

LOCAL RULES	TIME PERIOD CHANGES.....	151
RULE 2002-1	NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS, UNITED STATES AND UNITED STATES TRUSTEE	155
RULE 2016-2	MOTION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES.....	160
RULE 3002-1	GOVERNMENT DEADLINE TO FILE PROOF OF CLAIM AFTER CONVERSION TO CHAPTER 7 ASSET CASE.....	165
RULE 3007-1	OMNIBUS OBJECTION TO CLAIMS.....	166
RULE 7007-2	FORM AND CONTENTS OF BRIEFS AND APPENDICES.....	174
RULE 9006-1	TIME FOR SERVICE AND FILING OF MOTIONS AND OBJECTIONS	177
RULE 9010-1	BAR ADMISSION.....	179

Local Rules – Time Period Changes

Rule	Old Timing	New Timing	Description
1002-1(c) Commencement of a Case	48 hours	2 business days	Counsel for the Debtor shall contact the US Trustee at least 2 business days prior to filing a voluntary petition for relief under chapter 11.
1007-2(b) List of Creditors/ Mailing Matrix	15 days	14 days	List of creditors must be filed in an involuntary case within 14 days after the petition.
1009-1(b)(ii) Notice to Creditors Not Scheduled Prior to Meeting of Creditors	20 days	21 days	Notice informing the creditor not scheduled before 341 meeting of right to file proof of claim by later of the bar date or 21 days after notice.
1009-2 Notice of Amendment of Schedules in Chapter 11 cases	10 days; 20 days; 5 days	14 days; 21 days; 7 days	Notice of amendment to schedules must be given to creditor within 14 days of the amendment, and notify of right to file proof of claim by later of the bar date or 21 days from date of notice, and file a certificate of service of notice within 7 days.
1014-1 Transfer of Cases or Adversary Proceedings to Other Districts	2 days	7 days	Within 7 days of transfer of case to another district, Clerk of court must send to the transferee court certified copies of the order transferring the case.
2004-1(c) Service Requirements for Rule 2004 Examinations	5 days; 3 days	7 days; 72 hours	Objection deadline no less than 7 days from service of motion for examination or production of documents, and no less than 72 hours prior to the hearing.
3023-1 Special procedures in Chapter 13 Matters	(b)(i) 15 days (c) 2 days	(b)(i) 14 days (c) 7 days	(b)(i) Chapter 13 Plan - Within 14 days of conversion to Chapter 13, Debtors must file a proposed Plan. (c) Amended Plans - Amended plan must be served so as to be received no less than 7 days prior to the hearing.
4001-2(c) Cash Collateral and Financing Orders – Final Orders	10 days	7 days	Final hearing held at least 7 days after organizational meetings of the creditors' committee.

R

REDLINED

Rule	Old Timing	New Timing	Description
5009-1(c) Closing of Chapter 11 Cases – Final Report	15 days	14 days	Final report must be filed 14 days prior to any hearing on any motion to close a case.
5009-2(a) Closing of Chapter 7 Cases – Final Report	20 days	21 days	Person seeking compensation or expenses must file a motion at least 21 days prior to the date of hearing on the Trustee’s final account.
7007-1(a)(iii) Briefs	5 days	7 days	Reply brief served and filed no later than 7 days after service and filing of answering brief.
7007-3 Oral Argument; Hearing on Adversary Proceeding Motions	3 days	7 days	Application for oral argument must be made within 7 days after service of reply brief.
7007-4 Notice of Completion of Briefing	Between 5 and 7 days	Not later than 7 days	No later than 7 days after completion of briefing, counsel must file and serve notice of such on all parties.
7016-1(a) Rule 16 Scheduling Conference	(i) 10 days (ii) 5 days	(i) 14 days (ii) 7 days	(i) If date for submitting motion is at least 14 days prior to 16(b) scheduling conference, all attorneys must confer 7 days prior. (ii) if (i) does not apply, attorneys must confer 7 days prior.
7016-2 Pretrial Conference	(a) 15 days (d) 5 days (vi) 5 days	(a) 14 days (d) 7 days (vi) 7 days	(a) 14 days notice of pretrial conference must be given. (d) 7 days prior to pretrial conference, plaintiff must file proposed pretrial order. (vi) exhibits must be delivered at least 7 days before pretrial conference or trial.

