

**Local Rules**  
**United States Bankruptcy Court**  
**Middle District of Alabama**



Effective April 1, 2024

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These rules (the “Local Rules”) govern procedures in the United States Bankruptcy Court for the Middle District of Alabama. They shall be formally cited as the Local Rules of the United States Bankruptcy Court for the Middle District of Alabama, or M.D. Ala., LBR ###, and shall not be construed in a manner that is inconsistent with the Federal Rules of Bankruptcy Procedure. Forms specific to the United States Bankruptcy Court for the Middle District of Alabama are referred to herein as “Local Forms” and can be found at <https://www.almb.uscourts.gov/local-forms>. These Local Rules are effective as of April 1, 2024. In addition to the Local Rules, the Court enters administrative orders and publishes periodic chambers procedures governing various subjects which should be consulted and followed.

## **RULE 1002-1    PETITION - GENERAL**

(a) A case is commenced by filing the following with the Clerk of Court (the “Clerk”):

(1) a petition using the appropriate official form;

(2) a list of creditors with current mailing addresses, without including the Court, Trustee, or the Bankruptcy Administrator as a creditor; and

(3) a filing fee paid pursuant to FED. R. BANKR. P. 1006 and Local Rule 1006-1.

(b) Attorneys representing individual debtors shall have their client(s) read and affix a wet ink signature to Local Form 1, Declaration and Authorization Regarding Electronic Filing of Petition and Related Schedules & Statements, and shall file a signed copy of this declaration with the Court no later than fourteen (14) days following the filing date of the petition. Attorneys shall retain the original declaration, or a scanned image, for a period of one (1) year following the closing of the case.

## **RULE 1006-1 FEES – INSTALLMENT PAYMENTS**

(a) The filing fee is due upon the commencement of the case.

(b) Cash is not accepted in this Court. Attorneys must pay fees electronically through the Court's online case management and electronic case filing system ("CM/ECF"). Debtors must pay fees by certified check or money order made out to: U.S. Bankruptcy Court.

(c) In a Chapter 13 case where the filing fee will be paid in installments, only the initial installment may be paid to the Clerk when filing the petition. Subsequent installment payments for filing fees in a Chapter 13 case must be paid through the Chapter 13 plan. The Chapter 13 plan shall list the amount of the initial installment paid directly to the Clerk and the balance due to be paid through the debtor's plan payments.

(d) Dismissal of a petition prior to payment of the full filing fee does not excuse the unpaid portion of the filing fee. If a debtor files an application to pay case filing fees in the current case in installments, and the debtor owes an unpaid fee from a previous case that was not discharged in a prior bankruptcy case, the application will be denied and case conditionally dismissed without a hearing. The debtor will have fourteen (14) days from the denial date to pay the pending case filing fee in full, and, if the entire filing fee is not paid after the deadline, the case will be dismissed without a hearing or further notice.

## **RULE 1007-1    LISTS, SCHEDULES, & STATEMENTS**

(a) Individual debtors required to file a certification concerning exemptions under 11 U.S.C. § 522(q) shall do one of the following:

(1) In Chapter 12 and 13 cases, the certification shall be included in the motion for discharge under 11 U.S.C. §§ 1228 and 1328 and Local Rule 4004-1.

(2) In Chapter 11 individual cases, the certification shall be filed prior to the filing of a plan and disclosure statement.

(b) If a debtor files any schedule adding any creditor(s) after the Clerk has issued the notice of bankruptcy case, the debtor shall file an amended list of creditors including the newly scheduled creditor(s), and must serve the notice of bankruptcy case, the schedule(s) adding creditor(s), and a copy of the Chapter 13 plan, if applicable, on each newly scheduled creditor and file a certificate of service in compliance with Local Rule 9013-3 reflecting that service.

**RULE 1007-5 STATEMENT OF SOCIAL SECURITY NUMBER – SUBMISSION & PRIVACY**

(a) Attorneys representing individual debtors shall have their client(s) read and affix a wet ink signature to Official Form B121, Your Statement About Your Social Security Numbers. Once signed, attorneys will retain, without filing, the form – or a scanned image thereof – for a period of one (1) year following the closing of the case.

(b) Petitions filed pro se shall be accompanied by Official Form B121 which the Clerk will keep in a nonpublic file.



## **RULE 1009-1    AMENDMENTS TO LISTS & SCHEDULES**

(a) If a debtor amends any schedule after the Clerk has issued the notice of bankruptcy case, the debtor shall file an amended list of creditors, and the debtor must serve the notice of bankruptcy case, the amended schedule(s), and a copy of the Chapter 13 plan, if applicable, on each newly scheduled creditor. Pursuant to FED. R. BANKR. P. 1009(a), no motion to amend is required.

(b) Any amendment to schedules and/or the list of creditors shall include a cover sheet that describes each specific amendment being made, and, if adding or removing creditors, the cover sheet shall clearly state the name and address of the creditor being added or removed.

(c) For all amendments under this Local Rule, a debtor shall file a certificate of service in compliance with Local Rule 9013-3 reflecting service of the amended schedule(s) and/or list of creditors. If an amended schedule removes creditors, the certificate of service shall include any removed creditors.

## **RULE 1014-2 VENUE – CHANGE OF**

(a) Venue for any bankruptcy case filed in the Middle District of Alabama is proper so long as a debtor is a resident of the district for a period of 180 days preceding the commencement of the case. A debtor must file in the division of the district in which the debtor resides.

(b) If, after commencing a case, a debtor wishes to change venue to another division of the Middle District of Alabama, a motion to change venue must be filed with the Court. Cases filed in the improper division based on county of residence will be subject to a show cause order on why the case should not be transferred to the correct division based on the debtor's county of residence.

(c) If, after commencing a case, a debtor wishes to transfer the case to another judicial district, a motion to transfer must be filed with the Court. Cases improperly filed in this district based on county of residence will be subject to a show cause order on why the case should not be dismissed or transferred to the correct district based on the debtor's county of residence.

## **RULE 1016-1 DEATH OR INCOMPETENCE OF DEBTOR**

In the event of the death or incompetence of an individual debtor or a joint debtor, counsel for the debtor or the joint debtor, or a personal representative authorized under applicable state law to make decisions on behalf of the decedent's estate, shall file a suggestion of death using Local Form 2 setting forth whether administration of the bankruptcy estate is possible and in the best interest of the parties.

## **RULE 1017-2    DISMISSAL OR SUSPENSION – CASE OR PROCEEDING**

(a) The Clerk may serve a notice of dismissal under this Local Rule for the following:

(1) a debtor's failure to file any schedule or statement within the time allowed by law or order of this Court; or

(2) a default in the payment of an installment payment under Local Rule 1006-1(c).

