

**SUMMARY OF 2018 LOCAL RULE AMENDMENTS
U.S. BANKRUPTCY COURT – DISTRICT OF ARIZONA**

Rule or Form	Title	N E W	Note / Explanation of Proposed Change
1000-1	Prohibition of Bias		Adds references for sex, national origin, genetic information, marital status, and veteran status for consistency with protections provided under federal law.
1001-1	General Scope and Definitions		Incorporates new section containing definitions (formerly located in LR 9001-1).
1002-1	Commencement of Chapter 11 Cases – Status Conferences	X	New LR replacing former General Order re first day motion procedures and relief – Ch 11 Status Hearing preferably set on same day as the 341 meeting.
1005-1	Caption of Petition		Adds requirement to include trade names or DBAs in petition caption.
1005-2	Petition		Requires petitioner to list an e-mail address to facilitate noticing; minor text changes.
1005-3	Business Chapter 7	X	Imposes duty on debtor to inform trustee when business cases are filed and to initiate turnover.
1006-1	Filing Fees		Clarifies that in a represented case, the attorney is responsible for paying the filing fee; Makes clear that only individual debtors may pay filing fees in installments or obtain a fee waiver; Applications for fee waiver by a debtor represented by counsel may be filed only after counsel files a FRBP 2016(b) disclosure; Increases the minimum payment to \$80.00; Other technical changes and language corrections.
1007-1	Lists, Schedules and Statements (Forms)		Updated Form 1007-1 <i>Declaration of Electronic Filing</i> required by LR 1007-1(c) and updated Form 1007-2 <i>Declaration of Evidence of Payments</i> required by LR 1007-1(f). LR 1007-1(g) requires pro se debtors to disclose whether they paid anyone to assist in completing their bankruptcy documents, and if so, who they paid and how much they paid in new form 1007-3 <i>Declaration Under Penalty of Perjury for Debtors Without an Attorney</i> .
1015-1	Joint Administration/Consolidation		Clarifies filings in jointly administered cases and substantively consolidated cases.
1017-1	Dismissal of Case (Form)		Clarifies grounds for dismissal and notice period for objections; Revised to comply with FRBP 1017 and 2002; Includes new requirement for debtors to waive certain deadlines as condition for reinstatement (timeliness objections to certain complaints, motions, claims, etc.). New form 1017-1 <i>Motion to Vacate Order of Dismissal and to Reinstate Case</i> required by LR 1017-1(f)(2).

**SUMMARY OF 2018 PROPOSED LOCAL RULE AMENDMENTS
DISTRICT OF ARIZONA – CONTINUED**

Rule or Form	Title	N E W	Note / Explanation of Proposed Change
1071-1	Places of Filing; Hearing Sites		Rule updated by consolidating former LR 1071-1 (Divisions – Bankruptcy Court) and 1072-1 (Places of Holding Court).
1073-1	Assignment of Cases		Minor text changes.
2002-1	Notices to Creditors		Technical revisions to address grammar issues; comments notes that service via NEF may be proper under new LR 9076-1.
2002-2	Procedures for 21-Day Negative Notice	X	New LR clarifying negative notice procedures; Cross-references LR 9013-1(k) specifying matters for which negative notice is acceptable, which individual Judges may alter through their procedures; Notice must include information on the time to respond.
2003-1	Meeting of Creditors		No substantive change; Language simplified.
2004-1	Time Limits to Compel Examination or Production of Documents	X	New LR establishes 21-day notice period for exams and RFPs; presumptive limits remain subject to Court modification; Comment instructs that 2004 Orders are subject to reconsideration and protective orders.
2014-1	Compensation of Professionals on a Fixed or Contingent Basis		Adds new sub-section (b) requiring prompt disclosure of any professionals retained by other estate professionals or third parties for the benefit of the estate; Such disclosure may be made under seal, if appropriate.
2015-1	Interim Reports		Language simplified; Comment adds reference to U.S. Trustee’s Guidelines and website.
2090-1	Admission to Practice; Appearance Before the Court; Self-Represented Parties		Creates presumption that an attorney of record appears in all matters except APs; Reiterates that a non-individual must have counsel; Modifies disqualifying factors for Pro Hac Vice; Excepts federal and state government attorneys from requirement for admission to Arizona Bar; Change of address procedure moved to LR to 9010-1(f).
2090-2	Bankruptcy Petition Preparers		Adds section concerning disciplinary authority of the Court.

