

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA**

**NOTICE OF PROPOSED LOCAL RULE CHANGE
AND OPPORTUNITY TO COMMENT**

Pursuant to Local Bankruptcy Rule 1001-1, the United States Bankruptcy Court for the District of Columbia is publishing for comment proposed new Local Rules 1007-3, 4001-7, and 7012-1, and proposed amendments to Local Rules 1001-1, 1002-1, 1009-1, 3011-1, 3015-2, 3015-3, 9011-1, 9013-1, 9016-1, and 9070-1.

The proposed rule changes, which are attached to this Notice, will be adopted and become effective unless modified or withdrawn by the Court after reviewing comments from organized bar associations, members of the bar and public. Such comments must be made in writing within 45 days of the publication of this Notice and should be addressed to: [Gunn Chambers@dcb.uscourts.gov](mailto:Gunn_Chambers@dcb.uscourts.gov).

Hon. Elizabeth L. Gunn

Exhibit A

RULE 1001-1 SCOPE OF RULES; TITLE

- (a) Scope of Rules and Title. Federal Rule of Bankruptcy Procedure 9029 provides that courts may adopt local rules that are not inconsistent with the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules” and each individually a “Bankruptcy Rule”). These rules shall be known as the “Local Bankruptcy Rules” of the United States Bankruptcy Court for the District of Columbia (the “Court”) and are hereby prescribed and promulgated as Local Bankruptcy Rules governing practice and procedure before the Court. They are to be cited as the “Local Bankruptcy Rules” except that individual rules may be cited as “Local Bankruptcy Rule ____” or “LBR ____.” The Local Bankruptcy Rules apply to all cases pending in the Court except (a) as otherwise provided in these Local Bankruptcy Rules and (b) the rules governing bankruptcy proceedings in the United States District Court for the District of Columbia (the “District Court”) are set forth in the D.Ct.LBRs found in [Error! Reference source not found.](#)
- (b) Any amendment to these Local Bankruptcy Rules shall be published in The Daily Washington Law Reporter before its adoption. The notice shall state that the proposed amendment will be adopted unless modified or withdrawn after receiving comments from organized bar associations, members of the bar, and the public. Such comments shall be submitted in writing within 45 days of publication. If the Court determines there is an immediate need for a particular local rule or amendment to an existing local rule, it may proceed without public notice and opportunity for comment, but the Court shall promptly thereafter afford such notice and opportunity for comment.
- (c) Sanctions. The Court, on its own initiative or on the motion of any party in interest, may impose sanctions for failure to comply with the Local Bankruptcy Rules. Sanctions may include, but are not limited to, the striking of papers filed with the Court, dismissal of matters or proceedings, dismissal, or conversion of cases, or as may otherwise be appropriate under the circumstances.

RULE 1002-1 Scope; Title; Citations; References to a Specific Form

- (a) Generally. Except as set forth in subsection (b) below, the Clerk must accept for filing any petition. If a petition is not signed by either the petitioner or an attorney, a signed document must be filed within three (3) days or the petition may be dismissed. The three (3) day period commences for mailed notices three (3) days after the notice is mailed and for electronic notices when the electronic notice is served. The Clerk shall notify the party of the deficiency.
- (b) In-Person Filing. If an unsigned petition is filed in-person with the Clerk's office and the filer does not immediately cure the deficiency, then the Clerk may reject the unsigned petition.
- ~~(b)~~(c) Dismissal. The Court may dismiss a petition without a hearing, issue a show cause order for why the case should not be dismissed, or take other action if a petition is submitted by a debtor who is not an individual and is not represented by an attorney (1) who is admitted or authorized to practice before this Court under Local Bankruptcy Rule 2090-1; or (2) who has filed a motion for pro hac vice admission under Local Bankruptcy Rule 2090-1(b) contemporaneously with the petition.