(b) A trustee or Bankruptcy Administrator may serve motions to dismiss in accordance with this Local Rule. Where a motion to dismiss is served pursuant to this Local Rule and no response is filed within twenty-one (21) days of service of the motion, a case may be dismissed by the Court without further notice or hearing. Motions under this Local Rule shall be served upon each debtor and each debtor's attorney of record, if any, and contain the following language in all capital letters, bolded, and centered on the page under the style of the case:

**PURSUANT TO M.D. ALA., LBR 1017-2, THIS CASE MAY BE DISMISSED WITHOUT FURTHER NOTICE OR HEARING UNLESS A RESPONSE IS FILED BY A PARTY IN INTEREST WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE SERVED UPON THE MOVING PARTY AND, IN THE MANNER DIRECTED BY M.D. ALA., LBR 5005-4, FILED WITH THE CLERK ELECTRONICALLY OR BY U.S. MAIL ADDRESSED AS FOLLOWS: CLERK'S OFFICE, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, AL 36104.**

## **RULE 2003-1 MEETING OF CREDITORS & EQUITY SECURITY INTEREST HOLDERS**

(a) In Chapter 11 cases, a continuance of the 11 U.S.C. § 341 meeting of creditors shall be sought through the Bankruptcy Administrator. In Chapter 7, Chapter 12, or Chapter 13 cases, a continuance of the 11 U.S.C. § 341 meeting of creditors shall be sought through the appropriate trustee.

(1) Continuing § 341 meeting of creditors prior to the initially scheduled date:

(A) After communicating with the Bankruptcy Administrator or the appropriate trustee, Debtor shall file a Notice of Continued § 341, using Local Form 3, providing notice to all creditors of the continued § 341 meeting.

(B) If the continuance is for an amended or modified plan that requires notice to all creditors, after communicating with the appropriate trustee, Debtor shall file a Notice of Continued § 341, using Local Form 3(a) or Local Form 3(b), providing notice to all creditors of the continued § 341 meeting and the amended/modified plan, if applicable, and appear at the continued hearing.

(2) Continuing § 341 meeting of creditors after the initially scheduled date:

(A) If the continuance is for informal or administrative purposes, the Bankruptcy Administrator or the appropriate trustee shall provide notice of the continued § 341 meeting of creditors by a proceeding memo on CM/ECF.

(B) If the continuance is for an amended or modified plan that requires notice to all creditors, after communicating with the appropriate trustee, Debtor shall file a Notice of Continued § 341, using Local Form 3(b), providing notice to all creditors of the continued § 341 meeting and the amended/modified plan, if applicable, and appear at the continued hearing.

(b) Excusing a debtor's appearance at § 341 meetings of creditors:

(1) Upon filing a motion to excuse supported by affidavit and/or other documentation, a debtor may be excused from personally appearing at the meeting of creditors for good cause shown. Inconvenience to a debtor is not a sufficient basis to excuse a debtor's appearance. Supporting documentation may include the following:

(A) A statement from a debtor's physician in support of motions to excuse due to a debtor's physical or mental condition.

(B) Copies of deployment orders in support of motions to excuse due to a debtor's military deployment.

(C) Copies of a judgment and conviction or other process of court which has ordered incarceration in support of motions to excuse due to a debtor's incarceration.

(2) Unless otherwise ordered, the debtor shall file completed interrogatories on a form supplied by the trustee or the Bankruptcy Administrator no later than fourteen (14) days after the date of the order excusing a debtor's personal appearance. Additionally, the debtor shall promptly respond to any reasonable follow-up questions unless physically unable to do so.

## **RULE 2004-1 DEPOSITIONS & EXAMINATIONS**

(a) This Local Rule applies only to examinations conducted pursuant to FED. R. BANKR. P. 2004. The rules governing discovery in adversary proceedings and contested matters are set forth in Part VII of the Federal Rules of Bankruptcy Procedure and Local Rule 7016-1.

(b) An order by the Court is not necessary to authorize an examination pursuant to FED. R. BANKR. P. 2004 or to require production of documents or electronically stored information at the examination. Examinations shall be scheduled upon notice filed with the Court and served on the trustee, the debtor, the debtor's attorney, and the party to be examined in accordance with FED. R. BANKR. P. 7004. The notice shall contain the following language in all capital letters, bolded, and centered on the page under the style of the case:

**THE PERSON TO BE EXAMINED SHALL APPEAR AT THE TIME AND PLACE SET FORTH HEREIN AND SHALL BE AVAILABLE FOR EXAMINATION UNLESS AN OBJECTION IS FILED NO LATER THAN SEVEN (7) DAYS PRIOR TO THE DATE OF THE PROPOSED EXAMINATION IN COMPLIANCE WITH M.D. ALA., LBR 2004-1(E). OBJECTIONS MUST BE SERVED UPON THE NOTICING PARTY AND, IN ACCORDANCE WITH M.D. ALA., LBR 5005-4, FILED WITH THE CLERK ELECTRONICALLY OR BY U.S. MAIL ADDRESSED AS FOLLOWS: CLERK'S OFFICE, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, AL 36104. FAILURE TO TIMELY APPEAR OR TIMELY OBJECT MAY BE PUNISHED AS A CONTEMPT OF COURT.**

(c) The attendance of the examinee and the production of documents or electronically stored information may not be required less than twenty-one (21) days after service of the notice, except by agreement of the parties or order of the Court. To the extent that a request for production of documents or electronically stored information is made pursuant to this Local Rule, the request may be construed as a request under FED. R. BANKR. P. 7034 and the time to respond is shortened to twenty-one (21) days. The notice of examination may provide for the production of documents or electronically stored information in advance of the examination, but in no event shall the production

of documents or electronically stored information be required less than twenty-one (21) days from service of the notice of examination, unless otherwise agreed to by the parties or ordered by the Court.

(d) Any party in interest who wishes to attend an examination scheduled under this Local Rule may do so by filing and serving a cross-notice of examination at least fourteen (14) days in advance of the scheduled examination.

(e) An interested party may file, no later than seven (7) days prior to the date of the proposed examination or production of documents or electronically stored information, an objection to the notice stating the reasons for prohibiting, limiting, or rescheduling the examination or production of documents or electronically stored information. An objection shall be filed as, and counsel for the objecting party shall contact the Court for, an emergency hearing under Local Rule 9013-1. The examination and/or production of documents or electronically stored information shall be stayed until the Court rules on the objection. If the Court schedules a hearing on a motion for protective order, the parties shall meet and confer prior to the hearing in an effort to resolve the issues presented in the motion.

