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JAN 30 2015

GRANT PRICE
CLERK, U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA
BY: _____ DEPUTY



**UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

IN RE:)	
)	
THE ADOPTION OF AMENDMENTS TO)	
LOCAL RULES FOR THE UNITED	)	General Order No. 15-1
STATES BANKRUPTCY COURT)	
FOR THE WESTERN DISTRICT OF)	
OKLAHOMA)	

The United States Bankruptcy Court for the Western District of Oklahoma has undertaken a review of the Local Rules of the United States Bankruptcy Court for the Western District of Oklahoma, Effective January 1, 2013.

Pursuant to 28 U.S.C. § 2077(b), the Court appointed a permanent advisory committee for the review and revision of the rules of practice of the Court. The Committee consisted of Ms. Janice D. Loyd (now the Honorable Janice D. Loyd of this Court), Steven W. Bugg, Esq., O. Clifton Gooding, Esq., Tom Majors, Esq., Ms. Linda Ruschenberg, G. Blaine Schwabe, III, Esq., Charles Snyder, Esq. and Mark B. Toffoli, Esq.

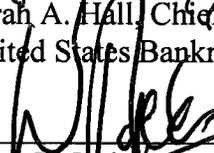
With the Committee's able assistance, amendments to the Local Rules for the United States Bankruptcy Court for the Western District of Oklahoma, Effective January 1, 2013 (the "Local Rules"), have been prepared, (ii) notice and opportunity for public comment pursuant to 28 U.S.C. § 2071(b), F.R.B.P. 9029 and F.R. C.P. 83 have been provided, (iii) no comments were received, and (iv) the United States District Court for the Western District of Oklahoma has authorized the adoption of the Local Rules. Accordingly, the Local Rules, as so amended, are adopted as the rules of this Court (the "Amended Local Rules"). The Amended Local Rules shall be effective February 1, 2015, and shall apply to all pending, new and reopened cases and proceedings.

In accordance with 28 U.S.C. § 2071(d), F.R.B.P. 9029 and F.R.C.P. 83, the Clerk of the Court shall furnish a copy of the Amended Local Rules to the Tenth Circuit Judicial Council and the Director of the Administrative Office of the United States Courts. Furthermore, the Clerk of the Court shall give appropriate public notice of the adoption of the Amended Local Rules and arrange for copies to be made available on the Court's website (www.okwb.uscourts.gov) and to the public upon request.

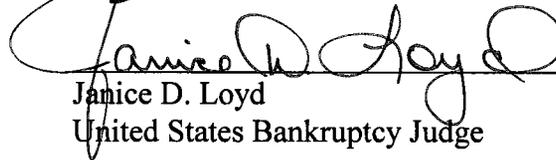
IT IS SO ORDERED.



Sarah A. Hall, Chief
United States Bankruptcy Judge



Niles L. Jackson,
United States Bankruptcy Judge



Janice D. Loyd
United States Bankruptcy Judge

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN THE MATTER OF LOCAL RULES)
FOR THE UNITED STATES BANKRUPTCY)
COURT FOR THE WESTERN DISTRICT OF)
OKLAHOMA)

G.O. 15-1

FILED

JAN 30 2015

CLERK BY FEDER SHINN, CLERK
U.S. DISTRICT COURT, WESTERN DISTRICT OF OKLA.
DEPUTY

GENERAL ORDER

Pursuant to Rule 9029(a)(1) of the Federal Rules of Bankruptcy Procedure, the Court authorizes the bankruptcy judges of this District to make and amend rules of practice and procedure, subject to the requirements of 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure, which are consistent with – but not duplicative of – Acts of Congress and the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and which do not prohibit or limit the use of Official Forms.

DATED this 30th day of January, 2015.



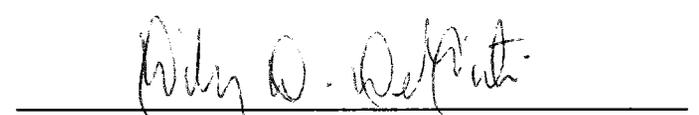
VICKI MILES-LAGRANGE
CHIEF, UNITED STATES DISTRICT JUDGE



ROBIN J. CAUTHRON
UNITED STATES DISTRICT JUDGE



JOE HEATON
UNITED STATES DISTRICT JUDGE



TIMOTHY D. DeGIUSTI
UNITED STATES DISTRICT JUDGE

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LOCAL RULES
UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

*Amended per General Order No. 15-1
EFFECTIVE FEBRUARY 1, 2015

RULE 1001-1 SCOPE OF RULES AND FORMS; DEFINITIONS

A. Application.

1. These Local Rules govern all cases and proceedings pending before the United States Bankruptcy Court for the Western District of Oklahoma on the effective date specified above and thereafter, and shall supersede all local rules and general orders pertaining to rules of procedure previously adopted and entered by the Court, unless such general order is specifically incorporated herein.

2. These Local Rules, the Guidelines for Electronic Case Filing - Effective 1-1-2013 ([Appendix A](#) hereto), the General Order Concerning Procedures in Chapter 12 ([Appendix B](#) hereto), the Procedures Governing Chapter 13 Cases ([Appendix C](#) hereto), and the general orders entered by this Court, the laws of the United States, the [Federal Rules of Bankruptcy Procedure](#) and any applicable rule of the United States District Court for the Western District of Oklahoma, as amended from time to time, shall govern all cases and proceedings before this Court.

B. Citation. These Local Rules shall be cited as the “Local Bankruptcy Rules” and may be cited as “Local Rule _____.”

C. Waiver of Local Rules. The Court may waive any provision of these Local Rules upon its own motion or upon the motion of any party in interest. An order pertaining to procedure entered in a case or proceeding will govern the case or proceeding notwithstanding that the order may be at variance with these Local Rules.

D. Interim Standing Orders. These Local Rules may be modified or supplemented from time to time by the Court by general order. General orders of interest to the bankruptcy bar and to the public shall be maintained by the Clerk and shall be available on the Court’s website (<http://www.okwb.uscourts.gov>).

E. Electronic Case Filing (“ECF”) Guidelines. References to the “ECF Guidelines” in these Local Rules shall mean the Administrative Guidelines for Electronic Case Filing - Effective 01-01-2013, or as may be amended, which are attached hereto as [Appendix A](#).

F. Local Forms. References to “Local Form” in these Local Rules shall mean substantially the forms prescribed by these Local Rules, the Court, or the Clerk, copies of which are available on the Court’s website (<http://www.okwb.uscourts.gov>).

G. Official Bankruptcy Forms. References to “[Official Form](#)” in these Local Rules shall mean the forms prescribed by the Judicial Conference of the United States or the Director of the Administrative Office of the United States, copies of which are available on the Court’s website (<http://www.okwb.uscourts.gov>).

H. Definitions. The definitions of words and phrases contained in Title [11](#) of the United States Code and the [Federal Rules of Bankruptcy Procedure](#) govern their use in these Local Rules. Other frequently used, initially capitalized terms contained herein shall have the meaning as set forth below:

1. Affidavit. References to an “affidavit” in these Local Rules may be satisfied by the execution of affidavit or an unsworn declaration under penalty of perjury pursuant to [28 U.S.C. § 1746](#), subject to compliance with such provision. An affidavit or declaration may be incorporated into a filed Document and need not be separate or an attachment.

2. BAP. References to “BAP” shall mean the Bankruptcy Appellate Panel of the United States Court of Appeals for the Tenth Circuit.

3. Bankruptcy Rules. References to “Bankruptcy Rules” shall mean the Federal Rules of Bankruptcy Procedure.

4. Clerk. References to the “Clerk” shall mean the Court Clerk of the United States Bankruptcy Court for the Western District of Oklahoma.

5. Code. References to the “Code” shall mean the United States Bankruptcy Code, [11 U.S.C. § 101](#) *et. seq.*

6. Court or Bankruptcy Court. References to “Court” or “Bankruptcy Court” shall mean the United States Bankruptcy Court for the Western District of Oklahoma.

7. Court’s Website. References to the “Court’s website” shall mean <http://okwb.uscourts.gov>.

8. Debtor. The term “debtor” shall refer to both singular and plural form, as the case may be.

9. District Court. References to “District Court” shall mean the United States District Court for the Western District of Oklahoma.

10. District Court Local Rules. References to “District Court Local Rules” shall mean the [Local Civil Rules](#) of the United States District Court for the Western District

of Oklahoma.

11. Document. The term “Document,” in both singular and plural forms, shall refer to anything filed either electronically or manually with the Court.

12. ECF System. References to the “ECF System” shall mean the Case Management/Electronic Case Filing System implemented by the Court as set forth in General Order No. 1 annexed hereto as [Appendix A](#).

13. File-Stamped Copy. References to the term “file-stamped copy” shall refer to a copy of the electronically filed Document bearing the file stamp or a copy of the Document and the applicable “Notice of Electronic Filing .”

14. Local Rules. References to “Local Rules” shall mean these Local Rules of the United States Bankruptcy Court for the Western District of Oklahoma.

I. Electronic Signature. The “s/Jane Doe” constitutes the signature of said party on any electronically filed Document except on [Official Form B21](#), Debtor’s Statement of Social Security Number, which must bear an original signature of the individual debtor(s).

PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

RULE 1002-1 PETITION – GENERAL

A. Specific Requirements.

1. The petition shall conform to the current [Official Forms](#).

2. If the debtor is an artificial entity, a certified copy of the entity action authorizing the filing of the petition shall be attached to the petition. All artificial entities, including, without limitation, corporations, partnerships and limited liability companies, may only appear through, and must be represented by, counsel at all times.

RULE 1005-1 CAPTIONS

The caption of Documents filed with the Court should comply with the appropriate [Official Form](#). Every case and adversary proceeding number must be followed by the letters which designate the judge to whom it is currently assigned. The chapter under which a case proceeds should be shown below the case number.

RULE 1006-1 FILING FEE

A. Provision for Payment. Payment of a filing fee shall be in accordance with [Local Rule 5080-1](#) and the [ECF Guidelines](#). Any petition for relief presented for paper filing without

proper provision for payment of the filing fee in currency, cashier's check, money order, check of the attorney or credit card will not be accepted for filing by the Clerk unless the petition is accompanied by an application to pay filing fee in installments, prepared as prescribed by the appropriate [Official Form](#), or an application requesting a waiver under [28 U.S.C. § 1930\(f\)](#), prepared as prescribed by the appropriate [Official Form](#), both of which must be separate from the petition. When a filing fee is required, the ECF System will prompt electronic filers to enter necessary payment information. If filing fees are not paid before the next consecutive day after being incurred, the filer will be locked out of the ECF system until filing fees are paid. Debit cards are not an acceptable form of payment.

B. Pro Se Debtors. Payment of a filing fee by a pro se debtor shall be by cash, cashier's check or money order payable to "Clerk, United States Bankruptcy Court." See also [Local Rule 5080-1](#).

C. Payment of Filing Fee in Installments. An application for payment of the filing fee in installments must provide for the filing fee to be paid in four (4) approximately equal installments. The first installment shall be due upon filing the petition. An application for payment of the filing fee in installments must be separate from the petition, must state the proposed installment payments and must be on the appropriate [Official Form](#). With respect to payment of the filing fee in installments in Chapter 13 cases, the application must state whether the debtor will pay the installments directly to the Court Clerk, or intends to pay the filing fee through the plan. If the debtor proposes to pay the installments directly, the filing fee must be paid in full prior to confirmation of the plan. If the debtor proposes to pay the filing fee through the plan, the plan must provide for such payment and the plan may not be confirmed unless the chapter 13 Trustee has sufficient funds on hand to enable payment of the filing fee with the first disbursement following confirmation.

D. Failure to Make Installment Payment. The Clerk is directed to give notice of a hearing to show cause upon failure to receive timely installment payments. The Clerk must give no less than ten (10) days' notice by mail of the hearing to the debtor and counsel of record. If debtor, or counsel of record, fails to appear at such hearing or otherwise fails to show good cause why the case should not be dismissed for failure to pay filing fee, or fails to pay the entire balance of the fee owing at or prior to the hearing, the Court may dismiss the case, or otherwise dispose of it.

E. Priority of Payment. All fees and costs due and owing to the Clerk must be paid in full prior to payment of any interim professional compensation or other administrative expenses in a case except as specifically authorized by the Court.

F. Refund Policy. Attorneys are responsible to ensure that filing fees are paid correctly and accurately. Failure to pay filing fees correctly may result in the loss of monies paid or in an attorney being "locked out" of the ECF System. Adjustments to payments made on pay.gov may be possible if the Clerk's office receives notification on the day of the overpayment. If an attorney believes that a filing fee has been paid in error, the attorney MUST: (1) notify the Clerk's office of the erroneous payment immediately by phone or in person; (2) request a refund of filing fees in the form of a written application that is filed in the appropriate case; and (3) obtain written verification

of the information contained within the request for refund by the Clerk's office.

RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS

A. Assembly of Petition Accompanying Papers. Documents required for commencing a case under a particular chapter are set forth below and shall be assembled in the order set forth below:

Voluntary Petitions without Schedules and Statement of Financial Affairs: Petition, with debtor's declaration; Exhibit "A" to the Petition if the debtor is a corporation; if applicable, Exhibit "D" to the petition (Individual Debtor's Statement of Compliance with Credit Counseling Requirement); attorney compensation disclosure statement, signed by the attorney; for chapter 11 cases, a list containing the names and addresses of the twenty (20) largest creditors; for individual debtors in chapters 7, 11 and 13, the appropriate [Official Form B22](#) regarding monthly income; and a creditor mailing matrix complying with [Local Rule 1007-1.C](#).

Voluntary Petitions with Schedules and Statement of Financial Affairs: Petition, with debtor's declaration; Exhibit "A" to the Petition if the debtor is a corporation; if applicable, Exhibit "D" to the petition (Individual Debtor's Statement of Compliance with Credit Counseling Requirement); attorney compensation disclosure statement, signed by the attorney; for chapter 11 cases, a list containing the names and addresses of the twenty (20) largest creditors; Summary of Schedules, Schedules A through J and the debtor's declaration; Statement of Financial Affairs and the debtor's declaration; for individual debtors in chapters 7, 11 and 13, the appropriate [Official Form B22](#) regarding monthly income; and a creditor mailing matrix complying with [Local Rule 1007-1.C](#).

Chapter 9 Cases: Petition with Debtor's declaration, a list containing the names and addresses of each entity that would be included on Schedules D, E, F, G and H, and a list of the twenty (20) largest unsecured creditors including their name, address and claim amount.

B. Ownership Statement. Any artificial entity, other than a governmental unit, that is a debtor shall file a statement that identifies all publicly held entities, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the entity's equity interest, or states that there are no such entities to report. The ownership statement shall be made in a separate Document to be filed concurrently with the petition. A supplemental ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

C. Creditor Mailing Matrix. The creditor mailing matrix must comply with the CM/ECF Style Guide, as may be amended (available on the Court's website (<http://www.okwb.uscourts.gov>)), and with the following formatting requirements:

1. Addresses. All addresses must be presented using only postal standard abbreviations as directed by the United States Postal Service in the publication "Postal

Addressing Standards." The two letter state identifier as prescribed by the United States Postal Service must be used. All addresses must not contain punctuation such as periods or commas; a single space should be used in lieu of punctuation. Zip codes must appear only on the same line as the city and state. Do not place the zip code on a separate line. A hyphen shall be used if a zip+4 code is used.

2. Print Styles. The mailing matrix must be in 12 pitch and in all upper case letters. Do not use light, bold, expanded, condensed, script, italics or other types of stylization such as shading.

3. Single Column. The mailing matrix must be typed in a single column, left justified on a two and one half (2 1/2) inch left margin with no less than one (1) inch top and bottom margins.

4. Spacing. Each name and address must consist of no more than five total lines, with at least three blank lines between each name and address block.

5. Character. Each line must be no more than forty (40) characters in length. No special characters shall be used, except a hyphen in the zip code. A single space shall be used in lieu of special characters.

6. Attention Lines and Account Numbers. The person or departments to whom a notice should be routed shall be listed by name on the first line of an address block. Do not include the word "attention" or the phrase "in care of," or any abbreviation thereof, as part of any line in an address block. Account numbers shall not be included on any line.

7. Duplicate Addresses. Do not list any entity twice at the same address, no matter how many accounts with, or claims against, a debtor an entity may have.

8. Paper Quality. The mailing matrix must be printed on white paper, letter sized (8 1/2 x 11) and of standard weight. Do not use onion skin, colored or erasable bond paper.

9. Stray Marks and Miscellaneous Information. Do not place page numbers on any page of the list. Do not print any type of header or title on any page of the list.

10. Verification. The mailing list and any amendment thereto must be verified, or accompanied by an unsworn declaration under penalty of perjury, as to its accuracy and completeness, as required by [Bankruptcy Rule 1008](#). [See Local Form 1](#).

11. Filing and Uploading. The creditor matrix shall be filed in PDF format with the Petition. The creditor matrix must also be uploaded to the ECF System as a ".txt" document with the petition. Failure to timely upload the creditor matrix may result in the issuance of an order to show cause why the bankruptcy case should not be dismissed for such failure and setting a twenty-four (24) hour deadline to upload the creditor matrix or the

case will be dismissed. Instructions for preparing the matrix as a text document are available on the Court's website (www.okwb.uscourts.gov).

12. Amended Matrices. Any amendment to the creditor matrix shall be formatted as specified in this rule. An amended matrix shall include only the newly added or modified creditors.

D. Payment Advices. Within fourteen (14) days of filing a bankruptcy petition, each individual debtor shall file a "Pay Advice Cover Sheet" ([Local Form 2](#)), together with copies of all payment advices or other evidence of payment (such as paycheck stubs, direct deposit statements, employer's statement of hours and earnings) received from the debtor's employer within sixty (60) days before the date the debtor filed his/her bankruptcy case. The debtor's social security number and any identifying account numbers shall be redacted from any pay advices. If a debtor has no income or has only social security or other retirement income, the debtor may submit with the "[Payment Advice Cover Sheet](#)," an affidavit stating such facts. Failure to timely file the "[Payment Advice Cover Sheet](#)" and payment advices or debtor affidavit shall constitute cause for dismissal of a bankruptcy case without further notice or a hearing.

E. Privacy. With the exception of the debtor's Statement of Social Security Number, the debtor and debtor's counsel shall redact the following personal data identifiers from tax returns or transcripts, bank statements, payment advices and all other Documents before filing: all but the last four digits of the social security number; all names of minor children (use minors' initials); all but the last four digits of any bank, savings or similar account numbers; and birth date except for the year. The responsibility for redacting personal data identifiers rests solely with the debtor and debtor's counsel. The Clerk will not review Documents for compliance with this rule, seal Documents containing personal data identifiers without a Court order, or redact such information from Documents, whether filed electronically or on paper.

F. Statement of Social Security Number. An individual debtor who is not represented by an attorney should submit, not file, a Statement of Social Security Number on the appropriate [Official Form](#) to the Clerk at the time of filing the petition. When a case is filed electronically, the ECF System will allow for the manual input of the full social security number; however, the attorney of record shall submit the Statement of Social Security Number to the Clerk within one (1) day of the filing of the petition.

G. Taxing Authorities. Copies of the list of addresses of taxing authorities shall be made available by the Clerk upon request and are available on the Court's website (<http://www.okwb.uscourts.gov>).

H. Late Filing of Papers. When the schedules, statement of financial affairs, and other papers are filed after the filing of the petition, they must be assembled in the same order as though they had been filed with the petition.

I. Notice to Trustee. Any statement of intention respecting surrender or retention of property made under the provisions of 11 U.S.C. § [521\(2\)\(A\)](#) must be served on the trustee and all

creditors affected, with a certificate of service complying with [Local Rule 9007-1](#).

J. Performance of Stated Intention. Upon performance of a stated intention but no later than thirty (30) days after the first date set for the meeting of creditors, pursuant to 11 U.S.C. § [521](#)(a) (2)(B), the debtor must promptly advise the trustee in writing of such performance.

RULE 1008-1 VERIFICATION OF PETITION AND ACCOMPANYING PAPERS

Any petition, list, schedule or statement of financial affairs, or amendment thereto, that is filed more than fourteen (14) days after having been personally signed by the debtor or electronically signed by the debtor and the filing attorney shall be accompanied by a statement, verified by the debtor or containing an unsworn declaration of the debtor, that no change in circumstances has occurred in the interim. If a matter purports to be notarized, the signature of the notary must be a personal (handwritten), rather than an electronic, signature. Additionally, the notary seal or stamp must be visible on the Document or the PDF of the Document.

RULE 1009-1 AMENDMENTS TO LISTS AND SCHEDULES

A. Cover Sheet. All amendments to the petition, statements, lists or schedules must have a cover sheet complying substantially with the [official forms](#) and must be entitled “AMENDMENT TO (specify petition, statement, list, or schedule being amended).” Cover sheets shall include the personal or electronic signature of the filing attorney or the personal signature of the pro se debtor.

B. Schedule Amendments. Each time schedules are amended, an amended summary of schedules and statistical summary must be filed and should include, if applicable, revised amounts and totals to reflect the amendment made.

C. Signature of Debtor(s). All amendments must be verified or contain an unsworn declaration of the debtor to the same extent as was required of the original Document.

D. Additional Filing Fee. An additional filing fee is required for each amendment to a debtor’s Schedules D, E and F, the creditor matrix or list of creditors pursuant to [28 U.S.C. § 1930\(b\)](#).

E. Notice to Creditors. If creditors are added to the schedules after the service of the notice of bankruptcy case, meeting of creditors and deadlines, the debtor shall give notice to each additional creditor of the commencement of the case and all applicable bar dates and deadlines and file a certificate of service for such notice. [See also Local Rule 5005-1\(E\)](#).

RULE 1015-1 CONSOLIDATION OR JOINT ADMINISTRATION OF CASES

A. Deconsolidation Prior to Conversion. All joint cases, filed pursuant to 11 U.S.C. § [302](#), shall be deconsolidated prior to conversion of the case to another chapter for only one of the joint debtors. Requests for deconsolidation shall be made by motion, filed and served pursuant to

Local Rules [9007-1](#) and [9013-1](#). Deconsolidation shall be effective only upon both entry of an order and payment of any applicable fees.

B. Joint Administration Orders. Orders directing joint administration of multiple cases shall provide the surviving case name and number, filing instructions for the parties, directions as to the filing of Documents and claims in the subordinate cases and, where required, instructions for the consolidation of all creditors into the jointly administered case.

RULE 1017-1 DISMISSAL OR CONVERSION OF CASES

Conversion or dismissal of a case, except those conversions pursuant to 11 U.S.C. §§ [1208](#)(a) or [1307](#)(a), shall be effective only upon entry of an order. Except for conversions of a single debtor in a joint case, conversions pursuant to Sections [1208](#)(a) and [1307](#)(a) are effective upon filing and service, by debtor, of a notice of conversion. Conversions of a case as to a single debtor in a joint case are effected through the procedures in Local Rule [1015-1](#) and this rule. Any request for conversion, the procedure for which is not specifically set forth in the following subparagraphs of this rule, must be made by motion, filed and served in conformity with Local Rules [9007-1](#) and [9013-1](#).

A. Conversions from chapter 7. A request for conversion of a case from chapter 7 to chapter 11, 12 or 13, if by the debtor, must be made by motion accompanied by an affidavit containing facts showing that the case is eligible for conversion under 11 U.S.C. § [706](#)(a) and (d). A request for conversion of a case from chapter 7 to chapter 11, if by a party in interest, must be by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#).

B. Conversions from chapter 11. A request for conversion of a case from chapter 11 to chapter 7, if by a debtor, must be made by motion accompanied by an affidavit containing facts showing that the case is eligible for conversion under 11 U.S.C. § [1112](#)(a) and (f). A request for conversion of a case from chapter 11 to chapter 7, if by a party in interest or the United States Trustee, must be by motion, filed and served pursuant to Local Rules [9007](#) and [9013](#). A request for conversion of a case from chapter 11 to chapter 12 or 13, if by a debtor, must be made by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#).

C. Conversions from chapter 12. Conversion of a case from chapter 12 to chapter 7, if requested by a debtor, is effective upon debtor's filing and serving a notice of conversion. Requests for conversion of a case from chapter 12 to chapter 7, if by a party in interest, must be made by motion, filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#).

D. Conversions from chapter 13. Conversion from chapter 13 to chapter 7, if requested by the debtor, is effective upon debtor's filing and, serving forthwith upon the chapter 13 trustee, a notice of conversion. A request for conversion of a case from chapter 13 to chapter 7, if by a party in interest, must be made by motion, filed and served pursuant to Local Rules [9007](#) and [9013](#). All requests for conversion of a case from chapter 13 to chapter 11 or 12 must be made by motion, filed and served in conformity with Local Rules [9007-1](#) and [9013-1](#).

