Any party required to serve a

copy of this notice on additional parties pursuant to local rule 1009-1(C) shall serve a copy containing the complete social security number.]

✎ 2004 Amendment: Comment added to this rule to reference requirements of the federal judiciary privacy policy.

- (a) the date the case was filed, the date of entry of the order for relief in an involuntary case or date of conversion of the case and the date, time and location of the meeting of creditors pursuant to § 341 of the Code;
- (b) the deadlines, if applicable, for filing claims pursuant to Bankruptcy Rules 1019, 3002(c) or 3003(c)(3) and Local Rules 1019-1, 3002-1, or 3003-1 or the notice of no dividend pursuant to Bankruptcy Rule 2002(e) or Local Rule 1019-1(E);
- (c) the deadline, if applicable, for filing complaints objecting to discharge pursuant to Bankruptcy Rules 1019 and 4004 or Local Rules 1019-1 and 4004-2 or dischargeability pursuant to Bankruptcy Rules 1019 and 4007(c) and Local Rules 1019-1 and 4007-1;
- (d) the deadline, if applicable, for filing objections to the debtor's claimed exemptions pursuant to Bankruptcy Rule 4003(b) and Local Rule 4003-1;
- (e) in chapter 13 cases, the date of the hearing on confirmation and the deadline, if applicable, for filing objections to the confirmation of the chapter 13 plan;
- (f) any notice of intended action, including that:
 - (i) the failure of the debtor (or if a non-individual debtor, the debtor's president, managing partner or other knowledgeable officer) to appear at the § 341 meeting or to timely file required lists, schedules, statements, or a chapter 13 plan or to timely remit an installment payment or to pay the balance of the filing fee in full may result in dismissal, conversion, denial of the debtor's discharge, or other appropriate relief without further notice or hearing; and

[Comment: See Local Rule 1017-2(A), (B), (C), and (D) (dismissal of case) and 1019-1 (conversion of case).]

- (ii) the chapter 7 trustee may abandon at the § 341 or post-conversion meeting all property that the trustee has determined is of no value to the estate; and

[Comment: See Local Rule 6007-1(A) (abandonment of assets at meeting of creditors).]

- (g) the name of the interim or standing trustee, if any, appointed by the U.S. trustee.
- (2) **Notice of Sale.** The trustee or debtor in possession shall prepare and serve a notice of use, sale or lease of any property as provided by Local Rule 6004-1.
- (3) **Notice of Continued or Rescheduled § 341 Meeting, Post-Conversion Meeting or Chapter 13 Confirmation Hearing.** The party requesting the rescheduling shall provide notice of any rescheduled § 341 meeting, post-conversion meeting, or chapter 13 confirmation hearing, but no written notice shall be necessary for a § 341 meeting, post-conversion meeting, or chapter 13 confirmation hearing continued after it begins if the continued date is announced at the meeting or hearing.

[Comment: See also Local Rule 2002-1(C)(8) (notice of continued chapter 11 confirmation hearings).]

- (4) **Notice of Entry or Denial of Discharge.** In a chapter 7, 12 or 13 case, the clerk, or the clerk's designee under subdivision (B), shall provide notice of entry of an order of discharge or an order denying discharge by serving the order on all creditors and other parties. In a chapter 11 case, notice of entry of the discharge shall be provided in the order confirming plan.

[Comment: The discharge or order denying discharge which is mailed to all parties of record pursuant to local rule 2002-1(C)(4) shall, on the service copy, contain the redacted social security number of a debtor which will consist of the last four digits of the number.]

 2004 Amendment: Comment added to this rule to reference requirements of the federal judiciary privacy policy.

- (5) **Chapter 13 Plan; Amended Plan.** The clerk, or the trustee if the clerk so designates, shall serve the Local Form "Chapter 13 Plan" filed pursuant to Local Rule 3015-1(B). The attorney for the debtor or clerk, if the debtor is not represented by counsel, shall serve any subsequently filed amended or modified plan and any notice of hearing on all affected parties.

[Comment: See Bankruptcy Rule 3015 and Local Rules 3015-1(B) and 3015-2 (form, notice and deadline requirements for chapter 13 plans and amended plans).]

- (6) **Notice of Entry of Order Dismissing Case or Order Vacating Dismissal of Case.** The clerk, or the clerk's designee under subdivision (B), shall serve the order of dismissal or order vacating order of dismissal entered in any case.

- (7) **Notice of Claims Deadline in Chapter 7 Cases Reopened to Administer Additional Assets or Former No Asset Chapter 7 Cases.** The clerk, or the clerk's designee under subdivision (B), shall serve any order or notice setting a deadline pursuant to Local Rule 3002-1 for filing claims in a chapter 7 case reopened to administer additional assets or a chapter 7 no asset case where the chapter 7 trustee has filed a Notice of Assets.
- (8) **Notice of Chapter 11 Disclosure Statement and Confirmation Hearings and Continued Hearings.** The proponent of the chapter 11 plan and disclosure statement shall provide the notice required pursuant to Bankruptcy Rules 2002(b)(1), 2002(b)(2), 2002(d)(5), 2002(d)(6), 2002(d)(7), and 3017, using the appropriate local forms described in Local Rules 3016-2 and 3017-2. The party seeking the continuance of any chapter 11 disclosure statement hearing or confirmation hearing shall provide notice of the continued hearing, but no notice shall be necessary for a disclosure statement hearing or confirmation hearing continued after it begins if the continued date is announced at the noticed hearing.

