LBR 8001-1. Notice of Appeal

(a) Separate Notice Requirement. A party appealing more than one judgment or order must file a separate notice of appeal for each judgment or order being appealed.

(b) Fees.

(1) Notice of Appeal Fee. Every notice of appeal or cross appeal must be accompanied by the fee required by 28 U.S.C. § 1930(c), unless the appellant is granted in forma pauperis status or a separate request for a waiver under 28 U.S.C. § 1930(f)(2).

(2) Filing Fee. Every notice of appeal or cross appeal must be accompanied by the filing fee prescribed in the Appendix to 28 U.S.C. § 1930 unless the appellant or cross appellant is:

(A) the United States;

(B) a child support creditor or its representative, if the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 (**Form B281 - Appearance of Child Support Creditor or Representative**) is filed with the court;

(C) filing a contemporaneous motion for leave to appeal, in which case the filing fee will become due only upon entry of an order granting the motion;

(D) a trustee or debtor in possession and there is no estate from which the fee can be paid;

(E) a debtor whose fee for filing a chapter 7 petition was waived under 28 U.S.C. § 1930(f)(1) and is granted a separate request for a waiver under 28 U.S.C. § 1930(f)(2); or

(F) filing a request for in forma pauperis status by submitting an application to proceed without prepaying fees or costs, which will be transmitted to the clerk of the district court for disposition.

(3) Fee for Direct Appeal. If a direct appeal or cross appeal to the court of appeals is authorized, an additional fee prescribed in the Appendix to 28 U.S.C. § 1930 is due upon the filing of a notice of the authorization.

LBR 9003-2. Confidentiality

Court staff, including clerks, law clerks, judicial assistants, and court security officers, may not disclose to any person information related to any case or proceeding that is not part of the public record without specific authorization of a judge.

LBR 9003-5. Gratuities

No person may directly or indirectly give or offer to give, nor may any judge, employee, trustee, or anyone appointed by the court or by any judge for any purpose accept on such individual's behalf or on behalf of the court any gift or gratuity, regardless of value, directly or indirectly related to services performed by or for the court.

LBR 9004-1. Papers - Requirements of Form

(a) Paper Documents. All paper documents submitted for filing must meet the following requirements.

(1) Paper quality. The document must be on white paper of a quality acceptable to the clerk for scanning and storing the document as an electronic image.

(2) Dimensions. Documents exceeding 8.5 by 11 inches in size may be rejected by the clerk; documents exceeding these dimensions must be reduced by the filing party prior to submission to the court.

(3) Fasteners. Documents should not be fastened using staples, paper clips, prongs, covers, or any blue backing; binder clips are preferred to allow proper scanning.

(4) Tabs. Documents may not include tabs; exhibits should be separated using a separate page with the identification of the exhibit number or letter printed on the page.

(5) One-sided. Documents that are double-sided must be copied by the filing party to make one-sided pages prior to submission to the clerk.

(b) Formatting. Except for exhibits and court-approved forms, all documents for filing must meet the following requirements.

(1) Font style. All memoranda, including footnotes, shall utilize 14-point type.

(2) Line Spacing. The text of the document must be double-spaced, except for identification of counsel, title of the case, quotations, footnotes, and exhibits.

(3) Margins. Margins must be 1 inch from the edge of the document.

LBR 9006-1. Time Periods

(a) State Holidays Used in Computing Time Periods. The state holidays used in computing time periods under Bankruptcy Rule 9006(a)(6)(C) include:

(1) the twenty-sixth day in March, Prince Jonah Kuhio Kalanianaole Day;

(2) the Friday preceding Easter Sunday, Good Friday;

(3) the eleventh day in June, King Kamehameha Day;

(4) the third Friday in August, Statehood Day; and

(5) any day designated by proclamation by the governor of the State of Hawaii as a holiday.

(b) Enlarging or Shortening Time.

(1) In General. Unless prohibited by statute or by federal rule, the court may enlarge or shorten the time to perform any act or to file any paper on its own motion or the motion of a party.

(2) Hearings. A party may seek to shorten the time to give notice of a hearing by filing an ex parte motion substantially conforming to the local form (**Motion to Enlarge or Shorten Time**) and must include the following information:

(A) a declaration explaining the reason(s) why the time should be reduced, and describing the parties with whom the moving party has communicated or has attempted to communicate concerning the request, and any positions taken by such parties;

(B) proposed deadlines to file and to serve any responsive and reply memoranda; and

(C) a statement specifying to whom, how, and when the moving party proposes to give notice of the hearing and associated deadlines.

