



Nebraska Rules of Bankruptcy Procedure

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for the District of Nebraska
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Nebraska Rules of Bankruptcy Procedure

Part I Commencement of Case; Proceedings Relating to Petition and Order for Relief

Rule 1001-1. Scope

A. **Adoption.** These Nebraska Rules of Bankruptcy Procedure for the District of Nebraska supplement the Federal Rules of Bankruptcy Procedure and apply in all bankruptcy cases unless specifically excluded. They are cited as “Neb. R. Bankr. P.” and each may be referred to as a “Local Rule”.

B. **District Court Rules.** The following Nebraska General Rules of the United States District Court for the District of Nebraska are applicable in bankruptcy cases and adversary proceedings and can be found at www.ned.uscourts.gov: admission, discipline of attorneys, clinical legal education for law students, non-resident attorneys, and appearance of counsel, NE Gen. R. 1.3(d), 1.7, and 1.8; and Withdrawal of Reference, NE Gen. R. 1.5(b).

C. **Appendices.** The appendices to these Local Rules are informational and may be modified or deleted by order of the judges of the bankruptcy court.

Rule 1002-1. Petition - Requirements

A. **Form.** Bankruptcy petitions must conform to the Official Bankruptcy Forms.

B. **Corporate Resolution.** A corporate debtor must attach to the petition a certified copy of the corporate action authorizing the filing.

Rule 1007-1. Lists, Schedules, and Statements

A. **Schedules of Liabilities.** If the debtor schedules a tax obligation, it must include the date the tax obligation was incurred or assessed and the type of tax (*e.g.*, personal income tax – Form 1040; payroll tax – Forms 940 and 941; 100% penalty).

B. **Service of Amendment.** The debtor must serve any amendment to the petition, schedules, or statement of financial affairs, along with the original § 341 notice, on all parties in interest.

C. **Failure to File Information.** If an individual debtor in a case under Chapter 7, Chapter 12, or Chapter 13 does not file information required by 11 U.S.C. §§ 521, 1221, 1321, or by court order, and the failure continues for more than seven days after either the court enters a deficiency notice or the trustee files a notice the debtor failed to comply, the court may dismiss the case without further notice or hearing.

D. **Privacy Rules.** Parties and their counsel must redact personal data identifiers. The clerk will not redact documents or review documents for compliance.

Rule 1007-2. Mailing List or Filing Matrix

In all cases the debtor must include on the mailing matrix the Internal Revenue Service and the Nebraska Department of Revenue, using the addresses in Appendix “A”, and the county attorney and county treasurer for the county in which the debtor resides.

Part II Officers and Administration; Notices; Meetings; Examinations; Elections; Attorneys and Accountants

Rule 2002-1. Notice to Creditors and Other Parties in Interest

A. **Service.** A filing party must serve a party who is entitled to service or notice, but who is not a participant in the Case Management / Electronic Case Files (“CM/ECF”) System, a paper copy of any filed document. A filing party who is a CM/ECF participant may be served electronically. After a document is electronically filed, the CM/ECF System will generate and serve a “Notice of Electronic Filing” on the filing party and any other party who is a CM/ECF participant who requested electronic notice in the case. If the recipient is a CM/ECF participant, the Notice of Electronic Filing is the equivalent of service of the document by first class mail, postage prepaid. Notices provided by the clerk are sent to CM/ECF participants through the CM/ECF System and are complete on transmission.

B. **Certificate of Service.** When a party files a document or must serve or provide notice of an order, the filing party must file a certificate of service stating how service or notice was accomplished. Sample language is in Appendix “B”.

C. **Notice to the United States.** All notices that must be served on the United States under applicable statute or rule must, in addition to any other requirements stated therein, clearly designate, when known, the department, agency, or instrumentality of the United States through which the debtor became indebted. The notice must also be served on the United States Attorney’s office located in the same city where the petition for relief was filed.

D. **Notice to the Nebraska Department of Revenue.** In all Chapter 11 cases, notices under Fed. R. Bankr. P. 2002(a), (b), and (f) must be served on the Nebraska Department of Revenue, even if it is not a creditor.

E. **Notice of Operating Reports to Taxing Authorities.** A debtor-in-possession or a trustee operating a business must timely submit to the Area Director of the Internal Revenue Service and to the Nebraska Department of Revenue, a copy of each report the debtor or trustee submitted to the United States Trustee. *See* Local Rule 4002-1(A) for federal and state tax returns.

F. **Termination of Notices.** When a CM/ECF participating attorney's involvement in the case is completed, the attorney may stop receiving notices by filing the event "Withdraw as Attorney". In so filing the attorney certifies the attorney has no controversy before the court in the case and the client consents to the withdrawal. Attorneys for a debtor, joint debtor, plaintiff, or defendant may not withdraw under this Local Rule but must file a motion to withdraw.

Rule 2004-1 Examination

A. **Manner of Setting Examination.** A court order is not required to conduct an examination under Fed. R. Bankr. P. 2004, or to require production of documents at the examination. A party in interest may schedule the examination by filing the notice in Appendix "C" and serving it on the trustee, the debtor, the debtor's attorney, and the entity to be examined, along with, if applicable, a subpoena.

B. **Notice.** Unless the court orders otherwise, the entity to be examined cannot be compelled to an examination less than 14 days after service of the notice and if necessary, a subpoena. Provided, the examination date listed in the notice may be less than 14 days if the notice states that the examination will be rescheduled if the entity to be examined promptly requests. If the entity to be examined promptly requests, the examination must be rescheduled to a mutually agreeable date, time, and place. To the extent a request for production of documents under this rule may be construed as a request under Fed. R. Bankr. P. 7034, the time to respond is shortened to 14 days.

C. **Motion for Protective Order.** A party in interest may file, before the date of the proposed examination, a motion for protective order stating the reasons to prohibit, limit, or reschedule the examination. The examination is stayed until the court rules on the motion.

D. **Subpoena.** No subpoena is necessary to compel the debtor to attend or produce documents at an examination under Fed. R. Bankr. P. 2004. The examining party must issue a subpoena to compel the attendance of, or production of documents by, a witness other than the debtor.

Rule 2015-1. Subchapter V Status Report

In cases under Subchapter V of Chapter 11, the debtor must timely file a status report under 11 U.S.C. § 1188(c), using the form in Appendix "D".