(f) No subpoena is necessary to compel the attendance of, or the production of documents or electronically stored information by, a debtor at an examination of a debtor. A subpoena is necessary to compel the attendance of, or production of documents or electronically stored information by, a witness other than a debtor. The provisions of FED. R. CIV. P. 45 apply to subpoenas issued under this Local Rule.

(g) Methods of recording under this Local Rule are subject to FED. R. CIV. P. 30(b).

(h) If an interested party files a motion to compel compliance with a properly issued notice of examination under this Local Rule, FED. R. CIV. P. 37 applies.



## **RULE 2016-1    COMPENSATION OF PROFESSIONALS**

(a) The Court has set via administrative order a presumptive fee for attorneys who represent debtors in Chapter 13 cases. Attorneys who request fees that do not exceed the presumptive fee should not file applications for compensation under FED. R. BANKR. P. 2016.

(1) If an attorney elects to file an application for attorney's fees in excess of the presumptive amount pursuant to FED. R. BANKR. P. 2016, the application should specify all services performed from the beginning of representation.

(2) A debtor, the Chapter 13 Trustee, the Bankruptcy Administrator, or any interested party may object to the allowance of the presumptive fee in any case.

(3) Upon motion by the Chapter 13 Trustee, the Bankruptcy Administrator, a debtor, or sua sponte by the Court, the Court may for cause, notwithstanding any provision in any standing order for a presumptive fee, reduce the amount of the attorney's fees allowed in any Chapter 13 case after notice to the debtor's attorney.

(b) If a professional whose compensation is subject to approval under 11 U.S.C. § 330 has accepted a retainer from any source for future services in or related to a bankruptcy case in this Court, the professional must obtain Court approval before making any draw against the retained funds.

## **RULE 2090-1 ATTORNEYS – ADMISSION TO PRACTICE**

(a) The bar of this Court shall consist of all members of the bar of the United States District Court for the Middle District of Alabama. Local Rule 83.1 of the United States District Court for the Middle District of Alabama is incorporated herein by reference.

(b) Except for a business entity employed as a professional pursuant to 11 U.S.C. § 327, which may file an interim or final fee application pro se, all partnerships, corporations, limited liability companies, trusts, associations, and other business entities that appear in cases or proceedings before this Court – other than attending the 11 U.S.C. § 341 meeting of creditors or filing proofs of claim – must be represented by a lawyer duly admitted to practice before this Court. An appearance shall include preparing and filing papers such as pleadings, petitions, applications, and motions; questioning witnesses in proceedings before the Court; and pursuing any action in this Court.

(c) Attorneys that are not otherwise members of the bar of this Court but are employed as special counsel pursuant to 11 U.S.C. § 327(e) shall comply with Local Rule 5005-4 and use their CM/ECF accounts to file documents only to the extent consistent with the professional services authorized by the Court pursuant to an order of employment.

(d) If an attorney is employed pursuant to 11 U.S.C. § 327(a) and represents a client before the Court in a bankruptcy case or adversary proceeding, that attorney must comply with the requirements to be admitted to the bar of the Middle District of Alabama or file a motion pro hac vice.

(1) Motions to appear pro hac vice must be accompanied by the filing fee and a certificate of good standing from the United States District Court where the attorney normally practices.

(2) Motions to appear pro hac vice shall be submitted to the Court as follows:

(A) by having local counsel use the CM/ECF system to pay the fee and submit the motion and certificate of good standing, or

(B) by mailing the motion, certificate of good standing, and a check for the fee to the Clerk at the following address:

Clerk's Office  
U.S. Bankruptcy Court  
One Church Street  
Montgomery, Alabama 36104

(3) Once admitted pro hac vice, the attorney must request to be linked to a local CM/ECF account before filing additional documents with the Court.

(e) All attorneys who appear in this Court shall be deemed to be familiar with and shall be governed by these Local Rules and applicable rules of professional conduct. Such attorneys shall be subject to the disciplinary powers of the Court. Attorneys should conduct themselves with civility and in a spirit of cooperation to reduce unnecessary cost and delay.

(f) Attorneys who become ineligible to practice law are subject to the following:

(1) An attorney admitted to practice before this Court who voluntarily resigns from the bar of any state, the District of Columbia, any territory, or any other court of competent jurisdiction upon whose admission the attorney's eligibility to practice law in this Court relies, shall immediately notify the Court of such resignation. Upon such notification, the Court shall suspend the attorney's right to practice before the Court.

(2) An attorney admitted to practice before this Court who becomes ineligible to practice law because of disbarment or suspension by the bar of any state, the District of Columbia, any territory, or any other court of competent jurisdiction, shall immediately notify the Court of

such disbarment or suspension. Upon such notification, the Court shall suspend the attorney's right to practice before this Court.

**RULE 3001-1 CLAIMS & EQUITY SECURITY INTERESTS – GENERAL;  
ELECTRONIC FILING OF CLAIMS**

Any creditor that files proofs of claim may file such claims and any supporting documents electronically, by establishing an account with CM/ECF or through the electronic proof of claim (ePOC) module located on the Court's website at: <https://www.almb.uscourts.gov/electronic-proofs-claim-epoc>. Creditors that file more than ten proofs of claim in a year must file their documents electronically, either through CM/ECF as an Electronic Filing User as defined in Local Rule 5005-4 or through the electronic proof of claim (ePOC) module.

## **RULE 3007-1 CLAIMS - OBJECTIONS**

(a) An objection to claim is a contested matter governed by FED. R. BANKR. P. 9014 and shall state with specificity the grounds for the objections and the relief sought.

(b) The party filing the objection to claim must serve the objection upon the following: the debtor or the debtor in possession; any trustee appointed in the case; the claimant; any other affected creditor(s); any committee appointed in the case; and any other entity as the Court may direct.

(c) Negative notice is allowed for certain objections under this Local Rule. The Court may sua sponte set any objection to claim filed under negative notice for a hearing.

(1) Local Form 4 must be used for negative notice under this Local Rule and Local Form 4 must be filed electronically on CM/ECF by an Electronic Filing User as set forth in Local Rule 5005-4.

(2) The Court has established a list (the “Negative Notice List”) which sets forth certain objections to claims that may be considered without a hearing under the negative notice procedure described in this Local Rule if no party in interest files a response to the relief requested. The Negative Notice List is posted on the Court’s website, <https://www.almb.uscourts.gov>, and may be supplemented or otherwise amended by the Court from time to time.

