

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re

**THE BANKRUPTCY ABUSE PREVENTION
AND CONSUMER PROTECTION ACT OF 2005**

**GENERAL ORDER ESTABLISHING CRIMINAL REFERRAL AND
REPORTING PROCEDURES MANDATED BY
18 U.S.C. SECTIONS 158(d) AND 3057**

WHEREAS section 203(b) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) enacted section 158 of Title 18 of the United States Code to require the Attorney General of the United States to designate United States attorneys and agents of the Federal Bureau of Investigation as referred to in 18 U.S.C. section 158(b) to have primary responsibility in carrying out enforcement activities in addressing violations of 18 U.S.C. section 152 or 157 relating to abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules that are intentionally fraudulent or misleading; and

WHEREAS 18 U.S.C. 158(d) requires that bankruptcy courts establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under 18 U.S.C. 158(b); and

WHEREAS 18 U.S.C. section 3057 requires any judge, or trustee having reasonable grounds for believing that any violation of the criminal bankruptcy statutes under Chapter 9 of Title 18 has been committed, to report violations to the appropriate United States attorney;

IT IS ORDERED that the following criminal referral and reporting procedures shall be adopted by the Bankruptcy Court for the District of New Jersey:

1. The procedures for referral of materially fraudulent statements in bankruptcy schedules to the United States Attorney and Federal Bureau of Investigation pursuant to 18 U.S.C. Section 158 are attached hereto as Exhibit A.
2. The Notification Statement for potential use by the Court in referring materially fraudulent statements in a bankruptcy schedule is attached hereto as Exhibit B.
3. The Notification Statement attached hereto as Exhibit B may also be used by the Court in carrying out its reporting obligations to the United States attorney pursuant to 18 U.S.C. section 3057.
4. The Clerk shall maintain and update, as required, the Addendum Attached as Exhibit C, which sets forth the designations required under 18 U.S.C. section 158.

IT IS FURTHER ORDERED that this General Order shall become effective as of March 22, 2007, and that notice to the bar and public shall be given by posting of this General Order on the Court's Website: www.njb.uscourts.gov .

Dated: March 22, 2007

/s/ HON. JUDITH H. WIZMUR
HON. JUDITH H. WIZMUR
CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Exhibit A

Referral Procedures - Materially Fraudulent Statements - 18 U.S.C. section 158, *Designation of United States attorneys and agents of the Federal Bureau of Investigation to materially fraudulent statements in bankruptcy schedules*; 18 U.S.C. section 152, *Concealment of assets; false oaths and claims; bribery*; 18 USC section 157, *Bankruptcy Fraud*

If a bankruptcy judge determines that a case may contain a materially fraudulent statement in a bankruptcy schedule, the judge shall refer the case to the designated United States attorney and the designated agent of the Federal Bureau of Investigation noted on **Exhibit C** attached. The referral may be made by completing the referral form attached as **Exhibit B**, or by otherwise providing the same information in writing.

Exhibit B

**United States Bankruptcy Court for the
District of New Jersey**

**NOTIFICATION STATEMENT
REGARDING POTENTIAL
VIOLATION OF 18 U.S.C. § 152 OR 157**

TO: _____ POSITION: _____
FROM: _____ TITLE (if applicable): _____
DATE: _____ SIGNATURE _____

1. Background Information

- a. Name of Debtor _____
 - i. Case number _____
 - ii. Debtor's Address _____
 - iii. Debtor's Telephone no. _____
- b. Debtor's Attorney _____
 - i. Address _____
 - ii. Telephone no. _____
- c. Name of Trustee (if applicable) _____
 - i. Address _____
 - ii. Telephone no. _____

2. Case Chapter

- a. Under what chapter was the case originally filed: 7 (); 11 (); 12 (); 13 ()
- b. Under what chapter is the case now pending: 7 (); 11 (); 12 (); 13 ()
- c. Type of Case: Voluntary () or Involuntary ()

3. Report all facts and circumstances of the offense believed to have been committed (provide as much information as possible), including the following:

a. Identify the schedule that contains the materially fraudulent statement.

b. Explain why the statement is materially fraudulent.

c. Provide the names, addresses, and telephone numbers of personas with knowledge of an information relating to the suspected offense.

d. Disclose any other pertinent information regarding the suspected offense.

Exhibit C

**INDIVIDUALS DESIGNATED BY THE ATTORNEY GENERAL OF THE
UNITED STATES PURSUANT TO 18 U.S.C.158(D) TO HAVE PRIMARY
RESPONSIBILITY IN CARRYING OUT ENFORCEMENT ACTIVITIES IN
ADDRESSING VIOLATIONS OF 18 U.S.C. SECTION 152 OR 157**

OFFICE OF THE UNITED STATES ATTORNEY:

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Assistant United States Attorney
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Newark, New Jersey 07102

FEDERAL BUREAU OF INVESTIGATION:

Special Agent Andrew Rosenbaum
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