Rule 2016-1. Compensation of Professionals

A. **Fee Application.** Subject to section D, a party must file an application for compensation for services and reimbursement under 11 U.S.C. § 330. Except in Chapter 7 cases, a fee application must also be filed if the debtor's attorney received a pre-petition bankruptcy retainer or payment from property of the debtor, or from property of a person or entity other than the debtor, even if no additional compensation is sought in connection

with the bankruptcy case. Fee applications must comply with the national fee guidelines promulgated by the Executive Office of the United States Trustee under 28 U.S.C. § 586(a)(3)(A)(i) and any Policy of the United States Trustee for Region 13 for Implementation of Fee Guidelines.

B. Time to File. Fee applications must be filed before the case is closed. If a trustee is appointed in the case, the trustee must notify all court approved professionals 14 days before the trustee files a final report to allow professionals an opportunity to timely file a fee application. If the court approved interim compensation, the professional must file a final fee application.

C. Contents. All fee applications must contain a time summary exhibit, constructed from contemporaneously kept time records. The exhibit must state the dates services were performed, the number of hours spent in tenths of an hour on each task, a concise statement of the task, the identity of the individual performing the work, the relationship of the service to the estate, and the value thereof. If compensation for future services is sought, the exhibit must state an estimate of the number of hours that will be expended for future services. All fee applications must disclose all fees previously approved to be paid to the applicant, including pre-petition payments, and services and expenses to be compensated from any pre-petition retainer.

D. Chapter 13 Fee Applications. This Local Rule does not apply to debtor's attorney's fees in Chapter 13 cases, which an attorney must request under the No-Look Compensation Plan in Appendix "E-1" and "E-2."

Rule 2080-1. Chapter 9

A. Notices, Claims Bar Date, List of Creditors, Fees.

1. *Notices.* When a petition is filed under Chapter 9 of the Bankruptcy Code, the clerk will serve the debtor a notice conforming to Appendix "F" (the "Chapter 9 Notice"). The debtor must immediately serve the Chapter 9 Notice on all parties in interest. The debtor must file a certificate of service at least seven days before the last date to file a resistance to the petition. All notices required by Fed. R. Bankr. P. 2002(a)(2), (3), and (7) must be served on the committee(s) or its authorized agents and to the creditors who filed a request for notice.

2. *Claims Bar Date.* If the debtor applies for a claims bar date in the petition and the application is granted, the debtor must include the established claims bar date in the Chapter 9 Notice.

3. *List of Creditors.* The debtor must file the list of creditors required by 11 U.S.C. § 924 within 14 days of the petition date unless otherwise ordered. The list must state the creditor's name and address, the amount of the claim, and whether the claim is disputed, contingent, or unliquidated.

4. **Fees.** The debtor's disclosure statement and plan must contain a detailed good faith estimate of fees and expenses under 11 U.S.C. § 503(b), priorities under 11 U.S.C. § 507(a), and the reasonableness of the expenses under 11 U.S.C. § 943(b)(3).

B. **Publications.** After a petition is filed, the debtor must immediately publish notice of the commencement of the case and notice of the order of relief under 11 U.S.C. § 923. The last date of the publication must not be less than 14 days before the last day to file resistances to the petition. All publications under 11 U.S.C. § 923 must be in *The Wall Street Journal*, *Lincoln Journal Star*, and the *Omaha World-Herald*, unless the debtor requests otherwise in the petition and the court approves the request. The debtor must file proofs of publication no later than 14 days after the last publication.

C. **Resistances to Petition and Order for Relief.** A party in interest may file a resistance to the petition, stating supporting facts and legal authorities, no later than 45 days after service of the Chapter 9 Notice. The resisting party must serve the resistance on the debtor and the debtor's attorney. If the resistance is timely filed, the court will schedule a hearing. The resisting party must serve the hearing notice on all other parties in interest.

D. **Plan of Adjustment and Disclosure Statement.** The debtor must serve the plan of adjustment and disclosure statement no later than 90 days after the creditors' committee is appointed. The court may extend the time for good cause. Fed. R. Bankr. P. 2002(b) applies to the disclosure statement and plan of adjustment, except regarding pre-approved plans under Local Rule 2080-1(E).

E. **Pre-Approved Plans.** If the debtor proposes a plan of adjustment which, before the petition was filed, was accepted by more than two-thirds in amount and one-half in number of creditors, the petition must contain a request for consolidated hearing to consider resistances to the petition, resistances to the adequacy of the disclosure made under 11 U.S.C. § 1126(b)(2), and resistances to the confirmation of the plan.

Part III Claims and Distribution to Creditors and Equity Interest Holders; Plans

Rule 3001-1. Transfer or Assignment of Claim

If a claim is transferred, the transferee must serve the transfer or assignment of claim on the debtor, the debtor's attorney, any appointed trustee, and the attorney for each official committee. The transferee will be substituted for the transferor under Fed. R. Bankr. P. 3001(e)(2) unless an objection is timely filed.

Rule 3002-1. Claim Amendment

Notwithstanding *In re Carr*, 134 B.R. 370 (Bankr. D. Neb. 1991), a claimant may reduce the secured or unsecured amount of a filed claim at any time by filing an amended claim and serving a copy by regular United States Mail on the debtor, the debtor's

attorney, and any appointed trustee. Under this Local Rule, an amended claim will be allowed as filed only if it reduces the secured amount, the unsecured amount, or both amounts. All other claim amendments must be approved on motion.

Rule 3007-1. Objections to Claims

A. **Service.** Local Rule 9013-1 applies to an objection to claim, but the resistance deadline is 30-days under Fed. R. Bankr. P. 3007(a) instead of 21-days. The objection and the notice must be served on the claimant under Fed. R. Bankr. P. 3007(a)(2), the debtor, the debtor’s attorney, and any appointed trustee.

B. **Contents.** An objection to claim must state the name of the creditor, proof of claim number, filing date, amount, specific grounds for the objection, and proposed treatment of the claim with a specific dollar amount.

C. **Objections Under Chapter 13.** The Chapter 13 trustee may object to any claim in a Chapter 13 case. If the trustee does not object, the trustee will file a notice after the bar date for general, non-governmental claims expires and serve it on the debtor and the debtor’s attorney. The debtor may object to the claim within 30 days after the notice is filed. If the debtor does not timely object, the claim will be allowed as stated in the trustee’s notice.

Rule 3011-1. Requests for Payment of Unclaimed Funds

An individual or entity entitled to money held by the court under 11 U.S.C. § 347(a), or Fed. R. Bankr. P. 3010, or 3011, must file a request for payment of unclaimed funds following the procedures available in the clerk’s office and on the court’s website at www.neb.uscourts.gov.

