NOTICE REGARDING LOCAL BANKRUPTCY RULES

Certain local bankruptcy rules may have been modified or supplemented by a general order or court-issued guideline, pending formal amendment of the rules.

Please refer to the information posted at the court's website: www.hib.uscourts.gov, including:

- Order Adopting Case Management / Electronic Case Files (CM/ECF) Administrative Procedures
- Guidelines for Chapter 13 Procedures
- Chapter 13 Attorney Fee Guidelines
- Guidelines for Submission of Proposed Orders
- Guidelines for Attendance of Witnesses in Contested Matters
- Policy and Procedure on the Filing of Documents Required for Hearing or Trial

CHAPTER IV - BANKRUPTCY RULES

TITLE AND APPLICABILITY OF RULES

LBR 1001-1. SCOPE OF RULES; SHORT TITLE

(a) Scope of Rules. The Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms, promulgated under 28 U.S.C. § 2075, together with these local rules govern practice and procedure in all bankruptcy cases and adversary proceedings in this district. These rules supersede all previous local bankruptcy rules for the District of Hawaii.

(b) Relationship to District Court Rules. These rules constitute Chapter IV of the Local Rules of the United States District Court for the District of Hawaii. They may be cited as LBR _____ - __.

(c) Relationship to Federal Rules of Bankruptcy Procedure. These rules are divided into nine parts to be consistent in format with the Federal Rules of Bankruptcy Procedure. These rules supplement the Federal Rules of Bankruptcy Procedure and they shall be construed so as to be consistent with those rules and to promote the just, efficient, and economical determination of every bankruptcy case and adversary proceeding. The numbering of these rules attempts to conform to the uniform numbering system for local bankruptcy rules, approved by the Advisory Committee on Bankruptcy Rules, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. In most cases, a local rule relates to a similarly numbered federal rule.

(d) Relationship to Federal Rules of Civil Procedure. Whenever a Federal Rule of Civil Procedure is incorporated, it shall be incorporated as modified by the Federal Rules of Bankruptcy Procedure.

(e) Effective Date. These rules shall apply to all bankruptcy cases and adversary proceedings pending on the date of adoption.

(f) Definitions. As used in Chapter IV - Bankruptcy Rules, the word "court" refers to the United States Bankruptcy Court for the District of Hawaii, and not to any particular judge of the court; the word "judge" refers to any United States Bankruptcy

Judge; and the word "clerk" refers to the Clerk, United States Bankruptcy Court for the District of Hawaii.

LBR 1001-2. APPLICABILITY OF RULES FROM OTHER CHAPTERS

(a) Incorporation of Rules from Other Chapters. Except as hereinafter set forth or otherwise ordered by the court, the following rules from other chapters of these local rules shall apply in all bankruptcy cases and adversary proceedings:

(A) LR 5.3 Identification of Original Filings;

(2) LR 6.2 Extensions, Enlargements or Shortening of Time;

(3) LR 7.5 Motions; Length of Briefs and Memoranda;

(4) LR 7.6 Motions; Affidavits and Declarations;

(5) LR 7.8 Motions; Uncited Authorities;

6. LR 10.1 Applicability of Rule on the Format of Papers; Effect of Noncompliance;

7. LR 10.2 Form of Papers; Copy (except (i) that any type size or type style requirements of subdivision (a) shall not apply to any of the Official or Procedural Bankruptcy Forms or any court-approved local form, and (ii) subdivision (e) shall not apply (see LBR 5005-5);

8. LR 10.3 Amended Pleadings;

9. LR 10.4 Stipulations;

10. LR 58.1 Entry of Judgments and Orders;

11. LR 79.1 Disposition of Exhibits and Depositions;

12. LR 83.1(e),(h) Attorneys; Admission to the Bar of this Court;

13. LR 83.5 Attorneys; Sanctions for Unauthorized Practice;

14. LR 83.7 Attorneys; Supervised Student Practice of Law;

15. LR 83.8 Broadcasting, Televising, Recording or Photographing Judicial and Grand Jury Proceedings (first sentence only); and

16. LR 83.10 Gratuities.

References in the incorporated rules to the United States District Court, the judge, the clerk, or "civil actions or proceedings" shall be treated as references to the United States Bankruptcy Court, the bankruptcy judge, the clerk of the Bankruptcy Court, or to "bankruptcy cases or adversary proceedings," as the case may be.

(b) Modification. The court may, in any bankruptcy case or adversary proceeding, direct that additional local rules from other chapters apply.

(c) Amendment. Local rules incorporated from other chapters of these local rules shall be the rules in effect on the effective date of these rules and as such other local rules are thereafter amended, unless otherwise provided by such amendment or by these rules.

PART I

LBR 1004-1. PETITION - PARTNERSHIP

Petition Filed by a Partnership. When a voluntary petition is filed by a partnership, there shall be attached to the petition, as an exhibit, a verified document evidencing the consent of all general partners to the filing of the petition.

LBR 1005-1. PETITION - CAPTION

(a) Names.

(1) If debtor is an individual: The full name shall be used, followed by all names, assumed names, trade names, or designations by or under which the debtor is or has been known or has conducted any business within the six years preceding the filing of the petition.

(2) If debtor is a general partnership: The words "a (domicile) general partnership" shall follow the name.

(3) If debtor is a limited partnership: The words "a (domicile) limited partnership" shall follow the name.

(4) If debtor is a corporation: The words "a (domicile) corporation" shall follow the name.

(b) Social Security or Tax Identification Number.

It is the responsibility of the debtor to ensure the accuracy of the Social Security or Tax Identification Number provided in the petition. If the debtor's original petition contains an incorrect Social Security or Tax Identification Number, the debtor shall promptly notify all creditors, equity security holders and parties in interest of the correct number.

LBR 1007-1. LISTS, SCHEDULES AND STATEMENTS

(a) Dismissal Upon Failure to File Required Schedules and Statements. In any voluntary case where schedules or a statement of financial affairs, required by 11 U.S.C. § 521(1), are not filed with the petition, the clerk is authorized to issue an order to satisfy the deficiency and to give notice that failure to file the missing schedules or statement within 15 days after the date the petition was filed, or some later date as the court directs, may result in dismissal of the case without further notice, unless on or before the filing deadline the debtor requests and is granted an extension of time to file the documents. An order dismissing the case pursuant to this provision may include a 180-day bar to refiling a subsequent petition pursuant to 11 U.S.C. § 109(g)(1).

(b) Extension of Time to File Schedules and Statements. A debtor may request an extension of time to file the schedules and statement of financial affairs by filing with the court a written motion stating the date the petition was filed, the date set for the first meeting of creditors, the new deadline being requested, and the reason the extension is needed. In addition to the requirements stated in Fed. R. Bankr. P. 1007(c), a request made in a Chapter 11 case shall be submitted to the Office of the United States Trustee for approval. A request made in a Chapter 13 case shall be submitted to the Chapter 13 Standing Trustee for

approval. A proposed order granting the extension shall be submitted with the motion.

