2019/2020 SUPPLEMENT

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

RULES OF PRACTICE AND PROCEDURE
for
DISTRICT COURT

EFFECTIVE APRIL 15, 2020

and

BANKRUPTCY COURT

EFFECTIVE MARCH 17, 2020

Notice

This 2019/2020 Supplement is being made available on the District Court's website in lieu of issuing hard copies. It incorporates the changes made in 2019 with the most recent rule amendments and augments the 2018 edition of the United States District Court for the District of Kansas Rules of Practice and Procedure for District and Bankruptcy Court. Please contact the Clerk's Office for the District of Kansas to receive a 2018 edition of the Local Rules.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
ORDER OF ADOPTION

Pursuant to the authority vested in this Court by Rule and Statute:

IT IS ORDERED that this supplement updates rules in the 2018 Edition of the "Rules of Practice and Procedure of the United States District Court for the District of Kansas." The rules contained in this supplement are adopted and shall become effective April 15, 2020.

DATED this 15th day of April, 2020.

FOR THE COURT

s/ Julie A. Robinson
JULIE A. ROBINSON
Chief Judge

ATTEST:

s/ Timothy M. O'Brien
TIMOTHY M. O'BRIEN
CLERK OF COURT

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHIEF JUDGE
Julie A. Robinson
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DISTRICT JUDGE
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DISTRICT JUDGE
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most current telephone contact information.

****

COMMITTEE OF THE COURT

Bench-Bar Committee

Hon. Chief Judge Julie A Robinson, *ex officio*

Hon. Eric F. Melgren, Chair
Hon. James P. O'Hara
Hon. Dale L. Somers
Ms. Melody Brannon
Ms. Patricia E. Hamilton
Mr. Bryan C. Clark
Mr. Ryan K. Meyer
Mr. David Prelle Eron
Ms. Corliss Scoggins Lawson
Hon. Daniel D. Crabtree
Hon. Teresa J. James
Mr. Stephen R. McAllister
Mr. William L. Townsley
Mr. John W. Shaw
Mr. Stephen H. Netherton
Ms. Kellie E. Hogan
Mr. Bradley T. Wilders

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Please also note the elimination of pages 199-203. It is no longer necessary for parties to submit a proposed order granting a motion for leave to appear pro hac vice. The reference to "see Appendix" in 83.5.4(a)(4) should be disregarded in favor of "see website." Please refer to the court's website for the most current forms.

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RULE 67.1
REGISTRY FUNDS

(a) Orders Pursuant to Fed. R. Civ. P. 67. Any party who seeks a court order for the deposit of funds pursuant to Fed. R. Civ.P. 67 must prepare a proposed order for the court and serve the same upon the clerk of this court. Filing Users in cases assigned to the Electronic Filing System must submit this proposed order directly to the appropriate judge or magistrate judge in the form and manner set forth in the Administrative Procedures Guide. Parties may and should utilize forms or proposed motions and orders that are maintained and available at each record office of the court for this purpose.

(b) Investment in Income-Earning Account. In cases where a party depositing funds with the clerk desires that the funds be invested with a named institution, the order shall so specify but, in the absence of specific directions to the contrary, all registry funds will be invested in a general interest-bearing account in the bank selected for that period through appropriate bidding procedures.

(c) Disbursements from Income-Earning Account.

(1) All funds disbursed under this rule will be disbursed only on order of the court. Unless the court orders otherwise, the clerk will disburse the funds no earlier than 14 days after the date of the court order.

(2) All funds deposited in an income-earning account on or after December 1, 1990, will be assessed a charge of 10% of the income earned regardless of the nature of the case underlying the investment.

* * *

As amended 4/15/20; 3/17/10, 3/05, 3/04, 3/13/92.

RULE 79.3
CUSTODY AND DISPOSITION OF TRIAL EXHIBITS, SEALED DOCUMENTS, AND FILED DEPOSITIONS

(a) During Trial. After being marked for identification, all exhibits – except weapons, drugs, or other sensitive materials – will be placed in the custody of the clerk during the duration of the trial, unless the court orders otherwise. Any weapons, drugs, or other sensitive exhibits must be held in the custody of the counsel offering the exhibits during trial.

(b) After Trial. Upon completion of the trial, all exhibits will be returned to counsel offering them, unless the court orders otherwise. A party or his attorney who has custody of an exhibit must keep it available for the use of the court or an appellate court, and must grant the reasonable request of any party to examine or reproduce the exhibit for use in the proceeding. Such party is responsible for documentation of the chain of custody of such exhibits. This obligation continues until one year after: (1) any appeal has been finally resolved or (2) time for filing a notice of appeal or petition for writ of certiorari has expired.

(c) Disposition of Exhibits, Sealed Documents, and Filed Depositions by Clerk. Any exhibit, sealed document, or filed deposition in the clerk's custody more than 30 days after the time for appeal, if any, has expired or an appeal has been decided and mandate received, may be returned to the parties or destroyed by the clerk if unclaimed after reasonable notice.

* * *

As amended 4/15/20.

RULE 80.1
USE OF TRANSCRIPTS

Absent prior court authorization, only certified transcripts of prior sworn testimony ("Testimonial Transcripts"), and not unofficial realtime transcripts of such testimony, may be quoted from in arguments to the court or in filings with the court. Court approval is required to quote from a Testimonial Transcript to the jury, and absent good cause shown such approval will only be granted for quotations from certified transcripts. Any Testimonial Transcripts quoted from or attached as an exhibit to any pleading must contain the title page, quoted material, as well as the court reporter's certificate page authenticating such proceedings. Material filed in violation of this rule may be disregarded by the court, and quotations made in violation of this rule may be ordered stricken and disregarded by the court.

* * *

Adopted 4/15/20.

RULE 83.5.2
ADMISSION TO BAR

(a) Who May Apply. Those persons admitted to practice in the courts of the State of Kansas and/or the United States District Court for the Western District of Missouri who are in good standing in any and all bars to which they have ever been admitted (or who have resigned from such a bar as a member in good standing, so long as such resignation was not made to avoid investigation or discipline) may apply for admission to the bar of this court.

(b) Requirements for Admission. Admission will be granted upon motion of a member of the bar of this court accompanied by the written statement of the applicant representing that the applicant:

(1) is of good moral character;

(2) meets the foregoing requirements;

(3) can demonstrate familiarity with the Rules of Practice of this court, the Federal Rules of Civil and Criminal Procedure, the Federal Rules of Appellate Procedure, the Federal Rules of Evidence, and federal jurisdiction and venue. Such familiarity may be based upon course work completed, examination, experience, or such other evidence as the movant deems substantially equivalent; and

(4) acknowledges the obligation to render pro bono services as set forth in Kansas Rules of Professional Conduct 6.1 and 6.2.

(c) Oath or Affirmation. The following oath or affirmation must be administered to the applicants by or at the direction of a judge or magistrate judge of this district:

> You do solemnly swear/affirm that you will support the Constitution of the United States; that you will do no falsehood, nor consent to the doing of any in court; that you will not wittingly or willfully promote or sue any false, groundless, or unlawful suit, nor give aid or consent to do the same; that you will delay no person for lucre or malice, but you will conduct yourself in the office of an attorney within the courts according to the best of your knowledge and discretion, and

with good fidelity, as well to the court as to your clients.

(d) Temporary Permits. Persons who hold a temporary permit to practice law granted by the Supreme Court of Kansas may apply for a temporary permit to practice in this court. The granting of temporary admissions to practice in this court is governed by this rule, and is effective upon the applicant taking the oath prescribed by this rule. Such temporary permit to practice in this court is effective only so long as the temporary admittee's temporary permit to practice in the Kansas state courts is in effect.

* * *

As amended 3/17/19, 7/9/99, 11/13/97, 11/16/90.

RULE 83.5.3
REGISTRATION OF ATTORNEYS

(a) **Annual Registration.**

(1) In General. All attorneys admitted to the practice of law before this court, except as set out in paragraphs (b) and (c) below, must annually − on or before the first day of July − register with the clerk on such forms as the clerk prescribes.

(2) CLE Certification, Local Rules Familiarization, and Pro Bono. As a part of the registration form, the registrant must certify that,

(A) in the preceding 12-month period, he or she has earned at least the minimum number of credit hours required by the Rules of the Supreme Court of Kansas relating to continuing legal education;

(B) he or she has read and is familiar with the District of Kansas Local Rules; and

(C) he or she acknowledges the obligation to render pro bono services as set forth in Kansas Rules of Professional Conduct 6.1 and 6.2.

(3) Reciprocal Admission. If admitted to practice before this court solely because of admission to the United States District Court for the Western District of Missouri, the registrant must certify that he or she has earned the minimum number of credit hours required by the rules of the Missouri Supreme Court and the Western District of Missouri related to continuing legal education.

(4) Annual Fees. At the time of each registration, the registrant, if not excused by these rules from payment, must pay an annual fee in such amount as the court orders for the ensuing 12-month period. Any fee received after July 31 shall be accompanied by the $100 re-registration fee.

(5) Registration Card. The clerk will issue to each attorney duly registered hereunder a registration card on a form approved by the court.

(b) Exemption from Fees.

(1) State Court Judges and Federal Court Employees. State court judges who are barred by law or rule from the practice of law and federal court employees who do not actively practice before the court are exempt from payment of the registration fee.

(2) Attorneys Appearing Pro Hac Vice. Attorneys appearing pro hac vice are not required to pay the annual registration fee.

(3) Newly-Admitted Attorneys. No registration fee will be charged to any attorney newly admitted to this court after January 1 for the first registration period following such admission. Where an attorney newly admitted to the court pays the registration fee for the period in which the attorney is exempt and wishes to be refunded, the attorney must initiate a refund by requesting it in writing.

(c) **Retired and Inactive Attorneys.** An attorney who has retired from or is no longer engaged in the practice of law in this court may so notify the clerk in writing. An attorney filing such notice is thereafter ineligible to practice in this court until reinstated under such terms as the court directs. During any period of retirement or inactive status under this rule, the retired or inactive attorney need not pay the annual registration fee.

(d) **Non-Appropriated Fund.** The court maintains a non-appropriated fund derived from attorney registration fees in accordance with Volume 13, Chapter 12, of the Guide to Judiciary Policies and Procedures and in accordance with the Rules of Practice and Procedure for District and Bankruptcy Court for the District of Kansas.

(1) Fund Custodian. The clerk of the court is appointed as the fund custodian. The custodian will receive, safeguard, deposit, disburse, and account for all funds. The custodian will ensure the financial statements and reports are prepared in a timely manner to meet the needs of the court.

(2) Fund Management. All receipts will be deposited in federally insured banks or savings institutions and

whenever feasible, will be placed in interest-bearing accounts. Funds must be segregated from all other monies in the court's custody, including other non-appropriated funds.

(3) Audits. The Administrative Office of the U.S. Courts or court-appointed outside auditors may perform audits. The written results of the audits will be provided to the court. Costs for outside audits will be paid by the fund. Annual audits will be performed for the fiscal year, October 1 through September 30.

(4) Budget. At the beginning of each fiscal year, the court will approve a budget for the year that forecasts fund income and expenses. The court-approved budget will serve as authorization for the custodian to spend monies for categories listed on the budget. The custodian is allowed to exceed budgeted amounts by no more than 10%. A majority of the judges must approve expenditures beyond the 10% variance.

(5) Items Outside the Budget. For items not covered by the annual budget, the chief judge may issue an order of approval that disburses funds for expenditures not exceeding $1,000. For items exceeding $1,000 not covered by the annual budget, a majority of the judges must approve the order of approval issued by the chief judge.

(6) Calculation of Registration Fee. During the first three months of each calendar year, the judges will examine the accounts of the trustee of the fund, and fix the registration fee for the next annual registration of attorneys. In fixing the fee, the judges will consider the amount on hand, the projected earnings from investments, and the probable expense of pending and anticipated proceedings.

(e) Disbursements. Disbursements from the Bar Registration and Disciplinary Fund are permitted only for the following purposes:

(1) To defray the expense of administering the registration and bar disciplinary procedures.

(2) As set forth in paragraph (f) of this rule, to reimburse

court-appointed attorneys in civil cases for out-of-pocket expenditures that the attorneys are reasonably compelled to incur, that the client is not able to pay, and that are not otherwise recovered in the action.

(3) To reimburse members of official committees appointed by the court, who may not be otherwise reimbursed, for their expenses incurred in attending meetings and performing the duties required of committee members. Applications for such reimbursements must be made on forms supplied by the clerk. The clerk may approve applications for amounts not to exceed $300. The chief judge must also approve reimbursement for expenses exceeding $300. Travel expenses will be paid from the fund in an amount not to exceed the same rates as official travel for federal employees. Claims will be allowed for actual expenses, not to exceed the rates in effect at the time of travel.

(4) To make such other expenditures the judges consider to be for the benefit of the court and bar.

(f) Reimbursement Procedures for Court-Appointed Counsel in Civil Cases.