RULE 1007-3 Power of Attorney and Declaration Required

A petition filed by the holder of a power of attorney (the “Filing Party”) must be accompanied by a copy of the power of attorney and the Filing Party’s declaration under penalty of perjury (“Declaration”). The Declaration must include (a) the Filing Party’s name, address, and relationship to the debtor; (b) whether a guardian or other representative was appointed for the debtor under nonbankruptcy law before the petition was filed; (c) whether the debtor has been adjudicated an incompetent person; (d) whether the power of attorney expressly authorizes the filing of a bankruptcy petition; (e) whether the debtor consents to the bankruptcy filing; (f) the reason for filing the bankruptcy case; (g) whether any of the debtor’s debts were incurred for the benefit of the Filing Party and whether the Filing Party is a party in interest in the bankruptcy case; (h) why the debtor is unable to file the petition himself or herself or is otherwise unable to manage his or her financial affairs; and (i) the names and addresses of all immediate family members, if known. The signature on the petition, Declaration, and any other documents signed by the Filing Party must reflect that the Filing Party signed as attorney in fact for the debtor (i.e., “/s/ John Smith, Attorney in fact on behalf of Debtor”). The Filing Party must serve a copy of the petition, the power of attorney, and the Declaration on the debtor, the debtor’s immediate family members (if known), any other party required to be served by the instrument which authorized the Filing Party to file the petition, and all parties in interest.

RULE 1009–1 Amending a Voluntary Petition, List, Schedule, or Statement

- (a) Requirement of Amended Summary of Schedules and Signed Declaration Page When Schedules Are Amended. When a debtor amends a schedule or schedules, the debtor must include:
- (1) Official Form B 106 Declaration “Declaration About an Individual Debtor’s Schedules” or Official Form B 202 “Declaration Under Penalty of Perjury for Non-Individual Debtors” as applicable; and
 - (2) Official Form B 106 Summary “Summary of Your Assets and Liabilities and Certain Statistical Information” or Official Form B 206 Summary “Summary of Assets and Liabilities for Non-Individuals” as applicable.
- (b) Notice to Creditors and Amendment Coversheet. Every amendment to lists, schedules, and/or statements (an “Amendment”) which adds, deletes, or modifies a creditor, shall include a properly completed [Local Form 101](#) Notice to Creditors and Amendment Coversheet for Amending Creditor or Creditor Information. When an Amendment adds creditors to a bankruptcy case, the Amendment shall be accompanied by a list of the added creditors in a format specified by the Clerk, and shall mail by first class mail, to all entities affected by the Amendment, a copy of the following:
- (1) the Amendment and Official [Local Form 101](#);
 - (2) the original notice of the meeting of creditors;
 - (3) each order that establishes or extends a bar date for filing proofs of claims, complaints to determine the dischargeability of certain debts, or to object to the discharge of the debtor;
 - (4) the order granting discharge (if any);
 - (5) the notice required by [Local Bankruptcy Rule 3003–1\(b\)\(1\)\(iii\)](#); and
 - (6) any other filed document(s) affecting the rights of said entities.
- (c) Fee Triggered by Filing of an Amendment, or Certification That the Amendment Did Not Trigger a Fee. When an Amendment of the List of Creditors, other than an Amendment changing only the addresses of previously listed entities, is filed, the filer must either:
- (1) pay the fee imposed by the Bankruptcy Court Miscellaneous Fee Schedule; or
 - (2) file a certification that no fee is owed.
- (d) Addition to Electronic List of Creditors. Where the debtor adds creditors or other parties in interest to a case by amending either the schedules, statements, or List of Creditors previously filed, the debtor shall ensure that the added entities are added to the List of Creditors in the Court’s NextGen CM/ECF system. This rule does not apply to parties not represented by an attorney and/or required to file documents in paper format with the Clerk’s Office.
- ~~(d)~~(e) Certificate of Compliance. Contemporaneously with the filing of either (1) an amended schedule or (2) a supplemental or amended List of Creditors, the debtor must file a certificate of compliance with this Local Bankruptcy Rule, together with a dated and

conspicuously titled supplemental List of Creditors that lists only the names and correct mailing addresses of each newly scheduled and/or amended creditor, if applicable.