LBR 1007-2. MAILING MATRIX

(a) A voluntary petition shall be accompanied by a matrix of names and addresses of all creditors, if known, and, if applicable, all equity security holders and parties in interest. (The form of the matrix is available from the clerk.)

(b) The mailing matrix may be submitted on disk or in other electronic form acceptable to the clerk. The clerk requests that any list containing 75 or more creditors, equity security holders and parties in interest be submitted on disk.

(c) The debtor shall certify upon submission of the schedules and statement of financial affairs that all creditors, equity security holders and parties in interest noted therein have been listed in the mailing matrix.

LBR 1009-1. AMENDMENTS TO LISTS AND SCHEDULES

(a) Amendment of Petition, Lists, Schedules, or Statements.

(1) A party filing an amended petition, list, schedule, or statement shall give notice of the amendment to all parties in interest and serve a copy of the notice of commencement of the case, the meeting of creditors, and any deadlines set by the court upon all added parties.

(2) When presented for filing, all amended lists and schedules must be accompanied by a certificate evidencing compliance with subsection (a)(1).

(b) Exemptions. If the schedule of exemptions is amended, the amending party shall serve a copy of the amendment upon all creditors and other parties in interest, including the case trustee and the U.S. Trustee.

LBR 1015-2. RELATED CASES

(a) Definition of Related Cases. Related cases shall include cases commenced by: spouses; a partnership and one or more of its general partners; two or more general partners; two

or more debtors having an interest in the same asset; and affiliates.

(b) Notice of Related Cases. In the event there are related bankruptcy cases, the debtor shall file a Notice of Related Cases at the time of filing of the petition, and shall serve a copy of the notice upon the U.S. Trustee. The notice shall list the name, filing date, and case docket number of any related cases.

LBR 1070-1. JURISDICTION

(a) General Reference. Pursuant to 28 U.S.C. § 157(a), all cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to a case under Title 11 are referred to the bankruptcy judges of this district, except as provided in paragraph (b) of this rule.

(b) Pending District Court Proceedings. Any civil proceeding arising in or related to a case under Title 11 that is pending in the district court on the date the Title 11 case is filed shall be referred to a bankruptcy judge only upon order of the district judge before whom the proceeding is pending. Such an order may be entered upon the motion of a party, the district judge's own motion, or upon the recommendation of a bankruptcy judge.

LBR 1072-1. PLACES OF HOLDING COURT

Session. The court shall be in continuous session in Honolulu, Hawaii and as required in Wailuku, Hilo, Kailua-Kona, and Lihue, Hawaii.

LBR 1074-1. CORPORATIONS AND OTHER ENTITIES

(a) Petition Filed by a Corporation. When a voluntary petition is filed by a corporation, there shall be attached to the petition as an exhibit the original or a copy of a resolution of the board of directors or equity security holders, authorizing the filing of the petition.

(b) Petition Filed by Limited Liability Company. When a voluntary petition is filed by a limited liability company or an entity other than a corporation or a partnership, there shall be attached to the petition as an exhibit a copy of the document

authorizing, under relevant nonbankruptcy law, the filing of the petition.

PART II

LBR 2004-1. DEPOSITIONS AND EXAMINATIONS

(a) Examination Order Issued by Clerk. A party in interest seeking to examine the debtor or other entity pursuant to Fed. R. Bankr. P. 2004 may request an examination order to be issued by the clerk by filing a written motion. The clerk is authorized to sign and enter an examination order requested by a party in interest who has complied with the requirements of this local rule.

(b) Date, Time, and Place of Examination. Prior to filing a motion for an examination order, the party seeking the order shall make all reasonable efforts to arrange a mutually convenient date, time, and place of examination. The motion for an examination order shall be supported by a declaration stating either:

(1) that the proposed date, time, and place of examination have been agreed upon by all concerned; or

(2) that the parties could not agree to a date, time, and place of examination after all reasonable efforts were made, with the moving party's proposed date, time and place of examination, but no earlier than 10 business days after the date of the filing of the motion for an examination order.

LBR 2015-2. DEBTOR-IN-POSSESSION DUTIES

Funds of the estate.

(a) Account Identification. The signature card (or if there is none, the depository agreement) for any account containing funds which are the property of a bankruptcy estate must clearly indicate that the depositor or investor is a "debtor-in-possession" or a trustee in bankruptcy.

(b) Registry Account Funds. When the court orders or approves holding of funds by the clerk as registry account funds, counsel shall give to the clerk reasonable advance notice of the amount to be deposited. Any requests that funds be held in a

particular type of account or designated depository must be delivered to the clerk in writing.

LBR 2015-3. TRUSTEES - REPORTS AND DISPOSITION OF RECORDS

(a) Voluntary Cases. In a case filed pursuant to 11 U.S.C. § 301 or § 302, the books and records of the debtor shall be closed on the day immediately preceding the day on which the petition is filed, whether or not a separate estate is created for tax purposes. Pre-petition liabilities shall be segregated and reported separately from postpetition liabilities.

(b) Involuntary Cases. In a case filed pursuant to 11 U.S.C. § 303, the books and records of the debtor shall be closed on the day on which relief is ordered or an interim trustee is appointed, whichever occurs first. Notwithstanding the foregoing, liabilities incurred before the commencement of the case shall be segregated and, in the event relief is granted, reported separately from liabilities incurred after the commencement of the case.

LBR 2015-6. MAIL REDIRECTION

(a) Consent of Debtor. The filing of a petition under Title 11 by a debtor engaged in business is deemed to be the debtor's consent to mail redirection by the interim trustee and the trustee.

(b) Objection by Debtor. If the debtor does not consent to mail redirection, the debtor shall file a written objection with the clerk. Upon the filing of the debtor's objection, the court shall promptly set a hearing on notice to the debtor, the trustee, and the U.S. Trustee. After the filing of the objection, and pending order of court, the redirection shall continue, but the trustee shall hold, and not open, the debtor's mail.

LBR 2015-7. MONTHLY OPERATING REPORTS

(a) Cases in Which Reports Are Required. Monthly operating reports shall be filed by the trustee or debtor-in-possession in the following cases:

(1) All cases under Chapter 11 and Chapter 12;

(2) Chapter 7 cases, where a business is being operated by the trustee;

(3) Chapter 13 business cases, if the court so orders.

(b) Filing Deadline. In a case for which a monthly operating report is required pursuant to subparagraph (a) of this rule, the report shall be filed no later than the 20th day of the month following the month to which the report pertains. A separate report must be filed for each calendar month, or portion thereof, during which the case is pending, up to and including the month in which an order of confirmation or dismissal is entered.

(c) Service of Reports. A copy of each monthly report shall be served, no later than the day upon which it is filed with the court, upon the U.S. Trustee, the chair and counsel of record of each committee of creditors and each committee of equity security holders appointed by the U.S. Trustee, and such other persons or entities as may be ordered by the court. In a Chapter 12 or Chapter 13 case, service of a copy of each monthly report also must be made on the case trustee.

