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PART IX. GENERAL PROVISIONS**Rule 9004-1 Caption.**

- (a) Documents submitted for filing shall contain in the caption the name of the debtor, the case number, the initials of the Judge to whom the case has been assigned, the docket number assigned to the case and, if applicable, the adversary proceeding number. All documents filed with the Clerk that relate to a document previously filed and docketed shall contain in its title the title of the related document and its docket number, if available.
- (b) The hearing date and time and the objection date and time of a motion shall be set forth in bold print (i) in the caption of the notice and motion and all related pleadings, below the case or adversary number and (ii) in the text of the notice.

Rule 9006-1 Time for Service and Filing of Motions and Objections.

- (a) Generally. Fed. R. Bankr. P. 9006 applies to all cases and proceedings in which the pleadings are filed with the Clerk.
- (b) Discovery-Related Motions. All motion papers under Fed. R. Bankr. P. 7026-7037 shall be filed and served in accordance with Local Rule 7026-1.
- (c) All Other Motions.
- (i) Service of Motion Papers. Unless the Fed. R. Bankr. P. or these Local Rules state otherwise, all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fourteen (14) days (and an additional three (3) days if service is by mail) prior to the hearing date.
- (ii) Objection Deadlines. Where a motion is filed and served in accordance with Local Rule 9006-1(c)(i), the deadline for objection(s) shall be no later than seven (7) days before the hearing date. To the extent a motion is filed and served in accordance with Local Rule 2002-1(b) at least twenty-one (21) days prior to the hearing date, however, the movant may establish any objection deadline that is no earlier than fourteen (14) days after the date of service and no later than seven (7) days before the hearing date. Any objection deadline may be extended by agreement of the movant; provided, however, that no objection deadline may extend beyond the deadline for filing the agenda. In all instances, any objection must be filed and served so as to be received on or before the applicable objection deadline. The foregoing rule applies to responses to Omnibus Objection to Claims. Del. Bankr. L.R. 3007-1.

- (d) Reply Papers. Reply papers may be filed and, if filed, shall be served so as to be received by 4:00 p.m. prevailing Eastern Time the day prior to the deadline for filing the agenda. The foregoing rule applies to replies to Omnibus Objection to Claims. Del. Bankr. L.R. 3007-1.
- (e) Shortened Notice. No motion will be scheduled on less notice than required by these Local Rules or the Fed. R. Bankr. P. except by order of the Court, on written motion (served on all interested parties) specifying the exigencies justifying shortened notice. The Court will rule on such motion promptly without need for a hearing.

Rule 9006-2 Bridge Orders Not Required in Certain Circumstances. Unless otherwise provided in the Code or in the Fed. R. Bankr. P., if a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Code, the Fed. R. Bankr. P., these Local Rules or Court order, the time shall automatically be extended until the Court acts on the motion, without the necessity for the entry of a bridge order.

Rule 9010-1 Bar Admission.

- (a) The Bar of this Court. The Bar of this Court shall consist of those persons heretofore admitted to practice in the District Court and those who may hereafter be admitted in accordance with these Rules.
- (b) Admission Pro Hac Vice. Attorneys admitted, practicing, and in good standing in another jurisdiction, who are not admitted to practice by the Supreme Court of the State of Delaware and the District Court, may be admitted pro hac vice in the discretion of the Court, such admission to be at the pleasure of the Court. Unless otherwise ordered by the Court, or authorized by the Constitution of the United States or acts of Congress, an applicant is not eligible for permission to practice pro hac vice if the applicant:
- (i) Resides in Delaware; or
 - (ii) Is regularly employed in Delaware; or
 - (iii) Is regularly engaged in business, professional, or other similar activities in Delaware.

Any Judge of the Court may revoke, upon hearing after notice and for good cause, a pro hac vice admission in a case or proceeding before a judge. The form for admission pro hac vice, which may be amended by the Court, is Local Form 105 and is located on the Court's website.

- (c) Association with Delaware Counsel Required. Unless otherwise ordered, an attorney not admitted to practice by the District Court and the Supreme Court of the State of Delaware may not be admitted pro hac vice unless associated with an attorney who is a member of the Bar of the District Court and who maintains an office in the District of Delaware for the regular transaction of business ("Delaware counsel"). Consistent with CM/ECF Procedures, Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. Unless otherwise ordered, Delaware counsel shall attend proceedings before the Court.
- (d) Time to Obtain Delaware Counsel. A party not appearing pro se shall obtain representation by a member of the Bar of the District Court or have its counsel associate with a member of the Bar of the District Court in accordance with (paragraph (c) above) within thirty (30) days after:

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- (i) The filing of the first paper filed on its behalf;
or
- (ii) The filing of a case transferred or removed to this Court.

Failure to timely obtain such representation shall subject the defaulting party to appropriate sanctions.

(e) Association with Delaware Counsel not Required.

- (i) Government Attorneys. An attorney not admitted in the District Court but admitted in another United States District Court may appear representing the United States of America (or any officer or agency thereof) or any State or local government (or officer or agency thereof) so long as a certification is filed, signed by that attorney, stating (a) the courts in which the attorney is admitted, (b) that the attorney is in good standing in all jurisdictions in which he or she has been admitted and (c) that the attorney will be bound by these Local Rules and that the attorney submits to the jurisdiction of this Court for disciplinary purposes.
- (ii) Delaware Attorney with Out of State Office. Attorneys who are admitted to the Bar of the District Court and in good standing, but who do not maintain an office in the District of Delaware, may appear on behalf of parties upon approval by the Court.
- (iii) Claim Litigation. Parties (pro se or through out of state counsel) may file or prosecute a proof of claim or a response to their claim. The Court may, however, direct the claimant to consult with Delaware counsel if the claim litigation will involve extensive discovery or trial time.