**SUMMARY OF 2018 PROPOSED LOCAL RULE AMENDMENTS
DISTRICT OF ARIZONA – CONTINUED**

Rule or Form	Title	N E W	Note / Explanation of Proposed Change
3003-1	Filing Proof of Claim or Equity Security Interest in Chapter 9 and Chapter 11 Cases (Forms)	X	New LR establishes ex parte procedure for giving notice of proof of claim and interest bar date in chapter 9 and chapter 11 cases; Requires use of Form 3003-1 <i>Order Setting Claims Bar Date</i> for setting claims bar date on not less than 60 days notice and Form 3003-2 <i>Order Setting Initial Hearing on Approval of Disclosure</i> for setting hearing on approval of Disclosure Statement along with claims bar date.
3007-1	Claims – Objections		Extends the notice period to respond to a claim objection from 14 to 21 days; Clarifies negative notice procedure and CNO deadline; Expands to all cases the duty to identify claimant and claim number in caption of all claims-related papers.
3018-1	Acceptance or Rejection of Plans		Language simplified and requirements for Ballot Report modified.
4001-1	Automatic Stay – Relief From or Absence Of		Former LR 4001-2 Motion for Entry of Order Confirming Termination or Absence of Stay incorporated into LR 4001-1; Clarifies procedures for stipulations for stay relief (comment confirms that no fee will be charged when stipulation is filed without motion); Eliminates 3 day mailing period as duplicative to 3 day rule of FRBP 9006.
4001-2	Cash Collateral		Renumbered from 4001-3; Adds a provision for motions and to clarify that first day cash collateral relief is controlled by LR 4001-4.
4001-4	First Day Motions		Clarifies procedures for first day motions and interim nature of relief; Requires hearings for first day motions; Provides guidance on advance notice to the UST and establishes notice to parties for service of first-day orders.
4003-2	Lien Avoidance		Clarifies that lien avoidance may be through a plan; Minor language edits.
4008-1	Reaffirmation		Minor technical edits.
5001-1	Clerk’s Office		Modified to reflect change in Clerk’s Office hours.
5005-1	Discovery Documents and Exhibits		Title of LR updated to better reflect content; Requires a “Notice of Service” to be filed for all disclosures; Procedures concerning “Sealed Documents” now found at new LR 5005-6 Filings Under Seal; Other minor text edits.

**SUMMARY OF 2018 PROPOSED LOCAL RULE AMENDMENTS
DISTRICT OF ARIZONA – CONTINUED**

Rule or Form	Title	N E W	Note / Explanation of Proposed Change
5005-4	Electronic Court Filing System		Renumbered from LR 5005-2; Makes electronic filing mandatory in all cases except for pro se filers; For registered users, eliminates /s/ signatures and requires /s/Name, Bar Number; Establishes /s/Name with permission signature when registered user is not the filer; Requires email address on filed documents; Clarifies five-year original signature retention requirements; Establishes procedure for conversion of paper documents to electronic format prior to filing and for disposal of same 14 days after docketing.
5005-6	Filings Under Seal	X	New LR for filing documents under seal incorporating amended procedures previously found in LR 5005-1(c); Procedures updated to require filing of sealed documents on the ECF system instead of delivering hard copy of sealed documents to Clerk for storage in Court’s vault; Establishes procedure for disposition of any hard copies of sealed documents.
5011-1	Withdrawal of Reference Procedure		Renumbered from former 5011-2 Withdrawal of Reference; Modified to delete subsection (c) referencing applicable rules for withdrawn matters; Former 5011-1 Referral of Bankruptcy Cases and Proceedings withdrawn.
5095-1	Deposit of Funds in the Registry Account		Modified to reflect changes to procedures for investing court registry funds and to clarify that interpleader funds deposited meet the IRA definition of a “Disputed Ownership Fund”.
6004-1	Sales Not in the Ordinary Course of Business		Clarifies that except as provided in FRBP 6004(b) sales of property not in the ordinary course of business may only be sold on motion, notice and opportunity for hearing; Expands information to be provided in notice of sale including providing copies of all applicable public record searches (e.g., title reports, secretary of state records); Requires sale report to be filed within 21 days.
6006-1	Executory Contracts and Unexpired Leases		The substance of the rule did not change; language updated.
6007-1	Abandonment of Property		LR amended to require a form of order for abandonment and procedure to obtain same.