(1) Allowable Expenses. Allowable expenses include items set out in 28 U.S.C. § 1920, fees for expert witnesses and other out-of-pocket expenditures that the attorneys are reasonably compelled to incur, that the client is not able to pay, and that are not otherwise recovered in the action. Reimbursements must not include general office overhead or items and services of a personal nature.

(2) Reimbursement Procedure. To qualify for reimbursement, all expenditures in excess of $500 for investigative expenses—for example, retrieval of medical records, employment records, and the like—must be approved in advance by the court. Before incurring any reimbursable expense, the attorney must:

(A) complete a reimbursement form, which is available from the clerk; and

(B) secure the requisite prior approval, in writing, by the judge to whom the case is assigned and, where required, by the chief judge.

(3) Who Must Approve Expenditures. The presiding judge may approve expenditures that total less than $3,000 for the entire case. The chief judge must approve expenditures that reach or exceed $3,000.

(4) Ex Parte Requests. Attorneys may request approval on an ex parte basis.

(5) Amount of Reimbursement. The clerk will reimburse attorneys such amount as the court approves.

(6) Any reimbursements paid from the Bar Fund must be repaid if money is recovered in the case, unless waived by the court.

(g) Suspension. The clerk will issue an order of suspension to any attorney who has failed to register as of August 1 of the registration year. Any attorney who continues to practice in this court while suspended will be subject to disciplinary procedures.

(h) Reinstatement. The court may reinstate an attorney who was suspended solely because of his or her failure to register or pay the annual registration fee upon:

(1) application;

(2) payment of a $100 re-registration fee (except that the court may waive the fee for good cause); and

(3) payment of such additional amount as the court requires.

(i) Criminal Charges, Potential Criminal Charges, and Disciplinary Proceedings. Any member of the bar of this court who is charged in any court of the United States or of any state, territory, district, commonwealth, or possession of the United States with the commission of a felony or with unprofessional conduct must notify the clerk in writing within 14 days after service of process or notice to him or her of such charge. This subsection also applies to diversion agreements relating to criminal charges, potential criminal charges, or disciplinary proceedings.

* * *

As amended 3/17/19, 3/17/16, 3/17/13, 10/17/13, 3/17/11, 12/01/09, 3/17/09, 5/03, 9/00.

RULE 83.5.5
WITHDRAWAL OF APPEARANCE

An attorney who has appeared in a case may withdraw in accordance with the Kansas Rules of Professional Conduct as described in D. Kan. Rule 83.6.1. This rule does not apply to those attorneys who have entered a limited appearance pursuant to D. Kan. Rule 83.5.8.

(a) Withdrawal of Attorney Whose Client Will be Left Without Counsel. Withdrawal of an appearance for an attorney whose client will be left without counsel is authorized only upon court order. An attorney seeking to withdraw whose client will be left without counsel must:

(1) file a motion to withdraw that:

(A) sets forth the reasons for the withdrawal, unless doing so would violate any applicable standards of professional conduct;

(B) provides evidence that the withdrawing attorney provided the client with notice of:

(i) the admonition that the client is personally responsible for complying with all orders of the court and time limitations established by the rules of procedure or by court order; and

(ii) the dates of any pending trial, hearings, conferences, and deadlines; and

(C) provides the court with a current mailing address and telephone number for the client;

(2) serve the motion to withdraw on the withdrawing attorney's client either by personal service or by certified mail, with return receipt requested;

(3) serve the motion to withdraw on all attorneys of record and pro se parties in the case pursuant to Fed. R. Civ. P.5(b); and

(4) file either:

(A) proof of personal service of the motion to withdraw or the certified mail receipt, signed by the client; or

(B) an affidavit indicating that the client received a copy of the motion to withdraw. Withdrawal is not effective until the court enters an order authorizing withdrawal.

(b) Withdrawal of Attorney Whose Client Continues to Be Represented by Other Counsel of Record. Withdrawal of an appearance by an attorney whose client continues to be represented by other counsel of record is authorized without an order of the court, unless the only remaining counsel of record is admitted pro hac vice under D. Kan. Rule 83.5.4. In instances where the remaining counsel of record is admitted pro hac vice, the withdrawing attorney must comply with either subsection (a) or (c) of this rule.

An attorney seeking to withdraw whose client will continue to be represented by other counsel of record may withdraw provided the withdrawing attorney files a pleading entitled "Notice of Withdrawal of Appearance" signed by the withdrawing attorney. Such notice must identify the other attorneys of record who will continue to represent the withdrawing attorney's client. Such notice of withdrawal must be served pursuant to Fed. R. Civ. P. 5(b) on the client, all attorneys of record, and any pro se parties in the case.

(c) Withdrawal of Attorney Whose Client Will Be Represented by Substituted Counsel. Substitution of counsel admitted to practice in this court is authorized without an order of the court. Substitution of counsel and simultaneous withdrawal of counsel may be accomplished as follows:

The attorney to be substituted as counsel of record files a pleading entitled "Withdrawal of Counsel and Entry of Appearance of Substituted Counsel" signed by (1) the attorney withdrawing and (2) the attorney to be substituted as counsel. Such notice of withdrawal must be served pursuant to Fed. R. Civ. P. 5(b) on the client, all attorneys of record, and any pro se parties in the case.

(d) Substitution of Counsel for the United States, an Agency, or an Officer Thereof, or Substitution of Counsel for Individuals Represented by the Federal Public Defender. Substitution of counsel for the United States, an agency, or officer thereof, or substitution of counsel for individuals represented by the Federal Public Defender is authorized without an order of the court. Substitution of counsel may be accomplished as follows:

The attorney to be substituted as counsel of record files a

pleading entitled "Notice of Substitution of Counsel and Entry of Appearance of Substituted Counsel" signed by the attorney to be substituted as counsel. The substitution shall be effective upon the filing of the notice and the attorney to be withdrawn from representation need not sign or file any notice. The notice of substitution must be served pursuant to Fed. R. Civ. P. 5(b) on all attorneys of record and any pro se parties in the case.

(e) Withdrawal of Attorney for Criminal Appeal. Withdrawal of counsel for a defendant in a criminal case who wishes to appeal from a judgment of conviction after trial or a guilty plea or from a sentence imposed under the Sentencing Guidelines is governed by 10th Circuit Rules 46.3 and 46.4.

* * *

As amended 4/15/20, 3/17/14, 3/17/09, 10/22/98, 2/2/95.

RULE CR49.6.1
COOPERATOR INFORMATION

When defendants potentially or actually cooperate with the government, such cooperation may be disclosed in a variety of documents and pleadings, including but not limited to: plea agreements, sentencing memoranda, cooperation agreements, motions for downward departure, and motions to reduce sentence. For the protection and safety of defendants who potentially or actually cooperate with the government, any and all pleadings or documents referencing, discussing or reflecting any such potential or actual cooperation ("cooperator information") shall be treated as follows.

The clerk's office will create a Restricted Document Folder in every felony criminal case as soon as practicable after case opening. In multi-defendant cases, a separate Restricted Document Folder will be created for each defendant. The docket entry and any documents the presiding judge orders filed in the Restricted Document Folder will be sealed and not reflected on the public docket sheet, nor will the docket sheet reflect any skipped numbers.

Any and all pleadings or documents containing cooperator information must be submitted by the prosecutor and the defendant to the presiding judge's chambers email account, for judicial review and determination whether placement in the Restricted Document Folder is warranted. The presiding judge will respond to the prosecutor and defendant by email, thus notifying them of the judge's decision to place, or not place the submitted document(s) in the Restricted Document Folder.

If the presiding judge determines the submitted document(s) should be placed in the Restricted Document Folder, the presiding judge shall forward the document(s) to the clerk's office and will direct the clerk's office to file such submitted document(s) in the Restricted Document Folder. If the presiding judge concludes the submitted document(s) should not be placed in the Restricted Document Folder, the document(s) will be returned by email to the prosecutor and defendant.

In the District of Kansas, a Restricted Document Folder is created in every felony criminal case, whether or not the defendant

is cooperating with the government. Thus the presence of this Restricted Document Folder does not mean that this defendant has or will cooperate with the government.

* * *

Adopted 3/17/19.

LOCAL RULES

OF THE

UNITED STATES

BANKRUPTCY COURT

FOR THE

DISTRICT OF KANSAS

Dale L. Somers
Chief Judge

Robert E. Nugent III
Judge

Robert D. Berger
Judge

EFFECTIVE MARCH 17, 2020

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THE HONORABLE DALE L. SOMERS
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THE HONORABLE ROBERT E. NUGENT III
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THE HONORABLE ROBERT D. BERGER
United States Bankruptcy Judge
125 Robert J. Dole U.S. Courthouse
500 State Avenue
Kansas City, Kansas 66101

* * * * * * * * * *

BANKRUPTCY CLERK
David D. Zimmerman

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Wichita, Kansas 67202

Kansas City Clerk's Office
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Kansas City, Kansas 66101

Topeka Clerk's Office
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Topeka, Kansas 66683

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

ORDER OF ADOPTION

Pursuant to the authority vested in this court by rule and statute, and following notice and a public comment period;

IT IS ORDERED that the following attached amendments to the Local Rules of the United States Bankruptcy Court for the District of Kansas are adopted, supersede existing rules bearing the same number, and become effective March 17, 2019: Section 1 of the Preface to the Local Bankruptcy Rules of the District of Kansas ("LBR"); LBR 1007.1(a); LBR 2002.2(c)(2); the Notice of Rule 2004 Examination form appended to LBR 2004.1; LBR 2016.1; LBR 2090.1(b); LBR 3015(b).2(f); LBR 5005.1, Appendix 1-01, Paragraph I.D and Paragraph VIII; LBR 5075.1; LBR 9011.4; LBR 9019.2(b); LBR 9029.3; and LBR 9072.1. Superseded rules or subsections are repealed effective March 17, 2019.

IT IS FURTHER ORDERED that Standing Order 17-2 (Authority to Use Bar Registration and Disciplinary Funds for Bankruptcy Mediation One-Year Pilot Program, effective January 1, 2018, through December 31, 2018) is ABROGATED as moot by the amendments to LBR 9019.2(b).

IT IS FURTHER ORDERED that Standing Order 18-1 (Expanding Bankruptcy Bench Bar Committee Membership, effective February 1, 2018) is ABROGATED as moot by the amendments to LBR 9029.3.

IT IS FURTHER ORDERED that Standing Order 18-2 (Electronically Filing the Declaration Re: Electronic Filing Form, effective September 1, 2018) is ABROGATED as moot by the amendments to LBR 1007.1.

IT IS FURTHER ORDERED that Standing Order 18-3 (Amending Rules to Allow Payment by ACH, effective August 17, 2018) is ABROGATED as moot by the amendments to LBR 5005.1, Appendix 1-01, Paragraph I.D.

IT IS FURTHER ORDERED that Standing Order 18-4 (Governing Procedure to Appear *pro hac vice* in Bankruptcy Court effective October 22, 2018) is ABROGATED as moot by the amendments to LBR 2090.1(b).

IT IS SO ORDERED.

Dated this 28th day of January, 2019.

s/ Dale L. Somers
DALE L. SOMERS
Chief Judge

s/ Robert E. Nugent III
ROBERT E. NUGENT III
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

ATTEST:
s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

ORDER OF ADOPTION

Pursuant to the authority vested in this court by rule and statute, and following notice and a public comment period;

IT IS ORDERED that the following attached amendments to the Local Rules of the United States Bankruptcy Court for the District of Kansas are adopted, supersede existing rules bearing the same number, and become effective March 17, 2020: LBR 2002.1(d)(3); LBR 2002.2(e)(2); LBR 3015(b).1; LBR 4001(a).1(e); LBR 5005.1, Appendix 1-01, ¶¶ I.C and II.C-F; LBR 7003.1; LBR 9013.3; and LBR 9037.1; and LBR 3010 is renumbered as LBR 3010.1.

IT IS FURTHER ORDERED that the following local forms are adopted, supersede corresponding existing forms, and become effective March 17, 2020: LBR 1007.1(a)(2)(E), Appendix 1-01; LBR 1009.1, Appendix 1-01; LBR 2004.1, Appendix 1-01 and new Appendix 1-02; and LBR 3015(b).2 Exhibits B through F.

IT IS FURTHER ORDERED that superseded rules or subsections and forms are repealed effective March 17, 2020.

IT IS SO ORDERED.

Dated this 13th day of February, 2020.

s/ Dale L. Somers
DALE L. SOMERS
Chief Judge

s/ Robert E. Nugent III
ROBERT E. NUGENT III
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

ATTEST:
s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
IN THE MATTER OF RULES OF PRACTICE
AND PROCEDURE IN THIS COURT
MEMORANDUM AND ORDER

By means of this Memorandum and Order, the Judges of this court express their appreciation to the members of the Bankruptcy Bench Bar Committee.