Rule 9010-2 Substitution; Withdrawal.

- (a) Substitution. If a party in an adversary proceeding or a debtor in any case wishes to substitute attorneys, a substitution of counsel document signed by the original attorney and the substituted attorney shall be filed. If a trustee, debtor or official committee wishes to substitute attorneys or any other professional whose employment was subject to approval by the Court, a motion for retention of the new professional must also be filed.
- (b) Withdrawal. An attorney may withdraw an appearance for a party without the Court's permission (i) when such withdrawal will leave a member of the Bar of the District Court appearing as attorney of record for the party, or (ii) when the party (a) has no controversy pending before the Court and (b) the attorney certifies that the party consents to withdrawal of counsel. Otherwise, no appearance shall be withdrawn except by order on a motion duly noticed to each party and served on the party client, at least fourteen (14) days before the motion is presented, by registered or certified mail addressed to the client's last known address.
- (c) Service. Substitutions and motions for withdrawal under this Local Rule shall be served (i) in an adversary proceeding, on all parties to the proceeding and (ii) in a bankruptcy case, on all parties entitled to notice under Fed. R. Bankr. P. 2002.
- (d) Effect of Failure to Comply. Until paragraph (a) or (b), as applicable, and paragraph (c) of Local Rule 9010-2 are complied with and an order, if necessary, is entered, the original attorney remains the client's attorney of record.

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Rule 9011-4 Signatures.

- (a) Any motion, pleading or other document requiring a signature must, following the signature, include the address and telephone number of the attorney or pro se filer.
- (b) Any motion, pleading or other document requiring a signature that is electronically filed by a registered CM/ECF user must be filed as either (a) a document containing the signature of the person(s) signing said document or (b) a document displaying the name of the person(s) signing said document, preceded by an "/s/" ("electronic signature") and typed in the space where the signature would otherwise appear (e.g., "/s/ Jane Doe").

The electronic signature of the person on the document electronically filed shall constitute the signature of that person for purposes of Fed. R. Bankr. P. 9011, and the use of a person's password to file a document electronically shall not constitute the signature of, or a representation to the court by, the person whose password is used for such electronic filing for purposes of Fed. R. Bankr. P. 9011. In the absence of a signature on a document electronically filed, the CM/ECF password used to file the document shall constitute a signature for purposes of Fed. R. Bankr. P. 9011.

Rule 9013-1 Motions.

- (a) Application. This Local Rule applies to motions filed in bankruptcy cases. Motions filed in adversary proceedings shall be governed by Local Rule 7007-1.
- (b) Requests for Relief. No request for relief (not otherwise governed by Fed. R. Bankr. P. 7001) may be made to the Court, except by written motion, by oral motion in open court or by certification of counsel. Letters from counsel or parties will not be considered.
- (c) Cases with Omnibus Hearing Dates. In any case where omnibus hearing dates have been scheduled pursuant to Local Rule 2002-1(a), all motions and applications and related papers shall be heard only on such dates, unless otherwise ordered by the Court. In a case where there are no omnibus hearings scheduled, a hearing date may be obtained by contacting the Court.
- (d) Evidentiary Hearing. All hearings on a contested matter will be an evidentiary hearing at which witnesses will be required to testify in person in Court with respect to any factual issue in dispute unless these Rules, the parties or the Court provides otherwise.
- (e) Contents of Notice. Unless otherwise ordered by the Court, the motion shall, in substantial conformity with Local Form 106, provide:
- (i) The title of the motion in bold print;
 - (ii) The date and time of the hearing on the motion;
 - (iii) The date and time by which objections shall be due;
 - (iv) The name and address of the parties on whom any objection shall be served; and
 - (v) A statement that the motion may be granted and an order entered without a hearing unless a timely objection is made.
- (f) Form of Motion. All motions shall have attached thereto a notice conforming to Local Rule 9013-1(e), a proposed form of order specifying the exact relief requested, and a certificate of service showing the date, means of service

and parties served. All motions shall be titled in the form "Motion of [Movant's Name] for [Relief Requested]."

- (g) Service of Motion and Notice. All motions shall be served in accordance with Local Rule 2002-1(b).
- (h) Objections. Except for motions presented on an expedited basis, any objection to a motion shall be made in writing. The title of the objection shall conform to Local Rule 9004-1 and shall include the objector's name, the motion to which the objection relates and the docket number of the motion. The hearing date and time and the docket number of the related motion shall be set forth in bold print in the caption below the case number.
- (i) Telephonic Appearance at Hearing. In extenuating circumstances where counsel cannot appear at the first hearing on a motion, a request can be made to the respective Judge's chambers for an appearance by telephone no later than 12:00 p.m. prevailing Eastern Time twenty-four (24) hours prior to the scheduled hearing date. Upon the approval of such request by the Court, counsel shall follow the telephonic appearance procedures located on the Court's website. This Local Rule shall not apply to evidentiary hearings.
- (j) Certificate of No Objection. Forty-eight (48) hours after the objection date has passed with no objection having been filed or served, counsel for the movant may file a certificate of no objection (the "Certificate of No Objection" or "CNO"), substantially in the form of Local Form 107, stating that no objection has been filed or served on the movant. By filing the CNO, counsel for the movant represents to the Court that the movant is unaware of any objection to the motion or application and that counsel has reviewed the Court's docket and no objection appears thereon. In cases in which a Notice of Agenda is required under Local Rule 9029-3, debtor's counsel shall submit a binder that shall contain the Notice of Agenda and any uncontested matter where a Certificate of No Objection has been timely filed. In all other cases, pleadings shall be submitted in accordance with each respective Judge's chambers procedures. Such chambers procedures, if any, are available on the Court's website. Upon receipt of the Certificate of No Objection, the Court may enter the order accompanying the motion or application without further

pleading or hearing and, once the order is entered, the hearing scheduled on the motion or application shall be canceled without further notice.