E. Conversion of One Debtor in Joint Cases. Upon entry of an order granting deconsolidation and payment of the fee required by the Administrative Office of the United States Courts, pursuant to [28 U.S.C. § 1930](#), a request for conversion may then be submitted according to the procedures in the appropriate prior subparagraph of this rule.

F. Information Regarding Domestic Support Obligations. Within fourteen (14) days after the conversion of a case to a case under chapter 11, 12 or 13, the debtor shall provide the trustee, if a trustee is appointed, with the information required by [Bankruptcy Rule 4002](#) and [Local Rule 4002-1](#) on [Local Form 3](#).

G. Requests for Dismissal. A request for dismissal of any case, except those requests made pursuant to 11 U.S.C. § § [1208\(b\)](#) and [1307\(b\)](#), must be made by motion. A request by a debtor for dismissal of a case under chapter 12 or 13, pursuant to Section [1208\(b\)](#) or [1307\(b\)](#), must be made by motion, accompanied by an affidavit containing facts showing that the case has not been previously converted and disclosing any existing arrangement or agreement between the debtor and creditors or any person or entity in connection with the motion for dismissal.

H. Reconversion. Reconversion, or a second conversion of a case, must be requested by motion filed and served in accordance with this Rule and [Local Rules 2002-1](#) and [9014-1](#).

RULE 1019-1 PROCEDURE FOLLOWING CONVERSION TO CHAPTER 7

A. Amendment to Creditor List. In addition to the requirements of [Bankruptcy Rule 1019](#), the debtor-in-possession or trustee in a superseded chapter 11 case, and the debtor in a superseded chapter 12 or 13 case, shall file an amendment to the creditor matrix reflecting the names and addresses of all unscheduled, unpaid post-petition creditors within fourteen (14) days following the entry of the order converting the case or the filing of a notice of conversion without payment of a filing fee. After expiration of the fourteen (14) day period, the filing fee for amending a list of creditors shall be assessed.

B. Information Regarding Domestic Support Obligations . Within fourteen (14) days after the conversion of a case to a case under chapter 7, the debtor shall provide the trustee with the information required by [Bankruptcy Rule 4002](#) and [Local Rule 4002-1](#) on [Local Form 3](#).

PART II OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

RULE 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

A. Service By Mail. When mailing paper copies of Documents that have been electronically filed to parties who are not registered participants of the ECF System, the filing party must include a file-stamped copy of the Document in order to provide the recipient with proof of filing. If a party is required to serve notice of a “Text-Only Order” to parties who are not registered participants of the ECF System, the party shall send a copy of the Notice of Electronic Filing associated with the “text-only order” to such recipients.

B. Twenty-One-Day Notices to Parties in Interest. The proponent or movant shall prepare and serve the notices required by Bankruptcy Rule [2002\(a\)\(2\)](#), (3), (4), (5) and (6) unless the action is initiated by the Court, in which event the appropriate notice shall be served by the Clerk unless the Court directs otherwise. The notices required by Bankruptcy Rule [2002\(a\)\(7\)](#) shall be given by the Clerk in cases under chapters 7, 12 and 13. In a case under chapter 11, the notices required by Bankruptcy Rule [2002\(a\)\(7\)](#) shall be given by the movant. The notices required by Bankruptcy Rule [2002\(a\)\(8\)](#) shall be given by the proponent of the plan unless a plan is filed concurrently with the petition in a chapter 12 case, in which event the notices provided for in Bankruptcy Rule [2002\(a\)\(8\)](#) shall be given by the Clerk.

C. Twenty-Eight-Day Notices to Parties in Interest. The notices required by Bankruptcy Rule [2002\(b\)](#) shall be given by the proponent of the plan or the party whose disclosure statement is being considered, unless a plan is filed concurrently with the petition in a chapter 13 case, in which event the notices provided for in Bankruptcy Rule [2002\(b\)](#) shall be given by the Clerk.

D. Corresponding Response Deadline. The response deadline for any request for relief identified in Bankruptcy Rule [2002\(a\)](#) and (b) shall be the period of time required for notice set forth therein unless a different response time is prescribed by applicable statute, rule or order, in which event such response time shall apply.

E. Notice to Equity Security Holders. The proponent or movant shall prepare and give the notices required by Bankruptcy Rule [2002\(d\)\(3\)](#), (4), (5), (6) and (7).

F. Other Notices. The notices required by Bankruptcy Rule [2002\(f\)\(7\)](#) shall be given by the proponent of the plan. The notice required by Bankruptcy Rule [2002\(f\)\(8\)](#) shall be given by the chapter 7 trustee.

G. Certificate of Service of Notices. Certificates of service for notices must be substantially in the form of [Local Form 4](#).

1. If all parties who are entitled to receive notice are served electronically by the ECF System, no additional certificate of service is necessary.

2. If parties are not listed on the Notice of Electronic Filing as having received electronic service and are entitled to receive notice, the filing party must serve a file-stamped copy of the Document in accordance with the Bankruptcy Rules and either include a certificate of service in the Document certifying the date of service, the manner of service, and the names and addresses of the persons and entities served or file a separate signed certificate of service containing the same information substantially in the form of [Local Form 4](#). If a separate certificate of service is filed electronically, the certificate of service shall specifically identify the Document served (including the docket number) and the docket event shall be linked to the Document served.

RULE 2003-2 ENTITY OWNERSHIP STATEMENT – CREDITORS COMMITTEE

Any entity, other than a governmental unit, that accepts appointment to a committee of creditors shall complete and file a statement identifying any publicly held entity, other than a governmental unit, that directly or indirectly owns ten percent (10%) or more of any class of the entity's equity interest, or stating that there are no such entities to report. The entity's ownership statement shall be filed within seven (7) days of an appointment to a committee. A supplemental entity ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

RULE 2004-1 EXAMINATIONS

A. Leave of Court. Leave of court to examine any entity pursuant to Bankruptcy Rule [2004](#) must be requested by motion under Bankruptcy Rule [9013](#). If the entity requesting the examination certifies in a written application that notice of the proposed examination has actually been communicated to the entity to be examined, and that there is no objection to the examination as proposed, an order authorizing the examination may be submitted *ex parte* under Local Rule [9013-1](#)(i)(5).

B. Agreed Examinations. Examinations pursuant to Bankruptcy Rule [2004-1](#) may also be taken by agreement, in which event no order shall be required.

RULE 2014-1 EMPLOYMENT OF PROFESSIONALS

Motions and applications for employment made pursuant to Bankruptcy Rule [2014](#) shall be filed and served in accordance with Local Rule [9013-1](#).

RULE 2015-1 DUTIES OF TRUSTEES AND DEBTORS-IN-POSSESSION TO KEEP RECORDS, MAKE REPORTS, AND GIVE NOTICE

A. Chapter 7 Cases. The chapter 7 trustee must submit in each chapter 7 case such reports as required by the United States Trustee.

B. Chapter 11 Cases – Pre-confirmation. The monthly operating reports must be prepared using the applicable forms provided on the United States Trustee's website at (<http://www.usdoj.gov/ust.r20>) and at the time required by the United States Trustee. Monthly operating reports shall be signed by the debtor or trustee under penalty of perjury and be submitted (but not signed) by counsel.

C. Chapter 11 Cases – Post-confirmation. The debtor-in-possession, trustee or any other agent named in the confirmed plan to oversee consummation thereof in a case under chapter 11 shall submit such reports as may be required by the United States Trustee and/or the Court.

D. Chapter 12 Cases. The debtor shall sign and file verified reports and summaries of the business operations, including farming or fishing operations, if applicable, in the form required

by the Court, trustee, or the United States Trustee. Within fourteen (14) days after the filing of the petition, the debtor must file a report and summary of business operations for the calendar month preceding the month in which the case is filed. The debtor shall file monthly reports on or before the 15th day of each succeeding month covering the business operations for the preceding calendar month.

E. Records Retention. All trustees and debtors-in-possession must retain all records pertaining to a case for a period of not less than two (2) years after the case is closed, or for such longer period as may be required by any applicable provision of the Internal Revenue Code.

RULE 2016-1 COMPENSATION OF PROFESSIONALS

A. Retainers. In chapter 9, 11 and 12 cases, attorneys and accountants shall deposit into a trust account all retainer funds received from the debtor pre-petition that had not been earned *and* applied pre-petition. No retainer funds shall be withdrawn without an order of the Court. Retainer funds in chapter 13 cases are governed by the procedures governing chapter 13 cases ([Appendix C](#)).

B. Fee Applications. All fee applications must substantially comply with the United States Trustee's Guidelines for Reviewing Applications for Compensation & Reimbursement of Expenses filed under 11 U.S.C. § [330](#) unless otherwise authorized by the Court or the United States Trustee. The United States Trustee's Guidelines are available at (http://www.justice.gov/ust/eo/rules_regulations/guideline/index.htm).

PART III CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

RULE 3001-1 PROOFS OF CLAIM

A. Format. Proofs of claim must comply substantially with the applicable [Official Form](#). Any supporting Documents attached to a proof of claim shall be limited to no more than a total of fifty (50) single-sided pages exclusive of the [Official Form](#). Supporting Documents in excess of fifty (50) pages attached to electronically filed proofs of claim shall be disregarded by the Court. For paper-filed proofs of claim, the Clerk shall detach those pages exceeding fifty (50) and dispose of them without further notice. Originals of supporting Documents should not be attached to proofs of claim. The paper used for attachments shall be white, letter sized (8 ½" x 11"), and of standard weight. Should attachments and exhibits exceed a total of fifty (50), single-sided pages, the filer must attach a summary of the Documents less than fifty (50) pages in lieu of attaching the Documents to the proof of claim. Attachments shall not include colored ink or images.

B. Transfer of Claims. When a claim is transferred pursuant to Bankruptcy Rule [3001](#)(e)(2) or (e)(4), the notice of transfer of claim shall include the claim number assigned by the Clerk to the original proof of claim for which the transferee shall be substituted for the transferor. Transfers that do not correctly or sufficiently identify a claim will not be processed or docketed by the Clerk.

RULE 3002-1 FILING PROOFS OF CLAIM

A. Mandatory Electronic Filing. All proofs of claim or interest shall be filed electronically except for those filed by a creditor or interest holder not represented by counsel. Counsel not admitted to practice in this district shall register as an “ECF Limited Participant” in order to file proofs of claim with the Court.

B. Timing. When a case is converted from chapter 11, 12 or 13 to chapter 7, the “meeting of creditors” for the purpose of Bankruptcy Rule [3002\(c\)](#) shall mean the meeting of creditors held in the chapter 7 case.

RULE 3003-1 FILING PROOFS OF CLAIM IN CHAPTER 9 OR CHAPTER 11

In a chapter 9 or 11 case, the debtor-in-possession or trustee, if one is appointed, shall file a request for an order fixing the time within which proofs of claim or interest must be filed and shall serve the order fixing the time within which to file proofs of claim or interest on the debtor, the trustee, all creditors, indenture trustees, equity security holders, and all persons requesting notice in the case.

RULE 3004-1 FILING OF CLAIMS BY DEBTOR OR TRUSTEE

A debtor or trustee filing a proof of claim in the name of a creditor shall concurrently file a separate notice of filing claim and serve, pursuant to Local Rule [9007-1](#), file-stamped copies of both the notice and the claim upon the affected creditor(s), and as appropriate, the debtor or trustee.

RULE 3007-1 OBJECTIONS TO CLAIMS

A. Proofs of interest. Bankruptcy Rule [3007](#) applies to objections to proofs of interest.

B. Filing and Service of Objections. Any entity objecting to any claim shall file a written objection. The objection shall be served upon the claimant, the debtor or debtor-in-possession and the trustee, and a certificate of service shall be filed with the Court pursuant to Local Rule [9007-1](#). All objections to claims and responses shall be filed without any attachments or accompanying exhibits or supplements.

C. Content of Objection; Notice of Opportunity for Hearing; Notice of Hearing. The written objection shall include the following: (1) the claimant and claim number; (2) the basis of the objection and legal authority therefor; (3) at least thirty-three (33) days notice of the hearing on the objection, as required by Bankruptcy Rule [3007](#); (4) notice that responses to the objection must be filed within fourteen (14) days; (5) a statement that a failure to timely respond may result in the objection being sustained by the Court without further notice or hearing pursuant to Local Rule [9013-1.E.](#); and, (6) a notice of hearing (to be held if a response is filed). The body of any objection to a claim must contain the following statements:

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to sustain the objection, or you wish to have your views considered, you must file a written response to the objection with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the objection. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate of service with the court. If no response is timely filed, the court may sustain the objection and strike the scheduled hearing without further notice.

NOTICE OF HEARING (TO BE HELD IF A RESPONSE IS FILED)

Notice is hereby given that if a response to the _____ is filed, the hearing on the matter will be held on _____, 20____, at _____.m. in the _____ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

D. No Response. If a timely response to a claim objection is not filed and served within fourteen (14) days after the objection is filed, the objecting party shall upload a proposed order to the Court, pursuant to the [ECF Guidelines](#) and shall notify the Court that the hearing on the objection may be stricken. [Note – this is a flat fourteen (14) days regardless of manner of service.]

E. Omnibus Objections to Claims. Leave to file omnibus objections to claims may be granted pursuant to application and order of the Court.

RULE 3008-1 CLAIMS – RECONSIDERATION

Bankruptcy Rule [3008](#) applies to proofs of interest.

RULE 3010-1 DIVIDENDS

A. DeMinimus Distributions. Chapter 12 and 13 trustees may distribute payments in amounts less than \$15.00 to creditors without order of the Court.

B. Satisfaction of Claim. Upon satisfactory proof to the chapter 12 or 13 trustee that a claim is fully satisfied, the payments that would have otherwise been made on that claim may be distributed by the trustee to holders of other allowed claims provided for by the confirmed plan without requiring modification of the plan.

RULE 3011-1 UNCLAIMED FUNDS

A. Disposition of Unclaimed Funds. Any person or entity, or the legal representative or agent of any person or entity, may make a claim for funds which are ordered to be paid to that person or entity from a bankruptcy estate but were not paid. A request for the release of unclaimed funds pursuant to [28 U.S.C. § 2042](#) shall be made by completing and filing an application for payment of unclaimed funds on [Local Form 5](#) which shall contain full proof of the right to payment of such funds. If no response or objection has been filed within fourteen (14) days from the date of filing of the application, an application which provides sufficient documentation to establish the identity of the claimant and the authority of the applicant to make a claim may be approved without a hearing. The Court, in its discretion, may set a hearing and/or require such additional evidence before issuing an order granting the application. All indications of fraud will be referred to the United States Attorney for the Western District of Oklahoma.

B. Notice Required. Such application shall be served by the claimant on the debtor and debtor's counsel, the trustee, if any, the United States Trustee, the United States Attorney for the Western District of Oklahoma, and the original claimant and claimant's counsel, if any, if the applicant is not the original creditor or claimant. A certificate of service substantially in the form of [Local Form 4](#) must be filed with respect to the notice.

RULE 3012-1 VALUATION OF COLLATERAL

A. Chapter 11 Cases. In chapter 11 cases, motions to determine the value of secured claims shall be filed separately in accordance with Local Rule [9013-1](#) and shall not be incorporated into the plan or any plan confirmation objection.

B. Chapters 12 and 13 Cases. In chapter 12 and 13 cases, motions to determine the value of secured claims shall be governed by [Appendix B](#) and [Appendix C](#), respectively, annexed hereto.

RULE 3015-1 FILING, OBJECTION TO CONFIRMATION, AND MODIFICATION OF A PLAN IN CHAPTER 12 OR CHAPTER 13

A. Service of Plan. To be served by the Court, a chapter 12 or chapter 13 plan must be filed with the petition. If a plan is not filed contemporaneously with the petition, the filing attorney shall serve the plan on all creditors and parties in interest and shall file a certificate of service complying with Local Rule [9009-1.D](#). See Local Rule [2002-1.B](#) and C.

B. Chapter 12. Procedures and guidelines concerning cases under chapter 12 are set forth in General Order No. 2, annexed hereto as [Appendix B](#), which order shall be subject to

amendment from time to time.

C. Chapter 13. Procedures and guidelines concerning cases under chapter 13 are set forth in General Order No. 3, annexed hereto as [Appendix C](#), which order shall be subject to amendment from time to time.

RULE 3018-1 BALLOTS – VOTING ON PLANS

A. Ballots Not Filed. Ballots received in connection with confirmation of a chapter 9 or 11 plan of reorganization shall not be filed with the Clerk except as directed by an order of the Court. Chapter 9 and chapter 11 plan proponents must prepare and file a summary of ballots no later than three (3) business days before the hearing on confirmation of the plan. The tabulation shall include the numbers and percentages of acceptances and rejections of each impaired class, and whether each such impaired class is deemed to accept or reject the plan.

B. Original Ballots. The plan proponent shall have the original ballots present at the hearing on confirmation of a plan of reorganization. The ballots may be introduced into evidence upon request of the Court or a party in interest.

RULE 3022-1 FINAL DECREE IN CHAPTER 11 REORGANIZATION CASE

In a chapter 11 case, the debtor-in-possession or trustee must file and serve a final report and a motion for entry of final decree ([Local Form 6](#)) as soon as practicable after entry of an order confirming a plan of reorganization. Local Rules [9013-1](#) and [9014-1](#) apply to motions for entry of a final decree.

PART IV. THE DEBTOR: DUTIES AND BENEFITS

RULE 4001-1 AUTOMATIC STAY; ABANDONMENT; USE, SALE OR LEASE OF PROPERTY; USE OF CASH COLLATERAL; OBTAINING CREDIT; AGREEMENTS

A. Relief from the Automatic Stay of 11 U.S.C. § 362(a). A motion for relief from the automatic stay of 11 U.S.C. § [362](#)(a) shall be clearly designated as such in the title of the Document. Failure to do so may be deemed by the Court to be a waiver of the benefits of an expeditious hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § [362](#)(e). The filing party and/or filing attorney shall pay all necessary filing fees for a motion for relief from the automatic stay.

B. Waiver of Fourteen (14) Day Stay under Bankruptcy Rule 4001. If movant seeks a waiver of the fourteen (14) day stay under Bankruptcy Rule [4001](#)(a)(3), such request must be clearly designated in the title of the Document and must show cause why such waiver should be granted.

C. Motions Seeking Relief in Addition to Relief from the Automatic Stay of 11

U.S.C. § 362(a) and Abandonment of Property. Where a motion for relief from the automatic stay of 11 U.S.C. § 362(a) and abandonment of property includes a request for additional relief other than abandonment of property or adequate protection, such request shall constitute a waiver of the right to an expeditious hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § 362(e).

D. Notice of Motions Under Bankruptcy Rule 4001. A motion filed under 11 U.S.C. §§ 362, 363(e), or 364 shall be served upon the debtor, the debtor’s counsel, counsel for any official committee (or if no committee in a chapter 11 case, upon the list of 20 largest unsecured creditors), the trustee, the United States Trustee, any parties affected by the motion or having an interest in the property affected by the motion, and all parties in interest who have requested notice in the case.

E. Notice of Motions under 11 U.S.C. § 554. If a motion requests abandonment, whether separately or combined with a request for relief under 11 U.S.C. §§ 362, 363, 364 or 365, the motion shall be served on all creditors pursuant to Bankruptcy Rule 6007 unless an order limiting notice is entered by the Court.

F. Relief from the Codebtor Stay. A motion for relief from the codebtor stay provided by 11 U.S.C. §§ 1201(a) or 1301(a) shall be designated as “Motion for Relief from Codebtor Stay.” Failure to do so may be deemed a waiver of the benefit of automatic termination of the stay upon the conditions stated in 11 U.S.C. §§ 1201(d) and 1301(d). The motion shall be served upon the debtor, the debtor’s counsel, the trustee, any individual that is liable on the debt with the debtor (i.e., a codebtor), and all parties in interest who have requested notice in the case.

G. Applicability of Local Rules 9013-1 and 9014-1. Local Rules 9013-1 and 9014-1 apply to motions filed pursuant to 11 U.S.C. §§ 362, 363 and 364 and Bankruptcy Rule 4001.

H. Confirmation that Automatic Stay is Terminated. A request for an order under 11 U.S.C. § 362(j), confirming that the automatic stay has been terminated, may be made by application supported by an affidavit. An application and affidavit filed pursuant to 11 U.S.C. § 362(j) shall provide the following information, as appropriate in the circumstances for each prior case: (1) if the prior filing was in this Court, the complete case caption, date of filing and date of dismissal; and/or (2) if the prior filing was in any other court, then, in addition to the requirements of (1), the movant shall also file relevant copies of all court records reflecting the information provided in subsection (1) relating to each prior case.

I. Continuation of the Automatic Stay. A motion for continuation of the automatic stay under 11 U.S.C. § 362(c)(3)(B) shall be filed within seven (7) days of the filing of the petition. The debtor shall serve such motion on all creditors to be stayed, the United States Trustee, the trustee, counsel for any official committee (or if no committee has been approved in a chapter 11 case, upon the list of 20 largest unsecured creditors), and all holders of liens on and interests in any property to be affected by the stay. Failure to comply with this rule may result in denial of the motion without further notice or a hearing.

J. Hearing on Motion for Relief from Automatic Stay or Co-Debtor Stay. If a

motion for relief from the automatic stay or the co-debtor stay is opposed, it is the duty of the party opposing the motion to promptly notify the courtroom deputy clerk of the appropriate bankruptcy judge of the need for a hearing pursuant to 11 U.S.C. § [362](#)(e), and the opposing party must give notice of the hearing to all interested parties.

RULE 4002-1 DEBTOR DUTIES - DOMESTIC SUPPORT OBLIGATION

Within fourteen (14) days after the filing of the schedules and statements under Bankruptcy Rule [1007](#)(b)(1), an individual debtor in a case under chapter 7, 11, 12 or 13 with any domestic support obligation (as defined in 11 U.S.C. § 101(14A); shall provide to the trustee on [Local Form 3](#) the following information regarding any domestic support obligations: (1) the name, address and telephone number of all domestic support obligation claimants and (2) the current name and address of the debtor's employer. The debtor shall notify the trustee of any changes in such information until the debtor's discharge is granted or denied. The obligation to complete and transmit [Local Form 3](#) is in addition to, and not in lieu of, full and accurate completion and filing of Schedule E with respect to domestic support obligations. If the debtor is unable to obtain the information to complete [Local Form 3](#), the debtor must file an affidavit so stating and detailing the steps taken to obtain such information.

RULE 4003-1 EXEMPTIONS

A. Objection to Claim of Exemption. Objections to claims of exemption must comply with Bankruptcy Rule [4003](#)(b). The body of an objection to a claim of exemption must contain the following statement:

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to sustain the objection, or you wish to have your views considered, you must file a written response to the objection with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of the objection. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate of service with the court. If no response is timely filed, the court may sustain the objection and strike the scheduled hearing without further notice.

**NOTICE OF HEARING
(TO BE HELD IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the _____ is filed, the hearing on the matter will be held on _____, 20__, at _____.m. in the _____ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

B. Response to Objection. A response to an objection to a claim of exemption must be filed within fourteen (14) days after the date the objection was filed. [Note – this is a flat fourteen (14) days regardless of manner of service.]

C. No Response. If a timely response to an exemption objection is not filed and served within fourteen (14) days after the objection is filed, the objecting party shall upload a proposed order to the court, pursuant to the ECF Guidelines, and shall notify the Court that the hearing on the objection may be stricken. [Note – this is a flat fourteen (14) days regardless of manner of service.]

D. Motion to Avoid Lien. A separate motion under Bankruptcy Rule [4003](#)(d) shall be filed with respect to each creditor that holds a lien on exempt property that the debtor seeks to avoid pursuant to 11 U.S.C. § [522](#)(f). These motions shall be filed separately, shall not be incorporated into a chapter 11, 12 or 13 plan and shall be served pursuant to Bankruptcy Rules [9014](#)(b) and [7004](#). If an objection to a claim of exemption is timely filed, entry of an order on any motion to avoid a lien on the property claimed to be exempt shall be delayed until after entry of an order resolving the objection to the exemption claim.

RULE 4008-1 REAFFIRMATION

All Reaffirmation Agreements and Reaffirmation Agreement Cover Sheets shall substantially conform to the applicable [Official Forms](#) and must be complete. The Court, in its discretion, may strike a reaffirmation agreement, without notice or hearing, that is incomplete or has been incorrectly completed.

PART V. COURTS AND CLERKS

RULE 5001-1 COURT'S AND CLERK'S OFFICES

A. Terms of Court. The Court will be in continuous session at Oklahoma City for the transaction of judicial business on all business days throughout the year.

