United States Bankruptcy Court
Northern District of Ohio

Local Rules

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LOCAL BANKRUPTCY RULES
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

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Rule 1001-1 SCOPE AND CITATION OF RULES

(a) *Scope of the Rules*. Pursuant to Fed. R. Bankr. P. 9029, the following Local Rules for the United States Bankruptcy Court, Northern District of Ohio, will control the conduct of proceedings in this Court. Nothing in these Rules shall be construed in a manner inconsistent with the Federal Rules of Bankruptcy Procedure.

(b) *Citation*. The Local Bankruptcy Rule(s) shall be cited as "Local Bankruptcy Rule(s)" or "LBR."

(c) *Applicability*. The Local Bankruptcy Rules shall apply to every case, proceeding, and matter pending in this district, unless otherwise ordered.

(d) *Construction of Rules*. The Local Bankruptcy Rules shall be construed to secure the just, speedy, and inexpensive determination of every case, proceeding, and matter coming before this Court.

Rule 1001-2 RULES OF CONSTRUCTION

(a) Reference in the Local Bankruptcy Rules to an "attorney" or "counsel" for a party is in no way intended to preclude a party from proceeding *pro se*, in which case reference to attorney or counsel applies to the *pro se* litigant.

(b) "Ordered by the Court" or similar language shall mean ordered by the Judges in respect of matters of general application and shall mean ordered by the Judge having jurisdiction if the order relates only to cases, proceedings, or matters assigned to a particular Judge.

(c) "Available from the Clerk" or similar language shall include materials made available by the Clerk at Court locations, through the Court's Internet Web site, or as otherwise ordered by the Court.

See LBR 9001-1 for Definitions.

Rule 1002-1 PETITION – GENERAL

Filing. The Clerk shall accept any petition or other document duly presented for filing, except that the Clerk may refuse to accept for filing any petition (1) not accompanied by the proper filing fee, unless otherwise authorized; or (2) presented for filing on behalf of a person or entity subject to an order enjoining such person or entity from filing such petition. The Clerk shall time stamp all petitions and other documents accepted for filing, unless otherwise authorized. See LBR 5005-1(b).

Rule 1007-2 MAILING-LIST OR MATRIX

(a) *Form of Matrix*. The Clerk, with approval of the Judges, may from time to time issue instructions for address matrices for automated noticing compatible with the electronic data processing equipment available in the clerk's office. Unless otherwise ordered by the Court, all petitions must be accompanied by a mailing matrix listing creditors and parties in interest.

(b) *Technical Standards*.

(1) Attorneys filing new petitions or creditor amendments via electronic case filing are required to upload creditor mailing data as part of the electronic filing procedure in accordance with the Electronic Case Filing (ECF) Administrative Procedures Manual.

(2) Pro se debtors or attorneys with prior authorization to file manually must submit matrices formatted to conform to current automated scanning equipment used by the Clerk. Requirements for matrix technical standards are available from the Clerk.

(c) *Modifications to Matrix*. Modifications to a previously filed matrix (i) shall be treated as an amendment to the list of creditors; (ii) will require debtor verification pursuant to Fed. R. Bankr. P. 1008; and (iii) may require payment of additional fees.

Last revised: May 16, 2011

Rule 1015-2 RELATED CASES

(a) *Related Cases Defined*. A petition involving a related case shall be filed at the Court location where the first related case was filed, which may be accomplished by electronic means established by the Court. Related cases include cases in which the debtors are:

(1) Identical individuals or entities, e.g., DBAs, FDBAs, other cases of the same person;

(2) A corporation and any major shareholder thereof;

(3) Affiliates;

(4) A partnership and any of its general partners;

(5) An individual and his or her general partner or partners;

(6) An individual and his or her spouse; or

(7) Entities having substantial identity of financial interests or assets.

(b) *Assignment of Related Cases by Clerk*. A related case shall be assigned by the Clerk to the Judge to whom the first of the related cases was assigned.