- (k) Amendment of Order. Any request for amendment of an order entered by the Court shall be made only as follows:
- (i) If the amendment is non-material, by certification of counsel that the amendment is not material and that all parties in interest have consented to the amendment;
 - (ii) By motion under this Local Rule; or
 - (iii) By the filing of a stipulation to amend, signed by all interested parties. Any request for amendment shall have attached the proposed amended order and a blacklined copy reflecting the changes.
- (l) Service of Order or Judgment. Service of an order or judgment shall be made in accordance with Local Rule 9022-1.
- (m) Motions Filed with the Petition in Chapter 11 Cases.
- (i) Definition. Any motion or application in which the debtor requests a hearing or the entry of an order with less than seven (7) days' notice and prior to the earlier of the creditors' committee formation meeting or the 11 U.S.C. § 341 meeting of creditors shall be governed by this Local Rule.
 - (ii) Scope of Relief Requested. Requests for relief under this Local Rule shall be confined to matters of a genuinely emergent nature required to preserve the assets of the estate and to maintain ongoing business operations and such other matters as the Court may determine appropriate.
 - (iii) Notice to the United States Trustee, Clerk and Certain Other Parties. Once a petition is filed, counsel for the debtor shall have a binder containing an agenda and all applications and motions sought to be heard on an emergent basis delivered to the Clerk's Office. Once the case is assigned to a Judge, the Court will contact counsel for the debtor and the United States Trustee to schedule a hearing on those applications and motions.

The debtor shall serve (a) all motions and applications that the debtor asks be heard under this Local Rule (in substantially final form) upon the United States Trustee and (b) the agenda upon the United States Trustee, the creditors included on the list filed under Fed. R. Bankr. P. 1007(d) and any party directly affected by the relief sought in such applications and motions, at least twenty-four (24) hours in advance of a hearing on such applications and motions, unless otherwise ordered by the Court, and shall file a certificate of service to that effect within forty-eight (48) hours.

- (iv) Notice of Entry of Orders. Within forty-eight (48) hours of the entry of an order entered under this Local Rule ("First Day Order"), the debtor shall serve copies of all motions and applications filed with the Court as to which a First Day Order has been entered, as well as all First Day Orders, on those parties referred to in Local Rule 9013-1(m)(iii), and such other entities as the Court may direct.
- (v) Reconsideration of Orders. Any party in interest may file a motion to reconsider any First Day Order, other than any order entered under 11 U.S.C. §§ 363 and 364 with respect to the use of cash collateral and/or approval of postpetition financing, within thirty (30) days of the entry of such order, unless otherwise ordered by the Court. Any such motion for reconsideration shall be given expedited consideration by the Court. The burden of proof with respect to the appropriateness of the order subject to the motion for reconsideration shall remain with the debtor notwithstanding the entry of such order.

Rule 9013-3 Service Copies. Unless otherwise ordered by the Court, only one (1) copy of pleadings, motions and other papers need be served upon another party.

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**Rule 9018-1 Lodged Exhibits; Documents under Seal;
Confidentiality.**

- (a) Lodged Exhibits. All models, diagrams, documents or other exhibits lodged with the Clerk that are admitted into evidence at trial shall be retained by the Clerk (unless required to be forwarded to an appellate court for purposes of an appeal) until expiration of the time for appeal without any appeal having been taken, entry of a stipulation waiving or abandoning the right to appeal, final disposition of any appeal or order of the Court, whichever occurs first.
- (b) Documents under Seal. Any party who seeks to file documents under seal must file a motion to that effect. The documents proposed to be filed under seal must be placed in a prominently marked envelope with a cover sheet attached containing the caption, related docket number of the motion to file under seal, title of the document to be filed under seal and the legend "DOCUMENTS TO BE KEPT UNDER SEAL" in bold print. This envelope must be delivered directly to the respective Judge's chambers with the Agenda to the hearing on the applicable motion to file under seal. The Court shall keep the documents segregated and under seal until the motion is decided. If the Court grants the motion to file under seal, the Clerk shall electronically docket the cover sheet and shall keep the documents segregated and under seal until the case or adversary proceeding is closed at which time the sealed documents shall be returned to the party that filed them. If the Court denies the motion to file under seal, the Clerk shall return the segregated, proposed sealed documents to counsel for the moving party without any disclosure to third parties and such documents shall not become part of the record in the case unless they are otherwise separately filed of record in accordance with the applicable rules.
- (c) Order Authorizing Future Filing of Documents under Seal. If an order has been signed granting the filing of future documents under seal, the related docket number of the applicable order must also be included on the cover sheet. Any document filed under seal under a previously entered order of the Court shall be delivered to the Clerk's Office. The Clerk shall electronically docket the cover sheet and shall keep the documents segregated and under seal until the case or adversary proceeding is closed at which time

the sealed documents shall be returned to the party that filed them.