(3) The objection to claim, and any amendments to objections to which no response has been filed, shall contain the following negative notice language in all capital letters, bolded, and centered on the page under the style of the case:

**PURSUANT TO M.D. ALA, LBR 3007-1, THIS OBJECTION WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE RULED UPON BY THE COURT UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN THIRTY (30) DAYS OF THE DATE OF SERVICE OF THIS OBJECTION. RESPONSES MUST BE SERVED UPON THE MOVING PARTY AND IN THE MANNER DIRECTED BY M.D. ALA, LBR 5005-4, FILED WITH THE CLERK ELECTRONICALLY OR BY U.S. MAIL**

**ADDRESSED AS FOLLOWS: CLERK'S OFFICE, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, AL 36104.**

(4) If a response is filed to an objection to claim, any amendments to the objection to claim shall not include the negative notice language set forth in subsection (c)(3).

(5) Any responses to the objection to claim must be served upon the following: the debtor or the debtor in possession; any trustee appointed in the case; the claimant; any other affected creditor(s); any committee appointed in the case; and any other entity as the Court may direct.

(6) If no response is filed to the objection to claim, the Court will electronically prompt the moving party using a "Declaration and Order Due" event to file with the Court a Declaration in Support of Entry of Order using Local Form 5. The party filing the objection to claim will have seven (7) days from the "Declaration and Order Due" event entered on CM/ECF to file the Declaration and submit the order. If the Declaration and/or the order is not timely filed or is not filed correctly, the objection to claim will be set for hearing.

**RULE 3015-1    CHAPTER 13 - PLAN**

All Chapter 13 cases filed in this Court shall use Local Form 6. Individual modifications to the form will result in a nonconforming plan and will not be confirmed.



## **RULE 3015-2    CHAPTER 13 – AMENDMENTS TO PLANS**

(a) Motions to modify confirmed Chapter 13 plans shall state with specificity the modified terms. A motion to modify filed by a debtor shall include as an attachment to the motion a copy of the amended plan. Motions to modify may be served by the moving party upon all parties in interest. The motion will be taken under advisement and may be granted without further notice or hearing unless a party in interest timely objects or requests that another 11 U.S.C. § 341 meeting of creditors be scheduled.

(b) Amended or modified Chapter 13 plans or addendum thereto shall show conspicuously in the body of the form by bolding and/or highlighting any provision which has been amended from the prior plan.

### **RULE 3015-3    CHAPTER 13 - CONFIRMATION**

The Court may dismiss a Chapter 13 case at any scheduled hearing on confirmation of a Chapter 13 plan sua sponte or at the request of the Chapter 13 Trustee for cause, including:

- (a) failure to file a conforming plan;
- (b) a material default in payments under the plan;
- (c) a material default by a debtor with respect to a term of the Chapter 13 plan;
- (d) a material default in any fee or installment payment due;
- (e) a debtor's failure to appear at an 11 U.S.C. § 341 meeting of creditors;
- (f) a debtor's failure to file any schedule or statement required by law;
- (g) a debtor's failure to amend schedules, statements, or plans requested by the Chapter 13 Trustee;
- (h) a debtor's failure to provide tax returns to the Chapter 13 Trustee as provided by 11 U.S.C. §§ 521 and 1308;
- (i) unreasonable delay by a debtor that prejudices creditors;
- (j) a debtor's failure to file timely answers to interrogatories propounded by a party in interest pursuant to Local Rule 2003-1; or
- (k) a debtor's failure to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.

## **RULE 3016-2    CHAPTER 11 DISCLOSURE STATEMENT - GENERAL**

Any amended disclosure statement or addendum thereto shall conspicuously set forth in the amended disclosure statement any provision that has changed from the prior disclosure statement by bolding and/or highlighting any provision which has been amended from the prior disclosure statement. All amendments or addendums to the disclosure statement shall be numerically titled to reflect the sequence of the amendment or addendum (e.g., “First Amended Disclosure Statement”).

## **RULE 3018-1    BALLOTS – VOTING ON PLANS**

(a) Official Form 314 shall be used for ballots. Ballots shall include the Court's physical address and the Court's CM/ECF information for electronic filing. The ballot shall state that ballots must be received by the Clerk no later than the deadline established by order of the Court. Prior to service on each creditor, the ballot shall reflect the class of the creditor.

(b) Ballots may be paper filed with the Court or filed electronically via CM/ECF.

(c) The attorney for the proponent of the plan shall prepare a tabulation of the acceptances and rejections of the plan. The ballot tabulation shall be filed no later than three (3) business days prior to the confirmation hearing. The tabulation shall list the following for each class: total number of claims voting; total number of claims accepting; total dollar amount of claims voting; total dollar amount of claims accepting; percentage of claims voting that accept the plan; and percentage of dollar amount of claims voting that accept the plan. The ballot tabulation shall also indicate for each class whether the class is impaired or unimpaired and whether the class has accepted or rejected.

(d) In tabulating the ballots, the following rules shall govern:

(1) Ballots that are not signed, or where a company name is not shown on the signature line (when applicable), will not be counted either as an acceptance or as a rejection.

(2) If the amount of the creditor's claim shown on the ballot differs from the debtor's schedules and a proof of claim has been filed, unless an objection to the amount set forth on the proof of claim has been filed, the amount shown on the proof of claim will be used to determine the amount voting. If no proof of claim has been filed, the amount of the claim on the schedules will be used.

(3) If an objection to a proof of claim has been filed, absent Court order to the contrary, the ballot filed by the claimant shall not be counted as either an acceptance or a rejection,

but information regarding the ballot shall be included on the ballot tabulation.

(4) Ballots that do not show a choice of either acceptance or rejection will not be counted either as an acceptance or as a rejection.

(5) Ballots filed after the last date set for filing ballots will not be counted either as an acceptance or as a rejection, unless leave of Court is granted.

(6) If duplicate ballots are filed, with one electing acceptance and the other electing rejection, neither ballot will be counted unless the later ballot is designated as amending the prior one.

## **RULE 3019-1    CHAPTER 11 – AMENDMENTS TO PLANS**

Any amended Chapter 11 plan or addendum thereto shall conspicuously set forth in the amended plan any provision that has changed from the prior plan by bolding and/or highlighting any provision which has been amended from the prior plan. All amendments or addendums to the plan shall be numerically titled to reflect the sequence of the amendment or addendum (e.g., “First Amended Plan”).