(c) *Reassignment of Related Cases*. Notwithstanding the foregoing, if a related case is assigned to a Judge (the "Second Judge") other than the Judge to whom the prior related case was assigned (the "First Judge"), the Second Judge shall, *sua sponte* or on the motion of any party, reassign the case to the First Judge unless the Second Judge in his or her sole discretion decides to retain jurisdiction over the related case because of convenience of the parties, considerations of judicial economy, or other cause. Nothing in the Local Bankruptcy Rules shall preclude the First Judge from reassigning, at his or her sole discretion, the prior case to the Second Judge with the consent of the Second Judge.

Rule 1071-1 DIVISIONS – BANKRUPTCY COURT

Locational Assignment of Cases and Proceedings. Except as provided in 28 U.S.C. §1408(2), or as otherwise ordered by the Court, the filing of cases or proceedings properly venued in a Court within this district shall be assigned to the Court in the division serving that county:

EASTERN DIVISION:	COUNTIES:
Akron	Medina, Summit, and Portage
Canton	Ashland, Carroll, Crawford, Holmes, Richland, Stark, Tuscarawas, and Wayne
Cleveland	Cuyahoga, Geauga, Lake, and Lorain
Youngstown	Ashtabula, Columbiana, Mahoning, and Trumbull
WESTERN DIVISION:	COUNTIES:
Toledo	Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot

Last revised: May 16, 2011

Rule 1073-1 ASSIGNMENT OF CASES

(a) *Assignment of Cases*. At each location of the Court where more than one Judge sits, cases shall be assigned at the time of filing by automated random draw.

(b) *Core and Related to Matters and Proceedings*. Adversary proceedings and matters arising in or related to a case shall be assigned to the Judge to whom the case is assigned.

(c) *Assignment of Related Cases*. See LBR 1015-2.

(d) *Reassignment*. Nothing in the Local Bankruptcy Rules shall preclude the reassignment of cases, proceedings, or matters from one Judge to another Judge with the consent of both Judges.

Rule 2002-1 NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) *Limitation on Notices in Chapter 7 Cases*. After the time for filing non-governmental claims has expired in Chapter 7 cases, all notices required by Fed. R. Bankr. P. 2002(a)(2), (3), (4), and (6) shall, unless otherwise ordered by the Court, be mailed only to creditors who have filed claims, and persons who have filed a request for all notices pursuant to Fed. R. Bankr. P. 2002(i).

(b) *Responsibility for Mailing*. All notices to creditors required by Fed. R. Bankr. P. 2002(a)(2) through (8) and 2002(b) shall, unless otherwise ordered by the Court, be mailed by the trustee, debtor in possession, debtor, or the respective counsel for each, and a certification of service shall be filed with the Clerk.

(c) *Notice of Motion for Relief From Stay*. See LBR 4001-1.

(d) *Notice of Abandonment of Property*. See LBR 6007-1.

(e) *Automated Noticing Requirements*. See LBR 1007-2.

Rule 2016-1 COMPENSATION OF PROFESSIONALS

Guidelines for Compensation and Expense Reimbursement for Professionals. Applications for compensation shall be prepared in accordance with the Court's Guidelines for Compensation and Expense Reimbursement of Professionals then in force. Copies of the Guidelines are available from the Clerk.

Rule 2016-2 COMPENSATION OF PETITION PREPARERS

(a) The presumptive maximum allowable fee chargeable by a bankruptcy petition preparer in any case is $125.00.

(b) The Clerk shall give a copy of this Rule to each pro se debtor at the time a petition is presented for filing.

(c) Should a bankruptcy petition preparer in any individual case seek a determination that the value of services rendered exceeds $125.00, the bankruptcy petition preparer shall file a motion with the Court requesting a hearing. The motion shall be filed within 14 days after the date of the filing of a petition.

(d) Any bankruptcy petition preparer who charges a fee in excess of the value of services rendered shall be subject to sanctions under 11 U.S.C. § 110, including, but not limited to, the disallowance and turnover of any fee found to be in excess of the value of services rendered.