- (d) Confidentiality. If any information or documents are designated confidential by the producing party at the time of production and the parties have not stipulated to a confidentiality agreement, until such an agreement has been agreed to by the parties or ordered by the Court, disclosure shall be limited to members and employees of the law firm representing the receiving party and such other persons as to which the parties agree. Such persons are under an obligation to keep such information and documents confidential and to use them only for purposes of the contested matter or the proceeding with respect to which they have been produced. Additionally, parties may stipulate to the application of this rule in connection with informal discovery conducted outside a contested matter or adversary proceeding (e.g., a statutory committee's investigation of the validity, perfection or amount of a secured creditor's prepetition lien), in which case the documents and information produced shall be used only for the purpose defined by the parties' stipulation.

Rule 9019-1 Certificate of Counsel. Filed objection(s) or informal objection(s) to a Motion, Omnibus Objection to Claims or other pleading filed with the Court may be resolved by submitting a revised or agreed form of order filed with a Certificate of Counsel ("CoC") consistent with all of the following requirements stated in (a) - (c) below. The CoC procedure may also be utilized under such other circumstances as the Court directs.

- (a) The CoC must be signed by Delaware Counsel (as defined in Local Rule 9010-1), and attach a proposed revised or agreed form of order as an exhibit. The CoC must state whether the revised or agreed form of order has been reviewed and approved by all the parties affected by the order. A CoC shall be served on all affected parties.
- (b) If there is an applicable objection deadline, the CoC may not be filed until forty-eight (48) hours after that deadline.
- (c) In cases in which a Notice of Agenda is required under Local Rule 9029-3 and where the revised or agreed form of order has been finalized in advance of the deadline for the filing of the Notice of Agenda, the Delaware counsel responsible for the filing of the Notice of Agenda shall include the CoC pleadings in the CNO binder that is otherwise required under these Local Rules. In all other cases, the CoC pleadings shall be submitted in accordance with each respective Judge's chambers procedures. Such chambers procedures, if any, are available on the Court's website.

Upon receipt of the CoC, the Court may enter the order attached to the CoC without further pleading or hearing or schedule the CoC for hearing.

Rule 9019-2 Mediator and Arbitrator Qualifications and Compensation.

- (a) Register of Mediators and Arbitrators/ADR Program Administrator. The Clerk shall establish and maintain a register of persons (the "Register of Mediators") qualified under this Local Rule and designated by the Court to serve as mediators or arbitrators in the Mediation or Voluntary Arbitration Program. The Chief Bankruptcy Judge shall appoint a Judge of this Court, the Clerk or a person qualified under this Local Rule who is a member in good standing of the Bar of the State of Delaware to serve as the Alternative Dispute Resolution ("ADR") Program Administrator. Aided by a staff member of the Court, the ADR Program Administrator shall receive applications for designation to the Register, maintain the Register, track and compile reports on the ADR Program and otherwise administer the program.
- (b) Application and Certification.
- (i) Application and Qualifications. Each applicant shall submit to the ADR Program Administrator a statement of professional qualifications, experience, training and other information demonstrating, in the applicant's opinion, why the applicant should be designated to the Register. The applicant shall submit the statement substantially in compliance with Local Form 110A. The statement also shall set forth whether the applicant has been removed from any professional organization, or has resigned from any professional organization while an investigation into allegations of professional misconduct was pending and the circumstances of such removal or resignation. This statement shall constitute an application for designation to the ADR Program. Each applicant shall certify that the applicant has completed appropriate mediation or arbitration training or has sufficient experience in the mediation or arbitration process. Each applicant hereunder shall agree to accept at least one pro bono appointment per year. If after serving in a pro bono capacity insufficient matters exist to allow for compensation, credit for pro bono service shall be carried into subsequent years in order to

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qualify the mediator to receive compensation for providing service as a mediator or arbitrator.

- (ii) Court Certification. The Court in its sole and absolute determination on any feasible basis shall grant or deny any application submitted under this Local Rule. If the Court grants the application, the applicant's name shall be added to the Register, subject to removal under these Local Rules.
 - (iii) Reaffirmation of Qualifications. Each applicant accepted for designation to the Register shall reaffirm annually the continued existence and accuracy of the qualifications, statements and representations made in the application.
- (c) Oath. Before serving as a mediator or arbitrator, each person designated as a mediator or arbitrator shall take the following oath or affirmation:
- "I, _____, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me in the Mediation or Voluntary Arbitration Program of the United States Bankruptcy Court for the District of Delaware without respect to persons and will do so equally and with respect."
- (d) Removal from Register. A person shall be removed from the Register either at the person's request or by Court order entered on the sole and absolute determination of the Court. If removed by Court order, the person shall be eligible to file an application for reinstatement after one year.
- (e) Appointment.
- (i) Selection. Upon assignment of a matter to mediation or arbitration in accordance with these Local Rules and unless special circumstances exist as determined by the Court, the parties shall select a mediator or arbitrator. If the parties fail to make such selection within the time frame as set by the Court, then the Court shall appoint a mediator or arbitrator. A mediator shall be selected from the Register of Mediators, unless the parties stipulate and agree to a mediator not on the Register of Mediators.