## **RULE 4001-1    AUTOMATIC STAY – RELIEF FROM**

(a) Upon the filing of a motion for relief from the automatic stay imposed by 11 U.S.C. § 362 or from the co-debtor stay imposed by 11 U.S.C. § 1301, the preliminary hearing shall be consolidated with the final hearing unless directed otherwise by the Court. The movant shall serve the motion upon the following parties with an appropriate certificate of service: the debtor, the debtor's counsel, any co-debtor, any trustee appointed in the case, any committee appointed in the case, the Bankruptcy Administrator (if a Chapter 11, 12, or 9 proceeding), and such other parties as the Court may direct.

(b) All motions for relief from the automatic stay or the co-debtor stay shall state with particularity the grounds for the motion. The moving party shall attach to the motion copies of any documents in support of its claim that it has an interest in a debtor's property. Mortgages on real property shall show the recording information. If the movant does not intend to present testimony at the hearing, the motion must be supported by an affidavit filed as an attachment to the motion as directed in Local Rule 5005-4(j). Any motion for relief from the automatic stay imposed by 11 U.S.C. § 362 that is not supported by an affidavit will be set for an evidentiary hearing to allow parties to present testimony.

(c) In a case filed by an individual (not a business organization), an attorney filing a motion for relief from stay and/or co-debtor stay seeking foreclosure or repossession of a mortgage, security interest, or leasehold interest, shall also file as an attachment to the motion a Fact Summary Sheet using Local Form 7.

(d) Any order granted under this Local Rule shall not operate to waive any right a debtor may have with respect to property under non-bankruptcy law, including the right to notice of sale, notice of disposition of property, or rights of redemption.

## **RULE 4001-2    CONDITIONAL DENIALS IN CHAPTER 13 CASES**

Unless otherwise ordered by the Court, an order in a Chapter 13 case conditionally denying a motion for relief from stay (or conditionally extending or imposing the automatic stay) is subject to the requirements set out below:

(a) The future default provision must expire no later than twenty-four (24) months after entry of the conditional denial order.

(b) Termination of the stay cannot be based upon the number of default notices.

(c) With the exception of conditional denial orders permitting a return to the Court's calendar on a renewed motion, the order shall provide that the creditor must mail any notice of default to a debtor with at least twenty-one (21) days' notice to cure and file it with the Court within one (1) business day of mailing. The order shall further provide that, if the stay terminates pursuant to the terms of the conditional denial order, the creditor must file a notice of termination of stay with the Court and mail a copy to the debtor, and that the stay termination is not effective until the notices described in this paragraph are filed with the Court. The notice of termination of stay filed with the Court on CM/ECF shall relate such notice to the conditional denial order and notice of default. The notice filings required by this paragraph are for information only and will not be set for hearing.

(d) The conditional denial order must not contain a provision that the order should be binding upon a Chapter 7 trustee in the event of conversion.

(e) The conditional denial order must not contain an open-ended provision for future attorney's fees or costs in addition to the fees and costs specifically authorized in the order.

(f) The creditor must file an amended or supplemental proof of claim for any post-petition arrearage or attorney's fees authorized by the conditional denial order to be paid by the Chapter 13 Trustee. Any such proof of claim must be filed within sixty (60) days of the conditional denial



order's entry. A creditor filing a proof of claim under this subsection is not required to file the notice of fees, expenses, and charges under FED. R. BANKR. P. 3002.1(c).

(g) If the denial is conditioned upon current payments being made directly to the creditor, the order must state the date of the month when payments are due. The cure period after notice of default must be at least twenty-one (21) days from the date of mailing.

(h) If the denial is conditioned upon plan payments being made to the Chapter 13 Trustee, the order must not provide that the debtor is in default prior to the end of the month in which the plan payment is due. The cure period after notice of default must be at least twenty-one (21) days from the date of mailing. The Chapter 13 Trustee's records shall control as to the date payment was received.

### **RULE 4001-3    EXTENDING OR IMPOSING THE STAY**

A motion seeking an extension of the automatic stay under 11 U.S.C. § 362(c)(3) shall be filed and served upon interested parties within seven (7) days of the filing of the petition. A motion seeking to impose the automatic stay under 11 U.S.C. § 362(c)(4) shall be filed and served upon interested parties as soon as practicable after the filing of the petition.

## **RULE 4002-1 DEBTOR - DUTIES**

(a) Debtors shall provide the applicable trustee and/or the Bankruptcy Administrator with Domestic Support Obligation (DSO) claimant information, if applicable, and shall provide copies of their tax returns, in compliance with 11 U.S.C. § 521(e)(2)(A), and in such manner as directed by the trustee and/or the Bankruptcy Administrator, properly redacted in accordance with FED. R. BANK. P. 9037.

(b) Debtors shall do the following:

(1) retain proof of all payments made to the Chapter 13 Trustee and proof of all payments made directly to creditors under the terms of the Chapter 13 plan;

(2) without the service of formal discovery or order of the Court, produce proof of any such payment within fourteen (14) days of a written request made by a trustee, the Bankruptcy Administrator, or any party in interest;

(3) within seven (7) days' notice, bring documents reasonably requested by a trustee or the Bankruptcy Administrator to the 11.U.S.C. § 341 meeting of creditors or any adjourned meeting of creditors;

(4) cooperate with the trustee and/or Bankruptcy Administrator;

(5) file regular reports as required by the trustee and/or Bankruptcy Administrator;

(6) appear for conferences and produce documents or other evidence as a trustee and/or Bankruptcy Administrator requires; and

(7) produce such information about the debtor's business operations as may be reasonably requested by a party in interest.

## **RULE 4004-1 DISCHARGE HEARINGS**

(a) Within thirty (30) days of the filing of the notice of completion of plan payments in Chapter 12 and Chapter 13 cases, a debtor shall file with the Court a motion and certification using Local Forms 8a or 8c, as applicable, for entry of a discharge under 11 U.S.C. §§ 1228(a) and 1328(a).

(b) Local Form 8b must be used to file a motion for hardship discharge under 11 U.S.C. §§ 1228(b) or 1328(b) and the motion must be accompanied by an affidavit that includes both legal and factual statements showing entitlement to hardship discharge.

(c) A debtor shall serve a motion for discharge under 11 U.S.C. §§ 1228 or 1328 on all parties in interest and all domestic support order recipients.

(d) Motions for discharge under 11 U.S.C. §§ 1228(a) or 1328(a) may be filed under the negative notice provisions of Local Rule 9007-1 using the appropriate Local Form.