B. Location of Court. The principal offices of the Court are located in the Old Post Office Building, 215 Dean A. McGee Avenue, Room 147, Oklahoma City, Oklahoma 73102.

C. Paper Filings. This Court requires that filings by attorneys be made electronically. Paper filings by any party will be accepted; however, attorneys filing Documents manually may be required to show cause why a Document was not filed electronically. New cases in paper format are accepted in the Clerk's office between 8:30 a.m. and 4:00 p.m. All other Documents are accepted for manual filing until 4:30 p.m. Electronic filings are accepted twenty-four (24) hours a day, seven (7) days a week unless electronic filing is disrupted by an emergency or periodic maintenance.

D. Public Website. The Court maintains a public website, which contains extensive information beneficial to the public, at www.okwb.uscourts.gov.

E. Other Locations. Hearings may be conducted by the judges of the Court in other locations within the district in any cases or proceedings where the Court finds, either on its own motion or upon motion of any party, that the interests of justice or the convenience of the parties or witnesses will be best served. See [28 U.S.C. § 152\(b\)\(1\)](#).

RULE 5003-1 CLERK - GENERAL

A. Exhibits. Exhibits will not be docketed. Original exhibits received into evidence can be withdrawn from the custody of the Clerk before final disposition of the case or proceeding only on application and order of the Court. Original exhibits introduced in any hearing and held by the Clerk may be disposed of by the Clerk:

1. after giving the party introducing the exhibits twenty-one (21) days notice to retrieve the exhibits, or
2. without notice, thirty (30) days after the case or proceeding is closed.

B. Official Mailing List. The Clerk shall maintain, and update as necessary, the official mailing list for each bankruptcy case which shall include: (1) the name and address of the debtor, the debtor's counsel, the trustee, the United States Trustee, and any members of any official committee appointed in the case, and its counsel; (2) the names and addresses of all persons or entities on the creditor list as it may be amended; (3) the names and addresses of all persons or entities on the equity security holders list as it may be amended, if applicable; (4) the names and addresses of all persons or entities who file an entry of appearance and request for notice in the case; (5) the names and addresses of creditors who file a proof of claim in the case; and (6) the names and addresses of interest holders who file a proof of interest in the case. This listing shall be known as the "Official Mailing List."

C. Redaction of Transcripts. In compliance with the policy of the Administrative Office of the United States Courts, transcripts produced of court proceedings shall be made available to the public electronically.

1. **Notice of Filing.** The Clerk shall notify all parties in attendance at a hearing

of the filing of a transcript and the deadlines to file the notice of intent to request redaction, the request for redaction, the redacted transcript filing date and the release of transcript date.

2. Redaction of Information. Access to electronic transcripts filed with the Court will be initially restricted for a period of ninety (90) days (the “Inspection Period”) to permit court users and case participants to request redaction of personally identifiable data in accordance with the following procedures. Personally identifiable data includes: (i) Social Security numbers; (ii) financial account numbers; (iii) names of minor children; (iv) dates of birth; and (v) home addresses.

3. Responsibility for Redaction. Parties wishing to review transcripts for possible redaction shall be responsible to monitor the docket for the filing of the transcripts. Neither court reporters/transcriptionists nor the Court shall be responsible to identify a need for or to redact information. The Clerk is not required to review transcripts filed with the Court to determine compliance with this rule. The responsibility for redacting transcripts rests solely with counsel and the parties to an action, including pro se parties. The parties to a hearing remain responsible for redaction procedures even if the entity ordering the transcript is a judge or a member of the public.

4. Transcripts Restricted. The ECF System event for filing of transcripts shall automatically restrict access to transcripts filed with the Court to hearing participants, Clerk’s office public terminal users and Court staff. The transcript may be viewed by the public only at a public terminal at the office of the Clerk. The transcript may not be copied or printed by the Clerk for a customer during the Inspection Period. A permanent header shall appear on the transcript stating that the transcript is AVAILABLE AT THE PUBLIC TERMINAL FOR VIEWING ONLY.

5. Notice of Filing Transcript. Parties shall request redaction of personally identifiable data from a transcript by filing a Notice of Intent to Request Redaction with the Clerk within seven (7) business days of the filing of the official transcript by the court reporter/transcriptionist. A file-stamped copy of the notice shall be served on the court reporter/ transcriptionist by the attorney or party filing the notice.

6. Request for Redaction. If a Notice of Intent to Request Redaction is filed within seven (7) days of the filing of the official transcript, the transcript shall not be made available electronically to the public until redaction is completed. After filing a Notice of Intent to Request Redaction, the filer has twenty-one (21) calendar days following the filing of the official transcript, to file a Request for Redaction. The Request for Redaction shall include a statement indicating the location of personally identifiable data within the transcript. The statement shall include the name of the person giving testimony to be redacted, the transcript page number, and the line number of the transcript where the personally identifiable data appears. The Request for Redaction shall be served on the court reporter/transcriptionist. The Request for Redaction shall be a private event. Only Court users may view the Request for Redaction.

7. Failure to Meet Deadline. If an attorney or party files a Notice of Intent to Request Redaction but fails to file a timely Request for Redaction or a Motion to Extend Time for Redaction, no redaction will be made and the unredacted transcript shall be publically available after the expiration of the ninety (90) day inspection period.

8. Response or Objection to Request for Redaction. Nothing in this rule shall prohibit an attorney or party from responding or objecting to a Request for Redaction. However, the filing of a response or an objection shall not extend any deadline periods.

9. Redaction of Information. The court reporter/transcriptionist shall redact the following personally identifiable data from the electronic transcript as follows:

- (i) Social Security numbers to the last four digits
- (ii) Financial account numbers to the last four digits
- (iii) Names of minor children to the initials
- (iv) Dates of birth to the year
- (v) Home addresses to the city and state

10. Filing of Redacted Transcript. The redacted transcript must be filed within thirty-one (31) days from the date the transcript was originally filed with the Clerk, unless otherwise ordered by the Court.

11. Unredacted Transcript. After the filing of a redacted transcript, the original unredacted electronic transcript shall be retained by the Clerk as a private Document. The unredacted transcript shall not be available for inspection or printing unless otherwise ordered by the Court.

12. Expiration of Inspection Period. After the ninety (90) day inspection period has expired and no redaction motions are pending, an unredacted transcript shall be available for inspection and copying in the office of the Clerk or for downloading from the ECF System. Restricted access to the transcript shall be removed by Court staff.

After the ninety (90) day period has expired and a redacted transcript has been filed, the final redacted transcript shall be available for inspection and copying in the office of the Clerk or for downloading from the ECF System. Restricted access to the transcript shall be removed by Court staff.

13. PACER fees. Fees will be assessed to access the transcript via the ECF System. Charges for transcripts are not capped at thirty (30) pages. Fees will be assessed for each look at the transcript. A free look or copy will not be available. Fees will be assessed even if the attorney or party has previously purchased a copy of the transcript.

14. Redaction of Other Information. Requests for redaction of personally identifiable data other than the data specified in these Local Rules or additional requests for redaction of transcripts must be submitted as a motion to restrict personal information

pursuant to Bankruptcy Rule [9037](#)(d). Such motion to restrict personal information shall be filed within twenty-one (21) calendar days of the filing of the official transcript. The electronic transcript shall not be made publicly available until an order resolving the motion is issued by the Court.

15. Motion to Extend Time. Motions to extend time under this Local Rule shall be ruled upon expeditiously.

RULE 5005-1 FILING REQUIREMENTS

A. Electronic Filing and Limited Exceptions. All Documents submitted to the Clerk for filing, regardless of where or when the case or proceeding was originally commenced, shall be filed electronically pursuant to these Local Rules and the ECF Guidelines, annexed hereto as [Appendix A](#). The foregoing shall not apply to: (1) Documents filed by a pro se party; (2) proofs of claim or interest filed by the claimant or interest holder not represented by an attorney; or (3) reaffirmation agreements if neither party to the agreement is represented by counsel. If Documents are manually filed, the Clerk shall scan and upload the images to the ECF System. Items described in subsection (2) and (3) above may be filed electronically. The electronic filing of a Document in accordance with these Local Rules and the ECF Guidelines shall constitute entry of that Document on the docket kept by the Clerk under Bankruptcy Rule [5003](#).

B. Filing Fee. See Local Rule [5080-1](#).

C. Registration. Each attorney must register with the Court in accordance with the procedures set forth in the [ECF Guidelines](#) in order to file Documents electronically. Registered participants of the ECF System shall be responsible for maintaining current contact information in the ECF System. Failure to maintain current mailing addresses, email addresses and telephone numbers will result in deactivation of the attorney's ECF System login. The Court reserves the right to temporarily deactivate an electronic filer's login for failure to comply with the Local Rules, the [ECF Guidelines](#) and the user's electronic filer agreement and for failure pay filing fees. The Court also reserves the right to revoke an attorney's authority to file electronically, after notice and hearing, when an attorney has failed to comply with the Local Rules, the [ECF Guidelines](#) and the user's electronic filer agreement or has misused the ECF System.

D. Certificate of Service of a Document.

1. If all parties who are entitled to receive notice are served by the ECF System, no separate certificate of service is necessary. The Notice of Electronic Filing created by the ECF System serves as the certificate of service of a document served electronically.

2. For parties not listed on the Notice of Electronic Filing who are entitled to receive notice and parties who are entitled to service pursuant to Bankruptcy Rules [9014](#)(b) and/or [7004](#), the party serving notice shall either include a certificate of service in the Document certifying the date of service, the manner of service, and the names and addresses of the persons and entities served or file a separate certificate of service containing the same

information. If a separate certificate of service is filed, the certificate of service shall specifically identify the Document served and the docket number and the docket entry shall relate the certificate of service to the Document served by docket number. See [Local Form 4](#).

E. Privacy. A party filing a Document shall redact the following personal data identifiers appearing in any Document filed with the Court: names of minor children (use minors' initials); all but the last four digits of any bank, savings or similar financial account numbers; all but the last four digits of any social security number; and all birth date information except the year. The responsibility for redacting personal identifiers rests solely with the filing party. **THE CLERK WILL NOT REVIEW DOCUMENTS FOR COMPLIANCE WITH THIS RULE, SEAL DOCUMENTS CONTAINING PERSONAL DATA IDENTIFIERS WITHOUT A COURT ORDER, OR REDACT SUCH INFORMATION FROM DOCUMENTS.**

F. Documents Under Seal. An order approving a motion to file a Document under seal shall (i) state that the record shall be sealed permanently (subject to an application and order granting a party in interest access to the sealed Document for good cause), (ii) specify a date when the order shall be vacated, or (iii) specify a date certain when the Court shall consider vacating the order. An order approving a motion to file a Document under seal must specifically state it is based upon representation of the moving party. Once an order has been obtained approving the filing under seal, the Document may be filed under seal by delivering the Document to be sealed to the Clerk. A cover sheet must be attached to the document being filed under seal that includes a caption in accordance with Local Rule [9004-1.A](#) and the title of the Document being filed under seal. In addition, the cover sheet must contain the related docket numbers of the motion and order and the following statement in bold, "DOCUMENT TO BE FILED UNDER SEAL." The Clerk will docket the Document so that only the filing details and Document title will appear on the docket sheet.

G. Case Assignment - Random Selection. The division of cases will be made pursuant to workload parity guidelines established by the judges. Case assignment will be made using a nonpublic system of rotation established and monitored by the Clerk. When a case is converted to a chapter 13 case, the Clerk is directed to enter a text order reassigning the case to the judge hearing all chapter 13 cases. When a case is converted from a chapter 13 case, the Clerk is directed to enter a text order reassigning the case randomly.

H. Assignment of Related Cases. A case which is related to a previously filed petition shall be assigned to the judge to whom the previously filed petition was assigned unless the subsequent case is a chapter 13 case, in which case it shall be assigned to the judge hearing chapter 13 cases.

I. Repeat Filings. If the debtor has filed a bankruptcy case in the previous eight years, the Clerk shall reassign the case to the judge to whom the previous bankruptcy case was assigned unless the case is a chapter 13 case, in which case it shall be assigned to the judge hearing chapter 13 cases.

J. Judicial Recusal or Disqualification. If a judge recuses, disqualifies, or is

disqualified from hearing a case, the judge will enter an order noting the recusal or disqualification and directing that the case be returned to the Clerk for random reassignment to another judge. If all judges have recused or have been disqualified from hearing a case, the Chief Bankruptcy Judge will request that the Chief Judge of the United States Court of Appeals for the Tenth Circuit assign a bankruptcy judge from another district to hear and decide the case.

RULE 5007-1 INTERPRETERS; SERVICES FOR PERSONS WITH COMMUNICATIONS DISABILITIES

Except for proceedings initiated by the United States or for those persons with communication disabilities, the Court shall not provide interpreters or other accommodation. There is no requirement that an interpreter provided by any party be federally certified.

RULE 5010-1 REOPENING CASES

Reopening of a case shall be effective only upon both entry of an order and payment of any applicable fees. Requests to reopen a case must be made by motion filed and served pursuant to Local Rules [9007-1](#) and [9013-1](#). Should the motion be contested, Local Rules [9014-1](#) and [9017-1](#) shall apply. It shall not be necessary to reopen a closed case in order to redact personally identifiable information therein. If applicable, all orders reopening chapter 7, 12 and 13 cases shall state whether the moving party requests that the United States Trustee appoint a trustee.

RULE 5011-1 WITHDRAWAL OF REFERENCE

A motion for withdrawal of the reference of a case or proceeding pursuant to Bankruptcy Rule [5011](#)(a) and responses thereto shall be filed with the Clerk with payment of all filing fees or other payment requirements and in accordance with LCvR 81.4(b), [Local Civil Rules](#) of the United States District Court for the Western District of Oklahoma. Unless otherwise ordered by the Court, a motion for withdrawal shall not toll, suspend or otherwise change the time period for filing responsive Documents in pending matters.

RULE 5011-2 ABSTENTION

Unless otherwise ordered by the Court, a motion for abstention shall not toll, suspend, or otherwise change the time period for filing responsive Documents in pending matters.

RULE 5020-1 MISCELLANEOUS PROCEEDINGS

Upon notice served on all parties in interest at least fourteen (14) days prior to the proposed closing, the Clerk shall close a miscellaneous proceeding in which there has been no filing during the proceeding sixty (60) days, provided that a miscellaneous proceeding may be reopened by order of the Court.

RULE 5080-1 FEES - GENERAL

A. Payment. All fees must be paid on the calendar day on which the transaction requiring a fee occurs. If a filing fee is not timely paid, the pleading or document may be stricken without further notice or a hearing. Electronic filers are required to pay filing fees on time. Checks for payment from electronic filers will not be accepted by the Clerk. If a fee is not timely paid by a certified attorney, the attorney's access to the ECF system shall be deactivated until all fees have been paid. Any Document presented for manual filing without proper provision for payment of the filing fee shall not be accepted for filing by the Clerk. A trustee may, upon proper notice, defer the payment of fees. See Local Form 7.

B. Conversion; Amendment to Creditor List; Fee. In a chapter 11, 12 or 13 case that is converted to a case under chapter 7, no filing fee shall be required for filing the amendment to the creditor list required by Local Rule 1019-1.A if the amendment is filed within fourteen (14) days following the entry of the order converting case or notice of conversion.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

RULE 6004-1 SALE OF ESTATE PROPERTY

A. Notice of Use, Sale, or Lease of Property Not in the Ordinary Course of Business

1. Local Rule 9013-1 does not apply to a notice of proposed use, sale, or lease of property made pursuant to Bankruptcy Rule 6004(a).

2. The notice of proposed use, sale, or lease of property not in the ordinary course of business shall include the information set forth in Bankruptcy Rule 2002(c)(1). If a date of the proposed action is included in the notice, the notice shall also include the following statement in a separate paragraph: "Objections to the proposed action [use, sale, lease] of the above-described property must be filed and served not less than seven (7) days before the date set for the proposed action. If no objection is timely filed or served, the proposed action may be taken without further notice or hearing." The notice of proposed use, sale, or lease of property not in the ordinary course of business shall be served in accordance with Bankruptcy Rule 6004(a) and, if applicable, Bankruptcy Rule 2002(d)(3).

B. Sale Free and Clear of Liens and Other Interests.

1. Local Rule 9013-1 does not apply to a motion for authority to sell property free and clear of liens and other interests made pursuant to Bankruptcy Rule 6004(c) or to objections thereto. The motion shall include in the title "and Notice of Opportunity for Hearing," and the body of the motion shall contain the following statement:

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate of service with the Court. A hearing on the motion has been set for _____, 201__, at __:___.m. before the Honorable _____, ___ Floor Courtroom, 214 Dean A. McGee Avenue, Oklahoma City, Oklahoma 73102. If no response is timely filed, the court may grant the motion without further notice.

[Note – this is a flat twenty-one (21) days regardless of the manner of service.]

NOTICE OF HEARING (TO BE HELD IF A RESPONSE IS FILED)

Notice is hereby given that if a response to the _____ is filed, the hearing on the matter will be held on _____, 20__, at _____.m. in the _____ floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

2. Objections to a motion for authority to sell property free and clear of liens and other interests made pursuant to Bankruptcy [Rule 6004\(c\)](#) must be filed and served not more than twenty-one (21) days after the motion is filed. [Note – this is a flat twenty-one (21) days regardless of the manner of service.]

3. The motion and notice shall be served pursuant to Bankruptcy Rule [6004\(a\)](#) and (c), and, if applicable, Bankruptcy Rule [2002\(d\)\(3\)](#). Service of the motion and notice shall be accomplished within three (3) days of the filing of the motion and notice, and a certificate of service shall be filed no later than seven (7) days prior to the hearing date.

RULE 6006-1 EXECUTORY CONTRACTS

Notice of a motion to assume, assume and assign, or reject an executory contract or unexpired lease, or notice of a motion to require the trustee or debtor-in-possession to assume, assume and assign, or reject an executory contract or unexpired lease shall be given by the moving party to parties identified in Bankruptcy Rule [6006\(c\)](#) and to the debtor, the trustee, any committee appointed under 11 U.S.C. §§ [705](#) and [1102](#), counsel for each of the foregoing, all entities known by the trustee or the debtor-in-possession to assert or claim a lien or other interest in the contract or lease, and all parties in interest who have requested notice in the case. If assumption of a contract or lease under which there has been a default is proposed, the motion shall describe the default and proposed method of satisfying the provisions of 11 U.S.C. § [365\(b\)](#).

RULE 6007-1 ABANDONMENT

A. Service of Notice of Intent to Abandon.

1. Property with an estimated gross value of \$1,000 or less may be abandoned by a trustee or debtor-in-possession after filing a notice of intent to abandon with the Court, and without any other notice or hearing.

2. Notice by the trustee or debtor-in-possession of a proposed abandonment of property with an estimated gross value greater than \$1,000 shall be in accordance with Bankruptcy Rule [6007\(a\)](#) and Local Rules [2002-1.E](#) and [9013-1.B](#)

B. Motion by Party in Interest. Movant shall serve the motion on the trustee or debtor-in-possession and to parties identified in Bankruptcy Rule [6007\(a\)](#). See Local Rule [9013-1.B](#).

C. Objections. The time to file and serve an objection to a motion filed under Bankruptcy Rule [6007\(a\)](#) or (b) shall be fourteen (14) days from the date of filing of the motion. [Note – this is a flat fourteen (14) days regardless of manner of service.]

RULE 6008-1 REDEMPTION

Service of a motion for redemption of property from a lien or sale shall be given to the debtor, debtor's counsel, the trustee, the United States Trustee, any parties affected by the motion or having an interest in the property affected by the motion, and all parties in interest who have requested notice in the case. The time to file an objection or response to the motion shall be fourteen (14) days from the date of filing the motion. [Note – this is a flat fourteen (14) days regardless of manner of service.]

PART VII. ADVERSARY PROCEEDINGS

RULE 7003-1 COVER SHEET

Unless the adversary complaint is filed electronically, for which no cover sheet is required, an adversary complaint shall be accompanied by an adversary proceeding cover sheet, completed pursuant to the instructions on the [Official Form](#), as the last page of the complaint and not as a separate Document.

RULE 7004-1 SUMMONS

A summons and an involuntary summons will be generated and issued by the ECF System. Counsel is required to print and serve the summons in accordance with Bankruptcy Rule [7004](#). For cases and proceedings not filed electronically, and for garnishment summonses and alias summonses, counsel or a pro se litigant must prepare the summons and present it to the Clerk's office for issuance. Parties will be notified electronically when the summons has been issued.

RULE 7005-2 FILING OF DISCOVERY MATERIALS

Notices of oral depositions, interrogatories, requests for production of documents, requests for admissions, and answers and responses thereto shall be served on all parties to the adversary proceeding or contested matter, but shall not be filed unless so ordered by the Court or attached to a Document for use in the proceeding. If Court intervention is sought concerning any discovery matter, copies of the portions of the discovery material at issue shall be attached as exhibits to the discovery motion. Copies of relevant discovery materials may also be filed in a like manner in connection with any response to a discovery motion.

RULE 7007-1 MOTION PRACTICE (ADVERSARY PROCEEDINGS)

Motion practice in adversary proceedings shall be governed by Local Rule [9013-1](#).

RULE 7007-2 OWNERSHIP STATEMENT

Any artificial entity, other than a governmental unit or trustee, that is a party to an adversary proceeding shall complete and file an ownership statement identifying all publicly held entities, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the entity's equity interests, or stating that there are no such entities to report. The ownership statement shall be filed concurrently with the first Document filed by an entity in the proceeding. A supplemental ownership statement shall be filed promptly to reflect any change in the information that is required to be disclosed.

**RULE 7016-1 PRETRIAL PROCEDURES: SCHEDULING CONFERENCES,
SETTLEMENT CONFERENCES, AND ALTERNATIVE DISPUTE
RESOLUTION**

A. Scheduling. Scheduling conferences may be conducted in adversary proceedings brought pursuant to Bankruptcy Rule [7001](#) and in contested matters brought pursuant to Bankruptcy Rule [9014](#). As soon as the case or proceeding is at issue, the Court may schedule any conference it deems appropriate. Whether or not any such conference is held, the Court may enter a scheduling order governing amendments, dispositive motions, discovery, the final pretrial order, trial or hearing dates, and any other appropriate matters.

B. Preparation for Conferences. Prior to any conference, trial counsel for each of the parties must confer and exchange all then known exhibits and other material which may be offered in evidence, and a list of all then known witnesses. It is the duty of counsel for plaintiff or movant to arrange this conference. All other counsel must provide full cooperation for this and any subsequent meetings of counsel. Additional exhibits or witnesses must be exchanged promptly once they become known.

C. Agenda at Conferences. Counsel who will conduct the trial or hearing and pro se parties must attend all conferences and be prepared to discuss, to the extent appropriate, all of the following:

1. Whether or not the proceeding is a core proceeding;
2. If it is not a core proceeding, whether or not the parties consent that the bankruptcy judge hear and determine the matter and enter appropriate orders and judgments;
3. Eliminations of unnecessary claims or defenses;
4. Possibility of stipulations and admissions of facts;
5. Elimination of unnecessary and cumulative evidence;
6. Identification of witnesses and documents, the scheduling of pretrial motions, discovery cut-off, trial briefs, proposed findings of fact and conclusions of law, and the trial date;
7. The possibility of settlement;
8. Disposition of any pending matters;
9. Need for specific procedures in difficult or protracted cases;
10. Any unusual or unique legal issues; and

11. Any other appropriate matters.

D. Preparation of the Final Pretrial Order. Unless otherwise ordered, counsel for the plaintiff or movant is responsible for initially preparing, circulating, and submitting to the Court the final pretrial order ([Local Form 8](#)) in adversary proceedings. Opposing counsel shall cooperate fully in the preparation of the order. The final pretrial order shall be submitted to the appropriate judge for approval no later than five (5) working days prior to the scheduled trial or hearing, unless otherwise provided for in any scheduling order.

E. Sanctions. Failure to appear at a conference, appearance at a conference unprepared, or failure to cooperate in good faith with opposing counsel may result in the imposition of sanctions. Possible sanctions include, without limitation: dismissal of complaints; striking of documents; entry of preclusion orders; orders staying the proceeding; default judgment or order; assessment of expenses, costs, and fees against either a party or counsel; or, such other order as the Court may deem appropriate.

F. Alternative Dispute Resolution and Settlement Conferences. The Court recognizes that alternative dispute resolution (ADR) procedures may facilitate compromise or narrowing of issues in contested matters and adversary proceedings. Any party may file a request for alternative dispute resolution. Opposing parties shall have fourteen (14) days after the filing of an ADR request to file written objections stating the basis for their objections. [Note – this is a flat fourteen (14) days regardless of manner of service.] After reviewing the request, any objections and, if appropriate, conducting a conference with the parties, the Court may refer any adversary proceeding or contested matter for appropriate non-binding ADR. Unless the parties agree upon the sharing of the costs of the ADR procedure, such costs shall be borne by the requesting party.