- (ii) Inability to Serve. If the mediator or arbitrator is unable to or elects not to serve, he or she shall file and serve on all parties, and on the ADR Program Administrator, within seven (7) days after receipt of notice of appointment, a notice of inability to accept the appointment. In such event, the parties shall select an alternate mediator or arbitrator.
- (iii) Disqualification.
- (A) Disqualifying Events. Any person selected as a mediator or arbitrator may be disqualified for bias or prejudice in the same manner that a Judge may be disqualified under 28 U.S.C. § 44. Any person selected as a mediator or arbitrator shall be disqualified in any matter where 28 U.S.C. § 455 would require disqualification if that person were a Judge.
- (B) Disclosure. Promptly after receiving notice of appointment, the mediator or arbitrator shall make an inquiry sufficient to determine whether there is a basis for disqualification under this Local Rule. The inquiry shall include, but shall not be limited to, a search for conflicts of interest in the manner prescribed by the applicable rules of professional conduct for attorneys and by the applicable rules pertaining to the profession of the mediator or arbitrator. Within seven (7) days after receiving notice of appointment, the mediator or arbitrator shall file with the Court and serve on the parties either (1) a statement that there is no basis for disqualification and that the mediator or arbitrator has no actual or potential conflict of interest or (2) a notice of withdrawal.
- (C) Objection Based on Conflict of Interest. A party to the mediation or arbitration who believes that the assigned mediator or arbitrator has a conflict of interest promptly shall bring the issue to the attention of the mediator or arbitrator, as applicable, and to the other parties. If the mediator or

arbitrator does not withdraw, and the movant is dissatisfied with this decision, the issue shall be brought to the attention of the ADR Program Administrator by the mediator, arbitrator or any of the parties. If the movant is dissatisfied with the decision of the ADR Program Administrator, the issue shall be brought to the Court's attention by the ADR Program Administrator or any party. The Court shall take such action as it deems necessary or appropriate to resolve the alleged conflict of interest.

- (iv) Liability. Aside from proof of actual fraud or unethical conduct, there shall be no liability on the part of, and no cause of action shall arise against, any person who is appointed as a mediator or arbitrator under these Local Rules on account of any act or omission in the course and scope of such person's duties as a mediator or arbitrator.

- (f) Compensation. A person will be eligible to be a paid mediator or arbitrator if that person has been trained and certified by any nationally-recognized certification program. Once eligible to serve as a mediator or arbitrator for compensation, which shall be at reasonable rates and subject to judicial review, the mediator or arbitrator may require compensation or reimbursement of expenses as agreed by the parties. Prior Court approval shall also be required if the estate is to be charged. If the mediator or arbitrator consents to serve without compensation and at the conclusion of the first full day of the mediation conference or arbitration proceeding it is determined by the mediator or arbitrator and the parties that additional time will be both necessary and productive in order to complete the mediation or arbitration, then:
 - (i) If the mediator or arbitrator consents to continue to serve without compensation, the parties may agree to continue the mediation conference or arbitration.

 - (ii) If the mediator or arbitrator does not consent to continue to serve without compensation, the fees and expenses shall be on such terms as are satisfactory to the mediator or arbitrator and the parties, subject to Court approval. Where the parties have

agreed to pay such fees and expenses, the parties shall share equally all such fees and expenses unless the parties agree to some other allocation. The Court may determine a different allocation.

- (iii) Subject to Court approval, if the estate is to be charged with such expense, the mediator or arbitrator may be reimbursed for actual transportation expenses necessarily incurred in the performance of duties.
- (g) Party Unable to Afford. If the Court determines that a party to a matter assigned to mediation or arbitration cannot afford to pay the fees and costs of the mediator or arbitrator, the Court may appoint a mediator or arbitrator to serve pro bono as to that party.

Rule 9019-3 Assignment of Disputes to Mediation or Voluntary Arbitration.

- (a) Stipulation of Parties. Notwithstanding any provision of law to the contrary, the Court may refer a dispute pending before it to mediation and, upon consent of the parties, to arbitration. During a mediation, the parties may stipulate to allow the mediator, if qualified as an arbitrator, to hear and arbitrate the dispute.
- (b) Safeguards in Consent to Voluntary Arbitration. Matters may proceed to voluntary arbitration by consent where
 - (i) Consent to arbitration is freely and knowingly obtained; and
 - (ii) No party is prejudiced for refusing to participate in arbitration.

Rule 9019-4 Arbitration.

- (a) Referral to Arbitration under Fed. R. Bankr. P. 9019(c). The Court may allow the referral of a matter to final and binding arbitration under Fed. R. Bankr. P. 9019(c).
- (b) Referral to Arbitration under 28 U.S.C. § 654. The Court may allow the referral of an adversary proceeding to arbitration under 28 U.S.C. § 654.
- (c) Arbitrator Qualifications and Appointment. In addition to fulfilling the qualifications of a mediator found in Local Rule 9019-2(b), a person qualifying as an arbitrator hereunder must be certified as an arbitrator through a qualifying program that includes a bankruptcy component. An arbitrator shall be appointed (and may be disqualified) in the same manner as in Local Rule 9019-2(e). The arbitrator shall be liable only to the extent provided in Local Rule 9019-2(e)(iv).
- (d) Powers of Arbitrator.
- (i) An arbitrator to whom an action is referred shall have the power, upon consent of the parties, to
- (A) Conduct arbitration hearings;
- (B) Administer oaths and affirmations; and
- (C) Make awards.
- (ii) The Fed. R. Civ. P. and the Fed. R. Bankr. P. apply to subpoenas for the attendance of witnesses and the production of documents at a voluntary arbitration hearing.
- (e) Arbitration Award and Judgment.
- (i) Filing and Effect of Arbitration Award. An arbitration award made by an arbitrator, along with proof of service of such award on the other party by the prevailing party, shall be filed with the Clerk promptly after the arbitration hearing is concluded. The Clerk shall place under seal the contents of any arbitration award made hereunder and the contents shall not be known to any Judge who might be assigned to the matter until the Court has entered a

final judgment in the action or the action has otherwise terminated.