[Comment: See also Local Rules 3017-1 and 3017-2 (service of disclosure statement, plan, and ballot).]

- (9) **Notice of Fee Applications in Chapter 11 Case.** The proponent of a chapter 11 plan shall serve a list of fee applicants in the form prescribed by Bankruptcy Rule 2002(c)(2), in accordance with Bankruptcy Rule 2002(a)(6) or, if applicable, Local Rule 2002-1(K), at least 15 days before the date of the confirmation hearing or within such other time set by the court.

[Comment: See also Bankruptcy Rules 2002(a)(6) (service on trustee and all creditors required) and 2002(k) (service on U.S. trustee required) and Local Rule 2016-1(C)(1) (deadline for filing fee applications).]

- (10) **Notice of Chapter 7 Trustee's Final Report of Estate and Proposed Dividends and Applications for Compensation and Setting Deadline for Objections.** In chapter 7 cases in which the amount of net proceeds realized exceeds the amount set forth in Bankruptcy Rule 2002(f)(8), or the amount of any application for compensation exceeds the amount set forth in Bankruptcy Rule 2002(a)(6), the clerk, or the clerk's designee under subdivision (B), shall provide notice of the trustee's final report of estate, the court's intention to approve the fee applications, and the twenty-day deadline for objecting to the final report or the fee applications.

[Comment: See also Bankruptcy Rules 2002(a)(6) and (f)(8) (notice of fee applications and notice of final report) and Local Rules 2016-1(C)(2) (deadline for fee applications) and 3009-1 (trustee's final report and proposed dividend).]

- (11) **Service of Order Confirming Plan.** In a chapter 11 or 12 case, the proponent of the

plan shall serve the order confirming plan. In a chapter 13 case, the clerk, or some other person as the court may direct shall serve the appropriate local form order confirming plan. Orders confirming plans shall be served on all parties of record.

[Comment: See Bankruptcy Rule 3020(c) (notice of entry of confirmation order) and Local Rule 5005-1(G)(2) (service of orders generally).]

(D) Service Matrices Available from the Clerk. Parties responsible for providing service of any notice, order or other paper may obtain an updated service matrix, appearance list or claims register matrix described in subdivision (E) from the clerk. It is the responsibility of the requesting party to inspect the service matrix to ensure that all parties who must be served are included.

[Comment: See also Local Rule 2002-1(K) (chapter 11 debtor's "Master Service List").]

(E) Service Databases Maintained by the Clerk. The clerk shall maintain and upon request provide any party with updated service lists maintained by the court. Verification that a particular party appears accurately on any service matrix, appearance list or claims register prepared by the clerk's office is the responsibility of the party providing notice and the party listed. Omissions of parties on any service list maintained by the clerk due to failure by the debtor or other responsible party to provide the clerk with supplemental matrices, or where applicable, notices of change of address, shall be the responsibility of that party to correct. Determination as to the appropriate parties to serve shall be the responsibility of the party providing service. The lists maintained shall include:

- (1) Service Matrix.** A service matrix of all participants in a case shall include all creditors listed by the debtor on the original service matrix, as amended by the filing of any supplemental matrix by the debtor modified or updated as a result of creditors who file claims and parties who file appearances and changes of address with the court. This list shall also include parties added to the case by the clerk, including the debtor, attorney for debtor, trustee and required government agencies.
- (2) Appearance List.** An appearance list provided by the clerk shall include only those parties who have filed an actual notice of appearance or who have appeared by the filing of any other paper which is docketed in the case. Claims filed in asset cases will appear on the claims register and on the service matrix, but will not appear on an appearance list.
- (3) Claims Register Matrix.** The claims register matrix shall list the names and addresses of all claimants who filed claims in an asset case. Claims filed in any case in which a notice of no assets was provided shall not be docketed unless the case becomes an asset case.

(F) Limiting Notices in Chapter 7 Cases to Creditors Whose Claims are Filed. In a chapter 7 case, after 90 days following the first date set for the meeting of creditors pursuant to 11 U.S.C.

§ 341, a party serving any notice required by Bankruptcy Rule 2002(a), except clause (4) thereof, may limit the notice to (1) parties who have filed notices of appearance, (2) creditors whose claims have been filed, and (3) creditors, if any, who are still permitted to file claims by reason of an extension granted under Bankruptcy Rule 3002(c)(5). In a case where notice of insufficient assets to pay a dividend has been given to creditors pursuant to Bankruptcy Rule 2002(e), after 90 days following the mailing of a notice of the time for filing claims pursuant to Bankruptcy Rule 3002(c)(5), a party serving notices may limit notices to entities specified in the preceding sentence.

