

**Current Rule**

**Proposed Rule**

| LBR 2003-1. Meeting of Creditors  | LBR 2003-1. Meeting of Creditors   |
|---|--|
| <p><b>(b) Failure to Attend Meeting.</b><br/><b>(1) Debtor, Joint Debtor, or Designated Responsible Individual.</b> The trustee or United States Trustee may request dismissal of the case for failure of the debtor, joint debtor, or designated responsible individual to attend the meeting of creditors by filing and serving on the debtor and all creditors a motion and notice of hearing substantially conforming to the local form (<b>Motion to Dismiss Case for Non-Appearance at Meeting of Creditors; Notice of Hearing</b>). If the case is dismissed, the order may bar the debtor(s) from filing a subsequent voluntary petition for 180 days, pursuant to § 109(g)(1).</p> | <p><b>(b) Failure to Attend Meeting.</b><br/><b>(1) Debtor, Joint Debtor, or Designated Responsible Individual.</b> The trustee or United States Trustee may request dismissal of the case for failure of the debtor, joint debtor, or designated responsible individual to attend the meeting of creditors by filing and serving on the debtor and all creditors a motion and notice of hearing substantially conforming to the local form (<b>Motion to Dismiss Case for Non-Appearance at Meeting of Creditors; Notice of Hearing</b>). <b>In the alternative, the trustee may continue the meeting and request the court to issue an order to show cause that gives notice of the continued date. The order will provide for dismissal without further notice or hearing if the debtor fails to appear at the continued meeting.</b> If the case is dismissed, the order may bar the debtor(s) from filing a subsequent voluntary petition for 180 days, pursuant to § 109(g)(1).</p> <p><i>Comment: The additional text reflects actual practice; the trustee may file a motion to dismiss or may request issuance of an OSC.</i></p> |

**Current Rule**

**Proposed Rule**

| <b>LBR 3015-3. Chapter 13 - Plan Confirmation</b>  | <b>LBR 3015-3. Chapter 13 - Plan Confirmation</b>   |
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| <p><b>(d) Procedure Upon Denial of Plan Confirmation.</b><br/><b>(1) Action Required Within 14 days.</b> An order denying plan confirmation may provide that the case may be dismissed unless, within 14 days after the entry of the order denying confirmation, the debtor:<br/><b>(A)</b> files an amended plan and any plan motions, or<br/><b>(B)</b> converts the case to a case under another chapter.</p> | <p><b>(d) Procedure Upon Denial of Plan Confirmation.</b><br/><b>(1) Action Required Within 14 days.</b> Unless the court orders otherwise, an order denying confirmation shall provide that the case shall be dismissed unless, within 14 days after the entry of the order denying confirmation, the debtor:<br/><b>(A)</b> files an amended plan and any plan motions, or<br/><b>(B)</b> converts the case to a case under another chapter.</p> <p><i>Comment: The change from “may” to “shall” makes conditional dismissal the default outcome.</i></p> |

| <b>LBR 4004-3. Discharge of Individual Debtor</b>   | <b>LBR 4004-3. Discharge of Individual Debtor</b>  |
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| <p><b>(a) Chapter 7.</b><br/><b>(1) Eligibility for Discharge.</b> In a case commenced on or after October 17, 2005, the court may grant a discharge to an individual chapter 7 debtor who is otherwise eligible to receive a discharge, unless a statement alleging that § 727(a)(12) applies to the debtor. Such a statement must be filed no later than the deadline to file a complaint objecting to the debtor's discharge stated in Bankruptcy Rule 4004(a) or other time set by the court.</p> | <p><b>(a) Chapter 7.</b><br/><b>(1) Eligibility for Discharge.</b> In a case commenced on or after October 17, 2005, the court may grant a discharge to an individual chapter 7 debtor who is otherwise eligible to receive a discharge, unless a statement is filed alleging that § 727(a)(12) applies to the debtor. Such a statement must be filed no later than the deadline to file a complaint objecting to the debtor's discharge stated in Bankruptcy Rule 4004(a) or other time set by the court.</p> <p><i>Comment: Corrects a typo.</i></p> |