- (ii) Entering Judgment of Arbitration Award. Arbitration awards shall be entered as the judgment of the Court after the time has expired for requesting a determination de novo, with no such request having been filed. The judgment so entered shall be subject to the same provisions of law and shall have the same force and effect as a judgment of the Court, except that the judgment shall not be subject to review in any other court by appeal or otherwise.
- (f) Determination De Novo of Arbitration Awards.
- (i) Time for Filing Demand. Within thirty (30) days after the filing of an arbitration award under Local Rule 9019-4(e) with the Clerk, any party may file a written demand for a determination de novo with the Court.
 - (ii) Action Restored to Court Docket. Upon a demand for determination de novo, the action shall be restored to the docket of the Court and treated for all purposes as if it had not been referred to arbitration.
 - (iii) Exclusion of Evidence of Arbitration. The Court shall not admit at the determination de novo any evidence that there has been an arbitration proceeding, the nature or amount of any award or any other matter concerning the conduct of the arbitration proceeding, unless
 - (A) The evidence would otherwise be admissible in the Court under the Federal Rules of Evidence;
or
 - (B) The parties have otherwise stipulated.
- (g) This Local Rule shall not apply to arbitration under 9 U.S.C. § 3, if applicable.

Rule 9019-5 Mediation.

- (a) Types of Matters Subject to Mediation. The Court may assign to mediation any dispute arising in an adversary proceeding, contested matter or otherwise in a bankruptcy case.
- (b) Effects of Mediation on Pending Matters. The assignment of a matter to mediation does not relieve the parties to that matter from complying with any other Court orders or applicable provisions of the Code, the Fed. R. Bankr. P. or these Local Rules. Unless otherwise ordered by the Court, the assignment to mediation does not delay or stay discovery, pretrial hearing dates or trial schedules.
- (c) The Mediation Process.
- (i) Time and Place of Mediation Conference. After consulting with all counsel and prose parties, the mediator shall schedule a convenient time and place for the mediation conference and promptly give all counsel and prose parties at least fourteen (14) days' written notice of the time and place of the mediation conference. The mediator shall schedule the mediation to begin as soon as practicable.
- (ii) Submission Materials. Not less than seven (7) calendar days before the mediation conference, each party shall submit directly to the mediator and serve on all counsel and prose parties any materials (the "Submission") the mediator directs to be prepared or assembled. The mediator shall so direct not less than fourteen (14) days before the mediation conference. Prior to the mediation conference, the mediator may talk with the participants to determine what materials would be helpful. The Submission shall not be filed with the Court and the Court shall not have access to the Submission.
- (iii) Attendance at Mediation Conference.
- (A) Persons Required to Attend. The following persons must attend the mediation conference personally, unless excused by the mediator:
- (1) Each party that is a natural person;

- (2) If the party is not a natural person, including a governmental entity, a representative who is not the party's attorney of record and who has full authority to negotiate and settle the matter on behalf of the party;
 - (3) If the party is a governmental entity that requires settlement approval by an elected official or legislative body, a representative who has authority to recommend a settlement to the elected official or legislative body;
 - (4) The attorney who has primary responsibility for each party's case; and
 - (5) Other interested parties, such as insurers or indemnitors or one or more of their representatives, whose presence is necessary for a full resolution of the matter assigned to mediation.
- (B) Failure to Attend. Willful failure to attend any mediation conference, and any other material violation of this Local Rule, shall be reported to the Court by the mediator and may result in the imposition of sanctions by the Court. Any such report of the mediator shall comply with the confidentiality requirement of Local Rule 9019-5(d).
- (iv) Mediation Conference Procedures. The mediator may establish procedures for the mediation conference.
- (d) Confidentiality of Mediation Proceedings.
- (i) Protection of Information Disclosed at Mediation. The mediator and the participants in mediation are prohibited from divulging, outside of the mediation, any oral or written information disclosed by the parties or by witnesses in the course of the mediation. No person may rely on or introduce as evidence in any arbitral, judicial or other proceeding, evidence pertaining to any aspect of the mediation effort, including but not limited to: (A) views expressed or suggestions made by a party with

respect to a possible settlement of the dispute; (B) the fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator; (C) proposals made or views expressed by the mediator; (D) statements or admissions made by a party in the course of the mediation; and (E) documents prepared for the purpose of, in the course of, or pursuant to the mediation. In addition, without limiting the foregoing, Rule 408 of the Federal Rules of Evidence, any applicable federal or state statute, rule, common law or judicial precedent relating to the privileged nature of settlement discussions, mediations or other alternative dispute resolution procedures shall apply. Information otherwise discoverable or admissible in evidence does not become exempt from discovery, or inadmissible in evidence, merely by being used by a party in the mediation.

- (ii) Discovery from Mediator. The mediator shall not be compelled to disclose to the Court or to any person outside the mediation conference any of the records, reports, summaries, notes, communications or other documents received or made by the mediator while serving in such capacity. The mediator shall not testify or be compelled to testify in regard to the mediation in connection with any arbitral, judicial or other proceeding. The mediator shall not be a necessary party in any proceedings relating to the mediation. Nothing contained in this paragraph shall prevent the mediator from reporting the status, but not the substance, of the mediation effort to the Court in writing, from filing a final report as required herein, or from otherwise complying with the obligations set forth in this Local Rule.
- (iii) Protection of Proprietary Information. The parties, the mediator and all mediation participants shall protect proprietary information.
- (iv) Preservation of Privileges. The disclosure by a party of privileged information to the mediator does not waive or otherwise adversely affect the privileged nature of the information.

