111th Congress, 2d Session – – – – – – – – – – – – – House Document 111–114

# AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

## COMMUNICATION

FROM

## THE CHIEF JUSTICE, THE SUPREME COURT OF THE UNITED STATES

TRANSMITTING

AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE THAT HAVE BEEN ADOPTED BY THE SUPREME COURT, PURSUANT TO 28 U.S.C. 2075

MAY 13, 2010.—Referred to the Committee on the Judiciary and ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE

56–397 WASHINGTON : 2010

SUPREME COURT OF THE UNITED STATES,
*Washington, DC, April 28, 2010.*

Hon. NANCY PELOSI,
*Speaker of the House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to submit to the Congress the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2075 of Title 28, United States Code.

Accompanying these rules are excerpts from the report of the Judicial Conference of the United States containing the Committee notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

JOHN G. ROBERTS, Jr.,
*Chief Justice.*

April 28, 2010

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. That the Federal Rules of Bankruptcy Procedure be, and they hereby are, amended by including therein amendments to Bankruptcy Rules 1007, 1014, 1015, 1018, 1019, 4001, 4004, 5009, 7001, and 9001, and new Rule 5012.

[See infra., pp. __ __ __.]

2. That the foregoing amendments to the Federal Rules of Bankruptcy Procedure shall take effect on December 1, 2010, and shall govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Bankruptcy Procedure in accordance with the provisions of Section 2075 of Title 28, United States Code.

# AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

## Rule 1007. Lists, Schedules, Statements, and Other Documents; Time Limits

(a) CORPORATE OWNERSHIP STATEMENT, LIST OF CREDITORS AND EQUITY SECURITY HOLDERS, AND OTHER LISTS.

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(2) *Involuntary Case.* In an involuntary case, the debtor shall file, within seven days after entry of the order for relief, a list containing the name and address of each entity included or to be included on Schedules D, E, F, G, and H as prescribed by the Official Forms.

* * * * *

(c) TIME LIMITS. In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise

provided in subdivisions (d), (e), (f), and (h) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days of the entry of the order for relief. In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under subdivision (b)(3)(B), shall file the documents required by subdivision (b)(3)(A) within 14 days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 60 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or

§ 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7). The debtor shall file the statement required by subdivision (b)(8) no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension

shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

* * * * *

**Rule 1014. Dismissal and Change of Venue**

* * * * *

(b) PROCEDURE WHEN PETITIONS INVOLVING THE SAME DEBTOR OR RELATED DEBTORS ARE FILED IN DIFFERENT COURTS. If petitions commencing cases under the Code or seeking recognition under chapter 15 are filed in different districts by, regarding, or against (1) the same debtor, (2) a partnership and one or more of its general partners, (3) two or more general partners, or (4) a debtor and an affiliate, on motion filed in the district in which the petition filed first is pending and after hearing on notice to the petitioners, the United States trustee, and other entities as directed by the court, the court may determine,

in the interest of justice or for the convenience of the parties, the district or districts in which the case or cases should proceed. Except as otherwise ordered by the court in the district in which the petition filed first is pending, the proceedings on the other petitions shall be stayed by the courts in which they have been filed until the determination is made.

**Rule 1015. Consolidation or Joint Administration of Cases Pending in Same Court**

(a) CASES INVOLVING SAME DEBTOR. If two or more petitions by, regarding, or against the same debtor are pending in the same court, the court may order consolidation of the cases.

* * * * *

**Rule 1018. Contested Involuntary Petitions; Contested Petitions Commencing Chapter 15 Cases; Proceedings to Vacate Order for Relief; Applicability of Rules in Part VII Governing Adversary Proceedings**

Unless the court otherwise directs and except as otherwise prescribed in Part I of these rules, the following rules in Part VII apply to all proceedings contesting an involuntary petition or a chapter 15 petition for recognition, and to all proceedings to vacate an order for relief: Rules 7005, 7008-7010, 7015, 7016, 7024-7026, 7028-7037, 7052, 7054, 7056, and 7062. The court may direct that other rules in Part VII shall also apply. For the purposes of this rule a reference in the Part VII rules to adversary proceedings shall be read as a reference to proceedings contesting an involuntary petition or a chapter 15 petition for recognition, or proceedings to vacate an order for relief. Reference in the Federal Rules

of Civil Procedure to the complaint shall be read as a reference to the petition.

**Rule 1019. Conversion of a Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to a Chapter 7 Liquidation Case**

When a chapter 11, chapter 12, or chapter 13 case has been converted or reconverted to a chapter 7 case:

* * * * *

(2) *New Filing Periods.*

(A) A new time period for filing a motion under § 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of dischargeability of any debt shall commence under Rules 1017, 3002, 4004, or 4007, but a new time period shall not commence if a chapter 7 case had been converted to a chapter 11, 12, or 13 case and thereafter reconverted to a chapter 7 case and the time for filing a motion under

§ 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of the dischargeability of any debt, or any extension thereof, expired in the original chapter 7 case.

(B) A new time period for filing an objection to a claim of exemptions shall commence under Rule 4003(b) after conversion of a case to chapter 7 unless:

(i) the case was converted to chapter 7 more than one year after the entry of the first order confirming a plan under chapter 11, 12, or 13; or

(ii) the case was previously pending in chapter 7 and the time to object to a claimed exemption had expired in the original chapter 7 case.

* * * * *

**Rule 4001. Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements**

* * * * *

(d) AGREEMENT RELATING TO RELIEF FROM THE AUTOMATIC STAY, PROHIBITING OR CONDITIONING THE USE, SALE, OR LEASE OF PROPERTY, PROVIDING ADEQUATE PROTECTION, USE OF CASH COLLATERAL, AND OBTAINING CREDIT.