Rule 2090-1 ATTORNEYS – ADMISSION TO PRACTICE

(a) *Attorneys Admitted to Practice in U.S. District Court*. Every member in good standing of the Bar of the United States District Court for the Northern District of Ohio is entitled to practice before this Court.

(b) *Admission Pro Hac Vice*. The Court's strong preference is that attorneys seek permanent admission to the Bar of this Court; however, any member in good standing of the Bar of any Court of the United States or of the highest Court of any state may, upon written motion, be permitted to appear and participate in a case or proceeding in the discretion of the Court. The motion shall include a certification, under penalty of perjury, that the attorney seeking admission is in good standing as a member of the Bar of [indicate jurisdiction(s)] and submits to the disciplinary jurisdiction of this Court for any alleged misconduct which occurs in the preparation or course of this action. Unless otherwise ordered by the Court, it shall not be necessary for any attorney entitled to practice before the Court or permitted to appear and participate in a case or proceeding to associate with or to designate an attorney with an office in this district upon whom notices, rulings, and communications may be served.

(c) *Contact Information*. All attorneys admitted to practice in this Court are required to maintain up-to-date information regarding their business address, email address, and phone number, as provided in the Electronic Case Filing (ECF) Administrative Procedures Manual.

(d) *Appearance by Law Students*. The procedures applicable to appearance by law students are set forth in Local Civil Rule 83.6.

Rule 2090-2 ATTORNEYS – DISCIPLINE & DISBARMENT

(a) *Standards for Professional Conduct*. Attorneys admitted to practice in this Court shall be bound by the ethical standards of the Ohio Rules of Professional Conduct adopted by the Supreme Court of the State of Ohio, so far as they are not inconsistent with federal law.

(b) *Professional Conduct and Attorney Discipline*. Professional conduct and attorney discipline shall be governed by Local Civil Rule 83.7.

Note: The language in former section (c) has been deleted as duplicative of 11 U.S.C. § 105. This deletion does not affect the Court's inherent powers or powers under 11 U.S.C. § 105 to sanction any attorney or party.

Rule 2091-1 ATTORNEYS – WITHDRAWALS

(a) *Withdrawal of Attorney - By Motion*. The withdrawal of an attorney of record shall be permitted only by the filing of a motion for withdrawal, a showing of good cause, and upon such terms as the court shall impose. The motion shall be served on the client and shall include the client's written consent or an explanation why the client's written consent was not obtained.

(b) *Substitution of Attorney*. The substitution of an attorney of record shall be permitted only upon the following:

(1) *With All Relevant Parties' Signatures - By Notice*. The substitution of an attorney of record may be effected by the filing of a notice of substitution signed by the client, the substituting attorney, and the withdrawing attorney; provided, however, that the withdrawing attorney's signature is not necessary if the withdrawing attorney has been suspended or prohibited from the practice of law, or has otherwise withdrawn from practice in this district and that fact is so stated in the notice. Neither the client's signature nor the withdrawing attorney's signature is required if the substituting attorney is a member of the same partnership or legal professional association as the withdrawing attorney and the notice affirmatively states that the substitution is made with the client's knowledge and consent.

(2) *Without All Relevant Parties' Signatures - By Motion*. In all circumstances not governed by paragraph (b)(1), the substitution of an attorney of record may be effected by the filing of a motion for substitution. The motion shall be served on the client and the withdrawing attorney.

(c) *Limitations on Substitution and Withdrawal of Attorney*. Unless otherwise ordered, an attorney of record shall not be permitted to withdraw from a case or proceeding at any time within 21 days prior to a trial or hearing on any matter. Unless otherwise ordered, the substitution of an attorney of record shall not serve as the basis for a postponement of any trial or hearing. Until a motion for withdrawal is granted, an attorney shall continue to act as attorney of record.

(d) *Disclosure*. An attorney appearing in substitution for an attorney of record shall, at the time of substitution, make all disclosures required of an attorney by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2014 and 2016.

