

LBR 1001-1. Scope of Rules

- (a) **Scope of Rules.** These local rules govern practice and procedure in all bankruptcy cases and proceedings in the United States Bankruptcy Court for the District of Hawaii. They may be cited as LBR__.
- (b) **Effective Date.** Unless the court orders otherwise, these rules apply to all bankruptcy cases and proceedings pending on the date of adoption. These rules supersede all previous local bankruptcy rules for the District of Hawaii.
- (c) **Definitions.** As used in these rules:
 - (1) "all creditors" – when used with respect to service of documents - includes parties in interest, parties who have requested notice in a case, any trustee and committee appointed in a case, and the Office of the United States Trustee;
 - (2) "clerk" means the Clerk of Court, or the Clerk of Court's designee, of the United States Bankruptcy Court for the District of Hawaii;
 - (3) "CM/ECF" means the Case Management/Electronic Case Files system used in the United States Bankruptcy Court for the District of Hawaii;
 - (4) "court" means the United States Bankruptcy Court for the District of Hawaii, and does not refer to any particular judge of the court;
 - (5) "debtor" includes the joint debtor, if any;
 - (6) "district court" means the United States District Court for the District of Hawaii;
 - (7) "judge" means any United States Bankruptcy Judge;
 - (8) "LR" or "local rule" refers to a local rule in Chapter I – General and Civil Rules, Local Rules of Practice for the United States District Court for the District of Hawaii;
 - (9) "Bankruptcy Rule" refers to a rule of the Federal Rules of Bankruptcy Procedure; and
 - (10) "§" refers to a section under title 11 of the United States Code, unless another title is cited.
- (d) **Modification and Applicability of Rules.** In any case or proceeding, the court may direct that provisions of these rules be modified or suspended, or that certain local general or civil rules of the district court be made applicable.

LBR 1005-1. Petition – Caption

Other Names Used by Debtor. If the petition lists other names used by the debtor that are modified by a term indicative of an artificial entity, such as "Inc." or "LLC", the debtor must file with the petition a declaration substantially conforming to the local form (**Declaration Regarding Trade Name(s) Used by Debtor**), stating that the name was used as a trade name but does not identify a separate legal entity. Absent such a declaration, the clerk will not include such a name as an alias or "dba" in the case information and notices sent by the court.

LBR 1007-1. Lists, Schedules, and Statements

(a) Case Opening Documents.

- (1) **Definition.** The case opening documents that are subject to this subdivision include the schedules and statements required to be filed with the court under § 521(a), other than copies of payment advices; the certificate from an approved nonprofit budget and credit counseling agency required to be filed under § 521(b); and any other document required to be filed with the petition or within a specified amount of days thereafter, under a statute, rule, or order.
- (2) **Dismissal Upon Failure to File Case Opening Documents.** In a voluntary case where case opening documents 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 subject documents within a specified number of 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 court enters an order extending the time to file the documents. An order dismissing the case under this provision may include a 180-day bar to refiling a subsequent petition under § 109(g)(1).
- (3) **Extension of Time to File Case Opening Documents.** A debtor may request an extension of time to file case opening documents by filing with the court a motion substantially conforming to the local form (**Debtor's Motion to Extend Time to File Case Opening Documents**) that states the date the petition was filed, the date set for the first meeting of creditors, the new deadline being requested, and the reason for the extension. Consideration of the motion may be expedited if it contains the signature of an authorized representative of the Office of the United States Trustee in a chapter 11 case and the Chapter 13 trustee in a chapter 13 case indicating that there is no objection to an extension.

(b) Payment Advices.

- (1) **Non-Filing of Payment Advices.** Unless the court orders otherwise, the copies of payment advices or other evidence of payment received by the debtor from any employer described in § 521(a)(1)(B)(iv) may not be filed with the court. If the court permits the filing, the filing party is responsible for redacting any confidential information, such as all but the last 4 digits of the debtor's Social Security number and any financial account numbers.
- (2) **Submission to Trustee.** The copies of payment advices or other evidence of payment described in § 521(a)(1)(B)(iv) must be submitted to the trustee in a

case under chapter 7, 12, or 13, or the Office of the United States Trustee in a case under chapter 11, not later than 7 days before the date first set for the first meeting of creditors under § 341, or 45 days after the date of the filing of the petition, whichever is earlier. The debtor may offer an explanation why payment advices are not being submitted by providing to the trustee or the Office of the United States Trustee a statement substantially conforming to the local form **(Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations)**.