(3) Continuances. A request to continue a trial or hearing or reschedule briefing and other deadlines requires a motion. The motion must be accompanied by a declaration describing the movant's communications with all other parties regarding the request and their positions on the motion. Continuing a trial or hearing requires extraordinary circumstances. The pendency of settlement negotiations or the desire to conduct additional discovery do not constitute extraordinary circumstances.

(c) Court Approval Required to Modify Deadlines. Deadlines to file an answer, response, reply, and other deadlines set by rule or court order may not be modified without court approval. Any stipulation to modify such a deadline must be submitted to the court for approval at least 3 days before the scheduled deadline. The stipulation may be submitted to chambers in the same manner as other proposed orders.

LBR 9009-1. Forms

The clerk may issue local forms for use under the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules. References in these rules to use of a form substantially conforming to a prescribed local form means that the filer must provide the information requested in the local form.

LBR 9011-1. Attorneys - Duties

(a) Representation in a Bankruptcy Case. Notwithstanding any employment, retainer, or attorney-client agreement, an attorney who files a bankruptcy 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 § 327(e), will be counsel of record and must 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 Bankruptcy Rule 2016(b). If an attorney will not be representing the debtor in an adversary proceeding, the attorney must file and serve on the other parties a notice of non-representation.

(c) Pro Bono Limited Scope Representation. An attorney may limit the scope of representation of a debtor in a bankruptcy case or adversary proceeding if:

(1) The attorney is appointed a pro bono counsel in accordance with a court sponsored program, or

(2) The attorney files a statement that specified short-term limited legal services are being provided without compensation under the auspices of a program sponsored by a nonprofit organization, and are governed by Rule 6.5(a) of the Hawaii Rules of Professional Conduct.

LBR 9011-2. Pro Se Parties

Individuals may appear *pro se*, under such conditions as the court may impose, must notify the clerk in writing of their names, their mailing and residence addresses, and their telephone numbers, and must keep the clerk and opposing parties and counsel informed by proper written notice of changes in the addresses or telephone numbers or both.

LBR 9013-1. Motion Practice

(a) In General.

(1) Applicability. For purposes of this rule, a motion is a written request for an order, whether denominated as a motion, application, objection, notice, or otherwise. This rule applies to any motion unless another local rule or court-issued form specifically provides for a different procedure.

(2) Moving Party's Burden. The motion must state the legal basis for the relief requested and must include admissible evidence to support the factual basis of the motion.

(3) Authority to Enter Final Order. In a motion filed in a contested matter under Bankruptcy Rule 9014, the moving party must raise in that motion any objection or challenge to the bankruptcy court's authority to enter a final order on the motion. In a response to a motion filed under Bankruptcy Rule 9014, the responding party must raise in that response any objection or challenge to the bankruptcy court's authority to enter a final order on the motion. Failure to raise an objection or challenge to the bankruptcy court's authority as provided in this rule will be deemed consent to the bankruptcy court's entry of a final order on the motion.

(b) Ex Parte Motions.

(1) An ex parte motion is a motion presented to the court with no notice to any other party and which the court may consider without a hearing.

(2) The court will grant an ex parte motion only if applicable statutes and rules permit the court to dispense with notice and hearing, and (i) the relief requested will have no material adverse effect on the rights of any other party or (ii) an emergency situation, not created by the moving party's own acts or omissions, makes it impossible to give notice without inflicting irreparable harm on the moving party.

(3) In addition to satisfying the requirements applicable to any motion, an ex parte motion must (i) state the legal basis and include admissible evidence of the facts which the moving party contends permit the court to act without notice or hearing, (ii) establish that the requirements of subdivision (b)(2) of this rule are satisfied, (iii) state specific reasons why the court should proceed without notice or hearing, and (iv) describe any efforts made to confer with the party or parties affected by the motion and whether or not any of them oppose the motion.

(4) Examples of motions properly brought on an ex parte basis include (i) a motion to approve the retention or professionals where the Office of the U.S. Trustee does not object to the retention, (ii) a motion to reopen a case, (iii) a motion to shorten time for notice or hearing or to limit notice, and (iv) a motion for an extension of time to file a response or reply.

(c) Motions that Must Be Set for Hearing.

(1) Unless the court directs otherwise by way of a local rule, order, or court-issued form, a party filing a motion must obtain a hearing date from the courtroom deputy and give notice to all parties entitled to notice not later than 28 days before the hearing. The notice must substantially conform to the local form (**Notice of Hearing**).

(2) All responses to the motion must be filed and served on the moving party not less than 14 days before the hearing date. The moving party is not required to file a reply but may do so not less than 7 days before the hearing date. No surreply or further briefing is permitted without leave of court. The court may disregard any untimely or impermissible memorandum or impose other appropriate sanctions.