Enacted: May 16, 2011

Rule 3011-1 UNCLAIMED FUNDS

(a) *General Requirements*. A request for unclaimed funds must be made by using the form Petition for Unclaimed Funds and Order Thereon and Exhibit A, available from the Clerk. Any deviation from the standardized petition and exhibit must be explained in bold-faced type within the body of the submitted document.

(b) *Filing Procedures*.

(1) *By an Attorney*. If the claimant or the person authorized to act on behalf of the claimant is an attorney, the petition, exhibit, and all other pleadings and papers shall be filed electronically according to the procedures established by the Court, as prescribed by LBR 5005-4.

(2) *By a Non-attorney Registered for Electronic Case Filing*. If the claimant or the person authorized to act on behalf of the claimant is not an attorney, but is registered with this Court as an electronic case filing user, the petition, exhibit, and all other pleadings and papers shall be filed electronically according to the procedures established by the Court, as prescribed by LBR 5005-4.

(3) *By a Non-attorney Not Registered for Electronic Case Filing*. If the claimant or the person authorized to act on behalf of the claimant is not an attorney, and is not registered with this Court as an electronic case filing user, the petition, exhibit, and all other pleadings and papers must be filed on paper.

(c) *Payment*. Any payment will be issued to the claimant directly unless the claimant is represented, in which case payment will be mailed to the claimant's representative.

Enacted: May 16, 2011

Rule 3018-2 ACCEPTANCE/REJECTION OF PLANS

Certification of Acceptances and Rejections of Plans Under Chapters 11 and 12. In a Chapter 11 or 12 case, prior to or at the hearing on confirmation, the proponent of a plan or other party who receives the acceptances or rejections shall certify to the Court the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan, unless otherwise ordered by the Court. A copy of the certification shall be served on the debtor, debtor in possession, trustee, United States Trustee, any parties requesting notice, objecting parties, and any creditors' or equity security holders' committee appointed pursuant to the Code. The Court may find that the plan has been accepted or rejected on the basis of the certification.

Rule 4001-1 AUTOMATIC STAY – RELIEF FROM

(a) *Mandatory Use of Local Forms*. Parties seeking relief from stay must use the local forms, which are available from the Clerk. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document. Any inapplicable paragraphs may not be removed, but should be marked as such. A party may deviate entirely from these revised forms for good cause, examples of which include (but are not limited to) ongoing (non-foreclosure) litigation, domestic relations matters, administrative proceedings, or to effect an offset of prepetition debt.

(b) *Rent*. Any deposit of rent made by the debtor or an adult dependent of the debtor pursuant to 11 U.S.C. § 362(l)(1)(B) shall be in the form of a certified check, cashier's check, or money order payable to the order of the lessor. The deposit shall be delivered to the clerk along with the petition, the certification made under 11 U.S.C. § 362(l)(1)(A), and a copy of the judgment of possession. Upon receipt of all of the above, the Clerk shall transmit the certified check, cashier's check or money order to the lessor, by certified mail/return receipt requested, at the lessor's address listed on the petition.

Rule 4008-1 REAFFIRMATION

All reaffirmation agreements filed with the Court pursuant to 11 U.S.C. § 524(c) shall conform to the most current Form B240A or Form B240A/B ALT promulgated by the Administrative Office of the United States Courts. Copies of the most current forms are available from the Clerk.

Enacted: May 16, 2011

Rule 5005-1 FILING PAPERS – REQUIREMENTS

(a) *Form*. Except as otherwise ordered by the Court, all documents presented for filing or lodging in paper format either by mail or over the counter:

(1) Shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Clerk may accept different sized documents, such as computer printouts.

(2) Shall be prepared on only one side of the document. No duplex or double-sided printing will be accepted.

(3) Shall not be pre-punched.

(b) *Facsimile Transmissions*. The Clerk shall not accept for filing any facsimile transmission unless ordered by the Court.