**RULE 3011-1 Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13—
Listing Unclaimed Funds**

- (a) Deposits of Unclaimed Funds. Deposits of unclaimed distributions by chapter 7, 11, 12, 13, and subchapter V trustees may be made without leave of Court.
- (b) Withdrawal of Unclaimed Funds. Any party wishing to withdraw unclaimed funds from the Court, including unclaimed distributions deposited under 11 U.S.C. § 347(a), shall file a completed [Local Form 103](#) with all required attachments thereto with original, wet ink signatures unless the application is filed by a member of the bar of this Court. The Local Form and all required attachments shall be served on the United States Attorney for the District of Columbia and the United States Trustee.
- (c) Applications by Parties Other Than the Debtor or Original Claimant. Unless ordered otherwise for cause shown, if an application under this Local Bankruptcy Rule is filed by a party other than the debtor or original claimant, the Court shall issue payment only to one of the following: (1) the name of the rightful claimant (including payment issued to the claimant but mailed care of a third party); or (2) if authorized by power of attorney, jointly to the claimant and a third party.

RULE 3015–2 Chapter 13—Amendments to Plans

- (a) Amendments to Proposed Chapter 13 Plans. Unless confirmation of a prior chapter 13 plan has been denied, an amended chapter 13 plan may be filed at any time prior to confirmation. If confirmation of a prior chapter 13 plan has been denied, an amended chapter 13 plan must be filed within the period stated in [Local Bankruptcy Rule 3015–3\(c\)](#) unless the order denying confirmation states some other period.
- (1) Amendments Filed with the Court Twenty-Eight (28) Or More Days Prior to Confirmation. If an amended chapter 13 plan is filed with the Court twenty-eight (28) days or more prior to a scheduled confirmation hearing, the debtor may set the date for the confirmation hearing upon such amended chapter 13 plan for the existing scheduled confirmation hearing.
- (2) Amendments Filed with the Court Less than Twenty-Eight (28) Days Prior to Confirmation. If an amended chapter 13 plan is filed with the Court less than twenty-eight (28) days prior to a scheduled confirmation hearing, the debtor shall obtain a new confirmation hearing date from the chapter 13 trustee, the Courtroom Deputy, or the dates listed on the Court’s website, or file an appropriate motion(s) to shorten notice.
- ~~(2)~~(3) Hearing Date. Confirmation hearings shall be set on not less than twenty-eight (28) days’ notice after the filing of a plan. Objections to the plan must be filed and copies served on the chapter 13 trustee, the debtor, and the debtor’s attorney no later than seven (7) days before the date set for hearing on confirmation of the plan. The debtor shall obtain a confirmation hearing date from the chapter 13 trustee, the Courtroom Deputy, or the dates listed on the Court’s website.
- (b) Modifications to Confirmed Chapter 13 Plans. Except as set forth Local Bankruptcy Rule 3015–1(b)(2), a request to modify a confirmed chapter 13 plan shall be made by a motion and served pursuant to [Local Bankruptcy Rule 3015–1\(b\)](#) with twenty-eight (28) days’ notice of a scheduled confirmation hearing date from the chapter 13 trustee, the Courtroom Deputy, or the dates listed on the Court’s website. Any objections must be filed and served seven (7) days prior to the scheduled confirmation hearing. All motions to modify must comply with Bankruptcy Rule 3015(h), explain with specificity the proposed modification, and be accompanied by the proposed modified chapter 13 plan.
- (c) Effect of Filing Amended or Modified Chapter 13 Plan. Upon the filing of an amended or modified chapter 13 plan, any pending objections to the previous proposed chapter 13 plan shall automatically be continued to the same date and time as the confirmation hearing on the amended or modified chapter 13 plan.