(3) If no one files a timely response to the motion, the moving party may file a declaration substantially conforming to the local form (**Declaration and Request for Entry of Order**) and submit a proposed order granting the motion. The court may either cancel the hearing and enter the order or direct that the hearing be held. The moving party may request that a matter remain on calendar even if no objection is filed by filing such a request not later than the deadline for filing a response to the motion.

(4) The court generally will not cancel the hearing on:

(A) dispositive motions in adversary proceedings;

(B) motions governed by Bankruptcy Rule 4001(b) or (c);

(C) motions to convert or dismiss, except for motions by a debtor and motions by the Office of the United States Trustee under § 1112(e); and

(D) motions in chapter 11 cases, including motions to appoint a trustee or examiner, approval of disclosure statements, and confirmation of plans, but not including motions seeking purely procedural relief or approval of stipulations.

(d) Countermotions.

(1) In General. A respondent may file, together with the response to the motion, a countermotion raising only the same specific issues, claims, or defenses presented in the original motion. The countermotion may be scheduled and noticed for hearing on the same date as the original motion only by obtaining the approval of the courtroom deputy.

(2) Response to Countermotion. A party's response to a countermotion may be included with that party's reply memorandum in support of the original motion.

(3) Reply Memorandum in Support of Countermotion. The party filing the countermotion may file a reply memorandum in support of the countermotion not later than 3 days before the hearing.

(4) Limitations on Memoranda. Memoranda including countermotions and combined with a reply to another motion are subject to the limitations stated in LBR 9013-2.

(5) Objection to Countermotion's Subject Matter. The moving party may file an ex parte objection to the court's consideration of any issue, claim, or defense being raised in a countermotion which was not the subject of the original motion. The court may dispose of the objection by overruling the objection, continuing the hearing on the motion and countermotion, or scheduling the countermotion's offending subject matter for a separate hearing.

(e) Joinder. A party filing a joinder, rather than an independent motion, cross motion, or countermotion, is not entitled to an order granting the relief requested in the motion in favor of the joining party unless:

(1) no filing fee is associated with the underlying motion;

(2) the joinder would have been timely if it had been filed as an independent motion; and

(3) any party against whom relief is sought receives the same quality of notice, has the same opportunity to object, and suffers no other burden or prejudice by virtue of the fact that the joining party filed a joinder rather than an independent motion.

(f) Enlarging or Shortening Time. The time periods specified under this rule may be enlarged or shortened pursuant to LBR 9006(b).

LBR 9013-2. Briefs and Memoranda of Law

(a) Length of Briefs and Memoranda.

(1) Supporting or Responsive Brief. A supporting or responsive brief or memorandum, as the terms are defined in LBR 9013-1, may not exceed 25 pages in length unless the filing party certifies that it contains no more han 6,250 words.

(2) Reply Brief. A reply brief or memorandum may not exceed 15 pages in length unless the filing party certifies that it contains no more than 3,750 words.

(3) Word Limits. Headings, footnotes, and quotations count toward the word limits. The case caption, table of contents, table of authorities, exhibits, declarations, and certificates of counsel do not count toward the page or word limits.

(4) Certificate of Compliance. A brief or memorandum submitted under the word and line limits permitted by this rule must include a certificate by the filing party that the document complies with the applicable word limits. The person preparing the certificate may rely on the word or line count of the word-processing system used to produce the document. The certificate must state either the number of words in the document.

(b) Table of Contents. Briefs and memoranda exceeding 10 pages must include a table of contents and a table of authorities cited.

(c) Affidavits and Declarations. Factual allegations made in support of or in response to any motion must be supported by affidavits or declarations. Affidavits and declarations may contain only facts, must conform to the requirements of Fed. R. Civ. P. 56(e) and 28 U.S.C. § 1746, and must avoid conclusions and argument. Any statement made upon information or belief must specify the basis therefor. The court may disregard affidavits and declarations not in compliance with this rule.

(d) Uncited Authorities. If, after briefing on a motion is complete under the rules, a party intends to rely on authorities not previously offered to the court, that party may promptly file a Notice of Supplemental Authorities. The Notice of Supplemental Authorities shall list the additional authorities, including pinpoint citations, on which the party intends to rely and include a short parenthetical describing the proposition of law for which each authority is cited. No further analysis or argument is permitted. Absent extenuating circumstances, the court will not consider the submission of any supplemental authority that was available at the time of the filing of the party's last brief.

