

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 18-0007

The full Court met in executive session on Thursday, March 22, 2018 and approved a proposal to amend the Local Rules of the United States Bankruptcy Court for the Northern District of Illinois. The proposed amendments were published with comments due on January 31, 2018. One comment was received.

At its meeting on February 7, 2018, the Rules Advisory Committee discussed the comment received. After discussion, the Advisory Committee withdrew Rule 5005-4 for further consideration. The Advisory Committee recommended that the Rules Committee approve the rules as published, with the exception of Rule 5005-4.

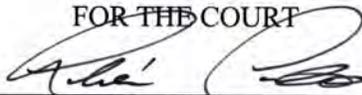
The Court's Rules Committee discussed the proposal at its meeting on February 15, 2018. The Rules Committee reviewed the draft amendments and the suggestion from the Rules Advisory Committee. It recommended that the full Court adopt the proposed Local Rules of the Bankruptcy Court as published, with the exception of Rule 5005-4.

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, March 22, 2018 and agreed to adopt the Local Rules of the Bankruptcy Court; therefore,

By direction of the full Court, which met in executive session on Thursday, March 22, 2018,

IT IS HEREBY ORDERED that the amendments to the Local Rules of the Bankruptcy Court be adopted as attached, additions shown thus, deletions shown ~~thus~~.

ENTER:
FOR THE COURT



Chief Judge

Dated at Chicago, Illinois this 25th day of March, 2018

RULE 1000-1 DEFINITIONS

(10) "District Court Local Rules" means the Civil Rules promulgated by the district court;

RULE 1006-1 PAYMENT OF FILING FEE IN INSTALLMENTS

If a debtor applies to pay the filing fee in installments pursuant to Fed. R. Bankr. P. 1006, the clerk may enter on behalf of the judge to whom the case is assigned the appropriate order. The order must, which will require that (a) fifty percent of the filing fee be paid no later than 60 days after the petition date; (b) the fee be paid in no more than four equal payments due 30, 60, 90, installments; and (c) the final installment be paid no later than 120 days after the petition date is filed.

**RULE 1017-3 EFFECT OF DISMISSAL OF BANKRUPTCY CASE ON PENDING
ADVERSARY PROCEEDINGS**

Whenever a bankruptcy case ~~under the Bankruptcy Code~~ is dismissed, a pending adversary proceeding arising under, arising in, or related to the case ~~then pending~~ will not be dismissed ~~without prejudice~~ unless ~~otherwise~~ ordered by the court, ~~either in the dismissal order or by separate order.~~ When a bankruptcy case is dismissed, any adversary proceedings pending in the case that are civil actions ~~Cases which have been removed to the bankruptcy court~~ must ~~will~~ be remanded ~~to the courts from which they were removed.~~

RULE 1019-1 CONVERSION BY ONE DEBTOR UNDER A JOINT PETITION

When only one of two joint debtors in a joint petition files a notice of ~~conversion~~~~intent~~ or motion to convert, upon payment of any required additional filing fees, the clerk ~~shall~~~~will~~ divide the case into two separate cases and assign a case number to the new case. The debtor seeking to convert his or her case ~~shall~~~~must~~ give notice to the other debtor, as well as to all other parties entitled to notice under the Bankruptcy Code and ~~Bankruptcy Rules~~~~the Fed. R. Bankr. P.~~, and ~~shall~~~~will~~ be responsible for the payment of all required fees. Each debtor ~~shall~~~~must~~ file within 14 days of division of the case all necessary amendments to the schedules and statement of financial affairs.

RULE 2015-1 DEFERRAL OF FILING FEES DUE FROM TRUSTEE

In an adversary proceeding, if the case trustee certifies ~~to the clerk~~ that the estate lacks the funds necessary to pay a filing fee, the trustee will ~~clerk will defer the filing fee without court order~~ ~~and~~ enter the deferral of the fee on the docket. If the estate later receives funds sufficient to pay the deferred fees, the trustee will then pay the fee.