RULE 3015-3 Chapter 13—Confirmation

- (a) Objections to Confirmation of Chapter 13 Plans.
- (1) Timing. Any objection to confirmation of the chapter 13 plan or to the granting of any included Motion for Determination of Value, Motion for Lien Avoidance, or the Motion to Assume or Reject Executory Contract or Unexpired Lease shall be filed no later than seven (7) days prior to the date set for the confirmation hearing.
 - (2) Service. The objecting party shall file an original objection with the Court and serve copies on the chapter 13 trustee, the debtor, and the debtor's attorney (if any). The objection shall be accompanied by a certificate of service.
- (b) Pre-Confirmation Certification. Prior to the scheduled confirmation hearing, a debtor shall sign the "Certification by Debtor(s) Requesting Confirmation of plan and Compliance With Requirements of 11 U.S.C. § 1325" ([Local Form 105](#)) (the "Pre-Confirmation Certification"), file it with the Clerk, and deliver a copy to the chapter 13 trustee.
- (c) Confirmation Hearing When No Objection Is Timely Filed. After the time for filing objections has passed, if the Pre-Confirmation Certification has been filed, no objection has been timely filed, and upon recommendation of the chapter 13 trustee, the Court may enter an order confirming the chapter 13 plan without holding a hearing.
- (d) Denial of Confirmation in Cases Without a Confirmed Chapter 13 Plan. If the Court denies confirmation of the debtor's original or subsequently modified chapter 13 plan, and the Court has not entered an order previously confirming a chapter 13 plan, the Clerk is directed to issue an order dismissing the chapter 13 case unless, within twenty-one (21) days after denial of confirmation: (1) the debtor files a new chapter 13 plan; (2) the debtor converts or moves to convert the case to another chapter of the Bankruptcy Code; (3) the debtor files a motion for reconsideration or appeals the denial of confirmation; or (4) the Court otherwise orders.
- (e) Denial of Confirmation in Cases with a Confirmed Chapter 13 Plan. If the Court denies confirmation of the debtor's modified chapter 13 plan and the Court has entered an order previously confirming a chapter 13 plan, the previously confirmed chapter 13 plan shall remain in full force and effect.
- (f) Adequate Protection.
- (1) Affidavit. No later than fourteen (14) days prior to the date of a confirmation hearing, the debtor shall serve on the chapter 13 trustee and file with the Court an affidavit setting forth all 11 U.S.C. § 1326(a)(1) pre-confirmation payments made by the debtor. The affidavit shall set forth the deadline to object to the information contained in the affidavit. A copy of the affidavit shall be served on the creditors identified as being paid in the manner provided for service of a summons and complaint by Bankruptcy Rule 7004. In addition, if a proof of claim has been filed, the affidavit shall be served in care of the claimant at the name and address where notices should be sent as shown on the proof of claim.
 - ~~(1)~~(2) Objections. Objections to the accuracy of the affidavit shall be filed no later than seven (7) days after the filing and service of the affidavit. Unless a timely objection

to the affidavit is filed, the Court may presume the information in the affidavit is accurate.

RULE 4001-7 Postpetition Applications to Modify Loan

A debtor may submit an application for a loan modification to a creditor postpetition, and a creditor may consider such application postpetition, without first obtaining relief from the automatic stay. The documents, correspondence, and other communication between the debtor and the creditor regarding a postpetition application for a loan modification are subject to Local Bankruptcy Rule 4001-4.

RULE 7012-1 **Final Orders and Judgments**

As required by Bankruptcy Rules 7008 and 7012(b), all parties in adversary proceedings shall include in their initial substantive filing a statement as to whether the party consents to entry of final orders and/or judgments by the bankruptcy judge. If a party fails to include the required statement in their initial substantive filing or by some other deadline as set by the Court, such party is deemed to have consented to entry of final orders or judgments by the bankruptcy judge.

**RULE 9011-1 Signing Documents; Representations to the Court; Sanctions;
Verifying and Providing Copies**

- (a) Responsibility for Use of Login and Password. An attorney or other person who is assigned a Court-issued login and password to file documents electronically is responsible for all documents filed using that login and password.
- (b) Signature and Certification. The transmission of a petition, pleading, motion, or other paper by electronic means shall constitute both a signature by the attorney or other person responsible for transmitting it that is required by Bankruptcy Rule 9011(a) and a certification within the meaning of Bankruptcy Rule 9011(b). Such transmission shall also constitute a representation by the attorney or other person responsible for an electronic transmission to the Court that they are in possession of the original petition, pleading, motion, or other paper, with all original signatures thereon as that term is defined in subsection (e) herein.
- (c) Production. Upon reasonable request by the Court or an interested party, the attorney or other person responsible for an electronic filing shall produce for inspection and copying the original petition, pleading, motion, or other paper filed by electronic means, with all original signatures thereon.
- (d) Original Signatures.
 - (1) An original signature of an attorney includes a signature obtained or sent by facsimile, scanned document, electronic mail authorization, or other electronic means, authorizing the placement of the signature of the authorizing person on the document to be filed.
 - (2) Except as provided in Local Bankruptcy Rule 3011-1(b) on Applications for Unclaimed Funds, An original signature of a party (a “Virtual Party Signature”) includes a signature transmitted by facsimile, scanned document, or other electronic means containing the original signature.
 - (3) While not required, after obtaining a Virtual Party Signature, all parties are encouraged to obtain the original physical/wet ink signatures on any petition, schedule or statement, chapter 13 plan, and any other document filed under oath or subject to the penalty of perjury.
- (e) Maintenance. The attorney or other person responsible for an electronic transmission to the Court shall maintain evidence of the original petition, pleading, motion or other paper bearing original or Virtual Party Signature other than that of the electronic filer, for three (3) years after the bankruptcy case is closed.