(G) Returned Mail. At the clerk's discretion, notices mailed by the clerk may indicate the return address of the debtor's attorney, or if the debtor is not represented by counsel, the debtor, so that returned mail will be received by the debtor's attorney or debtor for correction.

(H) Multi-paged Notices. Multiple page one-sided papers may be condensed to two-sided papers for noticing purposes, but the first page of a paper may not be printed on the reverse side of a separate paper, except by the clerk.

(I) Certificate of Service. A party who provides notice of any requested relief, proposed action or other service pursuant to the Bankruptcy Rules, these rules, or by order of the court shall, within 2 days, file a certificate of service indicating the date and manner of service and including the names and addresses of all parties served. The list of names and addresses need not be attached to the paper being served on the parties.

[Comment: See also Bankruptcy Rule 2002 and Local Rules 5005-1(G) (service of orders), and 9013-1(B) (service of motions).]

(J) Attorney Changes of Address. A change of address of an attorney shall be effective in the court record of a case only upon the filing of a separate "Notice of Change of Address" in each case in which the attorney wishes the change to be reflected.

(K) Designation of "Master Service List" in Chapter 11 Cases.

(1) In a chapter 11 case having more than 75 parties of record, a party responsible for service, may, at the server's option and in lieu of service on all parties of record, or must, if the court or these rules direct, serve the following parties:

- (a)** The U.S. trustee;
- (b)** The debtor;
- (c)** The debtor's attorney;
- (d)** Any indenture trustees;
- (e)** The members of and attorneys to any official committee established pursuant to 11 U.S.C. §1102, and, before such appointment, the creditors shown on the list required by Bankruptcy Rule 1007(d);

- (f) Creditors holding claims known to be secured by property in which the estate has an interest;
- (g) The United States and its agencies as required by Bankruptcy Rule 2002(j);
- (h) Those parties and attorneys who have formally requested notice by filing with the court and serving upon debtor's attorney a notice of appearance or request for service of notices and papers in the case;
- (i) Any examiner or trustee (and their attorneys) appointed in the case; and
- (j) Any parties and entities (including local governmental units) previously known to the debtor to have a particularized interest in the subject of the notice(s) required to be served.

A certificate of service must be filed pursuant to subdivision I of this Rule.

- (2) The names and addresses for the parties listed in subdivision (K)(1) shall constitute the "Master Service List" in each case which shall be maintained by the debtor's attorney, or if applicable, by the chapter 11 trustee's attorney, who shall update the "Master Service List" no less than once each month by adding or modifying the names and addresses of those parties as listed in subdivision (K)(1) during the previous month and file the updated "Master Service List" with the clerk and serve a copy upon all parties listed. In addition, if a party added to or modified on the "Master Service List" is a creditor, the debtor's attorney or, if applicable, the chapter 11 trustee, shall file amended schedules in accordance with Bankruptcy Rule 1009 and Local Rule 1009-1. If the added or modified party is not a creditor, the debtor's attorney, or if applicable, the chapter 11 trustee, shall advise the party in writing that the party must file directly with the court, as applicable, a claim, notice of appearance or notice of change of address, in order to be added to or correctly reflected in the service databases maintained by the clerk and to receive any notices other than those pursuant to this Rule. Notice in the case will at all times be deemed proper and adequate if papers, and the notices related to such papers, are timely served upon any party whose interests are directly affected by a specific paper, and upon those parties on the "Master Service List". Notwithstanding the provisions of this Rule, the service databases maintained by the clerk, as set forth in Local Rule 2002-1(E) shall not be updated by the clerk upon the filing of a "Master Service List". Additions to or modifications of the clerk's service databases shall only occur upon the filing with the clerk of, as applicable, amended schedules, proofs of claim, notices of appearance or changes of address pursuant to and in accordance with the provisions of the Bankruptcy Rules and the Local Rules, including Local Rules 1007-2, 1009-1, 1019-1, 2002-1, 3002-1 and 3003-1.
- (3) Except as otherwise provided by these rules or the court, subdivision (K)(1) shall not apply to notices required to be served on the debtor, the trustee, equity security holders, and all creditors and indenture trustees pursuant to Bankruptcy Rule 2002, including, without limitation, the notice of

- (a) commencement and the meeting of creditors under 11 U.S.C. §§ 341 or 1104(b);
 - (b) a proposed use, sale or lease of all or substantially all of the property of the estate;
 - (c) the time fixed for filing objections and the hearing to consider approval of a disclosure statement pursuant to Bankruptcy Rule 3017 and Local Rule 3017-1;
 - (d) the time fixed for filing objections and the hearing to consider confirmation of a plan pursuant to Bankruptcy Rule 3020 and Local Rule 3020-1;
 - (e) the hearing on the dismissal or conversion of the case to another chapter; and
 - (f) entry of an order confirming a plan.
- (4) Upon timely motion of any party of record, the court may consider, for cause shown, making this Rule applicable to a chapter 11 case with fewer than 75 parties.

(L) Electronic Service by Clerk. The clerk is authorized to enter into agreements with designated creditors providing for service of designated notices by the clerk via electronic transmission. A creditor entering into an agreement for service by electronic transmission shall be deemed to have been served if served in accordance with the terms of the agreement.