RULE 2090-3 APPEARANCE BY ATTORNEYS NOT MEMBERS OF THE BAR OF THE DISTRICT COURT (Pro Hac Vice)

An attorney who is not a member of the bar of the District Court but who is a member in good standing of the bar of the highest court of any state or of any United States District Court may appear before this court after:

- (1) completing the form application for leave to appear *pro hac vice* as prescribed by the District Court,
- (2) paying the required fee to the clerk of the District eCourt, and
- (3) filing the application and receipt for payment with the clerk of the Bankruptcy Court.

The clerk of the Bankruptcy Court will enter the No order on behalf of the assigned Judge of court is required.

RULE 2090-5 APPEARANCES

A. Individual Appearances; Appearances by Firms Prohibited

- (1) Filing a document electronically constitutes entering an appearance for the party on whose behalf the document is filed, ~~and No separate appearances form should be filed further notice of appearance under Fed. R. Bankr. P. 9010(b) is required.~~
- (2) Any other appearance must be filed by the attorney appearing using forms prescribed by the ~~D~~istrict ~~C~~court.
- (3) Only individual attorneys may file appearances. Appearances by firms are not allowed.
- ~~(3)~~(4) An appearance of an attorney under this Rule does not constitute the substitution or withdrawal of any other attorney who has appeared. To substitute or withdraw, an attorney must comply with Rule 2091-1.

B. Appearance of Attorney for Debtor; Adversary Proceedings

Counsel who represents the debtor upon the filing of a petition in bankruptcy is deemed to appear as attorney of record on behalf of the debtor for all purposes in the bankruptcy case, including any contested matter and any audit, but is not deemed to appear in any adversary proceeding filed against the debtor.

C. Appearance by United States Attorney or United States Trustee

No appearance form need be filed by the United States Attorney or the United States Trustee or any of their assistants when appearing in the performance of their duties.

D. Appearance of Attorney for Other Parties

Once an attorney has appeared in a contested matter or an adversary proceeding, that attorney is the attorney of record for the party represented for all purposes incident to the matter or proceeding, unless a court orders otherwise.

RULE 3007-1 OBJECTIONS TO CLAIMS

Subject to Fed. R. Bankr. P. 3007, an objections to a claims must be noticed for hearing as an original motion in accordance with Rule 9013-1 and must identify the claimant and claim number. A copy of the proof of claim that is the subject of the objection must be attached.

RULE 3015-1 MODEL PLAN IN CHAPTER 13 CASES [RESERVED]

~~In all cases filed under Chapter 13 of the Bankruptcy Code, the debtor's plan must conform to the Model Plan adopted by the judges of this court, in effect on the date the case is filed. The Model Plan will be available in the clerk's office and on the court's web site. The court may modify the Model Plan from time to time by duly adopted General Order, making the revised plan available in the clerk's office and on the court's web site no less than 30 days before its effective date.~~

RULE 5005-1 METHOD OF FILING

A. Administrative Procedures

The court may adopt Administrative Procedures to permit filing, signing, service and verification of documents by electronic means in conformity therewith.

B. Electronic Case Filing

Pursuant to Fed. R. Bankr. P. 5005(a)(2), all documents must be filed in accordance with the Administrative Procedures.

C. Divisions of the District

The caption of each document must identify the division of the court to which the case is assigned.

D. Paper Documents

If paper documents are permitted or required by the Administrative Procedures, they must be filed at the office of the clerk in Chicago, Illinois, for Eastern Division cases, and the office of the clerk in Rockford, Illinois, for Western Division cases.

E. Proof of Identity of Unrepresented Debtors

When a person not represented by an attorney files a petition, the person must furnish proof of identity as follows:

- (1) Any person filing a petition at the clerk's office must present acceptable photo identification.
- (2) Any person filing a petition on behalf of another person must present acceptable photo identification both for himself or herself and for the other person. When a joint petition is filed, acceptable photo identification must be presented for each debtor.
- (3) All identification presented will be photocopied and entered on the court's docket. The entry will be restricted from public view.
- (4) Acceptable photo identification is a United States passport, a state driver's license, or an official identification card issued by the United States government or a state or territory of the United States, such as a military identification card or a resident alien card.
- (5) If acceptable photo identification is not presented, the clerk will issue a notice of deficiency to the debtor. If the deficiency is not cured within 14 days, the clerk may file a motion to dismiss the case and set the motion for hearing. If the deficiency is not cured before the hearing, the court may dismiss the case for cause.

