

D.N.J. LBR 1002-1 PETITION - GENERAL

- (a) *Content.* In addition to the requirements of the Code, Federal Rules of Bankruptcy Procedure and Official Forms, every voluntary and, to the extent possible, involuntary petition shall contain the following information:
- (1) The correct name, complete street address, city, state, and zip code of the debtor. The address stated on the petition shall be the actual location of the debtor's residence or principal place of business.
 - (2) In an individual petition, the correct full first, middle, and last name and social security number of the debtor.
 - (3) In a business petition, the employer's identification number of the debtor.
 - (4) In a corporate petition, the signature of an officer or other authorized representative of the corporation.
 - (5) In a corporate petition, a copy of the corporate resolution authorizing the filing.
 - (6) In a partnership petition, a certification evidencing compliance with Fed. R. Bankr. P. 1004(a).
 - ~~(7) In a joint petition, the signature of both debtors.~~
- (b) *Involuntary Petitions.* In involuntary petitions, the above subdivisions (a) (1) through (3) apply.

1997 Comment: Subpart (a)(1) through (a)(7) is the former Local Rule 2(b)(1)(A) through (G); Subpart (b) is the former Local Rule 2(b)(2).

Reference: 28 U.S.C. § 1930(a) Bankruptcy fees; 11 U.S.C. § 301 Voluntary cases; 11 U.S.C. § 302 Joint Cases; 11 U.S.C. § 303 Involuntary cases; Fed. R. Bankr. P. 1003 Involuntary Petition; Fed. R. Bankr. P. 1004 Partnership Petition; Fed. R. Bankr. P. 1005 Caption of Petition; Fed. R. Bankr. P. 1008 Verification of Petitions and Accompanying Papers; Fed. R. Bankr. P. 9011 Signing and Verification of Orders; Official Form 1.

2003 Proposed Change: Subpart (a)(7) is deleted as duplicative of Fed. R. Bankr. P. 1008.

~~D.N.J. LBR 1007-1 LISTS, SCHEDULES & STATEMENTS~~

~~In addition to the requirements of D.N.J. LBR 1002-1(a) in a joint petition, the assets and liabilities of each debtor shall be separately listed and tabulated on the schedules and statements under appropriately identified columns or entries. Joint assets and liabilities of the debtors shall be listed and tabulated as such, under appropriately identified columns or entries.~~

~~1997 Comment: Formerly Local Rule 2(b)(1)(H).~~

~~Reference: 11 U.S.C. § 302 Joint cases; Fed. R. Bankr. P. 1008 Verification of Petitions and Accompanying Papers.~~

2003 Proposed Change: This Rule is deleted as it is duplicative of information required on Official Forms.

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

- (a) A matrix, which shall be verified by the debtor, shall be filed with the petition. 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.~~ Whenever a creditor schedule or list is amended, the matrix shall be supplemented, to the extent required, by the filing of amended verified 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 in 10 or 12 point size:
- (1) ~~Courier 10 pitch~~
 - (2) ~~Prestige Elite~~ Arial
 - (3) ~~Letter Gothic~~ Times New Roman
- (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.

D.N.J. LBR 1009-1 AMENDMENTS TO LISTS & SCHEDULES

~~When a petition is filed with a list of creditors without complete schedules, the schedules, when filed, must be accompanied by a separate verified statement of changes in the list of creditors originally filed, indicating deletions and additions. The amendment must also be in compliance with D.N.J. LBR 1007-2.~~

Whenever an amendment to the list of creditors, schedules or statement of affairs is filed, the amended list of creditors, schedules and statement of affairs must be verified by the debtor. The amendment shall include *only* the changes and shall indicate if changes are additions or deletions. The amendment must also be in compliance with D.N.J. LBR 1007-2.

1997 Comment: Formerly Local Rule 2(d).

2003 Proposed Change: Text of Rule reworded. The intent is to clarify that all amendments need to be verified under Fed. R. Bankr. P 1008 and to further direct that only the changes are to be included in the amendment.

