

**Rule 9001-1. Definitions**

In addition to the definitions and rules of construction in 11 U.S.C. §§ 101, 102, 902, and 1101, and 1502 ~~of the Bankruptcy Code~~ and Federal Rules of Bankruptcy Procedure 9001 and 9002, the following words and phrases used in these Local Rules have the meanings indicated:

~~(1) "Affidavit" includes a verified motion and a statement endorsed with an unsworn declaration.~~

~~(2) "Application," other than an application under Federal Rule of Bankruptcy Procedure 2014 or 2016, means written request for an order which is made without scheduling a hearing and with limited or no notice.~~

~~(a3) "'District Court'" means the United States District Court for the District of Minnesota, unless otherwise specified. ~~bankruptcy court unless a district judge is acting in a case or proceeding.~~~~

~~(4) ABROGATED.~~

~~(b5) "Electronic Case Filing System" or "ECF" means the process made available by the Ccourt for electronic submission of documents.~~

~~(c6) "Filing User" means a registered user of the Electronic Case Filing System.~~

~~(d7) "'Hour'" includes every hour whether or not the clerk's office is open ~~or not.~~~~

~~(8) "Judge" means bankruptcy judge unless a district judge is acting in a case or proceeding.~~

~~(9) "Motion" means written request for an order which cannot be obtained by application.~~

~~(e10) "'Proof of service,'" "proof of notice," "proof of transmittal," or "proof of mailing," as applicable, means proof of actual receipt or an affidavit establishing the service, notice, transmittal, or mailing.~~

~~(11) ABROGATED.~~

~~(f12) "'Unsworn declaration'" means an unsworn statement that ~~complies~~ substantially complies with 28 U.S.C. § 1746 and which is endorsed on a document.~~

~~(g13) "'Verified'" or "verification'" means a signed affidavit or unsworn declaration, affixed to or endorsed on a document, which states in substance that the factual allegations made in the document are true and correct according to the best of the verifier's knowledge, information, and belief. A verification must be made on personal knowledge, set forth only facts that would be admissible in evidence, and affirmatively show that the verifier is competent to testify as to the matters stated in the document.~~

~~Fed. R. Bankr. P. Reference 9002.~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; May 1, 2014; October 1, 2019; July 17, 2023.]

**2023 Advisory Committee Notes**

Local Rule 9001-1 was renumbered to be consistent with other local rules and to remove abrogated subsections. The rule was also restyled. The definition for “affidavit” in former subsection (1) was removed because this term is also addressed within the definition of “verified” or “verification” in now renumbered subsection (g). The definitions for “application” and “motion” in former subsections (2) and (9) were removed as unnecessary and duplicative of the information set forth in Fed. R. Bankr. P. 9013 and amended Local Rules 9013-1 through 9013-3. Similarly, the definitions for “court” and “judge” in former subsections (3) and (8) were removed as duplicative of Fed. R. Bankr. P. 9001(4) and 9002(4). The definition for “verified” or “verification” in now renumbered subsection (g) was amended to include additional information regarding affidavits and verifications that used to appear in former Local Rules 9004-1 and 9013-2.

**Rule 9004-1. ~~Documents—Requirements of~~Required Form of Documents**

(a) SIZE. All documents presented for filing, except trial exhibits, ~~shall~~must be formatted to print on standard letter-size paper (8-1/2”” x 11””).

~~(b) NON FILING USERS. Where service, notice, transmittal or mailing of a document on a non-filing user is required, proof thereof shall be submitted with the document filed, or filed separately by the earlier of two days thereafter or the time of the hearing.~~

~~(c) FACSIMILE TRANSMISSION. Documents delivered by facsimile transmission directly to the clerk shall not be accepted for filing.~~

~~(d) VERIFICATIONS. A verification shall not be accepted for filing unless it bears a signature, including an electronic signature where allowed by Local Rule 9011-4.~~

(be) SCANNING OF DOCUMENTS.

(1) (1)—A document that is scanned ~~shall~~must not be submitted for filing on the court’s Electronic Case Filing System, except that the following types of documents may be scanned:

(A) (A) only—The signature page of a document bearing a wet ink signature of a non-attorney; the Notice of Responsibilities, a document requiring a signature other than the signature of the attorney or the attorney’s staff, or

(B) (B)—An exhibit or attachment.

(2) (2)—All documents created on the attorney’s<sup>1</sup> computer or using petition preparer software should be printed directly to portable document format (PDF).

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~~(3) All documents created using petition preparation software should be printed directly to PDF using the PDF function in the software.~~

~~(4) The repeated filing of scanned documents, other than those listed in Local Rule 9013-2(e)(1), will be referred to the judge assigned to the case in which the scanned documents are improperly filed and may result in issuance of an order to show cause or sanctions.~~

[Effective April 15, 1997. Amended effective January 9, 2006; February 22, 2012; April 1, 2013; October 1, 2019; July 17, 2023.]

### 2023 Advisory Committee Notes

Local Rule 9004-1 was restyled. Former subsection (b) regarding proof of service, notice, or transmittal was removed because this language now appears in Local Rule 9036-1 with modifications. Former subsection (c) regarding facsimile transmission was removed as unnecessary. Refer to the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov) for filing guidance. Former subsection (d) regarding verifications was removed because the definition for "verification" in Local Rule 9001-1(g) was updated to note that a verification must be signed.

Renumbered subsection (b) was amended to clarify that a document that bears a wet ink signature of a non-attorney, an exhibit, or an attachment may be scanned. The general rule is that any document that is produced by an attorney on a computer or with petition preparer software should be printed directly to PDF and not scanned. Documents that are being filed to support a request to the court but that were not produced by an attorney, such as exhibits or attachments to a motion or application, may be scanned. The court's website provides instructions for how to print documents to PDF.

### **Rule 9006-1. Time Periods**

~~(a) ELECTRONIC CASE FILING SYSTEM. The "Notice of Electronic Filing" that is automatically generated by the court's Electronic Case Filing System constitutes service or notice of the filed document on Filing Users. Parties who are not Filing Users shall be served with or given notice of any pleading or other document electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and the local rules; proof of such service, notice, transmittal or mailing must be electronically filed.~~

~~(a)~~ (b) MOVING DOCUMENTS. Unless otherwise provided by the Federal Rules of Bankruptcy Procedure or these ~~more time is required by a Local Rule or the Federal Rules of Bankruptcy Procedure~~, moving documents shall must be filed, and served, and noticed, or transmitted, as applicable, not later than ~~fourteen~~ 14 days before the hearing date. ~~Moving documents shall be filed within five days after the date and time for a hearing was obtained from the judge's calendar clerk.~~

~~(b)~~ (c) RESPONSIVE DOCUMENTS. Any responsive documents shall must be filed, and served, and noticed, or transmitted, as applicable, not later than ~~five~~ seven days before the hearing date.