In the alternative, the judge to whom the case is assigned may sua sponte or upon request direct the parties to participate in a settlement conference before a judge other than the judge to whom the case is assigned.

To facilitate settlement or resolution of any adversary proceeding or contested matter, the judge may stay the pending matter, in whole or in part, in order to allow time to complete the ADR procedure or settlement conference.

RULE 7026-1 DISCOVERY – GENERAL

A. Generally. Local Rule [7016-1](#) shall be applied in lieu of Federal Rule of Civil Procedure 26 (a)(1), (a)(4) and (f). Further, discovery shall not be stayed pending the conference of counsel as required by Local Rule [7016-1.B](#).

B. Discovery Disputes. Every motion or objection relating to a discovery dispute shall contain a statement that counsel for the moving party has consulted with counsel for the adverse party concerning the motion or objection and the parties have failed to resolve the discovery dispute despite good faith efforts. If the parties agree that certain discovery orders such as discovery scheduling orders or protective orders should be entered, the parties may submit a joint motion and

a proposed agreed order.

RULE 7030-1 DEPOSITIONS

Depositions may be taken at any time after commencement of an adversary proceeding or contested matter, and this rule constitutes leave therefor as required by Bankruptcy Rule [7030](#). Reasonable notice for taking a deposition is not less than three (3) business days, unless otherwise ordered by the Court. Before filing a notice of deposition of a party, counsel for the party seeking to take the deposition shall make a good faith effort to confer with the proposed deponent through deponent's counsel, if any, to arrange an agreeable date, time, and place for the deposition.

RULE 7037-1 FAILURE TO MAKE DISCOVERY: SANCTIONS

The Court shall strike any motion or response relating to discovery disputes unless counsel for the movant certifies in writing that he or she has conferred in good faith with opposing counsel, and that after a sincere attempt to resolve differences has been made, the attorneys have been unable to agree.

RULE 7040-1 ASSIGNMENT OF PROCEEDINGS FOR TRIAL

Complaints in adversary proceedings brought pursuant to Bankruptcy Rule [7001](#) will be assigned in all instances to the judge to whom the related bankruptcy case is assigned.

RULE 7041-1 DISMISSAL OF ADVERSARY PROCEEDINGS

A. Dormancy. Any adversary proceeding or contested matter which has been pending without action for more than ninety (90) days may be deemed dormant unless it is under submission.

B. Disposition Docket. Periodically, the assigned courtroom deputy shall prepare a schedule of all dormant matters. Upon direction of the Court, the assigned courtroom deputy will notice all dormant matters for a disposition docket. The assigned courtroom deputy must give no less than twenty-one (21) days' notice by mail of the hearing to all parties and their counsel of record.

C. Disposition of Dormant Matters. If the party or counsel of record fails to appear at such hearing or otherwise fails to show good cause why the dormant matter should not be dismissed or stricken, or fails to submit an order acceptable to the Court disposing of the matter at or prior to the hearing, the Court may dismiss or strike the dormant matter, or otherwise dispose of it with or without prejudice. Reopening or reassertion of the matter after disposition may be conditioned upon such terms as the Court may determine.

D. Status of Adversary When Case Dismissed. Any adversary proceeding in which a final judgment has not been entered is deemed dismissed, without prejudice and without further order of the Court, upon dismissal of the case under which it pends, except as provided by an order of the Court. However, as to proceedings which have been removed from other courts to the

bankruptcy court, dismissal of such proceeding shall not be deemed effective until twenty (20) days after dismissal of the case in order to provide time for the proceeding to be remanded to the court from which it was removed.

RULE 7052-1 FINDINGS BY THE COURT: *EN BANC* HEARINGS AND TRIALS

Upon request of a judge of the Court, or upon motion, any matter may be heard en banc if all judges of the Court concur.

RULE 7054-1 COSTS – TAXATION

The Clerk is authorized to tax costs only when presented with a judgment that specifically awards costs to the party seeking costs. Such prevailing party who seeks to recover costs against an unsuccessful party pursuant to Bankruptcy Rule [7054\(b\)](#) shall file a verified bill of costs on [Official Form B263](#) and support the same with a brief. The bill of costs and brief shall be filed not more than fourteen (14) days after entry of judgment. [Note – this is a flat fourteen (14) days regardless of manner of service.] Any request for costs shall be a separate Document from a motion for legal fees. The bill of costs shall have endorsed thereon proof of service upon the opposing party. The prevailing party shall provide either receipts, documents or an affidavit in support of the requested itemized costs. Objections to the bill of costs, with supporting brief, must be filed within fourteen (14) days from the date the bill of costs was filed. [Note – this is a flat fourteen (14) days regardless of manner of service.] After consideration of the bill of costs and any objections, the Clerk will make a disposition and ruling on the bill of costs allowing or disallowing the items in whole or in part. If a bill of costs is properly and timely filed, and no written objection thereto is filed within the time herein specified, the claimed costs may be allowed in full.

RULE 7056-1 SUMMARY JUDGMENT

A. Generally. Local Rule [9013-1](#) shall apply to summary judgment motions and responses.

B. Brief in Support of Motion for Summary Judgment. A motion for summary judgment (or partial summary judgment) shall include or be accompanied by a brief in support thereof, not exceeding twenty (20) pages in length, exclusive of attachments or appendices. A brief in support of a motion for summary judgment (or partial summary judgment) shall begin with a section that contains a concise statement of material facts as to which movant contends no genuine issue exists. Each fact shall be stated in a separately numbered paragraph and shall refer with particularity to those portions of the affidavits, discovery materials, Documents, or other parts of the record before the Court upon which the movant relies. The movant shall not incorporate by reference arguments, replies, Documents or portions of Documents that were previously filed therein or in other proceedings. Affidavits, discovery materials, Documents, and other relevant portions of the record upon which the movant relies shall be attached to the brief. The statement of material facts shall be followed by the movant's argument and authorities. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.

C. Response Brief. A brief in response to a motion for summary judgment (or partial summary judgment), not exceeding twenty (20) pages in length, exclusive of attachments or appendices, shall be filed within fourteen (14) days after the filing of the brief in support of the motion for summary judgment. [Note – this is a flat fourteen (14) days regardless of manner of service.] The response brief shall begin with a section stating, by paragraph number, each of the movant’s facts to which the non-movant contends a genuine issue exists, and shall refer with particularity to those portions of affidavits, discovery materials, Documents, and other relevant parts of the record before the Court upon which the non-movant relies to dispute the movant’s fact. All properly supported material facts set forth in the movant’s statement shall be deemed admitted for the purpose of summary judgment unless specifically controverted by a statement of the non-movant that is supported by evidentiary material. If the non-movant contends that other material facts exist which preclude summary judgment, the non-movant shall set forth each such material fact in a separately numbered paragraph and shall refer with particularity to those portions of affidavits, discovery materials, Documents, and other relevant parts of the record before the Court upon which the non-movant relies. Affidavits, discovery materials, Documents, and other relevant portions of the record upon which the non-movant relies shall be attached to the brief. The non-movant’s dispute of movant’s statement of material facts and statement of other material facts, if any, shall be followed by the non-movant’s argument and authorities. The non-movant shall not incorporate by reference arguments, replies, Documents or portions of Documents that were previously filed therein or in other proceedings. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.

D. Reply Briefs to Address New Matters. The movant may file a reply brief, not exceeding five (5) pages in length, exclusive of attachments or appendices, within fourteen (14) days after the date the response brief was filed, but such reply brief shall address only new matters set forth in the non-movant’s response brief. [Note – this is a flat fourteen (14) days regardless of manner of service.] Affidavits, discovery materials, Documents, and other relevant portions of the record upon which the movant relies in its reply shall be attached to the reply brief. The respondent shall not incorporate by reference arguments, replies, Documents or portions of documents that were previously filed therein or in or other proceedings. The Court may strike, or decline to consider, substantive arguments that appear only in affidavits or other supporting documentation.

E. The Record. The record on summary judgment shall consist of all materials permitted by [Rule 56](#) of the Federal Rules of Civil Procedure that are properly in the record before the Court. Documentary evidence must be authenticated by affidavit or otherwise demonstrated to be admissible under the Federal Rules of Evidence in order to be considered on summary judgment.

F. Hearing. Unless a hearing is requested by a party, a hearing shall be deemed waived, and the motion for summary judgment will be ripe for decision, upon the expiration of the time for filing responses and replies, if any, under these Local Rules unless otherwise set by the Court.

G. One Time Filing. Absent leave of court, each party may file only one (1) motion for summary judgment under Bankruptcy Rule [7056](#).

RULE 7067-1 DEPOSIT IN COURT

Investment and disbursement of registry funds will be made pursuant to general orders of this Court, which will be subject to amendment from time to time.

PART VIII. APPEALS TO DISTRICT COURT

Part VIII of these Local Rules shall not apply to appeals to the United States Bankruptcy Appellate Panel of the Tenth Circuit (“BAP”). The BAP rules, which are available on the Court’s website, (<http://www.bap10.uscourts.gov/rules.php>), apply to all appeals unless and until a party elects to have the appeal heard by the District Court pursuant to [28 U.S.C. § 158\(c\)\(1\)](#). Upon such election, [Part VIII](#) of these Local Rules shall apply to the appeal.

RULE 8001-1 PROCEDURE ON REMANDS

Whenever a matter is remanded to the Court, any party may move to set the matter for further proceedings.

RULE 8009-1 DESIGNATION OF RECORD – APPEAL

A. A designation of items to be included in the record on appeal in accordance with Bankruptcy Rule [8009](#) shall describe the items to be included by docket number, filing date, and the title or a description of the item. Notwithstanding Bankruptcy Rule 8009, no copy of any document identified in the designation of the items to be included in the record on appeal shall be attached to the designation filed with the Court, and no other documents, exhibits, attachments or any other paper shall be attached to the designation when filed.

B. If any party fails to take action necessary to enable the Clerk to assemble and transmit the record, the Clerk will transmit an incomplete record.

RULE 8010-1 COMPLETION AND TRANSMISSION OF RECORD – APPEAL

The court reporter’s endorsed request for a transcript and the court reporter’s request for extension of time pursuant to Bankruptcy Rule [8010\(a\)\(2\)](#), if any, shall be filed with the Clerk.

PART IX. GENERAL PROVISIONS

RULE 9001-1 DEFINITIONS

See Local Rule [1001-1.H](#).

RULE 9004-1 PAPERS – REQUIREMENTS OF FORM

A. Papers Acceptable for Filing. Documents filed in a case or proceeding shall be formatted to be 8-1/2 inches wide by 11 inches long. Documents shall not exceed 8 megabytes in size and shall contain printing in no less than 12 point font (including footnotes). Documents shall have margins of no less than one (1) inch, and electronically submitted orders must have a four (4) inch top margin. Documents shall be double spaced (unless the Document is only one (1) page) and drawn upon one side of the page only. Documents shall not include printing or images in color. The paper used must be white in color.

B. Oversized Attachments. Documents which were drafted for another purpose, but which are tendered for filing in a case or proceeding as attachments, exhibits, etc., should be enlarged or reduced to conform to the size requirement in subsection A. of this rule, unless reducing the size of the Document will render the Document unreadable. If reducing the Document renders it unreadable, the filer must request leave to file a document of non-conforming size.

C. Title. The title of any Document filed must clearly identify each and every request for relief, objection or other response being made therein.

D. Attorney Signature Block. When a Document is signed by an attorney, the attorney's full name, state bar number, address, email address, telephone number, facsimile number (if applicable), and name of party or parties represented shall be shown on the Document beneath the signature line.

E. Debtor's Signature. When a Document is signed by a debtor, the debtor's name shall be signed as it appears in the style of the case, and the signature block shall include the debtor's address, telephone number, facsimile number (if applicable). Debtor's Statement of Social Security Number must bear the original signature of the debtor.

F. Street Address. If a party, including without limitation a debtor, uses a post office box to receive mail, the party must include a physical address, as well as the post office box, on all documents filed with the Court.

G. Service Through the ECF System. When a Document is filed electronically in accordance with these Local Rules and the [ECF Guide](#), the ECF System shall generate and email a Notice of Electronic Filing to the filing party and any other registered party who has requested electronic notice in that case or proceeding.

1. If the recipient is a registered user of the ECF System, the Clerk's emailing of the Notice of Electronic Filing shall be the equivalent of service of the Document by first class mail, postage prepaid, except in the case of a summons and complaint or other Document that must be served pursuant to Bankruptcy Rule [7004](#). See also Bankruptcy Rule [9014\(b\)](#).

2. Service by electronic means is not effective if the party making service learns

that the attempted service was not electronically delivered to the person to be served.

RULE 9006-1 TIME PERIODS

A. Enlargement or Reduction of Time. All applications for enlargement of time under Bankruptcy Rule [9006](#)(b) or reductions of time under Bankruptcy Rule [9006](#)(c) shall include in the caption of the application appropriate language such as “Motion/Application for Expedited Hearing” or “Motion/Application for Expedited Ruling” or “Motion/Application for Shortened Notice” and shall state:

1. The cause for such request;
2. The date due without the requested enlargement or reduction;
3. The dates of any previous applications and the results thereof; and
4. A statement that the consent of the other parties in interest has been requested, whether such parties consent or object, and the identity of parties consenting or objecting or, if consent was not requested, the reason therefor.

A proposed order shall be uploaded contemporaneously with the filing of an application to enlarge or reduce time.

B. Continuances. All applications for continuances of hearings shall be in writing, shall state the cause for such request, and shall contain a statement that all other parties to the hearing have been contacted regarding the requested continuance and whether such parties consent or object. The application shall be filed no fewer than twenty-four (24) hours prior to the scheduled hearing date and time. If an emergency renders a timely application impossible, the application shall describe the emergency and shall represent that a timely application was impossible. Continuances are not favored by the Court, and the Court may, in its discretion, deny a request for a continuance notwithstanding consent to a continuance by all parties to the matter or proceeding. A hearing may be continued by the Court from time to time without further notice other than an announcement at the originally scheduled hearing of the date of the continued hearing.

C. Ex Parte Ruling. Requests described in subsections A and B of this Rule may be ruled upon *ex parte*.

RULE 9007-1 GENERAL AUTHORITY TO REGULATE NOTICES: SERVICE

A. When Service Required. Except as otherwise provided in these Local Rules, in the Bankruptcy Rules, or in an order of the Court, every Document required to be served must be served on each party in interest upon whom service is required by the Code or the Bankruptcy Rules.

B. Person to be Served. Where an attorney has entered an appearance for a party in a case or proceeding, service of any Document required to be made on such party, except a

complaint, must be made on the party's attorney unless the Court directs otherwise.

C. How service made. Service must be made pursuant to Bankruptcy Rule [7005](#), which adopts Fed. R. Civ. P. [5\(b\)](#) and Bankruptcy Rule [9006](#).

D. Certificate or Affidavit of Service. Except as set forth otherwise in these Local Rules, a certificate of service must accompany all requests for relief, objections, orders served pursuant to Local Rule [9013-1\(h\)](#)(3) and notices submitted for filing. Every certificate of service must include: (1) the names and addresses of all persons and entities served other than through the ECF System; (2) the date service was made; (3) the manner in which service was made and; (4) the personal or electronic signature of the person making the certificate, his or her typed name, address, telephone number, and if an attorney, state bar number. It is not sufficient to state that service was made on "all parties in interest," "all interested parties," "all ECF registrants" or the like. In cases where the certificate of service would be inordinately long, the Court may provide exception to this rule pursuant to application and order. If the certificate of service is made by a person who is not the agent of an attorney or trustee, it must be in the form of a sworn affidavit. The signature of the notary must be a personal, not electronic, signature, and the notary seal must be visible on the Document. If a certificate of service is filed separately from the Document, it must identify the Document by name and docket number, and the docket entry shall be linked to the document served.

E. Limitations on Service or Notice. No order shortening time for service or limiting notice of any request for relief shall be entered except upon a clear and specific showing, by affidavit, of the reasons why proceeding other than by notice as prescribed by the Bankruptcy Rules and this rule is necessary. The affidavit must state whether a previous request altering notice requirements has been made by the moving party in connection with the case.

RULE 9009-1 OFFICIAL FORMS

All petitions, lists, schedules, statements, and other Documents should comply substantially with the most current version of the [Official Forms](#), as well as any Local Forms. All questions on the [Official Forms](#) must be answered completely by the party and/or the filing attorney.

RULE 9010-1 ATTORNEYS

A. Bankruptcy Court Bar. The bar of this court shall consist of those attorneys who may practice before, and are in good standing with, the United States District Court for the Western District of Oklahoma, provided the attorney's state bar number is provided to the Clerk of the District Court.

B. Entry of Appearance Required. An attorney appearing for a party in a case or proceeding must enter an appearance by signing and filing an entry of appearance or a Document.

C. Withdrawal of Counsel. Counsel may be permitted to withdraw only upon leave of Court after the filing of a motion and service thereof on the client and all other interested parties. Withdrawal may be conditioned upon counsel receiving papers for forwarding to the former client,

as the Court may require until there is an appearance by other counsel or pro se. Withdrawal shall be permitted by application and order only where another attorney in the same or a different law firm has previously entered an appearance in the case or proceeding on behalf of the client and the client consents to the withdrawal.

D. New Counsel. In the event a party changes, adds or substitutes counsel, new counsel must enter an appearance. It is the obligation of new counsel to inform the Clerk of his or her appearance in accordance with subsection B above.

E. Representation of Artificial Entities. All Documents filed subsequent to the petition on behalf of a corporation, partnership, limited liability corporation or partnership, or other artificial entity must be filed by an attorney qualified to practice before this Court pursuant to Local Rule [9010-1.A](#).

F. Scheduling Conflicts. The Bankruptcy Court has adopted the Guidelines for Resolving Scheduling Conflicts with Oklahoma Courts as set forth in the General Order of the Court of Appeals of the Tenth Circuit dated May 21, 1998, (http://okwb.uscourts.gov/general_orders.asp).

G. Attorneys Appearing *Pro Hac Vice*. The procedure for admission *pro hac vice* in any case or proceeding in this Court is:

1. A written motion to appear *pro hac vice* must be filed with the Court either electronically (by an attorney certified to file electronically with this Court) or in paper format. A completed request for admission *pro hac vice* form (promulgated by the District Court) with an original, not electronic, signature must be attached to the motion when filed.
2. Contemporaneously with filing the motion to appear *pro hac vice*, the movant shall either upload a proposed order authorizing *pro hac vice* appearance electronically or submit a proposed order to the assigned judge.
3. The movant shall deliver to the Clerk of this Court a check made payable to the District Court for the necessary admission fee.
4. Admission to practice in a bankruptcy case shall also serve as admission to practice in any and all adversary proceedings filed in the bankruptcy case, as well as any jointly administered or consolidated cases.
5. An attorney appearing *pro hac vice* is required to associate with local counsel as required by LCvR [83.3](#) of the Local Rules of the United States District Court for the Western District of Oklahoma.
6. Non-local attorneys seeking *pro hac vice* admission in a case may send Documents to the Court Clerk for manual filing while awaiting entry of an order admitting them *pro hac vice* and pending completion of requirements to become an ECF System user.

H. Address Change. An attorney must notify the Court and all parties in interest in every pending case and adversary proceeding in which the attorney has appeared, of any change in physical or mailing address and email address by filing and serving in accordance with Local Rule [9007-1](#), a notice of address change in each such case and proceeding. Address changes shall not be accepted or effected by any other means.

I. Compliance with Local Rules and ECF Guidelines. Attorneys and their staff are expected to be well versed in the contents and application of, and to have appropriate technology in their offices to permit compliance with, the Local Rules and the [ECF Guidelines](#). Documents filed with the Court which do not comply with the Local Rules and the [ECF Guidelines](#) may be stricken without notice and without time to correct the deficiency(ies) at the Court's discretion. Repeated failure by attorneys and/or their staff to comply with the Local Rules and the [ECF Guidelines](#) shall result in the suspension of the subject attorney's privilege to practice before this Court until sufficient remedial training has been undertaken to the satisfaction of the Court.

RULE 9011-4 SIGNATURES

A. Attorney Signature. Every Document electronically filed shall contain the signature of the filing attorney excepting only reports filed pursuant to Local Rule [2015-1](#). The filing attorney shall indicate a signature on each signature line by inserting "s/Jane Doe" or a scanned signature on each applicable line. Bankruptcy Rule [9011](#) applies to all Documents filed.

B. Effect of Electronic Filings. The electronic filing of a Document bearing the attorney's electronic signature and using an attorney's ECF login and password constitutes the signature of that attorney. The attorney signing the Document that is filed must match the identity of the attorney whose ECF System password was used to file the Document. Documents bearing the electronic signature of one attorney but that are filed using the ECF login and password of another attorney shall be stricken by the Clerk. One attorney cannot file a document using another attorney's ECF System password.

C. Signature Dates. Dates of signatures on the electronically filed Document must be the same as the date the Document was actually signed.

D. Two or More Signatures. The following procedure applies when a stipulation or other Document requires two or more signatures:

1. The filing attorney shall initially confirm that the content of the Document to be filed is acceptable to all persons required to sign the Document and shall obtain the signature authorization of all parties on the Document. For purposes of this rule, physical, facsimile, electronic signatures and other written authorizations are permitted. A Document may be signed in counterparts.

2. The filing attorney shall then file the Document electronically, indicating the signatures, e.g., "s/Jane Doe," of all appropriate persons.

RULE 9013-1 MOTIONS

A. Request for Relief Defined. A request for relief other than one required to be commenced under Bankruptcy Rule [7001](#) may be made by application or motion only. An application is a request for relief which requires approval of the Court and may be granted *ex parte*. A motion is a request for relief which requires service, notice, and opportunity for hearing, unless made at a hearing as permitted by Bankruptcy Rule [9013](#).

B. Separate Requests for Relief. Unless otherwise provided by the Court, motions containing multiple requests for relief will not be permitted except for certain limited exceptions authorized by Paragraph 11 of the [ECF Guidelines](#). Similarly, affirmative requests for relief cannot be combined with an objection, response or reply to a motion or application. If a motion containing multiple requests for relief or an objection, response or reply containing an affirmative request for relief is filed, an order may be entered striking the motion, objection, response or reply and directing the filer to file separate motions or a separate objection, response or reply and a motion containing the request for relief.

C. Brief Required. A motion, application or response must specify the point or points upon which it is based and must be accompanied by a concise brief, unless excepted by subparagraph (I) of this rule or by the Court. A brief may be combined with the request for relief or response provided the title of the Document clearly so indicates. No brief longer than twenty (20) typewritten pages may be submitted without prior permission of the Court. Briefs exceeding fifteen (15) pages in length shall be accompanied by a table of contents showing headings or subheadings and by a table of authorities cited. Reply briefs are optional and not encouraged. A reply to a new matter raised in the response may be filed within five (5) days after the response is filed. Reply briefs shall not reargue the points and authorities included in the opening brief and shall be limited to five (5) typewritten pages in length. Sur-reply briefs are not permitted except by prior leave of court and may not exceed five (5) typewritten pages in length.

D. Time for Response. Each party serving a response to a request for relief must file and serve a file-stamped copy of it within the deadline set forth in the Notice of Opportunity for Hearing accompanying the request for relief. [Note – the deadline set forth in the Notice of Opportunity for Hearing sets forth the specific response time regardless of the manner of service.] See [Local Rule 2002-1.D](#).

E. Failure to Respond. Any request for relief which is not opposed within the applicable response period may be deemed confessed and the relief granted *ex parte* and without further notice. See [subparagraph L](#) of this rule.

F. Hearings. Hearings on requests for relief may not be conducted routinely unless requested or unless required by an applicable Bankruptcy Rule. When applicable, notice of a hearing may be combined in one Document with the request for relief, provided that the title of the Document indicates that such notice is contained therein. If the Court orders a hearing, the party requesting the relief is responsible for serving notice of the hearing date and time on all other interested parties and filing a certificate of service in compliance with [Local Rule 9007-1.D](#). Any

request for continuance of a hearing or trial must be made in writing and, unless otherwise allowed by a judge, filed with the Court at least twenty-four (24) hours prior to the scheduled date of the hearing or trial.

G. Notice of Opportunity for Hearing. Except for relief specified in [subparagraph H](#) below, all motions or requests for relief shall include the following language in the title of the request for relief: “And Notice of Opportunity for Hearing.” The body of the motion shall contain the following statement:

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than * days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant’s attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The * day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule [9006\(f\)](#).