* * * * *

(2) *Objection.* Notice of the motion and the time within which objections may be filed and served on the debtor in possession or trustee shall be mailed to the parties on whom service is required by paragraph (1) of this subdivision and to such other entities as the court may direct. Unless the court fixes a different time,

objections may be filed within 14 days of the mailing of the notice.

(3) *Disposition; Hearing.* If no objection is filed, the court may enter an order approving or disapproving the agreement without conducting a hearing. If an objection is filed or if the court determines a hearing is appropriate, the court shall hold a hearing on no less than seven days' notice to the objector, the movant, the parties on whom service is required by paragraph (1) of this subdivision and such other entities as the court may direct.

* * * * *

**Rule 4004. Grant or Denial of Discharge**

(a) TIME FOR OBJECTING TO DISCHARGE; NOTICE OF TIME FIXED. In a chapter 7 case, a complaint, or a motion under § 727(a)(8) or (a)(9) of the Code, objecting to the debtor's discharge shall be filed no

later than 60 days after the first date set for the meeting of creditors under § 341(a). In a chapter 11 case, the complaint shall be filed no later than the first date set for the hearing on confirmation. In a chapter 13 case, a motion objecting to the debtor's discharge under § 1328(f) shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). At least 28 days' notice of the time so fixed shall be given to the United States trustee and all creditors as provided in Rule 2002(f) and (k) and to the trustee and the trustee's attorney.

* * * * *

(c) GRANT OF DISCHARGE.

(1) In a chapter 7 case, on expiration of the times fixed for objecting to discharge and for filing a motion to dismiss the case under Rule 1017(e), the court shall forthwith grant the discharge unless:

(A) the debtor is not an individual;

(B) a complaint, or a motion under § 727(a)(8) or (a)(9), objecting to the discharge has been filed and not decided in the debtor's favor;

* * * * *

(4) In a chapter 11 case in which the debtor is an individual, or a chapter 13 case, the court shall not grant a discharge if the debtor has not filed any statement required by Rule 1007(b)(7).

(d) APPLICABILITY OF RULES IN PART VII AND RULE 9014. An objection to discharge is governed by Part VII of these rules, except that an objection to discharge under §§ 727(a)(8), (a)(9), or 1328(f) is commenced by motion and governed by Rule 9014.

* * * * *

**Rule 5009. Closing Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, Chapter 13 Individual's Debt Adjustment, and Chapter 15 Ancillary and Cross-Border Cases**

(a) CASES UNDER CHAPTERS 7, 12, AND 13. If in a chapter 7, chapter 12, or chapter 13 case the trustee has filed a final report and final account and has certified that the estate has been fully administered, and if within 30 days no objection has been filed by the United States trustee or a party in interest, there shall be a presumption that the estate has been fully administered.

(b) NOTICE OF FAILURE TO FILE RULE 1007(b)(7) STATEMENT. If an individual debtor in a chapter 7 or 13 case has not filed the statement required by Rule 1007(b)(7) within 45 days after the first date set for the meeting of creditors under § 341(a) of the Code, the clerk shall promptly notify the debtor that the case will be closed without entry of a discharge unless the

statement is filed within the applicable time limit under Rule 1007(c).

(c) CASES UNDER CHAPTER 15. A foreign representative in a proceeding recognized under § 1517 of the Code shall file a final report when the purpose of the representative's appearance in the court is completed. The report shall describe the nature and results of the representative's activities in the court. The foreign representative shall transmit the report to the United States trustee, and give notice of its filing to the debtor, all persons or bodies authorized to administer foreign proceedings of the debtor, all parties to litigation pending in the United States in which the debtor was a party at the time of the filing of the petition, and such other entities as the court may direct. The foreign representative shall file a certificate with the court that notice has been given. If no objection has been filed by

the United States trustee or a party in interest within 30 days after the certificate is filed, there shall be a presumption that the case has been fully administered.

**Rule 5012. Agreements Concerning Coordination of Proceedings in Chapter 15 Cases**

Approval of an agreement under § 1527(4) of the Code shall be sought by motion. The movant shall attach to the motion a copy of the proposed agreement or protocol and, unless the court directs otherwise, give at least 30 days' notice of any hearing on the motion by transmitting the motion to the United States trustee, and serving it on the debtor, all persons or bodies authorized to administer foreign proceedings of the debtor, all entities against whom provisional relief is being sought under § 1519, all parties to litigation pending in the United States in which the debtor was a party at the time of the filing of the petition, and such other entities as the court may direct.

**Rule 7001. Scope of Rules of Part VII**

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

* * * * *

(4) a proceeding to object to or revoke a discharge, other than an objection to discharge under §§ 727(a)(8), (a)(9), or 1328(f);

* * * * *

**Rule 9001. General Definitions**

The definitions of words and phrases in §§ 101, 902, 1101, and 1502 of the Code, and the rules of construction in § 102, govern their use in these rules. In addition, the following words and phrases used in these rules have the meanings indicated:

* * * * *

**EXCERPT FROM THE**
**REPORT OF THE JUDICIAL CONFERENCE**

**COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES:**

* * * * *

**FEDERAL RULES OF BANKRUPTCY PROCEDURE**

***Rules Recommended for Approval and Transmission***

The Advisory Committee on Bankruptcy Rules submitted proposed amendments to Rules 1007, 1014, 1015, 1018, 1019, 4001, 4004, 5009, 7001, and 9001, new Rule 5012 . . . , with a recommendation that they be approved and transmitted to the Judicial Conference. Except as noted below, the proposed changes were circulated to the bench and bar for comment in August 2008. The scheduled public hearings on the proposed changes were canceled because no one asked to testify.

The proposed amendments to Rule 1007 shorten the time for a debtor in an involuntary case to file the list of creditors that must be included on schedules filed in the case. The proposed amendments also give individual debtors in a chapter 7 case additional time to file a statement of completion of the mandatory course in personal financial management.

The proposed amendments to Rule 1019 provide a new time period to object to a claim of exemptions when a case is converted to chapter 7 from chapter 11, 12, or 13. The new time period does not apply, however, if the conversion occurs more than one year after the entry of the first order confirming a plan, or if the case was previously pending under chapter 7 and the objection period had expired in the original chapter 7 case.

The proposed amendments to Rule 4001 adjust the time deadlines in the rule consistent with the amendments to Rule 9006(a) that are scheduled to take effect in December 2009, which

simplify the method to compute time under the rules. The changes were not published for public comment because they are technical and conforming.

The proposed amendments to Rule 4004 clarify that the time deadline governing the filing of a *complaint* objecting to a debtor's discharge in a chapter 7 case also applies to a *motion* objecting to the discharge. In addition, the amendments set a deadline to file a motion in a chapter 13 case objecting to a debtor's discharge. In chapter 11 and 13 cases, a court must withhold entering the discharge if the individual debtor fails to file a statement attesting to the completion of a mandatory personal financial-management course.

Under the proposed amendments to Rule 7001, specified objections to a discharge in chapter 7 and 13 cases are not treated as adversary proceedings, because they typically are resolved more easily than other discharge objections and do not require the more elaborate procedures applicable to adversary proceedings.

* * * * *

Amendments to five rules, Rules 1014, 1015, 1018, 5009, and 9001, and new Rule 5012, are proposed consistent with the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Pub. L. No. 109-8), adding chapter 15 to the Bankruptcy Code. New chapter 15 governs ancillary and other cross-border insolvency cases. Its primary purpose is to foster cooperation and coordination between United States courts and foreign courts in which insolvency proceedings are pending against the same debtor. A case is commenced under new chapter 15 when a foreign representative files a petition for recognition of the foreign proceeding. If the court recognizes the foreign proceeding, limited relief is immediately provided, including an automatic stay, and several other sections of the Code become applicable.

The proposed amendments to Rule 1014 authorize a court to determine the district in which a case should proceed when multiple petitions – including a chapter 15 petition – involving the same debtor are pending in different districts.

The proposed amendments to Rule 1015 explicitly recognize a court's authority to consolidate or jointly administer cases when one or more of the petitions – including a petition under chapter 15 – is filed by, against, or regarding the same debtor.

The proposed amendments to Rule 1018 apply selected Part VII rules designated to govern proceedings contesting an involuntary petition to proceedings contesting a chapter 15 petition for recognition. The amendments also clarify that Rule 1018 does not apply to matters that are "merely related" to a contested involuntary petition.

The proposed amendments to Rule 5009 require a foreign representative to file a final report describing the nature and results of that representative's activities in the court. The foreign representative must notify interested parties of the report. Those parties have 30 days to file objections. The amendments also require the clerk to notify individual chapter 7 and chapter 13 debtors that their case may be closed without the entry of a discharge if they fail to file a timely statement that they have completed a personal financial-management course.

Proposed new Rule 5012 sets out notice provisions and establishes procedures in chapter 15 cases for obtaining court approval of an agreement or protocol coordinating insolvency proceedings pending in another country involving the debtor.

The proposed amendments to Rule 9001 apply the definitions of words and phrases listed in § 1502 of the Code, governing cross-border insolvencies, to the rules.

The Committee concurred with the advisory committee's recommendations.

**Recommendation**: That the Judicial Conference —

a. Approve the proposed amendments to Bankruptcy Rules 1007, 1014, 1015, 1018, 1019, 4001, 4004, 5009, 7001, and 9001, and new Rule 5012 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

* * * * *

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

LEE H. ROSENTHAL
CHAIR

PETER G. McCABE
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

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APPELLATE RULES

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CRIMINAL RULES

ROBERT L. HINKLE
EVIDENCE RULES

**TO:** **Honorable Lee H. Rosenthal, Chair**
**Standing Committee on Rules of Practice and Procedure**

**FROM:** **Honorable Laura Taylor Swain, Chair**
**Advisory Committee on Bankruptcy Rules**

**DATE:** **May 11, 2009**

**RE:** **Report of the Advisory Committee on Bankruptcy Rules**

## I. Introduction

The Advisory Committee on Bankruptcy Rules met on March 26 and 27, 2009, in San Diego, California.

* * * * *

Among the matters before the Committee were the proposed amendments and new rules that were published for public comment in August 2008. Six written comments were submitted in response to the publication, and the Advisory Committee carefully considered them. Because no one requested to appear at the public hearings scheduled for January 23 and February 6, 2009, the hearings were canceled.

* * * * *

After careful consideration and discussion, the Committee took action on the following matters, which it presents to the Standing Committee with the indicated recommendations:

(a) approval for transmission to the Judicial Conference of published amendments to Rules 1007, 1014, 1015, 1018, 1019, 4004, 5009, 7001, 9001, and new Rule 5012;

(b) approval for transmission to the Judicial Conference without publication of amendments to Rule 4001 and Official Form 23[1];

* * * * *

## II. Action Items

### A. Items for Final Approval

*1. Amendments and New Rule 5012 Published for Comment in August 2008.* **The Advisory Committee recommends that the proposed amendments and new rule that are summarized below be approved and forwarded to the Judicial Conference.** With the exception of Rules 4004 and 7001, it is recommended that the rules be approved as published. The Advisory Committee recommends that Rules 4004 and 7001 be approved as revised subsequent to publication. The texts of the amended rules and new rule are set out in Appendix B.

**Rule 1007** is amended in subdivision (a) to shorten the time from 15 to seven days for the debtor to file a list of creditors after the entry of an order for relief in an involuntary case. Subdivision (c) of the rule is amended to extend from 45 to 60 days the time for individual debtors in chapter 7 to file the statement of completion of a course in personal financial management. The latter amendment is proposed in conjunction with the proposed amendment to Rule 5009.

No comment was submitted on the proposed amendments, and no change was made after publication.

**Rule 1014** is amended to include chapter 15 cases among those subject to the rule that authorizes the court to determine where cases should proceed when multiple petitions involving the same debtor are pending.

No comment was submitted on the proposed amendment, and no change was made after publication.

**Rule 1015** is amended to include chapter 15 cases among those subject to the rule that authorizes the court to order the consolidation or joint administration of cases.

No comment was submitted on the proposed amendment, and no change was made after publication.

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[1]Following the Standing Committee's June 1-2, 2009, meeting, the Rules Committees approved by email ballot a technical and conforming amendment to Exhibit D to Official Form 1.

**Rule 1018** is amended to reflect the enactment of chapter 15 of the Bankruptcy Code in 2005. The rule is also amended to clarify that, in specifying the applicability of certain Part VII rules, it applies to contests over involuntary petitions, but it does not apply to matters that are merely related to a contested involuntary petition.

No comment was submitted on the proposed amendments, and no change was made after publication.

**Rule 1019** is amended by redesignating subdivision (2) as subdivision (2)(A) and adding a new subdivision (2)(B). Subdivision (2)(B) provides that a new time period to object to a claim of exemption arises when a case is converted to chapter 7 from chapter 11, 12, or 13. The new time period does not arise, however, if the conversion occurs more than one year after the first order confirming a plan, or if the case was previously pending under chapter 7 and the objection period had expired in the original chapter 7 case.

One comment was submitted on this amendment, **Comment 08-BK-005**. It expressed support for allowing a new objection period after a case is converted to chapter 7, but disagreed with creating an exception for cases converted more than a year after the plan in chapter 11, 12, or 13 was confirmed.

No change was made after publication. The Committee supported the one-year exception because a debtor in that situation may have made substantial payments to creditors under a plan and may also have made improvements on property or otherwise relied on its exempt status prior to conversion of the case.

**Rule 4004** is amended to include a deadline in subdivision (a) for the filing of motions (rather than complaints) objecting to discharge under §§ 727(a)(8), (a)(9), and § 1328(f) of the Bankruptcy Code. Subdivision (c)(1) is amended to take account of the authority under subdivision (d) to raise objections to discharge under § 727(a)(8) and (a)(9) by motion. Subdivision (c)(4) is added to the rule. It directs the court in chapter 11 and 13 cases to withhold the entry of the discharge if the debtor has not filed with the court a statement of completion of a course concerning personal financial management as required by Rule 1007(b)(7). Finally, subdivision (d) is amended to provide that objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) are commenced by motion and are treated as contested matters rather than adversary proceedings.

Two comments were submitted on the originally proposed amendments to this rule and to Rule 7001, **Comments 08-BK-001 and 08-BK-003**. Both comments suggested that the authorization for raising objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) by motion should be located in Rule 4004, rather than in the proposed new subdivision (b) of Rule 7001. The Part VII rules address adversary proceedings, and the new motions will initiate contested matters. One of the comments also expressed concern that the treatment of only three of the grounds for objecting to discharge as contested matters, rather than as adversary proceedings, will create confusion.

Following publication, the Committee moved the content of Rule 7001(b) to Rule 4004(d). Rule 4004(a) and (c)(1) were also revised to change references to "motion under Rule 7001(b)" to "motion under § 727(a)(8) or (a)(9) of the Code." The Committee concluded that, by clarifying when an objection to discharge is raised by motion and when by complaint, the amendment should contribute to the uniformity of practice nationwide and reduce, not increase, confusion in individual courts.

**Rule 5009** is amended to redesignate the former rule as new subdivision (a) and to add new subdivisions (b) and (c) to the rule. Subdivision (b) requires the clerk to provide notice to individual debtors in chapter 7 and chapter 13 cases that their case may be closed without the entry of a discharge if they fail to file a timely statement that they have completed a personal financial management course. Subdivision (c) requires a foreign representative in a chapter 15 case to file and give notice of the filing of a final report in the case.

Two comments were submitted on this amendment, **Comments 08-BK-003 and 08-BK-006**. One comment expressed concern that the requirement in new subdivision (b) places an unnecessary burden on the clerk's office and that it might appear to be overly solicitous of debtors. The other commented that the service list under subdivision (c) should be expanded to include all secured and major unsecured creditors both in the United States and abroad.

No change was made after publication. A survey of clerks revealed that many bankruptcy courts are already providing a notice of the type required by subdivision (b) and that a majority of the respondents did not believe that the requirement would impose an unreasonable burden on the clerk's office. The service list under subdivision (c) is consistent with the list of those who receive notice of the hearing on the chapter 15 petition under Rule 2002(q). Should the foreign representative commence a case under another chapter, notice would be given to all creditors.

**Rule 5012** is new. It establishes the procedure in chapter 15 cases for obtaining court approval of an agreement or protocol regarding communications and the coordination of proceedings with cases involving the debtor pending in other countries.

The same suggestion regarding expansion of the service list that was made regarding Rule 5009(c) was made with respect to this rule (**Comment 08-BK-006**).

No change was made after publication.

**Rule 7001** is amended in paragraph (4) to except from the listing of adversary proceedings objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f).

As discussed above, two comments were submitted on the originally proposed amendments to this rule and to Rule 4004, **Comments 08-BK-001 and 08-BK-003**.

After publication, the Advisory Committee deleted proposed subdivision (b) and moved its content to Rule 4004(d). The redesignation of the existing rule as subdivision (a) was also deleted, and the exception in paragraph (4) of the rule was changed to refer to objections under §§ 727(a)(8), (a)(9), and 1328(f) of the Code.

**Rule 9001** is amended to add § 1502 to the list of definitional provisions in the Bankruptcy Code that are applicable to the Bankruptcy Rules.

No comment was submitted on the proposed amendment, and no change was made after publication.

2. *Amendments for Which Final Approval is Sought Without Publication.* **The Advisory Committee recommends that the proposed amendments that are summarized below be approved and forwarded to the Judicial Conference.** Because the proposed amendments are conforming in nature, the Committee concluded that publication for comment is not required. The texts of the amended rule and form are set out in Appendix B.

**Rule 4001** is amended to change two time periods that were inadvertently omitted from the time computation amendments package. Subdivision (d)(2) is amended to change the time period for filing objections to certain motions from 15 to 14 days of the mailing of notice. Subdivision (d)(3) is amended to change the length of notice required for certain hearings from five to seven days.

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JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
*Presiding*

JAMES C. DUFF
*Secretary*

December 18, 2009

MEMORANDUM

To: The Chief Justice of the United States and the Associate Justices of the Supreme Court

From: James C. Duff

RE: TRANSMITTAL OF PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

By direction of the Judicial Conference of the United States, pursuant to the authority conferred by 28 U.S.C. § 331, I transmit herewith for consideration of the Court proposed amendments to Rules 1007, 1014, 1015, 1018, 1019, 4001, 4004, 5009, 7001, and 9001, and new Rule 5012 of the Federal Rules of Bankruptcy Procedure, which were approved by the Judicial Conference at its September 2009 session. The Judicial Conference recommends that these amendments and new rule be approved by the Court and transmitted to the Congress pursuant to law.

For your assistance in considering these proposed amendments and new rule, I am transmitting an excerpt from the Report of the Committee on Rules of Practice and Procedure to the Judicial Conference as well as the Report of the Advisory Committee on the Federal Rules of Bankruptcy Procedure.

Attachments

## PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE*

**Rule 1007. Lists, Schedules, Statements, and Other Documents; Time Limits****

1 (a) CORPORATE OWNERSHIP STATEMENT,
2 LIST OF CREDITORS AND EQUITY SECURITY
3 HOLDERS, AND OTHER LISTS.
4 * * * * *
5 (2) *Involuntary Case.* In an involuntary case, the
6 debtor shall file, within ~~14~~ seven days after entry of the order
7 for relief, a list containing the name and address of each entity
8 included or to be included on Schedules D, E, F, G, and H as
9 prescribed by the Official Forms.
10 * * * * *

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* New material is underlined; matter to be omitted is lined through.

**Incorporates amendments approved by the Supreme Court scheduled to take effect on December 1, 2009, if Congress takes no action to the contrary.

11 (c) TIME LIMITS. In a voluntary case, the schedules,
12 statements, and other documents required by subdivision
13 (b)(1), (4), (5), and (6) shall be filed with the petition or
14 within 14 days thereafter, except as otherwise provided in
15 subdivisions (d), (e), (f), and (h) of this rule. In an
16 involuntary case, the list in subdivision (a)(2), and the
17 schedules, statements, and other documents required by
18 subdivision (b)(1) shall be filed by the debtor within 14 days
19 of the entry of the order for relief. In a voluntary case, the
20 documents required by paragraphs (A), (C), and (D) of
21 subdivision (b)(3) shall be filed with the petition. Unless the
22 court orders otherwise, a debtor who has filed a statement
23 under subdivision (b)(3)(B), shall file the documents required
24 by subdivision (b)(3)(A) within 14 days of the order for relief.
25 In a chapter 7 case, the debtor shall file the statement required
26 by subdivision (b)(7) within ~~45~~ 60 days after the first date set
27 for the meeting of creditors under § 341 of the Code, and in

28 a chapter 11 or 13 case no later than the date when the last
29 payment was made by the debtor as required by the plan or
30 the filing of a motion for a discharge under § 1141(d)(5)(B)
31 or § 1328(b) of the Code. The court may, at any time and in
32 its discretion, enlarge the time to file the statement required
33 by subdivision (b)(7). The debtor shall file the statement
34 required by subdivision (b)(8) no earlier than the date of the
35 last payment made under the plan or the date of the filing of
36 a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or
37 1328(b) of the Code. Lists, schedules, statements, and other
38 documents filed prior to the conversion of a case to another
39 chapter shall be deemed filed in the converted case unless the
40 court directs otherwise. Except as provided in § 1116(3), any
41 extension of time to file schedules, statements, and other
42 documents required under this rule may be granted only on
43 motion for cause shown and on notice to the United States
44 trustee, any committee elected under § 705 or appointed under

45 § 1102 of the Code, trustee, examiner, or other party as the
46 court may direct. Notice of an extension shall be given to the
47 United States trustee and to any committee, trustee, or other
48 party as the court may direct.

49 * * * * *

## COMMITTEE NOTE

**Subdivision (a)(2).** Subdivision (a)(2) is amended to shorten the time for a debtor to file a list of the creditors included on the various schedules filed or to be filed in the case. This list provides the information necessary for the clerk to provide notice of the § 341 meeting of creditors in a timely manner.

**Subdivision (c).** Subdivision (c) is amended to provide additional time for individual debtors in chapter 7 to file the statement of completion of a course in personal financial management. This change is made in conjunction with an amendment to Rule 5009 requiring the clerk to provide notice to debtors of the consequences of not filing the statement in a timely manner.

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Changes Made After Publication:

No changes since publication.

**Rule 1014. Dismissal and Change of Venue**

1 * * * * *

2 (b) PROCEDURE WHEN PETITIONS INVOLVING
3 THE SAME DEBTOR OR RELATED DEBTORS ARE
4 FILED IN DIFFERENT COURTS. If petitions commencing
5 cases under the Code or seeking recognition under chapter 15
6 are filed in different districts by, regarding, or against (1) the
7 same debtor, ~~or~~ (2) a partnership and one or more of its
8 general partners, ~~or~~ (3) two or more general partners, or (4) a
9 debtor and an affiliate, on motion filed in the district in which
10 the petition filed first is pending and after hearing on notice
11 to the petitioners, the United States trustee, and other entities
12 as directed by the court, the court may determine, in the
13 interest of justice or for the convenience of the parties, the
14 district or districts in which the case or cases should proceed.
15 Except as otherwise ordered by the court in the district in
16 which the petition filed first is pending, the proceedings on

17 the other petitions shall be stayed by the courts in which they

18 have been filed until the determination is made.

## COMMITTEE NOTE

**Subdivision (b).** Subdivision (b) of the rule is amended to provide that petitions for recognition of a foreign proceeding are included among those that are governed by the procedure for determining where cases should go forward when multiple petitions involving the same debtor are filed. The amendment adds a specific reference to chapter 15 petitions and also provides that the rule governs proceedings regarding a debtor as well as those that are filed by or against a debtor.

Other changes are stylistic.

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Changes Made After Publication:

No changes since publication.

**Rule 1015. Consolidation or Joint Administration of Cases Pending in Same Court**

1 (a) CASES INVOLVING SAME DEBTOR. If two or

2 more petitions by, regarding, or against the same debtor are

3 pending in the same court ~~by or against the same debtor~~, the

4 court may order consolidation of the cases.

5 * * * * *

## COMMITTEE NOTE

**Subdivision (a).** By amending subdivision (a) to include cases regarding the same debtor, the rule explicitly recognizes that the court's authority to consolidate cases when more than one petition is filed includes the authority to consolidate cases when one or more of the petitions is filed under chapter 15. This amendment is made in conjunction with the amendment to Rule 1014(b), which also governs petitions filed under chapter 15 regarding the same debtor as well as those filed by or against the debtor.

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Changes Made After Publication:

No changes since publication.

**Rule 1018. Contested Involuntary Petitions; Contested Petitions Commencing ~~Ancillary~~ Chapter 15 Cases; Proceedings to Vacate Order for Relief; Applicability of Rules in Part VII Governing Adversary Proceedings**

1 Unless the court otherwise directs and except as

2 otherwise prescribed in Part I of these rules, the ~~The~~

3 following rules in Part VII apply to all proceedings ~~relating to~~
4 ~~a contested~~ contesting an involuntary ~~petition, to proceedings~~
5 ~~relating to a contested~~ petition or a chapter 15 petition for
6 recognition ~~commencing a case ancillary to a foreign~~
7 ~~proceeding~~, and to all proceedings to vacate an order for
8 relief: Rules 7005, 7008-7010, 7015, 7016, 7024-7026, 7028-
9 7037, 7052, 7054, 7056, and 7062~~, except as otherwise~~
10 ~~provided in Part I of these rules and unless the court otherwise~~
11 ~~directs~~. The court may direct that other rules in Part VII shall
12 also apply. For the purposes of this rule a reference in the
13 Part VII rules to adversary proceedings shall be read as a
14 reference to proceedings ~~relating to a contested~~ contesting an
15 involuntary ~~petition, or contested ancillary~~ petition or a
16 chapter 15 petition for recognition, or proceedings to vacate
17 an order for relief. Reference in the Federal Rules of Civil
18 Procedure to the complaint shall be read as a reference to the
19 petition.

## COMMITTEE NOTE

The rule is amended to reflect the enactment of chapter 15 of the Code in 2005. As to chapter 15 cases, the rule applies to contests over the petition for recognition and not to all matters that arise in the case. Thus, proceedings governed by § 1519(e) and § 1521(e) of the Code must comply with Rules 7001(7) and 7065, which provide that actions for injunctive relief are adversary proceedings governed by Part VII of the rules. The rule is also amended to clarify that it applies to contests over an involuntary petition, and not to matters merely "relating to" a contested involuntary petition. Matters that may arise in a chapter 15 case or an involuntary case, other than contests over the petition itself, are governed by the otherwise applicable rules.

Other changes are stylistic.

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Changes Made After Publication:

No changes since publication.

**Rule 1019. Conversion of a Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to a Chapter 7 Liquidation Case**

1 When a chapter 11, chapter 12, or chapter 13 case has

2 been converted or reconverted to a chapter 7 case:

3 * * * * *

4 (2) *New Filing Periods.*

5 (A) A new time period for filing a motion
6 under § 707(b) or (c), a claim, a complaint objecting to
7 discharge, or a complaint to obtain a determination of
8 dischargeability of any debt shall commence under Rules
9 1017, 3002, 4004, or 4007, but a new time period shall not
10 commence if a chapter 7 case had been converted to a chapter
11 11, 12, or 13 case and thereafter reconverted to a chapter 7
12 case and the time for filing a motion under § 707(b) or (c), a
13 claim, a complaint objecting to discharge, or a complaint to
14 obtain a determination of the dischargeability of any debt, or
15 any extension thereof, expired in the original chapter 7 case.

16 (B) A new time period for filing an objection
17 to a claim of exemptions shall commence under Rule 4003(b)
18 after conversion of a case to chapter 7 unless:

19 (i) the case was converted to chapter

20 7 more than one year after the entry of the first order

21 confirming a plan under chapter 11, 12, or 13; or

22 (ii) the case was previously pending in

23 chapter 7 and the time to object to a claimed exemption had

24 expired in the original chapter 7 case.

25 * * * * *

## COMMITTEE NOTE

**Subdivision (2).** Subdivision (2) is redesignated as subdivision (2)(A), and a new subdivision (2)(B) is added to the rule. Subdivision (2)(B) provides that a new time period to object to a claim of exemption arises when a case is converted to chapter 7 from chapter 11, 12, or 13. The new time period does not arise, however, if the conversion occurs more than one year after the first order confirming a plan, even if the plan was subsequently modified. A new objection period also does not arise if the case was previously pending under chapter 7 and the objection period had expired in the prior chapter 7 case.

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Changes Made After Publication:

No changes since publication.

**Rule 4001. Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements**

1 * * * * *

2 (d) AGREEMENT RELATING TO RELIEF FROM
3 THE AUTOMATIC STAY, PROHIBITING OR
4 CONDITIONING THE USE, SALE, OR LEASE OF
5 PROPERTY, PROVIDING ADEQUATE PROTECTION,
6 USE OF CASH COLLATERAL, AND OBTAINING
7 CREDIT.

8 * * * * *

9 (2) *Objection.* Notice of the motion and the time
10 within which objections may be filed and served on the debtor
11 in possession or trustee shall be mailed to the parties on
12 whom service is required by paragraph (1) of this subdivision
13 and to such other entities as the court may direct. Unless the

14 court fixes a different time, objections may be filed within ~~15~~

15 14 days of the mailing of the notice.

16 (3) *Disposition; Hearing.* If no objection is filed,

17 the court may enter an order approving or disapproving the

18 agreement without conducting a hearing. If an objection is

19 filed or if the court determines a hearing is appropriate, the

20 court shall hold a hearing on no less than ~~five~~ seven days'

21 notice to the objector, the movant, the parties on whom

22 service is required by paragraph (1) of this subdivision and

23 such other entities as the court may direct.

24 * * * * *

## COMMITTEE NOTE

**Subdivision (d).** Subdivision (d) is amended to implement changes in connection with the 2009 amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadlines in subdivision (d)(2) and (d)(3) are amended to substitute deadlines that are multiples of seven days. Throughout the rules, deadlines have been amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods

- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

---

Final approval of the amendments to this rule is sought without publication.

**Rule 4004. Grant or Denial of Discharge*****

1 (a) TIME FOR ~~FILING COMPLAINT~~ OBJECTING
2 TO DISCHARGE; NOTICE OF TIME FIXED. In a chapter
3 7 ~~liquidation~~ case, a complaint, or a motion under § 727(a)(8)
4 or (a)(9) of the Code, objecting to the debtor's discharge
5 ~~under § 727(a) of the Code~~ shall be filed no later than 60 days
6 after the first date set for the meeting of creditors under
7 § 341(a). In a chapter 11 ~~reorganization~~ case, the complaint
8 shall be filed no later than the first date set for the hearing on

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*** Incorporates amendments approved by the Supreme Court scheduled to take effect on December 1, 2009, if Congress takes no action to the contrary.

9 confirmation. In a chapter 13 case, a motion objecting to the
10 debtor's discharge under § 1328(f) shall be filed no later than
11 60 days after the first date set for the meeting of creditors
12 under § 341(a). At least 28 days' notice of the time so fixed
13 shall be given to the United States trustee and all creditors as
14 provided in Rule 2002(f) and (k) and to the trustee and the
15 trustee's attorney.

16 * * * * *

17 (c) GRANT OF DISCHARGE.

18 (1) In a chapter 7 case, on expiration of the ~~time~~
19 times fixed for ~~filing a complaint~~ objecting to discharge and
20 ~~the time fixed~~ for filing a motion to dismiss the case under
21 Rule 1017(e), the court shall forthwith grant the discharge
22 unless:

23 (A) the debtor is not an individual;

24 (B) a complaint, or a motion under
25 § 727(a)(8) or (a)(9), objecting to the discharge has been filed
26 and not decided in the debtor's favor;
27 * * * * *
28 (4) In a chapter 11 case in which the debtor is an
29 individual, or a chapter 13 case, the court shall not grant a
30 discharge if the debtor has not filed any statement required by
31 Rule 1007(b)(7).
32 (d) APPLICABILITY OF RULES IN PART VII AND
33 RULE 9014. An objection to discharge ~~A proceeding~~
34 ~~commenced by a complaint objecting to discharge~~ is governed
35 by Part VII of these rules, except that an objection to
36 discharge under §§ 727(a)(8), (a)(9), or 1328(f) is commenced
37 by motion and governed by Rule 9014.
38 * * * * *

## COMMITTEE NOTE

**Subdivision (a).** Subdivision (a) is amended to include a deadline for filing a motion objecting to a debtor's discharge under §§ 727(a)(8), (a)(9), or 1328(f) of the Code. These sections establish time limits on the issuance of discharges in successive bankruptcy cases by the same debtor.

**Subdivision (c).** Subdivision (c)(1) is amended because a corresponding amendment to subdivision (d) directs certain objections to discharge to be brought by motion rather than by complaint. Subparagraph (c)(1)(B) directs the court not to grant a discharge if a motion or complaint objecting to discharge has been filed unless the objection has been decided in the debtor's favor.

Subdivision (c)(4) is new. It directs the court in chapter 11 and 13 cases to withhold the entry of the discharge if an individual debtor has not filed a statement of completion of a course concerning personal financial management as required by Rule 1007(b)(7).

**Subdivision (d).** Subdivision (d) is amended to direct that objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) be commenced by motion rather than by complaint. Objections under the specified provisions are contested matters governed by Rule 9014. The title of the subdivision is also amended to reflect this change.

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Changes Made After Publication:

Subdivision (d) was amended to provide that objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) are commenced by motion rather than by complaint and are governed by Rule 9014. Because of the relocation of this provision from the previously

proposed Rule 7001(b), subdivisions (a) and (c)(1) of this rule were revised to change references to "motion under Rule 7001(b)" to "motion under § 727(a)(8) or (a)(9)." Other stylistic changes were made to the rule, and the Committee Note was revised to reflect these changes.

**Rule 5009. Closing Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, ~~and~~ Chapter 13 Individual's Debt Adjustment, and Chapter 15 Ancillary and Cross-Border Cases**

1 (a) CASES UNDER CHAPTERS 7, 12, AND 13. If
2 in a chapter 7, chapter 12, or chapter 13 case the trustee has
3 filed a final report and final account and has certified that the
4 estate has been fully administered, and if within 30 days no
5 objection has been filed by the United States trustee or a party
6 in interest, there shall be a presumption that the estate has
7 been fully administered.
8 (b) NOTICE OF FAILURE TO FILE RULE
9 1007(b)(7) STATEMENT. If an individual debtor in a
10 chapter 7 or 13 case has not filed the statement required by

11 Rule 1007(b)(7) within 45 days after the first date set for the
12 meeting of creditors under § 341(a) of the Code, the clerk
13 shall promptly notify the debtor that the case will be closed
14 without entry of a discharge unless the statement is filed
15 within the applicable time limit under Rule 1007(c).
16 (c) CASES UNDER CHAPTER 15. A foreign
17 representative in a proceeding recognized under § 1517 of the
18 Code shall file a final report when the purpose of the
19 representative's appearance in the court is completed. The
20 report shall describe the nature and results of the
21 representative's activities in the court. The foreign
22 representative shall transmit the report to the United States
23 trustee, and give notice of its filing to the debtor, all persons
24 or bodies authorized to administer foreign proceedings of the
25 debtor, all parties to litigation pending in the United States in
26 which the debtor was a party at the time of the filing of the
27 petition, and such other entities as the court may direct. The

28 foreign representative shall file a certificate with the court that

29 notice has been given. If no objection has been filed by the

30 United States trustee or a party in interest within 30 days after

31 the certificate is filed, there shall be a presumption that the

32 case has been fully administered.

## COMMITTEE NOTE

**Subdivisions (a) and (b).** The rule is amended to redesignate the former rule as subdivision (a) and to add new subdivisions (b) and (c) to the rule. Subdivision (b) requires the clerk to provide notice to an individual debtor in a chapter 7 or 13 case that the case may be closed without the entry of a discharge due to the failure of the debtor to file a timely statement of completion of a personal financial management course. The purpose of the notice is to provide the debtor with an opportunity to complete the course and file the appropriate document prior to the filing deadline. Timely filing of the document avoids the need for a motion to extend the time retroactively. It also avoids the potential for closing the case without discharge, and the possible need to pay an additional fee in connection with reopening. Timely filing also benefits the clerk's office by reducing the number of instances in which cases must be reopened.

**Subdivision (c).** Subdivision (c) requires a foreign representative in a chapter 15 case to file a final report setting out the foreign representative's actions and results obtained in the United States court. It also requires the foreign representative to give notice of the filing of the report, and provides interested parties with 30 days

to object to the report after the foreign representative has certified that notice has been given. In the absence of a timely objection, a presumption arises that the case is fully administered, and the case may be closed.

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Changes Made After Publication:

No changes since publication.

**Rule 5012. Agreements Concerning Coordination of Proceedings in Chapter 15 Cases**

1 Approval of an agreement under § 1527(4) of the Code
2 shall be sought by motion. The movant shall attach to the
3 motion a copy of the proposed agreement or protocol and,
4 unless the court directs otherwise, give at least 30 days' notice
5 of any hearing on the motion by transmitting the motion to the
6 United States trustee, and serving it on the debtor, all persons
7 or bodies authorized to administer foreign proceedings of the
8 debtor, all entities against whom provisional relief is being
9 sought under § 1519, all parties to litigation pending in the

10 United States in which the debtor was a party at the time of

11 the filing of the petition, and such other entities as the court

12 may direct.

## COMMITTEE NOTE

This rule is new. In chapter 15 cases, any party in interest may seek approval of an agreement, frequently referred to as a "protocol," that will assist with the conduct of the case. Because the needs of the courts and the parties may vary greatly from case to case, the rule does not attempt to limit the form or scope of a protocol. Rather, the rule simply requires that approval of a particular protocol be sought by motion, and designates the persons entitled to notice of the hearing on the motion. These agreements, or protocols, drafted entirely by parties in interest in the case, are intended to provide valuable assistance to the court in the management of the case. Interested parties may find guidelines published by organizations, such as the American Law Institute and the International Insolvency Institute, helpful in crafting agreements or protocols to apply in a particular case.

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Changes Made After Publication:

No changes since publication

**Rule 7001. Scope of Rules of Part VII**

1 An adversary proceeding is governed by the rules of this
2 Part VII. The following are adversary proceedings:
3 * * * * *
4 (4) a proceeding to object to or revoke a discharge,
5 other than an objection to discharge under §§ 727(a)(8),
6 (a)(9), or 1328(f);
7 * * * * *

## COMMITTEE NOTE

Paragraph (4) of the rule is amended to create an exception for objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) of the Code. Because objections to discharge on these grounds typically present issues more easily resolved than other objections to discharge, the more formal procedures applicable to adversary proceedings, such as commencement by a complaint, are not required. Instead, objections on these three grounds are governed by Rule 4004(d). In an appropriate case, however, Rule 9014(c) allows the court to order that additional provisions of Part VII of the rules apply to these matters.

Changes Made After Publication:

The proposed addition of subsection (b) was deleted, and the content of that provision was moved to Rule 4004(d). The exception in paragraph (4) of the rule was revised to refer to objections to discharge under §§ 727(a)(8), (a)(9), and 1328(f) of the Code. The redesignation of the existing rule as subdivision (a) was also deleted. The Committee Note was revised to reflect these changes.

**Rule 9001. General Definitions**

1 The definitions of words and phrases in §§ 101, ~~§~~ 902,
2 ~~and~~ § 1101, and 1502 of the Code, and the rules of
3 construction in § 102, ~~of the Code~~ govern their use in these
4 rules. In addition, the following words and phrases used in
5 these rules have the meanings indicated:
6 * * * * *

**COMMITTEE NOTE**

The rule is amended to add § 1502 of the Code to the list of definitional provisions that are applicable to the Rules. That section was added to the Code by the 2005 amendments.

Changes Made After Publication:

No changes since publication.

**Official Form 23. Debtor's Certification of Completion of Postpetion Instructional Course Concerning Personal Financial Management**

The form, which follows on the next page, is amended as indicated to conform to the amendment of the filing deadline under Rule 1007(c). Final approval is sought without publication. The amendment to the form is to become effective upon the effective date of the amendment to Rule 1007(c) – December 1, 2010.

○