~~(c)~~ (d) REPLY DOCUMENTS. Reply documents are not required. ~~Unless otherwise authorized by the court, any reply documents shall must~~ be filed not later than 48 hours before the scheduled

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time for hearing. A reply document must ~~and shall~~ be limited to new legal or factual matters raised by any responsive documents.

(~~d~~e) EXPEDITED RELIEF. If expedited relief is necessary and authorized by Federal Rule of Bankruptcy Procedure 9006(c), the moving party ~~shall~~ must obtain a hearing date ~~on shorter notice~~ from the judge's ~~calendar clerk~~ courtroom deputy and ~~shall~~ the motion must include a request for an expedited hearing ~~in the motion~~. Unless otherwise authorized by the court, moving documents seeking expedited relief ~~shall~~ must be filed not later than 48 hours before the scheduled time for hearing. ~~The party seeking expedited relief shall~~ must take all reasonable steps to provide all required parties with ~~the most expeditious~~ prompt service or ~~and~~ notice ~~possible~~ and ~~shall~~ must file a certificate of service ~~n affidavit~~ specifying the efforts made. ~~Unless otherwise authorized by the court, any responses shall~~ must be filed not later than two hours before the scheduled time for hearing. ~~The court will rule on the request for an expedited hearing when the motion is heard.~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; May 1, 2019; October 1, 2019; January 1, 2021; July 17, 2023.]

### 2023 Advisory Committee Notes

Local Rule 9006-1 was restyled. The language in former subsection (a) that addressed the Electronic Case Filing System was removed as duplicative of Fed. R. Bankr. P. 9036. The time to file responsive documents in amended subsection (b) was changed to reflect a seven-day increment.

### **Rule 9010-~~13~~. Attorneys**

(a) ADMISSION. The bar of this court consists of those attorneys admitted to practice before the ~~United States d~~ District ~~c~~ Court ~~for this district~~ who pay all admission fees that the district court prescribes. No person, unless duly admitted to practice ~~in before the that district court, including a government attorney and an attorney admitted pro hac vice, shall is be~~ permitted to appear and participate in the trial of any action or the hearing of any motion in this court, except when appearing on ~~in~~ that person's own behalf or as provided in subsection (b) of this rule. paragraphs (b), (c) and (d).

~~(b) GOVERNMENT ATTORNEYS. Attorneys not admitted in the district court for this district but admitted in another United States District Court may appear representing the United States of America or any officer or agency thereof.~~

~~(c) OTHER ATTORNEYS. Except as provided in paragraph (b) and (d), attorneys not admitted to practice in the district court may appear or file documents, other than proofs of claim, only after being admitted pro hac vice pursuant to Local Rule 83.5 of the district court.~~

~~(b)~~ (d) LAW STUDENTS. A law student who represents a client in connection with a matter ~~in~~ before this court and the law student’s supervising attorney must comply with Local Rule 83.8 of the district court, except that any filing required by that rule must be made with this court’s clerk ~~and the attorney supervising the law student shall comply with the following requirements:~~

~~—(1) The law student must be supervised by a member of this court’s bar. The supervisor must:~~

~~—A. verify that the law student meets the requirements of Local Rule 83.8(b) of the district court;~~

~~—B. complete the Student Practice Certification and Notice of Appearance of Student Attorney form and file it with the Clerk;~~

~~—C. file a copy of the Student Practice Certification and Notice of Appearance of Student Attorney form in any case in which the law student appears;~~

~~—D. assume full responsibility for the law student’s work;~~

~~—E. accompany the law student to, and be prepared to assist the law student at, every court appearance; and~~

~~—F. appear as an attorney of record in the same case in which the law student appears.~~

~~—(2) The law student must be enrolled in a law school accredited by the American Bar Association.~~

~~—(3) The law student must have completed the equivalent of at least two semester of full-time study.~~

~~—(4) The law student must:~~

~~—A. be enrolled for credit in a law school supervised program and the law student’s work must be under the supervision of that program; or~~

~~—B. be a paid or unpaid intern representing any state, local or other governmental unit or agency.~~

~~—(5) The law student must not accept compensation in connection with the matter, except that a paid intern may receive compensation from his or her employer. The law school-supervised program in which the law student is enrolled may accept compensation other than from a client.~~

~~A completed Student Practice Certification and Notice of Appearance of Student Attorney form is effective for 12 months after the date it is filed with the clerk, unless revoked by the chief judge at any time by written notice to the supervising attorney and the law student.~~

(c) ~~(e)~~ FORMER LAW CLERKS. For a period of one year after termination from service as a law clerk, ~~a~~ An attorney who has served as a law clerk to a judge, for a period of one year after termination from service as a law clerk, shall must not: ~~1) appear before that judge or; 2)~~

allow that attorney's name to appear on any pleading or memorandum filed in connection with any bankruptcy case or adversary proceeding assigned to that judge; ~~or 3) allow that attorney's name to appear on any petition filed with the court unless that attorney is a sole practitioner.~~

(d) FORMER JUDGES. For a period of one year after termination from service as a judge, a An attorney who has served as a judge of the court, ~~for a period of one year after termination from service as a judge, shall~~ must not: ~~1) appear before the court or; 2) allow that attorney's name to appear on any pleading or memorandum; or 3) allow that attorney's name to appear on any petition.~~

(e) SUBSTITUTION; WITHDRAWAL.

(1) Substitution in Adversary Proceeding or Chapter 7 or 13 Cases. If a party in an adversary proceeding or a debtor in a chapter 7 or 13 case ~~wishes~~ seeks to substitute attorneys, the ~~party or debtor~~ substituted attorney must ~~shall~~ file a substitution of attorney signed by the ~~client~~ party or debtor, the original attorney and the substituted attorney. Notice of the substitution must be given to all parties to the adversary proceeding or the trustee in the bankruptcy case.

(2) Substitution if Employment Subject to Court Approval. If a ~~client~~ party or debtor ~~wishes~~ seeks to substitute attorneys and the ~~client's~~ party's or debtor's employment of the original attorney was subject to court approval ~~by the court~~, the ~~client~~ substituted attorney must ~~shall~~ file ~~make~~ an application to substitute attorneys and comply with Local Rule 2014-1.

~~(3) Withdrawal~~ Only. ~~An attorney in a bankruptcy case whose employment was subject to approval by the court, if~~ an attorney for any party in an adversary proceeding, ~~or~~ an attorney for a debtor in a chapter 7 or 13 case, ~~or an attorney in a bankruptcy case whose employment was subject to court approval~~ who wishes ~~seeks~~ to withdraw without filing a substitution of attorney, that attorney shall ~~must~~ make ~~file~~ a motion for leave to withdraw. However, if there is more than one attorney of record for the party or debtor, and at least one attorney will remain of record after the withdrawal, an attorney may withdraw by filing a notice of withdrawal and sending such notice to all parties to the adversary proceeding or the trustee in the bankruptcy case.