(c) *Signatures*. Signatures on the petition, pleadings, motions, and other documents submitted to the Court, either by conventional means or by electronic means established by the Court, shall include the attorney's typewritten name, firm affiliation, if any, address, telephone number, facsimile number, e-mail address, and Bar Registration Number. The signature of an attorney on any document filed by electronic means shall be indicated as "s/name."

Rule 5005-4 ELECTRONIC FILING

(a) *Electronic Filing Procedures*. The Court adopts electronic case filing consistent with technical standards, if any, that the Judicial Conference of the United States establishes. The Clerk may accept documents for filing, establish electronic service requirements, issue notices, serve orders and otherwise specify practices and procedures in electronic case management as indicated within the Electronic Case Filing (ECF) Administrative Procedures Manual available from the Clerk.

(b) *Service on Participants in Electronic Case Filing*. By registering for a login and password from the Court, participants in electronic case filing waive the right to receive notice by first class mail, including notice pursuant to Fed. R. Bankr. P. 2002(a), and agree to receive notice electronically. By registering for a login and password from the Court, participants in electronic case filing also waive the right to service by personal service or first class mail and agree to electronic service, except with regard to service of process of a summons and complaint in an adversary proceeding under Fed. R. Bankr. P. 7004, service of a motion initiating a contested matter under Fed. R. Bankr. P. 9014, and service of a subpoena under Fed. R. Bankr. P. 9016.

Enacted: May 16, 2011

Rule 5072-1 COURTROOM DECORUM

Courtroom decorum shall be governed by Local Civil Rule 83.3.

Rule 5072-2 COURT SECURITY

Court security shall be governed by Local Civil Rule 83.4.

Rule 5073-1 PHOTOGRAPHY, RECORDING DEVICES, & BROADCASTING

Photography, recording devices, and broadcasting shall be governed by Local Civil Rule 83.1.

Rule 5080-1 FEES – GENERAL

(a) *General Rule*. Neither the Clerk nor a Judge has the authority to permit refund of fees due upon filing except for fees collected without authority or due to administrative error on the part of the clerk's office. Refunds will not be permitted if a party files a document in error, even if the Court dismisses the case or proceeding or denies the relief requested.

(b) *Requests for Refund*. All requests for the refund of the payment of fees collected without authority or due to administrative error on the part of the clerk's office shall be by written motion. If granted, refunds will be processed through the electronic credit card system. Repeated refund requests may result in an order to show cause why further requests for refunds should be considered.

Enacted: May 16, 2011

Rule 6004-1 SALE OF ESTATE PROPERTY

Purchasing or Acquiring Assets of the Estate Prohibited. No professional person appointed in a case by order of Court, no employee or affiliate of the professional, and no member of the professional's immediate family shall, directly or indirectly, purchase or acquire any interest in any asset of the estate.

Rule 6005-1 APPRAISERS & AUCTIONEERS

Appraiser Disqualified from Employment. No person employed by order of the Court to appraise estate property shall be employed to sell any property of the estate.

Rule 6007-1 ABANDONMENT

Parties seeking abandonment must use the local forms, which are available from the Clerk. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document. Any inapplicable paragraphs may not be removed, but should be marked as such. A party may deviate entirely from these revised forms for good cause, examples of which include (but are not limited to) ongoing (non-foreclosure) litigation, domestic relations matters, administrative proceedings, or to effect an offset of prepetition debt.

Rule 7003-1 COVER SHEET

Cover Sheets for Adversary Proceedings. At the commencement of each adversary proceeding, an Adversary Proceeding Cover Sheet in the form prescribed by the Administrative Office of the United States Courts, available from the Clerk, must be completed and filed with each complaint that is not filed electronically.

Rule 7026-1 DISCOVERY – GENERAL

Discovery Disputes. To curtail undue delay in the administration of justice, no discovery procedure filed under Fed. R. Civ. P. 26 through 37 to which objection or opposition is made by the responding party shall be taken under consideration by the Court unless the party seeking discovery shall first advise the Court in writing that, after personal consultation and sincere attempts to resolve differences, the parties are unable to reach an accord. This statement shall recite those matters which remain in dispute, and, in addition, the date, time, and place of such conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation. In the case of a failure to answer a question at a deposition (including a claimed evasive or incomplete answer), such personal consultation may take place at the deposition at which the alleged failure to answer occurs. Unless otherwise ordered by the Court, no discovery dispute shall be brought to the attention of a Judge, and no motion to compel may be filed, more than 14 days after the discovery cut-off.

Rule 7067-1 REGISTRY FUND

(a) *Deposits*.

(1) A party requesting a Court order for money to be deposited by the Clerk into an interest-bearing account shall submit a Motion for Order for Deposit and Investment of Funds and a proposed Order for Deposit and Investment of Funds, directing the Clerk to invest the funds in an interest-bearing account. Unless the Court orders otherwise, money delivered to the Court will be deposited into the registry of the Court pursuant to 28 U.S.C. § 2041.

(2) The Motion for Order for Deposit and Investment of Funds and the proposed Order for Deposit and Investment of Funds shall conform substantially to the local forms available from the Clerk. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document.

(b) *Withdrawals*.

(1) A party requesting a Court order for the withdrawal and disbursement of funds that have been invested by the Court shall submit a Motion for Order for Withdrawal and Disbursement of Funds and a proposed Order for Withdrawal and Disbursement of Funds, directing the Clerk to withdraw the principal plus all interest accrued from the account, and disburse the funds.

(2) The Motion for Order for Withdrawal and Disbursement of Funds and the proposed Order for Withdrawal and Disbursement of Funds shall conform substantially to the local forms available from the Clerk. Any deviation from the standardized forms shall be explained in bold-faced type within the body of the submitted document.

(3) A signed IRS Form W-9 that includes the name, address, and tax identification number for each individual receiving any portion of the distribution shall be provided to the Court in a manner prescribed by the Court, and shall not be filed electronically or scanned into the Court's electronic filing system.

Rule 9001-1 DEFINITIONS

(a) "Clerk" means the Clerk of the Bankruptcy Court and any Deputy Clerk.

(b) "Judge" means any judicial officer, including any District Judge or Bankruptcy Judge, before whom any bankruptcy case or proceeding is pending.

(c) "Court" means any Judge or Clerk of Court personnel to whom responsibility for a particular action or decision in a bankruptcy case or proceeding has been duly delegated or assigned.

(d) "Local Bankruptcy Rule(s)" or "LBR" mean the Local Rule(s) for the United States Bankruptcy Court, Northern District of Ohio.

(e) "Local Civil Rule(s)" mean the Local Civil Rule(s) for the United States District Court, Northern District of Ohio.

Rule 9013-1 MOTION PRACTICE

(a) *Certificate of Service and Notice*. A motion or application tendered for filing shall be accompanied by (1) a certificate of service in accordance with LBR 9013-3 and (2) a notice to all persons entitled to notice that any objection must be filed within 14 days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on the certificate of service, if the relief sought is opposed, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.

(b) *Response*. Unless otherwise ordered by the Court, a response must be filed if the relief sought by a motion or application is opposed. The response shall specifically designate the motion or application to which it responds and, subject to Fed. R. Bankr. P. 9006(f), shall be filed within 14 days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on the certificate of service attached to the motion or application. The response shall state with particularity the reasons that the motion or application is opposed.

(c) *Reply*. Subject to Fed. R. Bankr. P. 9006(f), a reply may be filed within 7 days after the date of service shown on the certificate of service of the response. No additional briefing will be considered except upon leave of Court for good cause shown.

(d) *Effect of No Response*. Failure to file a response on a timely basis may be cause for the Court to grant the motion or application as filed without further notice to the extent such action would not conflict with any Federal Rule of Bankruptcy or Civil Procedure.

(e) *No Oral Arguments on Motions*. Motions and applications shall be decided without oral argument unless otherwise provided in these rules or a hearing is scheduled by the Court.

Rule 9013-2 BRIEFS & MEMORANDA OF LAW

(a) *Page Limitation*. No motion or response thereto, including written argument and cited authorities, shall exceed 20 pages in length, exclusive of appendices, unless the party has first sought and obtained leave of Court. Font size, including footnotes, shall be at least 12 point. Where such leave is granted, a table of contents containing a summary of all points raised shall be included with the brief or memorandum.

(b) *Supporting Evidence*. If a motion, opposition brief, or reply brief requires the consideration of facts not appearing of record, a party shall serve and file copies of all documentary evidence and photographs that it intends to rely upon in addition to the affidavits required or permitted by the Federal Rules of Bankruptcy Procedure. In those instances where a party deems it necessary, or the Federal Rules of Bankruptcy Procedure otherwise require that evidence, by way of deposition, be submitted with and/or incorporated into a motion, only those pages of the deposition which contain the pertinent testimony shall be attached to the motion. The party shall not file the entire deposition in support of the motion, as long as certain pages or portions thereof will suffice to establish the party's position.

(c) *Citations of Statutes and Regulations*. All motions and briefs containing references to statutes or regulations shall cite the United States Code or the Code of Federal Regulations, or have attached thereto a copy of the statute or regulation.

(d) *Unreported Opinions*. If an unreported opinion or an opinion available only through an electronic retrieval process is cited, a copy of the opinion shall be attached to the brief or memorandum, and such attachment shall be an exception to the 20-page limitation in paragraph (a) above.

(e) *Compliance*. Failure to comply with any of the requirements of this Rule may be grounds for striking the motion or brief.

Rule 9013-3 CERTIFICATE OF SERVICE – MOTIONS

A certificate of service shall be appended to and served with any document tendered for filing which is required to be served (excepting any document required to be served together with a summons). The certificate of service shall be signed and shall:

(1) Identify, with specificity, the document served;

(2) State the date and method of service;

(3) Identify, by name and address, each entity served; and

(4) Contain or refer to an accompanying notice as required by LBR 9013-1(a).

Rule 9015-1 JURY TRIAL

(a) The Bankruptcy Judges of the Northern District of Ohio are specially designated to conduct jury trials pursuant to 28 U.S.C. § 157(e).

(b) Any joint or separate statement of consent to have a jury trial conducted by a Bankruptcy Judge under 28 U.S.C. § 157(e) and Fed. R. Bankr. P. 9015 – which may be included in a pleading – shall be filed no later than the time the initial pretrial is held or as otherwise ordered by the Court.

(c) If a party demands a jury trial by endorsing it on a pleading, as permitted by Fed. R. Civ. P. 38(b), a notation shall be placed on the front page of the pleading, immediately following the title of the pleading, stating "Demand for Jury Trial" or equivalent statement. This notation will serve as a sufficient demand under Fed. R. Civ. P. 38(b). Failure to use this manner in noting the demand will not result in a waiver under Fed. R. Civ. P. 38(d).

(d) The procedures applicable to jury trials are set forth in Local Civil Rules 47.1, 47.2, 47.3, 47.4, 48.1, 48.2, 48.3, and 54.1.

Rule 9019-2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

Alternative Dispute Resolution is available in adversary proceedings or contested matters. Alternative Dispute Resolution shall be governed by Local Civil Rules 16.4 through 16.10.

Last revised: April 7, 1997

Rule 9025-1 SECURITY – PROCEEDING AGAINST SURETIES

(a) Bonds. The Court, on motion or its own initiative, may order any party to file an original bond or additional security for costs in such amount and so conditioned as the Court by its order may designate.

(b) Sureties. Every bond under this Rule must be secured by either:

(1) A cash deposit equal to the amount of the bond, or

(2) A corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under 19 CFR 113.37 and Treasury Department Circular 570.

(c) Persons Who May Not Be Sureties. No Clerk, Marshal, member of the Bar, or other officer of this Court shall be accepted as surety on any bond or undertaking in any action or proceeding in this Court.

(d) Release of Bond or Other Security. Upon motion, the Court may order release of the original bond or other security for cause.