D.N.J. LBR 2016-1 COMPENSATION OF PROFESSIONALS

- (a) ~~Except as provided in subdivisions (f) and (g),~~ The statement of services rendered and itemization of expenses in an application for fees or expenses shall contain:
- (1) A copy of the order of retention or authorization.
 - (2) The dates of services rendered.
 - (3) The services rendered on each date and the identity of the person rendering the service.
 - (4) The time spent in the rendering of each service. Computer time sheets showing the time units used may be attached to the application.
 - (5) The normal billing rate for each person.
 - (6) At the end of the application, a total of the time spent by each individual performing services.
 - (7) A list of actual, not estimated, expenses.
 - (8) For attorneys and accountants seeking allowance of fees in excess of \$10,000, except as provided in subdivision (g), a summary on [Local Form No. 3 or 4](#).
 - (9) A narrative explanation of the nature of the work performed and the results achieved.
- (b) Appraisers shall include in the application the value of the appraised assets.
- (c) An auctioneer shall be allowed those expenses approved by the Court and, in addition, commissions on net proceeds of sale, not to exceed: 10% of the first \$50,000; 7% of the next \$50,000; 5% of the next \$50,000; and 3% of all amounts above \$150,000.
- (d) No Court appearances shall be required on applications by trustees, examiners and professional persons for commissions, fees and expenses, unless an objection is filed and served.
- (e) A copy of each application for allowances shall be served on the United States Trustee at the time of filing.
- (f) A trustee seeking commissions in excess of \$10,000 shall comply with all requirements of subdivision (a) of this Rule, except subdivision (a)(8). A trustee seeking commissions in an amount less than \$10,000 is exempt from the requirements of subdivisions (a)(2), (3), (4), (5), (6) and (8).
- (g) A professional retained on a contingency basis is exempt from the requirements of subdivisions (a)(2), (3), (4), (5), (6) and (8).
- (h) Objections to applications for allowance shall be filed and served no less than 7 days prior to the scheduled hearing date.
- (i) *Chapter 11.* All applications for allowance of fees and expenses shall be filed within 90 days after entry of a final order confirming a plan, or such fees and expenses shall be deemed to be waived.
- (j) *Chapter 13.* (1) If the fee of the attorney for the debtor disclosed pursuant to Fed. R. Bankr. P. 2016(b) exceeds \$2,000.00, the attorney for the debtor shall file and serve on the Chapter 13 trustee and the debtor an application for allowances not less than 7 days before the confirmation hearing.

(2) For supplemental fee applications of up to \$1,000.00 per application, for the services listed in D.N.J. [Local Form 13](#), the attorney for the debtor may submit D.N.J. Local Forms 13 and 14. Such applications shall be served on the Chapter 13 trustee and the debtor.

(3) Any other supplemental applications shall be filed in accordance with section (a) of this rule and shall be served on the Chapter 13 trustee and the debtor. If the supplemental application is for an amount in excess of \$1,000.00, the clerk shall issue notice of hearing as required by Fed. R. Bankr. P. 2002(a)(6) for a date on which chapter 13 cases are heard.

(4) Supplemental fee applications shall be submitted not more than once every 120 days.

1997 Comment: Subparts (a) and (b), and (d) through (h) are former Local Rule 8(a) through (g); subpart (c) is former Local Rule 7(c); subpart (i) is the former Local Rule 25(c); subpart (j) is former Local Rule 33.

2001 Comment: Subpart (j) amended March 8, 2001; amendments include increasing the fee dollar amount from \$1,500.00 to \$2,000.00 and the addition of paragraphs (2), (3) and (4).

Reference: 11 U.S.C. § 327 Employment of professional persons; 11 U.S.C. § 328 Limitation on compensation of professional persons; 11 U.S.C. § 330 Compensation of officers; 11 U.S.C. § 504 Sharing of compensation; Fed. R. Bankr. P. 2013 Public Record of Compensation Awarded to Trustees, Examiners, and Professionals; Fed. R. Bankr. P. 2014 Employment of Professional Persons; [D.N.J. LBR 2016-1](#), [6004-1](#), [6005-1](#).

2003 Proposed Change: The phrase “Except as provided in subdivisions (f) and (g)” is superfluous since these subsections specifically provide for exemptions from various requirements.

D.N.J. LBR 3016-1 CHAPTER 11 PLAN

- (a) A plan proponent shall review all claims prior to filing a plan.
- (~~a~~b) *Effective Date.* Unless a plan provides otherwise, its effective date shall be the date on which the order of confirmation becomes final.
- (~~b~~c) *Format of Plan.* In addition to the requirements of § 1123 of the Code, a plan shall contain:
- (1) A title indicating whether the plan is one of reorganization or liquidation.
 - (2) A table of contents.
 - (3) Definitions.
 - (4) Clearly numbered articles or sections.
 - (5) A signature of the proponent and the date thereof.
- (d) Modification of Plan. If a chapter 11 plan is modified, the entire modified plan shall be refiled and shall indicate in its title its relationship to the original plan and any previous modification, such as “First Modified Plan of Reorganization.”

1997 Comment: Formerly Local Rule 20.

Reference: 11 U.S.C. § 1128 Confirmation hearing; [D.N.J. LBR 3016-2](#), [3018-2](#).