LBR 9013-3. Certificate of Service

(a) When Required. A person serving documents on a party must immediately file a certificate of service unless (i) Bankruptcy Rule 7005 (applying Civil Rule 5) governs the service and filing of the document and (ii) all parties to be served are registered ECF users who receive CM/ECF Notices of Electronic Filing (NEFs). If the service list includes non-ECF Users, the person serving the document must file a comprehensive list of all parties served. The certificate may attach a copy of the NEF as an exhibit to indicate the parties served electronically.

(b) Required Information. Unless the court directs otherwise, a certificate of service of a document must identify:

(1) the document(s) served;

(2) the date that service was made;

(3) the name of the person served and the person's:

(A) mailing or street address if served by mail or hand delivery;

(B) email address if served electronically; or

(C) fax number if served by fax transmission;

(4) the name of the client if service was made on a party's attorney; and

(5) the method of service (personal, hand delivery, first class mail, the court's electronic transmission facilities, or other delivery method consented to in writing).

(c) Written Consent to Electronic Service. If service is made by electronic means (other than the court's CM/ECF system) or by fax transmission, the certificate of service must include a statement that the party being served has consented in writing to the particular method of service.

(d) Separate Docket Entry. A party filing a certificate of service for pleadings in contested matters and adversary proceedings must file it as a separate docket entry or clearly identify it in the docket entry as an attachment.

LBR 9013-5. Amended Pleadings

Any party filing or moving to file an amended pleading must reproduce the entire pleading as amended and may not incorporate any part of a prior pleading by reference, except with leave of court.

LBR 9014-1. Contested Matters - Applicability of Rules

Unless the court directs otherwise, the following local bankruptcy rules for adversary proceedings apply to contested matters in bankruptcy cases: 7030-1, 7067-1, and 7067-2.

LBR 9014-2. Contested Matters - Attendance of Witnesses

No Testimony at Initial Hearing. Unless the court orders otherwise, the court will not hear testimony at the initial hearing in a contested matter. The court may decide matters of law at the initial hearing. If there is a genuine issue of material fact in a contested matter, the initial hearing will serve as a scheduling conference for setting an evidentiary hearing, at which the court will hear testimony. The court may dispense with the initial hearing and proceed directly to an evidentiary hearing. The court may do so on its own motion, pursuant to a stipulation of all parties to the contested matter, or upon motion of any party to the contested matter (with such notice to the parties as the court deems appropriate).

LBR 9018-1. Sealing and Redaction of Documents

(a) Scope of Rule. This rule governs the filing of documents considered to be secret, confidential, scandalous, or defamatory under Bankruptcy Rule 9018, which are not subject to the provisions for protection of personal identifiers of Bankruptcy Rule 9037. This rule addresses situations where the subject information to be sealed is required by a statute, rule, or Official Form or will be made available to the judge but inaccessible on the public record. This rule may be supplemented by requirements contained in specific procedures issued by the clerk and posted at the court's website.

(b) Motion Required. No document may be sealed without court approval. A stipulation or blanket protective order that allows a party to designate matters to be filed under seal will not suffice to allow filing a document or other matter under seal. A motion to seal must describe the item to be sealed, as well as specify the applicable standard for sealing the information and discuss how that standard is met. The motion itself should not contain or attach any confidential information. Any document containing confidential information proposed to be sealed must be a separately captioned document to be the subject of a separate entry on the docket.

(c) Objection. No later than 7 days after the filing of a motion to seal, any party who contends that any information is not entitled to confidential treatment may file an objection.

(d) Denial of Motion. If the motion to seal is denied, the clerk will destroy or return to the moving party any paper document asserted to be confidential. If already filed electronically by the moving party, the subject document will remain on the docket but restricted from public access and the information will not be considered by the court.

(e) Filing of Redacted Version of Sealed Document. Every document approved for the sealing of certain information must have a corresponding redacted version filed on the docket. If an entire document is approved for sealing, a cover sheet with case caption and title of document must be filed on the docket.

(f) Submission of Documents to be Sealed. Unless the court orders otherwise, documents approved for sealing will be electronically filed and their images stored in the CM/ECF system, with access to the sealed documents limited to court staff.

(g) Unsealing. For good cause, the court may order the unsealing of a document at any time.

LBR 9019-1. Settlements

(a) When Motion Required. Except as provided in subdivision (b), a party may seek court approval of a settlement or stipulation by filing a motion pursuant to LBR 9013-1(c) and serving it on the trustee, the United States Trustee, and all parties entitled to notice under Bankruptcy Rule 2002 (Bankruptcy Rule 2002(h) applies to all chapter 7, 12, and 13 cases). If the motion concerns settlement of an adversary proceeding, the motion and notice must be entered on the docket in the bankruptcy case.

(b) Stipulations.

(1) Procedural and Other Matters. A party may seek approval of a stipulation regarding procedures, deadlines, discovery, and other similar matters by submitting an order pursuant to LBR 9072-1(i), without filing a motion.