(3) **Failure to Submit.** If the debtor fails to submit to the trustee the copies of payment advices or other evidence of payment within the time specified in paragraph (2) of this subdivision, the trustee may request an order dismissing the case by filing a motion substantially conforming to the local form **(Trustee's Ex Parte Motion to Dismiss Case Under 11 U.S.C. § 521(i)(2))** or, in the alternative, a motion for an order declining to dismiss the case for the reasons stated in § 521(i)(4). In the absence of such motions, the court will presume that the debtor has submitted these documents timely to the trustee and that the debtor's case is not subject to dismissal under § 521(i)(1) or (2). A party in interest other than a trustee requesting dismissal under § 521(i)(2) for failure to file payment advices must file and serve on the debtor and all creditors a motion to dismiss with the trustee's declaration that the trustee did not receive any payment advices or any statement by the debtor regarding the failure to submit such information.

(c) **Motion to Reconsider Dismissal.** A debtor whose case has been dismissed for failure to file required documents may request the court to reconsider the order dismissing the case by filing the required documents and then filing a motion substantially conforming to the local form **(Debtor's Motion to Reconsider Order Dismissing Case)**.

LBR 1007-2. List of Creditors

- (a) **Requirement to File.** The clerk may reject for filing a voluntary petition submitted without a 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 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 creditor list immediately after filing the petition. An image of the list must also be included with the petition. When electronically filing an amended 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) **List Submitted on Paper.** A person submitting a paper copy of a voluntary petition for filing must submit both a paper copy of the creditor list and an electronic version on media (diskette, CD, USB drive, etc.) capable of being uploaded in the court's electronic filing system. As an alternative, a creditor list may be created online at the court website, www.hib.uscourts.gov.
- (d) **Verification.** The 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 creditor list, using a form that substantially conforms to the local form (**Debtor's Verification of Creditor List**).
- (e) **Amended Creditor List.** The debtor must file an amended 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 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 list. The amended list should attach a cover sheet and certificate of service substantially conforming to the local form (**Cover Sheet for Amendments**).

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 104/204) must include the email address of the creditor or agent of the creditor, if known to the debtor.

LBR 1009-1. Amendments to Lists and Schedules

- (a) **In General.** Unless the originally filed document exceeds 15 pages, an amendment to a list, schedule, or statement must be comprehensive, *i.e.* include any unchanged information, rather than just add new or updated information. If the originally filed document exceeds 15 pages, the amendment must clearly indicate that it is supplemental in nature.
- (b) **Cover Sheet with Declaration.** A party filing an amended list, schedule, or statement pursuant to Bankruptcy Rule 1009(a) must attach a cover sheet substantially conforming to the local form (**Cover Sheet for Amendments**), containing the debtor's declaration that the information in the amendments is true and correct. If the amendments are filed electronically, the debtor must submit to the court, not later than 7 days after the date of electronic filing, a declaration substantially conforming to the local form (**Declaration re: Electronic Filing**).
- (c) **Notice.** Whenever Schedule D, E/F, G, or H is amended to add a creditor or party in interest, the debtor must serve a copy of the notice of commencement of the bankruptcy case, the meeting of creditors, and any deadlines set by the court, as well as any other notices sent by the clerk, upon all added entities. The debtor must file a certificate of service to show compliance with this provision. The requirement to file a certificate of service may be satisfied by using the cover sheet substantially conforming to the local form (**Cover Sheet for Amendments**), containing a section for certifying service.