Rule	Old Timing	New Timing	Description
7016-3 Telephonic Scheduling Conference	2 days	24 hours	At least 24 hours prior to scheduled pretrial conference, any party may request that it be conducted telephonically
7026-1 Discovery	5 days; 1 day	7 days; 1 business day	All motion papers must be filed and served at least 7 days before hearing date; any objection must be filed and served at least 1 business day prior to hearing.
7030-1(b) Depositions	5 days	7 days	Reasonable notice for taking depositions is not less than 7 days.
8001-1 Appeals from Bankruptcy Court Orders	(c) 9 days (e) 20 days	(c) 7 days (e) 21 days	(c) If order is subject to appeal, judge may, within 7 days of filing date of notice of appeal, file a written opinion. (e) Official committee wanting to be on service list for appeal must file request within 21 days of service of notice of appeal.
9006-1(c) Time for Service and Filing of Motions and Objections	(i) 15 days; 18 days (ii) 5 days; 23 days; 18 days; 5 days	(i) 14 days; additional 3 days (ii) 7 days; 21 days; 14 days; 7 days	(i) motions must be filed and served at least 14 days prior to hearing (with an additional 3 days if service is by mail). (ii) objection deadline no later than 7 days prior to hearing; if filed at least 21 days prior to the hearing, objection deadline can be no earlier than 14 days after service and no later than 7 days before hearing.
9010-2(b) Withdrawal	10 days	14 days	Motion to withdraw must be noticed to party at least 14 days before motion is presented.
9013-1 Motions	(i) 2 days (m) 5 days (iv) 2 days	(i) 24 hours (m) 7 days (iv) 48 hours	(i) Telephonic Appearances - Request to appear by telephone must be made no later than 12:00 p.m. (ET) 24 hours prior to scheduled hearing date. (m) Motions Filed with the Petition in Chapter 11 Cases – Any motion in which debtor requests hearing or entry of order with less than 7 days notice and before 341 meeting is governed by this rule. (iv) Notice of Entry of Orders Within 48 hours of entry of an order under this rule, debtors shall serve copies of all motions and applications as to which order has been entered.

R
REDLINED

LOCAL RULES
FOR
THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE
(Effective February 1, ~~2010~~2011)



**PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS;
EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

**Rule 2002-1 Notices to Creditors, Equity Security Holders,
United States and United States Trustee.**

- (a) Omnibus Hearings. In any chapter 11 case, the Court may, sua sponte or upon motion of a party in interest, enter an order setting omnibus hearing dates for the case. Any such order shall be entered on the docket and be made available to anyone interested in obtaining a copy from (i) the Court or (ii) counsel for the debtor. Time permitting, on each omnibus hearing date, the Court will hear all motions timely filed under these Local Rules by any party in interest in the case in the order set forth in the hearing agenda filed pursuant to Local Rule 9029-3, unless the Court directs otherwise.
- (b) Service. In chapter 11 cases, all motions (except matters specified in Fed. R. Bankr. P. 2002(a)(1), (4), (5), (7), 2002(b) and 2002(f) and Local Rules 4001-1 and 9013-1) shall be served only upon counsel for the debtor, the United States Trustee, counsel for all official committees, all parties who file a request for service of notices under Fed. R. Bankr. P. 2002(i) and all parties whose rights are affected by the motion. If an official unsecured creditors' committee has not been appointed, service shall be made on the twenty (20) largest unsecured creditors in the case in lieu of the creditors' committee.
- (i) Service of Papers on the United States Trustee.
- (A) Service by Overnight Mail. Service on the United States Trustee shall be made by overnight mail or hand delivery of papers that require a response within seven (7) days or less or that relate to a Court hearing scheduled to take place within seven (7) days of the date of service.
- (B) Service by Fax. Service by fax shall be limited to emergent situations where action or response is required within forty-eight (48) hours. Every effort shall be made to limit

R

REDLINED

faxes to a maximum of twenty (20) pages per document. If it is necessary to serve via fax a document that will exceed twenty (20) pages in length, the serving party shall telephone the intended recipient(s) in advance to obtain permission to send the fax.