The individuals composing the Committees devoted much time to studying the operating procedures of the court, serving as liaisons between the court and its bar and the public, recommending revisions to the Local Rules of the United States Bankruptcy Court for the District of Kansas, and providing reports and other recommendations as the court directed. The Committee members performed their tasks competently, unselfishly, and in the best tradition of the legal profession.

IT IS THEREFORE ORDERED that the Clerk file this Memorandum and Order as a permanent record of the court and that he deliver an attested copy to each member of the Committee, namely:

Emily B. Metzger, Chair

Chris Borniger	**Carl B. Davis**
Christopher Redmond	**Colin N. Gotham**
W. Thomas Gilman	**J. Christopher Allman**
Wendee Elliott-Clement	**January Bailey**
Jill A. Michaux	

IT IS SO ORDERED.

Dated this 20th day of February, 2020.

s/ Dale L. Somers
DALE L. SOMERS
Chief Judge

s/ Robert E. Nugent III
ROBERT E. NUGENT III
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

ATTEST:
s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk

PREFACE
(As amended 3/17/19)

Attorneys unfamiliar with Kansas bankruptcy practice may find some helpful information in this preface to the *Local Rules of the United States Bankruptcy Court for the District of Kansas*.

1. Background

The Bankruptcy Code consists of amendments to the Bankruptcy Reform Act of 1978, Pub. L. No. 95-598, Title I, § 101, 92 Stat. 2549, enacted into law November 6, 1978, effective October 1, 1979. Since its enactment, Congress has amended this law many times, most significantly with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, § 106, 119 Stat. 23.

In 1982, the Supreme Court declared the jurisdictional support for the 1978 Act unconstitutional in *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982). It did so because 28 U.S.C. § 1471(c) of the 1978 Act invested non-Article III bankruptcy courts with powers exercisable only by Article III courts.

After *Marathon*, the bankruptcy system operated under an Emergency Rule promulgated by the Judicial Conference of the United States until 1984, when Congress enacted corrective legislation in the form of 28 U.S.C. § 1334, which currently states:

> (a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.
> (b) Except as provided in subsection(e)(2) [dealing with claims that involve construction of the statute governing employment of professionals in a bankruptcy case], and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.

Hoping to cure the constitutional infirmity, Congress also declared that bankruptcy judges would "constitute a unit of the

district court to be known as the bankruptcy court for that district." 28 U.S.C. § 151.

To transfer the bankruptcy power to the bankruptcy courts, the 1984 amendments provided, through 28 U.S.C. § 157(a) that, "[e]ach district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district."

In Kansas, 28 U.S.C. § 157(a) was implemented by a Standing Order dated August 1, 1984 (effective July 10, 1984), stating:

> STANDING ORDER
>
> Pursuant to Sec. 104 of the Bankruptcy Amendments and Federal Judgeship Act of 1984, 28 U.S.C. Sec. 157, this court refers all cases under Title 11, and any and all proceedings arising under Title 11, or arising in or related to a case under Title 11, to the bankruptcy judges for the District of Kansas, for consideration and resolution consistent with the law. The court recognizes the exception contained in Sec. 157(b)(5).
>
> IT IS HEREBY ORDERED that the Bankruptcy judges for the District of Kansas be and they hereby are directed to exercise the authority and responsibilities conferred upon them by the Bankruptcy Amendments and Federal Judgeship Act of 1984.
>
> IT IS FURTHER ORDERED, effective as of July 10, 1984, that any and all cases under Title 11, and any and all proceedings arising under Title 11, be and hereby are referred to the bankruptcy judges of the District of Kansas for consideration and resolution consistent with the law.
>
> Dated this 1st day of August, 1984.

In 2011, the landscape of bankruptcy court jurisdiction was again considered by the Supreme Court in *Stern v. Marshall*, 131 S. Ct. 2594 (2011). In *Stern*, the Supreme Court reasoned that, although 28 U.S.C. § 157(a) authorizes bankruptcy judges to adjudicate cases that arise under, arise in, or are related to a case under Title 11, Article III of the U.S. Constitution requires final

judgments in some types of matters to be issued by an Article III district court judge who has life tenure and salary protection.[1]

Specifically, the Court concluded that a counterclaim for tortious interference with a gift asserted by a debtor against a creditor must be resolved by a judge appointed under Article III, and that the "public rights" exception that allows some types of claims to be adjudicated in non-Article III forums did not bring the counter-claim within the bankruptcy court's permissible jurisdiction because the counterclaim did not stem from the bankruptcy itself and would not necessarily be resolved in the course of the claims allowance process of bankruptcy.

On June 24, 2013, to address the Supreme Court's holding in *Stern*, the United States District Court for the District of Kansas issued an amended standing order of reference, which states:

> Standing Order No. 13-1
>
> Pursuant to 28 U.S.C. § 157(a), any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district.
>
> If a bankruptcy judge or district judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under this Rule, the bankruptcy judge shall, unless otherwise ordered by the district court, hear the proceeding and submit proposed findings of fact and conclusions of law to the district court. The district court may treat any order of the bankruptcy court as proposed findings of fact and conclusions of law in the event the district court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the Constitution.
>
> IT IS SO ORDERED.
> Dated this 24th day of June, 2013.

District Court Standing Order 13-1 was incorporated into D. Kan. Rule 83.8.5(c) on March 17, 2014, and related updates were contemporaneously made to Rules 83.8.6 through 83.8.9. As a

[1] The Supreme Court later concluded, in *Wellness International Network, Ltd. v. Sharif*, ___ U.S. ___, 135 S. Ct. 1932, 1949 (2015), that "Article III permits bankruptcy courts to decide *Stern* claims submitted to them by consent."

result, in a bankruptcy case where final judgment in a particular matter must be entered by a district court judge, D. Kan. Rule 83.8.5(c) provides that a bankruptcy judge may hear the matter and issue proposed findings of fact and conclusions of law for the district court to review and enter a final order or judgment. In a case where the bankruptcy court issues a decision in the form of an order but the U.S. Constitution requires final judgment to be entered by the district court, D. Kan. Rule 83.8.5(c) resolves the issue by stating that the bankruptcy court order will be construed as proposed findings of fact and conclusions of law for the district court to review and enter a final order or judgment. This approach was approved by the Supreme Court in *Executive Benefits Insurance Agency v. Arkison (In re Bellingham Insurance Agency, Inc.)*, 573 U.S. 25 (2014). It was then codified by the addition of Fed. R. Bankr. P. 8018.1 (Dec. 1, 2018.)

. . .
* * *

LBR 1007.1
INITIAL FILINGS

(a) Assembly of Petition and Accompanying Documents.

. . .

(2) The following documents, if applicable, must **not** be attached to the petition. They must be filed separately:

	Name of Document	Official Form
(A) through (C)	[No change]	[No change]

(D)	When Debtor(s) are represented by counsel: Declaration Re: Electronic Filing (required in lieu of Official Form 121). This document must be electronically filed as a sealed document pursuant to the instructions on the form. When Debtors are self-represented: Statement About Social Security Number.	*See* Forms page of court website. 121
(E) through (I)	[No change]	[No change]

(3) Electronically filed petitions and accompanying documents must be filed in the order listed in paragraph (a)(1).

. . .

* * *

As amended 3/17/19 (formerly S.O. 18-2), 3/17/18, 3/17/16, 3/17/08, 3/17/07, 10/17/05, 3/17/05.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

In re:

Case No.
Chapter

_____ Debtor(s).

DECLARATION REGARDING PAYMENT ADVICES
OR EVIDENCE OF PAYMENT UNDER 11 U.S.C. § 521(a)(1)(B)(iv)

Debtor:
Mark statement that applies to you:

☐ I have not been employed by any employer within the 60 days before the date of the filing of the petition.

☐ I have received payment advices or other evidence of payment within 60 days before the date I filed my bankruptcy petition from any employer, and they are attached, except:
_____
_____

☐ I was employed by an employer within 60 days before the date I filed my bankruptcy petition, but I have not received payment advices or other evidence of payment because:
_____
_____
(Explanation)

Joint Debtor (if applicable):
Mark statement that applies to you:

☐ I have not been employed by any employer within the 60 days before the date of the filing of the petition.

☐ I have received payment advices or other evidence of payment within 60 days before the date I filed my bankruptcy petition from any employer, and they are attached, except:
_____
_____

☐ I was employed by an employer within 60 days before the date I filed my bankruptcy petition, but I have not received payment advices or other evidence of payment because:
_____
_____
(Explanation)

I declare (or certify, verify, or state) under penalty of perjury that the above is true and correct.

_____ _____
Signature of Debtor Date

_____ _____
Signature of Joint Debtor (if applicable) Date

INTERIM LBR 1007(b)(5).1
LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED

Federal Rule of Bankruptcy Procedure 1007(b)(5) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(b) SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED.

. . .

> (5) An individual debtor in a chapter 11 case (unless under subchapter V) shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 1007(h).1
INTERESTS ACQUIRED OR ARISING AFTER PETITION

Federal Rule of Bankruptcy Procedure 1007(h) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(h) INTERESTS ACQUIRED OR ARISING AFTER PETITION. If, as provided by § 541(a)(5) of the Code, the debtor acquires or becomes entitled to acquire any interest in property, the debtor shall within 14 days after the information comes to the debtor's knowledge or within such further time the court may allow, file a supplemental schedule in the chapter 7 liquidation case, chapter 11 reorganization case, chapter 12 family farmer's debt adjustment case, or chapter 13 individual debt adjustment case. If any of the property required to be reported under this subdivision is claimed by the debtor as exempt, the debtor shall claim the exemptions in the supplemental schedule. This duty to file a supplemental schedule continues even after the case is closed, except for property acquired after an order is entered:

(1) confirming a chapter 11 plan (other than one confirmed under § 1191(b)); or
(2) discharging the debtor in a chapter 12 case, a chapter 13 case, or a case under subchapter V of chapter 11 in which the plan is confirmed under § 1191(b).

* * *

Adopted 2/19/20 (See Standing Order 20-1).

LBR 1009.1
AMENDMENTS TO LISTS AND SCHEDULES OF CREDITORS AND APPLICABLE DEADLINES

[No change to rule text.]

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

In re:

Case No.
Chapter

_____ Debtor(s).

NOTICE OF AMENDMENT OF SCHEDULES D, E/F, G OR H (ADDITION OF CREDITOR(S))

You are hereby notified that the debtor(s) has filed the attached amended schedule(s) of debt to include the creditor listed below. Debtor's counsel must also separately provide you a copy of the debtor(s)' full Social Security Number.

1. Creditor (name and address): _____
2. Claim (amount owed, nature of claim, date incurred): _____
3. This claim has been scheduled as (mark one):
   ☐ secured ☐ priority ☐ general unsecured.
4. Trustee, if one has been appointed: _____
5. Original deadline for filing proofs of claim: _____
6. Deadline for filing complaints objecting to discharge of specific debts or of debtor under 11 U.S.C. § 523, 727: _____ [Date].
   or
   ☐ This claim was added to the schedules after the deadline for filing complaints stated above.

Check applicable provision(s) below:

☐ This is a no-asset case. It is unnecessary to file a claim now. If it is determined there are assets to distribute, creditors will receive a notice setting a deadline to file claims.
☐ This claim was added to the schedules after the deadline for filing claims stated above.
☐ This is a Chapter 13 case. You have until the bar date to file your proof of claim.
☐ A plan in this case was confirmed on: _____ [Date].
☐ No plan has been confirmed in this case, but a confirmation hearing is currently set for _____ [Date] at _____ [Location]. Since the amendment was filed too late to give notice, you may file an objection to either confirmation of the plan or the amendment to the schedules by _____ [Date]. If an objection is timely filed, a non-evidentiary preliminary hearing will be scheduled, and notice provided by the Clerk upon expiration of the deadline date.
☐ The final order of discharge was entered on _____ [Date] and a copy is attached.

Certificate of Service: I certify the above notice and a separate notice of the full Social Security Number of the debtor(s) was served on the above-named creditor by first class, postage prepaid mail, on _____ [Date].

_____
Attorney Signature
Attorney Name
Bar Number
Firm Address
City, State ZIP
Fax
Email

_____
Debtor Signature (Optional if signed by counsel)

_____
Joint Debtor Signature (Optional if signed by counsel)

INTERIM LBR 1020.1
CHAPTER 11 REORGANIZATION CASE FOR SMALL BUSINESS DEBTORS

Federal Rule of Bankruptcy Procedure 1020 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) SMALL BUSINESS DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply. In an involuntary chapter 11 case, the debtor shall file within 14 days after entry of the order for relief a statement as to whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply. The status of the case as a small business case or a case under subchapter V of chapter 11 shall be in accordance with the debtor's statement under this subdivision, unless and until the court enters an order finding that the debtor's statement is incorrect.

(b) OBJECTING TO DESIGNATION. The United States trustee or a party in interest may file an objection to the debtor's statement under subdivision (a) no later than 30 days after the conclusion of the meeting of creditors held under § 341(a) of the Code, or within 30 days after any amendment to the statement, whichever is later.