~~(3) Service. In an adversary proceeding, substitutions, motions and applications shall be served on all parties to the proceeding and in a case on all entities specified in the applicable subparagraph of Local Rule 9013-3(a).~~

(4) Effect of Failure to Comply. Until the substituted attorney files a substitution of attorneys ~~is filed~~ or the court enters an order ~~is entered~~ allowing the original attorney to withdraw if withdrawal is not otherwise allowed, the original attorney is the ~~client's~~ party's or debtor's attorney of record and the original attorney must ~~shall~~ represent the ~~attorney's~~ client ~~party or debtor~~ in bringing and defending all matters or proceedings in the

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bankruptcy case other than adversary proceedings in which the original attorney has not yet made an appearance. Failure to receive advance payment or guarantee of attorney's fees is not grounds for failure to comply with this ~~subsection~~ local rule.

[Effective April 15, 1997. Amended effective January 9, 2006; October 15, 2010; April 1, 2013; May 1, 2014; October 1, 2019; amended and renumbered as 9010-1 on July 17, 2023.]

### 2023 Advisory Committee Note

Local Rule 9010-3 was renumbered to Local Rule 9010-1 and restyled. Subsection (a) was amended to be consistent with Local Rule 83.5 of the district court. Former subsection (b) was removed to require government attorneys to follow the same rules of admission that apply to government attorneys in district court. That change is now reflected in amended subsection (a). Former subsection (c) was removed as pro hac vice is now addressed in amended subsection (a). Former subsection (d) was renumbered to subsection (b).

Subsection (b) now refers to Local Rule 83.8 of the district court to remove language duplicative of that rule. A supervising attorney should use the bankruptcy court's Student Practice Certification Form and Notice of Appearance of Student Attorney to have a student attorney appear in a case under this rule. The form is available on the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov). Former subsections (e) and (f) were renumbered to subsections (c) and (d), respectively, and include minor, stylistic changes. Former subsection (g) was renumbered to subsection (e) and restyled. Former subsection (g)(1) was divided into subsections (e)(1) and (e)(2) for readability. The last sentence in amended subsection (e)(3) was added to make clear that where a party or a debtor has multiple attorneys and only one or some of those attorneys seek to withdraw, a motion for leave to withdraw is not required, as the party or debtor will still have representation. Former subsection (g)(3) was removed because service requirements are addressed in other rules. Further, service is not always required. As in amended subsection (e)(1), there are instances where only notice is required. Former subsection (g)(4) was renumbered to (e)(4) and restyled.

### **Rule 9010-~~24~~. ~~Pro Se Cases and Proceedings~~ Appearances by Non-Individuals**

An entity which is not an individual may not appear in bankruptcy court unless represented by an attorney authorized to practice under ~~Local Rule 9010-3~~ Local Rule 9010-1.

[Effective April 15, 1997. Amended and renumbered as 9010-2 on July 17, 2023.]

### 2023 Advisory Committee Note

Local Rule 9010-4 was renumbered to Local Rule 9010-2. The title was amended to better identify that the rule applies to appearances by non-individuals who are not permitted to appear pro se under this rule.

### **Rule 9011-~~14~~. Signatures**

- (a) ~~GENERALLY~~ SIGNATURE BLOCK REQUIREMENTS. ~~All~~ For any documents that requires a signature under Federal Rule of Bankruptcy Procedure 9011(a), the document must state the signer's ~~presented for filing shall be signed and include the~~ name, address, email address, and

telephone number, and of the signer or the signer's attorney bar registration number, if applicable.

(b) SIGNATURE METHODS FOR ELECTRONIC SIGNATURES — FILING USERS DOCUMENTS.

~~Electronically filed documents must include a signature block setting forth the name, address, email address, telephone number and attorney bar registration number, if applicable, of the Filing User. 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.~~ The following methods may be used to obtain a signature on a document that is filed electronically through ECF:

(1) A scanned image of the originally signed document containing a wet ink signature;

(2) An image with a digital signature from a software program that creates a secure electronic signature that uniquely identifies the signer and ensures both the authenticity of the signature and that the signed document has not been altered or repudiated; or

(3) A document with an "s/", followed by the printed name of the signer when:

(A) The Filing User obtained the signer's signature by an authorized signature method provided in subsections (b)(1)–(2) of this rule; or

(B) The Filing User obtained the signer's written permission to use the signer's electronic signature.

(c) RETENTION REQUIREMENTS FOR ELECTRONIC SIGNATURES — EMPLOYEES OF FILING USERS.

~~A document filed in electronic format by a Filing User who files a document may containing the an electronic signature under subsection (b) of this rule certifies, under penalty of perjury, of a non-attorney employee of that the Filing User has the original wet ink signature, digital signature, or written evidence of permission to use the signer's electronic signature. For purposes of this rule, written evidence an agency or firm of permission includes email correspondence. A which the Filing User must retain the signed document or evidence of permission to use the electronic signature for at least one year after the bankruptcy case is closed. On request, is an employee, member or partner, represented by the non-attorney employee's name typed in the space where a signature would otherwise appear. The electronic filing of a document with such a signature shall constitute a certification by the Filing User must provide the court or other parties in the case a copy of the signed document or evidence of permission to use the electronic signature. that the employee consented to the use and submission of the employee's signature in this form, and that the employee had attested under penalty of perjury to the truth of any facts so subscribed.~~ A Filing User who files a document containing the an electronic signature under subsection (b) of this rule certifies, under penalty of perjury, of a non-attorney employee of that the Filing User has the original wet ink signature, digital signature, or written evidence of permission to use the signer's electronic signature. For purposes of this rule, written evidence an agency or firm of permission includes email correspondence. A which the Filing User must retain the signed document or evidence of permission to use the electronic signature for at least one year after the bankruptcy case is closed. On request, is an employee, member or partner, represented by the non-attorney employee's name typed in the space where a signature would otherwise appear. The electronic filing of a document with such a signature shall constitute a certification by the Filing User must provide the court or other parties in the case a copy of the signed document or evidence of permission to use the electronic signature. that the employee consented to the use and submission of the employee's signature in this form, and that the employee had attested under penalty of perjury to the truth of any facts so subscribed.