(d) Form and Content of Reports.

(1) Unless the court otherwise orders, monthly operating reports shall include an accrual basis profit and loss statement, a balance sheet, and a statement of receipts and disbursements.

(2) Any motion to modify this requirement shall be served on all parties upon whom the monthly operating report is required to be served.

(e) Certificate of Counsel. Monthly operating reports filed with the court shall be accompanied by a certificate of counsel. The certificate shall affirmatively state that counsel has reviewed the report and that it has been prepared in compliance with this local rule. Counsel's certificate shall not be deemed to be a representation by counsel that the entries contained in the report are accurate or that the report has been prepared in compliance with applicable accounting standards and principles.

LBR 2016-1. COMPENSATION OF PROFESSIONALS

(a) Guidelines. The court, in consultation with a committee appointed by the Bankruptcy Law Section of the Hawaii State Bar Association and the Assistant U.S. Trustee for this district, may adopt and, as needed, revise guidelines concerning the allowance and disallowance of professional fees and reimbursement of expenses and the contents and format of applications for compensation filed pursuant to 11 U.S.C. §§ 330(a) and 331 and Fed. R. Bankr. P. 2016 (a). A copy of the guidelines shall be available in the office of the clerk.

(b) Summary Sheet. Every application for compensation and reimbursement of expenses shall include a concise summary sheet listing the following information:

(1) The time period for which the application is being made;

(2) Total amount of the applicant's prior awards of compensation and reimbursement of expenses in the same case;

(3) Total amount of the applicant's prior payments received for compensation and reimbursement of expenses in the same case;

(4) Names of the professionals providing the services for which the application is being made, each professional's hourly rate, total hours expended by each professional, and total amount of fees being requested for each professional's services;

(5) A calculation of an average hourly rate for the total fees being requested for each professional category, such as attorneys, paralegals and accountants;

(6) The separate amounts being requested for professional compensation, excise taxes on fees, and reimbursement of expenses;

(7) A disclosure of the receipt and application of any retainer received from the debtor or any other source;

(8) A statement concerning the availability of funds to pay the sums requested in the application.

(c) Chapter 13 Attorney Fee Guidelines. The court, after consultation with the Office of the United States Trustee and members of the local bar, may adopt and amend Chapter 13 Attorney Fee Guidelines. Under these guidelines, compensation and reimbursement of expenses to be paid through a Chapter 13 plan to a debtor's attorney may be approved as part of plan confirmation and outside the Guidelines for Compensation and Expense Reimbursement of Professionals, and without submission of detailed billing records. If a debtor and attorney elect not to follow the Chapter 13 Attorney Fee Guidelines, the attorney must apply for court approval of compensation and reimbursement of expenses after separate notice and a hearing, pursuant to 11 U.S.C. §§ 330 & 331, Fed. R. Bankr. P. 2016, and subdivisions (a) and (b) of this rule.

LBR 2072-1. NOTICE TO OTHER COURTS

(a) Notice of Bankruptcy Petition. Notice of the filing of a bankruptcy petition in this district shall be given to any federal or state court in which the debtor is a party to pending litigation or other proceeding. Notice shall be given, at the earliest possible date, to the judge to whom the matter is assigned, the clerk of the court where the matter is pending, all counsel of record in the matter, and all parties to the action not represented by counsel. A debtor filing a petition without bankruptcy counsel shall give notice immediately to any attorney representing the debtor in pending litigation or other proceeding. Notice of a bankruptcy petition will not be deemed an act to bar any conference in another court held to advise the court and the parties of the status of the bankruptcy case.

(b) Party to Give Notice. In a voluntary case, the notice shall be given by the debtor or the debtor's counsel. In an involuntary case, notice shall be given by counsel for the petitioning creditors or by any petitioning creditor not represented by counsel.

(c) Effect of Not Giving Notice. Failure to give the notice required by subdivision (a) of this rule may constitute cause for annulment of the stay imposed by 11 U.S.C. §§ 362, 922, 1201 or 1301. Failure to give the notice required by subdivision (a) of this rule may result in the imposition of sanctions.

(d) Notice of Order for Relief from Stay. Notice of an order terminating, annulling, modifying, or conditioning the stay

imposed by 11 U.S.C. §§ 362, 922, 1201 or 1301, if such order will permit resumption of litigation or other proceeding, shall be given to the parties noted in subdivision (a) of this rule. Notice shall be given by the party obtaining the order for relief from stay.

(e) Notice of Other Order Affecting Litigation. Notice of an order dismissing or closing a case, granting or denying a discharge, or otherwise affecting the resumption of litigation or other proceeding, shall be given by the debtor or the debtor's counsel to the parties noted in subdivision (a) of this rule. If the debtor or the debtor's counsel fails to give such notice promptly, the notice may be given by any party in interest with knowledge of the order affecting pending litigation or other proceeding.

LBR 2083-1. CHAPTER 13 - GENERAL

The court, after consultation with the Office of the United States Trustee and members of the local bar, may adopt and amend guidelines for procedures in Chapter 13 cases, including the mandatory use of court-approved forms.

LBR 2090-1. ATTORNEYS - ADMISSION TO PRACTICE

Unless admitted *pro hac vice*, attorneys who appear in this court shall be in good standing and shall have been admitted to practice before the United States District Court for the District of Hawaii.

LBR 2091-1. ATTORNEYS - WITHDRAWAL

Withdrawal of Counsel. Withdrawal of counsel for the debtor, trustee, or any committee shall require approval by the court. The court for good cause shown may authorize the withdrawal of such counsel upon such notice and hearing as the court may require. The motion shall be accompanied by an affidavit or declaration of counsel stating the reasons for the withdrawal and shall be noticed to the client. An individual appearing *pro se* after withdrawal of counsel must comply with LBR 9011-2. Counsel for parties other than the debtor, trustee, or a committee may withdraw by filing a notice of withdrawal and serving a copy of such notice on the client and all other parties.

LBR 2092-1. ATTORNEYS - SUBSTITUTION

(a) Counsel appointed with court approval pursuant to 11 U.S.C. § 327 may be replaced by substitute counsel only with court approval. An application for substitution of counsel shall include the same documentation required for approval of the original appointment.

(b) Except as provided in subdivision (a) of this rule, court approval is not required for substitution of counsel. Substitution may be accomplished by filing a notice of substitution of counsel which shall contain the signatures of both the original and substituting counsel and the client.

(c) Notice of substitution of counsel shall be given to all parties and separately filed in all adversary proceedings in which the substitution is effective.

PART III

LBR 3003-1. CHAPTER 9 AND CHAPTER 11 PROOFS OF CLAIM OR INTEREST

Unless the court otherwise orders, proofs of claim or interest required to be filed by Fed. R. Bankr. P. 3003 shall be filed within 90 days after the first date set for the meeting of creditors called pursuant to 11 U.S.C. § 341. Notice of the deadline for the filing of proofs of claim or interest shall be included by the clerk in the notice of commencement of the case.