(c) PROCEDURE FOR OBJECTION OR DETERMINATION. Any objection or request for a determination under this rule shall be governed by Rule 9014 and served on: the debtor; the debtor's attorney; the United States trustee; the trustee; the creditors included on the list filed under Rule 1007(d) or, if a committee has been appointed under § 1102(a)(3), the committee or its authorized agent; and any other entity as the court directs.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

LBR 2002.1
NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

. . .

(d) Preferred Addresses and National Creditor Registration Service in Chapter 7 or 13 cases filed after October 16, 2005, under 11 U.S.C. § 342(e) and (f).

(3) Registration with the National Creditor Registration Service must be accomplished through the BNC. Forms and registration information are available at https://bankruptcynotices.uscourts.gov.

. . .

* * *

As amended 3/17/20, 3/17/10, 3/17/09, 3/17/08, 10/17/05, 3/17/07.

LBR 2002.2
SCHEDULING, LISTING AND NOTICING THE UNITED STATES AND AGENCIES OF THE STATE OF KANSAS AS A CREDITOR

. . .

(c) Addresses for certain Departments, Agencies and Instrumentalities of the United States.

. . .

2. DEPARTMENT OF EDUCATION (DOE)
For noticing on schedules and the matrix:
US Department of Education
PO Box 16448
St Paul MN 55116-0448

US Department of Education
Business Operations/Federal Student Aid
50 United Nations Plaza
Mail Box 1200 Room 1176
San Francisco CA 94102

For service of process, such as adversary proceedings:

Education Department
Office of General Counsel
400 Maryland Ave NW Room 6E353
Washington DC 20202-2110

. . .

(e) Addresses for certain Departments, Agencies and Instrumentalities of the State of Kansas. When one of the following departments, agencies, or instrumentalities of the State of Kansas is a creditor, the schedule and matrix must list the agency at the address indicated:

. . .

2. Kansas Department for Aging and Disability Services
   c/o Sherry Diel
   New England Building
   503 S Kansas Ave
   Topeka KS 66603-3404

. . .

* * *

As amended 3/17/20, 3/17/19, 3/17/18, 3/17/16, 3/17/15, 3/17/14, 3/17/13, 3/17/12, 3/17/11, 3/17/08.

LBR 2004.1
EXAMINATIONS

[No change to rule text.]

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

In re:

Case No.
Chapter

_____ Debtor(s).

NOTICE OF RULE 2004 EXAMINATION

_____, by the undersigned counsel, will examine _____ under oath on _____at _____ ___m. at _____. The examination may continue from day to day until completed.

The examination is pursuant to Bankruptcy Rule 2004 and D. Kan. LBR 2004.1, and will be taken before an officer authorized to record the testimony. The scope of the examination shall be as described in Bankruptcy Rule 2004 *[as further described in the attached areas of inquiry].* Pursuant to D. Kan. Local Rule 2004.1, no order shall be necessary. *[If the examination is of a witness other than the debtor, Form B2540 "Subpoena for Rule 2004 Examination" is included with this notice.]*

[The examinee is further requested to bring to the examination all of the documents described on the attached schedule.]

[Pursuant to D. Kan. LBR 2004.1(i), in addition to stenographic means, the examination will also be recorded by videographic means for use as evidence in the captioned cases.]

Undersigned counsel hereby certifies that he or she *[describe efforts taken]* attempted to contact the examinee, or if represented, counsel for the examinee prior to filing this Notice in order to obtain a mutually agreeable date and time for the examination.

_s/_____
Attorney Signature
Attorney Name
Bar Number
Firm Address
City, State ZIP
Fax
Email

I CERTIFY that a true copy of this notice was served on the examinee, attorney for examinee, the debtor, the attorney for the debtor, the trustee and *[indicate name of party served, manner of service and date of service].*

_s/_____
Signature of Attorney for Examining Party

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____ Case No. _____
Debtor

Chapter _____

SUBPOENA FOR RULE 2004 EXAMINATION

To: _____
(Name of person to whom the subpoena is directed)

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: _____

☐ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ _____
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, email address, and telephone number of the attorney representing *(name of party)* _____ , who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____
_____ on (*date*) _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $_____ for services, for a total of $_____ .

I declare under penalty of perjury that this information is true and correct.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
(i) is a party or a party's officer; or
(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:
(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.
(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.
(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
(i) fails to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.
(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
(i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.
(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
…
(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

INTERIM LBR 2009.1
TRUSTEES FOR ESTATES WHEN JOINT ADMINISTRATION ORDERED

Federal Rule of Bankruptcy Procedure 2009 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) ELECTION OF SINGLE TRUSTEE FOR ESTATES BEING JOINTLY ADMINISTERED. If the court orders a joint administration of two or more estates under Rule 1015(b), creditors may elect a single trustee for the estates being jointly administered, unless the case is under subchapter V of chapter 7 or subchapter V of chapter 11 of the Code.

(b) RIGHT OF CREDITORS TO ELECT SEPARATE TRUSTEE. Notwithstanding entry of an order for joint administration under Rule 1015(b), the creditors of any debtor may elect a separate trustee for the estate of the debtor as provided in § 702 of the Code, unless the case is under subchapter V of chapter 7 or subchapter V of chapter 11 of the Code.

(c) APPOINTMENT OF TRUSTEES FOR ESTATES BEING JOINTLY ADMINISTERED.

(1) Chapter 7 Liquidation Cases. Except in a case governed by subchapter V of chapter 7, the United States trustee may appoint one or more interim trustees for estates being jointly administered in chapter 7 cases.

(2) Chapter 11 Reorganization Cases. If the appointment of a trustee is ordered or is required by the Code, the United States trustee may appoint one or more trustees for estates being jointly administered in chapter 11 cases.

(3) Chapter 12 Family Farmer's Debt Adjustment Cases. The United States trustee may appoint one or more trustees for estates being jointly administered in chapter 12 cases.

(4) Chapter 13 Individual's Debt Adjustment Cases. The United States trustee may appoint one or more trustees for estates being jointly administered in chapter 13 cases.

(d) POTENTIAL CONFLICTS OF INTEREST. On a showing that creditors or equity security holders of the different estates will be prejudiced by conflicts of interest of a common trustee who has been elected or appointed, the court shall order the selection of separate trustees for estates being jointly administered.

(e) SEPARATE ACCOUNTS. The trustee or trustees of estates being jointly administered shall keep separate accounts of the property and distribution of each estate.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 2012(a).1
SUBSTITUTION OF TRUSTEE OR SUCCESSOR TRUSTEE; ACCOUNTING

Federal Rule of Bankruptcy Procedure 2012(a) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) TRUSTEE. If a trustee is appointed in a chapter 11 case (other than under subchapter V), or the debtor is removed as debtor in possession in a chapter 12 case or in a case under subchapter V of chapter 11, the trustee is substituted automatically for the debtor in possession as a party in any pending action, proceeding, or matter.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 2015.1
DUTY TO KEEP RECORDS, MAKE REPORTS, AND GIVE NOTICE OF CASE OR CHANGE OF STATUS

Federal Rule of Bankruptcy Procedure 2015 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) TRUSTEE OR DEBTOR IN POSSESSION. A trustee or debtor in possession shall:

(1) in a chapter 7 liquidation case and, if the court directs, in a chapter 11 reorganization case (other than under subchapter V), file and transmit to the

United States trustee a complete inventory of the property of the debtor within 30 days after qualifying as a trustee or debtor in possession, unless such an inventory has already been filed;
(2) keep a record of receipts and the disposition of money and property received;
(3) file the reports and summaries required by § 704(a)(8) of the Code, which shall include a statement, if payments are made to employees, of the amounts of deductions for all taxes required to be withheld or paid for and in behalf of employees and the place where these amounts are deposited;
(4) as soon as possible after the commencement of the case, give notice of the case to every entity known to be holding money or property subject to withdrawal or order of the debtor, including every bank, savings or building and loan association, public utility company, and landlord with whom the debtor has a deposit, and to every insurance company which has issued a policy having a cash surrender value payable to the debtor, except that notice need not be given to any entity who has knowledge or has previously been notified of the case;
(5) in a chapter 11 reorganization case (other than under subchapter V), on or before the last day of the month after each calendar quarter during which there is a duty to pay fees under 28 U.S.C. § 1930(a)(6), file and transmit to the United States trustee a statement of any disbursements made during that quarter and of any fees payable under 28 U.S.C. § 1930(a)(6) for that quarter; and
(6) in a chapter 11 small business case, unless the court, for cause, sets another reporting interval, file and transmit to the United States trustee for each calendar month after the order for relief, on the appropriate Official Form, the report required by § 308. If the order for relief is within the first

15 days of a calendar month, a report shall be filed for the portion of the month that follows the order for relief. If the order for relief is after the 15th day of a calendar month, the period for the remainder of the month shall be included in the report for the next calendar month. Each report shall be filed no later than 21 days after the last day of the calendar month following the month covered by the report. The obligation to file reports under this subparagraph terminates on the effective date of the plan, or conversion or dismissal of the case.

(b) TRUSTEE, DEBTOR IN POSSESSION, AND DEBTOR IN A CASE UNDER SUBCHAPTER V OF CHAPTER 11. In a case under subchapter V of chapter 11, the debtor in possession shall perform the duties prescribed in (a)(2)–(4) and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the debtor's property within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (b). The debtor shall perform the duties prescribed in (a)(6).

(c) CHAPTER 12 TRUSTEE AND DEBTOR IN POSSESSION. In a chapter 12 family farmer's debt adjustment case, the debtor in possession shall perform the duties prescribed in clauses (2)–(4) of subdivision (a) of this rule and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the property of the debtor within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (c).

(d) CHAPTER 13 TRUSTEE AND DEBTOR.

(1) Business Cases. In a chapter 13 individual's debt adjustment case, when the debtor is engaged in business, the debtor shall perform the duties prescribed by clauses (2)–(4) of subdivision (a) of this rule and, if the court directs, shall file and transmit to the United States trustee a complete

inventory of the property of the debtor within the time fixed by the court.

(2) Nonbusiness Cases. In a chapter 13 individual's debt adjustment case, when the debtor is not engaged in business, the trustee shall perform the duties prescribed by clause (2) of subdivision (a) of this rule.

(e) FOREIGN REPRESENTATIVE. In a case in which the court has granted recognition of a foreign proceeding under chapter 15, the foreign representative shall file any notice required under § 1518 of the Code within 14 days after the date when the representative becomes aware of the subsequent information.

(f) TRANSMISSION OF REPORTS. In a chapter 11 case the court may direct that copies or summaries of annual reports and copies or summaries of other reports shall be mailed to the creditors, equity security holders, and indenture trustees. The court may also direct the publication of summaries of any such reports. A copy of every report or summary mailed or published pursuant to this subdivision shall be transmitted to the United States trustee.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

LBR 2016.1
MONTHLY COMPENSATION OF PROFESSIONALS

(a) Submission and Service. In a Chapter 11 or 12 case, a professional employed or seeking employment under § 327 to provide services in the case may file a separate motion for monthly payment of fees and expenses. The motion must state the filing date of the application to employ and, if applicable, the date an order granting the application to employ was entered of record.

(b) Provisions for Payment of Fees and Expenses. The motion must state the percentage amount of fees and expenses the professional seeks to collect on a monthly basis. The motion may request that up to 100% of the fees and 100% of the expenses be paid monthly. The motion and the proposed order granting the

motion must provide that in the event 100% of the fees are paid, the professional will hold no less than 10% of the fees in trust pending the court's approval of an interim or final fee application, unless the court orders otherwise.

(c) Service. The motion must be served with notice required by the noticing guidelines applicable to the division and judge to whom the case is assigned. Unless the court directs otherwise, the motion must be served on:

(1) the debtor;
(2) debtor's attorney;
(3) the United States trustee;
(4) all creditors holding secured claims;
(5) all parties requesting notice; and
(6) any operating creditors' committee, or if none, on the list of creditors with the 20 largest unsecured claims who are not insiders (Official Form 104 or Official Form 204).

(d) Order. The professional must submit a proposed order with the motion in accordance with the court's guidelines for submission of orders. It must state that the allowance of monthly payments of fees and expenses does not constitute an interim or final approval of the fees and expenses.

* * *

As amended 3/17/19, 3/17/16, 3/17/10.

LBR 2090.1
ATTORNEYS - ADMISSION TO PRACTICE

. . .

(b) Appearance *Pro Hac Vice*. D. Kan. Rule 83.5.4 applies to the attorneys of the court except that, at the time a motion to appear *pro hac vice* is filed, a proposed order granting the motion must be submitted to the court.

* * *

As amended 3/17/19 (formerly S.O. 18-4).