~~(d) ELECTRONIC SIGNATURES — DEBTORS. When an original signature of a debtor, authorized individual or joint debtor is required on the (1) petition, schedules and statements; (2) amendment to petition, schedules and statements; or (3) chapter 11, 12 or 13 plan or modified~~



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~~plan, the Filing User shall submit either a scanned image of the Form ERS 1 Signature Declaration signed by the debtor(s) or the electronic document with a scanned image of the signature page signed by the debtor(s). The scanning of documents is governed by Local Rule 9004-1(e).~~

~~(e) ELECTRONIC SIGNATURES—OTHER DOCUMENTS. Except as otherwise provided above, when an original signature of a non Filing User is required on a verification, affidavit or other similar document, the Filing User shall submit a scanned image of the signature page of the document signed by the non Filing User. The scanning of documents is governed by Local Rule 9004-1(e) and the filing of voluminous exhibits is governed by Local Rule 9013-2(e).~~

~~(f) ELECTRONIC SIGNATURES—MULTIPLE SIGNATURES. Documents requiring signatures of more than one party must be electronically filed by submitting a document that includes a scanned image of the signature page signed by all necessary parties. Alternatively, the filer may submit the document with the electronic signatures of any parties who authorize the filer to do so, as long as the document contains a provision to that effect.~~

[Effective April 15, 1997. Amended effective January 9, 2006; February 1, 2011; February 22, 2012; October 1, 2019; January 1, 2021; amended and renumbered as 9011-1 on July 17, 2023.]

### 2023 Advisory Committee Notes

Local Rule 9011-4 was renumbered to Local Rule 9011-1 and has been substantially amended to accommodate the use of electronic signatures. The amendments to subsection (a) incorporate the signature block requirements that were outlined in former subsections (a) and (b). Please note that for Filing Users, the act of signing a document and electronically filing the document constitutes that person’s signature. See Fed. R. Bankr. P. 5005(a)(2)(C). The term “Filing User” is defined in Local Rule 9001-1 as a “registered user of the Electronic Case Filing System.”

Subsection (b) provides the authorized methods to obtain a signature for documents that are filed electronically in ECF. Subsection (c) provides the retention period for a Filing User who files a document containing an electronic signature. These amendments place the responsibility with the Filing User—typically an attorney—to ensure compliance with the signature method requirements in Local Rule 9011-1(b) and the retention requirements in 9011-1(c). With these changes, it is no longer necessary for attorneys to submit a scanned image of the Form ERS 1 Signature Declaration page for debtors or a scanned image of the signature page by a non-Filing User. As such, the Signature Declaration form was abrogated. In addition, with these changes, it is no longer necessary to provide separate instructions for a Filing User’s non-attorney employees. By filing a document in ECF using a signature method authorized in subsection (b), the attorney is certifying under subsection (c) that they have the original wet ink signature, digital signature, or evidence of permission to file the document with the signer’s electronic signature. This same process applies whether the Filing User collects one or multiple signatures. Accordingly, former subsections (b)–(f) were removed as no longer necessary.

Subsections (b)–(c) only apply to documents that are filed by a Filing User on ECF. Claims that are submitted electronically through the court’s Electronic Proof of Claim (ePOC) module are not subject to this rule.

### **~~Rule 9013-1. Motion Practice~~**

~~Except as otherwise provided, any request for an order shall be made by motion. Motions in a bankruptcy case are governed by Federal Rule of Bankruptcy Procedure 9013 and 9014. Motions~~

~~in an adversary proceeding are governed by Federal Rule of Bankruptcy Procedure 7005 and 7007.~~

~~Fed. R. Bankr. P. Reference 7005, 7007, 9014.~~

**Rule 9013-~~1~~2. Motions – ~~Form~~ Documents**

(a) ~~MOVING DOCUMENTS~~MOTION REQUIREMENTS. Except as otherwise provided, ~~the a~~ party making a motion ~~shall~~must serve file and ~~file~~serve:

~~(1) (1) a~~A notice of hearing and motion that substantially complies with Local Form 9013-1;

~~(2) (2) A~~concise memorandum of facts and law;

~~(3) (3) If~~ if facts are at issue, ~~an affidavit or a~~ verification of the motion or exhibits; ~~3) a separate, concise memorandum of facts and law;~~

~~(4) (4) A~~proposed witness list with the name, address, and substance of the proposed testimony, if applicable;

~~(5) (5) a~~A proposed order; and

~~(6) 5) if required,~~ proof of service ~~on those parties not automatically served through the court's Electronic Case Filing System, as provided in Local Rule 9006 1(a).~~ The notice shall state the day of the week and date and, if appropriate, the time by which a response must be filed under these rules. The notice shall state that unless a response opposing the motion is timely filed, the court may grant the motion without a hearing. The notice of hearing and motion shall comply substantially with Local Form 9013-2.

(b) ~~RESPONSIVE DOCUMENTS~~RESPONSE REQUIREMENTS. Any party ~~entity who wishes to respond to opposing~~ a motion ~~and wishing to be heard shall~~must file and serve a response. A response may include a request for an order denying the motion or a request for an order imposing costs, fees, and expenses, but must not include a request for any other relief. The response must include:

~~(1) (1), which shall include a~~A concise memorandum of facts and law;

~~(2) (2) If~~ if facts are at issue, a verification of the response or exhibits, ~~an affidavit;~~

~~(3) (3) A~~proposed witness list with the name, address, and substance of the proposed testimony, if applicable; and

(4) ~~(4)~~Aa proposed order; and

(5) ~~if required, proof of service.~~ ~~A response may include a request for an order denying the motion or a request for an order imposing costs, fees and expenses, but shall not include a request for any other relief.~~

~~(c) NOTICE OF WITNESSES.~~

~~—(1) If a party filing or responding to a motion anticipates offering oral testimony, the moving or responsive documents shall state the name, address and substance of the testimony of the proposed witness.~~

~~—(2) No evidence shall be presented at the initial hearing. The court will determine at the initial hearing whether an evidentiary hearing is required.~~

~~(d) AFFIDAVITS; VERIFICATIONS. Affidavits shall be made on personal knowledge, set forth only facts that would be admissible in evidence, and show affirmatively that the affiant or verifier is competent to testify to the matters stated. An attorney shall not verify documents to be filed except with respect to facts of which the attorney has personal knowledge.~~

(ce) EXHIBITS. Filing Users must submit all exhibits or attachments in electronic form in accordance with the clerk’s instructions on the court’s website, unless ordered otherwise. ~~If the exhibits normally attached to a motion or response exceed 50 pages in total, the moving party may provide a summary of the exhibits in the motion or response, or as an exhibit thereto, for purposes of service only. The moving party shall state in the motion or response that the full exhibits and the summary were attached to the original motion or response filed with the clerk and that the moving party will upon request furnish a copy of the full exhibits to any entity.~~

(df) RELIEF WITHOUT HEARING. If no response opposing a motion is timely filed, the court may, in its discretion, enter an order granting the motion without a hearing.