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- (e) Recommendations by Mediator. The mediator is not required to prepare written comments or recommendations to the parties. Mediators may present a written settlement recommendation memorandum to attorneys or pro se litigants, but not to the Court.
- (f) Post-Mediation Procedures.
- (i) Preparation of Orders. If a settlement is reached at a mediation, a party designated by the mediator shall submit a fully-executed stipulation and proposed order to the Court within twenty-one (21) days after the end of the mediation. If the party fails to prepare the stipulation and order, the Court may impose appropriate sanctions.
- (ii) Mediator's Certificate of Completion. No later than fourteen (14) days after the conclusion of the mediation conference, unless the Court orders otherwise, the mediator shall file with the Court, and serve on the parties and the ADR Program Administrator, a certificate in the form provided by the Court showing compliance or noncompliance with the mediation conference requirements of this Local Rule and whether or not a settlement has been reached. Regardless of the outcome of the mediation conference, the mediator shall not provide the Court with any details of the substance of the conference.
- (iii) Mediator's Report. In order to assist the ADR Program Administrator in compiling useful data to evaluate the Mediation Program, and to aid the Court in assessing the efforts of the members of the Register, the mediator shall provide the ADR Program Administrator with an estimate of the number of hours spent in the mediation conference and other statistical and evaluative information on a form provided by the Court. The mediator shall provide this report whether or not the mediation conference results in settlement.
- (g) Withdrawal from Mediation. Any matter assigned to mediation under this Local Rule may be withdrawn from mediation by the Court at any time.

- (h) Termination of Mediation. Upon the filing of a mediator's certificate under Local Rule 9019-5(f) or the entry of an order withdrawing a matter from mediation under Local Rule 9019-5(g), the mediation will be deemed terminated and the mediator excused and relieved from further responsibilities in the matter without further order of the Court. If the mediation conference does not result in a resolution of all of the disputes in the assigned matter, the matter shall proceed to trial or hearing under the Court's scheduling order(s).

Rule 9019-6 Other Alternative Dispute Resolution Procedures.

The parties may employ any other method of alternative dispute resolution.

Rule 9019-7 Notice of Court Annexed Alternative Dispute Resolution Program. The plaintiff, at the time of service of the complaint and summons, shall give notice of dispute resolution alternatives substantially in compliance with Local Form 110B.

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Rule 9022-1 Service of Judgment or Order. Immediately upon the entry of a judgment or order, the Clerk shall serve a notice of the entry of the judgment or order on local counsel for the movant, via electronic means, as consented to by the movant. Registered CM/ECF users are deemed to have consented to service of the notice of the entry of orders or judgments via electronic means. If counsel for the movant is not a registered CM/ECF user, the Clerk shall serve a copy of the judgment or order on local counsel for the movant via first class mail. Counsel for the movant shall serve a copy of the judgment or order on all parties that contested the relief requested in the order and on other parties as the Court may direct and file a certificate of service to that effect within forty-eight (48) hours. For any pro se movant or suasponte order, the Clerk's Office shall serve a copy of the judgment or order via first class mail on all parties affected thereby and file a certificate of service to that effect, unless otherwise directed by the Court.

Rule 9029-3 Hearing Agenda Required. In all chapter 7 asset cases and chapter 11 cases, debtor's counsel (or counsel to the trustee if one is appointed) shall file an agenda for each scheduled hearing in the case, in substantial conformity to Local Form 111 and meeting the requirements set forth in this Local Rule.

(a) General Requirements of Agenda.

- (i) Local counsel shall file the agenda in the bankruptcy case and adversary proceeding, if applicable, with the Bankruptcy Court on or before 12:00 p.m. prevailing Eastern Time two (2) business days before the date of the hearing. Failure to file the agenda timely may subject counsel to a fine.
- (ii) Resolved or continued matters shall be listed before unresolved matters. Contested matters (and documents within each matter) shall be listed in the order of docketing with corresponding docket numbers. All amended agendas shall list matters as listed in the original agenda, with added matters being listed last and all changes being made in bold print.
- (iii) Copies of the proposed agenda shall be served upon local counsel who have entered an appearance in the case, as well as all other counsel with a direct interest in any matter on the agenda, substantially contemporaneous with the Court filing.

(b) Motions.

- (i) General Information. For each motion, the agenda shall provide the title, docket number and date filed. Supporting papers shall be similarly listed.
- (ii) Objection Information. For each motion, the agenda shall provide the objection deadline and any objections filed, and provide the docket number and the date filed, if available.
- (iii) Status Information. For each motion, the agenda shall provide whether the matter is going forward, whether a continuance is requested (and any opposition to the continuance, if known), whether any or all of the objections have been resolved and any other pertinent status information.

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- (c) Adversary Proceedings. When an adversary proceeding is scheduled, the agenda shall indicate the adversary proceeding number in addition to the information required by Local Rule 9029-3(b).
- (d) Hearing Binders. The agenda shall be submitted to the respective Judge's chambers in a hearing binder containing copies of all documents relevant to matters scheduled to be considered by the Court at such hearing. Hearing binders shall contain only the substantive documents necessary for the hearing (i.e., motions and responses) and shall not contain documents related to continued or resolved matters. Certificates of service shall not be included in the hearing binder unless adequacy of service is an issue to be considered by the Court.
- (e) Amended Agenda. Where an amended agenda is necessary, the amended agenda shall (in bold print) note any material changes in the status of any agenda matter.

Rule 9036-1 Electronic Transmission of Court Notices; Use of Technology in the Courtroom.