(e) Unless a party in interest timely files an objection to a motion for discharge, the Court may conclude the following without a hearing:

(1) that 11 U.S.C. § 522(q)(1) is not applicable to the debtor; and

(2) that no proceeding is pending in which the debtor may be found guilty of a felony of the kind specified in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

(f) After the effective date of a confirmed Chapter 11 plan in a Chapter 11 case, the Court may, upon motion by a debtor and opportunity for hearing, close the Chapter 11 case. Upon satisfaction of the requirements of 11 U.S.C. § 1141(d)(5) and after payment of applicable fee, a debtor may move to reopen the Chapter 11 case and request a discharge. A debtor is not obligated to pay quarterly fees or file financial reports while the case is closed.

## **RULE 4070-1    INSURANCE**

When a debtor in a Chapter 13 case proposes to retain and pay for a motor vehicle in which a creditor has a security or leasehold interest, then the collateral must be insured while a debtor is in bankruptcy. The following procedures will apply concerning insurance:

(a) If the creditor does not have in its file proof of insurance which names the creditor as lienholder and which insures the collateral, then the creditor may electronically file a Notice with the Court using Local Form 9 demanding proof of insurance within fourteen (14) days. The creditor shall file the supporting loan or lease document(s) as an attachment to the Notice.

(b) If the debtor provides proof of insurance which is in effect and continuous, provides coverage of the collateral (as required under the loan, lease, and/or security documents), and names the creditor as loss payee, then the creditor will not be entitled to relief.

(c) If the creditor does not receive proof of insurance as set forth in subsection (b) of this Local Rule within fourteen (14) days of the filing of the Notice, then the creditor may submit an order lifting the stay as to the collateral. Such order must be supported by a Declaration in Support of Entry of Order using Local Form 5.

(d) If a debtor objects to the creditor obtaining an order under subsection (c) of this Local Rule, the debtor has seven (7) days from the filing of the Notice to file an objection setting forth in detail the reasons why an order is not warranted. The objection will be set for hearing on the Court's next available docket.

## **RULE 5001-2 CLERK – OFFICE LOCATION/HOURS**

(a) The office of the Clerk of Court for the U.S. Bankruptcy Court for the Middle District of Alabama is located in the Annex to the Frank M. Johnson Federal Building and Courthouse in Montgomery, Alabama. This is the only staffed location and the only location where mail or personal delivery of documents are accepted. The address is:

Clerk's Office  
U.S. Bankruptcy Court  
One Church Street  
Montgomery, Alabama 36104

Any mail sent to or personally delivered to the courthouses in Dothan or Opelika will be returned.

(b) The Clerk's office does not accept filings by email or fax.

(c) The Clerk's office is open Monday through Friday 8:00 AM until 4:00 PM for walk-in visits and from 8:00 AM until 5:00 PM by phone. It is closed on all Federal holidays or observances. A full listing of holidays can be found on the Court's website at <https://www.almb.uscourts.gov>. The website will also list any change in hours of operation due to weather or other events.

(d) For filings after hours, pro se parties may use the drop box located at the front of the courthouse. For information on the after-hours drop box, please visit the Court's website, <https://www.almb.uscourts.gov>.

## **RULE 5005-4 ELECTRONIC FILING**

(a) The official records of the Court shall be maintained by the Clerk through CM/ECF in accordance with the standards provided by the Administrative Office of United States Courts.

(b) Each attorney filing documents with this Court is required to have a CM/ECF account issued by the Clerk and shall file all documents electronically.<sup>1</sup> The Clerk may accept paper filings from attorneys on an emergency basis, e.g., if the CM/ECF servers are not functioning, but the Clerk is not required to do so.

(c) CM/ECF account holders (“Electronic Filing Users”) shall protect their passwords from unauthorized use. No Electronic Filing User or other person may knowingly permit or cause to permit an Electronic Filing User’s password to be used by anyone other than an authorized agent of the Electronic Filing User. An Electronic Filing User agrees to protect the security of the Electronic Filing User’s login and password and shall immediately notify the Clerk if the security of the login and password has been compromised. An Electronic Filing User may be subject to sanctions for failure to comply with this provision.

(d) Registration as an Electronic Filing User constitutes (1) waiver of the right to receive notice by first-class mail and the right to service by first-class mail or personal service and (2) consent to receive notice electronically and consent to electronic service, except with regard to service under FED. R. BANKR. P. 7004. Waiver of service and notice by first-class mail applies to notice of the entry of an order or judgment under FED. R. BANKR. P. 9022.

(e) A filing made through an Electronic Filing User’s CM/ECF account and authorized by the Electronic Filing User, together with the Electronic Filing User’s name on a signature block,

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<sup>1</sup> Attorneys may apply for a CM/ECF account with the Clerk at <https://www.almb.uscourts.gov/ecf-registration>.

constitutes the Electronic Filing User's signature for all purposes for which a signature is required in connection with cases and proceedings before the Court, the Federal Rules of Bankruptcy Procedure, including FED. R. BANKR. P. 9011, and the Local Rules.

(f) Every pleading or paper filed with this Court shall have the following information either in a signature block at the end of the text or elsewhere in the pleading:

- (1) the full name of each person who signed the paper;
- (2) at least one complete and current mailing address; and
- (3) at least one current telephone number and/or one current email address.

(g) Attorneys may file papers signed by their clients by including a scanned paper bearing the client's signature or, subject to the retention requirements of subsection (h) of this Local Rule, by including the client's name on a signature block.

(h) Electronically filed papers that require the signatures of more than one party shall be filed:

- (1) by filing a scanned signature page that contains all necessary signatures;
- (2) by including a signature block for each signatory together with an attestation by the filing attorney that concurrence in the filing of the paper has been obtained from each of the other signatories. The filing attorney's attestation may be included after the signature block of the additional signatory or may take the form of a declaration attached to the paper; or
- (3) in any other manner approved by the Court.

(i) Electronic Filing Users shall retain paper copies or scanned images of the following documents bearing wet ink signatures of the following papers for one year after the closing of the case:

- (1) Statements About Your Social Security Numbers; and



(2) the written and fully executed contracts required of debt relief agencies by 11 U.S.C. §§ 528(a)(1) and 528(a)(2).

(j) Any supporting documents (e.g., exhibits, affidavits, etc.) to a filing shall be filed as separate attachments to the filing under the same docket entry number. Each attachment to the filing shall be categorized or described in such a way as to easily identify the nature and content of the document. Each attachment will be automatically numbered by ECF in the order in which it is uploaded. For example: Motion for Relief from Stay (Attachments: #1: Affidavit; #2: Note; #3: Mortgage; #4: Fact Summary Sheet).