LBR 3010.1
SMALL DIVIDENDS IN CHAPTER 13 CASES

Chapter 13 Trustees may distribute payments of less than $15 without a court order when the Trustee determines it is unlikely that the distribution to a particular creditor(s) will ever reach the $15.00 limit provided by Fed. R. Bankr. P. 3010(b) or that the Trustee would need to hold funds longer than reasonable if an earlier distribution is not made.

* * *

As amended 3/17/20, 3/17/08.

INTERIM LBR 3010(b).1
SMALL DIVIDENDS AND PAYMENTS IN CASES UNDER CHAPTER 7, SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13

Federal Rule of Bankruptcy Procedure 3010(b) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(b) CASES UNDER SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13. In a case under subchapter V of chapter 11, chapter 12, or chapter 13, no payment in an amount less than $15 shall be distributed by the trustee to any creditor unless authorized by local rule or order of the court. Funds not distributed because of this subdivision shall accumulate and shall be paid whenever the accumulation aggregates $15. Any funds remaining shall be distributed with the final payment.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 3011.1
UNCLAIMED FUNDS IN CASES UNDER CHAPTER 7, SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13

Federal Rule of Bankruptcy Procedure 3011 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

The trustee shall file a list of all known names and addresses of the entities and the amounts which they are entitled

to be paid from remaining property of the estate that is paid into court pursuant to § 347(a) of the Code.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 3014.1
ELECTION UNDER § 1111(b) BY SECURED CREDITOR IN CHAPTER 9 MUNICIPALITY OR CHAPTER 11 REORGANIZATION CASE

Federal Rule of Bankruptcy Procedure 3014 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

An election of application of § 1111(b)(2) of the Code by a class of secured creditors in a chapter 9 or 11 case may be made at any time prior to the conclusion of the hearing on the disclosure statement or within such later time as the court may fix. If the disclosure statement is conditionally approved pursuant to Rule 3017.1, and a final hearing on the disclosure statement is not held, the election of application of § 1111(b)(2) may be made not later than the date fixed pursuant to Rule 3017.1(a)(2) or another date the court may fix. In a case under subchapter V of chapter 11 in which § 1125 of the Code does not apply, the election may be made not later than a date the court may fix. The election shall be in writing and signed unless made at the hearing on the disclosure statement. The election, if made by the majorities required by § 1111(b)(1)(A)(i), shall be binding on all members of the class with respect to the plan.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

LBR 3015(b).1
CHAPTER 13 PLAN AND PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS

(a) Filed with Petition. A Chapter 13 plan filed with the petition will be served, together with notice of the time for filing objections and the hearing to consider confirmation, by the Bankruptcy Noticing Center ("BNC").

(b) Filed after Petition. A plan filed after the petition must be served, together with notice of the time for objections and the hearing to consider confirmation, by the debtor's attorney, or the debtor if not represented.

(c) Failure to File. Unless an extension was obtained, failure to file a plan, together with a certificate of service, prior to the first scheduled meeting of creditors held pursuant to § 341 will result in dismissal of the case for unnecessary delay without further notice to the debtor or debtor's attorney.

(d) Treatment of Real Estate Mortgage Arrearage Claims and Continuing Payments. A timely claim for mortgage payments or mortgage arrearages will be paid by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation, or specific language in the Order of Confirmation directs otherwise.

(e) Treatment of Priority Claims. A timely priority claim will be paid in full by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation or specific language in the Order of Confirmation directs otherwise.

(f) Objection to claim. Nothing in this Rule alters the right of the debtor, trustee or other party in interest to object to any claim.

(g) Plan Payments; Adequate Protection Payments under § 1326(a)(1)(C):

(1) *Pre-confirmation § 1326(a)(1) Payments to Trustee.* Unless the court orders otherwise, debtors must pay directly to the trustee all pre-confirmation adequate protection payments payable to creditors whose claims are secured by purchase money security interests in personal property. The trustee must promptly distribute those payments to the secured creditors whose interests are being protected, except the trustee may retain the portion of the payment representing the statutory percentage trustee fee.

(2) *Plan Payments.* The Chapter 13 plan must specify the amounts to be paid to each allowed secured claim

treated under the plan. The total amount of the plan payment the debtor must make pursuant to § 1326(a)(1) must include:

(i) an amount equal to the proposed adequate protection payment of each secured creditor whose claim is secured by a purchase money security interest;

(ii) the variable percentage fee under 28 U.S.C. § 586(e); and

(iii) any other amounts to be paid to the trustee under the plan.

(3) *Amount of Adequate Protection Payments under § 1326(a)(1)(C).* Unless the court orders a different payment amount, the debtor must pay adequate protection payments equaling the payment provided in the debtor's Chapter 13 plan pursuant to subsection (g)(2) of this Rule plus statutory percentage trustee fees required when that payment is made to the trustee.

(4) *Direct Payment Opt-Out.* Secured creditors eligible for direct payment of adequate protection under § 1326(a)(1) may opt for direct payments by filing a motion and noticing it for objection in accordance with these rules and the procedures of the division where the case is pending. If no timely objection is filed, the court may enter an order requiring direct payments without further hearing. In the event such an order is entered, the debtor must make the payments directly to the secured creditor, and file a certification of the payments in accordance with § 1326(a)(1)(C).

(5) *Pre-confirmation Disbursements of Adequate Protection Payments to Secured Creditors by Trustee.* Pre-confirmation disbursements of adequate protection payments under § 1326(a)(1) are authorized without further order, but no disbursement may be made unless the secured creditor has filed a proof of claim. Pre-confirmation disbursements under § 1326(a)(1) may be made to creditors within 35 days of the filing of the proof of claim, unless, within 7 days prior to the end of the 35-

day period, the trustee has not received sufficient, cleared funds to make the payment. The trustee is authorized to deduct from an allowed claim all § 1326(a)(1) pre-confirmation disbursements.

* * *

As amended 3/17/20, 3/17/15, 3/17/10, 3/17/07, 10/17/05.

LBR 3015(b).2
CONDUIT MORTGAGE PAYMENTS IN CHAPTER 13 CASES

. . .

(f) Trustee's Duties:

(1) The Trustee is authorized to deduct from any payments collected, pursuant to 11 U.S.C. § 1326, the percentage Trustee fees then in effect as necessary costs and expenses, together with any fee, charge, or amount required under § 1326.

(2) The Trustee shall allow as an administrative expense an amount equal to 2 full regular monthly payments inclusive of escrow deposits and 2 associated late fees. This allowance shall reimburse Real Property Creditor for post-petition delinquencies that may accrue until the Trustee begins payments to that Creditor. This added amount shall bear interest at 5% unless Debtor's Plan contains a different rate.

(3) In the event Debtor is granted an abatement of Plan payments, the Trustee is authorized to pay any missed mortgage payments in a separate administrative claim record that includes late fees. This amount shall bear interest at 5% unless Debtor's Plan contains a different rate.

(4) The Trustee will not make payments to the Real Property Creditor on the pre-petition arrearage until such time as a Proof of Claim is filed with the Court and the Plan is confirmed. The Court is deemed to have granted authority to the Trustee to disburse conduit payments, as if the plan had been confirmed, once the Real Property

Creditor has filed a Proof of Claim to which a fully executed Official Form 410A and Exhibit D (Addendum to Chapter 13 Proof of Claim for Residential Home Mortgage Debt Paid Through the Chapter 13 Trustee) has been attached. The Trustee is required to make a full mortgage payment for each full plan payment made. The Trustee is not required to make partial payments to Real Property Creditors.

(5) Any notice filed pursuant to Fed. R. Bankr. P. 3002.1(b) or (c) shall be treated as an amendment to the creditor's claim and Debtor's plan. The Trustee is authorized to disburse the new conduit payment or fees as soon as practicable after resolution of any motion under Fed. R. Bankr. P. 3002.1(b)(2) without seeking formal modification of the plan.

(6) Should the new conduit payment or fees jeopardize the feasibility of the plan, the Trustee may file a motion to amend the plan or seek conversion or dismissal of the case, whichever the Trustee deems appropriate.

. . .

* * *

As amended 3/17/19; adopted 8/22/17 (formerly S.O. 11-3).

Exhibit B

MORTGAGE CREDITOR CHECKLIST[i]

(FILE WITH TRUSTEE ONLY—DO NOT FILE WITH THE COURT)

Debtor Name(s):_____ Bk Case #: _____

Property Address: _____

Daytime Phone: (_____)_____ Evening Phone: (_____)_____

Attorney name (if represented): _____

THE FOLLOWING INFORMATION MUST BE COMPLETED FOR ALL MORTGAGES. PLEASE BE SURE TO COMPLETE THIS FORM TO THE BEST OF YOUR ABILITY AND ATTACH THE MOST RECENT PAYMENT COUPON OR STATEMENT THAT WAS SUPPLIED BY YOUR MORTGAGE CREDITOR(S).

Creditor Name: _____

Account #: _____

Payment Address: _____
Street Address

_____
City State ZIP

Creditor Phone Number: (if known) (_____)_____

Regular Monthly Payment Amount: $_____ Current Interest Rate: _____

Monthly Payment Due Date: _____

Date Payment Late: _____ Monthly Late Charge Amount: $_____

Is this a variable interest rate loan? ☐ Yes ☐ No

If yes, when is the next anticipated adjustment date? _____

Are property taxes included in the monthly payment? ☐ Yes ☐ No

Is insurance included in the monthly payment? ☐ Yes ☐ No

Is the loan due in full and payable in less than 5 years? ☐ Yes ☐ No

If yes, date due: _____

[i] File one of these forms with the Trustee for each creditor to whom you granted a mortgage on your home

Exhibit C

AUTHORIZATION TO RELEASE INFORMATION TO THE TRUSTEE REGARDING SECURED CLAIMS BEING PAID BY THE TRUSTEE

(FILE WITH TRUSTEE ONLY—DO NOT FILE WITH THE COURT)

Debtor Name(s): _____ Case #:_____

The debtor(s) in the above captioned bankruptcy case do/does hereby authorize any and all lien holder(s) on real property of the bankruptcy estate to release information to the Standing Chapter 13 Trustee in this bankruptcy filing.

The information to be released includes, but is not limited to, the amount of the post-petition monthly installment, the annual interest rate and its type, the loan balance, escrow accounts, amount of the contractual late charge and the mailing address for payments. This information will only be used by the Trustee and his/her staff in the administration of the bankruptcy estate and may be included in motions before the Court.

_____ _____

Debtor Signature Date

_____ _____

Joint Debtor Signature (if applicable) Date

EXHIBIT D

ADDENDUM TO CHAPTER 13 PROOF OF CLAIM FOR RESIDENTIAL HOME MORTGAGE DEBT PAID THROUGH CHAPTER 13 TRUSTEE

I. Creditor Information

Loan No:

Creditor Name: _____

Servicer Name: _____

Address: _____

Contact Person: _____

Tel No: _____

Fax No: _____

Email: _____

Payments should be made payable to: _____

Address to which payments are to be sent: _____

Creditor Attorney Name: _____

Address: _____

Contact: _____

Tel No: _____

Fax No: _____

Email: _____

II. Loan Information

Type of Loan and rate as of petition date: _____

Fixed Rate: _____ % (State interest rate as of date of petition)

Adjustable Rate: _____ % (State interest rate as of date of petition)

Last Adjustment Date: _____

Next Adjustment Date: _____

Date of month payment due: _____

Date of month payment considered late under note: _____

Amount of late fee: $_____

Post-petition payments

Principal & Interest: $_____

Taxes: $_____

Insurance: $_____

Other:_____ $_____

Other: _____ $_____

Total post-petition payment: $_____

EXHIBIT E

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

In re:

Case No.
Chapter

_____ Debtor(s).

NOTICE OF TRANSFER OF SERVICING AND CLAIM

PLEASE TAKE NOTICE that the servicing of the mortgage loan represented by the Proof of Claim #_____ [Claim no.] filed on _____ [Date] in the amount of $_____, by _____ [Transferor name], Transferor, with the address of _____ _____ [City, State, ZIP] has been transferred to _____ [Transferee name], Transferee (Loan No. _____[Loan no.]).

Chapter 13 Trustee payments and regular monthly payments should be sent to _____ [Transferee servicer name], with the address of _____ [City, State, ZIP].

_____ _s/_____
Date

CERTIFICATE OF SERVICE

Creditor _____[Transferee name], certifies that it has served a copy of this Notice by ordinary U.S. mail or served electronically through the Court's ECF System on this _____ day of _____, 20_____:

Debtor(s):

Debtor's Attorney:

Trustee:

Transferor:

U.S. Trustee:

EXHIBIT F

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

In re:

Case No.
Chapter

_____ Debtor(s).

NOTICE OF TRANSFER OF CLAIM (Other than for Security)

A Proof of Claim has been filed in this case. The transferee hereby evidences, by way of documentation attached hereto, that the referenced claim has been transferred, other than the security, as is referenced in this Notice. This Notice must be used when any of the original payment information in a Proof of Claim changes. However, it should not be used for an amendment to the amount of the claim. For changes in the amount of the claim or the arrears only, an Amended Proof of Claim must be filed.