- (a) Court Notices. To eliminate redundant paper notices, all registered electronic filing participants will receive notices required to be sent by the Clerk via electronic transmission only. No notices from the Clerk's Office will be sent in paper format, with the exception of the Notice of Meeting of Creditors, which will be sent in both paper and electronic format. The electronic transmission of notices by the Clerk will be deemed complete upon transmission. The Court has established "opt-out" procedures to ensure that any registered electronic filing participant may receive paper notices in addition to electronic notices by requesting such notices in writing to the Clerk's Office.
- (b) Use of Technology in the Courtroom. Parties intending to use any technology in the Courtroom must give the Court three (3) business days' notice. Notice should be sent via email to debml_Courtroom_Technology@deb.uscourts.gov. Appropriate chambers should also be notified.

Rule 9037-1 Redaction of Personal Data Identifiers. The responsibility for redacting personal data identifiers (as defined in Fed. R. Bankr. P. 9037) rests solely with counsel, parties in interest and non-parties. The Clerk will not review each document for compliance with this Rule. In the event the Clerk inadvertently discovers that personal identifier data or information concerning a minor individual has been included in a pleading, the Clerk is authorized, in its sole discretion, to redact all such information from the text of the docketed filing and make an entry indicating the correction.

PART X. CHRONOLOGY TABLE

DATE	COMMENT
February 1, 2007	Effective date of Local Rules
December 3, 2007	Revised Local Rule 3007-1
	Revised Local Rule 3011-1
	Added Local Rule 3011-2
	Revised Local Rule 3023-1(c)(1)
	Added Local Rule 6004-1
	Revised Local Rule 7007-4
	Revised Local Rule 7030-1
	Revised Local Rule 9011-4
	Revised Local Rule 9013-1
	Revised Local Rule 9018-1
	Revised Local Rule 9019-7
	Revised Local Rule 9029-3
	Revised Local Rule 9036-1
December 6, 2007	Revised Local Rule 1009-2
	Revised Local Rule 2002-1
	Revised Local Rule 2014-1
	Revised Local Rule 3007-1
	Revised Local Rule 6004-1
	Revised Local Rule 7016-1
	Revised Local Rule 7016-2
	Revised Local Rule 7026-1
	Added Local Rule 7026-2
	Added Local Rule 7026-3
	Revised Local Rule 7030-1
	Revised Local Rule 9006-1
	Revised Local Rule 9010-1
	Revised Local Rule 9013-1
January 29, 2008	Revised Local Rule 3007-1(f)
December 5, 2008	Revised Local Rule 1007-2(a)
	Added Local Rule 1007-2(b)
	Revised Local Rule 2002-1(f)
	Revised Local Rule 3011-1
	Revised Local Rule 3023-1(b)
	Revised Local Rule 3023-1(c)
	Added Local Rule 3023-1(g)
	Added Local Rule 4001-4
	Revised Local Rule 7007-2(a)
	Revised Local Rule 9010-2(b)
	Revised Local Form 103
	Added Local Form 103A
	Revised Local Form 104



DATE	COMMENT
October 22, 2009	Revised Local Rule 1002-1(c)
	Revised Local Rule 1007-2
	Revised Local Rule 1009-1
	Revised Local Rule 1009-2
	Revised Local Rule 1014-1
	Revised Local Rule 2002-1(b)(i)(A)
	Revised Local Rule 2002-1(e)
	Revised Local Rule 2002-1(f)
	Revised Local Rule 2004-1
	Revised Local Rule 3007-1
	Revised Local Rule 3023-1(b)(i)
	Revised Local Rule 3023-1(c)(i)
	Revised Local Rule 4001-1
	Revised Local Rule 4001-2(c)
	Revised Local Rule 5009-1(c)
	Revised Local Rule 5009-2
	Revised Local Rule 7007-1(a)(iii)
	Revised Local Rule 7007-3
	Revised Local Rule 7007-4
	Revised Local Rule 7016-1(a)
	Revised Local Rule 7016-2
	Revised Local Rule 7016-3
	Revised Local Rule 7026-1(a)
	Revised Local Rule 7030-1(b)
	Revised Local Rule 8001-1
	Revised Local Rule 9006-1(c)
	Revised Local Rule 9010-2(b)
	Revised Local Rule 9013-1
	Revised Local Rule 9018-1
	Revised Local Rule 9019-2
	Revised Local Rule 9019-5
	Revised Local Rule 9029-3(a)(i)
	Revised Local Rule 9036-1(b)
December 11, 2009	Revised Local Rule 2002-1(b)(2)(D)
	Revised Local Rule 2002-1(f)
	Revised Local Rule 3007-1
	Revised Local Rule 3011-1
	Revised Local Rule 4001-1
	Revised Local Rule 5005-4
	Revised Local Rule 9010-1(e)(iii)
	Revised Local Rule 9018-1
	Added Local Rule 9019-1
	Revised Local Rule 9019-2

DATE	COMMENT
	Revised Local Rule 9036-1(b)
	Added Local Form 114
	Added Local Rule 9037-1
December 22, 2010	Revised Local Rule 2002-1(f)(ix)
	Added subsection (g) to Local Rule 2002-1
	Added Local Rule 3002-1
	Added subsection (j) to Local Rule 2016-2
	Revised Local Rule 3007-1
	Revised Local Rule 9006-1
	Revised Local Rule 7007-2
	Added Local Rule 3015-1
	Revised Local Rule 9010-1
	Added Local Form 115
	Added Local Form 116
	Added Local Form 117