

Rule 5005-1. Filing and Transmittal of Papers.

(A) General Requirements.

- (1) Format.** All papers filed with the court must conform to the format requirements in Local Rules 5005-3, 5005-4, 9004-1, 9004-2, 9011-4, and 9072-1 and must otherwise comply with the Bankruptcy Code, the Bankruptcy Rules and these rules.
- (2) Compliance With Federal Judiciary Privacy Policy.** All papers submitted for filing must comply with the federal judiciary privacy policy and the Bankruptcy Rules which address the extent to which personal information will be required to be submitted or included in the public records of the court. Filers, not the clerk of court, shall be responsible for redacting Social Security numbers and other personal identifiers such as dates of birth, financial account numbers, and names of minor children from documents filed with the court. Unless otherwise ordered by the court, any documents which include personal identifiers should be redacted to exclude the personal information or, if such redaction is not practical, the party may seek to submit them as sealed records pursuant to Local Rule 5003-1(C), however, the court may still require submission of a redacted copy for inclusion in the public records. Redaction guidelines for personal information not addressed by the Bankruptcy Rules or forms include:

 - (a)** Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
 - (b)** Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's dependents (i.e., son, age 6).
 - (c)** Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.
 - (d)** Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.

[Comment: See also 11 U.S.C. § 110 (bankruptcy petition preparers must continue to submit their complete social security numbers, where required, on papers submitted to the court.) , Bankruptcy Rules 1005 (only last four digits of social security number included in caption of petition) and 1007(f) (verified statement of social security number must be submitted).]

✎ 2004 Amendment: Amended to incorporate provisions of AO 03-7 addressing federal judiciary privacy policy.

(B) Place of Filing. Unless otherwise directed by the court, all papers to be filed or received by the court shall be delivered to the clerk's office, and not to a judge's chambers.

- (1) Petitions.** Petitions shall be filed in the division to which the case will be assigned divisional venue pursuant to Local Rule 1073-1(A).
- (2) Adversary Complaints or Miscellaneous Proceedings.** Adversary complaints or miscellaneous proceedings shall be filed in the division where the judge assigned to the related bankruptcy case or adversary proceeding is chambered or, if no related case or proceeding exists, in the division where the property is located or the defendant resides.

[Comment: See also 28 U.S.C. § 1409 and § 1410 (venue in certain instances).]

- (3) Proofs of Claim and All Other Papers.** Proofs of claim and all other papers filed or delivered after the case or proceeding is judicially assigned, should be filed in the divisional clerk's office where the judge assigned to that case is chambered.

[Comment: See Local Rules 1073-1 (divisional and judicial assignment), 1071-1 and 5001-2(A) (divisions of court), 3002-1(E) (service of copies of claims in chapter 13 cases), and 5003-1(C) (format for submission of sealed items).]

(C) Deficient Petitions and Papers.

- (1) Petitions.** The clerk may refuse to accept for filing any petition which does not contain the debtor(s)' required signature(s) and address(es). Petitions presented for filing which do not conform to the official form, are filed without an attorney (non-individual debtors only), do not indicate the last four digits of the social security number and/or an identification number on the petition, are not accompanied by the Local Form "Statement of Social Security Number" (individual debtors only), are not accompanied by a creditor matrix, list of 20 largest unsecured creditors (chapter 11 cases), are not accompanied by a corporate ownership statement as required by Bankruptcy Rule 1007(a)(1), or other document required at the time of filing shall be accepted for filing as deficient. The clerk shall, as provided by subdivision (C)(3) of this rule, serve a notice of deficiency giving the debtor a deadline to correct the deficiency to avoid dismissal of the case without further notice.

✎ 2004 Amendment: Amended to reference corporate ownership and social security number statements as items which will generate deficiency notices if not filed and to reflect new federal judiciary privacy policy.

- (2) **Other Papers.** Any other paper which is otherwise presented in improper form may, depending upon the nature of the deficiency, be either docketed as deficient and without notice or hearing subject to entry of an order striking the paper or returned without filing.
- (3) **Clerk's Deficiency Notices.**
- (a) **Authority of Clerk to Prepare and Serve Deficiency Notices.** The clerk is authorized to prepare notices which establish deadlines for correction of filing deficiencies for service on parties filing papers not prepared or submitted in compliance with the administrative requirements contained in the Bankruptcy Code, Bankruptcy Rules, Local Rules, Court Administrative Orders or other procedures of this court.
- (b) **Content of Deficiency Notices.** A deficiency notice shall indicate the nature of the deficiencies, establish a deadline for correction of the deficiencies and set forth the consequences, including possible dismissal of the case without further notice, of failure to correct the stated deficiencies within the time indicated.
- (c) **Deadline to Correct Deficiency.** The deadline established pursuant to this rule for any deficiencies with respect to schedules and statements required to be filed pursuant to Bankruptcy Rule 1007(b)(1) shall be the 15 day deadline from the date of filing the petition established by Bankruptcy Rule 1007(c) or as extended by the court. All other deadlines for correction of deficiencies pursuant to this rule shall be a date no less than 5 days from the date of filing of the deficient paper. The actual deadline established by the clerk shall depend upon the nature of the deficiency to be corrected.