(2) Stipulated Judgments and Dismissals in Adversary Proceedings.

(A) In General. A stipulated judgment or dismissal regarding the dischargeability of a particular debt under § 523, or other claims in an adversary proceeding which do not affect the estate, may be submitted for approval by the court with notice limited to parties to the adversary proceeding.

(B) Stipulated Judgment Dismissing Objection to Discharge. Dismissal of a claim objecting to discharge under § 727 is governed by LBR 7041-1.

LBR 9019-2. Alternative Dispute Resolution

(a) Purpose and Scope. To facilitate the voluntary resolution of adversary proceedings and contested matters, the court may establish a Bankruptcy Alternative Dispute Resolution ("BDR") program. This rule does not preclude parties from participating in any other alternative dispute resolution ("ADR") program.

(b) Duty to Consider BDR. Parties to adversary proceedings and contested matters have a duty to consider BDR and other ADR processes to resolve their dispute.

(c) Program Administration.

(1) Bankruptcy Mediation Committee. The court may establish a Bankruptcy Mediation Committee ("Committee") to make recommendations for administration of a BDR program and procedures for 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. The responsibilities of the BDR Administrator include:

(A) acting as primary liaison between the court and the Committee on matters of policy, program design and evaluation, education, training and administration;

(B) educating litigants, lawyers, judges and court staff about the BDR program and procedures;

(C) ensuring that appropriate systems are maintained for recruiting, screening and training mediators; and

(D) maintaining records for evaluating the BDR program.

(3) Bankruptcy Mediator Panel. The court shall publish and maintain a list of qualified individuals approved by the court to serve as members of a Bankruptcy Mediator Panel ("Panel").

(A) Application to Serve on Panel. An individual wishing to serve on the Panel shall be may apply by submitting to the court an application substantially conforming to the local form (**Application for Appointment to Bankruptcy Mediator Panel**). The court may request a recommendation by the Committee.

(B) Qualifications. To qualify for service on the Panel, an applicant must be willing to serve as a mediator for one 4-hour BDR conference per calendar quarter, subject only to unavailability due to conflicts, personal or professional commitments, or other matters which would make such service burdensome. An applicant who is an attorney must certify that the applicant is and has been a member in good standing of the bar of any state or the District of

Columbia for at least 5 years and is a member in good standing of the bar of the United States District Court for the District of Hawaii. A non-attorney applicant must submit a statement of professional qualifications, experience, training and other information demonstrating why, in the applicant's opinion, the applicant is qualified to serve as a mediator.

(C) Training. A Panel member may be required to complete court-approved training prior to serving in any mediation under this program.

(D) Compensation. No fees may be charged for telephonic conferences and preparation time prior to the first BDR conference, and for the first 4 hours of BDR conference time. If the matter is not resolved after the first 4 hours of conference time, the mediator is authorized to request compensation at the mediator's regular hourly rate. If there is no agreement as to compensation of the mediator and if compensation is not waived by the mediator, the BDR process will be deemed concluded. If a debtor in possession or trustee, on behalf of the bankruptcy estate, and not individually, is a party, compensation of the mediator is subject to §§ 327 and 330.

(E) 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.

(d) Assignment to BDR and Appointment of Mediator.

(1) Request for BDR. Parties may request the assignment of a dispute to the BDR program by filing with the court a request substantially conforming to the local form (**Request for Assignment to BDR Program**). The request must be signed by all parties to the disputed matter. The request should include the names, addresses, telephone and fax numbers and email addresses of all counsel representing parties and any pro se party. The parties may indicate a preference for appointment of a particular mediator.

(2) Conflict Check. Upon the filing of a request for assignment to BDR, the court may contact Panel members to conduct a check for possible conflicts and scheduling availability. A Panel member contacted by the court for service as a mediator must promptly make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable person would consider likely to affect the impartiality of the mediator, including a financial or personal interest in the outcome of the mediation and any existing or past relationship with a party or foreseeable participant in the mediation.

(3) Order of Assignment. Upon selection of a mediator, the court will enter an order assigning the dispute to the BDR program and appointing the mediator. The order may provide for a stay of discovery or the extension of certain deadlines, but any trial or hearing on a dispositive motion will remain on calendar. A party who objects to an individual's appointment as mediator based on a possible conflict of interest or appearance of impropriety should

promptly bring the matter to the attention of the mediator and the BDR Administrator.

(4) Authority of Mediator. Upon assignment to the BDR program, all procedures within the mediation including, but not limited to, deadlines and the form and content of any submissions, will be determined by the mediator. However, nothing in these guidelines reduces the bankruptcy judge's power and responsibility to maintain overall management control of the case or proceeding before, during, and after the assignment of a matter to the BDR program.