## **RULE 5071-1 CONTINUANCE**

(a) Motions to continue trials or hearings shall not be filed unless the moving party has first sought the agreement of all opposing parties, if any. If all parties do not agree to a continuance, the moving party shall certify in the motion that the opposing parties' agreement was sought but not obtained. If no agreement is obtained, the motion to continue will be set for hearing.

(b) If all the parties agree to a continuance of a trial, the parties shall file a consent motion requesting a new trial date and amended scheduling order (if applicable) from the Court.

(c) If all the parties agree to a continuance of a hearing, notice of the agreed continuance shall be emailed to the appropriate Chambers' email ([settlements4C@almb.uscourts.gov](mailto:settlements4C@almb.uscourts.gov) or [settlements4D@almb.uscourts.gov](mailto:settlements4D@almb.uscourts.gov)) no later than 12:00 PM the business day prior to the hearing. The party addressing the email to the Court shall copy opposing counsel, the trustee in the case, and the Bankruptcy Administrator, but shall not copy the courtroom deputy or Chambers. If the continuance is not communicated to Chambers prior to the 12:00 PM deadline, a party in interest must appear before the Court at the scheduled hearing time to announce the continuance on the record.

### **RULE 5073-3    PHOTOGRAPHY, RECORDING DEVICES, & BROADCASTING**

All rules of the District Court for the Middle District of Alabama concerning this topic are applicable to the Bankruptcy Court. Additionally, members of the bar authorized to use electronic devices must ensure all devices are muted during Court proceedings.

## **RULE 7004-2 SUMMONS**

(a) A summons using form B2500A, completed except for the Certificate of Service, shall be uploaded with the filing of all adversary proceeding complaints. The local version of B2500A shall be used and is available on the Court's website: <https://www.almb.uscourts.gov>.

(b) To show service of a complaint has been made, a plaintiff must file the summons as issued by the Court with the Clerk's digital signature and the completed Certificate of Service.

## **RULE 7016-1    PRE-TRIAL PROCEDURES**

No later than seven (7) days prior to the date of any scheduling conference set by order of this Court, counsel for the parties shall confer to discuss the matters described in FED. R. CIV. P. 26(f), as incorporated by FED. R. BANKR. P. 7026. Unless otherwise ordered by the Court, in adversary proceedings set for a pretrial conference, the parties should not file the written report required by FED. R. CIV. P. 26(f) but should be prepared to make an oral report of the matters.

## **RULE 9007-1    NEGATIVE NOTICE PROCEDURES**

(a) The Court has established a list (the “Negative Notice List”) of motions, objections, applications, and other papers that may be considered without a hearing under the negative notice procedure described in this rule if no party in interest files a response to the relief requested. The Negative Notice List is posted on the Court’s website, <https://www.almb.uscourts.gov>, and may be supplemented or otherwise amended by the Court from time to time.

(b) Filings may be considered by the Court under the negative notice procedure described in this Local Rule if filed electronically. If no party in interest files a written response, the electronically filed motion/notice/application will be taken under advisement by the Court and may be granted or approved without further notice or hearing. The Court may sua sponte set any motion filed pursuant to this Local Rule for a hearing.

(c) Filings filed under this Local Rule, and any amendments to filings to which no response has been filed, shall contain the following negative notice language in all capital letters, bolded, and centered on the page under the style of the case:

**PURSUANT TO M.D. ALA, LBR 9007-1, THIS FILING WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED/APPROVED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE SERVED UPON THE MOVING PARTY AND, IN THE MANNER DIRECTED BY M.D. ALA, LBR 5005-4, FILED WITH THE CLERK ELECTRONICALLY OR BY U.S. MAIL ADDRESSED AS FOLLOWS: CLERK, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, AL 36104.**

(d) If a response is filed to a filing under this rule, any amendments to the original filing shall not include the negative notice language set forth in subsection (c).

(e) All filings filed under this Local Rule must be accompanied by a certificate of service evidencing proper proof of service pursuant to Local Rule 9013-3.

(f) For the motions/notices/applications included in the “List for Local Rule 9007-1(f)” at <https://www.almb.uscourts.gov>, if no party in interest files a written response, the Court will electronically prompt the moving party using a “Declaration and Order Due” event to file with the Court a Declaration in Support of Entry of Order using Local Form 5 and to submit an order pursuant to Local Rule 9072-1. The moving party will have seven (7) days from the "Declaration and Order Due” event entered on CM/ECF to file the Declaration and submit an order. If the Declaration and/or the order is not timely filed or is not filed correctly, the matter will be set for hearing.

(g) For the motions/notices/applications included in the “List for Local Rule 9007-1(g)” at <https://www.almb.uscourts.gov>, if no party in interest files a written response, the matter will be taken under advisement by the Court and the Court may either enter the order or set the matter for hearing.

(h) Any local form or order template that the Court makes available for the motions/notices/applications listed at <https://www.almb.uscourts.gov> shall be used.

## **RULE 9011-2 PRO SE PARTIES**

(a) Pro se parties are parties that are not represented by an attorney. All pro se parties must comply with all Federal Statutes, the Federal Rules of Bankruptcy Procedure, and these Local Rules.

(b) Pro se creditors may attend the 11 U.S.C. § 341 meeting of creditors as set forth in Local Rule 2090-1(b).

(c) Except as set forth in subsection (d) below, pro se debtors must file paper documents in person or by mail to the following address:

Clerk's Office  
U.S. Bankruptcy Court  
One Church Street  
Montgomery, AL 36104

(d) An attorney wishing to appear pro se in a case may

(1) file as a pro se debtor as set forth in subsection (c), or

(2) comply with the admission requirements of the Middle District of Alabama as set forth in Local Rule 2090-1 and become an Electronic Filing User as set forth in Local Rule 5005-4.

(e) Unless a pro se party becomes an Electronic Filing User as set forth in subsection (d), a pro se party is not permitted to file documents utilizing the negative notice procedures set forth in Local Rules 3007-1, 4070-1, or 9007-1.



## **RULE 9013-1    MOTION PRACTICE**

(a) In the event of an emergency where the moving party needs relief on an expedited basis, the provisions of this Local Rule apply.

(1) The title of the motion shall prominently state that it is an emergency; the motion shall state the facts upon which the parties are relying; and at the time the motion is filed, notice shall be served on all parties in interest.

(2) The moving party must contact the courtroom deputy via email to make the Court aware of the emergency filing.

(3) If the motion is not filed pursuant to the requirements of this Local Rule, the motion will be set for hearing on a regularly scheduled Court docket.

(b) For all filings, the movant must file a certificate of service stating with specificity who was served and how service was obtained or perfected as set forth in Local Rule 9013-3.