LBR 3007-1. CLAIMS - OBJECTIONS

Where a factual dispute is involved, the initial hearing on an objection to the allowance of a claim shall be deemed a status conference at which the court will not receive evidence or testimony. Where the objection involves only a matter of law, the judge may allow the matter to be argued at the initial hearing. Any notice of hearing on an objection to the allowance of a claim shall include a statement of the substance of this rule.

LBR 3010-1. DIVIDENDS - SMALL

Dividends Less than $5. In a chapter 7 case, the trustee may pay dividends in amounts less than $5.

LBR 3015-1. CHAPTER 13 - PLAN

(a) Mandatory Form Plan. All Chapter 13 plans and amended plans shall conform with the court-approved form made part of the Guidelines for Chapter 13 Procedures.

(b) Dismissal Upon Failure to File Plan. In any Chapter 13 case where the plan, required by 11 U.S.C. § 1321, is not filed with the petition, the clerk is authorized to issue an order to satisfy the deficiency and to give notice that failure to file the plan within 15 days after the date the petition was filed, or some later date as the court directs, may result in dismissal of the case without further notice, unless on or before the filing deadline the debtor requests and is granted an extension of time to file the plan. A request for an extension shall be submitted to the Chapter 13 Standing Trustee for approval. An order dismissing the case pursuant to this provision may include a 180-day bar to refiling a subsequent petition pursuant to 11 U.S.C. § 109(g)(1).

LBR 3017-1. DISCLOSURE STATEMENT - APPROVAL

Unless the court otherwise orders, the plan proponent shall comply with the following procedures:

(a) Notice of the disclosure hearing shall be served on all parties in interest. The notice shall contain the information required by Official Form No. 12 and, unless the court orders otherwise, shall state that the deadline for the filing of objections to the disclosure statement is 7 days prior to the hearing.

(b) The proposed plan and proposed disclosure statement shall be served only on the debtor, the United States Trustee, and the persons designated in Bankruptcy Rule 3017(a).

(c) A certificate of service showing compliance with this rule must be filed at least 3 business days prior to the hearing.

(d) Not later than 3 business days prior to the hearing (and any continued hearing), the plan proponent shall advise the court by telephone whether the proponent intends to go forward with the hearing.

(e) In the event the plan proponent receives an objection to the disclosure statement, the proponent and the objecting party must confer and make a good faith effort to resolve the objection.

(f) A plan proponent desiring a continuance of the hearing on a disclosure statement shall appear at the scheduled hearing to request a continuance.

(g) The plan proponent may establish that the disclosure statement meets the applicable requirements of 11 U.S.C. § 1125(a) and (b) by offer of proof, declaration or, if the court so requires, live testimony. In all cases, a witness competent to testify must be present. Briefs are not required.

(h) At the conclusion of the disclosure hearing, counsel for the plan proponent shall be prepared to advise the court of the amount of court time the confirmation hearing will require. If a contested confirmation hearing is anticipated, the court will entertain requests that scheduling procedures be established concerning the filing of briefs, exchange and marking of exhibits, disclosure of witnesses and discovery.

(i) Upon approval of the disclosure statement, the plan proponent shall submit to the court a proposed Order Approving Disclosure Statement and notice, containing the information required by Official Form No. 13. At the hearing, counsel shall be prepared to advise the court concerning the proposed date for the confirmation hearing and deadlines to be included in the order.

LBR 3020-1. CHAPTER 11 - CONFIRMATION

(a) Unless the court otherwise orders, the plan proponent shall comply with the following procedures:

(1) All ballots and a ballot tabulation showing the percentages of acceptances and rejections for each impaired class, in number and dollar amount, must be filed at least three (3) business days prior to the confirmation hearing. The tabulation should also identify any unimpaired classes.

(2) A certificate of service of the plan, disclosure statement, official ballot, and Order Approving Disclosure

Statement must be filed not later than 3 business days prior to the confirmation hearing.

(3) Not later than 3 business days prior to the hearing (and any continued hearing), the plan proponent shall advise the court by telephone whether the proponent intends to go forward with the hearing.

(4) The plan proponent and any party objecting to confirmation shall make a good faith effort to confer prior to the confirmation hearing regarding disputed issues and the conduct of the confirmation hearing.

(5) A plan proponent desiring a continuance of the confirmation hearing shall appear at the scheduled hearing to request a continuance.

(6) If the plan has been accepted by the requisite majorities and no objections to confirmation have been filed, the plan proponent may establish that the plan meets the applicable requirements of Chapter 11 by offer of proof, declaration, or, if the court so requires, live testimony. In all cases, a witness competent to testify must be present.

(b) Unless the court otherwise orders, any objections to confirmation of the plan must be filed not later than seven days prior to the confirmation hearing.

LBR 3022-1. FINAL DECREE

At the confirmation hearing, the proponent of the plan shall advise the court when all post-confirmation court proceedings can be completed. The court may set deadlines for filing reports and an application for a final decree.

PART IV

LBR 4001-1. AUTOMATIC STAY - RELIEF FROM

(a) Procedure and Supporting Documents.

(1) **Motion.**

(A) Unless the court otherwise orders, a motion for relief from the automatic stay imposed by 11 U.S.C. § 362(a)

shall not be combined with any other request,_other than a request for similar relief from the codebtor stay imposed by 11 U.S.C. §§ 1201(a) or 1301(a).

(B) A motion for relief from the automatic stay or a codebtor stay shall describe the relief sought and shall be accompanied by the declaration of an individual, competent to testify, which sets forth the factual basis for the motion.

(C) Every motion for relief from the automatic stay or a codebtor stay shall include as an exhibit an informational cover sheet that substantially conforms to a cover sheet formulated by the court.

(2) **Notice.**

(A) The moving party shall obtain a hearing date and give notice of the hearing as required by Rule 4001(a)(1) of the Federal Rules of Bankruptcy Procedure. Service shall be made by promptly placing the notice and motion in the mail, or by promptly hand delivering the notice and motion, after the filing of the motion, on the debtor, the debtor's attorney, the trustee, and any creditors' committee elected or appointed under the Code, or, if no committee has been appointed in a chapter 11 case, on the 20 largest unsecured creditors. If the motion seeks to enforce a lien, notice shall be given to all other parties, known to the moving party, who claim an ownership or security interest in the same collateral. If the motion concerns a codebtor stay, the moving party must serve the papers on and give notice of the hearing to the codebtor. If the motion concerns the commencement or continuation of a judicial, administrative or other action or proceeding, notice shall be given to all parties to the action or proceeding.

(B) The notice shall be a separately filed document and shall substantially conform to a form notice issued by the court. The notice shall advise that the relief sought may be granted without a hearing if an opposition statement is not filed, in a matter concerning the automatic stay, within 12 days after the motion was filed, or, in a matter concerning a codebtor stay, within 20 days after the date the motion was filed. Notice of a motion requesting relief from both the automatic stay and a codebtor stay shall advise that the relief sought may be granted without a hearing if an opposition statement is not filed within 20 days after the date the motion was filed.

