



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

1132 Bishop Street, Suite 250
Honolulu, Hawaii 96813

Michael B. Dowling
Clerk of Court

Amy Young
Chief Deputy Clerk

March 14, 2013

NOTICE

Subject: Proposed Amendments to Local Bankruptcy Rules

Attached are proposed amendments to the local bankruptcy rules. Comments on the changes may be submitted by email to mbd@hib.uscourts.gov, by April 1, 2013.

Amended LBR 1007-2 changes the term "mailing matrix" to "creditor list" to be more consistent with references in the Federal Rules of Bankruptcy Procedure.

New LBR 1007-3 requires that the list of the 20 largest unsecured creditors filed in a chapter 11 case include the creditors' email addresses, if known, so that an unsecured creditors' committee can be formed more expeditiously.

Amended LBR 2091-1 includes a new provision detailing requirements for attorneys giving notice of a change of address or firm affiliation.

New LBR 9037-1 establishes procedures - separate from other requests to seal documents - for protecting the privacy of personally identifiable information such as Social Security and financial account numbers, dates of birth, and names of minors. The rule addresses situations in which a party discovers that a document on file may disclose such protected information and seeks a protective order to restrict Internet access to the document.

Amended LBR 9072-1 addresses the upcoming implementation of "eOrders" whereby ECF filers will upload PDFs of proposed orders in the CM/ECF system. After the judge's review, orders will be processed by placing the judge's signature at the top of the first page of the order.

LBR 1007-2. ~~Mailing Matrix~~ List of Creditors

- (a) **Requirement to File.** The clerk may reject for filing a voluntary petition submitted without a ~~mailing matrix~~ creditor list, i.e. the list of names and addresses of entities included or to be included on Schedules D, E, F, G, and H.
- (b) **Format of Names and Addresses.** The format of names and addresses in the ~~mailing matrix~~ creditor list must conform to guidelines issued by the clerk.
- (c) **Digital File Format.**
- (1) **Electronic Filing.** A person electronically filing a voluntary petition must upload the ~~mailing matrix~~ creditor list immediately after filing the petition. An image of the ~~matrix~~ list must also be included with the petition. When electronically filing an amended ~~matrix~~ list to include additional creditors, only the names and addresses of the additional creditors should be included in the upload and the image of the list.
 - (2) **Matrix List Submitted on Paper.** A person submitting a paper copy of a voluntary petition for filing must submit both a paper copy of the ~~mailing matrix~~ creditor list and an electronic version on media (diskette, CD, USB drive, etc.) capable of being uploaded in the court's electronic filing system.
- (d) **Verification.** The ~~mailing matrix~~ creditor list must be accompanied by the debtor's verification that all entities included on Schedules D, E, F, G, and H have been listed in the ~~mailing matrix~~ creditor list, using a form that substantially conforms to the local form (Debtor's Verification of Creditor Matrix List [[hib 1007-2d](#)]).
- (e) **Amended Matrix Creditor List.** The debtor must file an amended ~~mailing matrix~~ creditor list to reflect any changes or additions to the names and addresses of entities included on Schedules D, E, F, G, or H, including a change of address of the entity or the entity's attorney, or the addition of an entity or an entity's attorney. An amended ~~matrix~~ list is subject to the requirements of subdivisions (b) and (c) of this rule. The debtor is responsible for serving the notice of bankruptcy case, meeting of creditors, and deadlines, as well as any other notices sent by the clerk, on the parties listed in the amended ~~matrix~~ list. The amended ~~matrix~~ list should attach a cover sheet and certificate of service substantially conforming to the local form (Cover Sheet for Amendments [[hib 1009-1](#)]).

LBR 1007-3. List of 20 Largest Creditors in Chapter 11 Case

In a voluntary chapter 11 case, the list containing the name, address, and claim of the creditors holding the 20 largest unsecured claims (Official Form 4) must include the email address of the creditor or agent of the creditor, if known to the debtor.

LBR 2091-1. Attorneys - Admission to Practice

* * *

(c) Change of Business Address or Firm Affiliation. Subdivision (h) of LR83.1 applies in adversary and miscellaneous proceedings. In bankruptcy cases, an attorney who changes the attorney's business address or firm affiliation must give notice of the change in each pending case in which the attorney has appeared and has not withdrawn. This notice must be filed within 14 days of the effective date of the change.

(1) Form of Notice. The notice requirement may be satisfied by filing a notice substantially conforming to the local form (Attorney's Notice of Change of Address or Firm Affiliation [hib 2091-1c]) or electronically filing a text entry on the case docket, in accordance with procedures established by the clerk.