LBR 1009-2. Correction of Social Security Number

- (a) **Amended Statement of Social Security Number.** The debtor must promptly submit an amended **Statement of Social Security Number** (Official Form 121) upon becoming aware that an incorrect number was provided at the time of filing the petition, whether the petition was filed electronically or on paper. The amended statement must be submitted on paper with the debtor's original signature and must indicate conspicuously that it is an amended statement intended to correct the number previously provided to the court. It is not necessary for the debtor to file an amended petition to correct the last 4 digits of the number showing on the petition.
- (b) **Notice to Creditors.** Upon submitting an amended Statement of Social Security Number, the debtor must give notice of the correct number to all creditors and parties in interest by sending a notice substantially conforming to the local form (**Notice of Corrected Social Security Number**). The debtor must also send the notice to the major credit reporting agencies whose names and addresses are included on the form. This notice must include the debtor's full (9- digit) Social Security Number and must not be filed in order to protect the debtor's privacy.
- (c) **Certificate of Service.** The debtor must file a certificate of service substantially conforming to the local form (**Certificate of Service: Notice of Corrected Social Security Number**) to show compliance with the notice requirement of this rule. The certificate of service must not include the debtor's full Social Security Number or attach a copy of the notice that was served, in order to protect the debtor's privacy.

LBR 1015-1. Joint Administration

- (a) **Motion.** A motion by one or more debtors requesting joint administration, but not substantive consolidation, of related cases may be presented to the court ex parte, provided that the court may set the matter for hearing after notice to parties in interest.
- (b) **Case Dockets.** Unless the court orders otherwise, all documents must be entered on the docket of the case designated as the lead case.
- (c) **Notice List.** The clerk will maintain a single, consolidated list of names and addresses of creditors and parties requesting notice in the lead case.
- (d) **Claims Register.** Unless the court orders otherwise, the clerk will maintain a single claims register in the lead case. All proofs of claim and interest must be filed in the lead case but must indicate the particular debtor against whom the claim or interest is asserted.
- (e) **Separate Accounts and Reports.** Unless the jointly administered cases are also substantively consolidated, the debtor in possession or trustee must maintain separate accounts of property and distributions of each estate and must report on each estate separately. All monthly operating reports and interim and final reports by a trustee or debtor in possession must be filed in the lead case but must clearly identify the separate estate involved.

LBR 1017-1. Conversion of Chapter 7 Cases

Motion and Notice. A chapter 7 debtor seeking to convert a case to one under another chapter pursuant to § 706(a) must file a motion and give notice. Notice is sufficient if given to the Office of the United States Trustee, the case trustee, and all parties receiving notice electronically through the court's transmission facilities. The notice must advise that the court may enter an order granting the motion without further notice or hearing if no objection to the motion is filed within 14 days after the date that the motion was filed. The debtor may include the notice with the motion by filing a motion substantially conforming to the local form **(Debtor's Motion to Convert Chapter 7 Case to Another Chapter)**.

LBR 1019-5. Chapter 13 Final Reports in Cases Converted to Chapter 7

In a chapter 13 case converted to a case under chapter 7, the chapter 13 trustee shall file a final report and account on or before the later of (i) 30 days after the date of conversion or (ii) 45 days after all outstanding checks issued by the trustee have been negotiated and cleared.

LBR 1072-1. Places of Holding Court

The court shall be in continuous session in Honolulu, Hawaii.

LBR 1074-1. Corporations and Other Artificial Entities

- (a) **Authority to File Petition.** When a voluntary petition is filed by an entity other than a natural person, a copy of the document authorizing the filing of the petition, such as a resolution of the board of directors of a corporation, must be attached to the petition as an exhibit.
- (b) **Designation of Responsible Individual.** Every debtor that is an artificial entity must designate a natural person to be responsible for performing the debtor's duties in bankruptcy. The designation must be filed within 14 days after the date the petition is filed and must include the individual's name, position, address, telephone number, and email address, and must include the individual's consent. If more than one individual is designated, the designation must specify everyone's responsibilities.
- (c) **Representation by Counsel.**
 - (1) **Chapter 11 Debtor in Possession.** Every chapter 11 debtor in possession that is an artificial entity must be represented by an attorney whose employment is subject to court approval under § 327(a).
 - (2) **Contested Matters and Adversary Proceedings.** Except for requesting an award of compensation as a professional, an artificial entity must appear through counsel when acting as a party in a contested matter or adversary proceeding.