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RULE 5011-1 MOTIONS FOR WITHDRAWAL OF REFERENCE

A motion under Fed. R. Bankr. P. 5011(a) to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d) must be filed with the clerk ~~of the bankruptcy court~~ and must be accompanied by the required filing fee. The clerk must promptly transmit the motion to the district court.

RULE 7020-1 [RESERVED] MULTI-DEFENDANT AVOIDANCE ACTIONS

~~Claims under §§ 547, 548, or 550 of the Bankruptcy Code against multiple defendants may not be asserted in a single adversary proceeding, and a separate adversary proceeding asserting such claims must be commenced for each defendant, unless all of the claims in the adversary proceeding arise out of a transaction involving all of the defendants.~~

RULE 7026-1 DISCOVERY MATERIALS

A. Definition

For the purposes of this Rule, the term “discovery materials” includes all materials related to discovery under Fed. R. Civ. P. 26 through Fed. R. Civ. P. 36, made applicable to bankruptcy proceedings by Fed. R. Bankr. P. 7026 through Fed. R. Bankr. P. 7036 and Fed. R. Bankr. P. 9014, and to discovery taken under Fed. R. Bankr. P. 2004.

B. Discovery Materials Not to Be Filed Except By Order

- (1) Except as provided by this Rule, Rule 7037-1, or order of court, discovery materials must not be filed with the clerk. The party serving discovery materials must retain the originals and be custodian of ~~them~~. An original deposition must be retained by the party who ordered it. The court, on its own motion, on motion of any party, or on motion by a non-party, may require the filing of any discovery materials or may make provision for a person to obtain a copy of discovery materials at the person’s own expense.
- (2) If discovery materials are received into evidence as exhibits, the attorney producing them will retain them unless the court orders them deposited with the clerk. When the court orders them deposited, they will be treated as exhibits subject to the provisions of Rule 9070-1.

RULE 7037-1

DISCOVERY MOTIONS

A. All motions under Fed. R. Civ. P. 26 through 37 (made applicable by Fed. R. Bankr. P. 7026 through 7037) relating to a discovery dispute, including any motion under Fed. R. Bankr. P. 37(a) to compel discovery, must include a statement that:

- (1) after consultation in person or by telephone, and after good faith attempts to resolve differences, the parties are unable to reach an accord; or
- (2) counsel's attempts to engage in such a consultation were unsuccessful due to no fault of counsel.

Where consultation has occurred, the statement in the motion must recite the date, time, and place of the consultation, and the names of all persons participating. Where counsel was unsuccessful in engaging in the consultation, the statement in the motion must recite in detail the efforts counsel made to engage in the consultation.

B. A party moving to compel discovery responses must attach to the motion a copy of the discovery request that is the subject of the motion and any response to the request. Failure to attach a discovery request and any response will be grounds for denial of the motion.

RULE 7056-1 MOTIONS FOR SUMMARY JUDGMENT; MOVING PARTY

A. Supporting Documents Required

With each motion for summary judgment filed under Fed. R. Bankr. P. 7056, the moving party must serve and file a supporting memorandum of law and a statement of material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to judgment as a matter of law, and that also includes:

- (1) a description of the parties;
- (2) all facts supporting venue and jurisdiction in this court; and
- (3) any affidavits and other materials referred to in Fed. R. Civ. P. 56(c)(1)(A).

B. Form - Statement of Facts

The statement of facts must consist of short numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion.

C. Subsequent Filings by Moving Party

If additional material facts are submitted by the opposing party pursuant to Rule 7056-2, the moving party may submit a concise reply in the form prescribed in Rule 7056- 2 for response. All additional material facts set forth in the opposing party's statement filed under section A(2)(b) of Rule 7056-2 will be deemed admitted unless controverted by a statement of the moving party filed in reply.

RULE 7056-2 MOTIONS FOR SUMMARY JUDGMENT; OPPOSING PARTY

A. Supporting Documents Required

Each party opposing a motion for summary judgment under Fed. R. Bankr. P. 7056 must serve and file the following:

- (1) a supporting memorandum of law;
- (2) a concise response to the movant's statement of facts that will contain:
 - (a) a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon; and
 - (b) a statement, consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon; and
- (3) any opposing affidavits and other materials referred to in Fed. R. Civ. P. 56(c)(1)(A).