**Current Rule**

**Proposed Rule**

| <b>LBR 6004-1. Sale of Estate Property</b>   | <b>LBR 6004-1. Sale of Estate Property</b>  |
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| <p><b>(f) Special Provisions.</b><br/>* * *</p> <p><b>(2) 10-Day Stay After Entry of Order.</b> A party seeking a provision in the order approving sale which waives the stay provided for in Bankruptcy Rule 6004(h) must include a specific request for this provision in the motion and the notice.</p> | <p><b>(f) Special Provisions.</b><br/>* * *</p> <p><b>(2) 14-Day Stay After Entry of Order.</b> A party seeking a provision in the order approving sale which waives the stay provided for in Bankruptcy Rule 6004(h) must include a specific request for this provision in the motion and the notice.</p> <p><i>Comment: Corrects reference to the length of the stay in the federal rule.</i></p> |

| <b>LBR 7004-1. Service of Process</b>   | <b>LBR 7004-1. Service of Process</b>  |
|---|--|
| <p>Whenever Bankruptcy Rule 7004(b) or other rule or court order provides for service by First Class Mail on an “officer” or “agent” of a corporation or other artificial entity, the certificate of service must identify by name the officer or agent, or attach a statement explaining why service was not made on a named officer or agent.</p> | <p><b>Abrogated.</b></p> <p><i>Comment: Abrogated to be consistent with new Fed. R. Bankr. P. 7004(i).</i></p> |

**Current Rule**

**Proposed Rule**

| LBR 7016-1. Pretrial Procedures   | LBR 7016-1. Pretrial Procedures   |
|---|---|
| <p><b>(b) Scheduling Conference.</b><br/>* * *</p> <p><b>(2) Scheduling Conference Statement.</b> Not later than 7 days before the scheduling conference, each party must file with the court and serve on all other parties a scheduling conference statement addressing the following subjects:</p> <p><b>(A)</b> A short statement of the nature of the case;</p> <p><b>(B)</b> A statement of jurisdiction with cited authority for jurisdiction and a short description of the facts conferring venue;</p> | <p><b>(b) Scheduling Conference.</b><br/>* * *</p> <p><b>(2) Scheduling Conference Statement.</b> Not later than 7 days before the scheduling conference, each party must file with the court and serve on all other parties a scheduling conference statement addressing the following subjects:</p> <p><b>(A)</b> A short statement of the nature of the case;</p> <p><b>(B)</b> A statement of jurisdiction with cited authority for jurisdiction and a short description of the facts conferring venue, and a statement whether the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court;</p> <p><i>Comment: The additional text emphasizes the changes made in Bankruptcy Rules 7008 and 7012 in 2016, removing the requirement to state whether a proceeding is core or non-core but requiring the pleader to state whether s/he consents to the bankruptcy court's entry of final orders or judgment.</i></p> |
| <p><b>(c) Pretrial Conference.</b> LR16.4 applies.</p>  | <p><b>Abrogated.</b></p> <p><i>Comment. Abrogated as unnecessary. The bankruptcy court generally does not schedule pretrial conferences other than technical sessions for parties to test any equipment to be used for presenting exhibits and other illustrative materials.</i></p>  |

**Current Rule**

**Proposed Rule**

| <b>LBR 7016-2. Motions in Limine</b>  | <b>LBR 7016-2. Motions in Limine</b>   |
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| <p>The caption to a motion in limine or opposition to a motion in limine should reflect both the general subject matter of the motion in limine and identify the motion by number, e.g., “Motion in Limine No. 1. re: Exclusion of Prior Bad Acts.”</p> | <p><b><i>Abrogated.</i></b></p>  |
|   | <p><i>Comment: Instructions regarding motions in limine are contained in the court’s form scheduling order. The court discourages motions in limine; parties may raise evidentiary objections as otherwise provided in the court’s trial procedures.</i></p> |