(C) No order for relief from the automatic stay or codebtor stay will be entered pursuant to this rule unless the moving party has complied with the notice provisions of subsections (2)(A) and (2)(B), unless the court otherwise orders.

(3) **Opposition Statement and Reply.**

(A) A debtor, trustee, or other party in interest opposing a motion for relief from the automatic stay shall file with the court, within 12 days after the filing of the motion, a statement setting forth the party's opposition and the grounds therefor. A debtor, codebtor, trustee, or other party in interest opposing a motion for relief from a codebtor stay shall file with the court, within 20 days after the filing of the motion, a statement setting forth the party's opposition and the grounds therefor. The opposition statement shall be served promptly on the moving party, and the parties referred to in LBR 4001-1(a)(2)(A), by mail or by hand delivery.

(B) If no opposition statement is timely filed, then the moving party may prepare and submit to the court, after the conclusion of the relevant opposition period, a proposed order granting the relief requested. The proposed order must be accompanied by a certificate of service showing service of a copy of the proposed order on the same parties required to be served the underlying motion. The court will enter such order or notify the parties that the scheduled hearing will be held. If the order grants relief to permit the enforcement of a lien or a security interest, the termination of the possession of property, or the prosecution of a claim that is covered by insurance or other indemnity provisions, the order shall state that there shall be no deficiency judgment or other money judgment without further order of the Bankruptcy Court. If the order grants relief from the codebtor stay under 11 U.S.C. § 1301, the order shall state that there shall be no deficiency judgment against the codebtor without further order of the court unless the motion and notice clearly informed the codebtor that the moving party sought such relief.

(C) If an opposition statement is timely filed, the moving party may file a memorandum, declarations, or other materials in reply not later than 3 days before the hearing. The reply materials shall be served by fax, hand delivery, or electronic means within 24 hours of filing upon all parties who filed an opposition statement.

(b) Oral Testimony. Unless the court otherwise orders, no oral testimony will be received by the court at any hearing on a motion for relief from the automatic stay or a codebtor stay.

LBR 4002-1. DEBTOR - DUTIES; DESIGNATION OF RESPONSIBLE INDIVIDUAL

Designation of Responsible Individual For Corporation or Partnership Debtor.

(a) Every corporate or partnership debtor or debtor-in-possession shall designate a natural person to be responsible for performing the duties and obligations of the debtor or debtor-in-possession. The designation shall include the responsible individual's name, address, telephone number, and position within the organization.

(b) If the duties are to be shared by two or more individuals, the responsibilities of each shall be specified.

(c) The designation shall be filed with the petition, or promptly thereafter. When the designation is filed, it shall be accompanied by each designated individual's consent to the designation.

(d) Unless the court otherwise orders, at least one of the responsible individuals must reside in the District of Hawaii.

LBR 4003-1. EXEMPTIONS

Orders Setting Apart Exempt Property. If no objection to a claim of exemption has been made within the time provided in Fed. R. Bankr. P. 4003(b), the court may, at any time, without a hearing and without reopening the case, enter an order approving claimed exemptions and setting apart exempt property as claimed.

LBR 4008-1. REAFFIRMATION

Court Approval of Reaffirmation Agreements. A request for court approval of a reaffirmation agreement under 11 U.S.C. § 524(c) must be made using court-approved forms for the reaffirmation agreement and the motion requesting approval. Court-approved forms will be available from the clerk.

PART V

LBR 5001-2. CLERK - LOCATION

The clerk's office is located at 1132 Bishop Street, Suite 250L, Honolulu, Hawaii. The local rules, forms and other information are also available at the court's web site: http://www.hib.uscourts.gov.

LBR 5005-1. FILING PAPERS - REQUIREMENTS

(a) Filing. Documents shall be filed with the clerk of the Bankruptcy Court.

(b) Caption Requirements. In addition to the information generally required by these rules, the caption of each paper filed in a bankruptcy case or adversary proceeding shall contain all of the following information:

(1) The chapter of the Bankruptcy Code under which the case is currently pending; and

(2) The date and time of the hearing or trial, where applicable, and the name of the presiding judge.

(c) Defective Pleadings and Papers.

(1) The clerk may reject without filing, a petition that:

(i) is submitted by a person who, pursuant to 11 U.S.C. 109 or by court order, may not be a debtor at the time the petition is submitted;

(ii) is submitted on behalf of a corporation, partnership or other artificial entity, either without the authorization required by LBR 1004-1 and LBR 1074-1, or by a person who is not an attorney admitted to the federal bar;

(iii) is submitted without the original signatures of the debtor, both joint
debtors, or the attorney filing the petition; or

(iv) is submitted without the required filing fee, without a mailing matrix; or if a chapter 9 or chapter 11 petition, without the list of the 20 largest unsecured creditors.

(2) The clerk may reject, without filing, a pleading or paper that:

(i) is not accompanied by a fee, tendered in a manner suitable to the clerk,
and required to be paid at the time of filing by 28 U.S.C. § 1930(a) or (b);

(ii) is not originally verified as required by Fed. R. Bankr. P. 1008;

(iii) is not signed with an original signature, unless accepted by the clerk
as a faxed or electronic filing as permitted by LBR 5005-4 and LBR 5005-5; or

(iv) is intended to be filed in a case or adversary proceeding which does not exist in this court or has been closed, unless the pleading is a request to reopen a closed case or is related to such a request.

(3) The clerk shall give prompt notice to the filing party of the rejection of any petition, pleading or paper, specifying the basis for the rejection.

(4) Any party affected by the rejection of a pleading or paper may file a motion for judicial review of such action within 10 days of the rejection. If judicial review results in a determination that the rejection was improper, the pleading or paper may be deemed filed as of a date and time set by the court. Notice of a motion for such review shall be served by the moving party upon all affected parties.

LBR 5005-2. FILING PAPERS - NUMBER OF COPIES

(a) Initial Documents. The petition, statements, schedules, and lists required by Fed. R. Bankr. P. 1002, 1003, 1004, and 1007 shall be filed in the following numbers:

(1) Chapter 7 - an original and 4 copies.

(2) Chapter 9 - an original and 6 copies.

(3) Chapter 11 - an original and 6 copies.

(4) Chapter 12 - an original and 4 copies.

(5) Chapter 13 - an original and 4 copies.

The number of copies stated above includes one copy to be file stamped and returned to the filing party. This copy may be omitted at the election of the filing party.

(b) All Other Documents. The clerk shall determine the numbers of copies which must be submitted with original documents tendered to the court for filing and shall publish and maintain a current listing of copies required. This list shall be posted on the web site of the court and shall be made available to the public and to the bar upon request.

(c) Conformed Copies of Documents. Only one conformed copy of filed documents will be returned to counsel.