B. Effect

All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

RULE 9013-1 MOTIONS

D. Service of Motions

(1) Service by Mail

Where service of the notice of motion is by mail, the notice of motion must be mailed at least 7 days before the date of presentment.

(2) Personal Service

A notice of motion served personally must be served no later than 4:00 p.m. on the third day before the date of presentment. Personal service includes actual delivery, ~~and~~ delivery by facsimile transmission ("fax"), and service by CM/ECF.

(3) Fax Service

Where service is by fax, the certificate of service must be accompanied by an automatically generated statement confirming transmission. The statement must contain the date and time of transmission, the telephone number to which the motion was transmitted, and an acknowledgment from the receiving fax machine that the transmission was received.

(4) Service by ~~the CM/ECF System~~

In accordance with the Administrative Procedures ~~for the Case Management/Electronic Case Filing System~~, electronic filing of a document constitutes service on any person who is a Registrant entitled to file documents using ~~the Case Management/Electronic Case Filing System~~ CM/ECF and who has filed a document in the case in electronic format via ~~CM/ECF the System~~. The time of filing is the time of service for purposes of section D(2) of this Rule.

(5) E-mail Service

Except for service by ~~the CM/ECF System~~ as provided in this rule, service by electronic mail is prohibited unless a written request is made under Fed. R. Bankr. P. 9036 or the court orders otherwise.

J. Service of Modified Orders on Pro Se Parties and Certificate of Service

If the court enters an order that changes the proposed order presented by the movant in accordance with Paragraph C(5) above and the change affects any pro se party, the moving party must serve on the pro se party a copy of the order within three days of its entry. The moving party must file a certificate of service stating the date, manner of service, and name and address of the recipient.

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RULE 9013-2 EMERGENCY MOTIONS

A. Motions That May Be Treated as Emergencies

A motion may be treated as an emergency only if it arises from an occurrence that could not reasonably have been foreseen and requires immediate action to avoid serious and irreparable harm.

B. Application to Set Hearing

A party seeking to present an emergency motion ~~must~~:

- (1) must file an Application to Set Hearing on Emergency Motion (“the Application”) that states the reasons that the motion should be heard on an emergency basis and the proposed time frame for presentment of the emergency motion;
- (2) must attach the proposed emergency motion to the Application; ~~and~~
- (3) must not notice the Application for hearing; and
- (4) ~~need not serve the Application or submit a draft order with the Application, and need not serve the Application.~~

C. Response to Application Prohibited

No response to the Application may be filed.

D. Procedure After Application Filed

After filing the Application and attached proposed motion specified in section B of this Rule, the movant must telephone the chambers of the judge assigned to the case to notify the judge of the filing of the Application. If the assigned judge is available to rule on the Application, the judge must promptly determine whether to grant the Application. If the judge assigned to the case is not available to rule on the Application, the movant should telephone the chambers of the emergency judge of the filing of the Application. If the emergency judge is available, the emergency judge must determine whether to grant the Application. If the emergency judge is not available, the movant may contact the clerk, using the emergency telephone numbers available on the court’s web site if necessary, and the clerk must attempt to contact another judge to rule on the Application.

E. Procedure if Application Granted

If the Application to Set Hearing on Emergency Motion is granted, the movant must:

- (1) immediately notify all parties entitled to notice, including the chapter 7 trustee or chapter 13 trustee, the U.S. trustee and all parties who may be affected by the motion, by phone, fax, or personal service of the date, time, and place of the hearing on the emergency motion; and
- (2) file the emergency motion with:
 - (a) a notice of motion specifying the date, time, and place of the emergency hearing and a statement that the motion may be opposed on the basis that emergency treatment is not appropriate; and
 - (b) a certificate of service reflecting the date, time, and method of service of the notice of motion and the motion.

F. Procedure if Application Denied

If the Application to Set Hearing on Emergency Motion is denied, the movant must notice the motion in accordance with Rule 9013-1.