(e) BDR Conference.

(1) Initial Telephone Conference. As soon as practicable after notification of appointment, the mediator will conduct an initial telephone conference with the parties to obtain preliminary information as to the nature of the disputed matter, the expectations of the parties, a mutually agreeable time and place for a formal BDR conference, and any further information which will facilitate BDR.

(2) BDR Conference. As soon as is practicable after the initial telephone conference, the mediator will give notice to the parties of the time and place of the BDR conference. During regular court hours, the court's facilities may be used if available.

(3) BDR Statement. Unless modified by the mediator, not later than 14 days after the date of the order assigning the matter to the BDR program, each party must submit directly to the mediator and serve on all other parties, a written BDR statement. A BDR statement may not be filed with the court and the court shall not have access to them. Such statement may not exceed 15 pages, not including any exhibits and attachments. The BDR statement may include any pertinent information, but must:

(A) identify the person, in addition to counsel, who will attend the conference as representative of the party, and who must have decision making authority;

(B) describe briefly the substance of the dispute;

(C) address whether there are legal or factual issues whose early resolution might appreciably reduce the scope of the dispute or contribute significantly to settlement;

(D) identify and describe the status of any related litigation, past or present, in any state or federal court;

(E) identify the discovery that could contribute most to equipping the parties for meaningful discussions;

(F) set forth the history of past settlement discussions, including disclosure of prior and any presently outstanding offers and demands;

(G) make an estimate of the cost and time to be expended for further discovery, pretrial motions, expert witnesses and trial;

(H) indicate presently scheduled dates for further status conferences, pretrial conferences, trial or otherwise; and

(I) attach any documents out of which the dispute has arisen, or those which would materially advance the purposes of BDR.

(4) Ex Parte Statement to Mediator Only. By agreement of the parties and with consent of the mediator, each party may submit directly to the mediator, for the mediator's eyes only, a separate written statement describing any additional interests, considerations or matters that the party would like the mediator to understand before the BDR conference begins. Such ex parte statements to the mediator may not be filed with the court and the court shall not have access to them.

(5) Attendance at BDR Conference. Lead counsel and clients, or client's representatives with full settlement authority, shall attend, in person, all BDR conferences scheduled by the mediator, unless excused by the mediator. A governmental entity satisfies the attendance requirement if its lead counsel is in attendance and has been delegated full settlement authority or has reasonable access to the person who has full settlement authority. In the event that the mediator determines it appropriate, the mediator shall have reasonable access to the person who has full settlement authority with appropriate accommodation given to the person's competing public duties. Unexcused failure to attend the BDR conference shall be reported to the court and may result in sanctions.

(6) Conduct of BDR Conference. The BDR conference shall proceed informally. Rules of evidence shall not apply. There shall be no formal examination or cross-examination of witnesses. As appropriate, the mediator may:

(A) permit each party, through counsel or otherwise, to make an oral presentation of the party's position;

(B) help the parties to identify areas of agreement and, where feasible, formulate stipulations;

(C) assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the mediator that supports these assessments;

(D) assist the parties in settling the dispute, including meeting with the parties separately and privately;

(E) estimate, where feasible, the likelihood of liability and the dollar range of damages;

(F) help the parties devise a plan for sharing important information or conducting key discovery that will equip them as expeditiously as possible to participate in meaningful settlement discussions or to posture the case for disposition by other means; and

(G) determine whether some follow-up to the BDR conference would contribute to the settlement or other disposition.

(f) Conclusion of Mediation.

(1) Mediator's Report Upon Completion. Within 7 days after the completion of the BDR conference, the mediator shall file and serve a Mediator Report substantially conforming to the local form (**Mediator Report**). The report should state that BDR has been concluded and describe whether

(A) the parties reached a resolution of their differences and a copy of an agreement is attached or a stipulated order or judgment will be submitted to the court, and/or the complaint will be dismissed, or the underlying motion withdrawn, or

(B) the parties did not fully resolve their differences and the matter is being returned to the court for further disposition.

(2) Mediator's Statement of Hours. For record-keeping and evaluation purposes, the mediator shall submit to the BDR Administrator, but not file with the court, a statement of hours expended by the mediator in the particular matter, with time separated between preparation and time actually spent in the BDR conference or conferences. If more than 4 hours were expended in BDR conference time, the mediator shall report any compensation charged.

(g) 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 are subject to Fed. R. Evid. 408.

(2) Mediators and parties may 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.