LBR 5005-4. ELECTRONIC FILING

(a) Court Automation Requirements. The court may issue guidelines on requirements for papers as may be necessary to comply with court automation systems.

(b) Electronic Filing. Documents may be filed, signed, verified and served by electronic means, as established by administrative order of the court.

LBR 5005-5. FAX FILING

Fax Filing of Papers. Documents may be transmitted by fax to the court for filing only as permitted under guidelines established by the court and available from the clerk's office.

LBR 5011-1. WITHDRAWAL OF REFERENCE

(a) Motion. A motion to withdraw the reference of a case or proceeding shall be filed with the clerk of the district court.

(b) Automatic Stay. Nothing in this rule shall modify any automatic stay imposed by Title 11 U.S.C. §§ 362(a), 922, 1201(a), or 1301(a).

PART VI

LBR 6004-1. SALE OF ESTATE PROPERTY

(a) Procedure. A motion for authority to sell free and clear of liens or other interests under 11 U.S.C. § 363(f) shall identify by name, immediately below the caption, the holder of the lien or other interest whose property rights are or may be affected by the motion. The holders of the affected liens or other interests shall be served with a complete set of moving papers pursuant to Fed. R. Bankr. P. 7004(b).

(b) Supporting Papers. The motion shall be supported by the declaration of an individual, competent to testify, which sets forth the factual basis for the motion and which demonstrates that the moving party satisfies one or more of the conditions established by 11 U.S.C. § 363(f)(1)-(5). The motion shall identify which subsection of § 363(f) the moving party claims to satisfy and shall be supported, unless the court otherwise orders, by a current Uniform Commercial Code financing statement report, with respect to personal property, and a current title report, with respect to real property, or other satisfactory evidence of the status of the title to the real or personal property which is the subject of the motion.

LBR 6006-1. EXECUTORY CONTRACTS

(a) Assumption and Rejection.

(1) Notice of a motion or stipulation to assume, reject, or assign an executory contract or unexpired lease shall be served upon: (1) those entities known to the movant to be entitled to receive notice of a default, termination, or assignment of the contract or lease under the terms of the contract or lease itself or under the terms of any related contract with the debtor; (2) in a Chapter 9 or Chapter 11 case, the creditors that hold the 20 largest unsecured claims or the chair and counsel of record of each committee of creditors and each committee of equity security holders appointed by the U.S. Trustee, if any have been appointed; and (3) those entities entitled to notice under Fed. R. Bankr. P. 6006(c).

(2) Any party seeking assumption of an executory contract or unexpired lease shall be prepared to present evidence and testimony concerning the ability of the debtor or trustee to

meet the obligations imposed by such executory contract or unexpired lease.

(b) Compelling Performance of Obligations. Unless the court otherwise orders, notice of a motion to compel performance of a lease of non-residential real property or to extend the time for performance under 11 U.S.C. § 365(d)(3) shall be served upon: (1) all parties to such lease; (2) those entities known to the movant to be entitled to receive notice of a default, termination, or assignment of the lease under the terms of the lease itself or under the terms of any related contract with the debtor; (3) in a Chapter 9 or Chapter 11 case, the creditors that hold the 20 largest unsecured claims or the chair and counsel of record of each committee of creditors and each committee of equity security holders appointed by the U.S. Trustee, if any have been appointed; and (4) those entities entitled to notice under Fed. R. Bankr. P. 6006(c).

(c) Extensions. Unless the court otherwise orders, notice of any motion under 11 U.S.C. § 365(d)(4) to extend the 60 day period to assume or reject an unexpired lease of nonresidential real property shall be served only on those entities entitled to receive notice of a default, termination, or assignment under the terms of the lease itself or under the terms of any other contract with the debtor, and to the chair and counsel of record of each committee of creditors and each committee of equity security holders appointed by the U.S. Trustee, if any have been appointed.

PART VII

LBR 7001-1. ADVERSARY PROCEEDINGS - GENERAL

(a) Incorporation of Other Rules. Unless the court otherwise orders, the Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms, together with the following rules of practice from other chapters of the Local Rules of the District Court for the District of Hawaii shall apply in all adversary proceedings:

(1) The rules incorporated by LBR 1001-2;

(2) LR 4.1 Service of Process;

(3) LR 5.2 Depositions: Original Transcripts;

4.	LR 7.2	Motions; Notice, Hearing, Motion, and Supporting Papers ;
5.	LR 7.3	Motions; Deadline for Hearings on Dispositive Motions;
6.	LR 7.4	Motions; Opposition and Reply;
7.	LR 7.9	Motions; Related and Counter Motions;
(h)	LR 16.1	Counsel's Duty of Diligence;
(i)	LR 16.2	Scheduling Conference;
(j)	LR 16.3	Scheduling Conference Order;
(k)	LR 16.4	Pretrial Conference;
(l)	LR 16.6	Contents of Pretrial Statement;
(m)	LR 16.7	Pretrial Conference Agenda;
(n)	LR 16.8	Pretrial Order;
(o)	LR 16.9	Objections to Proposed Testimony and Exhibits; Motions in Limine;
(p)	LR 26.1	Conference of Parties;
(q)	LR 26.2	Written Responses to Discovery Requests;
(r)	LR 51.1	Jury Instructions;
(s)	LR 56.1	Motions for Summary Judgment;
20.	LR65.1.1	When a Bond or Security is Required;
21.	LR 65.1.2	Qualifications of Surety; and
22.	LR 83.6	Attorneys; Appearances, Substitutions and Withdrawal of Attorneys.

(b) Modification. The court may direct that additional local rules apply.

LBR 7003-1. COVER SHEET

Every complaint initiating an adversary proceeding shall be accompanied by a completed Adversary Proceeding Cover Sheet in a form prescribed by the clerk. Adversary Proceeding Cover Sheets are available in the clerk's office and at the court's web site: http://www.hib.uscourts.gov.

LBR 7007-2. STATEMENT OF NON-OPPOSITION

If a motion in an adversary proceeding is unopposed, the respondent shall file a statement of non-opposition not later than the date when the opposition may be filed pursuant to LR 7.4.

LBR 7052-1. FINDINGS AND CONCLUSIONS

(a) Preparation and Submission.

(1) Unless the court orders otherwise, within 7 days after the announcement of the decision of the court on any matter in which the court is required or elects to enter written findings of fact and conclusions of law, the prevailing party shall prepare a draft of the findings and conclusions, and circulate the same for approval as to form by all parties who appeared at the hearing. If any party who appeared at the hearing fails or refuses to approve the proposed findings and conclusions as to form within 7 days after receipt thereof, or if circulation of the order to all counsel is impractical in the circumstances, the drafting party shall submit the proposed findings and conclusions to the court and promptly give notice of such submission to all parties who appeared at the hearing.

(2) A draft of the findings and conclusions shall be submitted to the court in written form and in a standard electronic word processing format, on disk or sent by electronic transmission.