Original Claim Information:

Name of Claimant: _____

Name of Payee [if different from claimant]: _____

Payment Address: _____

Last 4 digits of Account #: _____

Claim # on Court's Registry [Or date of entry of Order allowing claim]: _____

Amount of Claim: $_____ [Total debt] $_____ [Arrears] $_____

Transferee Information:

Name of Claimant: _____

Name of Payee [if different from claimant]: _____

Payment Address: _____

Name/Address for Notices [if different from payment address]:

_____

_____

Phone #: (_____) _____

Last 4 digits of Account #: _____

I, _____, do hereby declare under penalty of perjury that the information provided in this Notice is true and accurate to the best of my knowledge. I hereby declare that a copy of this Notice has been mailed to the Transferor and that proof of the transfer is annexed thereto.

By: _____ _____
Signature of Transferee/Agent of Transferee Date

CERTIFICATE OF SERVICE

Creditor _____[Transferee name], certifies that it has served a copy of this Notice by ordinary U.S. mail or served electronically through the Court's ECF System on this _____ day of _____, 20_____:

Debtor(s):

Debtor's Attorney:

Trustee:

Transferor:

U.S. Trustee:

INTERIM LBR 3016.1
FILING OF PLAN AND DISCLOSURE STATEMENT IN A CHAPTER 9 MUNICIPALITY OR CHAPTER REORGANIZATION CASE

Federal Rule of Bankruptcy Procedure 3016 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) IDENTIFICATION OF PLAN. Every proposed plan and any modification thereof shall be dated and, in a chapter 11 case, identified with the name of the entity or entities submitting or filing it.

(b) DISCLOSURE STATEMENT. In a chapter 9 or 11 case, a disclosure statement, if required under § 1125 of the Code, or evidence showing compliance with § 1126(b) shall be filed with the plan or within a time fixed by the court, unless the plan is intended to provide adequate information under § 1125(f)(1). If the plan is intended to provide adequate information under § 1125(f)(1), it shall be so designated, and Rule 3017.1 shall apply as if the plan is a disclosure statement.

(c) INJUNCTION UNDER A PLAN. If a plan provides for an injunction against conduct not otherwise enjoined under the Code, the plan and disclosure statement shall describe in specific and conspicuous language (bold, italic, or underlined text) all acts to be enjoined and identify the entities that would be subject to the injunction.

(d) STANDARD FORM SMALL BUSINESS DISCLOSURE STATEMENT AND PLAN. In a small business case or a case under subchapter V of chapter 11, the court may approve a disclosure statement and may confirm a plan that conform substantially to the appropriate Official Forms or other standard forms approved by the court.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 3017.1(a).1
COURT CONSIDERATION OF DISCLOSURE STATEMENT IN A SMALL BUSINESS CASE OR IN A CASE UNDER SUBCHAPTER V OF CHAPTER 11

Federal Rule of Bankruptcy Procedure 3017.1(a) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT. In a small business case or in a case under subchapter V of chapter 11 in which the court has ordered that § 1125 applies, the court may, on application of the plan proponent or on its own initiative, conditionally approve a disclosure statement filed in accordance with Rule 3016. On or before conditional approval of the disclosure statement, the court shall:

(1) fix a time within which the holders of claims and interests may accept or reject the plan;

(2) fix a time for filing objections to the disclosure statement;

(3) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and

(4) fix a date for the hearing on confirmation.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 3017.2.1
FIXING OF DATES BY THE COURT IN SUBCHAPTER V CASES IN WHICH THERE IS NO DISCLOSURE STATEMENT

Federal Rule of Bankruptcy Procedure 3017.2 applies in the Bankruptcy Court for the District of Kansas effective February 19, 2020, is adopted on an interim basis, and states:

In a case under subchapter V of chapter 11 in which § 1125 does not apply, the court shall:

(a) fix a time within which the holders of claims and interests may accept or reject the plan;

(b) fix a date on which an equity security holder or creditor whose claim is based on a security must be the holder of record of the security in order to be eligible to accept or reject the plan;

(c) fix a date for the hearing on confirmation; and

(d) fix a date for transmission of the plan, notice of the time within which the holders of claims and interests may accept or reject the plan, and notice of the date for the hearing on confirmation.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 3018(a).1
ACCEPTANCE OR REJECTION OF PLAN IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE

Federal Rule of Bankruptcy Procedure 3018(a) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) ENTITIES ENTITLED TO ACCEPT OR REJECT PLAN; TIME FOR ACCEPTANCE OR REJECTION. A plan may be accepted or rejected in accordance with § 1126 of the Code within the time fixed by the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject to subdivision (b) of this rule, an equity security holder or creditor whose claim is based on a security of record shall not be entitled to accept or reject a plan unless the equity security holder or creditor is the holder of record of the security on the date the order approving the disclosure statement is entered or on another date fixed by the court under Rule 3017.2, or fixed for cause, after notice and a hearing. For cause shown, the court after notice and hearing may permit a creditor or equity security holder to change or withdraw an acceptance or rejection. Notwithstanding objection to a claim or interest, the court after notice and hearing may temporarily allow the claim or interest in an amount which the court deems proper for the purpose of accepting or rejecting a plan.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

INTERIM LBR 3019(c).1
ACCEPTANCE OR REJECTION OF PLAN IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE

Federal Rule of Bankruptcy Procedure 3019(c) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(c) MODIFICATION OF PLAN AFTER CONFIRMATION IN A SUBCHAPTER V CASE. In a case under subchapter V of chapter 11, a request to modify the plan under § 1193(b) or (c) of the Code is governed by Rule 9014, and the provisions of this Rule 3019(b) apply.

* * *

Adopted 2/19/20 (See Standing Order 20-1).

LBR 4001(a).1
STAY RELIEF

. . .

(e) Post-Petition Stay Relief in Chapter 13 Cases. If the movant seeks stay relief for default in post-petition payments on the debtor's principal residence or a long-term debt provided by the Chapter 13 Plan pursuant to § 1322(b)(5), the motion and/or exhibit(s) must contain the following:

(1) a legible post-petition payment history listing the date each post-petition payment was received, the amount of each post-petition payment, and how each post-petition payment was applied;

(2) an itemization of any other expenses or fees due post-petition, including attorney fees, filing fees, late payment fees, and escrow advances;

(3) the total dollar amount necessary to cure the post-petition debt on a date certain;

(4) the address where the current monthly payment is to be mailed if the mailing address is not listed in the movant's filed proof of claim or if the mailing address has changed; and

(5) a statement that the creditor has complied with D. Kan. LBR 3002.1.1(d)(4) if applicable.

. . .

* * *

As amended 3/17/20, 3/17/16, 3/17/10, 10/17/05.

LBR 5005.1
FILING BY ELECTRONIC MEANS

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Appendix 1-01 to LBR 5005.1

Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means
(Rev. 3/17/20)

I. Scope of Electronic Filing

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C. Exception. Notwithstanding the foregoing, persons (other than attorneys) who are not Filing Users in the electronic filing system are not required to electronically file pleadings and other documents in a case assigned to the System. The court may, from time to time, and only in exceptional circumstances, relieve attorneys from the electronic filing requirement. Trial exhibits are not to be filed electronically unless otherwise directed by the court.

D. Filing Fees. For filings that require a fee to be paid, the attorney must promptly pay the fee through Pay.gov. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

. . .

II. Eligibility, Registration, Passwords

. . .

C. Limited Use Eligibility. Limited Users without counsel may register as Filing Users of the court's electronic filing system for the sole purpose of filing claims, transfers of claims, reaffirmation agreements, requests to receive notices, withdrawal of claims, changes of address, and notices of completion of an

instructional course concerning personal financial management pursuant to Fed. R. Bankr. P. 1007(b)(7). The clerk may provide alternative means for Limited Users without counsel to file those documents without registering as Filing Users.

D. Registration. Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and written consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and written consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

E. Passwords. Once registration and training, as prescribed by the court, are completed, the Filing User will be granted access to the Electronic Filing System. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.

F. Revocation of Registration. The court reserves the right to revoke an Electronic Filer's access to the Electronic Filing System and, therefore, his or her authority and ability to electronically file documents, for failure to comply with the provisions of these *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means*, failure to pay fees required for documents electronically filed, or other misuse of the Electronic Filing System.

VIII. Signatures

A. [Reserved]

B. Password Security. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

C. Documents containing the signature of non-Filing Users are to be filed electronically with the authorized signature represented by that person's name on a signature block in the space where a signature would otherwise appear, or as a scanned image.

D. Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) submitting an electronic document upon which the consent of the other parties is represented; or (3) in any other manner approved by the court.

. . .

* * *

As amended 3/17/20, 3/17/19 (formerly S.O. 18-3), 3/17/18, 3/17/17, 3/17/16, 3/17/14, 3/17/08.

LBR 5075.1
ORDERS BY BANKRUPTCY CLERK; REVIEW

(a) Orders.

(1) The clerk is authorized to sign and enter the following orders without further direction by the court:

(A) in adversary proceedings,

(i) an order extending once for 14 days, the time to answer, reply or otherwise plead to a complaint, crossclaim or counterclaim if the time originally prescribed to plead has not expired;

(ii) a consent order dismissing an action, except in cases governed by Fed. R. Bankr. P. 7023 and/or D. Kan. LBR 7041.1; and

(iii) entry of default and judgment by default as provided for in Fed. R. Bankr. P. 7055;

(B) an order for the payment of money on consent of all interested parties;

(C) an order permitting payment of filing fees in installments;

(D) an order for compliance requiring timely filing of schedules and statements or for compliance with filing requirements and a notice of intent to dismiss for failure to comply;

(E) an order granting waiver of Chapter 7 filing fees; and

(F) any other order that is specified by Standing Order as not requiring special direction by the court.

(2) A party or attorney submitting an order under this rule must sign it, and that signature is subject to Fed. R. Bankr. P. 9011 and D. Kan. LBR 9011.3.

(b) Clerk's Action Reviewable. For good cause, the court may suspend, alter, or rescind any order entered by the clerk under this rule.

* * *

As amended 3/17/19, 3/17/07, 10/17/05.

LBR 7003.1
COMMENCEMENT OF ADVERSARY PROCEEDING

(a) Cover Sheet. An Adversary Proceeding Cover Sheet (Form B1040) must be completed and submitted with any complaint commencing an action or any notice of removal from state court.

(b) Case Number System. The clerk will assign each adversary proceeding a number that begins with a two-digit indicator of the year in which the proceeding is filed, followed by a hyphen and the individualized case number of four digits. The four-digit individualized case numbers are as follows:

- Kansas City proceedings begin with a "6" (e.g., 20-6001);
- Topeka proceedings begin with a "7" (e.g., 20-7001);
- Wichita proceedings begin with a "5" (e.g., 20-5001).

* * *

As amended 3/17/20, 3/17/16, 10/17/05.

LBR 9011.4
SIGNATURES

(a) [Reserved]

(b) Signing of Pleadings by Unrepresented Parties. The original of every pleading, motion or other paper filed by a party not represented by an attorney must bear the genuine signature of the unrepresented party. Stamped or facsimile signatures on conventionally filed original pleadings, motions, orders, or other documents are not permitted.

(c) Contact Information and Bar Registration Numbers.

(1) *Requirements for Unrepresented Parties and Attorneys*. Each party or attorney signing papers submitted for filing must include the signer's:

(A) name;
(B) address;
(C) telephone number;
(D) facsimile number; and
(E) e-mail address.

(2) *Additional Requirements for Attorneys*. Each attorney signing a document must also include the attorney's state supreme court registration number, or, in cases where the attorney is not admitted to practice in Kansas, its equivalent. Attorneys admitted from the Western District of Missouri by reciprocal admission must include their Kansas District Court registration number.

(3) *Duty to Update Contact Information.* Each attorney or unrepresented party must notify the clerk in writing of any change of address or telephone number. Any notice mailed to the last address of record of an attorney or an unrepresented party is sufficient notice.

* * *

As amended 3/17/19, 3/17/10, 3/17/09, 3/17/05.

LBR 9013.3
PROOF OF SERVICE

(a) Certificates of Service. Except as the court or rules provide otherwise, an attorney of record or an unrepresented party must make proof of service of any pleading, motion, or other document required to be served, by filing a certificate. The certificate must either be included in the pleading or document served, or filed separately as soon as possible, and in any event before any action based on the service is requested or taken by the court. The certificate of service must indicate that service was accomplished through the Notice of Electronic Filing for parties and attorneys who are Filing Users and indicate how service was accomplished on any party or attorney who is not a Filing User.