**SUMMARY OF 2018 PROPOSED LOCAL RULE AMENDMENTS
DISTRICT OF ARIZONA – CONTINUED**

6008-1	Redemption		No substantive changes made to this rule, only minor text changes.
7008-1	Pleading Consent to Entry of Final Order or Judgment	X	New LR addresses jurisdictional issues created by the holding in <i>Stern v. Marshall</i> , 564 U.S. 2, 131 S.Ct. 2594, 180 L.ed.2d 475 (2011), as clarified by <i>Wellness International Network Ltd. v. Sharif</i> , 575 U.S. ___, 135 S.Ct. 1932, 191 L. Ed. 2d 911 (2015) – requires parties to consent to Court authority to enter final orders/judgments.
7012-1	Objection to Bankruptcy Court Authority; Deemed Consent	X	New LR addresses the procedure when an objection to the Court’s authority is filed and directs compliance with FRBP 12(b).
7016-1	Joint Pretrial Statement (Form)		Expands required information; Provides that expert’s direct testimony to be via declaration; Requires electronic presentation of all exhibits, except for pro se litigants; Mandates that Pre-Trial Statement conform to Local Form 7016-1 <i>Joint Pre-Trial Statement</i> .
7037-1	Discovery Disputes in Adversary Proceedings – Request for Informal Conference	X	New LR imposes duty to contact chambers for informal conference prior to filing any discovery related motion; Imposes duty to make good faith efforts to resolve discovery dispute prior to bringing before Court and provides guidance on what constitutes “personal consultation.”
7054-1	Costs - Taxation		Simplified language for obtaining costs after entry of judgment.
8001-1	District Court Appellate Rules		Withdrawn/Reserved.
9001-1	Definitions		Content revised and moved to LR 1001-1 titled General Scope and Definitions; withdrawn and marked “reserved.”
9004-1	Papers – Caption and Form; General		Updates form of papers and captions; Text concerning forms of Orders moved to LR 9022-1; Clarifies that unless ordered otherwise, no document may exceed fifteen (15) pages exclusive of attachments, except chapter 11 disclosure statements/plans and objections.
9009-1	Forms		Rule simplified.
9010-1	Attorneys – Appearance, Withdrawal, Substitution and Change of Contact Information		Revised to make clear that an attorney who files a bankruptcy petition for a debtor, or that files a notice of appearance on behalf of a debtor, creditor or interested party is the attorney on all matters, other than adversary proceedings until the case is closed or the Court enters an order approving withdrawal or substitution; Incorporates requirement to maintain contact information (formerly found in 2090-1).

**SUMMARY OF 2018 PROPOSED LOCAL RULE AMENDMENTS
DISTRICT OF ARIZONA – CONTINUED**

9011-1	Attorneys – Ethical Obligations		Rule simplified.
9013-1	Motion Practice		Establishes 15 page limit for all motions, responses, and replies and standardizes response and reply times; Provides non-exclusive list/guideline for motions that can be filed <i>ex parte</i> ; Imposes duty to contact chambers for informal conference prior to filing any discovery related motion; Provides guidance on what constitutes “personal consultation”; Provides comprehensive list of all matters for which 21-day negative notice is allowed and not identified in any other LR.
9014-1	Applicability of Federal Rules		Withdrawn/Reserved.
9014-2	Consent to Bankruptcy Court Authority	X	LR 9014-2 was added to address jurisdictional issues created by the holding in <i>Stern v. Marshall</i> , 564 U.S. 2, 131 S.Ct. 2594, 180 L.ed.2d 475 (2011), as clarified by <i>Wellness International Network Ltd. v. Sharif</i> , 575 U.S. __ (2015), related to contested matters; Former LR 9014-2 now found at 9014-3.
9014-3	Initial Hearing on Contested Matters; No Live Testimony	X	Renumbered from LR 9014-2; Language simplified; no substantive changes.
9014-4	Under Advisement Matters	X	Text of new LR formerly found in 9010-1(d); Parties may inquire as to status of ruling if under advisement more than 60 days.
9022-1	Judgments or Orders		Amended to establish procedure for consent to jurisdiction and procedure to object in light of recent Supreme Court rulings; Requires uniform signature blocks in all orders; Prohibits lodged order from (1) providing greater relief than that requested in the related motion or stipulation, (2) including submitter’s identifying information, (3) incorporating information by reference.
9023-1	Motion for New Trial; Amendment of Judgments	X	Establishes procedure for filing relevant motions within 14 days of entry of the subject order or judgment; Establishes content for motion; Directs that no response is necessary unless requested by Court.
9027-1	Removal and Remand		Simplified language.
9071-1	Stipulations		Simplified language.