(b) Objections. Any party receiving notice of the submission of proposed findings of fact and conclusions of law shall, within 5 business days after the date of the notice, submit to the court and serve upon all other parties a statement of any objections to the proposed findings and conclusions, the reasons therefor, and alternate proposed findings and

conclusions. Thereafter the court shall take such further action as appropriate in the circumstances.

(c) Separate Order. Any order or judgment based on related findings of fact and conclusions of law must be set forth in a separate document.

LBR 7055-1. DEFAULT

Judgment for Plaintiff. Unless the court orders otherwise, a plaintiff entitled to a judgment by default in an adversary proceeding, for a claim other than a sum certain pursuant to Fed. R. Civ. P. 55(b)(2), shall obtain a judgment only by written motion and upon establishment of a prima facie case at a hearing, with notice of not less than 28 days to the defendant. The motion shall be served on the defendant and, if represented by counsel, the defendant's attorney. Entry of default by the clerk must be made prior to or concurrently with the filing of the motion.

PART VIII

LBR 8005-2. PROCESSING OF BANKRUPTCY APPEALS

(a) At any time before an appeal has been docketed in the district court as provided in Fed. R. Bankr. P. 8007, the bankruptcy court is authorized and directed, on motion of a party or its own motion:

(1) to dismiss an appeal filed after the time specified in Fed. R. Bankr. P. 8002;

(2) to dismiss an appeal in which appellant has failed to file a designation of the items for the record or a statement of the issues as required by Fed. R. Bankr. P. 8006;

(3) to hear, under Fed. R. Bankr. P. 9006(b), motions to extend the foregoing deadlines and to consolidate appeals which present similar issues from a common record.

(b) Bankruptcy court orders entered under subsection (a) may be reviewed by the district court on motion filed within 10 days after entry of the order sought to be reviewed.

LBR 8007-1. COMPLETION OF RECORD - APPEAL

The record on appeal shall include a transcript of the hearing(s) resulting in the order or judgment from which the appeal is taken or a summary thereof agreed upon by all parties.

LBR 8007-2. TRANSMISSION OF RECORD - APPEAL TO DISTRICT COURT

In an appeal to the District Court, as soon as the statement of issues, designation of record, and any transcripts that have been designated are filed with the Bankruptcy Court, the clerk of the Bankruptcy Court shall transmit to the District Court a certificate of readiness, indicating that the record is complete. The clerk of the District Court shall forthwith notify the parties to the appeal that this certificate has been filed at the District Court, and this date shall constitute the date of entry of the appeal on the docket for purposes of Fed. R. Bankr. P. 8007 and 8009. The record shall be retained by the clerk of the Bankruptcy Court. A copy of the record shall be transmitted to the District Court upon request by the clerk of the District Court.

LBR 8009-3. REQUIREMENT FOR APPENDIX TO APPELLATE BRIEF

The requirement for an appendix to an appellant's brief in Fed. R. Bankr. P. 8009(b) shall apply to appeals to the District Court. The appendix shall include excerpts of the record to be considered on appeal.

PART IX

LBR 9010-1. ATTORNEYS - NOTICE OF APPEARANCE

(a) Artificial Entities. A corporation, partnership, or any entity other than a natural person may not appear as a party in an adversary proceeding or a contested matter or as a debtor in a bankruptcy case except through counsel admitted to practice in this district.

(b) Chapter 11 Cases. A corporation, partnership, or any entity other than a natural person may not serve as a debtor-in - possession in a Chapter 11 case unless represented by counsel appointed by the court pursuant to 11 U.S.C. § 327(a).

(c) Excepted Matters. Nothing herein shall preclude a corporation, partnership, or any entity other than a natural person from filing a proof of claim, an application for compensation, or a reaffirmation agreement, or from appearing at a meeting of creditors through an officer or other authorized agent.

(d) Appearances. The filing of any document in a bankruptcy case or adversary proceeding shall constitute an appearance by the attorney who signs the document.

LBR 9011-1. ATTORNEYS - DUTIES

(a) Representation in a Bankruptcy Case. Notwithstanding any employment, retainer or attorney-client agreement, an attorney who files a petition in bankruptcy on behalf of a debtor, or who subsequently enters an appearance on behalf of a debtor other than as special counsel under 11 U.S.C. § 327(e), will be counsel of record and shall provide representation in all matters arising during the administration of the case until the case is closed or dismissed, unless the court approves the attorney's withdrawal or substitution.

(b) Representation in an Adversary Proceeding. An attorney representing a debtor in a bankruptcy case may, by agreement with the debtor, exclude representation of the debtor in an adversary proceeding by indicating such non-representation in the attorney's compensation disclosure statement required under Fed. R. Bankr. P. 2016(b).

LBR 9011-2. PRO SE PARTIES

***Pro Se* Parties.** Individuals may appear *pro se*, under such conditions as the court may impose, shall notify the clerk in writing of their names, their mailing and residence addresses, and their telephone numbers, and shall keep the clerk and opposing parties and counsel informed by proper written notice of changes in the addresses or telephone numbers or both. All such notices shall be indexed and filed in the matrix and the case docket.

LBR 9013-1. MOTION PRACTICE

(a) Matters Covered by Rule. This rule shall apply to any motion, application, or objection with respect to which the

Bankruptcy Code provides that relief may be obtained after "notice and a hearing," but does not apply to: (1) motions for relief from the automatic stay; (2) proceedings that must be initiated by complaint under Fed. R. Bankr. P. 7001 (adversary proceedings) or motions therein; and (3) matters that may properly be presented to a judge *ex parte*.

(b) Hearing Required.

(1) Unless the court otherwise orders, the following matters shall be set for hearing:

(A) Motions governed by Fed R. Bankr. P. 4001;

(B) All motions to convert or dismiss unless the debtor can so move as a matter of right and except for a motion by the Office of the United States Trustee pursuant to 11 U.S.C. § 1112(e);

(C) Motions to appoint a trustee or an examiner;

(D) Motions to sell property free and clear of liens;

(E) Hearings on Chapter 11 disclosure statements, and confirmation hearings in cases under Chapters 11and 12, and;

(F) Objections to a debtor's claim of exemption.

(2) With court approval, any matter within the scope of this rule may be set for hearing.

(3) Except as provided in LBR 9013-1(b)(4), 9013-1(b)(5), and 9013-1(c), notice of all hearings shall be served at least 28 days before the hearing date, any opposition must be filed and served on the party requesting relief at least 18 days prior to the hearing date, and any reply must be filed and served not less than 11 days before the hearing date. This rule extends the minimum time periods specified in Fed. R. Bankr. P. 2002(a). The time periods specified in this subdivision do not apply to notice requirements for approval of a disclosure statement or for confirmation of a plan under any chapter of Title 11, pursuant to Fed. R. Bankr. P. 2002(a)(8) and (b), or for objections to claims, pursuant to Fed. R. Bankr. P. 3007.