(1) *Contents.* In addition to showing the date, the manner of service, the name and address of the attorney or party served, and the capacity in which such person was served (i.e., as attorney for plaintiff, a particular defendant, trustee, debtor or creditor), the certificate must identify the title of *each* pleading or document served. For example:

> I hereby certify that on this [Date], a true and correct copy of the [Title of Document(s)] was electronically filed with the court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.
>
> Further, I certify that copies of the [Title of Document(s)] were forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following:
> [Names and addresses]

(2) *Identify and Attach Matrix or List.* If the pleading or other document being served is directed to persons on a matrix or other list, the certificate must identify the matrix or list and attorneys or parties must attach the matrix or list to the certificate. For example:

> I hereby certify that on this [Date], a true and correct copy of the [Title of Document(s)] was electronically filed with the court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system, and was forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the parties' and/or attorneys' addresses on the attached matrix who do not receive notice electronically via CM/ECF.

* * *

As amended 3/17/20, 3/17/10, 3/17/05.

. . .

(b) Payment Procedures for Court-Approved Mediation in Bankruptcy Cases.

(1) *Allowable Expenses.* Allowable expenses include the cost of the mediation session at the rate negotiated by counsel and the mediator, plus mileage expenses if the mediator is required to travel, that the party is unable to pay, and that are not otherwise recovered in the action. The mediator's negotiated fee (including mileage) shall be divided equally between the parties unless otherwise agreed to and approved by the court.

(2) *Payment Procedure.* To qualify for payment, the mediation, as well as all expenditures, must be approved in advance by the court. Before incurring any reimbursable expense, the party must:

(A) complete a form, which is available from the clerk; and

(B) secure the requisite prior approval, in writing, by the bankruptcy judge to whom the case is assigned and, when required, by the chief bankruptcy judge.

(3) *Who Must Approve Expenditures.* The presiding judge may approve expenditures that total less than $750, for the entire mediation. The chief judge of the court must approve expenditures that reach or exceed $750.

(4) *Amount of Payment.* The District Court Clerk will pay the mediator such amount as the court approves.

(5) *Repayment.* Any payment from the Bar Fund must be repaid if money is recovered in the settlement, unless waived by the court.

* * *

As amended 3/17/19 (formerly S.O. 17-2), 10/17/05, 3/17/05.

LBR 9029.3
BANKRUPTCY BENCH BAR COMMITTEE

There is a Bankruptcy Bench Bar Committee appointed by the court.

(a) Membership. The committee consists of the chief judge, any other judges who may from time to time be appointed by the court, the United States Attorney or a designated assistant, the U.S. Trustee for Region 20 or a designated assistant, six actively practicing members of the bar of the bankruptcy court, a Chapter 13 Trustee, and a Chapter 7 Trustee, selected by the bankruptcy judges. The bankruptcy judges may also appoint a Chapter 12 Trustee as needed.

(b) Terms of Office. The court will appoint the six actively practicing members of the bar, the Chapter 13 trustee, and the Chapter 7 trustee to serve three year terms to begin on July 1 of each year. Any appointed Chapter 12 trustee will serve a three year term or other lesser term as the court may decide. If a committee member is unable to complete the term of appointment, a replacement member may be appointed to complete the term.

(c) Meetings. The Bench Bar Committee will meet as it determines and as determined by the chief judge.

(d) Duties. The Bench Bar Committee will have general advisory and liaison roles regarding the operation of the court and will, among other things:

(1) provide a forum for the continuous study of the operating procedures of the court;

(2) serve as liaison among the court, its bar and the public;

(3) study, consider, and recommend the adoption, amendment, or rescission of the Rules of Practice of the court; and

(4) make any studies and render any reports and recommendations as the court directs.

* * *

As amended 3/17/19 (formerly S.O. 18-1), 3/17/17, 10/17/05, 3/17/05.

LBR 9037.1
REDACTION

(a) Motion. Any person seeking to redact publicly filed data that is subject to privacy protection under Fed. R. Bankr. P. 9037 or section XII.C of Appendix 1-01 to D. Kan. LBR 5005.1 should file a motion to redact such data on the grounds that public access is likely to prejudice privacy interests. Motions to redact need not be filed with a notice of objection deadline, but the Court may in its discretion determine that a hearing is appropriate to consider the motion and any related responses.

(b) Contents of Motion. The motion to redact must identify the type of data that is subject to privacy protections (without repeating within the motion the substance of the protected information), identify the document(s) in the record where that data is contained, and explain the reasons why public access is likely to prejudice privacy concerns. Except with respect to omnibus motions to redact filed under subsection (g) of this Rule, each motion to redact must include an appendix containing a properly redacted replacement copy of each document (each in a separate .pdf file) that the motion identifies as containing data subject to privacy protections.

(c) Service. All motions to redact must be served on the debtor, debtor's attorney (if the debtor is represented), the person who disclosed the information to be redacted (unless the disclosing person is the movant), any individual whose personal identifiers have been exposed, the case trustee, and the United States Trustee.

(d) Sealing Publicly Accessible Documents.

(1) Temporary Seal. Pending entry of an order on any motion to redact, the Clerk, upon the filing of a motion using a "Redact per LBR 9037.1" event in CM/ECF, will temporarily seal both the motion to redact and any documents identified in the motion to redact as containing data that is subject to privacy protection. An order resolving the motion to redact will be entered by the Clerk or the Court, and will address any seal that has been imposed.

(2) Authority for Clerk to Issue Sealed Notice. To minimize dissemination of data that may be subject to privacy protection, the Clerk of the Court is authorized, but not required, to issue a sealed notice of noncompliance to any person who files a publicly accessible document that appears to contain data subject to privacy protection.

(e) Redaction Fee. The movant must pay the fee required by the Bankruptcy Court Miscellaneous Fee Schedule for each case affected by the motion to redact, although the Court may waive the redaction fee in appropriate circumstances, upon motion stating good cause filed contemporaneously with the motion to redact.

(f) Closed Cases. Because a case need not be reopened (and a reopening fee need not be paid) if redaction is the only basis for the motion to redact, the movant should not file a motion to reopen the case prior to filing the redaction motion.

(g) Large-Scale Requests. If a movant seeks to redact information in a large number of similarly affected cases, the movant may file an omnibus motion. An omnibus motion must identify each affected case and the type of information to be redacted (without repeating the substance of the protected information), and must be filed in one lead case, with service on all parties identified in subsection (c) of this Rule. If the Court exercises its discretion to hold a hearing on the omnibus motion, the hearing will be noted in advance via a docket entry in each affected case.

* * *

As amended 3/17/20, 3/17/15.

LBR 9072.1
EXHIBITS

(a) Exhibits to Pleadings or Documents. Bulky or voluminous materials must not be filed in their entirety or incorporated by reference unless the court finds the materials are essential and grants leave to file them. The court may strike any pleading or document filed in violation of this rule.

(b) Preparation of Trial Exhibits. When practical, all documentary exhibits must be prepared for trial as follows:

(1) Attorneys or unrepresented parties must pre-mark original exhibits with exhibit stickers. Plaintiffs or movants must use numerical symbols, e.g., 1, 2, etc. Defendants must use alphabetical symbols, e.g., A through Z, AA, BB, etc. If there is more than one plaintiff and/or defendant in the case, the surname or corporate name of the offering party must be placed on the exhibit sticker for further identification.

(2) The original exhibits (with exhibit stickers) will be used by the witness and must be delivered to the clerk. Two copies of all exhibits must be delivered to chambers. One copy of all exhibits must be delivered to each party participating in the trial or evidentiary hearing. Unless otherwise directed by the court, all exhibits must be delivered as set forth above at least three (3) full business days prior to the scheduled trial or evidentiary hearing date.

(3) An exhibit cover sheet in substantial compliance with the form "Exhibit Sheet" prescribed by the clerk and available on the court's website must be prepared and included with each set of exhibits submitted to the clerk, chambers, and other parties.

(4) Unless otherwise directed by the court, the exhibit cover sheet and exhibits shall be submitted in three-ring notebooks with each exhibit separated by dividers or tabs corresponding to the exhibit number or letter. All exhibits must be clearly legible and multiple-page exhibits must be paginated or bates numbered.

(5) The court may exclude any exhibit offered in a hearing or trial that is not clearly legible or does not comply with this Rule.

(c) Withdrawal of Exhibits. Exhibits introduced into evidence may be withdrawn from the custody of the clerk with permission of the clerk or upon order of the court. The clerk may destroy or dispose of any exhibit not withdrawn after final disposition of the proceeding.

(d) Electronic Filing. Trial exhibits must not be filed electronically unless the court orders otherwise.

* * *

As amended 3/17/19.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 20-1

ORDER ADOPTING INTERIM RULES RESPONSIVE TO THE SMALL BUSINESS REORGANIZATION ACT OF 2019

On August 23, 2019, the Small Business Reorganization Act of 2019, P.L. 116-54 ("SBRA") was enacted with an effective date of February 19, 2020. In response to the SBRA, the Advisory Committee on Bankruptcy Rules recommended that certain changes to the Federal Rules of Bankruptcy Procedure were necessary to implement the SBRA. Because it can take three years or more to change federal bankruptcy rules under the procedures established by the Rules Enabling Act, 28 U.S.C. §§ 2071-77, there was insufficient time to make the recommended federal rule changes before the effective date of the SBRA. Therefore, the Advisory Committee on Bankruptcy Rules recommended that the Court adopt the following set of interim SBRA rules locally until the federal rule process can be completed.

This Court has reviewed the interim SBRA rules recommended by the Advisory Committee and finds that they should be adopted locally until the Federal Rules of Bankruptcy Procedure are amended.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the Court adopts the following Local Bankruptcy Rules ("LBR"): LBR 1007(b)(5).1; LBR 1007(h).1; LBR 1020.1; LBR 2009.1; LBR 2012(a).1; LBR 2015.1; LBR 3010(b).1; LBR 3011.1; LBR 3014.1; LBR 3016.1; LBR 3017.1(a).1; LBR 3017.2.1; LBR 3018(a).1; LBR 3019(c).1. The text of those local rules is as follows:

LBR 1007(b)(5).1
LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED

Federal Rule of Bankruptcy Procedure 1007(b)(5) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(b) SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED.

. . .

> (5) An individual debtor in a chapter 11 case (unless under subchapter V) shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form.

* * *

Adopted 2/19/20.

LBR 1007(h).1
INTERESTS ACQUIRED OR ARISING AFTER PETITION

Federal Rule of Bankruptcy Procedure 1007(h) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(h) INTERESTS ACQUIRED OR ARISING AFTER PETITION. If, as provided by § 541(a)(5) of the Code, the debtor acquires or becomes entitled to acquire any interest in property, the debtor shall within 14 days after the information comes to the debtor's knowledge or within such further time the court may allow, file a supplemental schedule in the chapter 7 liquidation case, chapter 11 reorganization case, chapter 12 family farmer's debt adjustment case, or chapter 13 individual debt adjustment case. If any of the property required to be reported under this subdivision is claimed by the debtor as exempt, the debtor shall claim the exemptions in the supplemental schedule. This duty to file a supplemental schedule continues even after the case is closed, except for property acquired after an order is entered:

(1) confirming a chapter 11 plan (other than one confirmed under § 1191(b)); or

(2) discharging the debtor in a chapter 12 case, a chapter 13 case, or a case under subchapter V of chapter 11 in which the plan is confirmed under § 1191(b).

* * *

Adopted 2/19/20.

LBR 1020.1
CHAPTER 11 REORGANIZATION CASE FOR SMALL BUSINESS DEBTORS

Federal Rule of Bankruptcy Procedure 1020 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) SMALL BUSINESS DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply. In an involuntary chapter 11 case, the debtor shall file within 14 days after entry of the order for relief a statement as to whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply. The status of the case as a small business case or a case under subchapter V of chapter 11 shall be in accordance with the debtor's statement under this subdivision, unless and until the court enters an order finding that the debtor's statement is incorrect.

(b) OBJECTING TO DESIGNATION. The United States trustee or a party in interest may file an objection to the debtor's statement under subdivision (a) no later than 30 days after the conclusion of the meeting of creditors held under § 341(a) of the Code, or within 30 days after any amendment to the statement, whichever is later.

(c) PROCEDURE FOR OBJECTION OR DETERMINATION. Any objection or request for a determination under this rule shall be governed by Rule 9014 and served on: the debtor; the debtor's attorney; the United States

trustee; the trustee; the creditors included on the list filed under Rule 1007(d) or, if a committee has been appointed under § 1102(a)(3), the committee or its authorized agent; and any other entity as the court directs.

* * *

Adopted 2/19/20.

LBR 2009.1
TRUSTEES FOR ESTATES WHEN JOINT ADMINISTRATION ORDERED

Federal Rule of Bankruptcy Procedure 2009 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) ELECTION OF SINGLE TRUSTEE FOR ESTATES BEING JOINTLY ADMINISTERED. If the court orders a joint administration of two or more estates under Rule 1015(b), creditors may elect a single trustee for the estates being jointly administered, unless the case is under subchapter V of chapter 7 or subchapter V of chapter 11 of the Code.