LBR 9019-3. Loan Modification Program

Loan Modification Program. After public comment, the clerk may establish a Loan Modification Program (LMP) to facilitate the processing of requests to modify mortgages involving the debtor's residential real property. The program may provide for:

(a) the designation of one or more LMP providers to maintain an online portal for the communication and exchange of information in a confidential setting;

(b) the voluntary use of court-approved mediators or facilitators to assist in the process;

(c) mandatory procedures and forms for use by participants; and

(d) the setting of maximum fees to be charged by the LMP provider, mediator, and debtor's attorney.

LBR 9021-1. Judgments and Orders - Entry

(a) Request for Entry of Order Upon Default. In the absence of a timely filed response to a motion or application, a party may request the entry of an order by filing a request substantially conforming to the local form (**Declaration and Request for Entry of Order**).

(b) Authority of Court. No provision for an objection period or anything else in these rules limits the court's authority to enter a judgment or order at any time.

LBR 9022-1. Judgment and Orders - Notice

(a) Notice of Entry. The clerk will give notice of the entry of a judgment or order to the contesting parties in accordance with Bankruptcy Rule 9022(a). "Contesting parties" means:

(1) all parties in an adversary proceeding; and

(2) parties who filed a written response or made an oral objection at a hearing to a motion or other request for relief in a contested matter.

(b) Notice List. To assist the clerk in giving notice of the entry of a judgment or order, the party submitting a proposed judgment or order must attach a notice list with the name and address of each party entitled to notice under subdivision (a) of this rule who will not receive or has not consented to receive notice through the court's electronic transmission facilities.

(c) Service of Copy of Order. Unless the court directs otherwise, the party obtaining relief is responsible for serving a copy of the judgment or order on parties adversely affected by the judgment or order. The clerk is responsible only for giving notice that the judgment or order has been entered on the court's docket.

LBR 9024-1. Motions for Reconsideration

(a) Motion. A motion for reconsideration of a final judgment or order is governed by Rule 9023 or 9024, as applicable. A motion for reconsideration of an interlocutory order must be filed no later than 14 days after the entry of the order. The party requesting reconsideration must serve a copy of the motion on all parties who filed a pleading in the underlying matter.

(b) Disposition. The court may, in its discretion, request responses from other parties, hold a hearing, or dispose of motions for reconsideration without waiting for responses from other parties or holding a hearing. Any party wishing to file a response absent a request from the court should do so as soon as possible after the motion is filed.

LBR 9037-1. Privacy Protection of Personally Identifiable Information

(a) Motion to Redact. If a document in the public record contains unredacted personally identifiable information protected under Bankruptcy Rule 9037 or other authority, a party may request that the court restrict remote electronic access to the document by filing a motion substantially conforming to the local form (**Motion to Redact**). The motion may be filed in a closed case. The filing fee may be waived if the filer is the individual or represents the individual whose personal information is the subject of the motion.

(b) Service of Motion. The moving party must serve a copy of the motion on the debtor, any individual whose personal identifiers have been exposed, the filer of the unredacted document, the trustee, and the United States Trustee. A certificate of service shall identify any minor served only by the minor's initials.

(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**).

LBR 9070-1. Exhibits

(a) Custody of Exhibits. Unless otherwise ordered by the court, from the commencement of the trial or hearing and until the entry of a final judgment or order (or, in a noncore proceeding, the court's proposed finings and recommended judgment), (i) the clerk of court shall retain custody of all exhibits of a documentary nature, including electronically stored information, and (ii) the attorney or party offering any other material in evidence shall retain custody of the same.

(b) Disposition of Exhibits. At the conclusion of the time period described in subdivision (a), the clerk shall return to the party who produced them all original exhibits, depositions, and transcripts. The court in its discretion may return or destroy the additional copies of the exhibits upon conclusion of the proceeding. On request, a party or attorney with custody of any exhibits has the responsibility to produce such exhibits to this court or an appellate court and shall grant the reasonable request of any party to examine or reproduce such for use in the proceeding.

LBR 9072-1. Orders - Proposed

(a) Scope. The term "order" in this rule refers to any order, judgment, findings and conclusions, or other written decision or explanation of a ruling of the court.

(b) Responsibility to Draft Order. Unless the court directs otherwise, the prevailing party is responsible for drafting a proposed order for submission to the judge.

(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 3 inches of the proposed order's first page must be blank to accommodate placement of the judge's electronic signature.

(2) 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.

(3) 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.

(4) 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, ..."

(5) 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.

(6) 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) Notice List. The notice list required by LBR 9022-1(b) should be attached to the proposed order as a separate page.

(8) 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.