- (c) Service List. Counsel for the debtor shall be responsible for maintaining a list of all parties who are entitled to receive service (as set forth in Local Rule 2002-1(b)) and shall furnish it, upon request, to any party.
- (d) Entry of Appearance. Any entity entering an appearance in a case under title 11 shall include in the Notice of Appearance the entity's (i) name, (ii) mailing address, including street address for overnight and hand delivery, (iii) telephone number, (iv) facsimile number, (v) email address, if any, and (vi) party represented, if any. Any entity that requests, in a particular case or adversary proceeding, service of documents by receipt of ECF notices or by email only, needs to complete Local Form 114 Consent to Service of Documents by Receipt of ECF Notice or Email in Chapter 11 Cases. See also Del. Bankr. L.R. 5005-4.
- (e) Bar Date. In all cases under chapter 11, the debtor may request a bar date for the filing of proofs of claim or interest. The request may be granted without notice and hearing if (i) the request gives fourteen (14) days' notice to the United States Trustee and the creditors' committee (or the twenty (20) largest unsecured creditors if no creditors' committee is formed), (ii) the request is filed after the Schedules and Statement of Financial Affairs have been filed and the 11 U.S.C. § 341(a) meeting of creditors has been held and (iii) the request provides that the bar date shall be not less than sixty (60) days from the date that notice of the bar date is served (and not less than 180 days from the order for relief for governmental units). On entry of the bar date order, the debtor shall serve actual written notice of the bar date on (A) all known creditors and their counsel (if known), (B) all parties on the service list described in Local Rule 2002-1(c), (C) all equity security holders, (D) indenture trustees, (E) the United States Trustee and (F) all taxing authorities for the jurisdictions in which the debtor does business.

- (f) Notice and Claims Clerk. Upon motion of the debtor or trustee, at any time without notice or hearing, the Court may authorize the retention of a notice and/or claims clerk under 28 U.S.C. § 156(c). In all cases with more than 200 creditors or parties in interest listed on the creditor matrix, unless the Court orders otherwise, the debtor shall file such motion on the first day of the case or within seven (7) days thereafter. The notice and/or claims clerk shall perform the below functions.
- (i) Serve the following notices: (a) 341 Notice (Notice of Commencement of Case); (b) Notice of Claims Bar Date in chapter 11 cases; (c) Objections to Claims and Transfers of Claims; (d) Notice of Hearing on confirmation of Plan/Disclosure Statement; (e) Notice of Hearing on motions filed by United States Trustee; and (f) Notice of Transfer of Claim;
 - (ii) Within seven (7) days of mailing, file with the Court, a copy of the notice served with a Certificate of Service attached, indicating the name and complete address of each party served;
 - (iii) Maintain copies of all proofs of claims and proofs of interest filed in the case;
 - (iv) Maintain the official claims register and record all Transfers of Claims and make changes to the creditor matrix after the objection period has expired. The claims clerk shall also record any order entered by the Court which may affect the claim by making a notation on the claims register and monitor the Court's docket for any claims related pleading filed and make necessary notations on the claims register. No claim or claim information should be deleted for any reason;
 - (v) Maintain a separate claims register for each debtor in jointly administered cases;
 - (vi) File a quarterly updated claims register with the Court in alphabetical and numerical order. If there has been no claims activity, the claims clerk may file a Certification of No Claim Activity;

R

REDLINED

- (vii) Maintain an up-to-date mailing list of all creditors and all entities who have filed proofs of claim or interest and/or request for notices in the case and provide such list to the Court or any interested party upon request (within forty-eight (48) hours);
- (viii) Allow public access to claims and the claims register at no charge; and
- (ix) Within fourteen (14) days of entry of an Order converting a case or within thirty (30) days ~~or of~~ entry of a Final Decree, forward to the Clerk (a) all claims and updated claims register ~~to the Court,~~ (b) a CD of all imaged claims, and (c) an excel spreadsheet containing all claims information, along with an updated mailing list. The claims register and mailing list should be provided in both paper and on disc and in alphabetical and numerical order. The mailing list disc should be in .txt format.

- (g) Cases with Less Than 200 Creditors.
- (i) In cases with less than 200 creditors and no claims agent retained under 28 U.S.C. § 156(c), the Clerk shall serve as the notice agent and the Debtor shall provide the Clerk with a complete, accurate and up-to-date creditor matrix in accordance with the time set forth in Fed. R. Bankr. P. 1007.
- (ii) The Debtor, within fourteen (14) days of entry of an Order converting a case or within thirty (30) days of entry of a Final Decree, shall provide an updated creditor matrix.

Rule 2003-1 Submission of Interrogatories in Lieu of Live Testimony at Meetings Conducted under 11 U.S.C. § 341 in Chapter 7 and Chapter 13 Cases.