RULE 9013–1 Motions; Form and Service

- (a) Requirement of Written Motion. All motions shall be in writing and filed with the Court using the applicable NextGen CM/ECF docketing events, unless made during a hearing or trial.
- (b) General Procedure for Motions.
 - (1) Grounds for Relief Sought. All motions, responses, objections, applications (other than for compensation) and similar requests shall state with particularity the grounds therefor and shall set forth the relief or order sought.
 - (2) Optional Supporting Materials. A memorandum of facts and law may be filed with or combined with a motion. Supporting affidavits or documents entitling the movant to the relief requested may be filed with a motion.
- (c) Required Notice. Unless a contemporaneous motion is filed under Local Bankruptcy Rule 9013–2, a motion filed with the Court, including a motion filed in an adversary proceeding, shall include or be accompanied by a conspicuous notice of the motion, objection deadline, and hearing, if applicable. The notice must conform substantially to Official Form B 420A.
 - (1) Exceptions. In addition to those pleadings specifically set forth in these Local Bankruptcy Rules, the following motions do not require a separate notice:
 - (A) a debtor’s motion to convert to chapter 7 under 11 U.S.C. §§ 1112(a), 1208(a), or 1307(a);
 - (B) a joint mediation motion pursuant to [Local Bankruptcy Rule 9019–2\(c\)\(2\)](#);
 - (C) a consent motion to extend deadlines in adversary proceedings;
 - (D) a motion for conditional approval of disclosure statements in small business cases under 11 U.S.C. § 1125(f)(3); or
 - (E) a motion to restrict public access under Federal Rule 9037(h).
- (d) Deadline for Response. Unless a different time is prescribed by any statute, Bankruptcy Rule, Local Bankruptcy Rule, or pre-hearing or other order entered by the Court with respect to a motion, a response shall be filed with the Court and served upon the proponent of such motion as follows:
 - (1) When a hearing has not been set or requested, the moving party shall serve a notice of opportunity to object and request hearing. Unless otherwise set out in these Local Bankruptcy Rules, the opposing party may file a response within fourteen (14) days, but not thereafter without leave of the Court unless the motion relates to a matter for which a longer notice is required under Bankruptcy Rule 2002(a). The movant may file a reply within seven (7) days after the filing of the response. If the notice of opportunity to request a hearing procedure is used and the opposing party serves and files a timely request for a hearing, the moving party shall obtain a hearing date from the Clerk and give notice to the opposing party of the hearing date.
 - (2) When a hearing has been set on at least twenty-one (21) days’ notice, the opposing party may file a response no later than seven (7) days before the date of the hearing.

- (3) When a hearing has been set on less than twenty-one (21) days' notice, unless the Court directs otherwise, the opposing party may file a response no later than three (3) business days before the date of the hearing. A hearing may not be set by a party on less than fourteen (14) days' notice unless the Court grants a motion requesting an expedited hearing pursuant to Local Bankruptcy Rule 9013-2. If a hearing is set on an expedited basis, the opposing party may file a response no later than one (1) business day before the date of the hearing or as otherwise directed by the Court.
- (4) When an objection to a claim is filed, the opposing party may file a response within thirty (30) days of the filing of the objection.

RULE 9016-1 Subpoena

(a) All requests for the issuance of Clerk-issued subpoenas for the attendance of witnesses at hearings or trials shall be filed with the Clerk no later than fourteen (14) days before the date upon which the witness will be directed to appear. If the request is made within fourteen (14) days prior to the date of the trial or hearing, it may be issued by the Clerk, but no continuance will be granted if said witness fails to appear even though served. The provisions hereof are not intended in any way to change or modify the provisions of Bankruptcy Rule 9016 or any other applicable Bankruptcy Rules.