(eg) SEALED DOCUMENTS. A party seeking to file documents under seal must file a motion in accordance with this rule to file documents under seal, shall. The documents proposed to be filed under seal must be filed in accordance with the clerk’s instructions on the court’s website. ~~be filed electronically through the Electronic Case Filing System. The document(s) the movant seeks to file under seal shall be submitted to the court on diskette or CD-ROM or filed to the “Inbox” filing option of the Electronic Case Filing System and shall remain sealed until further order of the court.~~

~~(h) WAIVER OF DISCHARGE. Motions seeking an order approving the waiver of discharge pursuant to Section 727(a)(10)) shall comply only with paragraph (a) (1), (4), and (5) of Local Rule~~

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~~9013-2. The motion shall be served on 1) the debtor; 2) the attorney for the debtor; 3) the trustee; 4) the United States Trustee; and 5) each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b).~~

(f) CERTAIN MOTIONS BY TRUSTEE IN CHAPTER 7 OR 13 CASES. Unless the court orders otherwise, the trustee in a chapter 7 or 13 case is not required to file a memorandum of facts and law for the following motions:

(1) To dismiss a bankruptcy case under Federal Rule of Bankruptcy Procedure 1017;

(2) For examination of an entity under Federal Rule of Bankruptcy Procedure 2004;

(3) For turnover of property;

(4) Objecting to a claim of exemption under Federal Rule of Bankruptcy Procedure 4003; or

(5) Objecting to a proof of claim under Federal Rule of Bankruptcy Procedure 3007.

~~Fed. R. Bankr. P. Reference 9004, 9006, 9014.~~

[Effective April 15, 1997. Amended effective January 9, 2006; April 1, 2013; May 1, 2015; December 1, 2017; May 1, 2019; October 1, 2019; amended and renumbered as 9013-1 on July 17, 2023.]

[Former Local Rule 9013-1 effective April 15, 1997. Amended effective January 1, 2002. Abrogated effective July 17, 2023.]

**2023 Advisory Committee Notes**

The language in former Local Rule 9013-1 was removed as duplicative of Fed. R. Bankr. P. 9013. Local Rule 9013-2 was renumbered to Local Rule 9013-1. Local Form 9013-2 was renumbered to 9013-1 and restyled to make it consistent with certain rule changes. The language in former Local Rule 9013-2 was restyled and reorganized. As stated in the 2013 Advisory Committee Notes to Fed. R. Bankr. P. 9006, “Rule 9013 governs the form of motions and the parties who must be served. Rule 9014 prescribes the procedures applicable to contested matters, including the method of serving motions commencing contested matters and subsequent papers.”

Information concerning the presentation of evidence at hearings found in former Local Rule 9013-2(c)(2) was moved to Local Rule 9017-1. The information in former subsection (d) was moved to Local Rule 9001-1(g). Amended subsections (e) and (f) regarding exhibits and sealed documents now advise filers to file such documents in accordance with the clerk’s instructions, which are available on the court’s website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov). Former subsection (h) was removed as unnecessary. A waiver of discharge under 11 U.S.C. §§ 727(a)(10), 1141(d)(4), 1228(a), or 1328(a) requires court approval and Fed. R. Bankr. P. 9013(a) states, “A request for an order, except when an application is authorized by these rules, shall be by written motion, unless made during a hearing.”

Subsection (f) was added to include the information that used to appear in now abrogated Local Rule 9013-5, except for references to a motion to approve compromise or settlement and a motion for sale of property. Reference to a motion to approve compromise or settlement was removed as it is now addressed in Local Rule 9019-1(a) for chapter 7 trustees. Reference to a motion for sale of property was removed as unnecessary. See Fed. R. Bankr. P. 6004(a).

While a memorandum of facts and law is not required for the motions listed in subsection (f), the motion itself should provide the factual and legal basis for the relief sought.

**Rule 9013-~~23~~. Motions ~~–~~ Service and Notice**

(a) SERVICE OF MOTIONS~~MOVING DOCUMENTS~~. Motions must be served on:

~~(1) (1) Chapter 7, 12 and 13 Cases. Except as provided in Local Rule 2002-1 and Federal Rule of Bankruptcy Procedure 3007, moving documents in a chapter 7, 12 or 13 case shall be served on: 1) The debtor;~~

(2) The attorney for the debtor;

~~(3) -2) The trustee or examiner;~~

~~(4) -3) Each entity against whom relief is sought;~~

~~(5) -4) Each entity claiming a lien or other interest in property if any property is involved;~~

~~(6) -5) the attorney for the debtor; 6) the United States Trustee; 7) each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b); 8) in a chapter 7 case, each member of the committee of creditors, if any; and 9) in a chapter 12 case, the United States Attorney for the District of Minnesota; and Any committee elected under 11 U.S.C. § 705 or appointed under 11 U.S.C. § 1102, or its authorized agent; or, if the case is a chapter 9 or chapter 11 and no committee has been appointed under 11 U.S.C. § 1102, the twenty largest unsecured creditors; and~~

~~(7) -10) Any other entity required to be served by the Federal Rules of Bankruptcy Procedure or these Local Rules. ~~Notice of the motion and any related hearing shall be given to any other parties required to receive notice of the motion pursuant to the Federal Rules of Bankruptcy Procedure, including, but not limited to, Rule 2002.~~~~

~~(2) Chapter 11 Cases. Unless on application the court for cause orders either expanded or restricted service and except as provided in Federal Rule of Bankruptcy Procedure 3007, moving documents in a chapter 11 case shall be served on: 1) the debtor; 2) the trustee or examiner; 3) each entity against whom relief is sought; 4) each entity claiming a lien or other interest in property if any property is involved; 5) the attorney for the debtor; 6) the United States Trustee; 7) all committees; 8) the twenty largest unsecured creditors if no committee of creditors holding unsecured claims has been appointed; 9) each major secured creditor; 10) the Internal Revenue Service; 11) the Collection Division of the Minnesota Department of Revenue; 12) the United States Attorney for the District of Minnesota; 13) each creditor that is a governmental unit; 14) each entity that has filed~~

~~a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b); and 15) any other entity required to be served by the Federal Rules of Bankruptcy Procedure or the Local Rules. Notice of the motion and any related hearing shall be given to any other parties required to receive notice of the motion pursuant to the Federal Rules of Bankruptcy Procedure, including, but not limited to, Rule 2002.~~

~~(3) Health Care Business. In addition to the entities required to be served under paragraphs (1) and (2) of this rule, moving documents seeking a determination that the appointment of a patient care ombudsman is not necessary for the protection of patients shall be served on each entity that issues licenses to or regulates the debtor or the debtor's principal.~~

(b) NOTICE OF MOTIONS.