The moving party shall calculate the appropriate response time as allowed by applicable statute, rule or order. The response time shall be that period set forth in the Notice of Opportunity for Hearing calculated from the date of entry of the request for relief on the docket regardless of manner of service, unless a different response time is prescribed by applicable statute, rule or order in which event the longer response time shall apply.

H. Exceptions. Subsection G. of this Rule does not apply to:

1. A notice of sale not in the ordinary course of business made pursuant to Bankruptcy Rule [6004\(a\)](#). See Local Rule [6004-1.A](#).
2. A motion for sale free and clear of liens and/or interests made pursuant to Bankruptcy Rule [6004\(c\)](#). See Local Rule [6004-1.B](#).
3. A motion made pursuant to Bankruptcy Rule [9011\(c\)](#).

4. A motion for withdrawal of a case or proceeding brought pursuant to Bankruptcy Rule [5011\(a\)](#). See Local Rule [5011-1](#)
5. A motion to appoint a trustee or examiner pursuant to 11 U.S.C. § [1104](#).
6. A request for compensation and/or reimbursement of expenses if the request is less than \$1,000.00.
7. A chapter 7 trustee's notice of final report and application for compensation provided a separate notice of the same is filed.

I. Requests for Relief not Requiring Briefs. Unless otherwise directed by the Court, briefs are not required with respect to the following requests for relief:

1. To continue a conference, hearing, or trial;
2. To substitute parties;
3. For appointment of professional persons;
4. For enlargement of time in accordance with Local Rule [9006-1](#) of these Local Rules; and
5. For administrative orders requested by a trustee in a case under chapter 7, 12 or 13.

J. Time and Manner of Service of Requests for Relief.

1. If the recipient of a notice or request for relief is a registered participant in the ECF System, service by the ECF System of the Notice of Electronic Filing shall be the equivalent of service of the Document and no certificate of service need be filed with respect thereto.

2. If the party entitled to notice or service is not a registered participant in the ECF System, or the party is entitled to service pursuant to Bankruptcy Rules [9014\(b\)](#) and [7004](#), when a request for relief is filed, a file-stamped copy of the request for relief shall be served by the movant upon all such parties entitled to receive notice thereof within two (2) days of the filing date. Movant shall file a certificate of service within three (3) days after filing the request for relief in compliance with Local Rules [5005-1.E](#), and [9007-1.D](#) (which may be included in the request for relief). If the certificate of service is not timely filed, the Court may deny the request for relief without notice to the movant. See [Local Form 4](#).

K. Expedited Consideration. Upon filing an application for expedited consideration of a request for relief, a movant shall contact the assigned judge's courtroom deputy by telephone or email to advise the Court of the application and receive further direction from the Court with

respect thereto.

L. Orders.

1. Proposed Orders. If no objection or other response to a request for relief has been filed by the deadline for such filing, a proposed order should be uploaded to the Court's ECF System within thirty (30) days after expiration of the deadline to file an objection or other response to a request for relief. A proposed order must:

- a. State that "findings of fact are based upon representation of counsel";
- b. Contain a description of the relief being granted in the title of the order;
- c. Certify to the Court: the date and manner of service of the request for relief and the persons and entities upon whom service was made; the applicable response period and the date of its expiration; and the lack of any timely response;
- d. Include an approval for entry of the moving party and signature with the information required by Local Rule [9004-1.D](#), [E](#), and [F](#); and
- e. Comply with [Local Form 9](#).

2. Agreed Proposed Orders. In addition to the requirements set forth in Local Rule [9013-1.J.1](#), all agreed proposed orders must include approvals for entry of all interested parties and signatures with typed name, address, telephone number, email address and, if an attorney, a state bar number. An agreed order approved for entry only by the person submitting it may be acceptable, in the Court's discretion, provided it contains, or is accompanied by, that person's certification that all interested parties have consented to its entry.

3. Service of Orders. The Clerk directs service of orders by mail through the Bankruptcy Noticing Center (BNC) unless the order directs that it be served by a party. Registered participants with the ECF System will receive a Notice of Electronic Filing if an order has been entered by this Court. It is the duty of the prevailing party to verify that all parties in interest entitled to notice of an order are served with a file-stamped copy of the order electronically, or by mail by the BNC or the prevailing party, and to file an appropriate certificate of service in compliance with Local Rule [9007-1.D](#) if service by mail is accomplished by the prevailing party.

4. Proposed Orders Following Hearing. All other proposed orders required to be submitted after a hearing must be submitted by the prevailing party within ten (10) business days after the announcement by the Court of its decision, unless a different deadline is set by the Court.

5. Ex Parte Orders. In each case of a request for relief presented *ex parte*, no order shall be entered unless it is based upon an affidavit. The affidavit shall show cause for the *ex parte* action requested and for the specific relief requested and shall state whether the party has made a previous *ex parte* request for relief in the case. In addition, the person seeking the relief must certify that the opposing party either consents, objects, or despite diligent efforts made in good faith, specifying such efforts, neither counsel for the party against whom the relief is requested, nor the party, in the event such party is not represented by counsel of record, could be contacted and advised that the relief would be sought. The movant must state the applicable statute, rule or other authority authorizing the *ex parte* relief requested.

6. Stale Orders. If an order is not uploaded within thirty (30) days of expiration of the applicable response period, the motion may be stricken by the Court.

RULE 9014-1 CONTESTED MATTERS

Unless otherwise provided in an order of the Court, any party wishing to present evidence at a scheduled hearing on a contested matter must file and serve on all parties in interest, pursuant to Local Rule [9007-1](#), a notice listing: a brief description of the exhibits to be offered; the names of all witnesses intended to be called; and an estimated length of time to present the evidence and argument. Such notice must be filed no later than twenty (20) days prior to the scheduled hearing date or no later than three (3) days after a notice of hearing is issued by the Court if the notice is issued less than twenty-three (23) days prior to the scheduled hearing. Upon review of this notice, the Court may schedule a pre-hearing conference and direct any rules governing adversary proceedings to be applied to the matter. Presentation of exhibits is further subject to Local Rule [9017](#). Failure to comply with this Rule may result in exclusion of the evidence or such other sanction as the Court deems appropriate in the circumstances. See also Rule [9017-1](#) for further obligations regarding evidence.

RULE 9016-1 SUBPOENAS

Subpoenas must be prepared and issued pursuant to Bankruptcy Rule [9016](#).

RULE 9017-1 EVIDENCE

A. Hearing not Held. If a request for relief is based upon facts not appearing of record, the Court may, at its discretion, order the filing of affidavits and determine the matter without a hearing. See Bankruptcy Rule [9017](#) which adopts [Fed. R. Civ. P. 43](#).

B. Time to File and Serve Exhibit and Witness List. See Local Rule [9014-1](#).

C. Marking and Disclosure of Exhibits. All exhibits which are intended to be offered in evidence at a trial or hearing must be marked for identification and provided to opposing counsel and two (2) copies to the Court at least five (5) business days prior to the trial or hearing, or as may otherwise be ordered by the Court. Exhibits must be contained in a notebook or notebooks and be

sequentially numbered in the lower right corner. The notebook(s) must be labeled with the case name and number and the respective party's name and the exhibit numbers contained therein. The notebooks(s) shall also contain an index of the exhibits contained therein.

D. Bulky or Heavy Exhibits. The Court may provide for preservation of evidence as justice may require; however, exhibits will not be docketed. Evidence such as objects, exhibits, diagrams, charts, and drawings on a chalkboard may be photographed under the supervision of the Court.

Exhibits which have been received into evidence may be withdrawn from the custody of the Court before final disposition of the case or proceeding only upon order of the Court. Any party receiving exhibits prior to final disposition must retain custody of, and be responsible for the safekeeping of such exhibits until final disposition of the case or proceeding. Any exhibit not withdrawn at the conclusion of the case or proceeding or within sixty (60) days following final disposition of a case or proceeding may be destroyed or otherwise disposed of by the Clerk.

E. Legibility. All evidence proposed to be used or introduced in a hearing or trial must be clearly legible.

RULE 9019-1 COMPROMISES AND SETTLEMENTS

A motion filed by the trustee or debtor-in-possession pursuant to Bankruptcy Rule [9019](#) to approve the compromise or settlement of controversies shall be filed in the bankruptcy case and shall be served on the debtor, debtor's counsel, the trustee, the United States Trustee, creditors and parties who have requested notices in the case unless otherwise ordered by the Court. A motion filed under this Local Rule shall describe with specificity the contentions of the parties and the basis and terms of the settlement. The Court, in its discretion, may set the motion for hearing notwithstanding compliance with the procedures of Local Rule [9013-1.D](#). A notice of hearing on the motion shall be served on the parties named above pursuant to Bankruptcy Rule [2002\(a\)\(3\)](#) and Local Rule [2002-1.A](#).

RULE 9021-1 ENTRY OF JUDGMENTS AND ORDERS

All Court orders and notices will be filed electronically. An order may be in the form of a text-only order, which, together with the Notice of Electronic Filing, shall constitute the evidence of an order concerning the matter. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and the order had been entered on the docket in a conventional manner.

RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION

Requesting and receiving a password from the Clerk to participate in the ECF System shall constitute a request and consent to receive service by electronic means pursuant to Bankruptcy Rule [9036](#).

APPENDIX A

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF OKLAHOMA

GENERAL ORDER NO. 1

GUIDELINES FOR ELECTRONIC CASE FILING

Federal Rule of Civil Procedure [83](#) and Federal Rules of Bankruptcy Procedure [5005\(a\)\(2\)](#), [9006\(f\)](#), [9011](#), [9022](#), [9029](#), and [9036](#) authorize this Court to establish practices and procedures for the filing, signing, maintaining and verification of pleadings and documents by electronic means.

THE COURT THEREFORE ORDERS:

The Clerk of the Court for the United States Bankruptcy Court for the Western District of Oklahoma (Court) is hereby authorized to establish and promulgate Electronic Case Filing Guidelines (ECF Guidelines), including procedures for the registration of attorneys and for the distribution of passwords to permit electronic filing and notice of pleadings and other documents. ECF Guidelines shall be made available to the public in paper form at the Clerk's office and by posting the Guidelines and User Guides on the Court's web site, www.okwb.uscourts.gov.

1. SCOPE OF ELECTRONIC FILING

- A. All cases and adversary proceedings filed or pending in the Court shall be, and by this order are, assigned to the Electronic Case Filing System (ECF System).
- B. The official file in the Court shall be the electronic file. Pleadings and documents filed in paper format will be scanned and docketed in the ECF system and will be accessible only electronically.

2. REGISTERED PARTICIPANTS

- A. A Registered Participant is an attorney certified to file electronically on the ECF system in the Bankruptcy Court for the Western District of Oklahoma.
- B. Unless exempted, attorneys must file documents with the Court electronically. The use of ECF became mandatory on July 1, 2006.
- C. Trustees and attorneys who file paper pleadings and/or documents with the Court will be required to show cause why the pleadings and/or documents cannot be filed electronically.

3. LIMITED PARTICIPANTS

- A. A Limited Participant is an electronic filer who is authorized by the Court Clerk to file electronically for any purpose authorized by the Court Clerk.
- B. Limited Participants must comply with the requirements established by the Court Clerk for registration as a Limited Participant, must maintain the security of their login and password and must maintain current contact information with the Court. Electronic filing privileges of a Limited Participant may be deactivated if the Limited Participant misuses the system, consistently files incorrectly or fails to maintain current contact information.

4. ELECTRONIC FILING OF DOCUMENTS

- A. The electronic transmission of a document to the Court in a manner consistent with the ECF Guidelines, or the filing of an event on the system consistent with these rules including the user's personal or electronic signature, coupled with the Court's return transmission of a "Notification of Electronic Filing" shall constitute the filing of a pleading or document for all purposes of the Federal Rules of Bankruptcy Procedure and the Court's local rules, and constitutes entry of the pleading, document or event onto the Court's docket for purposes of Rule [5003](#) of the Federal Rules of Bankruptcy Procedure.
- B. The official record of a pleading or document filed electronically, or a paper pleading or document filed, scanned, imaged and filed electronically, is the electronic pleading or document as stored by the Court Clerk. The filer is bound by the document as filed or the event as docketed.
- C. Certain documents, such as affidavits and sworn statements, must bear the personal signature of the person under oath and the notary public. The notarial seal must be visible on any sworn statement. Notarial acts shall be governed by Oklahoma state law.
- D. The electronic document stamp, reflecting the date and time of filing, that appears on the filed document and on the Notice of Electronic Filing shall be the file stamp by the Court Clerk for all purposes.
- E. Documents are considered filed only when the submit button in ECF is activated. The filing time is not the time that docketing is initiated.
- F. Electronically filed documents must comply with all Local Bankruptcy Rules of the Court.
- G. Pleadings filed electronically must comply with all filing and service deadlines in accordance with the Federal Rules of Civil Procedure, the Federal Rules of

Bankruptcy Procedure, local rules and other applicable law. The deadline for filing, unless otherwise specifically set, is midnight of the due date, Central Time.

- H. A certificate of service shall be included with all documents filed electronically in accordance with local rules.
- I. A Public Access to Court Electronic Records ([PACER](#)) account is not required to file pleadings and documents with the Court Clerk. Registered Participants who have appeared in a case or who have registered as an interested party will receive one free viewing of any document filed in that case. A PACER account is required to view all other documents.
- J. All electronic documents, except the text upload of the creditor matrix, must be submitted in Portable Document Format (PDF).
- K. Pro se filers may present paper pleadings or documents for filing. The Court Clerk will scan the paper documents and file the documents in PDF format. The paper documents may be returned to the filer upon request or may be discarded.
- L. Paper copies of pleadings or documents filed electronically shall be provided to Chambers by the filer pursuant to local rule or upon request. A paper copy of any oversized pleading, brief or document must be provided by the filer to Chambers within one business day of the electronic filing.

5. LOGINS AND PASSWORDS

- A. An attorney in good standing with this Court or an attorney appearing *pro hac vice* by order of the Court is eligible to become a Registered Participant. To become a Registered Participant, an attorney must:
 - i. Complete the ECF registration documents and agree to all requirements for participation in the program; and,
 - ii. Maintain a current email address; and,
 - iii. Utilize a credit card for the payment of filing fees assessed with electronic filings and pay filing fees promptly; and,
 - iv. Receive training by the Court, unless the Clerk is satisfied that the person has previously received adequate training in another district; and,
 - v. Receive a login and password from the Clerk's Office.

Training in District Court ECF shall not be sufficient to meet this Court's training requirement. Pro se parties and bankruptcy petition preparers will not be Registered Participants, unless permitted by the Court.

- B. Only the Registered Participant, another attorney in the Registered Participant's office, an employee of the Registered Participant or the attorney's law office staff

may use the Registered Participant's ECF login and password. The Registered Participant shall be responsible for any filings made using the Registered Participant's login and password.

- C. The Court may revoke, cancel, deactivate or suspend, the login and password of a Registered or Limited Participant, and the ability of the Registered Participant or Limited Registrant to electronically file pleadings and documents and/or impose sanctions against a Registered Participant or Limited Participant under any of the following conditions:
- i. Misuse of the ECF System login and/or password;
 - ii. Failure to comply with the provisions of the agreement in the Attorney's Registration Form or Limited Participant's Application;
 - iii. Failure to adequately secure and protect the Registered or Limited Participant's login and password;
 - iv. Failure to comply with the provisions of the Administrative Guidelines for Electronic Filing;
 - v. Failure to maintain an email address capable of receiving emails and Notices of Electronic Filing from the Court;
 - vi. Return of undeliverable emails or Notices of Electronic Filing sent from the Court to the Participant;
 - vii. Failure to pay filing fees for pleadings and documents filed electronically;
 - viii. Repeated filing errors without adequate correction.
- D. If a Registered Participant believes that his or her user name and/or password have been compromised, the Registered Participant should change the password and notify the Court Clerk immediately.
- E. A Registered Participant who electronically files a document with the Court shall be deemed to have certified under penalty of perjury that he or she has personally reviewed the document, is in good standing with the Bar and all courts in which the attorney practices, and is authorized to appear in this Court.
- F. By registering to participate in ECF, a Registered Participant consents, except as otherwise required by law or other court rule, to the electronic service of notice of documents pursuant to the electronic case filing system.
- G. A Registered Participant may withdraw from participation in the ECF System for cause, only upon order of the Court. A motion to withdraw from the use of ECF by a Registered Participant must be presented to the Chief Judge. If the motion is granted, the Clerk will immediately deactivate the Registered Participant's password and delete the Registered Participant from all applicable electronic notice lists. The filing of paper pleadings and documents will be permitted only upon specific court order.

6. SIGNATURES AND VERIFIED PLEADINGS

- A. The user login and password required to file documents electronically must be the same as the personal or electronic signature on the pleading to constitute the Registered Participant's signature on documents filed electronically with the Court.
- B. The filing of a document bearing the filer's personal or electronic signature using the filer's login shall be deemed the electronic signature of the Registered Participant for purposes of Rule [9011](#) of the Federal Rules of Bankruptcy Procedure, any other provision of the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and/or any other applicable rule, statute, or purpose for which a signature is required in connection with proceedings before the Court. Pursuant to Rule 11 of the Federal Rules of Civil Procedure, every pleading and other paper must be signed by the attorney of record.
- C. Each document shall bear the personal or electronic signature of the person purporting to have signed the document as prescribed in the Style Guide. The document must also bear the name, address, telephone number, email address and Bar Association number of the attorney filing the document. The name of the Registered Participant whose login and password are used to file the document must be preceded by and "s/" (or in substantially the same format) and typed in the space where the signature would otherwise appear.
- D. The Registered Participant must designate a title for the pleading or document by selecting the appropriate event title from the events provided in ECF.
- E. The electronic filing of a document electronically signed by a client of the Registered Participant, including but not limited to the petition, statement of financial affairs and schedules of assets and liabilities, shall be deemed a certification by the Registered Participant that he or she has the document bearing the person's original signature in his or her physical possession. The Registered Participant must produce the original signed document on request of the Court or a trustee.
- F. Documents requiring the signatures of more than one party must be electronically filed by:
 - i. Submitting a scanned document bearing all necessary signatures; or,
 - ii. Representing the consent of other parties in the document; or,
 - iii. Identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three (3) business days after filing; or,
 - iv. In any other manner provided in ECF Guidelines, the Federal Rules of Bankruptcy Procedure, or local court rules.
- G. The Court may prescribe additional procedures for designating that a document filed

electronically with the Court has been signed.

7. EXHIBITS AND ATTACHMENTS

- A. Subject to compliance with the Local Rules of this Court, an exhibit or attachment longer than twenty-five (25) pages may be filed if created from a word processing, or text, file and converted to a PDF. Due to document size, exhibits or attachments created by scanning or imaging must be filed in two (2) MB chunks (about twenty-five [25] page attachments).
- B. Colored or oversized documents may not be filed electronically.
- C. Care should be taken to ensure that documents and exhibits are correctly scanned and attached to docketing events in ECF. Improperly scanned documents shall not be accepted for filing.
- D. A Registered Participant must submit as exhibits or attachments only excerpts of referenced materials that are directly germane to the matter under consideration by the Court. Excerpted materials should be identified clearly and prominently. A Registered Participant who files excerpted material as an exhibit or attachment under this rule does so without prejudice to his or her right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe to be directly germane.
- E. Pursuant to local rule, a PDF cover sheet must be filed with amendments, pay advices, reaffirmation agreements and documents filed under seal. A cover sheet is not required for an adversary case filed electronically. The cover sheet must be included as the first page of the document.
- F. A Chapter 13 Plan will be mailed to all creditors by the Court Clerk if the Plan is filed with the Chapter 13 petition. If the Plan is not filed with the Chapter 13 petition, the Registered Participant shall mail the Plan to the creditors.

8. DOCUMENTS FILED UNDER SEAL

A Registered Participant's motion to file a document under seal must be filed electronically unless prohibited by law. The Court Clerk shall be advised of documents ordered by the Court to be filed under seal. A copy of the order authorizing the filing under seal must be delivered to the Clerk.

9. PERSONALLY IDENTIFIABLE INFORMATION

The filer shall be responsible to redact all personally identifiable information appearing in petitions, income tax returns or other documents.

10. RETENTION REQUIREMENTS

Electronically filed pleadings and documents requiring original signatures, other than the signature of the Registered Participant, must be maintained in paper form by the Registered Participant until one (1) year after all time periods for appeals from any ruling or decision in the bankruptcy case and adversary proceeding(s) have expired. On request of the Court or a Trustee assigned to the case, the Registered Participant must provide original documents for review.

11. MOTIONS

With the exception of the following motions, all motions filed shall include only one request for relief:

- i. Motions for Relief from Stay and Abandonment;
- ii. Motions for Relief from Stay, Abandonment, or Adequate Protection;
- iii. Motions to Dismiss or Convert;
- iv. Motions for Relief from Stay and Abandon and Relief from Co-Debtor Stay;
- v. Motions to Annul the Stay and to Abandon;
- vi. Motions to Modify Plans and Requests for Compensation;
- vii. Motions to Suspend Plan Payments and Compensation;
- viii. Motions to Convert or Dismiss or Appoint Trustee;
- ix. Chapter 11 final report and account and application for final decree (chapter 11);
- x. Chapter 11 first day motions (chapter 11);
- xi. Motion for continuation of utility service (chapter 11);
- xii. Motion for order authorizing continued use/maintenance (chapter 11);
- xiii. Motion for order establishing interim compensation/expense procedures (chapter 11);
- xiv. Motion to approve payment pre-petition wages and benefits (chapter 11);
- xv. Motion to approve website procedures (chapter 11);
- xvi. Motion to continue use of bank accounts (chapter 11); and
- xvii. Other combination events as the Court may create.

Filing parties must ensure that a proper “Event” has been selected for each request for relief filed electronically either through filing and docketing separately or through use of a permissible combined event in the ECF System.

12. ORDERS

- A. The Court’s electronic filing of orders, decrees, memoranda, opinions and judgments shall constitute entry on the Court’s docket for purposes of Rules [5003](#) and [9021](#) of the Federal Rules of Bankruptcy Procedure.
- B. Registered Participants submitting orders for Court approval must submit the orders in electronic format.

- C. Judges may sign orders manually, by electronic means permitted by [Rule 5005\(a\)\(2\)](#) of the Federal Rules of Bankruptcy Procedure, or judges may use docket text orders.
- D. An order filed electronically without judicial signature or with a facsimile of a judge's signature has the same force and effect as if the judge had affixed his or her signature to a paper copy of the order and entered the order manually on the docket.
- E. The Court may issue certain orders as text only. Text orders will not include a separate document signed by a judge. A text order has the same force and effect as if a judge had affixed his or her signature to a paper copy of the order and entered the order manually on the docket. The moving party shall be required to print the text order, to mail it to any party who did not receive electronic notice of the order and to docket a certificate of service reflecting mailing of the order.

13. NOTICE OF ELECTRONIC FILING AND SERVICE

- A. When a document is filed electronically, a Notification of Electronic Filing (NEF) is automatically generated by the ECF System. The Notification is sent electronically to the attorney filing the document and to Registered Participants' attorneys appearing in the case in which the document is filed.
- B. Transmission of the Notification of Electronic Filing by the Clerk to a Registered Participant shall constitute effective service of all papers and notices governed by [Rule 7005](#) of the Federal Rules of Bankruptcy Procedure (incorporating [Rule 5](#) of the Federal Rules of Civil Procedure), [Rule 9022](#) of the Federal Rules of Bankruptcy Procedure and all paper and notices governed by [Rule 9014\(b\)](#) of the Federal Rules of Bankruptcy Procedure, except as otherwise provided by law. Attorneys should save the Notice of Electronic Filing for proof of service.
- C. Service of initiating pleadings on a party to a proceeding, such as the summons and complaint in an adversary proceeding or an involuntary bankruptcy proceeding, must be made as provided by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, statute, Local Rule or other applicable law. The Return of Service of Summons or, as applicable, the Certificate of Service, may be made electronically.
- D. To enable proper service via the transmission of the Notice of Electronic Filing in pending cases, Registered Participants shall not withdraw their email address from any case and shall not deactivate their email accounts while involved in any adversary proceeding or other contested matter without updating their email address in ECF and providing written notice in the case. Failure to maintain a current email address with the Court shall be grounds for deactivation of electronic filing privileges.
- E. Parties who are not Registered Participants in ECF shall be served in accordance

with applicable law, federal rule and local rule.

- F. A Certificate of Service, specifying on whom the pleading or document was filed, the date of service and the means of service must be completed as required by local rule.
- G. Pleadings and documents may be rejected for filing by the Court Clerk or by the Bankruptcy Noticing Center (BNC) if the pleading or document does not conform to the requirements of these Guidelines for Electronic Filing or with the Style Guide.
- H. Pleadings and/or documents returned as undeliverable will be returned to the sending party. If returned to the filer for additional service, the filer must redirect service of the pleading or document to the intended party or must file with the Court an affidavit stating the reasons for the failure of service.