~~(a)~~(b) The Clerk shall not issue any subpoena under Bankruptcy Rule 9016 at the request of a self-represented litigant unless the litigant first obtains an order from the Court authorizing the issuance of the subpoena. Before entering any such order, the Court may require the self-represented litigant to state the reasons why the subpoena should be issued. The Court may deny issuance of the subpoena if (1) it imposes an undue burden or expense on the person subject to the subpoena, upon the United States Marshal Service, or other Court officer who would be required to serve it under 28 U.S.C. § 1915; or (2) if issuance of the requested subpoena is otherwise inconsistent with the requirements of the Bankruptcy Rules.

RULE 9070–1 Exhibits and Witnesses

(a) General Provisions for Electronic Submission and Exchange of Exhibits.

- (1) Exhibit and Witness Lists and Numbering of Exhibits. Each party shall prepare a combined or separate exhibit list and witness list to be filed in accordance with subsections (3) and/or (4) of this Rule which shall include all persons whose testimony at trial will be given by deposition and designation of the portions of each person’s deposition which will be introduced. All exhibits shall be marked sequentially with the plaintiff/movant using numbers (i.e., 1, 2, 3) and the defendant/respondent using letters (i.e., A, B, C). If there are more than two parties to a matter or adversary pleading, all exhibits must include the party’s role in the matter or adversary proceeding (i.e., “movant” or “respondent,” “plaintiff” or “defendant”) and be sequentially numbered.
- (2) Submission and Exchange of Exhibits When All Parties Are Represented by an Attorney. If all parties in an adversary proceeding or contested matter are represented by an attorney, unless the Court orders otherwise, the list(s) of exhibits, witnesses, and the proposed exhibits (together, the “Exhibits”) must be exchanged and submitted via NextGen CM/ECF by no later than 4:00 p.m. Eastern time four (4) business days before the commencement of the first day of a scheduled trial or evidentiary hearing except for exhibits to be offered solely for rebuttal or impeachment. The format of the Exhibits must comply with subsection (a)(4) of this Rule. The filing of exhibits via NextGen CM/ECF constitutes the parties’ delivery of Exhibits to opposing parties in an adversary proceeding, or any contested matter.
- (3) Submission of and Exchange of Exhibits When a Party Is Not Represented by an Attorney. If any party in an adversary proceeding or contested matter is not represented by an attorney (a “*pro se*” party), then:
 - (i) Submission of Exhibits by a Pro Se Party. Each *pro se* party must submit their Exhibits, except for exhibits to be offered solely for rebuttal or impeachment, by sending them as Portable Document Format (PDF) files to the Clerk of the Court by electronic mail to the following email address: Gunn Hearings@dcb.uscourts.gov, no later than 4:00 p.m. Eastern time four (4) business days before the commencement of the first day of a scheduled trial or evidentiary hearing. The Clerk will upload exhibits of *pro se* parties via NextGen CM/ECF. This procedure also constitutes the *pro se* party’s exchange of Exhibits with any represented parties. Exchange of Exhibits with any other *pro se* party, however, must be done in accordance with subsection (a)(3)(iii). If a *pro se* party cannot comply with the requirements herein, the filer shall contact the Courtroom Deputy to coordinate an alternative form of submission.
 - (ii) Submission of Exhibits by a Represented Party. Represented parties must, no later than 4:00 p.m. Eastern time four (4) business days before the commencement of the first day of a scheduled trial or evidentiary hearing, submit their Exhibits via NextGen CM/ECF except for exhibits to be offered solely for rebuttal or impeachment. This procedure also constitutes

the represented party's exchange of Exhibits with any other represented parties. The exchange of Exhibits with any party must be done in accordance with subsection (a)(3)(iii).