[Comment: See Local Rules 1002-1(B) (clerk authorized to refuse for filing certain voluntary petitions, 1006-1(C) (refusal of installment application and petition by clerk), 5080-1 (fees required).]

(D) Return of Papers Filed in Closed Cases. The clerk may return, without docketing, to the filing party any paper which is tendered for filing after the administrative closing of the case or proceeding, except a motion to reopen or other paper specifically authorized by the order disposing of the case or proceeding.

(E) File-Stamping of Copies. The clerk shall mail a date-stamped copy to the filing party only if an additional copy of the paper is supplied along with an adequate size self-addressed stamped envelope.

(F) Submission of Papers in Matters Already Set for Hearing.

- (1) Deadline for Filing. Form of Response.** Memoranda, affidavits and other papers intended for consideration at any hearing already set before the court shall be filed and served so as to be received by the movant and the court not later than 4:30 p.m. on the second business day prior to the hearing, or the papers submitted may not be considered at the hearing. All responsive papers shall set forth any applicable defenses or objections in law or fact on which the respondent relies. All responsive papers shall be served in accordance with these local rules. This subdivision shall not apply to affidavits filed pursuant to Bankruptcy Rule 7056. This provision does not apply to amended chapter 13 plans, schedules or statements filed prior to a scheduled confirmation hearing under the deadlines established by Local Rules 1009-1(F) and 3015-2(A).
- (2) Mandatory Response - Hearings on at Least 16 Days' Notice.** Any party desiring to appear and be heard in connection with any hearing already set before the court on a motion filed in accordance with Local Rule 9073-1(B) as to which there has been at least 16 days' notice from the date of service of the Local Form "Notice of Hearing on at Least 16 Days' Notice - Responsive Papers Required", must file and serve a responsive pleading, objection, memoranda, affidavit or other paper intended for consideration at any such hearing in the form and by the deadline set forth in subdivision (1) of this rule. The court in its discretion may hear or may refuse to hear or consider a response, objection, memoranda, affidavit or other paper which was not timely filed and served. The discretionary factors that the court may consider include: the reason the opposition was not timely filed; the need for the court to consider the defenses or objections alleged in the order to determine the appropriate action, and the injury that might result to the opponent of the motion whose response is filed untimely. This subdivision shall not apply to affidavits filed pursuant to Bankruptcy Rule 7056 or cases pending under either chapter 12 or chapter 13 of the Bankruptcy Code.

[Comment: See Local Rule 9073-1(B) (requests for hearing on at least 16 days' notice).]

- (3) Emergency Submittal.** Memoranda, affidavits or other papers not filed prior to the deadline established in subdivision (1), but which the filing party deems necessary for the court's consideration at the scheduled hearing, may be considered at the hearing only if accompanied by the Local Form "Notice of Late Filing of Paper Pursuant to Local Rule 5005-1(F)(3)" noting the emergency nature of the filing or stating the exceptional circumstances for the untimely filing. This provision does not apply to amended chapter 13 plans, schedules or statements filed prior to a scheduled confirmation hearing under the deadlines established by Local Rules 1009-1(F) and 3015-2(A).

[Comment: See subdivision (B) (all papers to be delivered to clerk, not to judge).]

- (4) Rule Not Applicable to Exhibits.** This rule shall not be construed to modify Local Rule 9070-1 regarding the presentation of papers introduced as evidence in a trial or

evidentiary hearing.

(G) Submittal and Service of Orders.

- (1) Submittal of Proposed Orders and Envelopes.** Unless otherwise directed by the court or by these rules:
- (a)** Requests for relief which may be considered immediately by the court without opportunity for objection or hearing must be accompanied by a proposed order, with appropriate copies and sufficient sized stamped and addressed envelopes.

[Comment: See Local Rule 9013-1(C) (motions which may be considered without opportunity for hearing).]

- (b)** The proponent and any opponent of any requested relief set for hearing shall bring to the hearing a proposed order granting or denying the relief requested, with appropriate copies and sufficient sized stamped and addressed envelopes.
- (c)** The prevailing party in a hearing or trial shall submit a proposed order, with appropriate copies and envelopes, conforming to the decision of the court not later than 4:30 p.m. on the third business day following the hearing or trial. At the time of submittal, the proponent must provide a copy of the proposed order and any covering memo to all adverse parties unless the order conforms strictly to a local form.

In chapter 11 cases, appropriate copies shall include a copy for the U.S. trustee.

[Comment: See also “Guidelines for Preparing Orders” and Local Rule 2002-1(A) (notice of proposed relief must be served on all directly affected parties) and Local Rule 9072-1 (form of orders).]

- (2) Service of Entered Orders.** Unless otherwise directed by the court, if an order reflects that more than 5 parties, including the proponent, are to be furnished copies, the party submitting the proposed order shall serve the entered order upon all named parties within 2 business days after entry of the order and shall promptly file a certificate of service. If not more than 5 parties are to be furnished copies, the clerk shall serve the entered order if sufficient sized stamped and addressed envelopes are provided. If the proposed order is one of those described in Local Rule 2002-1(C), service shall be made in accordance with that rule.

[Comment: See also “Guidelines for Preparing Orders” and Local Rules 2002-1(C) (service of particular orders), 2002-1(K) “Master Service List” in chapter 11 cases, and 9072-1(F) (service notation at end of order).]