(9) Identification of Drafting Party. The drafting party's name, address, telephone number, fax number, and email address must be placed at the end of the order, immediately below the "END OF ORDER" notation. If prepared by counsel, the representation must be stated, e.g., "Attorney for Debtor."

(d) Preparation and Approval of Proposed Order.

(1) When Approval as to Form Not Required. Unless the court directs that other parties approve the order as to form, the drafting party must submit the proposed order to the court within 7 days after the announcement of the court's ruling.

(2) When Approval as to Form Required. If the court directs that certain parties approve the order as to form, the drafting party must circulate the proposed order for approval within 7 days after the announcement of the court's ruling and submit the proposed order promptly to the court after all approvals have been given or waived. If one or more of the parties objects to the form of order, the drafting party must promptly submit the proposed order to the court as provided in paragraph (e)(2) below and provide notice of the submission to the other parties.

(3) Opportunity to Object to Form of Order. If the court has provided the opportunity for other parties to object to the form of order, an objecting party may submit, in the manner provided in paragraph (e)(2) below, a statement of objections and an alternate form of order within 7 days after the date of the drafting party's notice of submission of the proposed order. Thereafter, the court may take such action as is appropriate in the circumstances.

(4) Use of /s/. An attorney's electronic 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. An attorney's electronic submission of a proposed order is that attorney's representation to the court that the attorney has complied with the applicable provisions of this rule.

(5) Reservation of Court's Discretion. Nothing in this rule limits the court's discretion to dispense with the approval as to form of a proposed order, to shorten or lengthen the time periods stated in this rule, or to enter an order at any time.

(e) Electronic Submission of Proposed Order

(1) CM/ECF Order Upload. Unless paragraph (2) applies, a proposed order should be submitted to the court in PDF format using the Order Upload module in CM/ECF.

(2) Submission by Email. If (i) a party submits proposed findings of fact and conclusions of law, (ii) a party entitled to approve the form of an order has failed or refused to do so timely, **(i)** the party wishes to present with the proposed order a letter or other document (such as a redlined version of the order), or (iv) the court so directs, the drafting party shall submit the proposed order by email to orders@hib.uscourts.gov as a word processing file. Objections to proposed orders and alternate forms of order shall be submitted in the same manner. 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; and

(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.

(f) Proposed Order to be Submitted Separately from Motion. A proposed order must be submitted separately from a motion or other document filed with the court. A proposed order attached to a filed document is treated only as an exhibit and will not be reviewed for action by the judge.

(g) Stipulated Orders. A stipulation submitted with a line or space for the judge to sign "Approved and So Ordered" will not be filed and entered on the docket until after being signed by the judge. If the underlying matter may be affected by a filing deadline, the stipulation should be filed separately prior to submitting a proposed order attaching a copy of the stipulation as an exhibit.

(h) Amended Orders. If an order has been entered that contains a typographical or other error that is not substantive, an amended order may be submitted without filing a motion to alter or amend the existing order. In this situation, the amended order being submitted must concisely describe either in the first paragraph or in a footnote on the first page the correction that is the purpose of the amendment. Any amendment that is substantive in nature must be sought by way of an appropriate motion.

(i) Conformed Copies. If the party submitting the order wishes additional conformed copies, the clerk will conform a reasonable amount of additional copies. If stamped, addressed envelopes are provided, the clerk will mail the copies of the order to the addressees. Otherwise, the conformed copies will be available in the Clerk's Office for 30 days.

LBR 9073-1. Hearings – Notice

Separate Docket Entry Required. Unless the court directs otherwise, notice of a hearing on a motion or other matter must be filed separately on the docket, using a notice substantially conforming to the local form (**Notice of Hearing**). All notices must include a concise description of the relief sought.

LBR 9074-1. Remote Appearances

(a) Trials and Evidentiary Hearings. Unless the court orders otherwise, participants (counsel, parties, and witnesses) shall appear in person in the courtroom. However, the court will consider remote audio or video participation for individuals not physically located on the Island of Oahu or for other good cause. Requests for remote participation must be filed no later than 28 days before the trial or hearing and include a statement that the individual has the technical means to participate remotely and will be available for a pretrial test of the connection. Objections to an individual's remote participation must be filed within 7 days after the request is filed. Remote access (audio or video) to any proceedings involving witness testimony is limited to the parties. Remote connection information will be provided only to the participants.

(b) Non-Evidentiary Hearings. Unless the court directs otherwise, parties and their counsel in proceedings without live testimony have the option to appear in person in the courtroom or to participate via a remote audio connection. No court approval is required. Public audio access is permitted in all matters without live testimony unless the court directs otherwise. Remote connection information shall be posted on the court website and shall be provided in any notice of the hearing.

END OF LOCAL BANKRUPTCY RULES