Rule 9036-1 NOTICE BY ELECTRONIC TRANSMISSION

The Clerk is authorized to send notices by electronic transmission upon written request, by an entity entitled to receive notice. Such a request shall have no effect on any service required to be made by anyone other than the Clerk. See LBR 5005-4.

Enacted: May 16, 2011

Rule 9037-1 REDACTION

(a) Unless otherwise permitted by the Court, a party's request for an order redacting from a Court filing any personal identifiers that are in violation of Fed. R. Bankr. P. 9037 shall be made by use of the standardized form Order Granting Motion to Redact Personal Identifiers, with Redacted Filing, available from the Clerk. Any deviation from the standardized form shall be explained in bold-faced type within the body of the submitted document.

(b) The standardized form Order Granting Motion to Redact Personal Identifiers, with Redacted Filing shall be submitted to the appropriate Judge according to the Procedures Governing Submission of Proposed Orders, available from the Clerk.

(c) The movant shall append the entire document as redacted to the proposed order. If the Court grants the motion, the clerk will attach the redacted document to the original docket entry and restrict access to the unredacted document to Court users only.

Enacted: May 16, 2011

Rule 9070-1 EXHIBITS

(a) *Marking of Exhibits and Index of Exhibits*. Unless otherwise ordered by the Court, the following conventions shall govern the marking and indexing of exhibits:

(1) *Case Number and Exhibit Stickers*. All exhibits must bear the case number and shall be marked before trial with exhibit stickers.

(2) *Plaintiff's Exhibits*. The plaintiff shall mark exhibits with numbers.

(3) *Defendant's Exhibits*. The defendant shall mark exhibits with letters. If there are multiple defendants, letters shall be used followed by the party's last name. If the defendant has more than 26 exhibits, double letters shall be used.

(4) *Joint Exhibits*. Joint exhibits shall be marked with numbers.

(5) *Multiple-Page Exhibits*. Where a multiple-page exhibit is introduced, multiple pages should be numbered consecutively.

(6) *Index of Exhibits*. An index of the exhibits to be used at trial, along with a brief description of such exhibits, shall be filed with the Court and served upon opposing counsel no later than 7 days before the final pretrial.

(b) *Retention and Disposal of Exhibits*.

(1) *Retention of Exhibits by Counsel*. All models, diagrams, and exhibits of material filed or placed in the custody of the Clerk for inspection of the Court on the hearing of a cause shall be taken by the party presenting the model, diagram, or exhibit at the conclusion of the hearing unless a party should object and request that the item be retained by the Clerk and the Clerk is so ordered by the Court in writing. It shall be the responsibility of the party offering the model, diagram, or exhibit to maintain the offered or accepted exhibits until after the entering of final judgment or final judgment on appeal on matters appealed, whichever is later, unless directed otherwise by the Court. Upon motion of any party and/or the Court's order, when a demonstrative exhibit is retained by counsel, a picture or other paper record must be substituted for the exhibit.

(2) *Disposal of Exhibits by the Clerk*. When an exhibit is retained in the custody of the Clerk, it shall be removed by counsel within 60 days after entry of final judgment or final judgment on appeal. All exhibits not removed by counsel shall be disposed of by the Clerk as waste at the expiration of the withdrawal period.

Rule 9074-1 TELEPHONE AND VIDEO CONFERENCES

(a) *Pretrial and Status Conferences*. The use of telephone conference calls and, where available, video conferencing for pretrial and status conferences is encouraged. The Court, upon motion by counsel or its own instance, may order pretrial and status conferences to be conducted by telephone conference calls. In addition, upon motion by any party and upon such terms as the Court may direct, the Court may enter an order in appropriate cases providing for the conduct of pretrial and status conferences by video conference equipment.

(b) *Trial and Hearing*. Upon motion of any party and upon such terms as the Court may direct, the Court may enter an order in appropriate cases providing for the taking of testimony by video conferencing equipment at a trial or other hearing.