14. MATRICES

- A. Attorneys must file a creditor matrix in PDF format with the petition. The matrix must also be uploaded to ECF as a text document. Instructions for preparing the matrix as a text document are available on the Court's website. Failure to format a matrix properly may result in rejection of the matrix information.
- B. Attorneys and/or litigants shall ensure that addresses for creditors are correctly uploaded. A creditor included on the matrix without an address will be stricken from the matrix by the Court Clerk and will not be provided notice until an amended matrix with the complete address is filed and necessary filing fees are paid by the debtor. The debtor, or the debtor's attorney, shall provide notice or service to any party for whom no address is included on the matrix.
- C. Attorneys and/or litigants who enter an incorrect address for a creditor shall be notified when mail is returned. If mail is returned to an attorney and/or litigant, the attorney and/or litigant shall file a corrected notice within ten (10) days of receipt or shall file a notice with the Court that the address cannot be ascertained.

15. PROOFS OF CLAIMS

Proofs of Claim and supporting exhibits shall be filed electronically by Registered or Limited Participants. Exhibits in compliance with local rules, the Administrative Guidelines for Electronic Filing, and Style Guide may be filed in support of a Proof of Claim.

16. SOCIAL SECURITY NUMBERS

- A. All filings shall reflect only the last four digits of any social security number, taxpayer identification or account number. As permitted by federal rule, the Debtor's Statement of Social Security Number, Form B 21, shall be filed with the

entire social security number and personal signature of the debtor(s).

- B. Form B 21 shall be filed as a separate docketing event. It will not be available for viewing by the public.

17. QUALITY ASSURANCE

- A. Trustees, attorneys and/or pro se litigants are required to ensure that pleadings or documents are quality assured before filing. The same standard of care as is observed in the filing of paper documents must be observed by trustees, attorneys and/or pro se litigants in the electronic filing of pleadings or documents. Ensuring that matters are set for hearing on dockets of the judges shall be the responsibility of the party whose objection, response or other action caused a hearing to be necessary or required.
- B. Corrective entries will be entered by the Court Clerk if errors are found in filings. The Court may strike documents if corrections to filings are not made promptly.
- C. If an error in docketing is discovered by the Court Clerk, notification of the correction will be provided to the filer.

Filing fees paid in error will be refunded by the Court in the discretion of the judge to whom the matter is assigned. A Registered Participant must file a written request for refund of a filing fee paid in error.

18. TECHNICAL FAILURE

- A. Any difficulty in accessing the ECF system and any other technical failure of the Court's ECF system should be reported to the ECF Help Desk immediately.
- B. A Registered Participant whose filing is made untimely as the result of a technical failure may seek appropriate relief from the assigned judge. If no case is pending, relief may be sought from the Chief Judge. The Court shall determine whether a technical failure has occurred on a case-by-case basis. Filing deadlines shall not otherwise be altered based upon a technical failure.
- C. If a filing cannot be timely filed as a result of a technical failure, the PDF pleading or document may be filed at the Office of the Court Clerk or, with prior permission, may be emailed to the Court Clerk by contacting the ECF Help Line or the Court Clerk.

19. FEES

- A. If a filing requires that a fee be paid, the ECF system will prompt the filing Registered Participant to enter a credit card number, expiration date and the payment

amount. The credit card receipt will reflect the case number for which the fee was paid. Debit cards are not an acceptable form of payment.

- B. The ECF login of an attorney who fails to pay filing fees by midnight on the day on which the fees are incurred shall be deactivated. An attorney may reactivate the login by paying all filing fees. Additionally, cases in which filing fees have not been paid timely may be dismissed or documents may be stricken by the Court if filing fees are not paid timely.

20. WAIVER

An attorney may file an Application for Waiver of Electronic Filing seeking an exemption from electronic filing requirements. Applications must be presented to the Chief Judge. The applicant must explain his or her inability to comply with these Guidelines. The application will be granted only for cause.

21. EFFECTIVE DATE

This order shall become effective on February 1, 2015

IT IS SO ORDERED.

s/Sarah A. Hall
Sarah A. Hall
Chief Bankruptcy Judge

APPENDIX B

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

GENERAL ORDER NO. 2
CONCERNING PROCEDURES IN CHAPTER 12 CASES

- I. **Scope of Rules.** The provisions contained in this Order shall be applicable to all cases under chapter 12 of the Bankruptcy Code.
- II. **Motions to Value pursuant to 11 U.S.C. § 506.**
 - A. **Deadline for Filing Valuation Motions.** Motions to value secured claims pursuant to 11 U.S.C. § [506](#) must be filed not later than twenty (20) days following the conclusion of the meeting of creditors conducted pursuant to 11 U.S.C. § [341](#)(a).
 - B. **Content of Motions.** Motions to value secured claims must contain all pertinent information, including without limitation, a detailed description of the property to be valued, the valuation asserted by the party, the basis therefor and the actions taken by the party and/or its attorney to ascertain the basis for the value asserted.
 - C. **Hearing.** It shall be the duty of the party filing a motion to value a secured claim to (i) promptly obtain from the courtroom deputy clerk of the appropriate bankruptcy judge a hearing date and time and (ii) provide timely written notice of the hearing on motion to value to all interested parties and file a certificate of service in compliance with Local Rule [9006-1](#). The hearing shall be no less than forty (40) days after the filing of the motion.
 - D. **Deadline for filing Objections.** Any party in interest may object to a motion for valuation pursuant to 11 U.S.C. § [506](#) within fourteen (14) days after the filing of the request (which includes the three (3) days for service by mail in accordance with Bankruptcy [Rule 9006](#) and Local Rule [9013-1](#) unless an order of the Court provides a different response time).
 - E. **Content of Objections.** Objections must contain the all pertinent information, including without limitation, the valuation asserted by the objecting party, the basis therefor and the actions taken by the party and/or its attorney to ascertain the basis for the value asserted.
 - F. **Applicability of Local Rules [9006-1](#), [9013-1](#) and [9014-1](#).** Local Rules [9006-1](#), [9013-1](#) and [9014-1](#) apply to valuation motions and objections filed pursuant to 11 U.S.C. § [506](#).
 - G. **Appointment of Court Appraiser.** The Court, in its discretion, may appoint an

appraiser in any case where valuation of a secured claim is an issue. The appointment shall be made pursuant to Rule [706](#), Fed. R. Evid., and the cost of the appraisal shall be paid as directed by the Court.

III. Confirmation of Chapter 12 Plans.

- A. Confirmation Hearing. It shall be the duty of the debtor to promptly obtain from the courtroom deputy clerk of the appropriate judge a date and time for conducting the hearing on confirmation of a chapter 12 plan. Concurrently with the filing of a chapter 12 plan, the debtor shall file and serve on all parties in interest a written notice of the confirmation hearing and the deadline for filing objections to the confirmation of the chapter 12 plan in accordance with Bankruptcy Rule [2002](#) and file a certificate of service in compliance with Local Rule [9006-1](#). The hearing shall be no less than forty (40) days and no more than (45) days after the filing of the chapter 12 plan unless otherwise ordered by the Court for cause in accordance with 11 U.S.C. § [1224](#). Failure to timely obtain a confirmation hearing and timely file and serve written notice of the confirmation hearing shall result in the subject chapter 12 plan being stricken.
- B. Deadline for filing Objections. Any party in interest may object to confirmation of a chapter 12 plan within twenty-one (21) days after the filing of the chapter 12 plan (which includes the three (3) days for service by mail in accordance with Bankruptcy Rule [9006](#) and Local Rule [9013-1](#) unless an order of the Court provides a different response time). Objections must be served on the debtor, the standing chapter 12 trustee and all other parties in interest, and the objecting party must file a certificate of service in compliance with Local Rule [9006-1](#).
- C. Applicability of Local Rules [9006-1](#), [9013-1](#) and [9014-1](#). Local Rules [9006-1](#), [9013-1](#) and [9014-1](#) apply to objections to confirmation of chapter 12 plans and the hearing on confirmation of chapter 12 plans.
- D. Chapter 12 Plan Confirmation Requirements. A chapter 12 plan will be confirmed only if the plan provides a basis for determining whether the requirements of 11 U.S.C. § [1225](#) have been satisfied. The requirements of 11 U.S.C. § [1225](#)(a)(4), (a)(5)(B) and (a)(6) may not be deemed to be satisfied if the chapter 12 plan does not contain, at a minimum, the following:
1. An detailed statement of the debtor's assets and liabilities;
 2. A cash flow projection for the year immediately following confirmation of the proposed plan, including, without limitation, statements identifying farm and non-farm income sources;
 3. Assumptions upon which the cash flow projection are based with historical or other data justifying the assumptions;

4. A statement of non-farm income for the taxable year preceding the filing of the petition;
5. A projection of administrative expenses, including without limitation attorneys' and trustee's fees;
6. A schedule of all payments to be made under the plan, including the names and address for each creditor and the date and amount of each payment;
7. The probable tax consequences of the proposed plan;
8. An itemization of any secured property to be retained, the value of such property, the basis of the valuation and the amount of indebtedness the property secures;
9. A liquidation analysis and statement of the assumptions on which it is based.

IV. Procedures for Motions for Relief from Automatic Stay. Local Rules [4001-1](#), [9006-1](#), [9013-1](#) and [9014-1](#) apply to motions for relief from the automatic stay and objections filed thereto in chapter 12 cases.

V. Discharges in Chapter 12 Cases. Discharges in chapter 12 cases will be granted only on motion after notice to the standing chapter 12 trustee and all other parties in interest. Any motion seeking the discharge of a chapter 12 debtor shall be accompanied by (i) a certificate of the chapter 12 standing trustee that all payments required by the confirmed plan have been made and that the trustee's fees thereon have been paid or (ii) an affidavit of the debtors that the standing chapter 12 trustee refused to issue such certificate and the reason therefor.

Dated in Oklahoma City, Oklahoma, this ____ day of _____, 2012.

By the Court.

/s/ Sarah A. Hall
Sarah A. Hall
Chief Bankruptcy Judge

/s/ T.M. Weaver
T.M. Weaver
Bankruptcy Judge

/s/ Niles L. Jackson
Niles L. Jackson
Bankruptcy Judge

APPENDIX C

**GENERAL ORDER NO. 3
CONCERNING PROCEDURES IN CHAPTER 13 CASES**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

**Chapter 13 Guidelines
for the
United States Bankruptcy Court
Western District of Oklahoma
(as revised March 2006, November 1, 2010, and February 2012)**

I. Scope of Guidelines

These Guidelines, in conjunction with the Bankruptcy Code, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (hereinafter the Bankruptcy Code), the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Procedure, contain the rules for Chapter 13 practice in this Court, and are applicable to cases filed October 17, 2005, and thereafter. As to Chapter 13 cases pending on October 14, 2005, the Guidelines in effect at the time those cases were filed continue to apply, except where otherwise specifically provided herein. In case of a conflict between these Guidelines and the Bankruptcy Code or these Guidelines and the Federal Rules of Bankruptcy Procedure, the Bankruptcy Code, or if applicable, Federal Rules of Bankruptcy Procedure shall control.

II. Pleadings Combined With Hearing Notice

Any pleading combined with a notice of hearing must clearly state in the caption of the pleading that it includes the notice of hearing.

III. Filing of Petition/Plan/Statement of Financial Affairs/Schedules

A. If, pursuant to FED. R. BANKR. P. [3015](#), the debtor(s) file a petition and elect to separately file a plan within fifteen days thereafter, the debtor(s) must serve the proposed plan or a complete summary of the proposed plan on each creditor, any party in interest who has requested notice, the Chapter 13 Trustee (hereinafter Trustee), and the Assistant United States Trustee, and must file a certificate of service pursuant to LOC. R. BANKR. P. [9007\(d\)](#). **In cases in which the plan is not filed at the time the petition is filed, the due date for the first payment is the earlier of thirty (30) days after the plan is filed or thirty (30) days after the petition is filed.**

B. If the schedules and/or statement of financial affairs are not filed with the petition, the debtor(s) shall serve a copy of the schedules and/or statement, when filed, on the Trustee and the Assistant United States Trustee, and file a certificate of service pursuant to LOC. R. BANKR. P. [9007\(d\)](#).

C. In addition to other items required under the Bankruptcy Code, all debtors must include as a part of Schedule I copies of the debtor(s)' pay stubs or paychecks for the two months immediately prior to bankruptcy, or if applicable, copies of profit and loss statements for the two quarters immediately prior to bankruptcy, and must clearly and accurately indicate the frequency of receipt of pay and, if applicable the exact dates, e.g. weekly (include which day of the week); bi-weekly (every two weeks and include which day of which week); monthly (include which day of the month); semi-monthly (twice a month and include which days of the month).

IV. Section [341](#) Meeting of Creditors and Confirmation

A. The Court has determined it is in the best interest of creditors and Chapter 13 estates to confirm Chapter 13 plans, and thereby commence payments to creditors, as early as is practicable. The Court further recognizes all interested parties must be provided with an opportunity for hearing

on confirmation. For these reasons, the Court has determined that if at the conclusion of the meeting of creditors under 11 U.S.C. §341, there is no unresolved oral or written objection to confirmation, and no oral or written objection to confirmation at a date earlier than the date specified in 11 U.S.C. §1324(b) (hereinafter expedited confirmation), the Trustee shall submit the confirmation order to the Court for entry. The confirmation order will be entered by the Court as soon as practicable thereafter, unless the Court, *sua sponte*, determines the matter should be set for further hearing on confirmation. The Trustee may disburse funds pursuant to the confirmation order as soon as practicable after entry thereof.

B. Attorneys attending the §341 meeting on behalf of debtor(s) must be authorized to act on behalf of the debtor(s) they are representing. An associate without authority to act must be accompanied by an attorney of the firm who does have authority to so act.

C. The deadline for the filing of written objections to confirmation and/or written objections to expedited confirmation shall be the date that is three business days prior to the date set for the §341 meeting. Any party who has not filed a written objection by this deadline, but desires to preserve its objection, must appear at the §341 meeting and raise its oral objection. The Trustee may continue or adjourn the §341 meeting by oral notice given at the §341 meeting, without further written notice to creditors. Continuance of the §341 meeting will necessarily include continuance of any pending confirmation issues, and the deadline to object to confirmation and/or to expedited confirmation will be extended to the date that is three business days prior to the continued §341 meeting. In any case in which a written objection to confirmation or to expedited confirmation is pending, or in which an oral objection to confirmation or to expedited confirmation is raised at the §341 meeting, and any objection is not resolved by the conclusion of the §341 meeting, the Trustee shall request the case be set for a hearing on confirmation before the Judge (hereinafter the

confirmation hearing). The confirmation hearing will be scheduled 25-45 days after the conclusion of the §[341](#) meeting. Any party desiring to be heard at the confirmation hearing who has not previously filed a written objection to confirmation must do so not later than twenty (20) days after the conclusion of the §[341](#) meeting. No objection to confirmation will be considered unless a copy of the objection has been timely served on the Trustee, counsel for the debtor(s), and all other parties in interest.

D. Whenever a hearing on confirmation is continued, the debtor(s) must be current in their payments at all future confirmation hearings or the case may, at the discretion of the Court, be dismissed.

E. During the §[341](#) meeting, the debtor(s) will have an opportunity to voluntarily agree to make the required plan payments via employer wage deduction. While not required, payment by wage deduction significantly increases the likelihood the debtor(s) will successfully complete the plan and therefore is strongly recommended. Debtor(s) who do not initially elect to make payments via wage deduction may be subject to doing so if a plan payment is missed. *See XIII(D)*. Any order entered that authorizes the Trustee to institute a wage deduction will also provide that the Trustee may amend or terminate such wage deduction without further order of the Court.

F. All notices of the §[341](#) meeting will include notice of an opportunity for hearing on confirmation, and will provide the deadline for the filing of written objections to confirmation and/or to expedited confirmation. The notice of the §[341](#) meeting shall also specifically provide that if there are no objections to confirmation or to expedited confirmation, or if all objections are resolved at the conclusion of the §[341](#) meeting, the Trustee will submit the confirmation order to the Court for entry.

G. The confirmation order referenced above is the form confirmation order used by the

Trustee. The form confirmation order is expressly adopted by the Court, with the Court reserving the right to amend the form order as it deems appropriate. Any interlineations or changes to the form confirmation order not approved by the Trustee require notice, a hearing, and approval of the Court to be effective.

H. Upon entry of the confirmation order, it shall be timely served by the debtor(s) in *pro se* cases, and by counsel for the debtor(s) in all other cases. The confirmation order shall be served upon all parties listed on the mailing matrix, all parties who have filed a request for notices, and the Assistant United States Trustee, and a certificate of service shall be filed pursuant to Local Rule [9007\(d\)](#).

V. Mortgages

A. All mortgages which are subject to modification are to be paid through the Chapter 13 plan and in full during the term of the plan. Additionally, all mortgages extending beyond the plan under which the debtor(s) are not current at the time the Chapter 13 petition is filed shall be paid through the Chapter 13 plan.

B. With respect to long-term mortgages paid under the terms of 11 U.S.C. § [1322\(b\)\(5\)](#), the first ongoing mortgage payment that comes due before the first plan payment is required to be paid shall be set up by the Trustee as an additional arrearage claim, and shall be paid at the same rate of interest as is paid on the pre-petition arrearage claim pursuant to the confirmation order.

VI. Proofs of Claims

A. Interested parties may download a proof of claim form from the Court's website: www.okwb.uscourts.gov.

B. In order to receive disbursement from the Trustee, under either a confirmed Chapter 13 plan or the adequate protection provisions contained within these guidelines, a creditor must

timely file a proof of claim in the case, and must provide a file-stamped copy thereof to the Trustee. If the claim is secured, proper proof of perfection of the security interest must be attached to the proof of claim. If post-petition interest is sought, the proof of claim must clearly and conspicuously state the rate of interest sought.

C. In addition to providing a copy of any claim filed to the Trustee, creditors filing secured and priority claims must also promptly serve a copy of the claim on debtor(s)' counsel, or if debtor(s) appear *pro se*, serve a copy of the claim upon debtor(s).

D. In a case converted from another Chapter of the Bankruptcy Code to Chapter 13, creditors must file a claim following conversion to Chapter 13 even though claims may have been filed prior to the conversion. Claims filed in the case prior to the conversion are not deemed filed in the Chapter 13 case. See *In re Sorge*, 149 B.R. 197 (Bankr. W.D. Okla. 1993).

VII. Adequate Protection

The Court has specifically determined the adequate protection payments provided for in 11 U.S.C. §1326(a) shall be paid through the Trustee in accordance with the following procedures:

A. Adequate protection payments shall not be paid with regard to personal property securing a claim where the debt is not attributable to the purchase of the personal property or with regard to real property unless an order is entered by the Court providing for such payments after the filing of a motion for such protection.

B. Adequate protection payments shall be paid through the Trustee, not directly to the creditor by the debtor(s). The Trustee will be allowed to collect a fee equal to the percentage trustee fee on adequate protection payments paid through the Trustee.

C. If a secured debt which extends beyond the term of the plan is proposed to be paid outside the plan through the maintenance of regular ongoing payments, the direct payments paid

outside the plan shall constitute adequate protection payments to that creditor, and no amount will be paid to that creditor by the Trustee on account of that debt.

D. Adequate protection payments will be paid by the Trustee on a monthly basis pending confirmation, dismissal or conversion.

E. Adequate protection payments shall be paid prior to the payment of outstanding attorney fees. If there are insufficient funds on hand to pay all adequate protection payments owing to creditors as well as the fee to the Trustee, the Trustee will reduce the distribution to each creditor on a pro-rata basis.

F. Adequate protection payments shall be in the amount specifically identified in the plan as the monthly adequate protection amount. If a monthly adequate protection payment amount is not specifically stated, but a monthly payment to be paid to the creditor is stated, such amount shall constitute the monthly adequate protection payment amount. If no amount is stated as a monthly adequate protection amount or as a monthly payment to the creditor, no adequate protection will be paid to the creditor. Any order of the Court setting an adequate protection payment shall control when such amount is not in conformity with the amount proposed in the plan.

G. A creditor who opposes the adequate protection amount proposed by the debtor(s) may file a written objection setting forth the reason(s) the proposed adequate protection amount is inappropriate. The objection to the proposed adequate protection amount may be combined with a motion for relief from the automatic stay or with an objection to confirmation so long as the title of the pleading clearly states that it is an Objection to Confirmation **and** Motion for Relief From the Automatic Stay (or Objection to Adequate Protection). Additionally, it shall be the responsibility of the creditor filing the objection to ensure the adequate protection issue is heard in a timely manner and that any order addressing the adequate protection amount to be paid to the creditor is entered

and provided to the Trustee within 10 days of any order of dismissal, notice of conversion or order of conversion. If such adequate protection order is not received by the Trustee within the referenced 10 day period, the funds subject to the order may be paid to other parties.

H. Adequate protection payments in dismissed and converted cases shall not be paid to any creditor that has not filed a proof of claim with proper verification of security attached or provided, within 5 days of the filing of any order of dismissal, notice of conversion, or order of conversion. Additionally, no payment shall be made to a creditor in a confirmed case until the creditor has filed a proper proof of claim and provided a file-stamped copy to the Trustee.

I. Adequate protection will not be paid where the Chapter 13 Plan provides for the surrender of the collateral securing the debt. If a Chapter 13 plan is amended to provide for the surrender of collateral that was to be paid through the plan under an earlier plan, adequate protection payments shall be paid only through the month in which the amended plan is filed. If the amended plan is confirmed, the confirmation order shall provide for the payment of the adequate protection amount due through and including the month in which the surrender was proposed.

J. Debtor(s) shall maintain full coverage insurance on all property serving as collateral for a debt or forming the basis of any liquidation value, and shall provide proof of such insurance upon request by any interested party.

VIII. Property of the Estate

Vehicle Turnover Procedure Income Tax Refunds/ Employee Bonus/ Longevity Payments/ Windfall Income

A. Pursuant to the Order Confirming Chapter 13 Plan, all property shall remain property of the estate and shall vest in the debtor(s) only upon dismissal, discharge, conversion, or order of

the Court. The debtor(s) shall be responsible for the preservation and protection of all property of the estate not transferred to, and in the actual possession of, the Trustee.

B. Presumptively included among property of the estate is any vehicle owned by debtor(s) that has been repossessed pre-petition. If the debtor(s) still owns the vehicle and desires to have it turned over after filing, the debtor(s) must make a written request, and must provide to the repossessing creditor proof of full coverage insurance (comprehensive and collision), listing the creditor as a loss payee, plus information regarding a source of verification. Once the repossessing creditor has verified the insurance coverage and that the tag is current and valid, absent extenuating circumstances, the creditor is to return the vehicle to the debtor(s) as soon thereafter as possible without necessity of hearing. Where there is a post-petition insurance lapse, the payment for the replacement insurance policy must be made by cash or money order. If extenuating circumstances exist necessitating the filing of a motion for relief from the stay, creditor must do so post-haste, and upon proper request the matter will be heard on an expedited basis.

C. Also included among property of the estate are: 1) all income tax refunds, bonuses, unused vacation pay, and any other irregular or incidental disposable income received by the debtor(s) during the plan term; and 2) any inheritance, proceeds of any lawsuit, or any other windfall in excess of \$500.

D. Unless the plan is confirmed as a 100% plan, all income tax refunds (excluding amounts attributable to federal earned income credit), bonuses, unused vacation pay, and any other irregular or incidental disposable income received by the debtor(s) during the plan term must be turned over to the Trustee. The plan base shall be increased by the additional amount received by the debtor(s), except in below median income cases confirmed for a term in excess of 36 months. In below median income cases exceeding 36 months, the additional amount shall be applied to the

existing base; however, to the extent applying these additional amounts to the existing base would reduce the plan length to less than 36 months, the plan base shall be increased. Receipt and turnover of such additional sums shall not excuse the debtor(s) from his/her obligation to make monthly payments under the confirmed plan.

E. Federal earned income credit portions of tax refunds, if received by the Trustee, will be returned to the debtor(s) if a timely request for such relief is received by the Trustee. The request must be received prior to the disbursement of the funds to creditors and must be accompanied by a copy of the tax return for the year in which the earned income credit is claimed.

F. Unless the plan is confirmed as a 100% plan, any inheritance, the proceeds of any lawsuit, or any other windfall in excess of \$500 received by the debtor(s) during the term of the plan must be turned over to the Trustee. The plan base shall be increased by the amount received as a result of the inheritance, lawsuit or other windfall. Receipt and turnover of such additional amounts shall not excuse the debtor(s) from their obligation to make monthly payments under the confirmed plan.

