

D.N.J. LBR 1001-1 SCOPE OF RULES

- (a) These rules shall be cited as the "District of New Jersey Local Bankruptcy Rules, D.N.J. LBR _____" (hereinafter "Local Rules" or "Rules") of the United States Bankruptcy Court for the District of New Jersey (hereinafter "Court"). These rules and the Local Civil Rules of the United States District Court for the District of New Jersey (hereinafter "District Court Rules") shall be followed insofar as they are not inconsistent with the Bankruptcy Code (hereinafter "Code") and the Federal Rules of Bankruptcy Procedure (hereinafter "Fed. R. Bankr. P."). The forms appended hereto shall be known as the Local Bankruptcy Forms of the United States Bankruptcy Court for the District of New Jersey (hereinafter "Local Forms"). The local forms shall be used in the circumstances indicated by the titles to such forms.
- (b) These rules shall be construed to secure the just, speedy and inexpensive determination of cases and proceedings in the Court. The application of these rules in any case or proceeding may be modified or relaxed by the Court in the interests of justice.
- (c) From time to time, the Court may issue general orders and administrative procedures to supplement these Local Rules, copies of which may be obtained from the Clerk through the Court's web site, www.njb.uscourts.gov.

1997 Comment: Formerly Local Rule 1

2001 Comment: This Rule Amendment is intended to allow the Court to issue general orders to supplement the Local Rules, such as the Court's issuance of a general order to authorize the Court to establish practices and procedures for the filing, signing, and verification of documents by electronic means.

Reference: Fed. R. Bankr. P. 9029(a) Local Bankruptcy Rules

(June , 2001)

D.N.J. LBR 1007-2 MAILING - LIST OR MATRIX

- (a) The matrix shall consist of an alphabetized mailing list of creditors (last name first, first name last), equity security holders, partners and other parties in interest with complete names and addresses, including zip codes. The matrix shall be filed with the petition, schedules and statement of affairs. The matrix shall be supplemented, to the extent required, by the filing of amended matrices containing only those additions in the amended schedules.
- (b) The matrix shall be arranged in a single column on each page, left justified, with margins of at least 1 inch using one of the following standard typefaces or print styles:
 - (1) Courier 10 pitch.
 - (2) Prestige Elite.
 - (3) Letter Gothic.
- (c) Each name and address block shall consist of no more than 5 lines with at least one blank line between each block. Each line shall be no more than 40 characters in length.
- (d) A matrix containing 50 or more parties shall be submitted in the form of a computer diskette accompanied by a paper copy. The diskette shall be prepared in accordance with instructions provided by the clerk.
- (e) A matrix submitted electronically shall be prepared in accordance with instructions provided by the clerk.

1997 Comment: Formerly Local Rule 2(c) (1) - (4)

2001 Comment: Subdivision (e) is intended to guide the procedure for submission of a matrix electronically.

Reference: Fed. R. Bankr. P. 1009 Amendments of Voluntary Petitions, Lists, Schedules and Statements; D.N.J. LBR 1009-1.

(June , 2001)

D.N.J. 5005-1-FILING AND TRANSMITTAL OF PAPERS

Electronic filing is authorized subject to general orders and administrative procedures as issued by the Court. In cases in which electronic filing is utilized, documents shall be filed, signed, or verified by means that are consistent with any general orders issued by the Court.

2001 Comment: This Rule is new and provides the general authority for electronic filing as authorized under Fed. R. Bankr. P. 5005(a)(2).

Reference: Fed. R. Bankr. P. 5005(2)(a).

(June , 2001)

D.N.J. LBR 9004-1 PAPERS - REQUIREMENTS OF FORM

All petitions, pleadings, schedules and other ~~papers~~ documents filed in paper form, shall be ~~fastened at the top and~~ legibly typewritten, printed or reproduced. The papers shall be of standard weight and shall have an upper margin of not less than 1-1/2 inches. No such document may be stapled or similarly fastened so as to cause punctures in the paper.

1997 Comment: Formerly Local Rule 2(a)(1)

2001 Comment: This Rule amendment is intended to facilitate the imaging process when
utilized in conjunction with the electronic case filing system.

D.N.J. LBR 9004-2 CAPTION - PAPERS, GENERAL

- (a) All papers, including motions, complaints, orders, judgments, letters, and briefs shall set forth a caption, and the title shall include a specific reference to the subject of the paper and shall state the hearing date as follows: "Hearing Date: _____, 20__."
- (b) All papers shall set forth the case number, chapter, initials of judge assigned and, when applicable, the adversary proceeding number. In the case of motions, the notice of motion and any answering papers shall state below the hearing date either "oral argument requested" or "oral argument waived."
- (c) All pleadings commencing with the original petition shall contain in the top left margin the typewritten or printed name, address, telephone number, the initials of the first and last names and the last 4 digits of the social security number of the attorney of record for the filing party, and the identity of the party represented, or, if a party is appearing pro se, the typewritten or printed name, address and telephone number of such party.