Rule 3015-1. Chapter 12 - General

A. **Confirmation Requirements.** The requirements of 11 U.S.C. §§ 1225(a)(4), 1225(a)(5)(B) - (C), and 1225(a)(6) - (7) are not satisfied unless a Chapter 12 plan contains the information in Appendix “G”.

B. **Trustee’s Consent.** The court will confirm a Chapter 12 plan only if the trustee files a consent to confirmation. The trustee does not have to file the consent unless the debtor provides the trustee a plan summary.

C. **Trustee Fee.** Whether a Chapter 12 plan provides for payments to creditors directly or through the trustee, the debtor must pay the trustee a fee, for each year of the plan, equal to the percentage of all payments under the plan set by the Attorney General or its delegate under 28 U.S.C. § 586(e), or the dollar amount established by the court, whichever is less. *See* Appendix “H”.

D. **Reports.** The debtor must serve the trustee, within 30 days following a request thereof, periodic or annual reports necessary for the trustee to comply with 11

U.S.C. § 1231. The trustee may generate forms for the reports. On request, the trustee or the debtor will provide a copy of the reports to a party in interest. The trustee may charge a reasonable copy fee.

E. **Discharge.** The court will discharge the debtor in a case under Chapter 12 only if the debtor files a motion for discharge and the trustee files a consent to discharge. By filing the consent, the trustee represents all conditions precedent to discharge are completed and no objections are filed. Before the resistance deadline on the motion for discharge expires, the debtor must file the certification in Appendix “I” regarding domestic support obligations under 11 U.S.C. § 1228(a), or the case may be closed without a discharge. If the case is closed without discharge, to obtain a discharge, the debtor must file a motion to reopen, pay the associated filing fee, file the certification, and file a motion for discharge.

Rule 3015-2. Chapter 13 - General

- A. **Form.** A Chapter 13 plan must conform to the form plan in Appendix “J”.
- B. **Employment of Debtor’s Attorney.** A debtor’s attorney does not have to file an application for appointment in a Chapter 13 case.
- C. **Employer Deduction.** Each Chapter 13 plan must contain an employer wage deduction and payment to the trustee unless the debtor files a motion establishing why an employer deduction should not be included.
- D. **Pre-confirmation Adequate Protection and Lease Payments.**

1. Pre-confirmation adequate protection and lease payments under 11 U.S.C. § 1326(a)(1) must be paid inside the Chapter 13 plan and through the trustee. The plan must state the creditor’s name, address, last four digits of the account number, payment due date, and amount for each creditor that will receive a pre-confirmation payment. The debtor must *immediately* pay the trustee the amount necessary to pay all pre-confirmation payments plus statutory trustee’s fees. The debtor cannot reduce plan payments to the trustee under 11 U.S.C. § 1326(a)(1)(B) and (C) without a court order. To change the amount of a pre-confirmation payment under 11 U.S.C. § 1326(a)(3), the debtor must file a motion. Until the motion is resolved, the trustee will pay the amount proposed in the plan.

2. The trustee is authorized to pay pre-confirmation payments in the proposed plan without a court order. No payments will be made to a creditor until a proof of claim is filed. The trustee will pay pre-confirmation payments within 30 days after proof of claim is filed unless the debtor did not pay the trustee funds sufficient to allow the trustee to pay the claim within seven business days before the 30-day period ends. The trustee is authorized to deduct from an allowed claim, as of the date of payment, each pre-confirmation payment the trustee makes.

3. If a creditor obtains an order for payment under 11 U.S.C. § 1326(a)(3) and the case is dismissed before a plan is confirmed, the trustee will pay the creditor any payments due and owing on the dismissal of the case from funds collected by the trustee under 11 U.S.C. § 1326(a)(1)(A) less statutory trustee fees and allowed § 503(b) claims, including the debtor's attorney fees.

E. Notice of Plan. If the debtor files a Chapter 13 plan with the petition, the plan must contain a resistance deadline of 14 days after the meeting of creditors is concluded. Because the debtor will not know when the meeting of creditors will be held, the notice may provide: "Any resistance to the plan must be filed no later than 14 days after the meeting of creditors is concluded." If the debtor does not file the plan with the petition, the plan must contain a resistance deadline stating a specific date. No resistance deadline may be earlier than 14 days after the meeting of creditors is concluded.

F. Extension of Time to File Plan. If the debtor is granted an extension of time to file a Chapter 13 plan but does not file and notice the plan at least 14 days before the date set for the meeting of creditors, the trustee will reschedule the meeting of creditors. The debtor must serve notice of the rescheduled meeting on all creditors and parties requesting notice and file a certificate of service. If the plan is not filed at least 14 days before the second scheduled date, the trustee, if authorized by the United States Trustee, may file a notification stating the debtor failed to comply and the case may be dismissed without further notice or hearing.

G. Limited Motion to Modify Plan.

1. After a Chapter 13 plan is confirmed, the debtor may cure payment delinquencies, abate future payments, or increase payments or the base amount of the plan by filing the limited motion to modify in Appendix "K" instead of the full amended plan in Appendix "J". The debtor may not use the limited motion to reduce: (a) plan payments permanently, (b) the base amount of the plan or, (c) the term of the plan (applicable commitment period). To change the treatment of a creditor, the debtor must file a full amended plan.

2. If an objection to the limited motion is filed, the debtor must file a response within 14 days after the objection deadline. The response must state a specific factual and legal basis and conclude with an unambiguous request for relief. If the debtor does not timely file a response, the court may deny the motion. If the debtor files a response, the objection will proceed under Local Rules 3015-2(E) and 3015-2(F).

3. When the limited motion is filed, the debtor must calculate the remaining months available for plan payments within the maximum plan term of 60 months from the date of confirmation. This calculation is:

Month of confirmation plus 60 months = plan completion month.

Plan completion month minus month in which regular plan payments will resume = remaining available months.

The total dollar amount to complete the plan is divided by the remaining available months to determine whether the monthly payment must be increased. The base amount of the plan is the total of all payments required to be made under the plan. When the payment is increased, the debtor may have to increase the base amount of the plan. On request, the trustee's office will supply the exact amount the debtor previously paid so the debtor can calculate the new base amount.

H. **Discharge.** Within 14 days after the trustee files a certificate of final payment, the debtor in a case under Chapter 13 must file the certification in Appendix "L" regarding domestic support obligations and § 522(q), or the case may be closed without a discharge. If the case is closed without discharge, to obtain the discharge, the debtor must file a motion to reopen, pay the associated filing fee, file the certification, and file a motion for discharge.

Rule 3015-3. Plans, Objection to Confirmation, and Amendments

A. **Debtor Certification.** For all plans and amended plans, pre-confirmation and post-confirmation, an individual debtor in cases under Chapter 12 and Chapter 13 must file the certification in Appendix "M" at least seven days before the objection to confirmation deadline. If the certification is not filed, the court may deny confirmation. The debtor is not permitted to file the certification before the applicable plan is filed.

B. **Objection to Confirmation.** In cases under Chapter 12 or Chapter 13, if an objection to confirmation is timely filed, the debtor must file a response within 14 days after the objection to confirmation deadline. The response must state a specific factual and legal basis and conclude with an unambiguous request for relief.

1. If the debtor does not timely respond to the plan objection, the court will deny confirmation. The court may order the debtor to file an amended plan within 21 days, or without further notice or hearing, dismiss the case for failure to confirm a plan and unreasonable delay that is prejudicial to creditors.

2. If the debtor timely responds to the plan objection, the debtor must immediately contact the objecting party to resolve the objection. If the parties resolve the objection they must notify the courtroom department, the objector must withdraw the objection, or the debtor must file an amended plan before the debtor's response deadline expires.

3. If the parties cannot resolve a plan objection, the court will set a confirmation trial only if one of the parties files the certification and request for confirmation trial in Appendix "N". During the trial, the court may only consider issues specifically identified in the plan objection and response. If the certification and request for confirmation trial is not filed within 70 days after debtor's deadline to respond to a plan objection, the court will deny confirmation and may, without further notice or hearing, dismiss the case for failure to confirm a plan and unreasonable delay that is prejudicial to creditors.

C. **Plan Amendments.** In cases under Subchapter V of Chapter 11, Chapter 12, or Chapter 13, an amended plan filed before a plan is confirmed supersedes any previously filed plan. No resistance deadline may be set for an amended plan for a date earlier than 14 days after the meeting of creditors is concluded. If an amended plan is filed while objections to a previously filed plan are pending, the debtor must notify the objecting parties that an amended plan was filed and that the court will not act on the previously filed plan. Parties may enter stipulations or agreements regarding plan objections. The court will not take any action in response. Agreements and stipulations resolving plan objections modify the plan and must be incorporated into an amended plan with notice and opportunity to object under Fed. R. Bankr. P. 2002.

D. **Tax Returns.** A debtor operating under a confirmed plan must timely file post-petition tax returns and timely pay post-petition taxes, both state and federal. If the debtor does not comply with Title 26 of the United States Code or applicable state tax code, absent a showing of good cause, the failure is a material default of a confirmed plan. The requirements of this section include returns or liabilities for which the debtor is a responsible party under 26 U.S.C. § 6672 or similar state laws.

Rule 3015-4. Dismissal on Payment Default

A. **Notice of Default.** If the debtor defaults on a plan payment to the trustee, the trustee may file and serve a notice of payment default in a case under Subchapter V of Chapter 11, Chapter 12, or Chapter 13. The notice must state the amount of the default and the date on which the next scheduled payment is due. The notice must also state that under this Local Rule, the court may dismiss the debtor's bankruptcy case unless, within 21 days after the notice, the debtor either cures the default and makes all payments due or makes other arrangements acceptable to the trustee. The notice must state the specific calendar date by which the payment default must be cured.

B. **Cure.** Within 21 days after the mailing of a notice of payment default, the debtor must dispute the default exists, or cure the payment default.

C. **Dispute.** If the debtor disputes the payment default exists, the debtor must file a request to set the matter for hearing stating facts that support a default does not exist. A hearing will be scheduled on affidavit evidence during which the debtor must offer evidence establishing all plan payments were made and a default does not exist. The filing of a contested matter, including an amended or modified plan, will not constitute a dispute as to the existence of the default and will not, alone, preclude dismissal.

D. **Additional Time.** The court will not act on a request for hearing for additional time to cure a payment default or to take other action. The debtor must make these requests directly to the trustee.

E. **Trustee's Declaration.** The court may dismiss the debtor's case without further notice or hearing if the trustee files a declaration that establishes that the trustee complied with this Local Rule and served the notice of payment default on the debtor and the debtor's attorney, and the debtor did not timely cure the default.

Rule 3017-1. Chapter 11 - Small Business Cases

In a Chapter 11 case under 11 U.S.C. § 1129(e), after the debtor files a disclosure statement and plan, the United States Trustee will file a statement as to the adequacy of the disclosure statement for conditional approval. If the United States Trustee determines that the disclosure statement is adequate, the court may enter an order conditionally approving the disclosure statement and will set the final hearing date and establish other deadlines. The court will consider final approval of the disclosure statement along with confirmation of the plan on the final hearing date. If the United States Trustee determines that the disclosure statement is inadequate for conditional approval, the court will set the disclosure statement for hearing.

Rule 3020-1. Uncontested Confirmation Orders – Chapters 9, 11, and 12

In a Chapter 12 case if the debtor complied with Local Rule 9013-1, or in a Chapter 9 or 11 case if the proponent submitted a summary of ballots and complied with Fed. R. Bankr. P. 2002(b)(2), the court may consider the requirement that a hearing be held as met and may confirm the plan without further notice or hearing.

Rule 3023-1. Formula for Determining Value, as of the Effective Date of the Plan, for use in Chapters 9, 11, 12, and 13

When the court determines the value, as of the effective date of a plan, of property to be distributed under a plan for any confirmation purpose, it will presume the appropriate interest rate to be paid to a creditor secured by the property is the national average of the prime rate published in *The Wall Street Journal* on the last day before the confirmation hearing, stated as a simple interest rate per annum, plus two percentage points. *See Till v. SCS Credit Corp.*, 124 S. Ct. 1951 (2004). A creditor desiring a different interest rate must object to confirmation based on the inadequacy of the rate. The creditor has the burden of proof by a preponderance of the evidence on the appropriate interest rate. A Chapter 13 plan must state the specific interest rate to be paid to a creditor.

Rule 3057-1. Criminal Referrals Under 11 U.S.C. § 158(d)

When any judge determines a bankruptcy schedule or statement may contain a materially fraudulent statement, the judge will send a referral letter or a notice, with copies of relevant documents, to the clerk. The clerk will copy the notice for recordkeeping purposes and transmit it to individual(s) designated by the Attorney General under 18 U.S.C. § 158(d). The judge may elect to first transmit the referral to the United States Trustee to investigate and review. The United States Trustee may also make a referral, based on any investigation, to the individuals designated under 18 U.S.C. § 158(d). A copy of any criminal referral must be sent to the Administrative Office of the United States Courts. This Local Rule also applies to criminal referrals under 18 U.S.C. § 3057.

Part IV. The Debtor: Duties and Benefits

Rule 4001-1. Automatic Stay – Relief, Extension, and Termination

A. **Applicability.** Motions for relief from the automatic stay and motions filed under 11 U.S.C. §§ 362(c)(3), 362(c)(4), and 521(a)(6) must conform with Fed. R. Bankr. P. 4001(a)(1) as supplemented by this Local Rule and Local Rule 9013-1. If anything in this Local Rule conflicts with Local Rule 9013-1, this Local Rule controls.

B. **Relief from Co-debtor Stay.** A motion for relief from the co-debtor stay under 11 U.S.C. §§ 1201 or 1301 will proceed in the same manner as, and may be combined with, a motion for relief from the automatic stay of 11 U.S.C. § 362(a). Notwithstanding 11 U.S.C. §§ 1201(d) or 1301(d), the stay will remain in effect until the court rules on the motion.

C. **Contents of Motion.** A motion for relief from stay must specifically identify the debtor and any co-debtors, state the basis and the amount of the debt, describe the collateral, and state the collateral's contended value and the basis for the valuation.

D. **Clerk's Hearing Notice.** For any motion for relief, the clerk will (1) set a date by which resistances must be filed; (2) schedule the matter for hearing to occur within 30 days under Fed. R. Bankr. P. 4001; and (3) file a notice of hearing stating the specific calendar dates of the hearing and by which any resistance must be filed and served. The court may treat the hearing as a preliminary hearing under 11 U.S.C. § 362(e). Unless otherwise ordered, the hearing will be on affidavits or declarations and documentary evidence. This procedure differs from the procedure under Local Rule 9013-1(D).

E. **Service.** The movant must serve the motion, the notice of hearing, and evidence on the debtor, the debtor's attorney, any appointed trustee, and all parties in interest, including those under Fed. R. Bankr. P. 4001(a)(1). The movant must file a certificate of service at least five days before the hearing.

Rule 4002-1. Debtor - Duties

A. **State and Federal Tax Returns.**

1. Unless otherwise ordered, the debtor should not file with the court copies of the state and federal income tax returns required under applicable law or a transcript of the return for the most recent tax year ending immediately before the commencement of the case and for which a tax return was filed.

2. The debtor must submit original fiduciary returns (Form 1041), whether filed routinely, filed late, or if filed under 11 U.S.C. § 505(b), to the Internal Revenue Service, Centralized Insolvency Operation.

3. The debtor must submit delinquent federal tax returns by electronically filing them with the Internal Revenue Service, or if mailed, to the applicable IRS Submission Processing Center as stated in the instruction booklet

for the specific tax return being filed, unless a representative of the Area Director specifically advises otherwise. The debtor must submit delinquent original Nebraska tax returns to the Nebraska Department of Revenue unless a representative of the State Tax Commissioner specifically advises otherwise.

4. When a tax return is filed electronically, the taxpayer must, in writing, advise the agency that the tax return has been filed electronically and provide a copy of the document.

5. If, on the petition date, the debtor did not timely file a tax return which was due pre-petition, the debtor must file the delinquent returns within 30 days of the petition date unless the court grants an extension.

6. Except as provided in this Local Rule for Forms 1041, the debtor must submit all non-delinquent original federal tax returns to the Internal Revenue Service unless a representative of the Area Director specifically advises otherwise.

B. Request for Copy of the Debtor's Tax Information.

1. To obtain tax information required under 11 U.S.C. § 521(f), an entity must file a request for copy of debtor's tax information and serve it on the debtor and the debtor's attorney.

2. After the debtor files the tax documents with the court, to obtain the tax information, the entity must file a motion for access to tax information which must: (a) identify the movant's status in the case, so the court can ascertain whether the movant may access the requested tax information; (b) describe the specific tax information sought; (c) state why the movant cannot obtain the information from any other source; and (d) demonstrate that the movant needs the tax information. This motion is limited to the debtor, the debtor's attorney, if any, the trustee, and the United States Trustee.

3. If the movant is granted access to tax information, the clerk will send the movant a paper copy of the tax information and note the transmission on the docket. The movant is not permitted to disseminate the information to anyone other than to the movant's attorney. The court may impose sanctions if the tax information is improperly used, disclosed, or disseminated.

Rule 4003-1. Lien Avoidance Under 11 U.S.C. § 522

A. **General.** A debtor may bring a proceeding under 11 U.S.C. § 522(f) to avoid a lien or transfer of property by motion. All other proceedings to avoid a lien, except those under 11 U.S.C. § 522(f), must be brought by adversary proceeding. A motion to sell free and clear of liens is a proceeding to avoid a lien and may be brought by motion.

B. **Motion.** The caption of the motion must identify the creditor whose lien is to be avoided. The motion must: (1) state the amount of the lien and the debtor's obligation

secured by the lien sought to be avoided; (2) identify the property subject to the lien and its fair market value; (3) state the nature and amount of any other debts or obligations secured by an interest in the property; (4) state the dollar amount of the exemption; (5) state the specific statutory authority for the exemption; and (6) identify any other property claimed to be exempt under the statute.

C. **Service.** In addition to any other service requirements, if the creditor whose lien is to be avoided filed a proof of claim, the movant must serve the motion on the creditor at the address for notice stated in the proof of claim. If a creditor did not file a proof of claim, the movant must serve the motion on the creditor in a manner that would be sufficient service of process under the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

Rule 4008-1. Reaffirmation Agreements

All reaffirmation agreements must comply with the Official Bankruptcy Forms. A motion to approve a reaffirmation agreement and the reaffirmation agreement must be filed as separate documents and cannot be combined or filed as an attachment. Reaffirmation hearings will be scheduled at the court's discretion. A reaffirmation checklist is available on the court's website.

Part V. Courts and Clerks

Rule 5003-1. Register of Mailing Addresses of Governmental Units

The mailing addresses of Federal and state governmental units under Fed. R. Bankr. P. 5003(e) and under 11 U.S.C. § 505(b)(1)(A) is in Appendix "A".

Rule 5005-1. Filings

A. **The Electronic Filing System.** All documents submitted for filing in bankruptcy cases or adversary proceedings must be filed electronically using the CM/ECF System unless the court orders otherwise. Pro se parties do not have to file electronically. Claimants filing more than 50 separate proofs of claim in paper format in any 12-month period must file electronically.

B. **Fax Filings.** In case of an emergency, or if the CM/ECF System is having a technical failure, a filing party may contact the clerk to request permission to transmit documents for filing via facsimile. If permission is granted, the filing party must strictly follow the instructions provided.

Rule 5005-2. Documents Filed Under Seal

To seal a document, the party must file a motion to seal (CM/ECF event “Motion to Seal Document”). The document to be sealed must be filed separately from the motion (CM/ECF event “Sealed Document”) or it will be accessible for public viewing. Once filed, the document will be provisionally sealed and available only to the filing party and the court. If the court denies the motion to seal, the document will be accessible for public viewing. A motion to unseal or view a sealed document or an objection to seal a document may be made on any grounds permitted by law.

Rule 5011-1. Withdrawal of Reference

Motions to withdraw the reference of cases referred by the United States District Court to the Bankruptcy Court must be filed in accordance with NE Gen. R. 1.5 and will proceed under Local Rule 9013-1. If all bankruptcy judges are disqualified or incapacitated, the clerk will refer a motion to withdraw the reference to the United States District Court for assignment to a district judge.

Part VI. Collection and Liquidation of the Estate

Rule 6004-1. Sales of Estate Property

A. **General.** Notices regarding motions for private sales or leases of property must comply with Fed. R. Bankr. P. 2002(a)(2), 2002(c)(1), and 6004, and must also state the name of the purchaser and the relationship, if any, that the purchaser or the purchaser’s firm, partnership, corporation, or any other form of business association, and all members, associates, and professional employees thereof, may directly or indirectly have with the case or any related case.

B. **Tax Information.** The notice must also state the tax consequences of the sale including the tax basis of the property, projected costs of sale, anticipated capital gain or loss, and anticipated net taxable income from sale after adjustments. If the information is not available, the notice must state all available information and explain why other information is not available.

C. **Sale of Assets in Chapter 11 Cases.** In a Chapter 11 case, if the debtor or trustee seeks approval to sell property of the estate under 11 U.S.C. § 363(b) before an order of confirmation is entered, and the sale encompasses all or substantially all the assets of the estate, the notice of sale must clearly and conspicuously state that fact. In addition to the information required under Fed. R. Bankr. P. 2002(c) and this Local Rule, the notice of sale must state the extent, if any, to which the proceeds of sale will be used to benefit each class of creditors, the extent of the debtor’s liabilities, and the estimated net value of any of the remaining assets not subject to the proposed sale. The notice must also state the business justification to dispose of estate assets before a disclosure statement is approved or a plan confirmed.

D. **Notice to IRS of All Sales and Leases.** In all individual Chapter 7 or individual Chapter 11 proceedings, the Internal Revenue Service is a party in interest. It must be provided notice of any sale under 11 U.S.C. § 363, or of a debtor's intent to enter any lease under 11 U.S.C. § 363 or to accept any existing lease under 11 U.S.C. § 365.

Part VII. Adversary Proceedings

Rule 7001-1. Adversary Proceedings - General

A. **Applicability of Local Rule 9013-1.** Local Rule 9013-1 applies to all motions filed in adversary proceedings. All parties appearing in the adversary proceeding are parties in interest.

B. **Applicability of Federal Rules.** Unless otherwise ordered, Fed. R. Civ. P. 16(b), 26(d) and 26(f) do not apply in adversary proceedings. Each party must disclose information under Rule 26(a)(1) within 45 days after the answer is filed.

C. **Motion to Dismiss Adversary Proceeding Concerning Discharge or Dischargeability.** A motion to dismiss an adversary proceeding which seeks to bar discharge under 11 U.S.C. § 727 or to except a debt from discharge under 11 U.S.C. § 523 must identify the consideration, terms, and conditions of dismissal. If the plaintiff files a motion to dismiss an adversary proceeding which seeks to bar discharge, the plaintiff must serve it on the parties to the litigation, any appointed trustee, and the United States Trustee under Fed. R. Bankr. P. 7041.

Rule 7016-1. Mediation

A. **Order to Mediate.** The court may order the parties to mediate any dispute, contested matter, or adversary proceeding upon motion or on its own initiative. If the court orders mediation on its own initiative, a party may, within seven days, file an objection and request a hearing. The mediation must be completed by the date noted in the order, or if the order does not specify a date, within 14 days.

B. **Mediator.** The parties must select one mediator from the court's mediation panel. The parties may request the court's assistance in selecting a mediator. On a joint request by the parties to a dispute, the court may ask a bankruptcy judge from this or another jurisdiction to mediate the dispute.

C. **Costs.** Unless the parties agree or the court orders otherwise, each party must pay an equal share of the mediator's fees and expenses. The Nebraska Federal Practice Fund applies to bankruptcy mediations, as specified in Part II(A)(1)(b) thereof: "Mediation expenses of litigants who, although not proceeding *in forma pauperis* or with appointed counsel, are without adequate funds to pay mediation expenses themselves, as found by the assigned district, bankruptcy, or magistrate judge."

D. **Confidentiality.** All proceedings and writings incident to mediation are privileged and confidential and cannot be reported or placed in evidence. Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because it was disclosed or used during mediation.

E. **Mediation Process.** The mediator will establish the mediation process. Within seven days after the mediation, the mediator must file a certification: (a) certifying the parties complied with the mediation order; (b) stating whether a settlement was reached, and, if not, whether mediation efforts continue; and (c) stating whether mediation fees have been paid. No party will be bound by mediation unless the settlement is in writing signed by all parties. If necessary, the parties must file a motion to approve the settlement under Fed. R. Bankr. P. 9019 promptly after settlement is reached.

F. **Mediation Panel.** The clerk will maintain a list of mediators on the mediation panel, which will be available on the court's website. Individuals who wish to serve on the mediation panel must apply to the clerk and provide any information the court requests or that the applicant deems pertinent. An individual must be qualified under the Nebraska Dispute Resolution Act, Neb. Rev. Stat. § 25-2901 *et seq.* and must provide a certificate of training. An appointment to the mediation panel is for a period of five years. A mediator who, while appointed, participated in at least five hours of continuing mediator training may renew their appointment for another five-year period. A mediation center approved by the State of Nebraska may be appointed to the mediation panel, including Nebraska Farm Mediation Act centers (for mediating Chapter 12 and other farm-related disputes) and Nebraska Dispute Resolution Act centers (for mediating Chapter 13 and other consumer disputes).

Rule 7055-1. Default Judgment

A. **Motion Required.** To obtain a default judgment under Fed. R. Bankr. P. 7055(b), the party requesting the judgment must file a motion for default judgment and proposed order. A clerk's entry of default, under Fed. R. Bankr. P. 7055(a) will not be entered in any case. An entry of default judgment by the court supersedes the need for a separate clerk's entry of default.

B. **Affidavit Required.** Along with the motion for default, the movant must file an affidavit stating that the party against whom the judgment is requested: (a) failed to plead or defend the matter; (b) is not an infant or incompetent person under Fed. R. Bankr. P. 7055(b)(2); and (c) is not in the military service of the United States (*see* Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521). If judgment is sought for a sum certain, the movant must file an affidavit stating the amount due, including the exact computation of interest and costs.

Rule 7056-1. Summary Judgment

A. **Movant.** Along with the motion for summary judgment, the movant must contemporaneously file a brief and evidentiary materials on which the movant relies. The movant does not have to refile evidentiary materials already on the docket. The movant's brief must contain a separate statement of facts, in short, numbered paragraphs, as to which the movant contends there is no genuine issue of material fact to be tried and which entitle the movant to judgment as a matter of law. The statement must describe the parties and recite all facts supporting the court's venue and jurisdiction.

B. **Opposing Party.** Along with the resistance, the nonmovant must contemporaneously file a brief and any evidentiary materials not previously filed on which the nonmovant relies. The nonmovant's brief must contain a concise response to each numbered paragraph in the movant's statement. Any material fact the nonmovant does not controvert will be deemed admitted. If the nonmovant does not file a brief, this *alone* will not be a confession of the motion.

C. **Citations.** The movant's statement of facts and the nonmovant's response thereto must not contain legal conclusions. Both must contain pinpoint references to evidence filed on the docket. Deposition testimony must be cited by page and line.

D. **Argument.** The court may determine on a case-by-case basis whether to schedule oral argument.

Rule 7067-1. Registry Funds; Deposit in the Court

Except as provided in this Local Rule, the procedures of NE Civ. R. 67 apply to registry funds and deposits in all bankruptcy cases. Provided, however, to withdraw funds deposited in the court, a party must file a motion for withdrawal of the funds and simultaneously submit a proposed order with a completed W-9 or a completed AO213 (Vendor Information/TIN Certification) form. The proposed order must state the name(s) of the recipient(s) and any specific information regarding the distribution.

Part IX. General Provisions

Rule 9006-1. Shortened Notice

A. **Motion.** For good cause, a party may file a motion to expedite a hearing or shorten the resistance deadline of Local Rule 9013-1(C). The motion must be captioned "Motion for Expedited Hearing" or "Motion for Shortened Notice", must be filed separately from the underlying motion, and cannot seek other relief. The motion must state the nature of the request, the name of counsel for the opposing party, if known, the reasons for the expedited hearing or shortened notice, and supporting factual and legal authority.

The movant does not have to serve the motion for order shortening time, which the court may determine *ex parte*.

B. **Notice.** Unless otherwise ordered, the movant must serve both the order shortening time and the underlying motion to all parties entitled to notice and file a certificate of service.

C. **Proof of Service.** The movant obtaining an order shortening time must: (1) make a good faith effort to advise all other parties and their counsel, if known, by telephone and letter, email or other means reasonably calculated to give equally prompt notice of the date, time, and substance of the motion; (2) advise the court, at the time the underlying motion is presented, of efforts to contact other parties and their counsel and whether anyone requested to be present; (3) transmit the motion and supporting evidence to all parties as soon as practicable; and (4) if the movant is not able to contact a nonmovant, file an affidavit stating the movant's efforts to communicate and facts sufficient to show why the motion should be heard.

D. **Objection to Shortened Notice.** Before the hearing on the underlying motion, any party may object to the adequacy of the notice and for good cause shown, seek a continuance.

Rule 9006-2. Continuances of Hearings

Before a party files a motion to continue, the party should try to obtain the consent of all other parties in interest. If the parties stipulate to continue a hearing, they must immediately notify the courtroom department. If all parties do not stipulate, a party may file a motion to continue, which must be served on all previously noticed parties before the day set for the hearing. The motion must state, in detail, the basis for the continuance, whether any continuance was previously granted, and whether any other party opposes a continuance. If a continuance is granted, the movant must immediately provide telephone notice of the continuance to all parties expected to appear at the hearing. No continuance, even if stipulated, is effective unless the court announces it in open court, approves it in an order, or the courtroom department informs the parties the judge authorized it.

Rule 9011-1. Signatures and Document Retention

A. **Authorized Signature Methods.** The following constitute a signature on a document filed electronically on the CM/ECF System under these Local Rules and the Federal Rules of Bankruptcy Procedure including, but not limited to, Rule 9011:

1. A digitally scanned image of the originally signed document containing a wet ink signature.
2. An image with a digital signature from a software program that creates a secure electronic signature that uniquely identifies the signer and ensures both the authenticity of the signature and that the signed document has not been altered or repudiated, including DocuSign, Adobe Sign, and SignEasy.

3. An original wet ink signature.
4. A document filed by a CM/ECF participant signed “/s/” followed by the printed name of the signatory when the filing party received the signature of the signatory or in the case of another CM/ECF participant, permission to use the /s/ signature.
5. An attorney’s use of the login and password issued for CM/ECF.

B. **/s/ Signatures.** Any CM/ECF participant who electronically files a document containing an “/s/” for a debtor or non-filing CM/ECF participant represents under penalty of perjury he or she has custody of the document with the signing party’s signature or, if the signing party is also a CM/ECF participant, has permission to include the signing party’s signature by “/s/.” A filing party must retain the signed document or retain evidence of permission to use an “/s/” for a least one year after the bankruptcy case is closed. On request, the filing party must provide the court or other parties a copy of the signed document or evidence of permission. Provided, however, there is no record retention requirement for electronically filed proofs of claim.

Rule 9013-1. Motion Practice

A. **General.** A motion and any resistance must state a specific factual and legal basis and conclude with an unambiguous request for relief. This Local Rule applies to all motions filed in bankruptcy cases and adversary proceedings, except as specifically provided. A “motion” for purposes of this Local Rule, and Local Rules 9017-1, and 9072-1 includes any motion, application, objection to claim, disclosure statement, plan, and amended plan. This Local Rule does not apply to motions under Local Rule 1007-1(B) or to non-substantive motions, which the court may consider without resistance or hearing. Examples of motions to which this Local Rule does not apply are in Appendix “O”.

B. **Resistance Deadline.** The motion must be served with a notice identifying the resistance deadline – *the specific calendar date* by which a resistance or request for hearing must be filed. A notice is defective if it provides that a resistance or request must be filed within a specified number of days instead of a specific calendar date. Unless otherwise ordered or provided in a Federal Rule of Bankruptcy Procedure (*see, e.g.*, Fed. R. Bankr. P. 4001(c) and (d) and 2002(b)), on 21 days’ notice to parties in interest entitled to notice, the court may consider ruling on a motion and may enter an order, without further notice or hearing, unless a resistance is filed and served on or before the resistance deadline stated in the notice of the motion.

C. **Service / Notice.** When a motion is filed, the movant must serve the motion and notice on all parties in interest and those requesting notice under Fed. R. Bankr. P. 2002 and file a certificate of service of the motion and notice. The certificate of service must contain a list of recipients. The certificate of service for any motion filed in a Chapter 13 case with limited notice under Local Rule 9013-1(E), must state it was served with limited notice on parties in interest as defined by Local Rule 9013-1(E).

D. **Service on the United States.** A movant must serve any motion concerning an agency of the United States on the United States Attorney General, the United States Attorney for the District of Nebraska, and the agency representative.

E. **Limited Notice in Chapter 13 Cases.** In Chapter 13 proceedings, after the bar date for non-governmental units to file a proof of claim passes, a movant may serve a post confirmation motion only on parties in interest. For purposes of this Local Rule, a party in interest is a party whose interest is directly affected by the motion, a creditor who filed a proof of claim, a party who filed a request for notice, any governmental agency or unit that is a creditor, and all secured and priority creditors.

F. **Withdrawal of Motions.** Any withdrawal of a motion must be filed and served on all previously noticed parties. When the movant decides to withdraw a motion, the movant must immediately notify the courtroom department.

G. **Hearings on Motions.** If a resistance is timely filed, the clerk will schedule a hearing, unless a hearing was already scheduled. Unless the court orders otherwise, a party must appear in person in the courtroom or participate by telephone. The party participating telephonically must call in at least five minutes before the scheduled hearing time. The hearing notice will contain the information to participate by telephone. If a party does not call in, the hearing will proceed as scheduled.

Rule 9014-1. Applicability of Rules to Contested Matters

Unless otherwise ordered by the court or on motion filed by a party, Fed. R. Civ. P. 16(b), and 26(a), (d) and (f) do not apply in contested matters.

Rule 9015-1. Jury Trials

A party must file a demand for jury trial in accordance with Fed. R. Civ. P. 38. After notice and hearing, the bankruptcy judge will rule on the demand for jury trial and make findings as to which issues are triable to a jury as a matter of right. If the bankruptcy judge determines a party has a right to a jury trial on some or all issues, the judge will request the United States District Court withdraw the reference as to those matters triable to a jury and any other issues the United States District Court determines. Fed. R. Civ. P. 38, 47-51, and 81(c) apply in adversary proceedings defined under Fed. R. Bankr. P. 7001 and all proceedings where a party may have a right to trial by jury.

Rule 9017-1. Hearings on Declarations and Documentary Evidence; Destruction of Exhibits

A. **Filing of Exhibits.** Parties must electronically file evidence (e.g. declarations, affidavits, or other documents) in support of, or in opposition to a motion following the procedures in Appendix "P". Exhibits must be filed by the deadline set by the court or by rule or, if no deadline is set, at least three days before the hearing. The court may refuse to receive any evidence not timely filed.

B. **Destruction of Exhibits.** Unless ordered by the court, all exhibits must be electronically filed. The clerk will retain paper exhibits until 90 days after a final order is entered on a motion after which the clerk may discard them without notice. When the clerk destroys or returns exhibits, the clerk will enter a text entry on the docket sheet stating the disposition and the date thereof.

Rule 9019-1. Settlements and Stipulations

A. **Notification of Settlement of Matter Scheduled for Hearing.** When a matter scheduled for hearing is settled, the moving party must immediately inform the courtroom department by email to NEBml_Orders@neb.uscourts.gov, telephone, or other expeditious means. The clerk may cancel the hearing and direct the parties to file, within 14 days, a notice of settlement.

B. **Effect of Stipulations.** Except as otherwise provided by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, including without limitation Fed. R. Bankr. P. 4001, a stipulation filed with the court is binding on the parties thereto in accordance with its terms. But a stipulation that provides for relief from the automatic stay, prohibits or conditions the use, sale, or lease of property, or provides for adequate protection, use of cash collateral, or obtaining credit is not enforceable, unless it is approved by the court after notice and hearing under Fed. R. Bankr. P. 4001(d). The court may approve a stipulation or agreement without further notice and hearing if: (1) an underlying motion was served on all parties entitled to notice under Fed. R. Bankr. P. 4001(a) and (d); or (2) the parties represent in the stipulation that all parties entitled to notice under Fed. R. Bankr. P. 4001(a) and (d) signed the stipulation.

C. **Stipulations Requiring Notice.** Unless otherwise ordered, the notice requirement of Fed. R. Bankr. P. 4001(d) and 9019 may be satisfied under Local Rule 9013-1 as complemented by Fed. R. Bankr. P. 4001(d) or 9019.

Rule 9037-1. Redaction

A. **Personal Identifying Information.** Anyone seeking to redact personal identifying information described in Fed. R. Bank. P. 9037(a) from documents filed with the court may file a notice of redaction using the CM/ECF event “Notice of Redaction (Sealed)” with the redacted document included as an attachment. The notice is restricted from public view and is available only to the filing party and the court. The notice must specify the document and the information to be redacted. The clerk will remove the original document from the CM/ECF System and replace it with the redacted document.

B. **Other Information.** A party must file a motion to redact information other than described in Fed. R. Bank. P. 9037(a).

Rule 9072-1. Orders

A. **Form.** The clerk will file all orders. The court will produce and file standard orders, which may be a text-only docket entry, entered by court employees authorized by the judge, and which may be the only court order regarding the matter.

B. **Proposed Orders.** If the party desires specific language or if the court requests one, a party may submit a proposed order as a PDF or in a format compatible with Microsoft Word by email to NEBml_Orders@neb.uscourts.gov. A proposed order may not be combined with or attached to a motion.

C. **Signed Orders.** Any order containing the judge's electronic signature has the same force and effect as if the judge affixed the judge's signature to a paper copy of the order and it was entered on the docket.

D. **Service.** The court will not serve any orders entered on uncontested matters. The movant must serve, in an appropriate manner, any creditor or party in interest entitled to notice. This Local Rule does not apply to orders of conversion. The new § 341 meeting notice served by the court constitutes notice of the conversion.