- (a) Upon written motion, and after notice and an opportunity for hearing, the Court may, for cause, permit a debtor to submit to examination by written interrogatories in lieu of the debtor's live appearance at a meeting of creditors or equity security holders convened under 11 U.S.C. § 341.
- (b) A motion to proceed by written interrogatories filed by the debtor shall be served upon the interim trustee or the case trustee, as appropriate, the United States Trustee and all creditors who have filed a request for notices under Fed. R. Bankr. P. 2002. A notice of the filing of the motion to proceed by written interrogatories shall be served upon all creditors who have not been served with the full motion.
- (c) The form of the written interrogatories shall be determined by the interim trustee or the case trustee, as appropriate.
- (d) The original copy of the debtor's answers to written interrogatories shall be filed by the debtor with the Court and served upon the case trustee or the interim trustee, as appropriate.

R

REDLINED

Rule 2016-2 Motion for Compensation and Reimbursement of Expenses.

- (a) Scope of Rule. This Local Rule applies to:
- (i) Any motion of a professional person employed under 11 U.S.C. § 327, 328 or 1103 requesting approval for compensation and/or reimbursement of expenses; and
 - (ii) Any request of an entity for payment of an administrative expense under 11 U.S.C. § 503(b) (3) or 503(b) (4).
- (b) Effect of Rule. Any such motion or request for payment, in addition to complying with the Code and the Fed. R. Bankr. P. applicable to the filing and the contents of such a motion, shall comply with the information and certification requirements listed in Local Rule 2016-2(c)-(f). Any such motion not in compliance with these requirements will not be considered by the Court, unless a waiver is obtained under Local Rule 2016-2(g).
- (c) General Information Requirements.
- (i) The motion shall include, as its first page(s), Local Form 101 and the information requested therein (categories given are examples).
 - (ii) Immediately thereafter, the motion shall include Local Form 102 and the information requested therein (categories given are examples). Where the applicant deems appropriate, the motion may also include a firm resume.
 - (iii) The narrative portion of the motion shall inform the Court of circumstances that are not apparent from the activity descriptions or that the applicant wishes to bring to the attention of the Court, including special employment terms, billing policies, expense policies, voluntary reductions, reasons for the use of multiple professionals for a particular activity or reasons for substantial time billed relating to a specific activity.

- (d) Information Requirements Relating to Compensation Requests. Such motion shall include activity descriptions which shall be sufficiently detailed to allow the Court to determine whether all the time, or any portion thereof, is actual, reasonable and necessary and shall include the following:
- (i) All activity descriptions shall be divided into general project categories of time;
 - (ii) All motions shall include complete and detailed activity descriptions;
 - (iii) Each activity description shall include a time allotment;
 - (iv) Activities shall be billed in tenths of an hour (six (6) minutes);
 - (v) Each activity description shall include the type of activity (e.g., phone call, research);
 - (vi) Each activity description shall include the subject matter (e.g., exclusivity motion, section 341 meeting);
 - (vii) Activity descriptions shall not be lumped - each activity shall have a separate description and a time allotment;
 - (viii) Travel time during which no work is performed shall be separately described and may be billed at no more than 50% of regular hourly rates;
 - (ix) The activity descriptions shall individually identify all meetings and hearings, each participant, the subject(s) of the meeting or hearing and the participant's role; and
 - (x) Activity descriptions shall be presented chronologically or chronologically within each project category.
- (e) Information Requirements Relating to Expense Reimbursement Requests.

R

REDLINED

- (i) The motion shall contain an expense summary by category for the entire period of the request. Examples of such categories are computer-assisted legal research, photocopying, outgoing facsimile transmissions, airfare, meals and lodging.
 - (ii) Following the summary, the motion shall itemize each expense within each category, including the date the expense was incurred, the charge and the individual incurring the expense, if available.
 - (iii) The motion shall state the requested rate for copying charges (which shall not exceed \$.10 per page), computer-assisted legal research charges (which shall not be more than the actual cost) and outgoing facsimile transmission charges (which shall not exceed \$1.00 per page, with no charge for incoming facsimiles).
 - (iv) Receipts or other support for each disbursement or expense item for which reimbursement is sought must be retained and be available on request.
- (f) Certification Requirement. The motion shall also contain a statement that the professional person seeking approval of the motion has reviewed the requirements of this Local Rule and that the motion complies with this Local Rule.
- (g) Waiver Procedure. An employed professional person or entity within the scope of this Local Rule may request that the Court waive, for cause, one or more of the information requirements of this Local Rule. Such a request should be made in the same motion in which the person seeks Court approval to be employed, or as soon as possible thereafter, and shall be served on debtor's counsel, counsel to any official committee and the United States Trustee. The caption of any motion that contains a waiver request shall explicitly state that the person is seeking a waiver of one or more of the information requirements of this Local Rule.
- (h) Form of Order. The form of order submitted to the Court shall specifically recite the amounts requested in fees and in expenses.