(b) RIGHT OF CREDITORS TO ELECT SEPARATE TRUSTEE. Notwithstanding entry of an order for joint administration under Rule 1015(b), the creditors of any debtor may elect a separate trustee for the estate of the debtor as provided in § 702 of the Code, unless the case is under subchapter V of chapter 7 or subchapter V of chapter 11 of the Code.

(c) APPOINTMENT OF TRUSTEES FOR ESTATES BEING JOINTLY ADMINISTERED.

(1) Chapter 7 Liquidation Cases. Except in a case governed by subchapter V of chapter 7, the United States trustee may appoint one or more interim trustees for estates being jointly administered in chapter 7 cases.

(2) Chapter 11 Reorganization Cases. If the appointment of a trustee is ordered or is required by the Code, the United States trustee may appoint one or more trustees for estates being jointly administered in chapter 11 cases.

(3) Chapter 12 Family Farmer's Debt Adjustment Cases. The United States trustee may appoint one or more trustees for estates being jointly administered in chapter 12 cases.

(4) Chapter 13 Individual's Debt Adjustment Cases. The United States trustee may appoint one or more trustees for estates being jointly administered in chapter 13 cases.

(d) POTENTIAL CONFLICTS OF INTEREST. On a showing that creditors or equity security holders of the different estates will be prejudiced by conflicts of interest of a common trustee who has been elected or appointed, the court shall order the selection of separate trustees for estates being jointly administered.

(e) SEPARATE ACCOUNTS. The trustee or trustees of estates being jointly administered shall keep separate accounts of the property and distribution of each estate.

* * *

Adopted 2/19/20.

LBR 2012(a).1
SUBSTITUTION OF TRUSTEE OR SUCCESSOR TRUSTEE; ACCOUNTING

Federal Rule of Bankruptcy Procedure 2012(a) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) TRUSTEE. If a trustee is appointed in a chapter 11 case (other than under subchapter V), or the debtor is removed as debtor in possession in a chapter 12 case or in a case under subchapter V of chapter 11, the trustee is substituted automatically for the debtor in possession as a party in any pending action, proceeding, or matter.

* * *

Adopted 2/19/20.

LBR 2015.1
DUTY TO KEEP RECORDS, MAKE REPORTS, AND GIVE NOTICE OF CASE OR CHANGE OF STATUS

Federal Rule of Bankruptcy Procedure 2015 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) TRUSTEE OR DEBTOR IN POSSESSION. A trustee or debtor in possession shall:

(1) in a chapter 7 liquidation case and, if the court directs, in a chapter 11 reorganization case (other than under subchapter V), file and transmit to the United States trustee a complete inventory of the property of the debtor within 30 days after qualifying as a trustee or debtor in possession, unless such an inventory has already been filed;

(2) keep a record of receipts and the disposition of money and property received;

(3) file the reports and summaries required by § 704(a)(8) of the Code, which shall include a statement, if payments are made to employees, of the amounts of deductions for all taxes required to be withheld or paid for and in behalf of employees and the place where these amounts are deposited;

(4) as soon as possible after the commencement of the case, give notice of the case to every entity known to be holding money or property subject to withdrawal or order of the debtor, including every bank, savings or building and loan association, public utility company, and landlord with whom the debtor has a deposit, and to every insurance company which has issued a policy having a cash surrender value payable to the debtor, except that notice need not be given to any entity who has knowledge or has previously been notified of the case;

(5) in a chapter 11 reorganization case (other than under subchapter V), on or before the last day of

the month after each calendar quarter during which there is a duty to pay fees under 28 U.S.C. § 1930(a)(6), file and transmit to the United States trustee a statement of any disbursements made during that quarter and of any fees payable under 28 U.S.C. § 1930(a)(6) for that quarter; and

(6) in a chapter 11 small business case, unless the court, for cause, sets another reporting interval, file and transmit to the United States trustee for each calendar month after the order for relief, on the appropriate Official Form, the report required by § 308. If the order for relief is within the first 15 days of a calendar month, a report shall be filed for the portion of the month that follows the order for relief. If the order for relief is after the 15th day of a calendar month, the period for the remainder of the month shall be included in the report for the next calendar month. Each report shall be filed no later than 21 days after the last day of the calendar month following the month covered by the report. The obligation to file reports under this subparagraph terminates on the effective date of the plan, or conversion or dismissal of the case.

(b) TRUSTEE, DEBTOR IN POSSESSION, AND DEBTOR IN A CASE UNDER SUBCHAPTER V OF CHAPTER 11. In a case under subchapter V of chapter 11, the debtor in possession shall perform the duties prescribed in (a)(2)–(4) and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the debtor's property within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (b). The debtor shall perform the duties prescribed in (a)(6).

(c) CHAPTER 12 TRUSTEE AND DEBTOR IN POSSESSION. In a chapter 12 family farmer's debt adjustment case, the debtor in possession shall perform the duties prescribed in clauses (2)–(4) of subdivision (a) of this rule and, if the court

directs, shall file and transmit to the United States trustee a complete inventory of the property of the debtor within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (c).

(d) CHAPTER 13 TRUSTEE AND DEBTOR.

(1) Business Cases. In a chapter 13 individual's debt adjustment case, when the debtor is engaged in business, the debtor shall perform the duties prescribed by clauses (2)–(4) of subdivision (a) of this rule and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the property of the debtor within the time fixed by the court.

(2) Nonbusiness Cases. In a chapter 13 individual's debt adjustment case, when the debtor is not engaged in business, the trustee shall perform the duties prescribed by clause (2) of subdivision (a) of this rule.

(e) FOREIGN REPRESENTATIVE. In a case in which the court has granted recognition of a foreign proceeding under chapter 15, the foreign representative shall file any notice required under § 1518 of the Code within 14 days after the date when the representative becomes aware of the subsequent information.

(f) TRANSMISSION OF REPORTS. In a chapter 11 case the court may direct that copies or summaries of annual reports and copies or summaries of other reports shall be mailed to the creditors, equity security holders, and indenture trustees. The court may also direct the publication of summaries of any such reports. A copy of every report or summary mailed or published pursuant to this subdivision shall be transmitted to the United States trustee.

* * *

Adopted 2/19/20.

LBR 3010(b).1
SMALL DIVIDENDS AND PAYMENTS IN CASES UNDER CHAPTER 7, SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13

Federal Rule of Bankruptcy Procedure 3010(b) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(b) CASES UNDER SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13. In a case under subchapter V of chapter 11, chapter 12, or chapter 13, no payment in an amount less than $15 shall be distributed by the trustee to any creditor unless authorized by local rule or order of the court. Funds not distributed because of this subdivision shall accumulate and shall be paid whenever the accumulation aggregates $15. Any funds remaining shall be distributed with the final payment.

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Adopted 2/19/20.

LBR 3011.1
UNCLAIMED FUNDS IN CASES UNDER CHAPTER 7, SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13

Federal Rule of Bankruptcy Procedure 3011 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

The trustee shall file a list of all known names and addresses of the entities and the amounts which they are entitled to be paid from remaining property of the estate that is paid into court pursuant to § 347(a) of the Code.

* * *

Adopted 2/19/20.

LBR 3014.1
ELECTION UNDER § 1111(b) BY SECURED CREDITOR IN CHAPTER 9 MUNICIPALITY OR CHAPTER 11 REORGANIZATION CASE

Federal Rule of Bankruptcy Procedure 3014 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

An election of application of § 1111(b)(2) of the Code by a class of secured creditors in a chapter 9 or 11 case may be made at any time prior to the conclusion of the hearing on the disclosure statement or within such later time as the court may fix. If the disclosure statement is conditionally approved pursuant to Rule 3017.1, and a final hearing on the disclosure statement is not held, the election of application of § 1111(b)(2) may be made not later than the date fixed pursuant to Rule 3017.1(a)(2) or another date the court may fix. In a case under subchapter V of chapter 11 in which § 1125 of the Code does not apply, the election may be made not later than a date the court may fix. The election shall be in writing and signed unless made at the hearing on the disclosure statement. The election, if made by the majorities required by § 1111(b)(1)(A)(i), shall be binding on all members of the class with respect to the plan.

* * *

Adopted 2/19/20.

LBR 3016.1
FILING OF PLAN AND DISCLOSURE STATEMENT IN A CHAPTER 9 MUNICIPALITY OR CHAPTER REORGANIZATION CASE

Federal Rule of Bankruptcy Procedure 3016 applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) IDENTIFICATION OF PLAN. Every proposed plan and any modification thereof shall be dated and, in a chapter 11 case, identified with the name of the entity or entities submitting or filing it.

(b) DISCLOSURE STATEMENT. In a chapter 9 or 11 case, a disclosure statement, if required under § 1125 of the Code, or evidence showing compliance with § 1126(b) shall be filed with the plan or within a time fixed by the court, unless the plan is intended to provide adequate information under § 1125(f)(1). If the plan is intended to provide adequate information under § 1125(f)(1), it shall be so designated, and Rule 3017.1 shall apply as if the plan is a disclosure statement.

(c) INJUNCTION UNDER A PLAN. If a plan provides for an injunction against conduct not otherwise enjoined under the Code, the plan and disclosure statement shall describe in specific and conspicuous language (bold, italic, or underlined text) all acts to be enjoined and identify the entities that would be subject to the injunction.

(d) STANDARD FORM SMALL BUSINESS DISCLOSURE STATEMENT AND PLAN. In a small business case or a case under subchapter V of chapter 11, the court may approve a disclosure statement and may confirm a plan that conform substantially to the appropriate Official Forms or other standard forms approved by the court.

* * *

Adopted 2/19/20.

LBR 3017.1(a).1
COURT CONSIDERATION OF DISCLOSURE STATEMENT IN A SMALL BUSINESS CASE OR IN A CASE UNDER SUBCHAPTER V OF CHAPTER 11

Federal Rule of Bankruptcy Procedure 3017.1(a) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT. In a small business case or in a case under subchapter V of chapter 11 in which the court has ordered that § 1125 applies, the court may, on application of the plan proponent or on its own initiative, conditionally approve a disclosure statement filed in accordance with Rule 3016. On or before conditional approval of the disclosure statement, the court shall:

(1) fix a time within which the holders of claims and interests may accept or reject the plan;
(2) fix a time for filing objections to the disclosure statement;
(3) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and
(4) fix a date for the hearing on confirmation.

* * *

Adopted 2/19/20.

LBR 3017.2.1
FIXING OF DATES BY THE COURT IN SUBCHAPTER V CASES IN WHICH THERE IS NO DISCLOSURE STATEMENT

Federal Rule of Bankruptcy Procedure 3017.2 applies in the Bankruptcy Court for the District of Kansas effective February 19, 2020, is adopted on an interim basis, and states:

In a case under subchapter V of chapter 11 in which § 1125 does not apply, the court shall:

(a) fix a time within which the holders of claims and interests may accept or reject the plan;

(b) fix a date on which an equity security holder or creditor whose claim is based on a security must be the holder of record of the security in order to be eligible to accept or reject the plan;

(c) fix a date for the hearing on confirmation; and

(d) fix a date for transmission of the plan, notice of the time within which the holders of claims and interests may accept or reject the plan, and notice of the date for the hearing on confirmation.

* * *

Adopted 2/19/20.

LBR 3018(a).1
ACCEPTANCE OR REJECTION OF PLAN IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE

Federal Rule of Bankruptcy Procedure 3018(a) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(a) ENTITIES ENTITLED TO ACCEPT OR REJECT PLAN; TIME FOR ACCEPTANCE OR REJECTION. A plan may be accepted or rejected in accordance with § 1126 of the Code within the time fixed by the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject to subdivision (b) of this rule, an equity security holder or creditor whose claim is based on a security of record shall not be entitled to accept or reject a plan unless the equity security holder or creditor is the holder of record of the security on the date the order approving the disclosure statement is entered or on another date fixed by the court under Rule 3017.2, or fixed for cause, after notice and a hearing. For cause shown, the court after notice and hearing may permit a creditor or equity security holder to change or withdraw an acceptance or rejection. Notwithstanding objection to a claim or interest, the court after notice and hearing may temporarily allow the claim or interest in an amount which the court deems proper for the purpose of accepting or rejecting a plan.

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Adopted 2/19/20.

LBR 3019(c).1
ACCEPTANCE OR REJECTION OF PLAN IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE

Federal Rule of Bankruptcy Procedure 3019(c) applies in the Bankruptcy Court for the District of Kansas but, effective February 19, 2020, is amended on an interim basis to state:

(c) MODIFICATION OF PLAN AFTER CONFIRMATION IN A SUBCHAPTER V CASE. In a case

under subchapter V of chapter 11, a request to modify the plan under § 1193(b) or (c) of the Code is governed by Rule 9014, and the provisions of this Rule 3019(b) apply.

* * *

Adopted 2/19/20.

IT IS SO ORDERED this 13th day of January, 2020.

s/ Dale L. Somers
DALE L. SOMERS
Chief Judge

s/ Robert E. Nugent
ROBERT E. NUGENT III
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge