

Revision to Nebraska Rules of Bankruptcy Procedure

Effective: January 20, 2022

The United States Bankruptcy Court for the District of Nebraska has proposed revisions to its local rules. The changes include:

- *Overall Text.* The Local Rules were revised to make them more concise, to ensure consistent terminology, and to remove the word “shall”, which has the potential for ambiguity.
- *Local Rule 2004-1 (Examinations).* A court order is not required to conduct an examination under Fed. R. Bankr. P. 2004. A procedure to conduct the exam and to object to the examination or its scope is included, along with a form notice of examination in the Appendix.
- *Local Rule 2015-1 (Subchapter V Status Report).* The rule adopts a form status report to be filed in Subchapter V cases.
- *Local Rule 3001-1 (Claim Transfers).* Claim transfers were previously under Rule 3007-1 (*Claims – Objections*).
- *Local Rule 3002-1 (Claim Amendments).* This rule that allows a claim to be reduced without a court order. The amended claim must be served by regular United States Mail on the debtor, the debtor’s attorney, and any trustee.
- *Local Rule 3015-1 (Chapter 12).* The confirmation requirements were moved to an Appendix.
- *Local Rule 3015-3 (Plans, Objection to Confirmation, and Amendments).* The prior sections regarding plans under Rules 3015-1 (Chapter 12) and 3015-2 (Chapter 13) were combined and moved to this new section because they were substantively similar. Subchapter V was added to the rule.
- *Local Rule 3015-4 (Dismissal on Payment Default).* This rule was renumbered. It was previously Rule 3015-3.
- *Local Rule 3022-1 (Chapter 11 Individual Discharges).* This rule was deleted. The language of the rule was added to the court’s Chapter 11 discharge order.
- *Local Rule 4001-1 (Automatic Stay).* A creditor must not only describe the collateral subject to a motion for relief but state its contended value and the basis for the valuation, which is the creditor’s burden of proof. Also, the prior rule stated Rule 9013-1 did not apply to motions for relief. The new rule states that Rule 9013-1 does apply, but the court will set the hearing and create the notice of hearing.

- *Local Rule 5003-1 (Governmental Addresses)*. The rule was added to reference the Appendix.
- *Local Rule 7016-1 (Mediation)*. A \$200 advance fee deposit is no longer required. The mediator is free to set his or her own financial terms, including an advance fee.
- *Local Rule 7067-1 (Registry Funds)*. The rule incorporates NE Civ R. 67, which is substantively the same as our rule.
- *Local Rule 9004-1 (Caption) and 9004-2 (Attorney Identification)*. These were deleted as redundant of the Federal Rules of Bankruptcy Procedure.
- *Local Rule 9011-1 (Signatures)*. Digital signature software must uniquely identify the signor and ensure the authenticity of the signature and that the signed document has not been altered or repudiated.
- *Local Rule 9013-1 (Motions)*. References to Local Rule 9013 applying to specific motions throughout the Local Rules were removed as redundant. Rule 9013-1 expressly applies to all motions, except those listed in the Appendix.
- *Appendices*. The Appendices were reordered.
- *Chapter 13 Plan*. The Chapter 13 plan form was revised.