- (i) Fee Examiners. The Court may, in its discretion or on motion of any party, appoint a fee examiner to review fee applications and make recommendations for approval.
- (j) Final Fee Applications in Chapter 7 Asset Cases. Estate professionals shall file final fee applications in chapter 7 asset cases but shall not notice the final fee application for hearing. Instead, the hearing date shall be stated as TBD. The final fee application shall only be served upon the chapter 7 trustee and the United States Trustee. After the Trustee Final Report is filed with the Court, the Court will (i) notice the hearing for the final fee application and provide for the objection deadline and (ii) serve the notice of the final fee application. If the estate professional inadvertently notices a final fee application for hearing, it shall include language in the proposed form of order that "fees are subject to disgorgement pending approval of TFR."

R

REDLINED

**PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND
EQUITY INTEREST HOLDERS; PLANS**

Rule 3001-1 Filing Proof of Claim; Transfer of Claim.

- (a) Filing Proof of Claim. Any entity filing a proof of claim in a chapter 7, 12 or 13 case shall provide the Clerk with the original proof of claim and one (1) copy for the trustee and shall serve a copy on debtor's counsel or the debtor, if pro se. Any entity that files a proof of claim by mail and wishes to receive a clocked-in copy by return mail must include an additional copy of the proof of claim and a self-addressed, postage-paid envelope.
- (b) Transfer of Claim. Any assignment or other evidence of a transfer of claim filed after the proof of claim has been filed shall include the claim number of the claim to be transferred. Absent any timely filed objection to the notice of transfer served by the Clerk, the claim shall be, without any further order of the Court, noted as transferred on the records of the Court or the claims agent, if one is appointed.

Rule 3002-1 Government Deadline to File Proof of Claim After Conversion to Chapter 7 Asset Case

If notice of insufficient assets to pay a dividend was given to creditors under the Federal Rules or these Local Rules, and subsequently the trustee notifies the court that payment of a dividend appears possible, the clerk shall give at least ninety (90) days' notice by mail to creditors of that fact and of the date by which proofs of claim must be filed. In such case, the proof of claim deadline for governmental entities shall be the longer of 180 days after the petition was filed or ninety (90) days after the notice of assets was served or as otherwise provided in the Federal Rules.

R

REDLINED

Rule 3007-1 Omnibus Objection to Claims.

- (a) Scope of Rule. This Local Rule applies to any objection to the allowance of a claim under an omnibus objection (i.e., an objection to claims asserted by more than one claimant) ("Objection"). To the extent of any inconsistency between this Local Rule and Fed. R. Bankr. P. 3007, this Local Rule governs omnibus objections to claims.
- (b) Effect of Rule. In addition to complying with those sections of the Code and those rules of the Fed. R. Bankr. P. generally applicable to an objection to the allowance of a claim, any Objection shall comply with the information and certification requirements listed in Local Rule 3007-1(c)-(f).
- (c) Filed v. Scheduled Claim. If a claim has been scheduled on the debtor's schedules of liabilities and is not listed as disputed, contingent or unliquidated and a proof of claim has not been filed under Fed. R. Bankr. P. 3003, 3004 and/or 3005, the debtor may not object to the claim. Instead, the debtor must amend the schedules under Fed. R. Bankr. P. 1009 and provide notice as required by Local Rule 1009-2.
- (d) Substantive v. Non-Substantive Objections. An Objection is deemed to be on a substantive basis unless it is based on one or more of the following:
- (i) A duplicate claim; provided, however, that a claim filed against two different debtors is not a duplicate claim unless the cases have been substantively consolidated by order of the Court;
 - (ii) A claim filed in the wrong case;
 - (iii) An amended or superseded claim;
 - (iv) A late filed claim;
 - (v) A claim filed by a shareholder based on ownership of stock; provided, however, that an Objection with respect to a claim filed by a shareholder for damages shall be deemed a substantive Objection;