2003 Proposed Change: Additions of subsections (a) and (d) (heretofore included in LBR 3016-2 re Disclosure Statement); so that all plan requirements fall under the rule on Chapter 11 Plan.

D.N.J. LBR 3016-2 DISCLOSURE STATEMENT - GENERAL

- (a) A plan proponent shall review all claims prior to filing a disclosure statement ~~and plan~~.
- (b) A disclosure statement shall state the number and amount of claims of each class to which the proponent intends to object.
- (c) If a chapter 11 disclosure statement ~~or plan~~ is modified, the entire modified disclosure statement ~~or plan~~ shall be refiled and shall indicate in its title its relationship to the original disclosure statement ~~or plan~~ and any previous modification, such as "First Modified ~~Plan of Reorganization~~ Disclosure Statement."

1997 Comment: Subparts (a) and (b) formerly Local Rule 24(a) and (b). Subpart (c) formerly Local Rule 21. Former Local Rule 24(c) has been renumbered under D.N.J. LBR 3007-1.

Reference: 11 U.S.C. § 1125 Postpetition disclosure and solicitation; Fed. R. Bankr. P. 3019 Modification of Accepted Plan Before Confirmation in a Chapter 9 Municipality or a Chapter 11 Reorganization Case; [D.N.J. LBR 3016-1](#).

2003 Proposed Change: Remove references to the plan since this section deals with “Disclosure Statement.” Language on modifications to the plan is moved to D.N.J. LBR 3016-1.

D.N.J. LBR 5005-2 FILING PAPERS - NUMBER OF COPIES

~~The number of copies of the petition, statement of financial affairs and schedules required for filing are as follows:~~

~~chapter 7 - original and 4~~

~~chapter 9 - original and 6~~

~~chapter 11 - original and 6~~

~~chapter 12 - original and 4~~

~~chapter 13 - original and 4~~

An original and one copy of the petition, statement of financial affairs and schedules are required for filing in hard copy in cases under Chapters 7, 9, 11, 12 and 13.

Only the originally filed petition, statement of financial affairs and schedules are required for filing electronically in cases under Chapter 7, 9, 11, 12 and 13.

1997 Comment: Formerly Local Rule 2(b)(3).

2003 Comment: This rule is amended to recognize the reduced number of copies of petitions, statements of financial affairs and schedules required due to the implementation of the Court's Electronic Case Filing System (ECF). While those filing in hard copy will continue to receive "filed" paper copies of the petition, statement of financial affairs and schedules, those filing electronically will receive confirmation of the filing of the petition by the Notice of Electronic Filing and hyperlink to petition.

With respect to both hard copy as well as electronic filings, copies of petitions previously made available to the Office of the United States Trustee, Chapter 7 Panel Trustee or Chapter 13 Standing Trustee, as well as to the public, will be available electronically through ECF. In addition, with regard to Chapter 11 petitions filed either in hard copy or electronically, the Court will continue to comply with the notice requirements of Fed. R. Bankr. P. 2002(j).

**D.N.J. LBR 7005-1 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS -
ELECTRONIC CASE FILING SYSTEM**

- (a) Participants in the Court's electronic case filing system (ECF), by accepting a login and password from the Court, waive their right to service by personal service or first class mail and agree to electronic service, except with regard to service of process of a summons and complaint in an adversary proceeding under Fed. R. Bankr. P. 7004 and the initiating motion in a contested matter under Fed. R. Bankr. P. 9014.
- (b) A party may make service upon a Participant of the Court's electronic case filing system under Fed. R. Civ. P. 5(b)(2)(D) made applicable to bankruptcy cases pursuant to Fed. R. Bankr. P. 7005, through the Notice of Electronic Filing automatically generated by the Court's transmission facilities.

2003 Comment: The December 2001 amendment to Fed. R. Civ. P. 5(b)(2)(D) requires the promulgation of a local rule if a court wants to authorize parties to use its transmission facilities to make electronic service. Express written consent to electronic service through the Court's transmission facilities as further required by Fed. R. Civ. P. 5(b)(2)(D) is provided by the Participant's signature on the Court's ECF registration form.