IX. Relief From the Automatic Stay

A. If the proposed plan is not ready for confirmation at the conclusion of the §341 meeting, and there is a pending motion seeking relief from the automatic stay (hereinafter motion to lift), the debtor(s) and creditor may, upon agreement, request that the motion to lift be set for hearing concurrently with the confirmation hearing. If the date set for the confirmation hearing is outside the requisite thirty-day period contemplated by §362(e), the parties' agreement must necessarily include consent for the Court to call the motion to lift for preliminary hearing and continue it to a final hearing to be held in conjunction with the confirmation hearing. The objecting

party will remain responsible for providing notice of such hearing to all interested parties as required by LOC. R. BANKR. P. 4001.

B. Otherwise, a hearing on a pending motion to lift will be set on the Court's regular motion docket, and will be set only upon timely request of and proper notice by the objecting party. 11 U.S.C. §362(e); LOC. R. BANKR. P. 4001 and 9013(g).

C. If a pending motion to lift is resolved prior to the day it is set for hearing, one of the attorneys (or the attorney's designee) is to immediately telephone (405) 609-5678 and advise the Court that the matter should be stricken. Such information may also be conveyed after hours via voice-mail message, or facsimile transmission (405) 609-5679.

D. If a proposed Chapter 13 Plan provides for the surrender of collateral securing a debt, the secured creditor whose collateral is to be surrendered may submit an *ex parte* application and proposed order for relief from the stay as to the collateral proposed to be surrendered. The Trustee must be provided with evidence of perfection of the interest in the collateral and must approve the proposed order prior to submission to the Court. The proposed order must substantially comply with the sample order attached to these Guidelines.

E. The Trustee shall not cease payments on a secured claim upon entry of an order granting relief from the automatic stay or upon entry of an order declaring there is no stay in effect unless an order of the Court specifically provides for such cessation of payments. Once collateral has been repossessed and sold, the creditor shall promptly amend its secured claim to reflect the receipt of sales proceeds. In the event that the secured claim has been overpaid, the creditor shall promptly return such overpayment to the Trustee.

X. Declaratory Orders Regarding Automatic Stay

A. Upon application by a party in interest setting forth the facts under which the applicant believes there is no stay in effect, the Court will enter an order declaring there is no stay in effect, unless the Court finds such application without merit. If the application is filed by a secured creditor, the pleading shall additionally state whether the applicant believes its collateral is insured and the basis for its belief as to insurance coverage. Additionally, where the applicant is a secured creditor, the application should be accompanied by proof that the security interest of the applicant has been properly perfected. Such an application should not be filed if there is a previously filed timely motion to extend or impose the stay upon which the Court has not ruled. Any order declaring the stay is not in effect must be promptly served by the applicant on debtor(s), their counsel, the Trustee, and all other interested parties. Any order declaring the automatic stay is not in effect must specifically provide that no action based on the order may be taken for 10 days from the date the order is entered, except that collateral the applicant believes is uninsured may be repossessed. This 10 day period will allow debtor(s) an opportunity to dispute the facts set forth in the application and to ask the Court to reconsider the entry of the order. This period will also allow the Trustee and other interested parties to request reconsideration for cause. No filing fee should be required for a declaratory type stay order.

B. Any party in interest may file a motion to extend, or where applicable, impose the automatic stay as to any and all creditors, except those that have previously repossessed collateral or taken other action based upon a prior order declaring the automatic stay not in effect. The motion to extend or impose must be filed and the hearing must be held within the applicable time periods set forth in §§[362\(c\)\(3\)\(B\)](#) and [362\(c\)\(4\)\(B\)](#). Any order extending or imposing the stay must be promptly served by the movant on the Trustee and all other interested parties. If a motion to extend

or impose the automatic stay is unopposed, the Court may grant the Motion without the necessity of a hearing if the motion is verified by the debtor(s) and all the elements necessary for the Court to grant such relief have been properly pled.

C. Upon joint application by the debtor(s) and any creditor(s) agreeing to the extension or imposition of the automatic stay, the Court will approve the extension or imposition of the stay as to that creditor without the necessity of a hearing.

XI. Declaratory Orders Regarding Dismissal

A. Any dismissal pursuant to 11 U.S.C. §[521](#)(i) shall not be effective until the Court has entered an order of dismissal. Upon application setting forth the deficiencies forming the basis for dismissal under §[521](#)(i), the Court will, within 5 days, enter an order declaring the case has been dismissed by operation of law, unless the Court finds such application without merit. Such application should not be filed if there is a previously filed motion by debtor(s) to extend the time to file the required information, or motion by the Trustee to decline dismissal, upon which the Court has not ruled. Any order dismissing the case must be promptly served by the applicant upon debtor(s), their counsel, the Trustee, and all other interested parties.

B. The debtor(s) may file a motion to extend the time within which to file the information required under 11 U.S.C. §[521](#)(a)(1). Such motion must be filed within 45 days of the filing of the petition, and may request an extension of up to 45 days. A motion to extend filed pursuant to §[521](#)(i) must include a notice of hearing, a statement as to the time for response, and a further statement that if no response is filed, the relief sought may be granted by the Court with the hearing stricken. The matter must be set by the debtor(s) on the first available docket following the expiration of the time for response.

C. The Trustee may file a motion requesting the Court decline to dismiss despite the failure of the debtor(s) to file the information required under §[521\(a\)\(1\)\(B\)\(iv\)](#) if the Trustee believes the debtor(s) attempted in good faith to file the information required under §[521\(a\)\(1\)\(B\)\(iv\)](#) and that the best interest of creditors would be served by administration of the case. Such motion must be filed prior to the expiration of the time, including any extension, within which the debtor(s) may timely file the required information. A motion to decline dismissal filed pursuant to §[521\(i\)](#) must include a notice of hearing, a statement as to the time for response and a further statement that if no response is filed, the relief sought may be granted by the Court with the hearing stricken. The matter must be set by the Trustee on the first available docket following the expiration of the time for response.

XII. Valuation

A. Claims, including student loans and secured claims that are secured either partially or fully by real estate, may not be treated as unsecured and/or discharged simply by including language purporting to do so in the plan. Such a determination must be made in the context of an adversary proceeding or a contested matter, and counsel shall strictly adhere to applicable case law, the provisions of the Bankruptcy Code, and Federal Rules of Bankruptcy Procedure that so require. *In re Lemons*, 285 B.R. 327 (Bankr. W.D. Okla. 2002); FED. R. BANKR. P. [7001](#) and [9014](#). Valuation of claims secured by real estate may be accomplished by the filing of a motion to determine value containing all pertinent information, including representations relating to the actions taken by the attorney to ascertain the basis for the value asserted and that the motion is being properly served upon parties in interest.

B. A creditor seeking valuation may file a motion to determine value as described in paragraph (A) may combine that motion with an objection to confirmation, so long as the title of the

pleading clearly states that it is an Objection to Confirmation **and** Motion to Determine Value, and the hearing can be conducted at the same time. If a creditor desires to have valuation issues set for hearing separately from the confirmation hearing, it will be the responsibility of the objecting creditor to timely file a separate written motion (if such has not previously been done), to obtain a hearing date, and to provide timely notice of the hearing on valuation to all interested parties. If the valuation hearing is set separately from confirmation, that hearing must be concluded prior to the date set for confirmation.

C. Valuation of claims secured only by personal property for which cramdown is allowed may be accomplished by the debtor(s) clearly and conspicuously indicating in the Chapter 13 plan the proposed value to be paid, and by ensuring that proper notice is provided to the affected creditors.

D. Purchase money obligations secured by motor vehicles acquired for the personal use of the debtor(s) within 910 days prior to the filing of the bankruptcy petition or by other personal property purchased within 1 year prior to the filing of the bankruptcy petition are not subject to cramdown except in cases in which the creditor affirmatively agrees to such treatment. The creditor's agreement to such treatment must be evidenced by a writing signed by the creditor or creditor's representative, and such creditor shall not be deemed to have accepted the plan unless such agreement has been obtained. While the parties are not required to file such writing, it is the opinion of the Court that both parties will best be protected by filing with the Court a pleading entitled Stipulation of Agreement to Treatment Under Plan setting forth their agreement.

E. In the absence of an objection demonstrating the existence of special circumstances, in valuing motor vehicles purchased more than 910 days before the filing of the bankruptcy petition, the Court will follow Judge Lindsey's decision in *In re Younger*, 216 B.R. 649 (Bankr. W.D. Okla.

1998). **Note:** *Younger* has been superseded by statute as stated in *In re Eddins*, 355 B.R. 849 (Bankr. W.D. Okla. 2006).

F. Nothing contained in paragraphs (C), (D), and (E) above shall be construed to prohibit agreements between debtors and creditors as to the value of personal property.

G. The presumptive interest rate for tax claims owed any local, state, or federal governmental agency shall be the statutory rate applicable to that agency in effect at the time the bankruptcy case is commenced. A representative of such agency may affirmatively agree to an interest rate other than the statutory rate.

XIII. Plan Payments/Amendments/Modifications

A. Unless the plan provides for a 100% distribution to all creditors, the proposed plan shall specify a base amount that will be paid under the plan, as well as the amount that must be paid to general unsecured creditors to satisfy the requirements of 11 U.S.C. §[1325](#)(b). Additionally, in cases providing less than a 100% dividend, the confirmation order shall reflect both the base amount and dollar amount the debtor(s) will be required to pay to general unsecured creditors. If the debtor(s) desires to include in the plan any allowed post-petition claims *not subject to automatic inclusion by the confirmation order*, the plan must be modified accordingly. The failure of any creditor to timely file a proof of claim does not justify modifying the plan to reduce the number or amount of the payments or the term of the plan, so as to reduce the amount the general unsecured creditors would otherwise receive.

B. Any proposed amendment or modification **must** be accompanied by (a) copies of the debtor(s)' pay stubs or paychecks for the two months immediately prior to the request, or if applicable, copies of profit and loss statements for the two quarters immediately prior to the request, **and** (b) amended Schedules I and J.

C. If a confirmed plan provides that payments to certain creditors will be made outside the plan and the debtor(s) fail to timely make such payments, any modification proposed by the debtor(s) must provide that such payments will henceforth be made through the plan.

D. If debtor(s) who have not agreed to make payments by employer wage deduction fail to make a regular payment under a confirmed plan, the Trustee is authorized, pursuant to the Order Confirming Chapter 13 Plan, to implement the use of the employer wage deduction provision of [§1325\(c\)](#) without further notice, unless, prior to the default, the Trustee was advised in writing by the debtor(s) or counsel that the debtor(s) would prefer that the Trustee move for dismissal of the case.

E. Any cure order entered to resolve a motion to dismiss for missed payments must provide that the missed payment(s) will be cured within a period not to exceed six months and must provide for a strict compliance clause. Where circumstances render a six month cure impossible or impracticable, debtor(s) may file a motion to modify providing for a cure period exceeding six months.

XIV. Incurring New Debt

A. Debtor(s) must obtain permission pursuant to this section prior to incurring post-petition debt, except as set forth in paragraph B below. Any request to incur post-petition debt **must** be initially submitted to the Trustee in letter form. The letter is to include all necessary information for the Trustee to determine whether such transaction is reasonably necessary and feasible, and the letter **must** be accompanied by copies of the debtor(s)' pay stubs or paychecks for the two months immediately prior to the request, or if applicable, copies of profit and loss statements for the two quarters immediately prior to the request, **and** (b) amended Schedules I and J. Once the Trustee has

reviewed the information submitted, he may either approve the request without further order of the Court, or may require the debtor(s) to submit the request to the Court via regular motion practice.

B. Debtor(s) may incur post-petition debt for necessary medical care without first obtaining the approval of the Trustee or the Court. Debtor(s) may incur post-petition debt for student loans that enable them to obtain additional formal education for themselves without obtaining the approval of the Trustee or the Court, so long as the repayment of such loan is not scheduled to commence until after completion of the debtor(s)' Chapter 13 plan.

XV(a). Attorney Fees

(Applicable to cases filed on or after October 17, 2005, through October 30, 2010.)

A. General Provisions - applicable to all cases filed on or after October 17, 2005, through October 30, 2010:

1. The attorney fee amounts and rates of payment set forth below are applicable **only** in cases filed on or after October 17, 2005, through October 30, 2010. Attorney fee amounts and rates of payment set forth in prior Guidelines continue to apply to cases filed prior to October 17, 2005.

2. Debtors' attorneys are encouraged to accept a reasonable retainer amount.

3. Pursuant to FED. R. BANKR. P. [2016](#)(b), debtors' attorneys must disclose any monies paid to them from any source on behalf of debtors.

4. The fees set forth below and in prior Guidelines are presumed to be reasonable. However, in cases where an attorney believes additional fees are warranted, the attorney may submit a written fee application together with attorney time records complying with 11 U.S.C. [§330](#), as interpreted in *In re Seneca Oil Co.*, 65 B.R. 902 (Bankr. W.D. Okla. 1986). Additionally, in cases pending on October 14, 2005, where an attorney believes fees above the amounts set forth

in prior applicable Guidelines are warranted, the attorney may submit a written fee application together with attorney time records complying with the standards set forth above. Such application will be set for hearing by the Court, and if granted, the manner of payment will be determined by the Court.

5. *All* requests for fees or compensation by Chapter 13 debtors' attorneys shall be approved by the Court, and no attorney fees will be paid in whole or in part by the Trustee before being approved by the Court unless otherwise specified in applicable Guidelines. Except as specifically provided below in this paragraph, after the filing of a petition, a debtor(s)' attorney shall not request, demand or accept from the debtor(s), or from any other person or entity acting on behalf of or for the benefit of the debtor(s), any payment for services or retainer without first obtaining a court order authorizing the fees and specifically permitting direct payment of those fees by the debtor(s). Additionally, debtors' attorneys shall not state or imply to their clients that the debtor will be billed for further services related to debtor(s)' bankruptcy, even if intended merely to discourage future telephone calls or contact. However, attorneys may collect the post-petition filing fees imposed by the Court for the filing of necessary documents after the petition is filed. Further, an attorney may collect a retainer of up to \$300 in a pending case in which neither the attorney or any partner or associate of the attorney has previously represented the debtor(s) in the current case, and the debtor(s) seek to retain the attorney as new counsel in the current case.

6. No application for attorney fees will be heard or approved prior to confirmation, conversion, or dismissal.

7. An attorney seeking to withdraw from representation of a debtor must fully disclose in the application to withdraw the extent, if any, to which the attorney will act to protect the debtor's interests until either new counsel enters an appearance or debtor elects to proceed *pro*

se. Such application must also disclose the amount, if any, of the yet unpaid fee that will be sought by the attorney.

8. The Court presumes the conduct of the Chapter 13 Bar relating to attorney fees will be ethical and will in all respects comply with all applicable statutes, rules, and Guidelines, all of which will be strictly enforced.

9. Attorney fees sought by prevailing parties in main-case contested matters or adversary proceedings will be limited as the Court deems appropriate where the party initiating the matter or proceeding has not first made reasonable attempts to resolve the matter without the necessity of instituting the contested matter or adversary proceeding.

10. The fee schedule will be reviewed every four years, or at lesser time intervals if circumstances so warrant.

B. Pre-Confirmation:

1. Upon confirmation of a case, debtor(s)' attorney will be awarded a fee of \$2,500, inclusive of any retainer received pre-petition, without the necessity of filing a fee application. This fee shall be \$3,500, inclusive of any pre-petition retainer, in a Trustee-identified business related case.

2. Such fee shall constitute compensation for fees and expenses incurred for all pre-confirmation services and nominal post-confirmation services, including, but not limited to, answering clients' general questions, reviewing notice of claims filed, reviewing annual reports, filing proofs of claims on behalf of creditors, serving the plan or plan summary if necessary, filing motions to extend the automatic stay or to extend the time to file required documents, responding to motions for declaratory orders, attending all hearings, including the [§341](#) meeting and confirmation hearing, and serving the Order Confirming Plan.

3. Such fee shall be paid at a rate of \$400 per month or fifty percent (50%) of the monthly plan payment, whichever is less. The fee is subject to being paid at a lesser rate if payment at such rate would not provide adequate protection and either the Trustee or a creditor objects.

4. If, due to delay caused by neglect of the debtor(s)' attorney, the case is not ready for confirmation at the conclusion of the §[341](#) meeting, but ready for confirmation by the day of the first scheduled confirmation hearing, the allowed fee will be reduced by \$150. If the case is not confirmed by the conclusion of any continued confirmation hearing due to such neglect, the allowed fee will likewise be reduced another \$200. Such reduction will be imposed each time the case is continued due to the attorney's neglect. If the case is not ready for confirmation at any of the foregoing stages and it is clear this occurred through no fault of the debtor(s)' attorney, the Trustee is encouraged to recommend that the reduction be waived.

C. Post-Confirmation:

1. An attorney fee of up to \$350 will be allowed, without the necessity of filing a separate fee application, for each post-confirmation service. These include, but are not limited to: 1) filing, responding to, and resolving by modification a motion to dismiss; 2) filing, responding to, and resolving by bringing the mortgage inside the plan a motion for relief from the automatic stay; 3) filing a motion to modify other than to resolve a motion to dismiss; and 4) filing a motion to incur new debt (only *after* complying with XIV(A)). The fee includes all services related to the matter, from client interview to the filing of a response and/or motion, through resolution by agreement or appearance at a hearing, and will be awarded upon completion of the matter.

2. Such fee will be paid through the confirmed plan at the rate of \$75 per month, beginning in the month following entry of the Order resolving the matter and awarding the fee. The

fee is subject to being paid at a lesser rate if payment at such rate would not provide adequate protection and either the Trustee or a creditor objects, and payment of the fee will be delayed until any delinquent post-petition ongoing mortgage payment being paid through the plan is brought current.

D. Cases Dismissed or Converted Prior to Confirmation:

1. An attorney fee of up to \$1,250 will be awarded, without the necessity of filing detailed fee application with time records attached, if the case is dismissed or converted prior to confirmation. This fee may consist of any pre-petition retainer paid by the debtor(s), plus monies held by the Trustee after payment of adequate protection payments and fees allowed to the Trustee on adequate protection payments. The Trustee will be allowed to collect a fee equal to the percentage fee on attorney fees paid in cases dismissed or converted prior to confirmation.

E. Cases Converted Post-Confirmation:

1. An attorney may accept from the debtor(s) or bill, without separate order, an attorney fee of up to \$500 for services necessary to convert the case from one under Chapter 13 to one under Chapter 7, 11, or 12.

2. This fee shall include all services relating to the conversion, including the client interview, the filing of the notice of conversion, and any other pleadings necessary to effect the conversion, plus appearance at the [§341](#) meeting.

XV(b). Attorney Fees

(Applicable to cases filed on or after November 1, 2010.)

A. General Provisions - applicable to all cases filed on or after November 1, 2010:

1. The attorney fee amounts and rates of payment set forth below are applicable **only** in cases filed on or after November 1, 2010. Attorney fee amounts and rates of payment set forth in prior Guidelines continue to apply to cases filed prior to November 1, 2010.

2. Debtors' attorneys are encouraged to accept a reasonable retainer amount.

3. Pursuant to FED. R. BANKR. P. [2016\(b\)](#), debtors' attorneys must disclose any monies paid to them from any source on behalf of debtors.

4. The fees set forth below and in prior Guidelines are presumed to be reasonable. However, in cases filed previously or in the future where an attorney believes additional fees are warranted, the attorney may submit a written fee application together with attorney time records complying with 11 U.S.C. [§330](#), as interpreted in *In re Seneca Oil Co.*, 65 B.R. 902 (Bankr. W.D. Okla. 1986). Such application will be set for hearing by the Court, and if granted, the manner of payment will be determined by the Court.

5. *All* requests for fees or compensation by Chapter 13 debtors' attorneys shall be approved by the Court, and no attorney fees will be paid in whole or in part by the Trustee before being approved by the Court unless otherwise specified in applicable Guidelines. Except as specifically provided below in this paragraph, after the filing of a petition, a debtor(s)' attorney shall not request, demand, or accept from the debtor(s), or from any other person or entity acting on behalf of or for the benefit of the debtor(s), any payment for services or retainer without first obtaining a court order authorizing the fees and specifically permitting direct payment of those fees by the debtor(s). Additionally, debtors' attorneys shall not state or imply to their clients that the debtor will be billed for further services related to debtor(s)' bankruptcy, even if intended merely to discourage future telephone calls or contact. However, attorneys may collect the post-petition filing fees imposed by the Court for the filing of necessary documents after the petition is filed.

Further, an attorney may collect a retainer of up to \$750 in a pending case in which neither the attorney or any partner or associate of the attorney has previously represented the debtor(s) in the current case, and the debtor(s) seek to retain the attorney as new counsel in the current case.

6. No application for attorney fees will be heard or approved prior to confirmation, conversion, or dismissal.

7. An attorney seeking to withdraw from representation of a debtor must fully disclose in the application to withdraw the extent, if any, to which the attorney will act to protect the debtor's interests until either new counsel enters an appearance or debtor elects to proceed *pro se*.

8. The Court presumes the conduct of the Chapter 13 Bar relating to attorney fees will be ethical and will in all respects comply with all applicable statutes, rules, and Guidelines, all of which will be strictly enforced.

9. Attorney fees sought by prevailing parties in main-case contested matters or adversary proceedings will be limited as the Court deems appropriate where the party initiating the matter or proceeding has not first made reasonable attempts to resolve the matter without the necessity of instituting the contested matter or adversary proceeding.

10. The fee schedule will be reviewed every four years, or at lesser time intervals if circumstances so warrant.

B. Pre-Confirmation:

1. Upon confirmation of a case, debtor(s)' attorney will be awarded a fee of \$3,500, inclusive of any retainer received pre-petition, without the necessity of filing a fee application. This fee shall be \$4,500, inclusive of any pre-petition retainer, in a Trustee-identified business related case.

2. Such fee shall constitute compensation for fees and expenses incurred for all pre-confirmation services and nominal post-confirmation services. The Court considers nominal post-confirmation services to include all services not specifically listed in subsection C.i. below. By way of example, non-compensable post-confirmation services include, but are not limited to, answering clients' general questions, corresponding with creditors and the Trustee, filing financial management course certificates, reviewing notices of claims filed, reviewing annual reports, submitting monthly reports in business cases, filing address change notices, and serving the Order Confirming Plan.

3. Such fee shall be paid at a rate of \$400 per month or fifty percent (50%) of the monthly plan payment, whichever is less. The fee is subject to being paid at a lesser rate if payment at such rate would not provide adequate protection and either the Trustee or a creditor objects.

4. If, due to delay caused by neglect of the debtor(s)' attorney, the case is not ready for confirmation at the conclusion of the [§341](#) meeting, but ready for confirmation by the day of the first scheduled confirmation hearing, the allowed fee will be reduced by \$350. If the case is not confirmed by the conclusion of any continued confirmation hearing due to such neglect, the allowed fee will likewise be reduced another \$350. Such reduction will be imposed each time the case is continued due to the attorney's neglect. If the case is not ready for confirmation at any of the foregoing stages and it is clear this occurred through no fault of the debtor(s)' attorney, the Trustee is encouraged to recommend that the reduction be waived.

C. Post-Confirmation:

1. An attorney fee of up to \$500 will be allowed, without the necessity of filing a separate fee application, for the following post-confirmation services: 1) responding to and

resolving a motion filed by a party other than the debtor whether by agreed order or modification; 2) filing a motion to modify other than to resolve a motion filed by a party other than the debtor; 3) filing a motion to incur new debt (only *after* complying with ¶ VIII(A)); 4) filing any other reasonably necessary motion; 5) objecting to a proof of claim filed by a creditor; and 6) filing a proof of claim on behalf of a creditor. The fee includes all services related to the matter, from client interview to the filing of an objection, response and/or motion, through resolution, and will be awarded upon completion of the matter. A motion to modify filed in response to a motion to dismiss or motion for relief from the automatic stay and/or co-debtor stay shall be deemed only one post-confirmation service for fee purposes.

2. Such fee will be paid through the confirmed plan at the rate of \$75 per month, beginning in the month following entry of the Order resolving the matter and awarding the fee. The fee is subject to being paid at a lesser rate if payment at such rate would not provide adequate protection and either the Trustee or a creditor objects.

D. Cases Dismissed or Converted Prior to Confirmation:

1. An attorney fee of up to \$1,750 will be awarded, without the necessity of filing a detailed fee application with time records attached, if the case is dismissed or converted prior to confirmation. This fee may consist of any pre-petition retainer paid by the debtor(s), plus monies held by the Trustee after payment of adequate protection payments and fees allowed to the Trustee on adequate protection payments. The Trustee will be allowed to collect a fee equal to the percentage fee on attorney fees paid in cases dismissed or converted prior to confirmation.