1997 Comment: Formerly Local Rule 2(a)(2), (3), and (4)

2001 Comment: This Rule amendment substitutes reference to the year "20__" for the
_____ year "19__."

(June , 2001)

D.N.J. LBR 9013-2 BRIEFS & MEMORANDA OF LAW

All moving papers, answering papers, and cross-motions shall include a brief, or a statement that no brief is necessary and the reasons therefor. The brief shall be a separate document, ~~not attached to the moving papers, answering papers, or cross-motion and shall note the return date on its cover.~~

1997 Comment: This rule is new [April 1977] and is derived from Local Rule 3(c) and (d).

2001 Comment: This Rule amendment is intended to maintain and clarify the current requirement _____
that a brief is to be a separate document whether submitted electronically or in _____
_____ paper form.

(June , 2001)

D.N.J. LBR 9013-3 CERTIFICATE OF SERVICE - MOTIONS

All moving papers, answering papers, and cross motions must be supported by ~~shall include~~ a certificate of service. The certificate of service shall identify the relationship to the case of each party served.

1997 Comment: This rule is new [April 1997], and is derived from Local Rule 3(c) and (d).

1998 Comment: The second sentence of this rule was added [April 1998]. It is intended to facilitate the court's meaningful review of the certification of service. The service list should identify the name of the party served, the address of the party served, and the party's relationship to the case. For example:

John Doe, Esq.	Jane Doe
123 Main Street	456 Main Street
Anytown, USA 12345	Anytown, USA 12345
Attorney for Secured Creditor,	Unsecured Creditor
Big Bank, N.A.	

2001 Comment: This Rule amendment is intended to clarify that where electronic case filing is utilized, a certificate of service may be filed subsequent to the filing of the moving papers, answering papers, and cross motions.

Reference: Fed. R. Civ. P. 5 Service and Filing of Pleadings and Other Papers; Fed. R. Bankr. P. 7005 Service and Filing of Pleadings and Other Papers.

(June , 2001)

D.N.J. LBR 9072-1 ORDERS - PROPOSED

- (a) Any order or judgment must be a separate document. The title of an order or judgment shall identify the nature of the relief granted.
- (b) The Court may approve standard forms of order and judgment pursuant to Fed. R. Bankr. P. 9021. When a decision by the Court is identical to that provided in any such standard form of order or judgment, and includes no additional relief or ruling, the clerk shall prepare, sign and enter an order or judgment on the appropriate form as directed by the Court. Where use of a standard form of order or judgment is required under this subdivision, there shall be no substitution for, or modification or supplementation of such form without the express consent of the Court.
- (c) Except as provided in subdivision (b), if the ruling on a motion or application differs from that reflected in any proposed orders which have been submitted, the prevailing party or applicant shall file and serve a revised form of order within 5 days of the Court's decision. If the prevailing party or applicant fails to do so, any other party may file and serve such form of order.
- (d) If all parties consent to the form of an order submitted under subdivision (c), the correspondence transmitting such order shall so state in bold face or upper case type, and such order shall be signed and entered forthwith in the discretion of the court. In all other cases under subdivision (c), all parties served with such order shall have 5 days to file and serve an objection and alternative form of order. A hearing may be conducted on the objection in the Court's discretion.

1997 Comment: Formerly Local Rule 4

2001 Comment: This Rule amendment substitutes the phrase "shall be signed and entered in the discretion of the court" for the phrase "shall be signed and entered forthwith."

Reference: D.N.J. LBR 4001-1(d) Automatic Stay - Relief From; Fed. R. Bankr. P. 9022 Notice of Judgment or Order.

D.N.J. LBR 9072 -2 ORDERS PROPOSED - ELECTRONIC CASE FILING SYSTEM

(a) Orders submitted under D.N.J. LBR 9072-1(c) shall be directed to the presiding judge's electronic mail box designated for this purpose. The address box of the electronic mail shall reflect the names of the parties served. If any party is not served electronically, the filer must serve a copy of the order on that party conventionally and indicate such service in the electronic correspondence directed to the presiding judge's electronic mail box.

(b) Pursuant to the requirements of D.N.J. LBR 9072-1(d), if all parties consent to the form of an order submitted electronically, the electronic correspondence transmitting such order shall so state in bold face or upper case type, and such order shall be signed and entered in the discretion of the court. In all other cases under subdivision (a), all parties served with such order shall have 5 days to submit and serve an objection and alternative form of order to the presiding judge's electronic mail box. A hearing may be conducted on the objection in the Court's discretion.

2001 Comment: This Rule is new and is intended to provide a procedure for orders submitted by electronic means under D.N.J. LBR 9072-1(c).