(4) The court may shorten time for notice of any hearing or limit the parties to which notice is to be given unless the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure provide otherwise. Every motion requesting that the court shorten or limit notice of a hearing shall be supported by a declaration stating the reasons for the motion, the parties with which the moving party has spoken or attempted to speak concerning the request to shorten or limit notice, and the position taken by such parties. Every such motion shall specify to whom, how, and when the moving party proposes to give notice, and shall propose deadlines for the filing and serving of opposition and reply memoranda. The proposed order on such motions shall have appropriate blanks for such deadlines.

(5) The court may disregard any untimely opposition or reply memorandum or impose other appropriate sanctions.

(6) Every notice of hearing shall state, in bold face type, the deadline for the filing and service of opposition memoranda and that the court may disregard any untimely memoranda.

(7) A Chapter 7 trustee may, without necessity of an order shortening time, set for hearing on 10 days notice any motion to sell personal property of the estate free and clear of, or subject to, liens, if the subject property is situated on leased premises.

(c) Notice and Opportunity for Hearing.

(1) Unless otherwise ordered, a party in interest may file a request for relief, without setting a hearing, regarding any matter within the scope of this rule, other than those matters set forth in subparagraph (b)(1).

(2) The notice shall state conspicuously, on the first page, that:

(A) Any objection or request for hearing must be filed and served within 15 days of mailing of the notice and state with particularity the basis of the objection or request for hearing;

(B) Unless an objection or request for hearing is filed and served in a timely manner, the court may enter an order granting the requested relief by default; and

(C) If there is a timely objection or request for hearing, the moving party will give at least 15 days written notice of hearing to the requesting party, any trustee, any committee appointed in the case, and any other parties directed by the court.

(3) If an objection or request for hearing is filed and the motion is set for hearing, the moving party may file and serve a reply memorandum not later than seven days prior to the hearing.

(4) If notice is given in compliance with this rule and no interested party objects or requests a hearing, the moving party shall file a request for entry of order by default with the clerk and shall submit a proposed order. The request shall be accompanied by an affidavit or declaration regarding the date and place of mailing of the notice, the addresses to which it was mailed and the lack of response.

LBR 9013-3. CERTIFICATE OF SERVICE - MOTIONS

A certificate of service upon counsel shall identify counsel's client; provided that the failure to identify a client on the certificate of service shall not mean that such client has not been served or not received notice.

LBR 9019-2. ALTERNATIVE DISPUTE RESOLUTION

(a) Purpose and Scope. To facilitate the voluntary resolution of adversary proceedings and contested matters, the Bankruptcy Court is authorized to establish guidelines for court-sponsored Bankruptcy Alternative Dispute Resolution ("BDR") procedures. This rule does not preclude parties from participating in the alternative dispute resolution ("ADR") procedures implemented under LR 16.11 or in any other ADR process.

(b) Program Administration.

(1) **Bankruptcy Mediation Committee.** The court may establish a Bankruptcy Mediation Committee to formulate guidelines for BDR procedures and the selection, training and evaluation of individuals to serve on a Mediator Panel.

(2) **BDR Administrator.** The court may appoint a BDR Administrator to administer the BDR program and to serve as liaison between the court and the Bankruptcy Mediation Committee.

(3) **Bankruptcy Mediator Panel.** The BDR Administrator shall publish and maintain a list of qualified individuals approved by the court to serve as members of a Bankruptcy Mediator Panel. Individuals selected to serve on the panel may be required to provide a minimum amount of service without compensation.

(c) Confidentiality.

(1) Except as otherwise provided by this rule or applicable law, any and all communications made in connection with any mediation under this rule shall be subject to Rule 408 of the Federal Rules of Evidence.

(2) Mediators and parties shall not communicate with the court about the substance of any position, offer or other matter in the mediation without the consent of all parties, unless such disclosure is required to enforce a settlement agreement or to provide evidence in an attorney disciplinary proceeding, but only to the extent required to accomplish that purpose.

(d) Immunity of Mediators. All persons serving as mediators under this rule shall be deemed to be performing quasi-judicial functions and shall be entitled to all of the privileges, immunities and protections that the applicable law accords to persons serving in such capacity.

LBR 9021-1. JUDGMENTS AND ORDERS - ENTRY OF

(a) Preparation and Submission. Unless the court orders otherwise, within 7 days after the announcement of a decision by the court which is to be embodied in a judgment or order, the prevailing party shall prepare a draft of the judgment or order and circulate it for approval as to form by all parties who appeared at the hearing. If any party who appeared at the hearing fails or refuses to approve the proposed judgment or order as to form within 7 days after receipt thereof, or if circulation of the order to all counsel is impractical in the circumstances, the prevailing party shall submit the proposed

judgment or order to the court and promptly give notice of such submission to all parties who appeared at the hearing.

(b) Objections. Any party receiving notice of the submission of the proposed judgment or order shall, within 5 business days after the date of the notice, submit to the court and serve upon all other parties a statement of any objections to form of the proposed judgment or order, the reasons therefor, and alternate proposed judgment or order. Thereafter, the court shall take such further action as is appropriate in the circumstances.

(c) Discretion of Court. Nothing in this rule shall limit the court's discretion to enter orders, decisions or judgments prior to the expiration of the time periods specified herein.

(d) Reference to Other Documents. With the exception of an order on a stipulation, an order or judgment must be set forth as a separate document. Any agreement, disclosure statement, plan, or other document approved by an order must be attached as an exhibit. An order on the stipulation of the parties may be combined with the stipulation by indicating "Approved and So Ordered" above the signature line for the judge.

LBR 9073-1. HEARINGS - NOTICE OF

Separate Document Requirement. Whenever written notice of a hearing on a motion or other matter is required, the notice must be filed as a separately captioned document. This rule does not apply to form motions and notices approved by the court. All notices shall include a concise description of the relief sought.

LBR 9074-1. TELEPHONIC AND VIDEO CONFERENCE APPEARANCES

(a) Telephonic and Video Conference Participation at Hearings. The court may, in its discretion, permit any party in interest to participate in any hearing by telephone or video conference. Any party or attorney wishing to appear before the court by telephone or video conference must call the calendar clerk/courtroom deputy not later than 5 business days prior to the hearing to seek authorization for such appearance. In general, telephonic and video conference appearances will be permitted, except testimony may not be presented by telephonic means.

(b) Service Provider. The court may establish guidelines for participation in a hearing by telephone or video conference, including requirements for selection and use of a private service provider. A party or attorney who has obtained authorization for such participation should consult the guidelines for information about the provider and any fees for the service.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii; OCT 16 2002.

DAVID ALAN EZRA
CHIEF UNITED STATES DISTRICT JUDGE

HELEN GILLMOR
UNITED STATES DISTRICT JUDGE

SUSAN OKI MOLLWAY
UNITED STATES DISTRICT JUDGE

ROBERT J. FARIS
UNITED STATES BANKRUPTCY JUDGE

ORDER AMENDING THE LOCAL RULES OF PRACTICE FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII