LOCAL RULES

FOR

THE UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

(Effective February 1, ~~2020~~2021)

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

Rule 1001-1 Scope of Rules.

(a) Title and Citation. These rules ("Local Rules" or "Rules") shall be known as the "Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware" (the "Court"). They may be cited as "Del. Bankr. L.R. __."

(b) Application. These Local Rules shall be followed insofar as they are not inconsistent with the Bankruptcy Code (the "Code") and the Federal Rules of Bankruptcy Procedure ("Fed. R. Bankr. P."). These Local Rules may be amended from time to time by the Chief Judge of the Court, subject to approval by the Chief Judge of the United States District Court for the District of Delaware (the "District Court") and after a reasonable notice and comment period (the "Notice and Comment Period"). The Notice and Comment Period will be determined by the Chief Judge of the Court and displayed on the Court's website (defined below). The Local Bankruptcy Forms of the Court (the "Local Forms") may be revised from time to time, subject to approval by the Chief Judge of the Court and the Clerk of the Court (the "Clerk"). These Local Rules, the Local Forms, the Clerk's Office Procedures, General Orders and each Judge's chambers procedures are available on the Court's website at www.deb.uscourts.gov (the "Court's website"). Unless otherwise noted in these Local Rules or ordered by the Court, all filings in the District of Delaware relating to cases under Title 11 shall be made with the Clerk and shall be governed by these Local Rules, in addition to the Fed. R. Bankr. P. The Federal Rules of Civil Procedure ("Fed. R. Civ. P.") are applicable only to the extent provided herein or in the Fed. R. Bankr. P.

(c) Modification. The application of these Local Rules in any case or proceeding may be modified by the Court in the interest of justice.

(d) Effective Date. These Local Rules will be effective on February 1, ~~2020~~2021.

(e) Relationship to Prior Rules; Actions Pending on Effective Date. These Local Rules supersede all previous Local Rules promulgated by the Court, but do not affect any General

Order issued by the Court or any chambers procedures of any Judge of the Court. They shall govern all cases or proceedings filed after their effective date. They shall also apply to all proceedings pending on the effective date, except to the extent that the Court finds they would not be feasible or would work injustice.

(f) Relationship to District Court Rules. Except as otherwise provided in the local rules for the District Court (the "District Court Rules") with respect to bankruptcy appeals, the District Court Rules shall apply to all filings to be determined by the District Court, whether initially filed in the District Court or the Bankruptcy Court, including, but not limited to, any briefing in connection with any motion to withdraw the reference from the Bankruptcy Court of a matter or proceeding. For the avoidance of doubt, however, the District Court's standing order dated October 2, 2014, requiring that all electronic filings be submitted by 6:00 p.m. Eastern Time will not apply to filings that are made in the Bankruptcy Court.

Rule 1002-1 Commencement of Case.

(a) Petitions – Generally. All petitions shall be in compliance with the requirements set forth in the Clerk's Office Procedures, the Code, the Fed. R. Bankr. P. and their official forms ("Official Form") and these Local Rules.

(b) Petitions by Non-Individuals. Any petitioner other than an individual shall be represented by counsel. In a voluntary case, there shall be filed on the petition date a resolution authorizing the commencement of the bankruptcy case executed by the body whose approval is required for the commencement of a bankruptcy case under applicable law.

(c) Notice Regarding Filing of a Chapter 11 or Chapter 15 Petition. Unless there are exigent circumstances, counsel for the debtor or foreign representative, as applicable, shall contact the United States Trustee and the Clerk at least two (2) business days prior to filing a voluntary petition for relief under chapter 11 or chapter 15 of the Bankruptcy Code, for the purpose of advising the United States Trustee and the Clerk of the anticipated filing of the petition (without disclosing the identity of the debtor) and the matters on which the debtor intends to seek immediate relief. Counsel shall also comply with the noticing provisions set forth in Local Rule 9013-1(m)(iii).

Rule 1003-1 Entry of Order for Relief on Involuntary Petition. An order for relief on an involuntary petition will be entered only after (i) the filing of a consent to its entry by the putative debtor, (ii) the filing of a certification of counsel by Delaware Counsel that the petition has been served in accordance with the Rules and that no answer has been filed by the putative debtor within the time permitted or (iii) a hearing duly noticed under the Rules.

Rule 1006-1 Filing Fees.

(a) Petition Filing Fees. Petition filing fees are due at the time of filing, except as expressly provided in this Local Rule.

(b) Payment of Filing Fee in Installments. Individual filers may file with the petition an Application to Pay Filing Fee in Installments substantially in conformity with Local Form 133. The number of installments shall not exceed four (4). The Court will issue an order regarding such application, without need for a hearing, unless the Court directs otherwise. Failure to comply with the provisions of the order may result in dismissal of the case.

(c) Application for Waiver of Fee in an Individual Chapter 7 Case. An individual chapter 7 filer may file an Application for Waiver of the Chapter 7 Filing Fee substantially in compliance with the Official Form. An order will be entered regarding such application, without need for a hearing, unless the Court directs otherwise.

(d) Case Reopening Fees. Case reopening fees are due at the time of filing of a motion to reopen unless the reopening is (i) to correct an administrative error, (ii) to take action relating to the debtor's discharge or (iii) accompanied by a request that the reopening fee be waived or deferred.

(e) Schedule of Fees. The schedule of fees is available at the Clerk's Office and on the Court's website.

Rule 1007-1 Lists, Schedules and Statements.

(a) Required Lists, Schedules and Statements. Required lists, schedules and statements of financial affairs shall be filed in accordance with the Fed. R. Bankr. P., the Code and these Local Rules and shall be in compliance with the appropriate Official Form and Local Forms, if any. The Clerk's Office Procedures should be consulted for a list of such requirements. If a filing party wishes to redact or omit information required by any Official Bankruptcy Form, such party must file a motion seeking approval to do so on or before the date the subject form is filed.

(b) Time for Filing Schedules and Statement of Financial Affairs in a Voluntary Chapter 11 Case. In a voluntary chapter 11 case, if the bankruptcy petition is accompanied by a list of all the debtor's creditors and their addresses, in accordance with Local Rule 1007-2, and if the total number of creditors in the debtor's case (or, in the case of jointly administered cases, the debtors' cases) exceeds 200, the time within which the debtor shall file its Schedules and Statement of Financial Affairs required under the Fed. R. Bankr. P. shall be extended to twenty-eight (28) days from the petition date. Any further extension shall be granted, for cause, only upon filing of a motion by the debtor on notice in accordance with these Local Rules.

(c) Filing of Schedules in Jointly Administered Chapter 11 Cases. Notwithstanding any order jointly administering related cases, Schedules and Statements of Financial Affairs and any amendments thereto shall be filed for each debtor and docketed in that debtor's case, as well as in the main case. The statistical information requested by CM/ECF upon docketing shall be filled out for each separate debtor.

Rule 1007-2 List of Creditors/Mailing Matrix.

(a) In all voluntary cases, the debtor shall file with the petition a list containing the name and complete address of each creditor in such format as directed by the Clerk's Office Procedures.

(b) In all voluntary cases involving individual debtors, in the event a prior bankruptcy case was pending within one (1) year before the filing of the case in connection with the debtor or a co-debtor, such list shall also include the name and complete address of each party and any counsel that entered its appearance in such case. In the event a foreclosure, repossession, or other action to enforce a claim against property of the debtor or a co-debtor was pending within one (1) year before the filing of the case, such list shall also include the name and complete address of each party and any counsel that entered an appearance in such action. In an involuntary case, such list must be filed by the debtor within fourteen (14) days after the petition date.

Rule 1009-1 Notice by Chapter 7, Chapter 12 or Chapter 13 Debtor to Creditors Not Scheduled Prior to Meeting of Creditors. If at any time after the Court issues notice of the meeting of creditors under 11 U.S.C. § 341 in a chapter 7, chapter 12 or chapter 13 case the debtor amends Schedule D, E or F and/or the creditor matrix to add any creditor(s), the following procedures shall apply:

(a) The debtor shall pay the prescribed filing fee;

(b) The debtor shall serve upon such additional creditor(s) by first class mail:

(i) A copy of the original notice of meeting of creditors under 11 U.S.C. § 341;

(ii) A notice informing the creditor of the right to file a proof of claim by the later of the bar date in the original notice or twenty-one (21) days from the date of a later notice;

(iii) A notice informing the creditor of the automatic extension of time to file a complaint under Local Rules 4004-1 and 4007-1; and

(c) The debtor shall file a certificate of service with the Court and provide an amended creditor matrix to the Clerk within forty-eight (48) hours of filing the amended schedules or filing any schedules that contain creditors who were not listed on the original creditor matrix.

Rule 1009-2 Notice of Amendment of Schedules in Chapter 11 Cases. Whenever the debtor or trustee in a chapter 11 case amends the debtor's schedules to change the amount, nature, classification or characterization of a debt owing to a creditor, the debtor or trustee shall, within fourteen (14) days, transmit notice of the amendment to the creditor and notice of the creditor's right to file a proof of claim by the later of the bar date (if any) or twenty-one (21) days from the date of the notice. The debtor or trustee shall file a certificate of service of the notice with the Clerk within seven (7) days.

Rule 1014-1 Transfer of Cases or Adversary Proceedings to Another District. If a case or adversary proceeding is ordered transferred from this district, unless the transfer order is stayed, the Clerk shall, within seven (7) days of entry of such order, send to the transferee Court by overnight courier (or electronically at the transferee Court's option) (a) certified copies of the Court's or the District Court's order (and opinion, if any) transferring the case, and the docket entries in the case or adversary proceeding and (b) all pleadings that have been filed in the case or adversary proceeding. When transfer is ordered by the District Court, the Clerk of the District Court shall transmit the order of the District Court Judge to the Clerk, who shall transfer the file as set forth above.

Rule 1015-1 Joint Administration of Cases Pending in the Same Court. An order of joint administration may be entered, without notice and an opportunity for hearing, upon the filing of a motion for joint administration pursuant to Fed. R. Bankr. P. 1015, supported by an affidavit, declaration or verification, which establishes that the joint administration of two or more cases pending in this Court under title 11 is warranted and will ease the administrative burden for the Court and the parties. An order of joint administration entered in accordance with this Local Rule may be reconsidered upon motion of any party in interest at any time. An order of joint administration under this Local Rule is for procedural purposes only and shall not cause a "substantive" consolidation of the respective debtors' estates.

Rule 1016-1 Suggestion of Death. The attorney for the Debtor(s) shall file a notice of the Debtor(s) death in the bankruptcy case as soon as possible after verifying that the Debtor(s) is deceased in compliance with Local Form 126.

Rule 1017-1 Petition Deficiencies. A debtor filing a petition under chapter 7, chapter 12 or chapter 13 of the Code without all the documents required by the Fed. R. Bankr. P., the Code, these Local Rules and the Clerk's Office Procedures will receive a deficiency notice specifying time limits for the filing of the required documents. If the required documents are not filed by the deadline specified in such notice, and the debtor has neither sought nor obtained an extension of such deadline from the Court, the petition may be dismissed.

Rule 1017-2 Dismissal of Chapter 11 Case. No chapter 11 case (even one which is jointly administered with another case) shall be dismissed except by separate order, with notice provided by the claims agent (if one has been appointed) as required by Fed. R. Bankr. P. 1017 and 2002(a)(4).

Rule 1017-3 Closing of Cases by Substantive Consolidation.

Whenever cases are sought to be substantively consolidated, whether in a plan of reorganization or motion, the plan proponent or movant shall present a separate proposed order for each case to be consolidated. Such order shall provide for the closing of each case, except for the remaining consolidated debtor case, and shall be docketed in each respective debtor's docket.

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

Rule 2002-1 Notices to Creditors, Equity Security Holders, United States and United States Trustee.

(a) Chapter 11 Hearings.

(i) Omnibus Hearings. In any chapter 11 case, the Court may, sua sponte or upon motion of a party in interest, enter an order setting omnibus hearing dates for the case. Any such order shall be entered on the docket and be made available to anyone interested in obtaining a copy from (i) the Court or (ii) counsel for the debtor. Time permitting, on each omnibus hearing date, the Court will hear all motions timely filed under these Local Rules by any party in interest in the case in the order set forth in the hearing agenda filed pursuant to Local Rule 9029-3, unless the Court directs otherwise.

(ii) Special and Emergency Hearings. In any chapter 11 case, the Court may, sua sponte or upon request of a party in interest, schedule a special or emergency hearing date in a case for a specific motion or other issues such as a discovery dispute. The party requesting such a special hearing (or if requested by the Court, a party directed by the Court) shall promptly file a notice of hearing on the docket specifying the date and time of the hearing and the general issue before the Court, e.g., the title of the motion, "discovery conference," etc. The subject matter of the special hearing will be limited to the issues identified in the notice and no party in interest may present any additional motion or issue at the hearing without leave of the Court.

(b) Service. In chapter 11 and chapter 15 cases, all motions (except matters specified in Fed. R. Bankr. P. 2002(a)(1), (4), (5), (7), 2002(b), 2002(f) and 2002(q) and Local Rules 4001-1 and 9013-1) shall be served only upon counsel for the debtor, counsel for the foreign representative, the United States Trustee, counsel for all official committees, all parties who file a request for service of notices under Fed. R. Bankr. P. 2002(i) and all parties whose rights are affected by the motion, as applicable. If an official

unsecured creditors' committee has not been appointed, service shall be made on the twenty (20) largest unsecured creditors in the case in lieu of the creditors' committee.

(i) Service of Papers on the United States Trustee.

(A) Service by Overnight Mail. Service on the United States Trustee shall be made by overnight mail or hand delivery of papers that require a response within seven (7) days or less or that relate to a Court hearing scheduled to take place within seven (7) days of the date of service.

(B) Service by Fax. Service by fax shall be limited to emergent situations where action or response is required within forty-eight (48) hours. Every effort shall be made to limit faxes to a maximum of twenty (20) pages per document. If it is necessary to serve via fax a document that will exceed twenty (20) pages in length, the serving party shall telephone the intended recipient(s) in advance to obtain permission to send the fax.

(c) Service List. The claims agent shall be responsible for maintaining a list of all parties who are entitled to receive service (as set forth in Local Rule 2002-1(b)), including whether such parties have opted to receive email service. The claims agent shall furnish the service list, upon request, to any party. If no claims agent has been appointed in a case, counsel for the debtor shall bear the responsibilities set forth in this subparagraph.

(d) Entry of Appearance. Any entity entering an appearance in a case under title 11 or in any particular adversary proceeding shall include in the Notice of Appearance the entity's (i) name, (ii) mailing address, including street address for overnight and hand delivery, (iii) telephone number, (iv) facsimile number, (v) email address, if any, and (vi) party represented, if any.

(e) Bar Date. In all cases under chapter 11, the debtor may request a bar date for the filing of proofs of claim or interest. The request may be granted without notice and hearing if (i) the request gives fourteen (14) days' notice to the United States Trustee and the creditors' committee (or the twenty (20) largest unsecured creditors if no

creditors' committee is formed), (ii) the request is filed after the Schedules and Statement of Financial Affairs have been filed and the 11 U.S.C. § 341(a) meeting of creditors has been held and (iii) the request provides that the bar date shall be not less than sixty (60) days from the date that notice of the bar date is served (and not less than one hundred eighty days (180) days from the order for relief for governmental units). On entry of the bar date order, the debtor shall serve actual written notice of the bar date on (A) all known creditors and their counsel (if known), (B) all parties on the service list described in Local Rule 2002-1(c), (C) all equity security holders, (D) indenture trustees, (E) the United States Trustee, (F) all taxing authorities for the jurisdictions in which the debtor does business and (G) all environmental authorities listed in Part 12 of the Statement of Financial Affairs for Non-Individuals or Part 10 of the Statement of Financial Affairs for Individuals filing for Bankruptcy, as applicable.

(f) Notice and Claims Clerk. Upon motion of the debtor or trustee, in conformity with Local Form 134, at any time without notice or hearing, the Court may authorize the retention of a notice and/or claims clerk under 28 U.S.C. § 156(c). In all cases with more than two hundred (200) creditors or parties in interest listed on the creditor matrix, unless the Court orders otherwise, the debtor shall file such motion on the first day of the case or within seven (7) days thereafter. The notice and/or claims clerk shall comply with the Protocol for the Employment of Claims and Noticing Agents under 28 U.S.C. § 156(c) (which can be found on the Court's website) and shall perform the functions below.

(i) Serve the following notices: (a) 341 Notice (Notice of Commencement of Case) in conformity with Local Form 132; (b) Notice of Claims Bar Date in chapter 11 cases; (c) Objections to Claims and Transfers of Claims; (d) Notice of Hearing on confirmation of Plan/Disclosure Statement; (e) Notice of Hearing on motions filed by United States Trustee; (f) Notice of Transfer of Claim; and (g) any motion to convert, dismiss, appoint a trustee, or appoint an examiner filed by the United States Trustee's Office.

(ii) Within seven (7) days of mailing, file with the Court a copy of the notice served with a Certificate

of Service attached, indicating the name and complete address of each party served;

(iii) Maintain copies of all proofs of claims and proofs of interest filed in the case;

(iv) Maintain the official claims register and record all Transfers of Claims and make changes to the creditor matrix after the objection period has expired. The claims clerk shall also record any order entered by the Court that may affect the claim by making a notation on the claims register and monitor the Court's docket for any claims related pleading filed and make necessary notations on the claims register. No claim or claim information should be deleted for any reason;

(v) Maintain a separate claims register and separate creditor mailing matrix for each debtor in jointly administered cases;

(vi) File a quarterly updated claims register with the Court in alphabetical and numerical order. If there has been no claims activity, the claims clerk may file a Certification of No Claim Activity;

(vii) Maintain an up-to-date mailing list of all creditors and all entities who have filed proofs of claim or interest and/or request for notices for each case and provide such list to the Court or any interested party upon request (within forty-eight (48) hours);

(viii) Allow public access to claims and the claims register at no charge. The complete proof of claim and any attachment thereto shall be viewable and accessible by the public, subject to Local Rule 9037-1;

(ix) Within fourteen (14) days of entry of an Order dismissing a case or within twenty-eight (28) days of entry of a Final Decree, (a) forward to the Clerk an electronic version of all imaged claims, (b) upload the creditor mailing list into CM/ECF and (c) docket a Final Claims Register. If a case has jointly-administered entities, one combined register shall be docketed in the lead case containing claims of all cases. The claims agent shall further box and transport all original claims to the

Philadelphia Federal Records Center, 14470 Townsend Road, Philadelphia, Pennsylvania 19154 and docket a completed SF-135 Form indicating the accession and location numbers of the archived claims.