(2) Change of Firm Affiliation. An attorney who changes firms but will continue to represent the party in a pending case must explicitly provide that information in the notice. An attorney who will no longer be representing the party must include a notice that the attorney is withdrawing representation of that party and must (i) indicate the name of another member of the former firm upon whom service may be made, or (ii) comply with the provisions under LBR 2091-1 regarding withdrawal and substitution of counsel.

(3) Service. Service of papers at an attorney's former address or law firm shall be sufficient for all purposes unless and until the attorney complies with this rule.

(4) CM/ECF User Account. An attorney who is a registered ECF user is responsible for changing office, address, phone, and email information in the attorney's user account promptly after the effective date of the change.

LBR 9037-1. Privacy Protection of Personally Identifiable Information

(a) Motion for Protective Order. If a document in the public record contains unredacted personally identifiable information protected under Bankruptcy Rule 9037, a party may request that the court restrict remote electronic access to the document by filing an ex parte motion substantially conforming to the local form (Motion for Rule 9037 Protective Order [hib 9037-1a]).

(b) Motion in a Closed Case. In a closed case, a party may request a protective order by filing an ex parte motion substantially conforming to the local form (Motion to Reopen Case and for Rule 9037 Protective Order [hib 9037-1b]). The applicable fee for filing a motion to reopen must be paid, unless the protected information pertains to the party filing the motion.

(c) Submission of Redacted Document. If the moving party is the party who originally filed the subject document, that party must file a redacted version of the document for the public record. If no changes are made to the previously filed document except for redactions, the redacted version should be attached to the local form Submission of Redacted Version of Previously Filed Document [hib 9037-1s].

LBR 9072-1. Orders – Proposed

* * *

(c) **Format and Content.** Unless the proposed order is prepared using a court-issued form order, the following apply.

(1) **Space for Judge’s Signature on First Page.** The top 4 inches of the proposed order’s first page must be blank to accommodate placement of the judge’s electronic signature.

(2) **Identification of Drafting Party.** The drafting party’s name, address, telephone number, fax number, and email address must be placed in the upper left ~~corner~~ area of the caption page, below the space reserved for the judge’s signature. If prepared by counsel, the representation must be stated, e.g., “Attorney for Debtor.”

~~(23)~~ **Hearing Information.** If the underlying matter was the subject of a hearing, the date and time of the hearing and the name of the judge hearing the matter must appear on the caption page.

~~(34)~~ **Related Docket Entry.** If known at the time of drafting, the number of the docket entry of any related motion or application must appear on the caption page.

~~(45)~~ **Findings and Conclusions Stated on the Record.** If the judge indicates at the hearing that the findings and conclusions of the court are being stated on the record, the proposed order may state the following as the basis for the ruling: “For the reasons stated on the record, pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure,”

~~(56)~~ **Adequate Description of Relief Granted.** The text of the proposed order must provide an adequate description of the specific relief being granted, rather than a mere recitation that the motion has been granted.

~~(67)~~ **Reference to Another Document.** If the order approves another document such as a plan, disclosure statement, or agreement, a copy of the subject document must be attached as an exhibit.

~~(7)~~ **Judge’s Signature.** ~~A proposed order submitted on paper should contain the text “United States Bankruptcy Judge” below a signature line. A proposed order submitted electronically should not include a signature line and should provide space for the judge’s electronic signature by leaving a minimum of 2 inches between the last line of text and the bottom of the page.~~

- (8) **Notice List.** The notice list required by LBR 9022-1(b) should be attached to the proposed order as a separate page.
- (9) **End of Order.** The text “END OF ORDER” in bold, upper case letters and centered on the page, must be placed at the end of the order.

* * *

(f) **Electronic Submission of Proposed Order.**

- (1) ~~Submission by Email Permitted~~ **CM/ECF Order Upload.** Unless the court directs otherwise, a proposed order ~~may~~ should be submitted to the court in PDF format using the Order Upload module in CM/ECF. ~~by email to orders@hib.uscourts.gov.~~ The email transmission ~~must be copied to other parties who appeared at the hearing who have email addresses in the record. The email subject line or body of the message must clearly state:~~
- (A) ~~— The number of the case or proceeding;~~
 - (B) ~~— The name of the debtor(s) or the short title of the action, e.g., *Able v. Baker*;~~
 - (C) ~~— A brief description of the order’s subject matter, e.g., *Order Granting Relief from Stay*;~~
 - (D) ~~— If all parties directed to approve the form of order have not given their approval the form of order, the names of the parties and their counsel who have withheld approval; and~~
 - (E) ~~— If the underlying matter was not heard and was subject to an opportunity to object and request a hearing, a statement that the objection period has expired and no objections were filed.~~
- (2) **Use of /s/.** An attorney’s email submission of a proposed order with the signatures of other individuals using the “/s/” convention is that attorney’s representation to the court that the signatory has explicitly authorized the affixing of his or her signature to the document.