**SUMMARY OF 2018 PROPOSED LOCAL RULE AMENDMENTS
DISTRICT OF ARIZONA – CONTINUED**

9076-1	Electronic Service	X	New LR adopted to conform to FRCP 5; Sets forth procedure for electronic service of certain documents through the Notice of Electronic Filing (NEF) issued by the ECF system for service on a registered participant; Specifies when NEF does not constitute service and clarifies that this LR does not apply to initiating papers, such as a complaint served under FRCP 4.
<i>Form 1007-1</i>	<i>Declaration of Electronic Filing</i>		<i>Form required by LR 1007-1(c).</i>
<i>Form 1007-2</i>	<i>Declaration of Evidence of Payments</i>		<i>Form required by LR 1007-1(f).</i>
<i>Form 1007-3</i>	<i>Declaration Under Penalty of Perjury for Debtors Without An Attorney</i>	X	<i>New form required by LR 1007-1(g) mandating pro se debtors to disclose whether they paid anyone to assist in completing their bankruptcy documents, and if so, who they paid and how much they paid.</i>
<i>Form 1017-1</i>	<i>Motion to Vacate Order of Dismissal and to Reinstate Case</i>	X	<i>New form required by LR 1017-1(f)(2) requires debtors to waive timeliness objections to certain complaints, motions, claims, etc. as a condition of reinstatement.</i>
<i>Form 3003-1</i>	<i>Order Setting Claims Bar Date</i>	X	<i>New form required by LR 3003-1(a) for giving notice of bar date for filing proofs of claim and interest in chapter 9 and chapter 11 cases.</i>
<i>Form 3003-2</i>	<i>Order Setting Initial Hearing on Approval of Disclosure</i>	X	<i>New Form required by LR 3003-1(b) for setting hearing on approval of Disclosure Statement.</i>
<i>Form 3003-3</i>	<i>Order Giving notice of approval of Disclosure Statement, Setting initial Confirmation Hearing, and fixing deadlines</i>	X	<i>New Form order giving notice of approval of Disclosure Statement and setting initial Confirmation Hearing. (Implemented via General Order 18-1).</i>

**SUMMARY OF 2018 PROPOSED LOCAL RULE AMENDMENTS
DISTRICT OF ARIZONA – CONTINUED**

<i>Form 7016(b)</i>	<i>Notice of Scheduling Conference</i>	<i>X</i>	<i>New Form Notice of Scheduling Conference and Order re: Rule 7016(b) of FRBP. (Implemented via General Order 18-1).</i>
<i>Form 7016-1</i>	<i>Joint Pre-Trial Statement</i>	<i>X</i>	<i>New form required by LR 7016-1(a) for standard Joint Pre-Trial Statement.</i>
<i>Form Chapter 11 DS</i>	<i>Chapter 11 Disclosure Statement for Individuals and Small Business</i>	<i>X</i>	<i>New Form for Chapter 11 Disclosure Statement - not mandatory but strongly encouraged for individuals and small businesses. (Implemented via General Order 18-1).</i>
<i>Form Chapter 11 Plan</i>	<i>Chapter 11 Plan for Individuals and Small Business</i>	<i>X</i>	<i>New Form for Chapter 11 Plan – not mandatory but strongly encouraged for individuals and small businesses. (Implemented via General Order 18-1)</i>