- (vi) A claim that does not have a basis in the debtor's books and records and does not include or attach sufficient information or documentation to constitute prima facie evidence of the validity and amount of the claim, as contemplated by Fed. R. Bankr. P. 3001(f); provided, however, that if the Court determines that the claim attaches or includes sufficient information or documentation and is otherwise in compliance with applicable rules, then the Objection shall be deemed substantive. Any Objection under this subsection must be supported by an affidavit or declaration that states that affiant or declarant has reviewed the claim and all supporting information and documentation provided therewith, made reasonable efforts to research the claim on the debtor's books and records and believes such documentation does not provide prima facie evidence of the validity and amount of the claim;
 - (vii) A claim that is objectionable under 11 U.S.C. § 502(e)(1); and
 - (viii) A claim for priority in an amount that exceeds the maximum amount under 11 U.S.C. § 507 of the Code.
- (e) General Requirements for Objections.
- (i) Objection. Each Objection shall conform to the following requirements:
 - (A) Each Objection shall be filed as either substantive or non-substantive, but not both. A particular claim may be subject to both a substantive and a non-substantive Objection;
 - (B) The title of the Objection shall clearly state whether the Objection is on substantive or non-substantive grounds;
 - (C) Objections shall be numbered consecutively regardless of basis, i.e., 1st Omnibus (duplicate), 2nd Omnibus (amended and superceded); not 1st Omnibus (duplicate), 1st Omnibus (amended and superceded);



- (D) Exhibit(s) of claims to which the Objection relates, which exhibit(s) shall be consistent with Local Rule 3007-1(e)(iii) and must be attached to the Objection; and
 - (E) The Objection shall also contain a statement by the objector or the objector's counsel that the Objection complies with this Local Rule.
- (ii) Affidavit or Declaration. If an affidavit or declaration is filed in support of the Objection, it shall state that the information contained in the exhibit is true and correct to the best of the affiant's or declarant's knowledge and belief.
- (iii) Exhibits.
- (A) Each exhibit attached to an Objection shall include, at a minimum, the information identified in the following table, with such information entered in the respective boxes as appropriate:

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	(4) Reason for Disallowance

- (B) Each exhibit shall contain only those claims to which there is one common basis for objection (e.g., exhibit A duplicate claims; exhibit B amended or superseded claims).
- (C) A claim for which there are two or more bases for objection (e.g., a claim that is both duplicative and late filed) shall be referenced on each applicable exhibit.
- (D) Each exhibit shall have the claims listed alphabetically by the last name of the claimant (in the case of an individual) or the name of the entity (in the case of a corporation, partnership, limited liability company, etc.).

(E) If an Objection seeks to reduce the amount of a claim, a column shall be added between columns (3) and (4) titled "Modified Claim Amount" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Modification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Modified Claim Amount	(4) Reason for Modification

(F) If an Objection seeks to change the classification of a claim, two columns shall be added between columns (3) and (4) titled "Claim Classification Status" and "Modified Classification Status" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Reclassification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Claim Classification Status	Modified Classification Status	(4) Reason for Reclassification

(G) If an Objection seeks to change the priority of a claim, two columns shall be added between columns (3) and (4) titled "Claim Priority Status" and "Modified Priority Status" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Modification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Claim Priority Status	Modified Priority Status	(4) Reason for Modification

R
REDLINED

(H) If an Objection seeks to disallow amended or duplicate claims, the title of column (2) shall be changed from "Claim Number" to "Remaining Claim Number" and a column shall be added between columns (2) and (3) titled "Duplicate or Amended Claim to be Disallowed."

(1) Name of Claimant	(2) Remaining Claim Number	Duplicate or Amended Claim to be Disallowed	(3) Claim Amount	(4) Reason for Disallowance

(I) If an Objection seeks to disallow late filed claims, a column shall be added between columns (1) and (2) titled "Date Claim Filed."

(1) Name of Claimant	Date Claim Filed	(2) Claim Number	(3) Claim Amount	(4) Reason for Disallowance

(J) Where the Objection is based on substantive grounds, the exhibit must include a claim-specific declaration in the column titled "Reason for Disallowance" giving sufficient detail as to why the claim should be disallowed. The following are examples of "sufficient detail" necessary to sustain an Objection on a substantive basis:

- (1) If the claim is against a non-debtor entity, then the non-debtor entity must be identified;
- (2) If the claim has been paid or satisfied prepetition (not postpetition), then the check number and the date the check was issued must be identified. (An objection to a claim on the basis that the claim has been paid or satisfied postpetition is not a valid objection); and
- (3) If the claim includes a postpetition claim, then the date the postpetition claim arose must be identified.

(iv) Proofs of Claim. If the Objection is non-substantive, then copies of the proofs of claim need not be provided to the Court, except that proofs of

claim and any attached supporting documentation relating to an Objection based on Local Rule 3007-1(d)(vi) (i.e., a claim without any supporting documents) shall be provided to the Court as set forth in Local Rule 3007-1(e)(iv)(A)-(C). When the Objection is substantive, a copy of the proofs of claim and all supporting documentation shall be provided to the Court as follows:

- (A) Proofs of claim shall be in a binder and separated by tabs;
 - (B) Proofs of claim shall be in the order as listed in the exhibit(s), with additional tabs indicating to which exhibit the claims relate; and
 - (C) At least fourteen (14) days before the hearing on the Objection, a Notice of Submission of Proofs of Claim is to be filed and delivered to the respective Judge's chambers with copies of the claims (with all attachments) along with the Objection to those claims. The Notice of Submission of Proofs of Claim stating that the claims have been delivered to chambers and that copies can be requested from objector's counsel shall be served upon all parties requesting notice under Fed. R. Bankr. P. 2002.
- (v) Notice of Objection to Claim Holder. Each claim holder whose rights are affected by an Objection shall receive a "Notice of Objection to Claim" that shall conform to Local Form 113 or a copy of the Objection.
- (f) Requirements Relating to Substantive Objections.
- (i) As authorized by Fed. R. Bankr. P. 3007(c), the Court hereby orders that an Objection which is based on substantive grounds may contain more than one but no more than 150 claims, unless the Court orders otherwise.

R

REDLINED

- (ii) No more than two substantive Objections may be filed each calendar month, unless the Court orders otherwise.
- (iii) An Objection based on substantive grounds, other than incorrect classification of a claim, shall include all substantive objections to such claim. All Objections based on incorrect classification of a claim shall (A) be separately filed, (B) provide in the title (or otherwise conspicuously state) that substantive rights may be affected by this Objection and by any further Objection that may be filed and (C) otherwise comply with these Local Rules other than (i) and (ii) above.
- (iv) Fed. R. Bankr. P. 7015 shall apply to any substantive Objection and upon the filing of a response to such substantive Objection, the objector may only amend such Objection upon leave of court or written consent of the claimant; provided, however, that if an Objection to a particular claim is determined to be substantive under Local Rule 3007-1(d)(vi) or the claimant filed a response to an Objection made under Local Rule 3007-1(d)(vi) and the response included supporting documentation or information, then the Objection may be amended without written consent or leave of Court.
- (v) The Court will not consider any substantive Objection to personal injury or wrongful death claims that would be in violation of 28 U.S.C. § 157(b)(2)(B).
- (g) Pro Se. Any claimant may participate pro se (and telephonically) at a hearing on an Objection to his or her claim by following the telephonic appearance procedures located on the Court's website.
- (h) Responses and Replies to Objection.
 - (i) Response Deadline. Any response to an omnibus objection shall be due no later than seven (7) days before the hearing date. See also Del. Bankr. L.R. 9006-1.

(ii) Reply. 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. See also Del. Bankr. L.R. 9006-1.

~~(h)~~ (i) Hearings on Objections and Responses. Hearings on Objections, and any response thereto, may ordinarily be held on the regularly scheduled omnibus hearing dates in chapter 11 cases, consistent with these Local Rules. When the Court determines that the hearing on a particular claim Objection will require substantial time for the presentation of argument and/or evidence, then the Court, in its discretion, may reschedule the hearing on that claim for a different hearing date and time. The parties may also request that a separate hearing on an Objection(s) based on substantive grounds be separately scheduled for a date and time convenient to the Court and the parties.

R

REDLINED

Rule 7007-2 Form and Contents of Briefs and Appendices.

This rule applies only to non-discovery related motions in adversary proceedings.

(a) Form.

- (i) Covers. The front cover of each brief and appendix shall contain the caption of the case, a title, the date of filing, the name and designation of the party for whom it is filed, and the name, number, address and telephone number of counsel by whom it is filed, including the bar identification number for Delaware attorneys.
- (ii) Format. All pleadings must be double-spaced, in Courier New font or Times New Roman and in at least 12 point typeface. All briefs and appendices shall be firmly bound at the left margin. Side margins of briefs shall not be less than 1¼ inches.
- (iii) Page Numbering of Appendices. Pages of an appendix shall be numbered separately at the bottom. The page numbers of appendices associated with opening, answering and reply briefs, respectively, shall be preceded by a capital letter "A," "B" or "C." Transcripts and other papers reproduced in a manner authorized by this Local Rule shall be included in the appendix, both with original and appendix pagination.
- (iv) Length. Without leave of Court, no opening or answering brief shall exceed forty (40) pages and no reply shall exceed twenty (20) pages, in each instance, exclusive of any tables of contents and citations.
- (v) Form of Citations. Citations will be deemed to be in acceptable form if made in accordance with "A Uniform System of Citation" published and distributed from time to time by the Harvard Law Review Association. State reporter citations may be omitted but citations to the National Reporter

System must be included. United States Supreme Court decisions shall be to the official citation.

- (vi) Citation by Docket Number. References to earlier-filed papers in the case or proceeding shall include a citation to the docket item number as maintained by the Clerk's Office, namely "D.I. 1."
 - (vii) Unreported Opinions. If an unreported opinion is cited which is neither reported in the National Reporter System nor available on either WESTLAW or LEXIS, a copy of such opinion shall be attached to the document which cites it or shall otherwise be provided to the Court.
- (b) Contents of Briefs. If briefs are required, the following format shall apply:
- (i) Opening and Answering Briefs. The opening and answering briefs shall contain the following under distinctive titles, in the listed order:
 - (A) A table of contents setting forth the page number of each section, including all headings, designated in the body of the brief;
 - (B) A table of citations of cases, statutes, rules, textbooks and other authorities, alphabetically arranged. If a brief does not contain any citations therein, a statement asserting this fact should be placed under this heading;
 - (C) A statement of the nature and stage of the proceeding;
 - (D) A summary of argument stating in separate numbered paragraphs the legal propositions upon which each side relies;
 - (E) A concise statement of facts, with supporting references to appendices or record, presenting succinctly the background of the questions involved. The statement shall include a concise statement of all facts that should be known in order to determine the points in

R

REDLINED

controversy. The answering counter-statement of facts need not repeat facts recited in the opening brief;

- (F) An argument divided under appropriate headings distinctly setting forth separate points; and
- (G) A short conclusion stating the precise relief sought.

- (ii) Reply Briefs. The party filing the opening brief shall not reserve material for the reply brief that should have been included in a full and fair opening brief. There shall not be repetition of materials contained in the opening brief. A table of contents and a table of citations, as required by Local Rule 7007-2(b) (i) (A)-(B), shall be included in the reply brief.
- (c) Contents of Appendices. Each Appendix shall contain a paginated table of contents and may contain such parts of the record that are material to the questions presented as the party wishes the Court to read. Duplication shall be avoided. Portions of the record shall be arranged in chronological order. If testimony of witnesses is included, appropriate references to the pages of such testimony in the transcript shall be made and asterisks or other appropriate means shall be used to indicate omissions. Appendices may be separately bound. Parts of the record not included in the appendix may be relied on in briefs or oral argument. Whenever a document, paper or testimony in a foreign language is included in any appendix or is cited from the record in any brief, an English translation made under the authority of the Court, or agreed by the parties to be correct, shall be included in the appendix or in the record.
- (d) Joint Appendix. Counsel may agree on a joint appendix that shall be bound separately.

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.

R

REDLINED

- (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 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

R

REDLINED

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:

- (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.

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

R

REDLINED

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
<u>December 22, 2010</u>	<u>Revised Local Rule 2002-1(f) (ix)</u>
	<u>Added subsection (g) to Local Rule 2002-1</u>
	<u>Added Local Rule 3002-1</u>
	<u>Added subsection (j) to Local Rule 2016-2</u>
	<u>Revised Local Rule 3007-1</u>
	<u>Revised Local Rule 9006-1</u>
	<u>Revised Local Rule 7007-2</u>
	<u>Added Local Rule 3015-1</u>
	<u>Revised Local Rule 9010-1</u>

R

REDLINED