(x) Within fourteen (14) days of entry of an Order converting a case, (a) forward to the Clerk an electronic version of all imaged claims; (b) upload the creditor mailing list into CM/ECF and (c) docket a Final Claims Register. If a case has jointly-administered entities, one combined register shall be docketed in the lead case containing claims of all cases. A Final Claims Register shall also be docketed in each jointly-administered case containing the claims of only that specific case. The claims agent shall further box and transport all original claims to the Philadelphia Federal Records Center, 14470 Townsend Road, Philadelphia, Pennsylvania 19154 and docket a completed SF-135 Form indicating the accession and location numbers of the archived claims.

(xi) Upon conversion of a chapter 11 case to a chapter 7 case, if there are more than two hundred (200) creditors, the claims agent appointed in the chapter 11 case shall (i) continue to serve all notices required to be served, at the direction of the chapter 7 trustee or the Clerk's Office or (ii) submit a termination order. If a termination order has been granted, the Claims Agent shall comply with Del. Bankr. L.R. 2002-1(f)(x) above.

(xii) Upon entry of a termination order terminating the service of a claim agent, the claims agent shall (a) forward to the Clerk an electronic version of all imaged claims; (b) upload the creditor mailing list into CM/ECF and (c) docket a Final Claims Register. If a case has jointly-administered entities, one combined register shall be docketed in the lead case containing claims of all cases. A Final Claims Register shall also be docketed in each jointly-administered case containing the claims of only that specific case. The claims agent shall further box and transport all original claims to the Philadelphia Federal Records Center, 14470 Townsend Road, Philadelphia, Pennsylvania 19154 and docket a

completed SF-135 Form indicating the accession and location numbers of the archived claims.

(g) Cases with Less Than 200 Creditors.

(i) In cases with less than 200 creditors and no claims agent retained under 28 U.S.C. § 156(c), the Clerk shall serve as the notice agent and the Debtor shall provide the Clerk with a complete, accurate and up-to-date creditor matrix in accordance with the time set forth in Fed. R. Bankr. P. 1007.

(ii) The Debtor, within fourteen (14) days of entry of an Order converting a case or within twenty-eight (28) days of entry of a Final Decree, shall provide an updated creditor matrix.

(h) Chapter 15 Cases. Unless otherwise ordered by the Court, the foreign representative shall be responsible for (i) the notice requirements under Fed. R. Bankr. P. 2002(q) and (ii) any applicable duties enumerated in Local Rule 2002-1(f).

Rule 2003-1 Submission of Interrogatories in Lieu of Live Testimony at Meetings Conducted under 11 U.S.C. § 341 in Chapter 7 and Chapter 13 Cases.

(a) Upon written motion, and after notice and an opportunity for hearing, the Court may, for cause, permit a debtor to submit to examination by written interrogatories in lieu of the debtor's live appearance at a meeting of creditors or equity security holders convened under 11 U.S.C. § 341.

(b) A motion to proceed by written interrogatories filed by the debtor shall be served upon the interim trustee or the case trustee, as appropriate, the United States Trustee and all creditors who have filed a request for notices under Fed. R. Bankr. P. 2002. A notice of the filing of the motion to proceed by written interrogatories shall be served upon all creditors who have not been served with the full motion.

(c) The form of the written interrogatories shall be determined by the interim trustee or the case trustee, as appropriate.

(d) The original copy of the debtor's answers to written interrogatories shall be filed by the debtor with the Court and served upon the case trustee or the interim trustee, as appropriate.

Rule 2004-1 Rule 2004 Examinations.

(a) Conference Required. Prior to filing a motion for examination or for production of documents under Fed. R. Bankr. P. 2004, counsel for the party seeking to examine any entity shall attempt to confer (in person or telephonically) with the proposed examinee or the examinee's counsel (if represented by counsel) to arrange for a mutually agreeable date, time, place and scope of an examination or production.

(b) Certification of Conference Required. All motions for examination or production under this Local Rule shall include a certification of counsel by Delaware Counsel that either (i) a conference was held as required and no agreement was reached or (ii) a conference was not held and an explanation as to why no conference was held.

(c) Examination on Parties' Agreement.

(i) A motion under Fed. R. Bankr. P. 2004 is not required if the proposed examinee agrees to voluntarily appear or produce documents. A notice setting forth the identity of the examinee, and the date, time, place and scope of the examination or production shall be filed and served in accordance with this Local Rule (such notice, an "Examination Notice").

(ii) The party seeking or providing discovery under an Examination Notice may move in this Court under the Examination Notice for relief as provided under Fed. R. Civ. P. 37(a)(1), (3), (4) and (5), as made applicable by Fed. R. Bankr. P. 7037, or for a protective order. For the avoidance of doubt, an attorney, as an officer of the court, may issue a subpoena to the party providing discovery under the Examination Notice as appropriate to obtain documents or examination subject of the Examination Notice.

(iii) A party in interest may file an objection to the Examination Notice within seven (7) days after the filing and service of the Examination Notice in accordance with this Local Rule. Unless otherwise ordered by the Court, Local Rule 7026-1 shall apply to any such objection, any response thereto, and any hearing on such objection.

(d) Service Requirements. In lieu of any other rules of service that generally apply, all motions for or notices of examination or production of documents shall be served upon the following parties, through their counsel, if represented: (i) the debtor; (ii) the trustee; (iii) the United States Trustee; (iv) all official committees; and (v) the proposed examinee or party producing documents. All such motions shall be accompanied by a notice of motion setting forth (A) an objection, response or answer deadline not less than seven (7) days from service of the motion or notice and (B) if a motion is filed, the date, time and place of the hearing that is no less than fourteen (14) days from service of the motion. Such objection, response or answer deadline shall be no less than seventy-two (72) hours prior to such hearing.

(e) For the avoidance of doubt, consensual discovery can be conducted by agreement and not under the provisions of Fed. R. Bankr. P. 2004 or this Local Rule, as applicable.

Rule 2011-1 Certification of Debtor-in-Possession Status or Trustee Qualification. Whenever evidence is required that a debtor is a Debtor-in-Possession or that a trustee has qualified, the Clerk, or the Clerk's designee, may so certify in a document substantially in conformity with Local Form 112A or 112B.

Rule 2014-1 Employment of Professional Persons.

(a) Motion for Approval. Any entity seeking approval of employment of a professional person under 11 U.S.C. § 327, 1103(a) or 1114 or Fed. R. Bankr. P. 2014 (including retention of ordinary course professionals) shall file with the Court a motion, a supporting affidavit or verified statement of the professional person and a proposed order for approval. Promptly after learning of any additional material information relating to such employment (such as potential or actual conflicts of interest), the professional employed or to be employed shall file and serve a supplemental affidavit setting forth the additional information.

(b) Notice and Hearing. All retention motions shall be heard on the first omnibus or other hearing date that would allow at least twenty-one (21) days' notice of the retention motion and hearing. If the retention motion is granted, the retention shall be effective as of the date the motion was filed, unless the Court orders otherwise.

(c) Professional Disclosure. Any professional person whose employment is sought pursuant to this Local Rule must disclose its employment, or intended employment, of another professional for whom reimbursement will be requested under Local Rule 2016-2(f); provided, however, if such disclosure would require the disclosure of privileged information or information which may reveal confidential litigation strategy, such disclosure may be excused by the Court. Even if disclosure is excused, however, the professional will still be required to comply with the requirements of Local Rule 2016-2(f) in order to be reimbursed for any payment made by it to the other professional.

(d) Assertions of Confidentiality. If a professional is seeking to redact or omit any information required to be disclosed under Fed. R. Bankr. P. 2014, such professional must follow the procedures set forth in Local Rule 9018-1.

Rule 2015-2 Debtor-in-Possession Bank Accounts in Chapter 11 Cases.

(a) Bank Accounts and Checks. Where the debtor uses pre-printed checks, upon motion of the debtor, the Court may, without notice and hearing, permit the debtor to use its existing checks without the designation "Debtor-in-Possession" and use its existing bank accounts. However, once the debtor's existing checks have been used, the debtor shall, when reordering checks, require the designation "Debtor-in-Possession" and the corresponding bankruptcy number on all such checks.

(b) Section 345 Waiver. Except as provided in Local Rule 4001-3, no waiver of the investment requirements of 11 U.S.C. § 345 shall be granted by the Court without notice and an opportunity for hearing in accordance with these Local Rules. However, if a motion for such a waiver is filed on the first day of a chapter 11 case in which there are more than 200 creditors, or otherwise with cause shown, the Court may grant an interim waiver until a hearing on the debtor's motion can be held.

Rule 2016-1 Disclosure of Compensation. Any attorney representing the debtor under the Code, or in connection with such a case, whether or not such attorney applies for compensation under the Code, shall file with the Court a statement of compensation paid or agreed to be paid, if such payment or agreement was made after one (1) year before the petition date, for services rendered or to be rendered in contemplation of or in connection with the case by such attorney and the source of such compensation as required by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b).

Rule 2016-2 Motion for Compensation and Reimbursement of Expenses.

(a) Scope of Rule. This Local Rule applies to:

(i) Any motion of a professional person employed under 11 U.S.C. § 327, 328 or 1103 requesting approval for compensation and/or reimbursement of expenses; and

(ii) Any request of an entity for payment of an administrative expense under 11 U.S.C. § 503(b)(3) or 503(b)(4).

(b) Effect of Rule. Any such motion or request for payment, in addition to complying with the Code and the Fed. R. Bankr. P. applicable to the filing and the contents of such a motion, shall comply with the information and certification requirements listed in Local Rule 2016-2(c)-(g). Any such motion not in compliance with these requirements will not be considered by the Court, unless a waiver is obtained under Local Rule 2016-2(h).

(c) General Information Requirements.

(i) The motion shall include, as its first page(s), Local Form 101 and the information requested therein (categories given are examples).

(ii) Immediately thereafter, the motion shall include Local Form 102 and the information requested therein (categories given are examples). Where the applicant deems appropriate, the motion may also include a firm resume.

(iii) The narrative portion of the motion shall inform the Court of circumstances that are not apparent from the activity descriptions or that the applicant wishes to bring to the attention of the Court, including special employment terms, billing policies, expense policies, voluntary reductions, reasons for the use of multiple professionals for a particular activity or reasons for substantial time billed relating to a specific activity.

(d) Information Requirements Relating to Compensation Requests. Such motion shall include activity descriptions which shall be sufficiently detailed to allow the Court to determine

whether all the time, or any portion thereof, is actual, reasonable and necessary and shall include the following:

(i) All activity descriptions shall be divided into general project categories of time;

(ii) All motions shall include complete and detailed activity descriptions;

(iii) Each activity description shall include a time allotment;

(iv) Activities shall be billed in tenths of an hour (six (6) minutes);

(v) The aggregate amount of fees requested for all activities within a particular time entry;

(vi) Each activity description shall include the type of activity (e.g., phone call, research);

(vii) Each activity description shall include the subject matter (e.g., exclusivity motion, section 341 meeting);

(viii) Activity descriptions shall not be lumped – each activity shall have a separate description and a time allotment;

(ix) Travel time during which no work is performed shall be separately described and may be billed at no more than 50% of regular hourly rates;

(x) The activity descriptions shall individually identify all meetings and hearings, each participant, the subject(s) of the meeting or hearing and the participant's role; and

(xi) Activity descriptions shall be presented chronologically or chronologically within each project category.

(e) Information Requirements Relating to Expense Reimbursement Requests.

(i) The motion shall contain an expense summary by category for the entire period of the request. Examples of such categories are computer-assisted

legal research, photocopying, outgoing facsimile transmissions, airfare, meals and lodging.

(ii) Following the summary, the motion shall itemize each expense within each category, including the date the expense was incurred, the charge and the individual incurring the expense, if available. With regard to meal reimbursements, the itemization shall list each meal separately and for each meal identify the meal (breakfast, lunch, etc.) and the number of persons attending. For travel reimbursements, the itemization shall list each trip separately and for each trip identify the mode of transportation (air, train, etc.), the departure and destination, and the name of the person travelling.

(iii) The motion shall state the requested rate for copying charges (which shall not exceed $.10 per page for black and white copies and $.80 for color copies), computer-assisted legal research charges (which shall not be more than the actual cost) and outgoing facsimile transmission charges (which shall not exceed $.25 per page, with no charge for incoming facsimiles).

(iv) Receipts or other support for each disbursement or expense item for which reimbursement is sought must be retained and be available on request.

(f) Reimbursement of Payments Made to Other Professionals. If any entity subject to this Local Rule seeks reimbursement for any payment it made to another professional, such entity must provide, with respect to the services rendered or expenses incurred by such other professional, the information required by paragraphs (c), (d), and (e) hereof, unless a waiver is obtained under paragraph (h) hereof.

(g) Certification Requirement. The motion shall also contain a statement that the professional person seeking approval of the motion has reviewed the requirements of this Local Rule and that the motion complies with this Local Rule.

(h) Waiver Procedure. An employed professional person or entity within the scope of this Local Rule may request that the Court waive, for cause, one or more of the information requirements of this Local Rule. Such a request should be made in the same motion in which the person seeks Court

approval to be employed, or as soon as possible thereafter, and shall be served on debtor's counsel, counsel to any official committee and the United States Trustee. The caption of any motion that contains a waiver request shall explicitly state that the person is seeking a waiver of one or more of the information requirements of this Local Rule.

(i) Form of Order. The form of order submitted to the Court shall specifically recite the amounts requested in fees and in expenses.

(j) Fee Examiners. The Court may, in its discretion or on motion of any party, appoint a fee examiner to review fee applications and make recommendations for approval. On conversion, the authority of the fee examiner ends unless retained by the chapter 7 trustee or otherwise ordered by the Court.

(k) Final Fee Applications in Chapter 7 Asset Cases. Estate professionals shall file final fee applications in chapter 7 asset cases but shall not notice the final fee application for hearing. Instead, the hearing date shall be stated as TBD. The final fee application shall only be served upon the chapter 7 trustee and the United States Trustee. After the Trustee Final Report is filed with the Court, the Court will (i) notice the hearing for the final fee application and provide for the objection deadline and (ii) serve the notice of the final fee application. If the estate professional inadvertently notices a final fee application for hearing, it shall include language in the proposed form of order that "fees are subject to disgorgement pending approval of TFR."

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

Rule 3001-1 Filing Proof of Claim; Transfer of Claim.

(a) Filing Proof of Claim.

(i) Paper Claims. Any entity filing a proof of claim in a chapter 7, 12 or 13 case shall provide the Clerk with the original proof of claim and one (1) copy for the trustee and shall serve a copy on debtor's counsel or the debtor, if *pro se*. Any entity that files a proof of claim by mail and wishes to receive a clocked-in copy by return mail must include an additional copy of the proof of claim and a self-addressed, postage-paid envelope.

(ii) Electronic Claims. Claims submitted through a court-approved electronic claims filing system are considered the original proof of claim. Additional copies for the Clerk and trustee are not required. Electronic claims shall be served on the debtor, if *pro se*.

(b) Transfer of Claim. Any assignment or other evidence of a transfer of claim filed after the proof of claim has been filed shall include the claim number of the claim to be transferred. Absent any timely filed objection to the notice of transfer served by the Clerk, the claim shall be, without any further order of the Court, noted as transferred on the records of the Court or the claims agent, if one is appointed.

Rule 3002-1 Government Deadline to File Proof of Claim.

(a) Chapter 11 Administrative Claims. Notwithstanding any provision of a plan of reorganization, any motion, notice, or court order in a specific case, the government shall not be required to file any proof of claim or application for allowance for any claims covered by section 503(b)(1)(B), (C), or (D).

(b) After Conversion to Chapter 7 Asset Case. If notice of insufficient assets to pay a dividend was given to creditors under the Federal Rules or these Local Rules, and subsequently the trustee notifies the court that payment of a dividend appears possible, the Clerk shall give at least ninety (90) days' notice by mail to creditors of that fact and of the date by which proofs of claim must be filed. In such case, the proof of claim deadline for governmental entities shall be the longer of one hundred eighty (180) days after the petition was filed or ninety (90) days after the notice of assets was served or as otherwise provided in the Federal Rules.

Rule 3003-1 Proofs of Claim in Chapter 11 Cases.

(a) Claims Agent Appointed. Any entity filing a proof of claim in a chapter 11 case shall file the original and one (1) copy of the proof of claim with the claims agent and shall serve a copy on the trustee, if any, unless the claims agent accepts claims electronically, in which case only the electronically filed claim shall be submitted.

(b) No Claims Agent Appointed. Any entity filing a proof of claim in a chapter 11 case, where there is no claims agent appointed, shall file the proof of claim with the Clerk's Office.

(i) When filing a paper claim, the entity shall file the original proof of claim and one (1) copy and shall serve a copy on the trustee, if any. Any entity that files a proof of claim by mail and wishes to receive a clocked-in copy by return mail must include an additional copy of the proof of claim and a self-addressed, postage-paid envelope.

(ii) Claims submitted through a court-approved electronic claims filing system are considered the original proof of claim. Additional copies for the Clerk and trustee are not required. Electronic claims shall be served on the debtor, if *pro se*.

Rule 3007-1 Omnibus Objection to Claims.

(a) Scope of Rule. This Local Rule applies to any objection to the allowance of a claim under an omnibus objection (i.e., an objection to claims asserted by more than one claimant) ("Objection"). To the extent of any inconsistency between this Local Rule and Fed. R. Bankr. P. 3007, this Local Rule governs omnibus objections to claims.

(b) Effect of Rule. In addition to complying with those sections of the Code and those rules of the Fed. R. Bankr. P. generally applicable to an objection to the allowance of a claim, any Objection shall comply with the information and certification requirements listed in Local Rule 3007-1(c)-(f).

(c) Filed v. Scheduled Claim. If a claim has been scheduled on the debtor's schedules of liabilities and is not listed as disputed, contingent or unliquidated and a proof of claim has not been filed under Fed. R. Bankr. P. 3003, 3004 and/or 3005, the debtor may not object to the claim. Instead, the debtor must amend the schedules under Fed. R. Bankr. P. 1009 and provide notice as required by Local Rule 1009-2.

(d) Substantive v. Non-Substantive Objections. An Objection is deemed to be on a substantive basis unless it is based on one or more of the following:

(i) A duplicate claim; provided, however, that a claim filed against two different debtors is not a duplicate claim unless the cases have been substantively consolidated by order of the Court;

(ii) A claim filed in the wrong case;

(iii) An amended or superseded claim;

(iv) A late filed claim;

(v) A claim filed by a shareholder based on ownership of stock; provided, however, that an Objection with respect to a claim filed by a shareholder for damages shall be deemed a substantive Objection;

(vi) A claim that does not have a basis in the debtor's books and records and does not include or attach sufficient information or documentation to

constitute prima facie evidence of the validity and amount of the claim, as contemplated by Fed. R. Bankr. P. 3001(f); provided, however, that if the Court determines that the claim attaches or includes sufficient information or documentation and is otherwise in compliance with applicable rules, then the Objection shall be deemed substantive. Any Objection under this subsection must be supported by an affidavit or declaration that states that affiant or declarant has reviewed the claim and all supporting information and documentation provided therewith, made reasonable efforts to research the claim on the debtor's books and records and believes such documentation does not provide prima facie evidence of the validity and amount of the claim;

(vii) A claim that is objectionable under 11 U.S.C. § 502(e)(1); and

(viii) A claim for priority in an amount that exceeds the maximum amount under 11 U.S.C. § 507 of the Code.

(e) General Requirements for Objections.

(i) Objection. Each Objection shall conform to the following requirements:

(A) Each Objection shall be filed as either substantive or non-substantive, but not both. A particular claim may be subject to both a substantive and a non-substantive Objection;

(B) The title of the Objection shall clearly state whether the Objection is on substantive or non-substantive grounds;

(C) Objections shall be numbered consecutively regardless of basis, i.e., 1st Omnibus (duplicate), 2nd Omnibus (amended and superseded); not 1st Omnibus (duplicate), 1st Omnibus (amended and superseded);

(D) Exhibit(s) of claims to which the Objection relates, which exhibit(s) shall be consistent with Local Rule 3007-1(e)(iii) and must be attached to the Objection; and

(E) The Objection shall also contain a statement by the objector or the objector's counsel that the Objection complies with this Local Rule.

(ii) Affidavit or Declaration. If an affidavit or declaration is filed in support of the Objection, it shall state that the information contained in the exhibit is true and correct to the best of the affiant's or declarant's knowledge and belief.

(iii) Exhibits.

(A) Each exhibit attached to an Objection shall include, at a minimum, the information identified in the following table, with such information entered in the respective boxes as appropriate:

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	(4) Reason for Disallowance

(B) Each exhibit shall contain only those claims to which there is one common basis for objection (e.g., exhibit A duplicate claims; exhibit B amended or superseded claims).

(C) A claim for which there are two or more bases for objection (e.g., a claim that is both duplicative and late filed) shall be referenced on each applicable exhibit.

(D) Each exhibit shall have the claims listed alphabetically by the last name of the claimant (in the case of an individual) or the name of the entity (in the case of a corporation, partnership, limited liability company, etc.).

(E) If an Objection seeks to reduce the amount of a claim, a column shall be added between columns (3) and (4) titled "Modified Claim Amount" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Modification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Modified Claim Amount	(4) Reason for Modification

(F) If an Objection seeks to change the classification of a claim, two columns shall be added between columns (3) and (4) titled "Claim Classification Status" and "Modified Classification Status" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Reclassification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Claim Classification Status	Modified Classification Status	(4) Reason for Reclassification

(G) If an Objection seeks to change the priority of a claim, two columns shall be added between columns (3) and (4) titled "Claim Priority Status" and "Modified Priority Status" and column (4) shall be changed from "Reason for Disallowance" to "Reason for Modification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Claim Priority Status	Modified Priority Status	(4) Reason for Modification

(H) If an Objection seeks to disallow amended or duplicate claims, the title of column (2) shall be changed from "Claim Number" to "Remaining Claim Number" and a column shall be added between columns (2) and (3) titled "Duplicate or Amended Claim to be Disallowed."

(1) Name of Claimant	(2) Remaining Claim Number	Duplicate or Amended Claim to be Disallowed	(3) Claim Amount	(4) Reason for Disallowance

(I) If an Objection seeks to disallow late filed claims, a column shall be added between columns (1) and (2) titled "Date Claim Filed."

(1) Name of Claimant	Date Claim Filed	(2) Claim Number	(3) Claim Amount	(4) Reason for Disallowance

(J) Where the Objection is based on substantive grounds, the exhibit must include a claim-specific declaration in the column titled "Reason for Disallowance" giving sufficient detail as to why the claim should be disallowed. The following are examples of "sufficient detail" necessary to sustain an Objection on a substantive basis:

(1) If the claim is against a non-debtor entity, then the non-debtor entity must be identified;

(2) If the claim has been paid or satisfied prepetition (not postpetition), then the check number and the date the check was issued must be identified. (An objection to a claim on the basis that the claim has been paid or satisfied postpetition is not a valid objection); and

(3) If the claim includes a postpetition claim, then the date the postpetition claim arose must be identified.

(iv) Proofs of Claim. If the Objection is non-substantive, then copies of the proofs of claim need not be provided to the Court, except that proofs of claim relating to an Objection based on Local Rule 3007-1(d)(iii) (i.e., amended or superseded claim) and proofs of claim and any attached supporting documentation relating to an Objection based on Local Rule 3007-1(d)(vi) (i.e., a claim without any supporting documents) shall be provided to the Court as set forth in Local Rule 3007-1(e)(iv)(A)-(C). When the Objection is substantive, a copy of the proofs of claim and all supporting documentation shall be provided to the Court as follows:

(A) Proofs of claim shall be in a binder and separated by tabs;

(B) Proofs of claim shall be in the order as listed in the exhibit(s), with additional tabs indicating to which exhibit the claims relate; and

(C) At least fourteen (14) days before the hearing on the Objection, a Notice of Submission of Proofs of Claim is to be filed and delivered to the respective Judge's chambers with copies of the claims (with all attachments) along with the Objection to those claims. The Notice of Submission of Proofs of Claim stating that the claims have been delivered to chambers and that copies can be requested from objector's counsel shall be served upon all parties requesting notice under Fed. R. Bankr. P. 2002.

(v) Notice of Objection to Claim Holder. Each claim holder whose rights are affected by an Objection shall receive a "Notice of Objection to Claim" that shall conform to Local Form 113 or a copy of the Objection.

(vi) Counsel Certification Regarding Untimely Claims. If (a) the basis for a claim objection is that the claim was untimely filed, and (b) the claim objected to was one that amended or superseded a previously filed claim, the claim objection shall include a certification from counsel to the objector that either (y) the previously filed claim was also untimely, or (z) the previously filed claim was timely but the amending or superseding claim asserts new claims not asserted in the previously filed claims that do not relate back to the claims asserted in the previously filed claim.

(f) Requirements Relating to Substantive Objections.

(i) As authorized by Fed. R. Bankr. P. 3007(c), the Court hereby orders that an Objection which is based on substantive grounds may contain more than one but no more than 150 claims and that no more than two substantive Objections may be filed with the Court each calendar month.

(ii) Leave from the requirements of subsection (f)(i) of this Local Rule may be sought, for cause, by separate motion filed and heard prior to the filing of an Objection not in compliance with subsection (f)(i) of this Local Rule.

(iii) An Objection based on substantive grounds, other than incorrect classification of a claim, shall include all substantive objections to such claim.

(iv) An Objection based on incorrect classification of a claim, shall:

(A) provide in the title (or otherwise conspicuously state) that substantive rights may be affected by this Objection and by any further Objection that may be filed; and

(B) otherwise comply with these Local Rules other than subsection (f)(i) above.

(v) Fed. R. Bankr. P. 7015 shall apply to any substantive Objection and upon the filing of a response to such substantive Objection, the objector may only amend such Objection upon leave of court or written consent of the claimant; provided, however, that if an Objection to a particular claim is determined to be substantive under Local Rule 3007-1(d)(vi) or the claimant filed a response to an Objection made under Local Rule 3007-1(d)(vi) and the response included supporting documentation or information, then the Objection may be amended without written consent or leave of Court.

(vi) The Court will not consider any substantive Objection to personal injury or wrongful death claims that would be in violation of 28 U.S.C. § 157(b)(2)(B).

(g) *Pro se*. Any claimant may participate *pro se* (and telephonically) at a hearing on an Objection to his or her claim by following the telephonic appearance procedures located on the Court's website.

(h) Responses and Replies to Objection.

(i) Response Deadline. Any response to an Objection shall be due no later than seven (7) days before the hearing date. See also Del. Bankr. L.R. 9006-1.

(ii) Reply. Reply papers may be filed and, if filed, shall be filed and served in accordance with Del. Bankr. L.R. 9006-1(d).

(i) Hearings on Objections and Responses. Hearings on Objections, and any response thereto, may ordinarily be held on the regularly scheduled omnibus hearing dates in chapter 11 cases, consistent with these Local Rules. When the Court determines that the hearing on a particular claim Objection will require substantial time for the presentation of argument and/or evidence, then the Court, in its discretion, may reschedule the hearing on that claim for a different hearing date and time. The parties may also request that a separate hearing on an Objection(s) based on substantive grounds be separately scheduled for a date and time convenient to the Court and the parties.

Rule 3007-2 Service of Objections to Claims; Notices in Lieu of Full Objection. In lieu of serving a copy of the entire claim objection (including an "Objection" as defined in Local Rule 3007-1(a)) on all parties having filed a request for service of notices under Bankruptcy Rule 2002(i), the objecting party may, in its discretion, elect to serve on any party in interest that has filed a request for service of notices under Bankruptcy Rule 2002(i) and that is not (i) the holder of a claim that is objected to in the claim objection, (ii) the debtor or debtor-in-possession, (iii) any statutory trustee, (iv) any official committee, or (v) the U.S. Trustee (the "Core Objection Service Parties"), only the exhibits to the claim objection in the form required by Local Rule 3007-1(e)(iii) and the notice in the form required by Local Rule 3007-1(e)(v). Service of a claim objection upon the Core Objection Service Parties shall be in the manner prescribed by Bankruptcy Rule 3007(a). Such service shall be deemed valid and proper service on parties so served.

Rule 3011-1 Deposit or Release of Funds Paid into the Registry of the Court. The deposit or release of funds paid into the Registry of the Court shall be by motion in accordance with Del. Bankr. L.R. 9013-1.

(a) Deposit of Funds. A motion for the deposit of funds paid into the Registry of the Court shall specify the amount to be deposited and the reason for the deposit. If the deposit is for unclaimed distributions, then the movant shall also specify the list of payees (with the last four digits of taxpayer identification number, if available), the amount due to each payee and why the distributions did not occur to the payees.

(b) Withdrawal of Funds. In addition to the requirements set forth in 28 U.S.C. § 2042 and requirements under the Local Rules, any motion for the withdrawal of funds paid into the Registry of the Court shall be in conformity with Local Forms 127 and 127A.

Rule 3011-2 Motion for Release of Funds Paid into the Registry of the Court - Confidentiality. Any motion for release of funds previously paid into the registry of the Court or any exhibit in support thereof that contains confidential information regarding the claimant shall be filed with the Clerk with all confidential information redacted. An unredacted copy of such motion or exhibit shall be delivered in a sealed envelope to the assigned judge.

Rule 3015-1 Chapter 12 Plan and Confirmation Requirements.

(a) If a Chapter 12 Plan is filed with the petition, the Court will serve the Plan. If a Chapter 12 Plan is filed after the petition date, the debtor shall file and serve upon the Chapter 12 trustee, all creditors, and parties requesting service, the proposed plan and a notice scheduling the hearing to consider confirmation. The notice shall include the time fixed for filing objections to the proposed plan that is not less than seven (7) days prior to the hearing. Unless the Court fixes a different time, the notice of the hearing shall be given not less than twenty-eight (28) days before the confirmation hearing.

(b) Objections to confirmation of the plan shall be filed with the Court and served on the debtor, the debtor's attorney, the Chapter 12 trustee, and parties requesting service not less than seven (7) days prior to the confirmation hearing.

(c) If an amended plan is filed before the scheduled confirmation hearing, the debtor shall serve upon the Chapter 12 trustee, all creditors, and parties requesting service, the amended plan with a new notice of hearing for the consideration of the amended chapter 12 plan, in such manner as to ensure that such parties receive the amended plan and notice not less than seven (7) days prior to the confirmation hearing.

(d) The debtor shall prepare a proposed Confirmation Order that recites the requirements of the plan and the Court's findings under 11 U.S.C. § 1225.

Rule 3016-1 Plan and Disclosure Statement Documents and Required Forms in Subchapter V Cases.

~~**Rule 3016-1**~~(a) Redline or Blackline of Plan and Disclosure Statement Documents. Parties filing an amended disclosure statement or plan (or any related document thereto that is amended post filing) shall include in the filing a document showing all changes made to the last version of the document on file.

(b) Required Forms in Subchapter V Cases. A Subchapter V debtor must file Local Forms 136 Subchapter V Status Report and Local Form 137 Subchapter V Small Business Plan.

Rule 3016-2 Plan Supplements. The plan proponent must file any plan supplement on or before seven (7) days prior to the earlier of (a) the deadline for submission of ballots to vote to accept or reject a plan, or (b) the deadline to object to confirmation of the plan, unless otherwise ordered by the Court.

Rule 3017-1 Approval of Disclosure Statement.

(a) Hearing on Disclosure Statement. Upon the filing of a disclosure statement, the proponent of the plan shall obtain hearing and objection dates from the Court and shall provide notice of those dates in accordance with Fed. R. Bankr. P. 3017. The hearing date shall be at least thirty-five (35) days following service of the disclosure statement and the objection deadline shall be at least twenty-eight (28) days from service of the disclosure statement.

(b) Voting Procedures. The plan proponent shall file a motion to be heard at the disclosure statement hearing, not less than twenty-one (21) days prior to such hearing, for approval of the voting procedures, including the form of ballots, the voting agent and the time and manner of voting.

(c) Service of Disclosure Statements. When a party in interest makes a written request of a plan proponent for service of a copy of the disclosure statement or plan under Fed. R. Bankr. P. 3017(a), service of that disclosure statement or plan shall be at the expense of the plan proponent.

Rule 3017-2 Combined Hearings on Approval of Disclosure Statements and Confirmation of Plans in Liquidating Chapter 11 Cases.

(a) Applicability. This Local Rule shall be applicable to all cases arising under chapter 11 of the Code where the following requirements are met:

(i) All or substantially all of the assets of the debtor[s] were or will be liquidated pursuant to a sale under 11 U.S.C. § 363; and

(ii) The plan of liquidation proposes to comply with section 1129(a)(9) of the Code; and

(iii) The plan of liquidation does not seek non-consensual releases/injunctions with respect to claims creditors may hold against non-debtor parties; and

(iv) The debtor's combined assets to be distributed pursuant to the proposed plan of liquidation are estimated, in good faith, to be worth less than $25 million (excluding causes of action).

(b) Combined Disclosure Statement and Plan of Liquidation. A plan proponent may combine the disclosure statement and plan of liquidation into one document.

(c) Interim Approval of the Disclosure Statement; Approval of Solicitation Procedures and Scheduling Combined Hearing on Approval of the Adequacy of Disclosure Statement and Confirmation of Plan. In the event that the requirements of subsection (a) above are satisfied, upon the filing of a disclosure statement and proposed plan of liquidation, a plan proponent may file a motion requesting (1) interim approval of the disclosure statement; (2) approving solicitation procedures; and (3) the scheduling of a joint hearing to consider final approval of the adequacy of the disclosure statement and confirmation of the proposed plan of liquidation. Such motion may be granted without notice and a hearing if:

(i) Notice. The motion provides at least fourteen (14) days' notice of the objection deadline (the "Notice Period") to the United States Trustee and the creditors' committee (or the twenty (20) largest unsecured creditors, if no creditors' committee is formed), and all parties who have requested service

of notices under Fed. R. Bankr. 2002(d). If an objection is timely filed within such ~~notice period~~Notice Period, a hearing on the motion will not occur less than seven (7) days after expiration of the ~~notice period~~Notice Period; and

(ii) Provisions to be Highlighted. All motions under this rule requesting a joint disclosure statement and confirmation hearing must: (A) recite whether the proposed form of order and/or plan of liquidation contains any provision of the type indicated below and (B) identify the location of any such provision in the proposed form of order and/or plan of liquidation:

(A) Provisions which seek consensual releases/injunctions with respect to claims creditors may hold against non-debtor parties; and

(B) Provisions that seek to release any claims the debtor[s] may have against non-debtor parties who are insiders of a debtor; and

(C) Any provision which seeks an exemption under section 1146 of the Code; and

(iii) The motion identifies the proposed balloting agent, which may include counsel to the plan-proponent; and

(iv) The motion identifies any voting procedures in addition to those required in section (d) of this Local Rule; and

(v) The requested hearing date will not occur earlier than forty-five(45) days after entry of an order scheduling the combined hearing to consider the final approval of the adequacy of the disclosure statement and confirmation of the plan of liquidation; and

(vi) The motion is accompanied by a proposed order which, in addition to setting the hearing date, approves: (A) on an interim basis, the disclosure statement; (B) the voting procedures to be utilized; (C) the form of notice to be provided to creditors and interest holders of the debtor[s]; and (D) the form of ballot which will be provided to creditors and

interest holders entitled to vote on the proposed plan of liquidation. The proposed order shall further provide that objections not made to the types of relief requested under (B), (C) or (D) of this subparagraph (vi) at the time of the hearing on the motion shall not be considered at the time of the combined hearing on the disclosure statement and plan.

(d) Solicitation and Voting Procedures. The proposed order shall contain, inter alia, the following provisions:

(i) Establishment of a record date pursuant to Fed. R. Bankr. P. 3017(d) and 3018(a); and

(ii) Establishment of a voting deadline not more than ten (10) days prior to the combined hearing.

(e) Form of Ballots. If a proposed plan of liquidation seeks consensual releases/injunctions with respect to claims creditors may hold against non-debtor parties, then the ballot must inform the creditors of such releases/injunctions and disclose the manner in which to indicate assent or opposition to such consensual releases/injunctions.

(f) Combined Confirmation Hearing. The order approving the voting procedures shall provide for a combined hearing on the final approval of the disclosure statement and confirmation of the plan not less than forty-five (45) days from the entry of the order approving the voting procedures and the objection deadline shall be at least thirty-eight (38) days from such date.

(g) Plan Supplements. The plan proponent must file any plan supplement on or before seven (7) days prior to the earlier of (a) the deadline for submission of ballots to vote to accept or reject a plan, or (b) the deadline to object to confirmation of the plan, unless otherwise ordered by the Court.

Rule 3017-3 Disclosure Statement & Confirmation Briefs and Memoranda. In all chapter 11 cases, without leave of the Court, no objection to approval of a disclosure statement or confirmation of a plan shall exceed forty (40) pages (exclusive of any tables, exhibits, addenda or other supporting materials) and no brief in support of approval of a disclosure statement or confirmation of a plan (which brief shall include any written replies to any objections) shall exceed sixty (60) pages (exclusive of any tables, exhibits, addenda or other supporting materials).

Rule 3022-1 Closing of Chapter 11 Cases

(a) Motion. Upon written motion, a party in interest may seek the entry of a final decree at any time after the confirmed plan has been fully administered provided that all required fees due under 28 U.S.C. § 1930 have been paid. Such motion shall include a proposed final decree order that (i) orders the closing of the case and (ii) identifies in the caption and in the body of the order the case name and the case number of each case to be closed under the order.

(b) Service. A motion for the entry of a final decree shall be served upon the debtor, the trustee, if any, the United States Trustee, all official committees and all creditors who have filed a request for notice under Fed. R. Bankr. P. 2002 and Local Rule 9013-1, at least twenty-one (21) days prior to the hearing on the motion.

(c) Final Report. The debtor (or trustee, if any) shall file a final report and account on or before fourteen (14) days prior to the hearing on any motion to close the case.

(d) Discharge. In a case in which the debtor is an individual, upon completion of plan payments, debtor and debtor's counsel shall file with the Court a motion for entry of a discharge and a Certification, substantially in the form of Local Form 104A, in order to comply with 11 U.S.C. § 1141 and obtain a discharge.

Rule 3023-1 Special Procedures in Chapter 13 Matters. This Local Rule shall govern all cases filed under chapter 13 of the Code.

(a) Section 1326 Payments.

(i) The debtor shall, after commencing timely payments as required by 11 U.S.C. § 1326(a)(1), continue to make subsequent payments to the trustee in accordance with the proposed plan until the trustee or Court directs otherwise.

(ii) If the proposed plan provides for payment of secured debt through the plan and the debtor is making timely pre-confirmation payments to the trustee, the debtor need not continue to make regular payments directly on such secured debt. If the proposed plan provides for direct payments to a secured creditor or if no proposed plan is filed on the petition date, the debtor shall continue to make regular payments to such secured creditor(s) as and when due.

(b) Chapter 13 Plan and Plan Analysis.

(i) Filing of Plan and Nonstandard Plan Provisions.

(A) Filing of Plan. On the petition date, or within fourteen (14) days of conversion to chapter 13, the debtor shall file a proposed plan in the form of Local Form 103, together with a plan analysis in the form of Local Form 103A. If a plan or plan analysis is filed after such time, the debtor shall serve the plan and plan analysis upon all creditors in accordance with Fed. R. Bankr. P. 2002 and file a certificate of service with the Court.

(B) Nonstandard Plan Provisions. Should the proposed plan contain any nonstandard provisions, the plan shall disclose that fact in the notice section in the first paragraph of the plan. Examples of nonstandard provisions include, but are not limited to, the following:

(1) Debtor is self-employed and operating a business and therefore has additional duties and reporting requirements

including timely submission of tax returns and employee tax withholdings;

(2) Debtor holds a personal injury, worker's compensation, or social security claim and debtor's duty to report and disclose;

(3) Debtor's current or future intent to sell or refinance real estate, court approval required and if sold or refinanced how liens and mortgage arrears claims will be addressed;

(4) Debtor to seek a mortgage modification and pending any modification whether ongoing payments will continue;

(5) Plan includes the cramdown of a secured vehicle claim and specific provisions as to lien and title release;

(6) Plan includes avoidance of junior liens on real estate, adversary to be filed, and treatment if any as to the unsecured claim of an avoided lienholder;

(7) Provision as to the treatment of claims and any unsecured deficiency of creditors where collateral is surrendered under the plan;

(8) Any matter relating to a domestic support obligation, divorce or property division; or

(9) Plan seeks to avoid a lien pursuant to 11 U.S.C. § 522(f).

(ii) Mortgage Claims and Procedures.

(A) If servicers/mortgagees include a flat fee cost in the proof of claim for review of the chapter 13 plan prior to confirmation and for the preparation of the proof of claim, it shall be reasonable and fairly reflect the attorney's fee included. A postpetition charge for the review of a chapter 13 plan and/or the preparation of a proof of claim may be asserted

in the servicer/mortgagee's proof of claim that asserts prepetition claims;

(B) If servicers/mortgagees include attorney fees for pursuing relief from stay, such fees shall be clearly identified as well as how such fees are to be paid in any agreed order resolving a Motion for Relief from Stay or any other matter before the court;

(C) Servicers/mortgagees shall analyze the loan for escrow changes upon the filing of a bankruptcy case and each year thereafter. A copy of the escrow analysis shall be provided to the debtor and filed with the Court by the servicers/mortgagees or their representative each year;

(D) Servicers/mortgagees shall not include any prepetition cost or fees or prepetition negative escrow in any postpetition escrow analysis. These amounts shall be included in the prepetition claim amount unless the payment of such fee or cost was actually made by the servicer;

(E) Servicers/mortgagees shall attach a statement to a formal notice of payment change outlining all postpetition contractual costs and fees not previously approved by the court and due and owing since the prior escrow analysis or date of filing, whichever is later. This statement need not contain fees, costs, charges and expenses that are awarded or approved by the Bankruptcy Court order. In absence of any objection or challenge to such fees, the Debtor shall take appropriate steps to cause such fees to be paid as authorized by mortgage holder's note, security agreement and state law;

(F) Servicers/mortgagees shall monitor postpetition payments. If the mortgage is paid postpetition current, then the servicers/mortgagees shall not seek to recover late fees. No late fees shall be recovered or demanded for systemic delay but shall be limited to actual debtor default;

(G) Prepetition payments shall be tracked as applied to prepetition arrears and postpetition payments shall be tracked as applied to postpetition ongoing mortgage payments;

(H) Servicers/mortgagees shall file a notice and reason of any payment change with the court and provide same to the debtor;

(I) Servicers/mortgagees are required, at least annually, to file with the Court a notice of any protective advances made in reference to a mortgage claim, such as non-escrow insurance premiums or taxes. Such notice shall be provided to the debtors and filed with the Court;

(J) If appropriate, servicers/mortgagees should review the Trustee's website or NDC (National Data Center) to reconcile any payment discrepancies with their system prior to the filing of a Motion for Relief from Stay;

(K) Servicers/mortgagees shall clearly identify, in their proofs of claim, if the loan is an escrowed or non-escrowed loan and break out the monthly payment consisting of principal, interest, escrow and PMI components;

(L) Servicers/mortgagees shall attach to their proofs of claim or otherwise identify non-traditional or non-conforming mortgage loans in their proof of claim. Servicers/mortgagee's holding loans with options should identify on the proof of claim the type of loan as well as the various contractual payment options available during the bankruptcy to the borrower/debtor;

(M) Mortgage Arrearage Claims. When filing their initial proofs of claims, servicers/mortgagees should state their mortgage arrearage up to the date of the filing date of the bankruptcy petition, unless the plan or Trustee indicates otherwise, or local rule provides otherwise. The Chapter 13 Trustee will use the mortgage arrearage claim to set up the arrearage balance on the claim, which in turn will show up as the

"balance" on the voucher check, absent objection to the claim;

(N) Within thirty (30) days after the debtor completes all payments under the plan, the Trustee will file and serve on the Servicer/mortgagee, debtor and debtor's counsel a Notice of Final Cure and Completion of Plan Payments. Within twenty-one (21) days of service of this Notice the debtor shall file an executed Local Form 104, and the servicer/mortgagee shall file and serve on the debtor, debtor's counsel and the Trustee an itemized statement as required under Fed. Bankr. Rule 3002.1(g) indicating whether it agrees that the debtor has paid in full the amount required to cure any default and whether the debtor is otherwise current on all payments. Absence of the filing of the servicer/mortgagee statement shall be deemed consent to the contents of the Notice of Final Cure and Completion of Plan Payments.

Should the servicer/mortgagee file a response under Fed. Bankr. Rule 3002.1(g) alleging unpaid cure amounts due, within twenty-one (21) days of the filing of the response, and if the response asserts unpaid plan arrears amounts, the Trustee shall submit to the servicer/mortgagee evidence of payments made for any allowed arrears claim paid under the plan and file a certification with the court. If the response asserts unpaid postpetition amounts not paid under the plan, the debtor shall submit to the servicer/mortgagee evidence of payments for all required postpetition amounts due and file a certification with the court. If a party fails to timely comply with the requirements of this Local Rule, the court may, after notice and hearing, take such action as appropriate including the actions set forth in Fed. Bankr. Rule 3002.1(i). The submissions shall be considered by the Court along with the Notice of Final Cure, the response and itemized statement, upon Notice and Hearing scheduled pursuant to Fed. Bankr. Rule 3002.1(h). The date of the Notice of Final Cure shall be the

operative date for determination of the amount due for any default.

Thereafter, upon issuance of a Discharge, a servicer/mortgagee shall adjust its permanent records to reflect the current nature of Debtor(s) account. Servicers/mortgagees should review the Trustee's website or NDC at the close or discharge of the bankruptcy to reconcile any payment discrepancies with their system. Provided, however, that if Debtor elected to defer the payment of approved postpetition charges until the conclusion of the case's administration, then a servicer/mortgagee shall be authorized to collect said sums in accordance with the provisions of its note, security agreement and state law. Otherwise, the mortgage shall be reinstated according to its original terms, extinguishing any right of the servicer/mortgagee or its assignee(s) to recover any amounts alleged to have arisen prior to the date of the Trustee's filing of a Request for Discharge of Debtor(s) and entry of Order deeming any mortgage current;

(O) Prior to filing a motion (other than a Motion for Relief from Stay) to enforce any mortgage claim, the notice requirements hereunder or plan provisions governing mortgage claims, the moving party shall attempt to confer in good faith with the affected parties in an effort to resolve the dispute without court actions. All such motions shall include a certification of counsel by Delaware Counsel that a good faith attempt to confer was so made; and

(P) All statements, notices, escrow analysis or similar documents required under this Local Rule to be filed with the Court by servicers/mortgagees need not be signed or filed by an attorney or an attorney of record.

(c) Amended Plans.

(i) If an amended plan is filed before the scheduled confirmation hearing on the previously filed plan,

it shall be accompanied by a certificate of service. The certificate of service should evidence that a copy of the amended plan has been served upon each of the creditors listed in the chapter 13 Schedules and Statement of Financial Affairs, the Chapter 13 Trustee and the United States Trustee, in such a manner so as to ensure that such parties receive the amended plan no less than seven (7) days prior to the confirmation hearing. When a plan is confirmed on an interim basis, any subsequent plan filed prior to the final confirmation should be filed and titled an "Amended Plan" and should be noticed by the debtor or debtor's counsel. A certificate of service therefor should be filed with the Court.

(ii) Any motion to modify a plan after confirmation shall be noticed by the Court.

(d) Distribution. Before commencing distribution of the debtor's funds under a confirmed plan, the trustee shall mail to the debtor a copy of the debtor's master report reflecting those creditors that have or have not filed proofs of claim. The trustee shall not distribute funds to any creditor unless a proof of claim has been filed and deemed allowed or allowed by Court order.

(e) Plan Funding. In all plans, funding shall be by payroll deduction unless otherwise agreed by the trustee or ordered by the Court upon a demonstration of cause shown by the debtor. A wage order must be submitted by the debtor at the time the plan is confirmed by the Court in conformity with Local Form 135.

(f) Confirmation. If timely pre-confirmation payments are made to the trustee and no objections are received, the plan may be confirmed without further notice or hearing upon the filing of a certificate by the trustee recommending that the Court confirm the plan.

(g) Discharge. Debtor and debtor's counsel shall file with the Court a Certification substantially in the form of Local Form 104 in order to comply with 11 U.S.C. § 1328 and obtain a discharge upon completion of all plan payments. Failure to file the Certification may be a basis for dismissal of the case.

PART IV. THE DEBTOR: DUTIES AND BENEFITS

Rule 4001-1 Procedure on Request for Relief from the Automatic Stay of 11 U.S.C. § 362(a).

(a) Service. Upon the filing of a motion seeking relief from the automatic stay under 11 U.S.C. § 362, the movant shall file and serve a notice of hearing substantially in compliance with Local Form 106A. In chapter 11 cases, an individual seeking relief from the automatic stay to pursue a personal injury or wrongful death action shall serve counsel for the debtor or trustee, counsel for all official committees, counsel for the Debtor-in-Possession financing lenders and any other party directly affected by the motion. In all other cases, the motion shall be served on counsel for the debtor, counsel for all official committees, any trustee, all parties requesting notices and all known parties having an interest in the subject property or relief requested.

(b) Scheduling. In all chapter 11 and chapter 15 cases, the movant shall obtain a hearing date from chambers in advance of filing and serving the motion and notice of motion; provided, however, that in any cases where omnibus hearing dates have been scheduled by the Court, the movant may notice its motion for the earliest omnibus hearing date that provides sufficient notice in accordance with Local Rule 9006-1(c). If the hearing date noticed by the movant is not within twenty-eight (28) days of the filing of the motion, the movant is deemed to have consented to the stay remaining in effect until such time as the motion can be heard. If the movant consents to a continuance of the hearing on the motion, then the movant is deemed to consent to the stay remaining in effect until the adjourned hearing date on the motion. In all chapter 7 and chapter 13 cases, the movant shall obtain a hearing date from the Court's website in advance of filing and serving its motion and notice of motion.

(c) Supporting Documentation. With respect to a motion for relief from stay where the movant is seeking to foreclose on its collateral:

(i) The movant shall file the following documents with the motion:

(A) An affidavit or declaration, under 28 U.S.C. § 1746, and supporting exhibits containing the following data, if applicable:

(1) True copies of all notes, bonds, mortgages, security agreements, financing statements, assignments and every other document upon which the movant will rely at the time of hearing;

(2) A statement of amount due, including a breakdown of the following categories:

(a) Unpaid principal;

(b) Accrued interest to and from specific dates;

(c) Late charges to and from specific dates;

(d) Attorneys' fees;

(e) Advances for taxes, insurance and the like;

(f) Unearned interest; and

(g) Any other charges;

(3) A current breakdown of postpetition arrears setting forth the unpaid monthly mortgage payments and any applicable late charges;

(4) A per diem interest factor; and

(5) Movant's good faith estimate of the value of the collateral as of the petition date of the respective debtor.

(ii) At least seven (7) days prior to the hearing, any party opposing the motion shall file with the Court and serve on the movant and all parties required to be served under this Rule the following documents:

(A) A response to the motion;

(B) An affidavit or declaration, under 28 U.S.C. § 1746, stating the responding party's good faith estimate of (1) the amount due to the movant and (2) the value of the collateral as of the petition date of the respective debtor; and

(C) A statement as to how the movant can be adequately protected if the stay is to be continued.

(iii) The hearing date specified in the notice of the motion will be a preliminary hearing at which the Court may (A) hear oral argument, (B) determine whether an evidentiary or other final hearing is necessary, (C) set a date by which the parties shall exchange supporting documentation, (D) set a date by which the parties must produce the report of any appraiser whose testimony is to be presented at the final hearing and/or (E) set a date and time for a final hearing.

(d) Conference. The attorneys for the parties shall confer with respect to the issues raised by the motion in advance of the hearing for the purpose of determining whether a consensual order may be entered and/or for the purpose of stipulating to relevant facts, such as the value of the property and the extent and validity of any security instrument.

Rule 4001-2 Cash Collateral and Financing Orders.

(a) Motions. Except as provided herein and elsewhere in these Local Rules, all cash collateral and financing requests under ~~11 U.S.C. §§~~sections 363 and 364 of the Bankruptcy Code shall be heard by motion filed under Fed. R. Bankr. P. 2002, 4001 and 9014 ("Financing Motions").

(i) ~~Provisions to be Highlighted~~Form of Financing Motion. All Financing Motions ~~must (a~~shall (A) provide a summary of the essential terms of the proposed use of cash collateral and/or financing, and identify the location of the same in the proposed form of order, cash collateral stipulation and/or loan agreement; (B) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, ~~(b)~~and if so, identify the location of ~~any such provision~~the same in the proposed form of order, cash collateral stipulation and/or loan agreement; and (~~c~~C) ~~justify~~with respect to subsections N through X below, also set forth the justification for the inclusion of any such provision:

(A) The amount of cash collateral the debtor seeks permission to use or the amount of credit the debtor seeks to obtain under the proposed loan agreement, including the committed amount of the proposed loan agreement and the amount of new funding that will actually be available for borrowing by the debtor;

(B) Pricing and economic terms, including letter of credit fees, commitment fees, and any other fees, provided that when any such terms are sought to be filed under seal, they shall not be disclosed in the Financing Motion itself, but shall be set forth in a separate document filed pursuant to the procedures set forth in Local Rule 9018-1(d), the filing of which shall be disclosed in the Financing Motion;

(C) Any provision that specifically limits the Court's power or discretion to enter future orders in the case;

(D) Any provision that provides for the funding of non-debtor affiliates with cash collateral or proceeds of the loan, as applicable, and the approximate amount of such funding;

(E) Material conditions to closing and borrowing, including budget provisions;

(F) Any carve-outs from liens or superpriority claims, including the material terms of any professional fee carve-out;

(G) Any provision that provides for postpetition liens on unencumbered assets, including the identification of such assets;

(H) Any provision that establishes sale or plan milestones;

(I) Any prepayment penalty or other provision that affects the debtor's right or ability to repay the financing in full during the course of the chapter 11 case;

(J) In jointly administered cases, any provision that governs joint liability of the debtors, including any provision that would cause one jointly administered debtor to become liable for the prepetition debt of another jointly administered debtor for which it was not previously subject to;

(K) Any provision that requires the debtor to pay an agent's or lender's expenses and attorneys' fees in connection with the proposed financing or use of cash collateral, without any notice or review by the Office of the United States Trustee, the committee appointed under section 1102 of the Bankruptcy Code (if formed) or, upon objection by either of the foregoing parties, the Court;

(L) Any provision that prohibits the use of estate funds to investigate the liens and claims of the prepetition lender;

(M) Any termination or default provisions concerning the use of cash collateral or the availability of credit;

(~~A~~N) ~~Provisions that grant~~Any provision that grants cross-collateralization protection ~~(other than replacement liens or other adequate protection) to the prepetition secured creditors (~~i.e., ~~clauses that secure~~or elevates prepetition debt ~~by~~to administrative expense (or higher) status or that secures prepetition debt with liens on postpetition assets ~~in~~(which liens the ~~secured~~ creditor would not otherwise have ~~a security interest~~ by virtue of ~~its~~the prepetition security agreement or applicable law);

(O) Any provision that applies the proceeds of postpetition financing to pay, in whole or in part, prepetition debt or which otherwise has the effect of converting (or "rolling up") prepetition debt to postpetition debt;

(P) Provisions that immediately prime valid, perfected and non-avoidable liens existing immediately prior to the petition date or that are perfected subsequent to the petition date as permitted by section 546(b) of the Bankruptcy Code, in each case that are senior to the lender's prepetition liens under applicable law, without the consent of the affected secured creditors, and the proposed notice to be provided to such affected secured creditors;

(~~B~~Q) Provisions or findings of fact that (i) bind the estate or other parties in interest with respect to the validity, perfection or amount of the secured creditor's prepetition lien or the waiver of claims against the secured creditor without first giving parties in interest, including, but not limited to, any official committee appointed in these cases, at least seventy-five (75) days from the entry of the ~~order and the creditors' committee, if formed, at least sixty (60) days from the date of its formation~~initial interim order to investigate such matters or (ii) limit the

Court's ability to grant relief in the event of a successful challenge;

(R) Provisions that immediately approve all terms and conditions of the underlying loan agreement (provided that provisions in the order that provide that the debtor is authorized to enter into and be bound by the terms and conditions of such loan agreement do not need to be summarized);

(S) Provisions that modify or terminate the automatic stay or permit the lender to enforce remedies following an event of default that do not require at least five (5) days' written notice to the trustee or debtor in possession, the Office of the United States Trustee and each committee appointed under sections 1102 and 1114 of the Bankruptcy Code (the "Remedies Notice Period"), prior to such modification or termination of the automatic stay or the enforcement of the lender's remedies;

(~~C~~T) Provisions that seek to ~~waive, without notice, whatever rights the estate may have under 11 U.S.C. § 506(c)~~limit what parties in interest (other than the debtor) may raise at any emergency hearing scheduled during the Remedies Notice Period;

(~~D~~U) Provisions that immediately grant to the prepetition secured creditor liens on the debtor's claims and causes of action arising under ~~11 U.S.C. §§~~sections 544, 545, 547, and 548 ~~and 549~~of the Bankruptcy Code or, in each case, the proceeds thereof;

~~(E) Provisions that deem prepetition secured debt to be postpetition debt or that use postpetition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in 11 U.S.C. § 552(b);~~

~~(F) Provisions that provide disparate treatment for the professionals retained by a creditors' committee from those professionals retained by~~

~~the debtor with respect to a professional fee carve-out;~~

(~~G~~V) Provisions that ~~prime any secured lien without the consent of that lienor; and~~immediately waive the debtor's rights under section 506(c) of the Bankruptcy Code;

(~~H~~W) Provisions that immediately seek to affect the Court's power to consider the equities of the case doctrine under ~~11 U.S.C. §~~section 552(b)(1)~~.~~ of the Bankruptcy Code; and

(X) Provisions that immediately shield the lender from the equitable doctrine of "marshalling" or any similar doctrine.

(ii) ~~All~~Financing Terms. Defined terms in Financing Motions ~~shall also provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations and protections afforded under 11 U.S.C. §§ 363 and 364).~~must either be defined in the Financing Motion, or the Financing Motion shall include a specific reference to where such terms are defined in the applicable loan agreements. The Financing Motion shall attach the postpetition loan agreements or other documents that set forth the terms of the financing. If the postpetition financing incorporates terms from any prepetition financing documents, those terms must either be set forth in their entirety in the Financing Motion, or the Financing Motion must include a specific reference to where such terms can be found in the applicable prepetition financing document, in which instance such document must be attached to the Financing Motion.

(iii) Budget. If the debtor will be subject to a budget pursuant to the Financing Motion, (i) the applicable budget shall be attached as an exhibit to the Financing Motion, (ii) the Financing Motion shall include a statement by the debtor as to whether it has reason to believe that the budget will be

adequate, considering all available assets, to pay all administrative expenses due or accruing during the period covered by the financing or the budget and (iii) the budget shall show in reasonably sufficient detail the sources and uses of cash necessary for ongoing operations on a weekly basis during the budget period.

(b) Interim Relief~~.~~ Availability and Limitations.

(i) Interim Relief Available. When Financing Motions are filed with the Court on or shortly after the petition date, the Court may grant interim relief pending review by interested parties of the proposed Debtor-in-Possession financing arrangements. ~~Such interim~~

(ii) Interim Relief Limitations. Interim relief granted hereunder shall be only what is necessary to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the Court shall not approve interim financing orders that include any of the provisions previously identified in Local Rule 4001-2(a)(i)(~~A~~P) through 4001-2(~~F~~a)(i)(X).

(c) Final Orders. A final order shall be entered only after notice and a hearing under Fed. R. Bankr. P. 4001 and Local Rule 2002-1(b). Ordinarily, the final hearing shall be held at least seven (7) days following the organizational meeting of the creditors' committee contemplated by 11 U.S.C. § 1102.

Rule 4001-3 Investment in Money Market Funds. There is "cause" for relief from the requirements of 11 U.S.C. § 345(b) where money of the estate is invested in an open-end management investment company, registered under the Investment Company Act of 1940, that is regulated as a "money market fund" pursuant to Rule 2a-7 under the Investment Company Act of 1940; so long as the debtor has filed with the Court (i) a statement identifying the fund; and (ii) the fund's certification, which shall be accompanied by its currently effective prospectus as filed with the Securities and Exchange Commission, that the fund:

(a) Invests exclusively in United States Treasury bills and United States Treasury Notes owned directly or through repurchase agreements;

(b) Has received the highest money market fund rating from a nationally recognized statistical rating organization, such as Standard & Poor's or Moody's;

(c) Has agreed to redeem fund shares in cash, with payment being made no later than the business day following a redemption request by a shareholder, except in the event of an unscheduled closing of Federal Reserve Banks or the New York Stock Exchange; and

(d) Has adopted a policy that it will notify its shareholders sixty (60) days prior to any change in its investment or redemption policies under (a) and (c) above.

Rule 4001-4 Procedures on Motion for Continuation or Imposition of Automatic Stay.

(a) Contents of Motion. A motion for continuation of the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B), or a request for the imposition of the automatic stay pursuant to 11 U.S.C. § 362(c)(4)(B), shall be a contested matter commenced by the filing and service of a motion in accordance with Fed. R. Bankr. P. 9014. The objection deadline and hearing date shall be fixed in accordance with Del. Bankr. L.R. 9006-1(c), except as otherwise provided by the chambers procedures of the judge assigned to preside over the debtor's bankruptcy case. The motion shall contain allegations of specific fact supporting the requested relief, verified by an affidavit or declaration under oath upon the declarant's personal knowledge. Any relief sought by the movant or requesting party other than the continuation or imposition of the automatic stay shall not be included in the motion but may be sought in a separate request for relief filed in accordance with Fed. R. Bankr. P. 9014 and/or Fed. R. Bankr. P. 7001, as applicable.

(b) Notice. In addition to any requirements under applicable law and these local rules, including Local Rule 1007-2, with respect to a party against which the continuation or imposition of the automatic stay is sought, notice and copies of a motion made in accordance with subparagraph (a) of this rule shall be served upon (i) any attorney that represented such party in any bankruptcy case pending in connection with the debtor within one (1) year before the filing of the petition commencing the case, and (ii) any attorney that represented such party in any foreclosure, repossession, or other action to enforce a claim against property of the debtor within one (1) year before the filing of the petition commencing the case.

Rule 4002-1 Duties of Debtor under 11 U.S.C. § 521 in Chapter 7 and 13 Cases.

(a) The debtor shall deliver to the interim trustee or the standing Chapter 13 Trustee no later than the first date set for the meeting of creditors under 11 U.S.C. § 341 all books, records and papers, including appraisals, relating to property of the estate as well as copies of recorded documents, e.g., deeds and mortgages.

(b) No later than the first date set for the meeting of creditors under 11 U.S.C. § 341, the debtor shall advise the interim trustee or the standing Chapter 13 Trustee in writing of the payoff amounts on all secured debts.

(c) Immediately upon the entry of an order for relief, the debtor shall give written notice to any court or tribunal where an action is pending against the debtor and to the parties and counsel involved in that action. If an action is commenced subsequent to the date of the order for relief, the debtor shall give similar written notice to the court or tribunal and to all parties and counsel involved.

(d) Immediately upon the entry of an order for relief, the debtor shall give written notice to any creditor with a garnishment order, any garnishee defendant (other than the debtor's employer) and any creditor who the debtor anticipates may seek a garnishment order.

Rule 4003-1 Exemptions.

(a) Amendment to Claim of Exemptions. An amendment to a claim of exemptions under Fed. R. Bankr. P. 1009 and 4003 shall be filed and served by the debtor on the trustee, the United States Trustee and all creditors.

(b) Automatic Extension of Time to File Objections to Claim of Exemptions in Event of Amendment to Schedules to Add a Creditor. If the schedules are amended to add a creditor, and the amendment is filed and served either (i) less than twenty-eight (28) days prior to the expiration of the time set forth in Fed. R. Bankr. P. 4003(b) for the filing of objections to the list of property claimed as exempt or (ii) at any time after such filing deadline, the added creditor shall have twenty-eight (28) days from service of the amendment to file objections to the list of property claimed as exempt.

Rule 4004-1 Automatic Extension of Time to File Complaint Objecting to Discharge in Event of Amendment. If the schedules are amended to add a creditor, and the amendment is filed and served either (a) less than sixty (60) days prior to the expiration of the time set forth in Fed. R. Bankr. P. 4004(a) for the filing of a complaint objecting to discharge or (b) at any time after such filing deadline, the added creditor shall have sixty (60) days from service of the amendment to file a complaint objecting to discharge. In addition, if the section 341 meeting of creditors is continued or rescheduled, the time to file a complaint objecting to discharge shall be the later of the original deadline or twenty-eight (28) days after the section 341 meeting is concluded. Such circumstances shall be deemed to be "cause" for an extension and no motion to extend shall be necessary.

Rule 4007-1 Automatic Extension of Time to File Complaint to Determine Dischargeability of a Debt in Event of Amendment. If the schedules are amended to add a creditor and the amendment is filed and served either (a) less than sixty (60) days prior to the expiration of the time set forth in Fed. R. Bankr. P. 4007 for the filing of a complaint to obtain a determination of the dischargeability of any debt or (b) at any time after such filing deadline, the added creditor shall have sixty (60) days from service of the amendment to file a complaint objecting to the dischargeability of its claim. In addition, if the section 341 meeting of creditors is continued or rescheduled, the time to file a complaint objecting to the dischargeability of a debt shall be the later of the original deadline or twenty-eight (28) days after the section 341 meeting is concluded. Such circumstances shall be deemed to be "cause" for an extension and no motion to extend shall be necessary.

PART V. COURTS AND CLERKS

Rule 5001-2 Clerk's Office Location; Hours; After Hours Filings.

(a) Clerk's Office Location and Hours. The Clerk's Office is located at 824 Market Street, Third Floor, Wilmington, Delaware 19801. The normal business hours of the Clerk's Office shall be Monday through Friday from 8:00 a.m. to 4:00 p.m. prevailing Eastern Time, except on legal holidays and as otherwise noticed by the Court's website or at the Clerk's Office.

(b) After Hours Filings. When the Clerk's Office is closed, papers not filed electronically may be filed with the Court by depositing them in the night depository maintained by the Clerk and shall be deemed filed as of the date and time stamped thereon. Each document deposited in the night depository shall be stamped in the upper right-hand corner of the first page of the document. The night depository is not to be used in the event that electronic filing is not available. In such instances, the Clerk's Office Procedures will govern.

Rule 5005-2 Facsimile Documents and Emailed Documents.

(a) Facsimile Documents. Documents may not be transmitted by facsimile directly to the Clerk's Office for filing. However, copies of facsimile documents shall be accepted for filing, provided that the legibility is reasonably equivalent to the original. The original of any faxed document, including the original signature of the attorney, party or declarant, shall be maintained by the filing party for a period of not less than two (2) days from the time the document appears on the docket.

(b) Emailed Documents. Documents may not be transmitted by email to the Clerk's office for filing, except as authorized by the Court.

Rule 5005-4 Electronic Filing and Service. The Court has designated all cases to be assigned to the Case Management/Electronic Case Filing System ("CM/ECF").

(a) CM/ECF – General. Unless otherwise expressly provided in these Local Rules or in exceptional circumstances preventing a registered CM/ECF user from filing electronically, all petitions, complaints, motions, briefs and other pleadings and documents required to be filed with the Court must be electronically filed by a registered CM/ECF user. Attorneys who intend to practice in this Court (including those regularly admitted or admitted pro hac vice to the bar of the Court and attorneys authorized to represent the United States without being admitted to the bar) should register as CM/ECF users. United States Trustees, private trustees and others as the Court deems appropriate should also register as CM/ECF users. Registration forms, requirements and procedural information for CM/ECF are available on the Court's website.

(b) Electronic Signature. The electronic signature of the person on the document electronically filed shall constitute the original signature of that person for purposes of Fed. R. Bankr. P. 9011 and Del. Bankr. L.R. 9011-4.

(c) Receipt of CM/ECF Notices and Electronic Service.

(i) By registering and becoming a CM/ECF user, one is consenting to receipt of electronic notices issued by the Court in accordance with Local Rule 9036-1.

(ii) By registering and becoming a CM/ECF user in a case or adversary proceeding or otherwise, the user and the user's client and/or principal as applicable, is consenting to service under these Rules, Fed. R. Bankr. P. 7005, the Fed. R. Civ. P. and any other rule pertaining to service in accordance with Fed. R. Bankr. P. 9036 and Local Rule 9036-1.

(iii) Notwithstanding anything to the contrary in subparagraph (ii) above, conventional service of documents in hard copy shall be required in the following circumstances:

(A) Service of a complaint and summons in an adversary proceeding under Fed. R. Bankr. P. 7004, service of a motion commencing a

contested matter under Fed. R. Bankr. P. 9014, or a subpoena issued under Fed. R. Bankr. P. 9016;

(B) Notice of the meeting of creditors required under Fed. R. Bankr. P. 2002(a)(1);

(C) Where delivery or service upon an agency of the United States – including the United States Attorney and the United States Trustee – or chambers is required; and

(D) Where the debtor or debtor's attorney is required to serve on the United States Trustee and the trustee assigned to the case – the petition, schedules, statement of financial affairs, other required documents and amendments to any of the aforementioned filings.

(iv) All CM/ECF system registered users must maintain an active email address to receive electronic notice and service from the CM/ECF system, the Court, and filing parties. Each CM/ECF system registered user has a duty to update promptly his or her account information on the CM/ECF system whenever there is a change in email address. This applies to the CM/ECF system registered user's primary email address as well as to any secondary email addresses. Registration as a CM/ECF user or use of CM/ECF by a registered user constitutes such user's consent under any applicable law to the use or disclosure of such user's registered email address(es) for purposes of the receipt or sending of email incident to the service of filings made through the CM/ECF system.

(v) Documents served in electronic form by hand delivery, first class or other mail or delivery, must be in an acceptable electronic format such as CD-ROM, flash drive or other commonly used electronic storage medium.

(d) Conversion to PDF for Electronic Filing. All petitions, complaints, motions, briefs and other pleadings and documents to be filed electronically with the Court shall be converted to PDF, electronically, as opposed to scanning a document, where practicable.

Rule 5009-1 Closing of Chapter 7 Cases.

(a) Final Report and Account. The notice given by the trustee of the filing of a final report and account in the form prescribed by the United States Trustee in a chapter 7 case shall have on its face in bold print the following language or words of similar import:

> **A PERSON SEEKING: (1) AN AWARD OF COMPENSATION OR REIMBURSEMENT OF EXPENSES OR (2) PAYMENT OR REIMBURSEMENT FOR EXPENSES INCURRED IN THE ADMINISTRATION OF THE CHAPTER 7 ESTATE SHALL FILE A MOTION WITH THE CLERK AND SERVE A COPY ON THE TRUSTEE AND THE UNITED STATES TRUSTEE NO LATER THAN TWENTY-ONE (21) DAYS PRIOR TO THE DATE OF THE HEARING ON THE TRUSTEE'S FINAL ACCOUNT. FAILURE TO FILE AND SERVE SUCH A MOTION WITHIN THAT TIME MAY RESULT IN THE DISALLOWANCE OF FEES AND EXPENSES.**

(b) Closing Reports in Chapter 7 Asset and No Asset Cases. In a chapter 7 asset case, the trustee shall serve the original closing report (in a form designated by the United States Trustee), together with the affidavit of final distribution, upon the United States Trustee. After the United States Trustee's review of the closing report is completed, the United States Trustee shall file the closing report with the Clerk. In a chapter 7 no asset case, the trustee shall file the original closing report (in a form designated by the United States Trustee) with the Clerk, and serve a copy upon the United States Trustee.

Rule 5009-2 Closing of Chapter 15 Cases.

(a) Motion. Upon written motion, a foreign representative in a proceeding recognized under section 1517 of the Code, may seek the entry of a final decree when the purpose of the representative's appearance in the Court is completed. Such motion shall describe the nature and results of the representative's activities in the Court and shall include a final decree order that (i) orders the closing of the case and (ii) identifies in the caption and in the body of the order the case name and the case number of each case to be closed under the order.

(b) Service and Objection. A motion for entry of a final decree shall be served upon (i) the debtor, (ii) the United States Trustee, (iii) all creditors who have filed a request for notice under Fed. R. Bankr. P. 2002 and Local Rule 9013-1 (iv) all persons or bodies authorized to administer foreign proceedings of the debtor, (v) 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 (vi) such other entities as the Court may direct. The foreign representative shall file a certificate of service 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 thirty (30) days after the date of service, there shall be a presumption that the case has been fully administered and the Court may close the case.

Rule 5010-1 Reopening Cases. A party seeking to reopen a chapter 7 or 12 case shall file a motion with the Court and shall serve the same on 21 days' notice to all parties in interest, including the debtors, the United States Trustee, the previously appointed trustee, and any party being added, if any, as a creditor or party in interest in the case. If the moving party seeks to have a trustee appointed to the reopened case, the motion shall indicate why a trustee is necessary under the standards set forth in Bankruptcy Rule 5010, and the proposed form of order submitted with the motion shall include proposed findings of fact supporting the appointment of a trustee, and directing the U.S. Trustee to make such appointment.

Rule 5011-1 Motions for Withdrawal of Reference from Bankruptcy Court. A motion to withdraw the reference of a matter or proceeding shall be filed with the Clerk. The Clerk shall transmit such motion to the Clerk of the District Court for disposition by the District Court.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

Rule 6004-1 Sale and Sale Procedures Motions.

(a) Applicability of Rule. Except as otherwise provided in these Local Rules, this rule applies to motions to sell property of the estate under Bankruptcy Code section 363(b) ("Sale Motions") and motions seeking approval of sale, bid or auction procedures in anticipation of or in conjunction with a Sale Motion ("Sale Procedures Motions").

(b) Sale Motions. Except as otherwise provided in these Local Rules, the Code, the Bankruptcy Rules or an Order of the Court, all Sale Motions shall attach or include the following:

(i) A copy of the proposed purchase agreement, or a form of such agreement substantially similar to the one the debtor reasonably believes it will execute in connection with the proposed sale;

(ii) A copy of a proposed form of sale order;

(iii) A request, if necessary, for the appointment of a consumer privacy ombudsman under Bankruptcy Code section 332; and

(iv) Provisions to be Highlighted. The Sale Motion must highlight material terms, including, but not limited to (a) whether the proposed form of sale order and/or the underlying purchase agreement constitutes a sale or contains any provision of the type set forth below, (b) the location of any such provision in the proposed form of order or purchase agreement and (c) the justification for the inclusion of such provision:

(A) Sale to Insider. If the proposed sale is to an insider, as defined in Bankruptcy Code section 101(31), the Sale Motion must (a) identify the insider, (b) describe the insider's relationship to the debtor and (c) set forth any measures taken to ensure the fairness of the sale process and the proposed transaction.

(B) Agreements with Management. If a proposed buyer has discussed or entered into any agreements with management or key employees

regarding compensation or future employment, the Sale Motion must disclose (a) the material terms of any such agreements and (b) what measures have been taken to ensure the fairness of the sale and the proposed transaction in the light of any such agreements.

(C) Releases. The Sale Motion must highlight any provisions pursuant to which an entity is being released or claims against any entity are being waived or otherwise satisfied.

(D) Private Sale/No Competitive Bidding. The Sale Motion must disclose whether an auction is contemplated, and highlight any provision in which the debtor has agreed not to solicit competing offers for the property subject to the Sale Motion or to otherwise limit shopping of the property.

(E) Closing and Other Deadlines. The Sale Motion must highlight any deadlines for the closing of the proposed sale or deadlines that are conditions to closing the proposed transaction.

(F) Good Faith Deposit. The Sale Motion must highlight whether the proposed purchaser has submitted or will be required to submit a good faith deposit and, if so, the conditions under which such deposit may be forfeited.

(G) Interim Arrangements with Proposed Buyer. The Sale Motion must highlight any provision pursuant to which a debtor is entering into any interim agreements or arrangements with the proposed purchaser, such as interim management arrangements (which, if out of the ordinary course, also must be subject to notice and a hearing under section 363(b) of the Bankruptcy Code) and the terms of such agreements.

(H) Use of Proceeds. The Sale Motion must highlight any provision pursuant to which a debtor proposes to release sale proceeds on or after the closing without further Court order, or to provide for a definitive allocation of sale proceeds between or among various sellers or collateral.

(I) Tax Exemption. The Sale Motion must highlight any provision seeking to have the sale declared exempt from taxes under section 1146(a) of the Bankruptcy Code, the type of tax (e.g., recording tax, stamp tax, use tax, capital gains tax) for which the exemption is sought. It is not sufficient to refer simply to "transfer" taxes and the state or states in which the affected property is located.

(J) Record Retention. If the debtor proposes to sell substantially all of its assets, the Sale Motion must highlight whether the debtor will retain, or have reasonable access to, its books and records to enable it to administer its bankruptcy case.

(K) Sale of Avoidance Actions. The Sale Motion must highlight any provision pursuant to which the debtor seeks to sell or otherwise limit its rights to pursue avoidance claims under chapter 5 of the Bankruptcy Code.

(L) Requested Findings as to Successor Liability. The Sale Motion should highlight any provision limiting the proposed purchaser's successor liability.

(M) Sale Free and Clear of Unexpired Leases. The Sale Motion must highlight any provision by which the debtor seeks to sell property free and clear of a possessory leasehold interest, license or other right.

(N) Credit Bid. The Sale Motion must highlight any provision by which the debtor seeks to allow, disallow or affect in any manner, credit bidding pursuant to Bankruptcy Code section 363(k).

(O) Relief from Bankruptcy Rule 6004(h). The Sale Motion must highlight any provision whereby the debtor seeks relief from the fourteen-day stay imposed by Bankruptcy Rule 6004(h).

(c) Sale Procedures Motions. A debtor may file a Sale Procedures Motion seeking approval of an order (a "Sale Procedures Order") approving bidding and auction procedures

either as part of the Sale Motion or by a separate motion filed in anticipation of an auction and a proposed sale, not less than twenty-one (21) days prior to a hearing on the Sale Procedures Motion. The Court will only schedule a hearing to consider approval of bidding and sale procedures in accordance with the notice procedures set forth in Del. Bankr. L.R. 9006-1 on at least twenty-one (21) days' notice, unless the requesting party files a motion to shorten notice, which may be heard at the first hearing in the case, or as otherwise ordered by the Court, and presents evidence at that hearing of compelling circumstances.

(i) Provisions to Highlight. The Sale Procedures Motion should highlight the following provisions in any Sale Procedures Order:

(A) Provisions Governing Qualification of Bidders. Any provision governing an entity becoming a qualified bidder, including but, not limited to, an entity's obligation to:

(1) Deliver financial information by a stated deadline to the debtor and other key parties (ordinarily excluding other bidders).

(2) Demonstrate its financial wherewithal to consummate a sale.

(3) Maintain the confidentiality of information obtained from the debtor or other parties or execute a non-disclosure agreement.

(4) Make a non-binding expression of interest or execute a binding agreement.

(B) Provisions Governing Qualified Bids. Any provision governing a bid being a qualified bid, including, but not limited to:

(1) Any deadlines for submitting a bid and the ability of a bidder to modify a bid not deemed a qualified bid.

(2) Any requirements regarding the form of a bid, including whether a qualified bid

must be (a) marked against the form of a "stalking horse" agreement or a template of the debtor's preferred sale terms, showing amendments and other modifications (including price and other terms), (b) for all of the same assets or may be for less than all of the assets proposed to be acquired by an initial, or "stalking horse", bidder or (c) remain open for a specified period of time.

(3) Any requirement that a bid include a good faith deposit, the amount of that deposit and under what conditions the good faith deposit is not refundable.

(4) Any other conditions a debtor requires for a bid to be considered a qualified bid or to permit a qualified bidder to bid at an auction.

(C) Provisions Providing Bid Protections to "Stalking Horse" or Initial Bidder. Any provisions providing an initial or "stalking horse" bidder a form of bid protection, including, but not limited to the following:

(1) No-Shop or No-Solicitation Provisions. Any limitations on a debtor's ability or right to solicit higher or otherwise better bids.

(2) Break-Up/Topping Fees and Expense Reimbursement. Any agreement to provide or seek an order authorizing break-up or topping fees and/or expense reimbursement, and the terms and conditions under which any such fees or expense reimbursement would be paid.

(3) Bidding Increments. Any requirement regarding the amount of the initial overbid and any successive bidding increments.

(4) Treatment of Break-Up and Topping Fees and Expense Reimbursement at Auction. Any requirement that the "stalking horse"

bidder receive a "credit" equal to the break-up or topping fee and or expense reimbursement when bidding at the auction and in such case whether the "stalking horse" is deemed to have waived any such fee and expense upon submitting a higher or otherwise better bid than its initial bid at the auction.

(D) Modification of Bidding and Auction Procedures. Any provision that would authorize a debtor, without further order of the Court, to modify any procedures regarding bidding or conducting an auction.

(E) Closing with Alternative Backup Bidders. Any provision that would authorize the debtor to accept and close on alternative qualified bids received at an auction in the event that the bidder selected as the "successful bidder" at the conclusion of the auction fails to close the transaction within a specified period.

(ii) Provisions Governing the Auction. Unless otherwise ordered by the Court, the Sale Procedures Order shall:

(A) Specify the date, time and place at which the auction will be conducted and the method for providing notice to parties of any changes thereto.

(B) Provide that each bidder participating at the auction will be required to confirm that it has not engaged in any collusion with respect to the bidding or the sale.

(C) State that the auction will be conducted openly and all creditors will be permitted to attend.

(D) Provide that bidding at the auction will be transcribed or videotaped.

PART VII. ADVERSARY PROCEEDINGS

Rule 7001-1 Scope of Rules – Adversary Proceedings

(a) Deviation From Rules Governing Adversary Proceedings.

(i) Any party seeking relief that deviates in any manner from, or proposes additional obligations or procedures set forth in, the Federal Rules of Civil Procedure, the Fed. R. of Bankr. P., the District Court Rules, or the Local Rules governing Adversary Proceedings (the "Rules Governing Adversary Proceedings"), except a motion limited to a request for additional time to affect service of process under the applicable Rules, shall file a motion identifying with specificity the following:

(A) Each instance in which the relief sought by and through such motion deviates from, or seeks procedures or obligations in addition to, any of the Rules Governing Adversary Proceedings; and

(B) The good faith reason(s) the movant seeks to deviate from, or seeks procedures or obligations in addition to, such Rules Governing Adversary Proceedings.

(ii) Any motion for relief brought pursuant to this Local Rule by the party initiating an adversary proceeding shall be served on all parties to the adversary proceeding in accordance with the service requirements of these Local Rules and the Federal Rules of Bankruptcy Procedure, and shall not include an objection deadline earlier than the date by which the party is required to answer, move or otherwise respond to the complaint.

(iii) Any motion brought pursuant to this Local Rule shall be scheduled to be heard by the Court no earlier than the initial scheduling conference for the affected adversary proceeding. (See also Del. Bankr. L.R. 7016-1)

(iv) Any relief sought in a motion brought pursuant to this Local Rule which is granted by the Court shall apply only to the specific adversary proceeding(s) in which the motion is filed.

Rule 7003-1 Adversary Proceeding Cover Sheet. Any complaint or other document initiating an adversary proceeding that is not electronically filed shall be accompanied by a completed adversary cover sheet conforming to Local Form 109.

Rule 7004-2 Summons and Notice of Pretrial Conference in an Adversary Proceeding. A party or attorney filing a complaint or third-party complaint shall prepare a Summons and Notice of Pretrial Conference in an Adversary Proceeding (Local Form 108) (the "Summons"). The pretrial conference date shall be a date that is at least thirty-five (35) days and not more than ninety (90) days from the date of service of the Summons and complaint and set in accordance with Local Rule 7004-2(a) and (b) below. The party or attorney filing the complaint or third-party complaint shall be responsible for serving the Summons and complaint, as well as the notice of dispute resolution alternatives substantially in compliance with Local Form 110B. The completed Summons and certificate of service shall be filed in the adversary proceeding within seven (7) days after service of the Summons, complaint and notice of dispute resolution alternatives.

(a) Chapter 11 and Chapter 15 Cases. In an adversary proceeding, the pretrial conference date required on Local Form 108 shall be obtained from (i) the order setting omnibus hearing dates located on the docket in the main bankruptcy case, when the adversary proceeding is assigned to the same judge presiding over the main bankruptcy case, or (ii) the assigned judge's scheduling clerk, when (A) there is no order setting omnibus hearing dates in the main bankruptcy case or (B) the adversary proceeding is assigned to a judge other than the judge presiding over the main bankruptcy case.

(b) Chapter 7, Chapter 12 and Chapter 13 Cases. In an adversary proceeding, the pretrial conference date required on Local Form 108 shall be obtained from the respective Judge's chambers page located on the Court's website.

Rule 7007-1 Briefs: When Required and Schedule.

(a) Briefing and Affidavit Schedule. A party filing a motion in an adversary proceeding (except for a discovery-related motion which shall be governed by Local Rule 9006-1(b)) shall not file a notice of said motion. Unless otherwise ordered by the Court or agreed by the parties, the briefing and affidavit schedule for presentation of all motions in adversary proceedings (except for discovery-related motions which shall be governed by Local Rule 9006-1(b)) shall be as follows:

(i) The opening brief and accompanying affidavit(s) shall be served and filed on the date of the filing of the motion;

(ii) The answering brief and accompanying affidavit(s) shall be served and filed no later than fourteen (14) days after service and filing of the opening brief; and

(iii) The reply brief and accompanying affidavit(s) shall be served and filed no later than seven (7) days after service and filing of the answering brief. An appendix may be filed with any brief. Any party may waive its right to file a brief in a filed pleading or in a separate notice filed with the Court.

(iv) For the avoidance of doubt (if any), Fed. R. Bankr. P. 9006(f) applies to the calculation of the time period to file any brief, affidavit or appendix under this rule.

(b) Citation of Subsequent Authorities. No additional briefs, affidavits or other papers in support of or in opposition to the motion shall be filed without prior approval of the Court, except that a party may call to the Court's attention and briefly discuss pertinent cases decided after a party's final brief is filed or after oral argument.

Rule 7007-2 Form and Contents of Briefs and Appendices.

This rule applies only to non-discovery related motions in adversary proceedings.

(a) Form.

(i) Covers. The front cover of each brief and appendix shall contain the caption of the case, a title, the date of filing, the name and designation of the party for whom it is filed, and the name, number, address and telephone number of counsel by whom it is filed, including the bar identification number for Delaware attorneys.

(ii) Format. All filings must be double-spaced, in Courier New font or Times New Roman and in at least 12 point typeface. All briefs and appendices shall be firmly bound at the left margin. Side margins of briefs shall not be less than 1 inch.

(iii) Page Numbering of Appendices. Pages of an appendix shall be numbered separately at the bottom. The page numbers of appendices associated with opening, answering and reply briefs, respectively, shall be preceded by a capital letter "A," "B" or "C." Transcripts and other papers reproduced in a manner authorized by this Local Rule shall be included in the appendix, both with original and appendix pagination.

(iv) Length. Without leave of Court, no opening or answering brief shall exceed thirty (30) pages and no reply shall exceed fifteen (15) pages, in each instance, exclusive of any tables of contents and citations.

(v) Form of Citations. Citations will be deemed to be in acceptable form if made in accordance with "A Uniform System of Citation" published and distributed from time to time by the Harvard Law Review Association. State reporter citations may be omitted but citations to the National Reporter System must be included. United States Supreme Court decisions shall be to the official citation.

(vi) Citation by Docket Number. References to earlier-filed papers in the case or proceeding shall include

a citation to the docket item number as maintained by the Clerk's Office, namely "D.I. 1."

(vii) Unreported Opinions. If an unreported opinion is cited which is neither reported in the National Reporter System nor available on either WESTLAW or LEXIS, a copy of such opinion shall be attached to the document which cites it or shall otherwise be provided to the Court.

(b) Contents of Briefs. If briefs are required, the following format shall apply:

(i) Opening and Answering Briefs. The opening and answering briefs shall contain the following under distinctive titles, in the listed order:

(A) A table of contents setting forth the page number of each section, including all headings, designated in the body of the brief;

(B) A table of citations of cases, statutes, rules, textbooks and other authorities, alphabetically arranged. If a brief does not contain any citations therein, a statement asserting this fact should be placed under this heading;

(C) A statement of the nature and stage of the proceeding;

(D) A summary of argument stating in separate numbered paragraphs the legal propositions upon which each side relies;

(E) A concise statement of facts, with supporting references to appendices or record, presenting succinctly the background of the questions involved. The statement shall include a concise statement of all facts that should be known in order to determine the points in controversy. The answering counter-statement of facts need not repeat facts recited in the opening brief;

(F) An argument divided under appropriate headings distinctly setting forth separate points; and

(G) A short conclusion stating the precise relief sought.

(ii) Reply Briefs. The party filing the opening brief shall not reserve material for the reply brief that should have been included in a full and fair opening brief. There shall not be repetition of materials contained in the opening brief. A table of contents and a table of citations, as required by Local Rule 7007-2(b)(i)(A)-(B), shall be included in the reply brief.

(c) Contents of Appendices. Each Appendix shall contain a paginated table of contents and may contain such parts of the record that are material to the questions presented as the party wishes the Court to read. Duplication shall be avoided. Portions of the record shall be arranged in chronological order. If testimony of witnesses is included, appropriate references to the pages of such testimony in the transcript shall be made and asterisks or other appropriate means shall be used to indicate omissions. Appendices may be separately bound. Parts of the record not included in the appendix may be relied on in briefs or oral argument. Whenever a document, paper or testimony in a foreign language is included in any appendix or is cited from the record in any brief, an English translation made under the authority of the Court, or agreed by the parties to be correct, shall be included in the appendix or in the record.

(d) Joint Appendix. Counsel may agree on a joint appendix that shall be bound separately.

Rule 7007-3 Oral Argument, Hearing on Adversary Proceeding Motions. No hearing will be scheduled on motions filed only in adversary proceedings, unless the Court orders otherwise, except for discovery-related motions which shall be governed by Local Rule 9006-1(b). An application to the Court for oral argument on a motion pending only in an adversary proceeding shall be in writing and shall be filed with the Court and served on counsel for all parties in the proceeding no later than seven (7) days after service of the reply brief. An application for oral argument may be granted or denied at the discretion of the Court. Hearing and argument on a motion filed both in an adversary proceeding and the main case shall be governed by Local Rule 9013-1(c) and (d).

Rule 7007-4 Notice of Completion of Briefing or Certificate of No Objection, and Notice of Completion of Briefing Binder. No earlier than seven (7) days and no later than fourteen (14) days after completion of briefing or expiration of a deadline on an adversary proceeding motion, counsel to the movant shall file and serve on counsel for all parties in the adversary proceeding a "Notice of Completion of Briefing" containing a list of all relevant pleadings with related docket numbers or a "Certificate of No Objection" to the extent the respective motion or pleading was unopposed and no briefing occurred. Upon the filing of said notice or certificate, counsel to the movant shall have delivered to the respective Judge's chambers a copy of the Notice of Completion of Briefing or Certificate of No Objection. The Notice of Completion of Briefing shall be delivered in a binder and include copies of the pleadings identified in the notice and the relevant complaint, any answer(s), and any request(s) for oral argument.

Rule 7008-1 Statement in Pleadings Regarding Consent to Entry of Order or Judgment in Adversary Proceeding. Reference is made to the requirement of Fed. R. Bankr. P. 7008 that a pleader state whether the party does or does not consent to the entry of final orders or judgments by the Court. If no such statement is included, unless otherwise ordered by the Court, the pleader shall have waived the right to contest the authority of the Court to enter final orders or judgments.

Rule 7012-1 Statement in ~~Answer, Motion or Response Thereto~~Responsive Pleading Regarding Consent to Entry of Order or Judgment in Adversary Proceeding. Reference is made to the requirement of Fed. R. Bankr. P. 7012(b) that a filing party state whether the party does or does not consent to the entry of final orders or judgments by the Court. If no such statement is included, unless otherwise ordered by the Court, the filing party shall have waived the right to contest the authority of the Court to enter final orders or judgments.

Rule 7012-2 Extension of Time to Plead or File Motion. The deadline to plead or move in response to a complaint or other pleading in an adversary proceeding may be extended for a period of up to twenty-eight (28) days by stipulation of the parties docketed with the Court or, for a longer period of time, by order of the Court. Any motion for extension of time to plead or move in response to a complaint or other pleading in an adversary proceeding or a stipulation seeking entry of an order approving such an extension must be filed with the Court prior to the expiration of the deadline to be extended. Any deadline extended pursuant to this section shall not affect any other deadlines set forth in any Scheduling Order entered by the Court.

Rule 7016-1 Fed. R. Civ. P. 16 Scheduling Conference. In any adversary proceeding, the pretrial conference scheduled in the summons and notice issued under Local Rule 7004-2 shall be deemed to be the scheduling conference under Fed. R. Civ. P. 16(b).

(a) Attorney Conference Prior to Scheduling Conference. All attorneys for all the parties shall confer at least seven (7) days prior to the Fed. R. Civ. P. 16(b) scheduling conference to discuss:

(i) The nature of the case;

(ii) Any special difficulties that counsel foresee in prosecution or defense of the case;

(iii) The possibility of settlement;

(iv) Any requests for modification of the time for the mandatory disclosure required by Fed. R. Civ. P. 16(b) and 26(f); and

(v) The items in Local Rule 7016-1(b).

(b) Scheduling Conference. At the Fed. R. Civ. P. 16(b) scheduling conference, the Court may consider, in addition to the items specified in Fed. R. Civ. P. 16(b) and 16(c), the following matters:

(i) The schedule applicable to the case, including a trial date, if appropriate;

(ii) The number of interrogatories and requests for admissions to be allowed by any party and the number and location of depositions;

(iii) How discovery disputes are to be resolved;

(iv) The briefing practices to be employed in the case, including what matters are or are not to be briefed and the length of briefs;

(v) The possibility of settlement;

(vi) Whether the matter could be resolved by voluntary mediation or binding arbitration; and

(vii) Timing and procedures for any party's motion for relief contemplated by Fed. R. Bankr. P. 7016(b).

(c) Attendance at Scheduling Conference. Unless otherwise permitted by the Court under Local Rule 7016-3, the conference described in Local Rule 7016-1(b) will be an in-person conference. All counsel who expect to have a significant role in the prosecution or defense of the case are required to attend the conference.

(d) Written Discovery Plan and Scheduling Order. Unless otherwise ordered by the Court, the parties are not required to file a written discovery plan as provided under Fed. R. Civ. P. 26(f). Plaintiff shall file a proposed scheduling order by no later than three (3) days prior to the conference described in L.R. 7016-1(b). Any other party may file a proposed scheduling order by no later than one (1) day before such conference.

(e) Omnibus Procedures or Scheduling Orders. A motion for entry of an omnibus procedures or scheduling order in multiple adversary proceedings will not be considered by the Court prior to the date of the conference described in L.R. 7016-1(b), absent a showing of good cause.

(f) Notification of Intent to File Fed. R. Bankr. P. 7016(b) Motion. Any party that has not either (i) consented to (including through such party's statement made pursuant to Fed. R. Bankr. P. 7008, 7012(b), 9027(a)(1) or 9027(e)(3) or (ii) waived its right to contest (including pursuant to Local Rules 7008-1, 7012-1 or 9027-1)) the authority of the Court to enter final orders or judgments shall to the extent reasonably practicable notify the Court at the conference described in L.R. 7016-1(b) of such party's intent to file a motion as contemplated by Fed. R. Bankr. P. 7016-1(b) and the relief the party intends to seek.

Rule 7016-2 Pretrial Conference. A pretrial conference shall be held if scheduled in a scheduling order issued under Local Rule 7016-1(b) (the "Scheduling Order") or if requested by a party under this Local Rule.

(a) Request for Pretrial Conference. Any party may request that a pretrial conference be held following the completion of discovery, as provided in the Scheduling Order, by contacting the Court. At least fourteen (14) days' notice of the time and place of such pretrial conference shall be given to all other parties in interest by the attorney for the party requesting the pretrial conference.

(b) Failure to Appear at Pretrial Conference or to Cooperate. Unless otherwise permitted by the Court under Local Rule 7016-3, all counsel who will conduct the trial are required to appear before the Court for the pretrial conference. Should an attorney for a party fail to appear or to cooperate in the preparation of the pretrial order specified in Local Rule 7016-2(d), the Court, in its discretion, may impose sanctions, such as costs and fines. The Court may further hold a pretrial hearing, ex parte or otherwise, and, after notice, enter an appropriate judgment or order.

(c) Attorney Conference Prior to Pretrial Conference. The parties shall meet and confer in good faith so that the plaintiff may file the pretrial order in conformity with this Rule.

(d) Pretrial Order. At least seven (7) days prior to the final pretrial conference, the attorney for the plaintiff shall file with the Court an original and one (1) copy of a proposed pretrial order, signed by an attorney for each party, that covers the following items, as appropriate:

(i) A statement of the nature of the action, the pleadings in which the issues are raised (e.g., third amended complaint and answer) and whether counterclaims, crossclaims, etc., are involved;

(ii) The constitutional or statutory basis of federal jurisdiction, together with a brief statement of the facts supporting such jurisdiction;

(iii) Whether the proposed order addresses the subject matters required to be addressed by Fed. R. Bankr. P. 7016(b);

(iv) A statement of the facts that are admitted and that require no proof;

(v) A statement of the issues of fact that any party contends remain to be litigated;

(vi) A statement of the issues of law that any party contends remain to be litigated, and a citation of authorities relied upon by each party;

(vii) A list of premarked exhibits, including designations of interrogatories and answers thereto, requests for admissions and responses, and depositions that each party intends to offer at trial, with a specification of those that may be admitted into evidence without objection, those to which there are objections and the Federal Rule of Evidence relied upon by the proponent of the exhibit. Copies of the exhibits, premarked and separated by tabs, shall be furnished to opposing counsel and submitted to the respective Judge's chambers in binders at least seven (7) days before the pretrial conference or trial (if no pretrial is requested). Copies of the exhibits should not be electronically filed with the Court;

(viii) The names of all witnesses a party intends to call to testify, either in person or by deposition, at the trial and the specialties of experts to be called as witnesses;

(ix) A brief statement of what the plaintiff intends to prove in support of the plaintiff's claims, including the details of the damages claimed or of other relief sought;

(x) A brief statement of what the defendant intends to prove as defenses;

(xi) Statements by counterclaimants or crossclaimants comparable to that required of the plaintiff;

(xii) Any amendments of the pleadings desired by any party with a statement whether it is unopposed or objected to and, if objected to, the grounds thereon;

(xiii) A certification that the parties have engaged in a good faith effort to explore the resolution of the controversy by settlement;

(xiv) Any other matters that the parties deem appropriate; and

(xv) The concluding paragraph of the draft of the pretrial order shall read:

THIS ORDER SHALL CONTROL THE SUBSEQUENT COURSE OF THE ACTION UNLESS MODIFIED BY THE COURT TO PREVENT MANIFEST INJUSTICE.

Rule 7016-3 Telephonic Fed. R. Civ. P. 16 Scheduling Conference or Pretrial Conference. At least twenty-four (24) hours before the time scheduled for a scheduling conference or pretrial conference, any party to the conference may request that the conference be conducted by telephone or that the party be permitted to participate by telephone. Such request may be made by telephone to the Court and shall be communicated contemporaneously to other counsel known to be involved in the hearing or conference. Any party objecting to the request shall promptly advise the Court and other counsel.

Rule 7026-1 Discovery.

(a) Cooperation and Proportionality. Parties are expected to confer and in good faith attempt to reach agreement cooperatively on how to conduct discovery under Fed. R. Civ. P. 26-36 and these Local Rules. Parties also are expected to use reasonable, good faith and proportional efforts including to preserve, identify and produce relevant information. This may include identifying appropriate limits to discovery, including limits on custodians, identification of relevant subject matter, time periods for discovery and other parameters to limit and guide preservation and discovery issues.

(b) Notice. All motion papers under Fed. R. Bankr. P. 7026 - 7037 and 9016 shall be filed and served so as to be received at least seven (7) days before the hearing date on such motion. When service is made for a discovery related motion under this Local Rule, any objection shall be filed and served so as to be received at least one (1) business day before the hearing date.

(c) Motions to Include the Discovery at Issue. Any discovery motion filed pursuant to Fed. R. Civ. P. 26 through 37 and 45 shall include, in the motion itself or in a memorandum, a verbatim recitation of each interrogatory, request, answer, response, or objection which is the subject of the motion or shall have attached a copy of the actual discovery document which is the subject of the motion.

(d) Certification of Counsel. Except for cases or proceedings involving *pro se* parties or motions brought by nonparties, every motion under this Local Rule shall be accompanied by an averment of Delaware Counsel for the moving party that a reasonable effort has been made to reach agreement with the opposing party on the matters set forth in the motion or the basis for the moving party not making such an effort. Unless otherwise ordered, failure to so aver may result in dismissal of the motion.

Rule 7026-2 Service of Discovery Materials.

(a) Service With Filing. In cases involving *pro se* parties, all requests for discovery under Fed. R. Civ. P. 26, 30, 31, 33 through 36, and answers and responses thereto, shall be served upon other counsel or parties and filed with the Court.

(b) Service Without Filing. Consistent with Fed. R. Civ. P. 5(a), in cases where all parties are represented by counsel, all requests for discovery under Fed. R. Civ. P. 26, 30, 31, 33 through 36 and 45, and answers and responses thereto, and all required disclosures under Fed. R. Civ. P. 26(a), shall be served upon other counsel or parties but shall not be filed with the Court. In lieu thereof, the party requesting discovery and the party serving responses thereto shall file with the Court a "Notice of Service" containing a certification that a particular form of discovery or response was served on other counsel or opposing parties, and the date and manner of service.

(i) Filing the notice of taking of oral depositions required by Fed. R. Civ. P. 30(b)(1) and 30(b)(6), and filing of proof of service under Fed. R. Civ. P. 45(b)(4) in connection with subpoenas, will satisfy the requirement of filing a "Notice of Service."

(ii) The party responsible for service of the discovery request or the response shall retain its respective originals and become the custodian of them. The party taking an oral deposition shall be custodian of the original deposition transcript; no copy shall be filed except pursuant to subparagraph (iii). Unless otherwise ordered, in cases involving out-of-state counsel, Delaware Counsel shall be the custodians.

(iii) If depositions, interrogatories, requests for documents, requests for admissions, answers, or responses are to be used at trial or are necessary to a pretrial or post trial motion, the verbatim portions thereof considered pertinent by the parties shall be filed with the Court when relied upon.

(iv) When discovery not previously filed with the Court is needed for appeal purposes, the Court, on its own motion, on motion by any party, or by stipulation of

counsel, shall order the necessary material delivered by the custodian to the Court.

(v) The Court on its own motion, on motion by any party, or on application by a non-party, may order the custodian to file the original of any discovery document.

Rule 7026-3 Discovery of Electronic Documents ("E-Discovery").

(a) Introduction. This rule applies to all matters covered by Fed. R. Civ. P. 26. It is expected that parties to a contested matter or adversary proceeding will cooperatively reach agreement on how to conduct e-discovery. In an adversary proceeding, it is expected that such an agreement will be reached on or before the date of the Fed. R. Civ. P. 16 scheduling conference. However, the following default standards shall apply until such time, if ever, the parties conduct e-discovery on a consensual basis.

(b) Discovery Conference. Parties shall discuss the parameters of their anticipated e-discovery consistent with the concerns outlined below. In a contested matter, the discussions will take place prior to or concurrent with the service of written discovery by the parties. In an adversary proceeding, the discussions will take place at the Fed. R. Civ. P. 26(f) conference, as well as at the Fed. R. Civ. P. 16 scheduling conference with the Court. Unless otherwise agreed by the parties or ordered by the Court, the parties shall exchange the following information:

(i) A list of the most likely custodians of relevant electronic materials, including a brief description of each person's title and responsibilities;

(ii) A list of each relevant electronic system that has been in place at all relevant times and a general description of each system, including the nature, scope, character, organization, and formats employed in each system. The parties should also include other pertinent information about their electronic documents and whether those electronic documents are of limited accessibility. Electronic documents of limited accessibility may include those created or used by electronic media no longer in use, maintained in redundant electronic storage media, or for which retrieval involves substantial cost;

(iii) The name of the individual responsible for that party's electronic document retention policies ("the retention coordinator"), as well as a general description of the party's electronic document retention policies for the systems identified above;

(iv) The name of the individual who shall serve as that party's "e-discovery liaison"; and

(v) Notice of any problems reasonably anticipated to arise in connection with e-discovery.

To the extent that the state of the pleadings does not permit a meaningful discussion of the above including by the time of the Rule 26(f) conference, the parties shall either agree on a date by which this information will be mutually exchanged or submit the issue for resolution by the Court including at any Rule 16 scheduling conference.

(c) E-Discovery Liaison. In order to promote communication and cooperation between the parties, each party to a case shall designate a single individual through which all e-discovery requests and responses are made (the "e-discovery liaison"). Regardless of whether the e-discovery liaison is an attorney (in-house or outside counsel), a third party consultant, or an employee of the party, he or she must be:

(i) Familiar with the party's electronic systems and capabilities in order to explain these systems and answer relevant questions;

(ii) Knowledgeable about the technical aspects of e-discovery, including electronic document storage, organization, and format issues; and

(iii) Prepared to participate in e-discovery dispute resolutions.

The Court notes that, at all times, the attorneys of record shall be responsible for compliance with e-discovery requests. However, the e-discovery liaisons shall be responsible for organizing each party's e-discovery efforts to insure consistency and thoroughness and, generally, to facilitate the e-discovery process.

(d) Timing of E-Discovery. Discovery of electronic documents shall proceed in a sequenced fashion.

(i) After receiving requests for document production, the parties shall search their documents, other than those identified as limited accessibility electronic documents, and produce responsive electronic documents in accordance with Fed. R. Civ. P. 26(b)(2).

(ii) Electronic searches of documents identified as of limited accessibility shall not be conducted until the initial electronic document search has been completed. Requests for information expected to be found in limited accessibility documents must be narrowly focused with some basis in fact supporting the request.

(iii) On-site inspections of electronic media under Fed. R. Civ. P. 34(b) shall not be permitted absent exceptional circumstances, where good cause and specific need have been demonstrated.

(e) Search Methodology. If the parties intend to employ an electronic search to locate relevant electronic documents, the parties shall disclose any restrictions as to scope and method which might affect their ability to conduct a complete electronic search of the electronic documents. The parties shall confer and in good faith attempt to reach agreement as to the method of searching, and the words, terms, and phrases to be searched with the assistance of the respective e-discovery liaisons, who are charged with familiarity with the parties' respective systems. The parties also shall confer and in good faith attempt to reach agreement as to the timing and conditions of any additional searches which may become necessary in the normal course of discovery. To minimize the expense, the parties may consider limiting the scope of the electronic search (e.g., time frames, fields, document types).

(f) Format. If the parties cannot agree to the format for document production, electronic documents shall be produced to the requesting party as image files (e.g., PDF or TIFF). When the image file is produced, the producing party must preserve the integrity of the electronic document's contents, i.e., the original formatting of the document, its metadata and, where applicable, its revision history. After initial production in image file format is complete, a party must demonstrate particularized need for production of electronic documents in their native format.

(g) Retention. Within the first twenty-eight (28) days of discovery, the parties should work towards an agreement (akin to the standard protective order) that outlines the steps each party shall take to segregate and preserve the integrity of all relevant electronic documents. In order to avoid later accusations of spoliation, a Fed. R. Civ. P.

30 (b)(6) deposition of each party's retention coordinator may be appropriate. The retention coordinators shall:

(i) Take steps to ensure that email of identified custodians shall not be permanently deleted in the ordinary course of business and that electronic documents maintained by the individual custodians shall not be altered; and

(ii) Provide notice as to the criteria used for spam and/or virus filtering of email and attachments; emails and attachments filtered out by such systems shall be deemed non-responsive so long as the criteria underlying the filtering are reasonable.