E. Cases Converted Post-Confirmation:

1. An attorney may accept from the debtor(s) or bill, without separate order, an attorney fee of up to \$750 for services necessary to convert the case from one under Chapter 13 to one under Chapter 7, 11, or 12.

2. This fee shall include all services relating to the conversion, including the client interview, the filing of the notice of conversion, and any other pleadings necessary to effect the conversion, plus appearance at the [§341](#) meeting.

XVI. Final Reports in Chapter 13 Cases Converted to Chapter 7

In cases converted from Chapter 13 to Chapter 7, the Chapter 13 Trustee shall not be required to file and transmit a final report and account to the United States Trustee until all funds received in the case have been administered. In accordance with Bankruptcy Rule [1019\(5\)\(B\)](#), the Court directs that in such converted cases, the Chapter 13 Trustee shall file and transmit his final report and account as soon as is practicable following all checks clearing the bank account maintained by the Chapter 13 Trustee.

XVII. Chapter 13 Docket Procedure

A. The Trustee shall conduct two confirmation dockets and two motion dockets on every Chapter 13 Docket Day, beginning at 8:30 a.m. and 9:45 a.m., respectively.

B. The Trustee shall make his best effort to schedule any attorney who represents debtors on only one of the two dockets.

C. At the inception of each confirmation docket and motion docket, the Trustee shall first ask for announcements regarding dismissals, conversions, and agreements between opposing parties. The Trustee and his attorney shall then call the scheduled debtor(s)' counsel in order of sign in, and handle all cases for the attorney called before calling the next debtor(s)' attorney.

D. If an attorney is not present when called and has not obtained prior permission to appear late or be excused, the case will be set upon the 2:00 p.m. hearing docket and the Trustee will recommend dismissal.

E. Matters not resolved or continued by the conclusion of the morning docket shall be heard on the Court's 2:00 p.m. docket.

**XVIII. Interim Chapter 13 Guideline Provision
Regarding Final Mortgage Cure Payments**

NOTE: This guideline provision addresses only those portions of Bankruptcy Rule [3002.1](#) governing action upon completion of payments by debtors under Chapter 13 plans. It is not intended to address the remaining provisions contained within Bankruptcy Rule [3002.1](#), including but not limited to requirements contained in subsections (b) and (c) requiring timely notices of payment changes and timely notices of fees, expenses and other charges. The Court expects strict compliance with **all** requirements contained within Bankruptcy Rule [3002.1](#).

A. With regard to mortgages on principal residences paid pursuant to 11 U.S.C. §[1322\(b\)\(5\)](#), Bankruptcy Rule [3002.1\(f\)](#) requires the Trustee to file notices of final cure payments once debtors complete payments under their plans. Once the Trustee files and serves a notice required by Bankruptcy Rule [3002.1\(f\)](#), the subject mortgage company must file a statement within 21 days pursuant to Bankruptcy Rule [3002.1\(g\)](#) regarding whether the subject mortgage is current or whether additional amounts are required to bring the mortgage current.

B. Pursuant to Bankruptcy Rule [3002.1\(a\)](#), the Trustee shall be required to file a Bankruptcy Rule [3002.1\(f\)](#) notice only with respect to mortgages secured by a principal residence and paid through the plan.

C. Bankruptcy Rule [3002.1\(h\)](#) provides a process for determining whether all amounts owed to a mortgage company have been cured upon the filing of a Bankruptcy Rule [3002.1\(g\)](#) responsive statement. However, Bankruptcy Rule [3002.1](#) does not provide the procedure to be followed upon the filing of a Bankruptcy Rule [3002.1\(g\)](#) responsive statement when it is agreed, or otherwise determined, that the amounts asserted on the responsive statement are owed. It is the opinion of the Court it is in the best interest of both debtors and mortgage companies that mortgages be fully current upon completion of Chapter 13 plans.

D. Upon the filing of a Bankruptcy Rule [3002.1\(g\)](#) responsive statement asserting additional amounts are owed, debtors may follow the procedure for determination set forth in Bankruptcy Rule [3002.1\(h\)](#). Alternatively, if the debtors believe the asserted amounts are owed, or if the Court has determined they are owed, the Court will allow the debtors up to six months to cure the additional amounts through payments to the Trustee, upon entry of an order so providing. During the cure period, the debtors shall timely pay the ongoing regular mortgage payment directly to the mortgage company, and shall retain evidence of payment of the ongoing mortgage. Counsel for the debtors may be allowed an attorney fee of up to \$500 to be paid through the Trustee at the rate of up to \$100 per month. The Trustee shall be allowed to collect applicable Trustee fees on all additional payments disbursed by him.

E. Upon receipt of a Bankruptcy Rule [3002.1\(g\)](#) responsive statement, the Trustee and debtors may submit a proposed cure order in conformity with provision D above. Such order may be submitted without the filing of a motion or application. If the debtors fail to pay all amounts required by the cure order, the Trustee is authorized to take action to enable the closing of the case without the mortgage default being fully cured, and without further notice to debtors or their attorney.

F. If no action is taken by the debtors within 21 days of the filing of a Bankruptcy Rule [3002.1\(g\)](#) responsive statement, the Trustee may take action to enable the closing of the case without the mortgage default being fully cured, and without further notice to debtors or their attorney.

G. If the mortgage company fails to file the responsive statement required by Bankruptcy Rule [3002.1\(g\)](#), in addition to the specific remedies provided by Bankruptcy Rule [3002.1\(i\)](#), the debtors may file a motion seeking to deem the mortgage current through the last month for which the Trustee paid the ongoing regular mortgage payment. Such motion must be filed within 21 days of the date the responsive statement was required to be filed. Counsel for the debtors may include in the motion a fee of up to \$500 to be paid directly by the debtors for the filing and prosecution of the motion seeking to deem the mortgage current. The motion shall include the agreed upon terms of payment of the attorney fee. Any balance owing on the attorney fee at the time the discharge is entered shall not be discharged.

H. If the mortgage company fails to file the responsive statement required by Bankruptcy Rule [3002.1\(g\)](#), and no action is taken by the debtors within 21 days of the date the responsive statement was required to be filed, the Trustee may take action to enable the closing of the case without the mortgage default being fully cured, and without further notice to debtors or their attorney.

I. These guidelines regarding actions under Bankruptcy Rule [3002.1](#) are adopted on an interim basis and will be revisited by the Court at a later date for possible revision. Comments from the bankruptcy bar regarding these provisions are encouraged.

XIX. Effective Date

These Chapter 13 Guidelines were promulgated the 10th day of March, 2006, to be effective in cases filed on or after October 17, 2005, revised November 1, 2010, and further revised in February 2012.

/s/ Niles Jackson
Judge Niles Jackson
United States Bankruptcy Court

LOCAL FORM 1
VERIFICATION OF MATRIX

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE:)	
)	
Debtor's name,	)	Case No. __-____-__
	)	Chapter __
Debtor.)	

VERIFICATION OF MATRIX

The above named debtor hereby verifies that the attached List of Creditors is true and correct to the best of his/her/their knowledge.

Date: _____

Debtor Name

Joint Debtor Name (if applicable)

LOCAL FORM 2
PAY ADVICE COVER SHEET

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE:)
)
Debtor's Name,) Case No. __ - _____ - ____
) Chapter __
Debtor.)

PAY ADVICE COVER SHEET

The following pay advice/income record information is filed on behalf of the debtors:

G Pay advices are attached as follows:

Employer	Beginning Date	Ending Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

G The debtor certifies by his/her signature below that he/she has no pay records because:

Dated on the _____ day of _____, 20_____.

(Debtor Signature)

G Pro se Debtor

G Represented by Counsel

S/

Attorney Name - Bar Number

Address

Telephone Number

Fax Number

Email Address

LOCAL FORM 3
DOMESTIC SUPPORT OBLIGATION DISCLOSURE

This form must be submitted directly to the Trustee within 14 days of filing your bankruptcy schedules. DO NOT FILE this form with the Court.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE: _____)
)
) Case No. __ - _____ - ____
) Chapter ____
 Debtor(s).)

AFFIDAVIT AND DISCLOSURE OF DOMESTIC SUPPORT OBLIGATIONS

(Note: A separate form must be submitted to the Trustee for each debtor in a joint case)

_____, Debtor, being first duly sworn under oath, deposes and states:
(Print Debtor's Name)

(Select One)

- G I do not owe any person or entity a debt defined in [11 U.S.C. § 101\(14A\)](#) as a "domestic support obligation."
- G I do owe the following person(s) or entity(ies) a debt defined in [11 U.S.C. § 101\(14A\)](#) as a "domestic support obligation" (attach all supporting documents that establish the terms of a domestic support obligation (i.e. copy of debtor's divorce decree, orders establishing parent- child relationship, and orders establishing or modifying child support)):

1.	Name of holder of claim for Domestic Support Obligation	
	Name of service/collection agent (if applicable)	
	Address	
	Telephone Number	
2.	Name of holder of claim for Domestic Support Obligation	

	<u>Name of service/collection agent (if applicable)</u>	
	<u>Address</u>	
	<u>Telephone Number</u>	

(Attach additional sheets if necessary)

If you owe a domestic support obligation, provide the following additional information.

The name and address of my most recent employer(s) is as follows:

Employer Name: _____
 Employer Address: _____

Employer Name: _____
 Employer Address: _____

Dated: _____ s/
 Debtor Name

Sworn to and subscribed before me this ___ day of _____, 20__.

[SEAL] _____
 Notary Public

*Note: Pursuant to Local [Rule 1001-1.H.1](#), an unsworn declaration under penalty of perjury may be substituted in place of the notarization of this form.

LOCAL FORM 4

[CASE CAPTION MUST BE INCLUDED IF FILED AS A SEPARATE DOCUMENT.]

CERTIFICATE OF SERVICE TEMPLATE

The following template substantially complies with Local Rule [9007-1](#). Attorneys may devise their own certificates of service in compliance with the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure and the Local Rules.

This is to certify that on the ___ day of _____, 20___, a true and correct copy of the [insert title of document served], filed on _____, 20___ [Doc. No. ___], was forwarded via U.S. Mail, first class, postage prepaid, to the following:

Applied Group Inc., 4615 E. Arizona Street, Phoenix, AZ 85040
Associated Bank, P.O. Box 1919, Wilmington, MD 19850
Atlas Recovery Systems, P.O. Box 2020, Escondido, CA 92046

s/ _____
Attorney Name
[full signature block required if certificate of
service is filed as a separate document]

UNCLAIMED FUNDS
INSTRUCTIONS TO LOCAL FORM 5

To: Applicant for Withdrawal of Unclaimed Funds

Subject: Procedure for Applying for Payment of Unclaimed Funds

The following procedures must be followed in order to apply for the payment of unclaimed funds:

Prepare an "Application for Order Directing Payment of Unclaimed Funds" and personally sign it. (example attached)

Complete the attached "Affidavit of Creditor" form and personally sign it with notarization. Each application must include an "Affidavit of Creditor." The notarization must be visible and the notary must personally sign the document.

If creditor is an individual, include a photocopy of the creditor's driver's license or some other form of personal identification with photograph.

If creditor is a corporation, partnership or other entity, include supporting documentation that the applicant is authorized to claim money on behalf of the corporation, partnership or other entity.

File the documents electronically via the ECF System or, if not an electronic filer, mail or deliver all of the original documents to the Court Clerk's office at the following address:

United States Bankruptcy Court
Western District of Oklahoma
Attn: Financial Specialist Don Dage
215 Dean A. McGee Avenue
Oklahoma City, OK 73102

Mail or deliver a copy of the completed "Application for Order Directing Payment of Unclaimed Funds" to the U.S. Attorney at the following address:

United States Attorney
Western District of Oklahoma
210 West Park Avenue, Suite 400
Oklahoma City, OK 73102

A copy of the Application must also be mailed to the Panel Trustee, Assistant United States Trustee, Debtor, Debtor's Attorney, Claimant (if different from applicant), and Claimant's Attorney, if discernible. The names and addresses of these parties must be reflected on the certificate of service filed with the Application. Most of this information may be found on the Court docket.

After submission of the application to the Clerk's office, processing the request will require from two to six weeks. Upon completion, a check will be mailed to the applicant.

If you have questions about filling out and submitting the required documents or any other questions about the procedures, please contact Don Dage at (405) 609-5736.

LOCAL FORM 5

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

IN RE:)	
	)	Case No. ____ - ____ - ____
Debtor(s) name,)	
	)	Chapter _____
Debtor(s).)	

APPLICATION FOR ORDER DIRECTING PAYMENT
OF UNCLAIMED FUNDS TO CREDITOR/CLAIMANT

A dividend/refund check in the above-named case issued to the payee, _____
_____, in the amount of \$ _____, was not cashed
by said payee, and, pursuant to 11 U.S.C. § [347](#)(a) of the Bankruptcy Code, the trustee paid this
unclaimed money to the Registry of the Clerk, United States Bankruptcy Court.

The undersigned creditor/claimant has made sufficient inquiry and has no knowledge that
this claim has been previously paid, that any other application for this claim is currently pending
before this Court, or that any other party other than this Applicant is entitled to submit an application
for this claim.

Applicant has provided notice to the U.S. Attorney pursuant to [28 U.S.C. § 2042](#).

THEREFORE, Application is hereby made for the Clerk, U.S. Bankruptcy Court, to pay this
unclaimed money to _____ (Name and address of payee (creditor/claimant) _____ .

Date

Signature of creditor/claimant

Tax ID or last 4 numbers of SSN

Print name of creditor/claimant

Address of creditor/claimant

I hereby certify by my signature above, that a copy of this Application was mailed on the _____ day of _____, 20____, to the United States Attorney, 210 Park Avenue, Suite 400, Oklahoma City, OK 73102 and to the following:

Panel Trustee
Assistant United States Trustee
Debtor
Debtor's Attorney, if any
Original Claimant, if different
Original Claimant's Attorney, if discernible

Signature of creditor/claimant

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

IN RE:)
) Case No. ____ - ____ - ____
Debtor(s) name,)
) Chapter ____
Debtor(s).)

AFFIDAVIT OF CREDITOR/CLAIMANT

State of _____) Tax ID or Last 4 numbers of SSN:
) : ss _____
County of _____)

I, _____, the undersigned creditor/claimant in the above referenced case, being first duly sworn upon oath, state as follows:

1. _____ (Name and Address) _____ has been granted a power of attorney by me to submit Application for Payment from Unclaimed Funds seeking payment of claim number _____, in the amount of \$_____, due and owing to me as a creditor/claimant in the above-referenced bankruptcy case.

2. My name, position with the company (if applicable), address and telephone number are as follows:

3. If other than individual: Substantiate creditor's right to claim, including but not limited to, documents relating to sale of company, i.e., purchase agreements and/or stipulation by prior and new owner as to right of ownership of funds. Attach certified copies of all necessary documentation.

4. I (or the entity I represent) have neither previously received remittance for the claim nor have contracted with any other party other than the person named in Item 1 above to recover these funds.

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

DATED: _____

Creditor/Claimant Signature

Subscribed and sworn to before me this _____ day of _____, 20__.

My commission expires:

Notary Public

(Seal)

LOCAL FORM 6
CHAPTER 11 FINAL REPORT AND MOTION FOR ENTRY OF FINAL DECREE

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

In re:)
)
Debtor's Name,) Case No. ___-_____-____
) Chapter 11
Debtor.)

CHAPTER 11 FINAL REPORT AND MOTION FOR ENTRY OF FINAL DECREE

Debtor, by and through its undersigned attorney, and pursuant to 11 U.S.C. § [1106\(a\)\(7\)](#) and Rule [3022](#), Fed. R. Bankr. P., submits that the estate herein is fully administered and substantially consummated as follows:

1. The order confirming the plan has become final;
2. Any deposits required by the plan have been distributed;
3. The property proposed by the plan to be transferred has been substantially transferred;
4. The debtor or its successor under the plan has substantially assumed the business or the management of the property dealt with in the plan;
5. Payments under the plan have commenced;
6. All motions, contested matters and adversary proceedings have been finally resolved; and
7. There are no facts necessary to enable the Court to pass on the provisions of the final decree other than as presented in Schedule A attached hereto.

WHEREFORE, Debtor respectfully requests that this Court enter a final decree in this case and grant it such other and further relief as this Court deems just, equitable and proper.

Respectfully submitted,

s/ _____
Attorney Name - Bar number
Address
Phone Number

Fax Number
Email address

ATTORNEY FOR DEBTOR

LOCAL FORM 7
DEFERMENT OF ADVERSARY FILING FEE BY TRUSTEE OR
DEBTOR-IN-POSSESSION

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE:)
)
Debtor's Name,) Case No. __-____-____
) Chapter ____
Debtor(s).)

**NOTICE OF DEFERMENT OF BANKRUPTCY FEES
BY TRUSTEE OR DEBTOR-IN-POSSESSION**

The Trustee/Debtor-in-Possession hereby gives notice that the following fee(s) is (are) deferred. The fee(s) should be payable only from the estate and to the extent there is any estate realized.

_____ Reopen \$_____ (filing fee varies)

_____ Conversion \$_____ (filing fee varies)

TOTAL DUE: \$_____

Dated: _____

s/ _____
Name - Bar number
Address
Phone Number
Fax Number
Email address
Counsel for _____

LOCAL FORM 7
DEFERMENT OF ADVERSARY FILING FEE BY TRUSTEE OR
DEBTOR-IN-POSSESSION

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE:)	
)	
Debtor's Name,	)	Case No. __-____-__
	)	Chapter ____
Debtor(s).)	
_____)	
Plaintiff's Name,)	
)	
Plaintiff(s),)	
)	
v.	)	Adv. No. __-____
)	
Defendant's Name,)	
)	
Defendant(s).)	

**NOTICE OF DEFERMENT OF ADVERSARY FILING FEE
BY TRUSTEE OR DEBTOR-IN-POSSESSION**

The Trustee/Debtor-in-Possession hereby gives notice that the filing fee is deferred. The fee should be payable only from the estate and to the extent there is any estate realized.

_____ Complaint \$293.00 (subject to change)

TOTAL DUE: \$ _____

Dated: _____

s/
Name - Bar number
Address
Phone Number
Fax Number
Email address
Counsel for _____

LOCAL FORM 8
SAMPLE PRETRIAL ORDER
(Leave a 4-inch margin for signature by judge)

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE:)	
)	
JOHN DOE and JANE DOE,	)	Case No. __-____-__
	)	Chapter ____
Debtor(s).)	
_____)	
ANY NATIONAL BANK & TRUST,)	
)	
Plaintiff(s),)	
)	
v.	)	Adv. No. __-____
)	
JOHN DOE and JANE DOE,)	
)	
Defendant(s).)	

FINAL PRETRIAL ORDER

Trial Date: _____, 20__

Date of Conference: _____, 20__

Appearances: Sam P. Attorney, Norman, OK, for Plaintiff
Dave C. Lawyer, Oklahoma City, OK, for Defendant

I. STIPULATIONS

- A. All parties are properly before the Court;
- B. The Bankruptcy Court has jurisdiction of the parties and of the subject matter pursuant to [28 U.S.C. § 1334](#), [28 U.S.C. § 157](#), and the order of the district court authorizing referral of proceedings to the bankruptcy judges;
- C. This is a core proceeding pursuant to [28 U.S.C. § 157\(b\)\(2\)\(1\)](#) and, to the extent the proceeding may be non-core, the parties consent to entry of judgment by the bankruptcy judge.
- D. Venue is proper under 28 U.S.C. §§ [1408](#) - 1412;
- E. This action is brought under 11 U.S.C. § [523\(a\)\(2\)\(B\)](#) to determine the dischargeability of a debt;
- F. Facts:
 - 1. Plaintiff is an Oklahoma state chartered banking institution.
 - 2. Defendants are debtors who filed a voluntary joint petition under Chapter 7 of the Bankruptcy Code in the Western District of Oklahoma on January 29, 1993.
 - 3. Defendants are co-makers of a \$50,000 promissory note in favor of Plaintiff, dated October 14, 1991.
 - 4. Plaintiff refinanced the obligation on January 20, 1993, and at the time of filing for bankruptcy, the balance remaining due and owing was \$55,245.
- G. Legal Issue(s):
 - 1. Did Defendants submit a materially false financial statement in connection with their application to refinance the debt owing to Plaintiff?
 - 2. Did Defendants intend to deceive Plaintiff through the representations made in the financial statement?

II. CONTENTIONS

A. Plaintiff:

1. Facts:

- (a) During the period between the initial loan and refinancing of the note, Defendants' liabilities increased significantly while their assets decreased in number and value.
- (b) Defendants submitted a financial statement to obtain refinancing in which they listed more assets than they possessed and fewer liabilities than they owed.

2. Factual Issues:

- (a) Did Defendants intentionally misrepresent their financial situation to induce Plaintiff to refinance their note?

B. Defendants:

1. Facts:

- (a) Defendants did not overstate the number or value of assets and did not omit any liabilities owed in their financial statement with the intent to deceive Plaintiff.
- (b) Defendants were advised by bank officers that the bank required the financial statement primarily for audit purposes and not for the purpose of determining whether to refinance Defendants' note.

2. Factual Issues:

- (a) To what extent did Plaintiff rely upon the financial statement in deciding whether to refinance Defendants' note?

III. EXHIBITS

Exhibits not listed will not be admitted by the Court unless good cause is shown and justice demands their admission.

A. Plaintiff:

Number	Title	Objection	Evidence Relied Upon	Rule
--------	-------	-----------	----------------------	------

1	1991 Financial Statement	Relevance	FRE 402
2	Note dated October 14, 1991	Relevance	FRE 402
3	Renewal note dated January 20, 1993	None	
4	1992 Financial Statement	None	

B. Defendant:

Number	Title	Objection	Evidence Rule Relied Upon
None			

IV. WITNESSES

No unlisted witness will be permitted to testify as a witness in chief except by leave of court when justified by exceptional circumstances.

A. Plaintiff:

Name	Address	Proposed Testimony
John Jones	921 Anywhere Norman, Oklahoma	Plaintiff's lending procedures
Same Flake	555 Easy Street Moore, Oklahoma	Facts surrounding Jefferson Bank loan
Mike Otero	333 Hard Street Bethany, Oklahoma	Facts surrounding refinancing

B. Defendant:

Name	Address	Proposed Testimony
All witnesses listed by plaintiff		
Debtors	c/o counsel	Facts surrounding loans

Jan Tury

444 Long Street
Lawton, Oklahoma

Lending practices of
plaintiff in 1991 - 1992

V. CHRONOLOGICAL LISTING OF PERTINENT EVENTS

Attached, as a separate appendix, is a chart or list setting forth all pertinent events (without explanation) in the chronological order in which the events occurred.

VI. POSSIBILITY OF SETTLEMENT

Good ____ Fair ____ Poor ____

VII. ESTIMATED TRIAL TIME

All parties approve this Order and understand and agree that this Order supersedes all pleadings and shall not be amended except by order of the Court.

Name - Bar number
Address
Phone Number
Fax Number
Email address
Counsel for Plaintiff

Name - Bar number
Address
Phone Number
Fax Number
Email address
Counsel for Defendant

Appendix to Final Pretrial Order

SAMPLE CHRONOLOGY

Oct. 1, 1991 Defendants applied for a loan from Plaintiff and submitted a 1991 Financial Statement.

Oct. 14, 1991 Defendants executed a note in favor of Plaintiff in the amount of \$50,000, and Plaintiff advanced that amount to Defendants.

- Jan. 14, 1993 Defendants sought to refinance the obligation they owed Plaintiff. Defendants submitted their 1992 Financial Statement prior to the refinancing.
- Jan. 20, 1993 Defendants executed a renewal note in favor of Plaintiff in the amount of \$55,245, for which Plaintiff "rolled over" the balance due on the old note and advanced to Defendants an additional \$2,000.00.
- Jan. 29, 1993 Defendants filed for relief under Chapter 7 of the Bankruptcy Code. The Schedules reflect assets and liabilities different from those set forth in either of Defendants' Financial Statements.
- Mar. 1, 19XX Plaintiff filed this adversary proceeding to except its debt from discharge.

LOCAL FORM 9
ORDER TEMPLATE
(Leave a 4-inch margin for signature by judge)

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE:)
)
Debtor's Name,) Case No. __ - _____ - ____
) Chapter ____
Debtor.)

ORDER TITLE

[Note: Titles of orders must contain a description of the relief being granted.]

[insert text of order]

###

Approved for Entry:
s/ _____
Attorney Name - Bar Number
Address
Telephone Number
Fax Number
Email address
Attorney for _____

NOTE: This is a template for an electronic order to be filed in a bankruptcy case. The caption for an order to be filed in an adversary proceeding must include both the bankruptcy case and adversary proceeding case numbers and styles.