D.N.J. LBR 9013-1 MOTION PRACTICE

- (a) *General Provisions.* An application to the Court for an order requiring notice and opportunity for hearing shall be by motion. Every motion shall state the time and place returnable, the grounds upon which it is made, and the nature of the relief sought. A motion shall be deemed uncontested unless responsive papers are timely filed in accordance with subdivision (d). A proposed form of order shall accompany the moving papers, except as provided in D.N.J. LBR 9072-1(b).
- (b) *Scheduling.* An application by motion except in a chapter 13 case shall be made returnable on a regular motion day before the judge to whom the case has been assigned. The regular motion day shall be Monday for all three vicinages. A motion in a chapter 13 case shall be made returnable on a date assigned by the Court. A motion not timely filed pursuant to subdivision (c) will be scheduled for the next motion day.
- (c) *Time and Place of Filing.* All moving papers shall be filed in the vicinage of the case. Such papers shall be filed and served at least 20 days before the return date, except as provided in Fed. R. Bankr. P. 3007.
- (d) *Responsive Papers; Cross-Motions.* All answering papers and cross-motions shall be filed and served at least 7 days before the return date. All cross-motions shall be deemed contested. No motion shall be designated as a cross-motion unless it is related to the original motion.
- (e) *Orders Shortening Time.* An application under Fed. R. Bankr. P. 9006(c) for an order shortening time for hearing on a motion shall be submitted with the moving papers in a form substantially the same as [Local Forms 1](#) and [2](#). Use of orders to show cause shall be limited to adversary proceedings in accordance with D.N.J. LBR 9075-1.
- (f) *Oral Argument.* Unless a party requests oral argument or the Court otherwise directs, all motions shall be decided on the papers. All parties must state their intentions regarding oral argument in the moving or answering papers.
- (g) *Telephone Conference.* The Court, on its own motion or on a party's request, may direct argument of any motion by telephone conference without Court appearance. A verbatim record shall be made of all such telephone arguments.
- (h) *Motion for Reconsideration.* A motion for reconsideration shall be filed within 10 days of the entry of the Court's order or judgment on the original motion. The motion shall be filed with a memorandum setting forth concisely the matters or controlling decisions which the movant believes constitute cause for reconsideration. A timely motion for reconsideration shall be deemed to be a motion under Fed. R. Bankr. P. 8002(b).
- (i) *Testimony.* Unless the Court authorizes or directs otherwise prior to the return date, no testimony shall be taken on a motion except by certification or affidavit under Fed. R. Civ. P. 43(e) and Fed. R. Bankr. P. 9017. Notwithstanding the foregoing, live testimony may be taken on a motion under Code § 363(c) or § 364 without prior authorization from the Court.
- (j) *Consent Order in Lieu of Motion.*
 - (1) Requests to the Court for an order on which all parties who are entitled to notice have affixed their written consent may be presented by application without motion or hearing. The application shall explain the grounds for entry of the order.

- (2) Notwithstanding subsection (j) (1) of this rule, a consent order in lieu of a motion under Code § 363(e) in a chapter 11 case can be filed without the written consent of the 20 largest unsecured creditors if no committee of unsecured creditors has been appointed. In such event, the 20 largest unsecured creditors shall be served with the application and consent order and shall have 5 days to file and serve an objection. If a committee of unsecured creditors has been appointed, its written consent must be affixed to a consent order in lieu of a motion under Code § 363(e).
- (k) *Duty to Confer.* If a motion is contested, the movant shall confer with the respondent prior to the hearing to determine whether a consent order may be entered disposing of the motion, or, in the alternative, to stipulate the resolution of as many issues as possible.
- (l) *Duty to Report Settlement or Withdrawal.* If a motion is settled or withdrawn, the movant shall inform the Court immediately by telephone, and send written confirmation promptly thereafter.
- (m) Any motion seeking relief from the automatic stay, the use, sale or lease of property or the assumption, rejection or assignment of executory contracts and unexpired leases shall specifically state in the caption of the motion whether the movant seeks a waiver of the 10 day stay of the effectiveness of any proposed order for the relief sought under Federal Rules of Bankruptcy Procedure 4001(a)(3), 6004(g) or 6006(d). The movant shall bear the burden of establishing cause for the waiver of the 10 day stay provisions and shall detail the cause in its moving papers.

1997 Comment: Formerly Local Rule 3(a) through (h), and (j) through (m).

1999 Comment: Subsection (h) of this rule was amended. The amendment substituted the word "entry" for the word "filing" in the first sentence to be consistent with the federal rules of civil and bankruptcy procedure.

Reference: Fed. R. Bankr. P. 5005 Filing and Transmittal of Papers; Fed. R. Bankr. P. 9006 Time; Fed. R. Bankr. P. 9014 Contested Matters; Fed. R. Bankr. P. 9001(7) and 9021.

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 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.
- (e) Any proposed order seeking relief from the automatic stay, the use, sale or lease of property or the assumption, rejection or assignment of executory contracts and unexpired leases shall not include a waiver of the 10 day stay provisions provided in Federal Rules of Bankruptcy Procedure 4001(a)(3), 6004(g) or 6006(d) unless cause for relief from the stay is specifically plead in the moving papers. The caption of the proposed order must state the order waives the 10 day stay provisions contained in the applicable Federal Rule.

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.