### **RULE 9013-3    CERTIFICATE OF SERVICE**

Any certificate of service filed in this Court must be filed within three (3) business days of the related filing, and the certificate of service must list the names and addresses of all parties served. The certificate of service shall clearly state the method by which each party is served. If different parties are served by different methods (i.e., mail rather than CM/ECF), the certificate shall clearly designate the addresses or email addresses used for those methods.

## **RULE 9019-1 SETTLEMENTS**

(a) All announcements regarding settlements should be sent to the appropriate Chambers' email ([settlements4C@almb.uscourts.gov](mailto:settlements4C@almb.uscourts.gov) or [settlements4D@almb.uscourts.gov](mailto:settlements4D@almb.uscourts.gov)) no later than 12:00 PM the business day prior to the hearing.

(b) The party addressing the email to the Court shall copy opposing counsel, the trustee in the case, and the Bankruptcy Administrator but shall not copy the courtroom deputy or Chambers. If the settlement is not communicated to Chambers prior to the 12:00 PM deadline, a party to the settlement must appear before the Court at the scheduled hearing time to announce the settlement on the record.

## **RULE 9027-1    REMOVAL**

(a) The party filing a notice of removal of a claim or cause of action under 28 U.S.C. § 1452 and FED. R. BANKR. P. 9027 shall file with the notice of removal a complete copy of the non-bankruptcy court record, including copies of all papers on file in the non-bankruptcy court.

(b) Within fourteen (14) days of filing the notice of removal, the removing party shall file in this Court proof that it filed a copy of the notice of removal with the clerk of the court from which the claim or cause of action was removed in compliance with FED. R. BANKR. P. 9027(c).

**RULE 9037-1    PRIVACY PROTECTIONS FOR FILINGS; REDACTION; PROTECTIVE ORDERS**

The responsibility for redacting the personal identifiers discussed in FED. R. BANKR. P. 9037 rests with counsel and the parties. The Clerk is not required to review pleadings for compliance with FED. R. BANKR. P. 9037.

## **RULE 9070-1 EXHIBITS**

(a) Absent good cause shown, all parties shall electronically submit exhibits and evidence for use in trials and hearings before this Court. Parties should coordinate with the courtroom deputy prior to the trial or hearing if there are logistical issues with physical exhibits that cannot be submitted electronically.

(b) With the exception of exhibits and evidence to be submitted for the impeachment of a witness, all exhibits and evidence shall be submitted to the Court electronically and made available to opposing parties electronically no later than seven (7) days prior to the trial or hearing in accordance with this Local Rule.

(c) Using Local Form 11, the parties shall provide a typed descriptive list of all exhibits to be offered for use in trials or hearings with all exhibits pre-marked (as set forth in subsection (d)) in pdf format to the following:

(1) Chambers using the designated email address for the appropriate Chambers ([ALMB\\_Exhibits\\_4C@almb.uscourts.gov](mailto:ALMB_Exhibits_4C@almb.uscourts.gov) or [ALMB\\_Exhibits\\_4D@almb.uscourts.gov](mailto:ALMB_Exhibits_4D@almb.uscourts.gov));

(2) each party to the proceeding; and

(3) each witness to be examined regarding the exhibits.

(d) All exhibits should be marked and submitted as follows:

(1) Each party shall combine its exhibits into one PDF portfolio (guidance for creating a portfolio can be found on the Court's website <https://www.almb.uscourts.gov>).

(2) Marked exhibits shall identify clearly the party to whom the exhibit belongs using Plaintiff or Defendant for adversary proceedings and the following party abbreviations for hearings or trials in the main case: (i) DR for Debtor; (ii) TR for Trustee; (iii) CR for Creditor. If there are multiple creditors, defendants, or third-party defendants submitting separate exhibits, use a one-

name designation for the specific party following the appropriate abbreviation and before the exhibit number. For example, if two creditors in the bankruptcy case, Jones and Smith, mark Jones exhibits as CR Jones 1, CR Jones 2, etc., and mark Smith exhibits as CR Smith 1, CR Smith 2, etc.

(3) All exhibits shall be marked numerically in sequence commencing with the number 1.

(4) Exhibit stickers shall be placed so they will be clearly visible when placed in numerical order. On portrait-view documents, place the exhibit sticker in the upper right-hand corner and on landscape-view documents, place the exhibits sticker in the upper left-hand corner. Coordinate with the courtroom deputy prior to the trial if you expect to have logistical issues with physical exhibits other than paper.

(5) All parties and witnesses should review the evidence prior to trial or the hearing date to ensure all electronic documents can be successfully opened and are readily available during the hearing.

(6) Paper copies of original exhibits may be used in court for demonstrative purposes and questioning.

(e) The Clerk, with or without notice, may dispose of any unclaimed paper exhibits unless the Clerk is notified by a party that it intends to reclaim that party's exhibits within thirty (30) days after the later of the entry of an order or judgment concluding the matter or proceeding, the entry of an order determining any post-judgment motions if no appeal is pending, or if a notice of appeal has been filed, the filing of the mandate. Parties shall bear any costs associated with reclaiming exhibits.

## **RULE 9072-1 ORDERS - PROPOSED**

(a) All orders shall be drafted, formatted, and submitted in accordance with the Court's E-Orders Guidelines and Procedures. The guidelines are available on the Court's website: <https://www.almb.uscourts.gov>.

(b) All orders shall identify the attorney drafting the order and the parties, if any, consenting to the order.

(c) The titles of all submitted orders should contain the title and disposition of the motion. (i.e., Order Granting Motion for Relief).

(d) If a form or template order is available on the Court's website, that form should be used when submitting an order.

(e) Requirements based on types of orders:

(1) Agreed Orders or Consent Orders:

(A) All Agreed or Consent Orders shall specifically include the word "Agreed" or "Consent" in the title of the order.

(B) After ####END OF ORDER####, the Consent Order shall include a statement that the order was "reviewed and agreed to by" the relevant parties.

(2) "Hearing Held" Orders:

(A) The hearing date shall be stated in the body of the order in addition to the name and document number of the filing(s) related to the order.

(3) Negative Notice Orders:

(A) With the exception of motions/notices/applications/objections filed under Local Rule 9007-1(g), orders on negative notice motions/notices/applications/objections filed



pursuant to Local Rule 3007-1(c) and Local Rule 9007-1(f) should be submitted by the movant after the response deadline has passed.

(B) Prior to submitting an Order for a filing under Local Rule 3007-1(c) or Local Rule 9007-1(f), the submitting party shall file on the docket a Declaration in Support of Entry of Order using Local Form 5.