(1) Generally. Notice of a motion and any related hearing must be given to any entity required to receive notice under the Federal Rules of Bankruptcy Procedure, including, but not limited to, Federal Rule of Bankruptcy Procedure 2002.

(2) Chapter 11 and 12 Cases. In a chapter 11 or 12 case, notice of a motion and any related hearing must be given to the Internal Revenue Service, the Collection Division of the Minnesota Department of Revenue, and the United States Attorney for the District of Minnesota.

(3) Health Care Business Case. Notice of a motion arising under Federal Rule of Bankruptcy Procedure 2007.2 and any related hearing must be given to each entity that issues licenses to or regulates the debtor or the debtor's principal.

(c) MOTIONS AND RESPONSES SENT TO UNITED STATES TRUSTEE. All motions and responses must be sent to the United States trustee.

~~(d) SERVICE OF RESPONSIVE DOCUMENTS. Unless ordered otherwise, responsive documents shall~~ Responses must be served on:

(1) The moving party;

(-2) The attorney for the debtor;

(-3) The trustee or examiner; and

(4) The attorneys for any elected or appointed all committees; and 5) the United States Trustee.

~~Fed. R. Bankr. P. Reference 7005; Fed. R. Civ. P. Reference 5(b).~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2014; December 1, 2017; October 1, 2019; June 1, 2021; amended and renumbered as 9013-2 on July 17, 2023.]

### 2023 Advisory Committee Notes

Former Local Rule 9013-3 was renumbered to Local Rule 9013-2. The language in former Local Rule 9013-3 was restyled and reorganized. As amended, Local Rule 9013-2 addresses service and notice requirements for all motions and responses filed under Fed. R. Bankr. P. 9013 and 9014 and Local Rule 9013-1. Note that service requirements in adversary proceedings are addressed in Fed. R. Bankr. P. 7005 and Fed. R. Civ. P. 5. Service and notice are separated into different subsections in an effort to emphasize the fact that they are distinct concepts.

#### Subsection(a) – Service

Compared to former Local Rule 9013-3, amended Local Rule 9013-2 requires service on fewer parties. The parties required to be served in the local rule are the parties generally required to be served under the Federal Rules of Bankruptcy Procedure. See, e.g., Fed. R. Bankr. P. 1020(d), 1021(b), 2007.2(e), 4001, and 6004(g)(1). While there may be some duplication with the federal rules, this local rule remains in place, as amended, to fill in any gaps and ensure the proper parties are served. For example, Fed. R. Bankr. P. 2004 does not specify any parties to serve. Rule 9013, and many other federal rules, give the court significant discretion in determining who needs to be served. Importantly, “service” may mean something different depending on the type of motion at issue. If the motion does not commence a contested matter under Fed. R. Bankr. P. 9014, “service” is more akin to mailing the motion to the address on the creditor matrix. See Fed. R. Bankr. P. 2002(g); see also *In re Simpson*, No. 21-11179-T7, 2022 WL 2181324, at \*2 (Bankr. D.N.M. June 16, 2022). Electronic service through the court’s Electronic Case Filing System is generally sufficient. See Fed. R. Bankr. P. 9036. Examples include motions under Fed. R. Bankr. P. 1007(a)(5), 1017(f)(2), 4001(d), and 4004(b).

In contrast, if the motion commences a contested matter under Fed. R. Bankr. P. 9014, “service” must be completed in accordance with Fed. R. Bankr. P. 7004. Notably, Fed. R. Bankr. P. 9036, which permits electronic service through the court’s Electronic Case Filing System, specifically states in subsection (e) that the rule “does not apply to any paper required to be served in accordance with Rule 7004.” Read together with Fed. R. Bankr. P. 9014(b) which allows “[a]ny paper served after the motion” to be served in accordance with Fed. R. Civ. P. 5(b), it appears the initial motion must be served by non-electronic means while any subsequent filings may be served electronically. See Fed. R. Civ. P. 5(b)(2)(E) (permitting service by “sending it to a registered user by filing it with the court’s electronic-filing system”). However, there may be exceptions for certain parties. For instance, Fed. R. Bankr. P. 7004(g) allows the debtor’s attorney to be served electronically in accordance with Fed. R. Civ. P. 5(b). Attorneys for other parties can expressly consent to electronic service of any paper required to be served in accordance with Fed. R. Bankr. P. 7004 through language in their notice of appearance. There is also an exception in Local Rule 9036-1(b) for trustees. Examples of contested matters include, but are not limited to, proceedings arising under Fed. R. Bankr. P. 1017(f)(1), 1020(c), 1021(b), 2005(a), 2007.1(a), 2007.2(e), 2015.1(b), 2017, 2020, 3007, 3012, 3015(f), 3015(h), 3019(b), 3019(c), 3020(b)(1), 4001(a)(1), 4001(b)(1), 4001(c)(1), 4003(b), 4003(d), 4004(d), 5009(d), 5011(b), 6002, 6004(b), 6004(c), 6004(d), 6004(g)(1), 6006(a), 6006(b), 6007, 6008, 9011(c)(1)(A), 9020, and 9027(d).

#### Subsection(b) – Notice

As compared to service, “notice” may entail a one-page notice of the motion and any related hearing with instructions on how to request a full copy of the motion. As to amended subsection (b)(3), for other health care business rules, see Local Rules 1007-2(b) and 2015.1-1.

#### Subsection(c) – United States Trustee

The 2023 Federal Rules of Bankruptcy Procedure generally use the word “transmit” in regard to the United States trustee. However, the proposed restyled Federal Rules of Bankruptcy Procedure simply use the word “send.” Thus, this subsection was updated to reflect the restyled rules. The United States trustee automatically receives filings in each case through the court’s Electronic Case Filing System. See Fed. R. Bankr. P. 5005(b)(1).

**Rule 9013-~~3~~4. Applications**

~~(a) EMPLOYMENT OF PROFESSIONAL PERSONS. An application for employment of a professional person is governed by Local Rule 2014-1.~~

~~(b) COMPENSATION OF PROFESSIONAL PERSONS. An application for allowance or authorization for payment of compensation of a professional person is governed by Local Rule 2016-1.~~

~~(c) OTHER APPLICATIONS. All~~ (a) APPLICATION REQUIREMENTS. Unless otherwise directed by these Local Rules, a party making an application must file and notice:

(1) If facts are at issue, a verification of the application or exhibits; and

(2) A proposed order. ~~other applications shall comply with paragraphs (a), (d) and (e) of Local Rule 9013-2 except that no notice of hearing is required.~~

(b) RESPONSE REQUIREMENTS. Unless otherwise directed by these Local Rules, a party who wishes to respond to an application must file and notice: ~~Responses to applications shall comply with paragraph (b) of Local Rule 9013-2.~~

(1) A concise memorandum of facts and law;

(2) If facts are at issue, a verification of the response or exhibits; and

(3) A proposed order.

(c) NOTICE OF APPLICATIONS AND RESPONSES. ~~Except as otherwise provided~~ Unless otherwise directed by the Federal Rules of Bankruptcy Procedure and these Local Rules, notice of an application and any response to the application must be given to the debtor, ~~the attorney for the debtor, the applicant shall serve the application on and~~ the trustee or examiner ~~the attorney for the debtor. An application and any response must also be sent to, the trustee or examiner, and~~ the United States ~~t~~Trustee.

(d) COURT ACTION ON APPLICATION. Before ruling on ~~the~~an application, the court may require that a motion be made, that a hearing be held, or that additional persons be served.

~~Fed. R. Bankr. P. Reference 2014, 2016.~~

[Effective April 15, 1997. Amended and renumbered as 9013-3 on July 17, 2023.]

**2023 Advisory Committee Notes**

Former Local Rule 9013-4 was renumbered to Local Rule 9013-3. The language in former Local Rule 9013-4 was restyled and reorganized. Subsections (a) and (b) from former Local Rule 9013-4 were removed as duplicative of Fed. R. Bankr. P. 2014 and 2016 and Local Rules 2014-1 and 2016-1. Those rules provide specific instructions for filing



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applications for employment of professional persons and for compensation for services rendered and reimbursement of expenses.

### **Rule 9013-4. Corporate Ownership Statements**

(a) APPLICABILITY. The requirements of Federal Rule of Bankruptcy Procedure 7007.1 apply to any request for relief made by a nongovernmental corporation as defined by 11 U.S.C. § 101(9).

(b) TIMING. The corporate ownership statement must be filed when the nongovernmental corporation files the request for relief.

[Effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 9013-4 was implemented to impose a requirement for nongovernmental corporations to file a corporate ownership statement when filing a request for relief. A request for relief includes any motion, response to a motion, objection, or application that is filed in a bankruptcy case that is not an adversary proceeding. Rule 7007.1 imposes this requirement in adversary proceedings but there is currently no requirement in the Federal Rules of Bankruptcy Procedure to have nongovernmental corporations do the same in a bankruptcy case. Judges use the information provided in a corporate ownership statement to help them make properly informed disqualification decisions under the Code of Conduct for United States Judges.

### **Rule 9013-5. ~~Trustees' Motions and Objections~~[ABROGATED]**

~~Except where a serious contest is anticipated, the trustee in a chapter 7 or 13 case need not file a separate memorandum for a motion to dismiss, a motion for 2004 examination, for turnover or sale of property, or for approval of a compromise or settlement, or in connection with an objection to a claim of exemption or a proof of claim.~~

[Effective April 15, 1997. Amended effective January 1, 2021. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

The language that appeared in former Local Rule 9013-5 has been moved to Local Rule 9013-1(f). With this change, Local Rule 9013-5 is abrogated; the rule number is reserved for possible future use.

### **Rule 9017-1. ~~No Evidence at Initial Motion Hearing~~Hearings**

~~The court may hear and determine a motion without oral testimony, allow further affidavits to be filed, permit oral testimony or order an evidentiary hearing.~~No evidence will be presented at

an initial motion hearing. The court will determine at the initial motion hearing whether an evidentiary hearing is required.

[Effective April 15, 1997. Amended effective July 17, 2023.]

**2023 Advisory Committee Notes**

Local Rule 9017-1 was retitled and amended to include hearing-related information that used to appear in former Local Rule 9013-2(c)(2). The language previously contained in Local Rule 9017-1 was removed as unnecessary.

**Rule 9019-1. Compromise or Settlement, ~~Agreed Orders, and Stipulated Relief~~**

(a) MOTION BY TRUSTEE IN CHAPTER 7 CASES. In a chapter 7 case, a motion made by a trustee under this rule must briefly describe the compromise or settlement and state the date by which any responses are due. The filing requirements for motions under Local Rule 9013-1 do not apply. If no response to the motion is filed, the court may enter an order approving the compromise or settlement without a hearing. If a response to the motion is filed, the trustee must contact the judge's courtroom deputy for a hearing date and give notice of such hearing to the objecting party.

(b) NOTICE ONLY. For any motion under Federal Rule of Bankruptcy Procedure 9019(a), the service requirements under Local Rule 9013-2(a) do not apply.

~~(a) GENERALLY. Local Rule 6004-1 applies generally to settlements, except that the trustee in a chapter 7 case may apply for approval of settlement under the limited notice of Local Rule 6004-1(b)(1) regardless of the settlement's value to the estate.~~

~~(b) LIMITED NOTICE – FORM OF PRESENTATION TO COURT. Where limited notice of a settlement or compromise is permitted pursuant to Local Rule 6004-1(b)(1), the settlement or compromise may be approved on application with proposed order under Local Rule 9013-4 and the application may be combined with the notice.~~

~~(c) ADVERSARY PROCEEDING SETTLEMENT AFFECTING ESTATE. If Federal Rule of Bankruptcy Procedure 9019 applies to the compromise or settlement of an adversary proceeding, a request for approval of the proposed compromise or settlement shall be made by motion in the bankruptcy case.~~

~~(d) STIPULATED RELIEF. If notice to all creditors is not required, the court may order appropriate relief without notice or a hearing if a stipulation is filed which is signed by each entity that would have received notice of the hearing.~~

[Effective April 15, 1997. Amended effective January 1, 2002; July 17, 2023.]

**2023 Advisory Committee Notes**

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Local Rule 9019-1 was amended to remove any reference to Local Rule 6004-1, which governs the sale of estate property. Former subsections (a) and (b) were removed to ensure consistency with and as duplicative of Fed. R. Bankr. P. 2002(a)(3), which allows the court for cause shown to direct that notice not be sent. Amended subsection (a) still provides a more efficient method for chapter 7 trustees to notice settlements. The chapter 7 trustees are permitted to use negative notice procedures and do not have to comply with Local Rule 9013-1. Under Fed. R. Bankr. P. 2002(a)(3), a trustee can request that the court limit notice in any given case. Amended subsection (b) is meant to signify that a trustee only has to comply with the notice requirements found in Fed. R. Bankr. P. 9019(a) and Local Rule 9013-2(b), as opposed to the service requirements in Local Rule 9013-2(a). This is to ensure the local rule is not significantly more burdensome than the federal rule. Former subsection (c) was removed as it is more appropriately addressed in Local Rule 7041-1. Subsection (d) was removed as unnecessary and to ensure consistency with Fed. R. Bankr. P. 9019.

### Rule 9019-2. Mediation

The court may refer any adversary proceeding or contested matter for mediation by ~~any other~~ a federal judge or ~~any~~ mediator agreed to~~chosen~~ by the parties.

[Effective May 1, 2015. Amended effective July 17, 2023.]

#### 2023 Advisory Committee Note

Local Rule 9019-2 was restyled; no substantive changes were intended.

### Rule 9021-1. Entry of Judgments in Adversary Proceedings~~and Orders—Entry of~~

~~(a) GENERALLY. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed.R. Bankr.P. 5003 and 9021. All signed orders will be filed electronically by the court or court personnel. Any order or other court issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may also be issued as “text only” entries on the docket, without an attached document.~~

~~(b) FILING AND ENTRY OF JUDGMENTS IN ADVERSARY PROCEEDINGS. Unless dismissed, every adversary proceeding shall be concluded by a separate judgment set forth and entered by the clerk. Immediately Upon entry of a judgment in an adversary proceeding to deny or revoke a discharge, to revoke the confirmation of a plan, or to subordinate a claim, the clerk ~~shall~~ must also enter the judgment in the ~~docket of the~~ bankruptcy case and provide notice to the entities listed in Federal Rule of Bankruptcy Procedure 2002 in the manner specified in that rule; ~~where appropriate, the clerk shall transmit a notice pursuant to Local Rule 2002-4(b) no earlier than twenty nine days after entry of the judgment, unless the court orders otherwise.~~~~

~~Fed. R. Bank. P. Reference 7054.~~

[\[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; October 1, 2019; July 17, 2023.\]](#)

**[2023 Advisory Committee Notes](#)**

[Local Rule 9021-1 was retitled, restyled, and amended to remove language that was duplicative of Fed. R. Bankr. P. 5003, 7054, and 9021. Former subsection \(b\), which now constitutes the substance of the rule, was also amended to clarify that certain judgments entered in adversary proceedings will also be entered in the bankruptcy case and the clerk will provide notice of such judgments to the entities listed in Fed. R. Bankr. P. 2002.](#)

**Rule 9022-1. ~~Notice of Court Orders and Judgments~~ [\[ABROGATED\]](#)**

~~Immediately upon the entry of an order or judgment, the clerk shall transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Federal Rule of Bankruptcy Procedure 9022. The clerk shall give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.~~

[\[Effective January 9, 2006. Amended effective October 1, 2019. Abrogated effective July 17, 2023.\]](#)

**[2023 Advisory Committee Notes](#)**

[Former Local Rule 9022-1 is abrogated as duplicative of Fed. R. Bankr. P. 9022; the rule number is reserved for possible future use.](#)

**Rule 9029-1. Rules ~~—~~ General**

- (a) SCOPE. These [Local R](#)ules ~~and forms~~ [constitute an order of the court and](#) govern practice and procedure in bankruptcy cases and proceedings in the District of Minnesota. All previous local rules are superseded except to the extent that in the opinion of the court the application of one of these rules in a matter pending when these rules or amendments were promulgated would not be feasible or would work injustice.
- (b) SUSPENSION. In the interest of expediting a decision or for other good cause, the court may suspend the requirements or provisions of any local rule and may order proceedings in accordance with its direction.
- (c) [LOCAL](#) FORMS. The local forms prescribed by these [L](#)ocal [R](#)ules ~~shall~~ [must](#) be observed and used with [only](#) such alterations as may be appropriate unless a local rule requires exact conformity. The clerk, with approval of the judges, may issue additional forms for use under these rules.

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(d) CITATION. These rules or amendments may be cited as Local Rule \_\_\_\_ and these forms as Local Form \_\_\_\_.

[\[Effective April 15, 1997. Amended effective July 17, 2023.\]](#)

### **2023 Advisory Committee Note**

[Local Rule 9029-1 was restyled. The language regarding an order of the court was added to subsection \(a\) to make clear that when the Federal Rules of Bankruptcy Procedure allow the court to direct or order otherwise, these Local Rules constitute the court directing or ordering otherwise.](#)

### **Rule 9036-1. Notice and Service on Non-Filing Users and Trustees**

(a) NON-FILING USERS. Parties who are non-Filing Users must be served with or given notice of any pleading or other electronically filed document in accordance with the Federal Rules of Bankruptcy Procedure and these Local Rules. Proof of such service or notice must be electronically filed.

(b) TRUSTEES. When a document is required to be served in accordance with Federal Rule of Bankruptcy Procedure 7004, service on the trustee in a chapter 7, 12, 13, or subchapter V case is completed upon the filing of that document with the court’s Electronic Case Filing System, unless the trustee requests to be served by non-electronic means.

[\[Effective July 17, 2023.\]](#)

### **2023 Advisory Committee Note**

[Local Rule 9036-1 was implemented to incorporate the language from former Local Rules 9004-1\(b\) and 9006-1\(a\) and to address electronic service on trustees. Subsection \(a\) contains the language from former Local Rules 9004-1\(b\) and 9006-1\(a\). Subsection \(b\) permits electronic services through ECF on the trustee assigned to the case. Rule 9036 excepts from electronic service any document required to be served in accordance with Fed. R. Bankr. P. 7004, which includes motions filed under Fed. R. Bankr. P. 9014, such as motions for relief from stay. Hence, when service is required on the trustee, the moving party would have to serve the initial motion on the trustee by mail. This would be burdensome on the trustees. While there are exceptions in the Federal Rules of Bankruptcy Procedure allowing other common parties to be served electronically and still be in compliance with Fed. R. Bankr. P. 7004, no such exception appears to exist for trustees. See Fed. R. Bankr. P. 7004\(g\) \(allowing electronic service on the debtor’s attorney\). Local Rule 9036-1 creates such an exception for the trustee assigned to the case, unless the trustee requests service by non-electronic means.](#)

### **Rule 9070-1. Exhibits**

Upon the closing of a [bankruptcy](#) case or adversary proceeding, the clerk may require the attorneys of record to remove [any exhibits or other items that were not filed in ECF](#), ~~depositions or briefs contained in the files~~ within 14 days after written notice. The clerk may destroy or otherwise dispose of such exhibits, ~~depositions or briefs~~ [or other items not filed in ECF](#) if they are

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not removed in the time specified. Attorneys of record who collect any exhibits or items not filed in ECF under this rule must retain such material until all applicable appeal periods for the bankruptcy case or adversary proceeding have expired.

[Effective April 15, 1997. Amended effective December 1, 2009; July 17, 2023.]

**2023 Advisory Committee Note**

Local Rule 9070-1 has been restyled. The rule was amended to also refer to other items that may have been left with the court as part of a bankruptcy case or adversary proceeding but were not filed in ECF. The rule was also amended to provide a retention period for any materials collected under this rule.