- (iii) Exchange of Exhibits with a Pro Se Party. Exhibits to be exchanged with a *pro se* party shall be provided by email or other electronic method. In the event a *pro se* party is unable to receive copies of Exhibits by email or other electronic method, the party submitting the Exhibits must make alternative arrangements (including providing copies on a USB flash drive or, as a last resort, paper copies) to provide copies of its Exhibits except for exhibits to be offered solely for rebuttal or impeachment.
- (4) Format of Exhibits. When docketing exhibits, the filer shall file their exhibit list using the docket event "Exhibit/Witness List" and file the exhibits as attachments thereto. The exhibits shall either be filed as (i) individual separate PDF attachments; or (ii) a single PDF file attachment with each exhibit bookmarked within the PDF file. Each PDF file shall be limited to a file size no greater than 50 MB. Each PDF file shall have a unique identification name and number (e.g., "Plaintiff's Exhibit 1"). If an exhibit is too large or cannot otherwise comply with the requirements herein, the filer must contact the Courtroom Deputy to coordinate an alternative form of submission.
- (5) Objections to Exhibits; Motions in Limine. Any objection to the admissibility of any proposed Exhibits and/or motions in limine shall be filed and served, so as to be received no later than 4:00 p.m. Eastern time two (2) business days before the commencement of the first day of a scheduled trial or evidentiary hearing. Objections to any Exhibit must follow the procedure specified in this paragraph:
 - (i) The objection shall: (A) identify the exhibit; (B) state the grounds for the objection; and (C) provide citations to case law and other authority in support of the objection. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits must be included. Any listed exhibit to which an objection is not raised is deemed to have been stipulated as to authenticity by the parties, and such documents will be admitted at trial without further proof of authenticity.
 - (ii) An objection not so made—except for one under Federal Rule of Evidence 402 or 403—is waived unless excused by the Court for good cause.
- (6) Redaction of Personal Data Identifiers. In compliance with Bankruptcy Rule 9037(a), the following information shall be redacted from all Exhibits submitted to the Court whether in paper or electronic format: Social Security numbers, taxpayer identification numbers, and financial account numbers other than the last four digits; names of minor children; and the month and date of birth (together, "Confidential Information"). If a party determines that any Confidential Information should be considered by the Court at the trial or evidentiary hearing, that party must nevertheless submit redacted copies of its Exhibits in accordance with subsections (a)(3) and (a)(4) of this Local Bankruptcy Rule and seek authority to file the unredacted exhibits under seal as provided for in [Local Bankruptcy Rule 5005-1\(c\)](#) and/or Bankruptcy Rule 9037(c).

- (7) Motion to Limit Access. Prior to filing Exhibits electronically, a party may file a pleading with the Court requesting for good cause that electronic access to any Exhibit be limited to the parties in the trial or evidentiary hearing. Such motion must be filed at least two (2) business days prior to the deadline for submitting Exhibits and be served on the parties to the trial or evidentiary hearing. Notwithstanding a pending motion under this subsection, the parties shall submit all Exhibits not subject to the motion by the applicable deadline.
- (b) Request for Exception. At the final pretrial conference or by motion, for good cause, parties to a trial or evidentiary hearing may request exemption from the electronic submission and exchange of exhibits requirements in this Rule. Exceptions shall be granted only upon approval of the Court and not by agreement amongst the parties to a trial or evidentiary hearing.
- (c) Custody of Exhibits.
- (1) Exhibits Submitted Electronically. All Exhibits submitted electronically through NextGen CM/ECF, whether or not received as evidence, shall remain part of the Court's NextGen CM/ECF docket unless the Court orders otherwise. In the event an appeal is prosecuted, the electronic copies of the Exhibits shall be transmitted as part of the record on appeal.
- (2) Exhibits Submitted in Hard Copy. All Exhibits offered by a party in hard copy, whether or not received as evidence, shall be retained after trial by the party or the attorney offering the Exhibit, unless otherwise ordered by the Court. In the event an appeal is prosecuted, each party to the action in this Court, upon notification from the Clerk that the record is to be transmitted and upon request of a party to the appeal, must file with the Clerk any Exhibits to be transmitted as part of the record on appeal. Those Exhibits not transmitted as part of the record on appeal shall be retained by the parties, who shall make them available for use by the appellate court upon request. Within thirty (30) days after final disposition of the case by the appellate court, the Exhibits shall be removed by the parties who offered them. If any party, having received notice from the Clerk to remove the Exhibits as provided herein, fails to do so within thirty (30) days of the date of such notice, the Clerk may destroy or otherwise dispose of those Exhibits.