RULE 9029-4B ATTORNEY DISCIPLINARY PROCEEDINGS

B. Discipline of Attorneys for Misconduct

(14) Appeal

Entry of an order imposing discipline is a final order, appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from disciplinary orders of the bankruptcy court, except that Fed. R. BankrCiv. P. 8006 does not apply.

RULE 9029-4C RESTRICTED FILERS

A. Restricted Filers

Any party who has abused the processes of the bankruptcy court may be prohibited, after notice and an opportunity to be heard, from filing any documents with the clerk, including petitions, claims, and adversary complaints, unless permission is granted under section F of this Rule.

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B. Procedure

(1) Request for Restriction

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Any judge or judges of the bankruptcy court, any judge or judges of the district court, or the United States Trustee for this region may submit a written request to the chief judge of the bankruptcy court asking the bankruptcy court to declare a party a restricted filer and prohibit that party from filing documents.

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(2) Initial Decision

Upon receiving a request, the chief judge must submit the request to the bankruptcy court for consideration. After considering the request, the bankruptcy court must decide by majority vote either (a) that the request merits no action, or (b) that the request may merit action, and a response is warranted.

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(3) Request for Response

If the bankruptcy court decides that a response is warranted, the chief judge must notify the party in writing. The notice must

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(a) state that the bankruptcy court has been asked to restrict the party's right to file documents;

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(b) give the reasons why the restriction has been requested; and

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(c) state that the party has the right to respond to the request in writing within 30 days.

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(4) Final Decision

After receiving the response, or after the time to respond has expired, the chief judge must submit the request and any response to the bankruptcy court. After considering the request and any response, the bankruptcy court must decide by majority vote either (a) that the request merits no action, or (b) that the party should be declared a restricted filer. If the bankruptcy court determines that the party should be declared a restricted filer, the bankruptcy court must also determine the terms of the restriction.

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C. Terms of Restriction

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The terms of the restriction must include the length of the restriction, which may not be longer than ten (10) years. The terms must give the restricted filer the opportunity to ask for the restriction to be lifted. The terms must state how such a request may be made, when such a request may first be made, and how frequently such requests may be made.

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D. Order

(1) The determination that a party has been declared a restricted filer must be set forth in an order signed by the chief judge. The order must set forth the terms of the restriction. The order must also describe how the restricted filer can request permission to file a document.

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(2) The signed order must be submitted to the clerk of the court who must docket the order as a separate miscellaneous proceeding under the restricted filer's name. A copy of the order must be sent to the restricted filer by regular mail.

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E. Restricted Filers List

The clerk of the court must maintain a current list of parties declared restricted filers under this Rule.

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F. Documents Filed by Restricted Filers

(1) Refusal of Document Unless Accompanied by Motion.

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(a) Any document a restricted filer submits for filing must be returned unfiled unless accompanied by a written motion requesting permission to file the document.

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(b) If a restricted filer submits a document for filing along with a written motion requesting permission to file the document, the clerk must not file the document or the motion but must stamp them "received" and deliver them to the chief judge, or some other judge as the restricting order designates, for decision.

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(2) Decision on Motion

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(a) If the motion requesting permission is granted, the judge must sign an order to that effect. The clerk must docket the order in the miscellaneous proceeding, file the documents submitted in the bankruptcy case or adversary proceeding, as applicable, and mail to the restricted filer a copy of the order and a stamped copy of the documents.

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(b) If the motion is denied, the judge must sign an order to that effect. The clerk must docket the order in the miscellaneous proceeding and must mail the order to the restricted filer along with the documents submitted for filing.

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G. Appeal

Orders under section D of this Rule declaring parties restricted filers and under section F(2) of this Rule denying motions of restricted filers requesting permission to file documents are final orders appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from orders under this Rule, except that Fed. R. Bankr. P. 8006 does not apply.

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H. Effect on Other Powers

Nothing in this Rule is intended to restrict in any way the powers of a judge under other Local Rules, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, or the Bankruptcy Code.

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RULE 9060-1 MEDIATION AND ARBITRATION

Except to the extent required by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, parties to an adversary proceeding or contested matter need not request court approval before pursuing mediation or arbitration. Parties must promptly file a motion with the court requesting any scheduling changes that the proposed mediation or arbitration may necessitate.