Within seven (7) days of identifying the relevant document custodians, the retention coordinators shall implement the above procedures and each party's counsel shall file a statement of compliance as such with the Court.

(h) Privilege. Electronic documents that contain privileged information or attorney work product shall be immediately returned if the documents appear on their face to have been inadvertently produced or if there is notice of the inadvertent production within twenty-eight (28) days of such inadvertent production.

(i) Costs. Generally, the costs of discovery shall be borne by each party. However, the Court will apportion the costs of electronic discovery upon a showing of good cause.

Rule 7030-1 Depositions.

(a) Attendance at Deposition. A deposition may be attended only by (i) the deponent, (ii) counsel for any party and members and employees of their firms, (iii) a party who is a natural person, (iv) an officer or employee of a party who is not a natural person designated as its representative by its counsel, (v) counsel for the deponent, (vi) any consultant or expert designated by counsel for any party, (vii) the United States Trustee, (viii) counsel for any trustee, (ix) counsel for the debtor, (x) counsel for any official committee and (xi) counsel for any party providing postpetition financing to the debtor under 11 U.S.C. § 363 or 364. If a confidentiality order has been entered, any person who is not authorized under the order to have access to documents or information designated confidential shall be excluded from a deposition upon request by the party who is seeking to maintain confidentiality while a deponent is being examined about any confidential document or information.

(b) Reasonable Notice of Deposition. Unless otherwise ordered by the Court, "reasonable notice" for the taking of depositions under Fed. R. Civ. P. 30(b)shall not be less than seven (7) days.

(c) Motions to Quash. Any party seeking to quash a deposition must file a motion with the Court under Fed. R. Civ. P. 26(c) or 30(d). If such motion is filed at least one (1) business day before the scheduled deposition, neither the objecting party, witness, nor any attorney is required to appear at a deposition to which a motion is directed until the motion is resolved.

(d) Depositions Upon Oral Examination. From the commencement until the conclusion of deposition questioning by an opposing party, including any recesses or continuances thereof of less than five (5) days, counsel for the deponent shall not consult or confer with the deponent regarding the substance of the testimony already given or anticipated to be given, except for the purpose of conferring on whether to assert a privilege against testifying or on how to comply with a court order.

Rule 7055-1 Default. All applications, motions or requests for default/default judgment under Fed. R. Bankr. P. 7055 shall be served on the party against whom a default is sought and the party's attorney if an entry of appearance has been filed in the adversary or bankruptcy case, in accordance with Local Rule 9013-1. Requests for default/default judgment shall be in compliance with the Clerk's Office Procedures.

PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

Rule 8003-1 Transmittal of Notice of Appeal to Bankruptcy Judge; Committee Notice and Request for Service.

(a) Transmittal of Notice of Appeal to Bankruptcy Judge. When appealing from an order entered by a bankruptcy judge, substantially contemporaneous with the filing of a notice of appeal, the appellant shall mail or deliver a copy of the notice of appeal to the bankruptcy judge whose order is the subject of the appeal.

(b) Notice to Official Committees. Simultaneously with the filing of any notice of appeal or notice of cross-appeal, with respect to an appeal in which any official committee in the bankruptcy case from which such appeal originated is not a named party to the appeal, the party filing such notice of appeal or notice of cross-appeal shall serve a copy of such notice on counsel to any such official committee and shall file with the notice of appeal or notice of cross-appeal a certificate of service.

(c) Committee Request for Notice. Any official committee wishing to be placed on the service list for any appeal for the purpose of receiving notices and copies of papers served shall, within twenty-one (21) days of service of the notice of appeal or the notice of cross-appeal as provided for in Local Rule 8003-1(b), file with the Court or District Court (if the appeal has been docketed in the District Court) a request for notice.

(d) For the avoidance of doubt, non-willful noncompliance with this Local Rule 8003-1 does not affect the validity of an appeal and shall not be a basis for the Clerk to refuse to accept for filing any document that otherwise complies with Part VIII of the Bankruptcy Rules.

Rule 8003-2 Opinion in Support of Order. Any bankruptcy judge whose order is the subject of an appeal may, within seven (7) days of the filing date of the notice of appeal, file a written opinion that supports the order being appealed or that supplements any earlier written opinion or recorded oral bench ruling or opinion.

Rule 8004-1 Applicability to Appeals by Leave. For the avoidance of doubt, Local Rules 8003-1, 8003-2 and 8009-1 apply in connection with appeals by leave pursuant to Bankruptcy Rule 8004.

Rule 8009-1 Record on Appeal.

(a) At the time of filing the designation identified in Bankruptcy Rule 8009(a), the parties shall file an index identifying by docket number, if available, the following items:

(i) Those documents identified in the designation submitted under Bankruptcy Rule 8009(a)(4);

(ii) Any documents that may be expressly requested by the Clerk or the Court; and

(iii) A copy of the relevant transcript; if unavailable, evidence that the transcript has been ordered.

(b) In the event that a document identified in the designations does not have a docket number (e.g., exhibits submitted during a hearing, etc.) such documents shall be filed electronically with the Clerk of Court or the District Court (if the appeal has been docketed in the District Court) at the time the index is filed and shall be referenced in the index by hearing date and exhibit number.

(c) The appellant's designation of items to be included in the record on appeal shall include any written opinion issued by the bankruptcy judge in support of the order being appealed pursuant to Local Rule 8003-2.

(d) The parties shall file designations consistent with the Local Rules and any applicable orders of the District Court and the Bankruptcy Court.

Rule 8024-1 Notice of Disposition of Appeal. Within three (3) days of issuance of an order disposing of an appeal, in whole or in part, by the District Court, Court of Appeals or Supreme Court, or a filing that reflects the resolution and/or withdrawal of the appeal in whole or in part, counsel for appellant (or movant in a miscellaneous matter) shall file notice of such disposition and shall provide the bankruptcy judge with a written copy of the filing, opinion and/or order disposing of the appeal.

PART IX. GENERAL PROVISIONS

Rule 9004-1 Caption.

(a) Documents submitted for filing shall contain in the caption the name of the debtor, the case number, the initials of the Judge to whom the case has been assigned, the docket number assigned to the case and, if applicable, the adversary proceeding number. All documents filed with the Clerk that relate to a document previously filed and docketed shall contain in its title the title of the related document and its docket number, if available.

(b) The hearing date and time and the objection date and time of a motion shall be set forth in bold print (i) in the caption of the notice and motion and all related pleadings, below the case or adversary number and (ii) in the text of the notice.

(c) The case caption only may be modified by order entered by the Court on separate motion filed and served in accordance with Local Rule 9006-1.

Rule 9006-1 Time for Service and Filing of Motions and Objections.

(a) Generally. Fed. R. Bankr. P. 9006 applies to all cases and proceedings in which the pleadings are filed with the Clerk.

(b) Discovery-Related Motions. All motion papers under Fed. R. Bankr. P. 7026-7037 and 9016 shall be filed and served in accordance with Local Rule 7026-1.

(c) All Other Motions.

(i) Service of Motion Papers. Unless the Fed. R. Bankr. P. or these Local Rules state otherwise, all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fourteen (14) days prior to the hearing date. Sale Procedure Motions filed pursuant to Local Rule 6004-1(c) and voting procedures motions filed pursuant to Local Rule 3017-1(b) must be filed at least twenty-one (21) days prior to the hearing date.

(ii) Objection Deadlines. Where a motion is filed and served in accordance with Local Rule 9006-1(c)(i) less than twenty-one days prior to the hearing date, the deadline for objection(s) shall be seven (7) days before the hearing date. To the extent a motion is filed and served in accordance with Local Rule 2002-1(b) at least twenty-one (21) days prior to the hearing date, however, the movant may establish any objection deadline that is no earlier than fourteen (14) days after the date of service and no later than seven (7) days before the hearing date. Any objection deadline may be extended by agreement of the movant; provided, however, that no objection deadline may extend beyond the deadline for filing the agenda. In all instances, any objection must be filed on or before the applicable objection deadline. The foregoing rule applies to responses/replies to (A) any Objection as defined in Local Rule 3007-1(a) (i.e., an objection to claims asserted by more than one claimant) and (B) any objection to a single claim or multiple claims filed by the same claimant.

(d) Reply Papers. Reply papers by the movant, or any party that has joined the movant, may be filed by 4:00 p.m.

prevailing Eastern Time the day prior to the deadline for filing the agenda. If a motion for leave to file a late reply is filed, unless otherwise ordered by the Court, a motion to shorten notice shall not be required. The Court will consider the motion for leave at the hearing on the underlying motion papers and any objections to the motion for leave may be presented at the hearing. The foregoing rule applies to replies to Omnibus Objection to Claims. Del. Bankr. L.R. 3007-1.

(e) Shortened Notice. No motion will be scheduled on less notice than required by these Local Rules or the Fed. R. Bankr. P. except by order of the Court, on written motion (served on all interested parties) specifying the exigencies justifying shortened notice. The motion requesting shortened notice shall include an averment of Delaware Counsel for the moving party that a reasonable effort has been made to notify at least counsel to the debtor, counsel to the United States Trustee, counsel to any official committee appointed in the case and any chapter 7, 11 or 13 trustee and whether such party objected to the relief sought, or not, or the basis for the moving party not making such an effort. Unless otherwise ordered, failure to so aver may result in denial of the motion to shorten. The Court will rule on such motion for shortened notice promptly without need for a hearing.

Rule 9006-2 Bridge Orders Not Required in Certain Circumstances. Unless otherwise provided in the Code or in the Fed. R. Bankr. P., if a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Code, the Fed. R. Bankr. P., these Local Rules or Court order, the time shall automatically be extended until the Court acts on the motion, without the necessity for the entry of a bridge order.

Rule 9010-1 Bar Admission.

(a) The Bar of this Court. The Bar of this Court shall consist of those persons heretofore admitted to practice in the District Court and those who may hereafter be admitted in accordance with these Rules.

(b) Admission Pro Hac Vice. Attorneys admitted, practicing, and in good standing in another jurisdiction, who are not admitted to practice by the Supreme Court of the State of Delaware and the District Court, may be admitted pro hac vice in the discretion of the Court, such admission to be at the pleasure of the Court. Unless otherwise ordered by the Court, or authorized by the Constitution of the United States or acts of Congress, an applicant is not eligible for permission to practice pro hac vice if the applicant:

(i) Resides in Delaware; or

(ii) Is regularly employed in Delaware; or

(iii) Is regularly engaged in business, professional, or other similar activities in Delaware.

Any Judge of the Court may revoke, upon hearing after notice and for good cause, a pro hac vice admission in a case or proceeding before a judge. The form for admission pro hac vice, which may be amended by the Court, is Local Form 105 and is located on the Court's website.

(c) Association with Delaware Counsel Required. Unless otherwise ordered, an attorney not admitted to practice by the District Court and the Supreme Court of the State of Delaware may not be admitted pro hac vice unless associated with an attorney who is a member of the Bar of the District Court and who maintains an office in the District of Delaware for the regular transaction of business ("Delaware counsel"). Consistent with CM/ECF Procedures, Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. Unless otherwise ordered, Delaware counsel shall attend proceedings before the Court.

(d) Time to Obtain Delaware Counsel. A party not appearing *pro se* shall obtain representation by a member of the Bar of the District Court or have its counsel associate with a member of the Bar of the District Court in accordance with (paragraph (c) above) within twenty-eight (28) days after:

(i) The filing of the first paper filed on its behalf; or

(ii) The filing of a case transferred or removed to this Court.

Failure to timely obtain such representation shall subject the defaulting party to appropriate sanctions.

(e) Motion for Pro Hac Vice and Association with Delaware Counsel not Required.

(i) Government Attorneys. ~~An~~Unless the Court orders otherwise, an attorney not admitted in the District Court but admitted in another United States District Court may appear representing the United States of America (or any officer or agency thereof) or any state or local government (or officer or agency thereof) so long as a certification is filed, signed by that attorney, stating (a) the courts in which the attorney is admitted, (b) that the attorney is in good standing in all jurisdictions in which he or she has been admitted and (c) that the attorney will be bound by these Local Rules and that the attorney submits to the jurisdiction of this Court for disciplinary purposes.

(ii) Delaware Attorney with Out of State Office. Attorneys who are admitted to the Bar of the District Court and in good standing, but who do not maintain an office in the District of Delaware, may appear on behalf of parties upon approval by the Court.

(iii) Claim Litigation. Parties (*pro se* or through out of state counsel) may file or prosecute a proof of claim or a response to their claim. The Court may, however, direct the claimant to consult with Delaware counsel if the claim litigation will involve extensive discovery or trial time.

(f) Standards for Professional Conduct. Subject to such modifications as may be required or permitted by federal statute, court rule or decision, all attorneys admitted or authorized to practice before this Court, including attorneys admitted on motion or otherwise, shall also be governed by the Model Rules of Professional Conduct of the

American Bar Association, as may be amended from time to time.

Rule 9010-2 Substitution; Withdrawal.

(a) Substitution. If a party in an adversary proceeding or a debtor in any case wishes to substitute attorneys, a substitution of counsel document signed by the original attorney and the substituted attorney shall be filed. If a trustee, debtor or official committee wishes to substitute attorneys or any other professional whose employment was subject to approval by the Court, a motion for retention of the new professional must also be filed.

(b) Withdrawal. An attorney may withdraw an appearance for a party without the Court's permission (i) when such withdrawal will leave a member of the Bar of the District Court appearing as attorney of record for the party, or (ii) when the party (a) has no controversy pending before the Court and (b) the attorney certifies that the party consents to withdrawal of counsel. Otherwise, no appearance shall be withdrawn except by order on a motion duly filed, served on each party and served on the party client by registered or certified mail addressed to the client's last known address, at least fourteen (14) days before the motion is heard by the Court. The filer is not required to confer other than with its party client prior to filing the motion to withdraw.

(c) Service. Substitutions and motions for withdrawal under this Local Rule shall be served (i) in an adversary proceeding, on all parties to the proceeding and (ii) in a bankruptcy case, on all parties entitled to notice under Fed. R. Bankr. P. 2002.

(d) Effect of Failure to Comply. Until paragraph (a) or (b), as applicable, and paragraph (c) of Local Rule 9010-2 are complied with and an order, if necessary, is entered, the original attorney remains the client's attorney of record.

Rule 9010-3 Appearance by Supervised Law Student.

(a) An eligible law student may, upon compliance with these Local Rules, and under supervision of an attorney, appear on behalf of any person, including the United States Attorney or the United States Trustee, who has consented in writing.

(b) The attorney who supervises a student shall:

(i) be a member of the bar of the District Court or an attorney in the United States Attorney's Office or the Office of the United States Trustee;

(ii) remain the attorney of record and will act to ensure that the student's actions are consistent with the rules of professional responsibility;

(iii) review the student's work and assist the student to the extent necessary;

(iv) appear with the student in all proceedings before the Court; and

(v) indicate in writing his consent to supervise the student.

(c) To appear, the student shall:

(i) be duly enrolled in a law school approved by the American Bar Association;

(ii) have completed legal studies amounting to at least two-thirds of the credits needed for graduation or the equivalent;

(iii) be certified by either the law school dean or authorized designee as qualified to provide the legal representation permitted by this rule. This certification may be withdrawn by the certifier at any time by mailing a notice to the Clerk, without notice or hearing and without showing of cause;

(iv) be introduced to the Court by an attorney satisfying the conditions set forth in the paragraph (b) above;

(v) neither ask for nor receive any compensation or remuneration of any kind from the client. This is

not intended to affect the ability or right of an attorney, legal aid bureau, law school clinical program, State, or the United States from seeking attorney fees, which may include compensation for student services, and paying compensation to the eligible law student;

(vi) certify in writing that he is familiar and will comply with the Delaware Rules of Professional Responsibility; and

(vii) certify in writing that he is familiar with these Local Rules and the federal procedural and evidentiary rules relevant to the action in which he is appearing.

(d) The law student may:

(i) appear as counsel in Court or at other proceedings, always accompanied by the supervising attorney, when written consent of the client (or attorney with the United States Attorney or the Office of the United States Trustee when the client is the United States), the supervising attorney, and the assigned judge have been filed with the Clerk of the Court; and

(ii) prepare and sign motions, petitions, answers, briefs and other documents in connection with any matter in which he has met the conditions of (c) above. Each such document shall also be signed by the supervising attorney.

(e) The judge's consent for the student to appear may be withdrawn without notice or hearing and without showing of cause. The withdrawal of consent by a judge shall not be considered a reflection on the character or ability of the student.

(f) Local Form 122 shall be completed and provided to the Court at each hearing at which the student shall appear, by attaching the Local Form to the hearing sign-in sheet.

(g) Participation by students under this Local Rule shall not be deemed a violation in connection with the rules for admission to the bar of any jurisdiction concerning practice of law before admission to the bar.

Rule 9011-4 Signatures.

(a) Any motion, pleading or other document requiring a signature must, following the signature, include the address, telephone number and email address of the attorney or *pro se* filer.

(b) Any motion, pleading or other document requiring a signature that is electronically filed by a registered CM/ECF user must be filed as either (a) a document containing the signature of the person(s) signing said document or (b) a document displaying the name of the person(s) signing said document, preceded by an "/s/" ("electronic signature") and typed in the space where the signature would otherwise appear (e.g., "/s/ Jane Doe"). The electronic signature of the person on the document electronically filed shall constitute the signature of that person for purposes of Fed. R. Bankr. P. 9011, and the use of a person's password to file a document electronically shall not constitute the signature of, or a representation to the court by, the person whose password is used for such electronic filing for purposes of Fed. R. Bankr. P. 9011. In the absence of a signature on a document electronically filed, the CM/ECF password used to file the document shall constitute a signature for purposes of Fed. R. Bankr. P. 9011.

(c) The filing of a proof of claim electronically with the Clerk or duly appointed claims agent shall constitute the filing claimant's approved signature by law. Electronic claimants are not required to be registered CM/ECF users. Electronically filed proofs of claim are deemed signed upon electronic submission with the Clerk or duly appointed claims agent.

Rule 9013-1 Motions and Applications.

(a) Scope. This Local Rule applies to any motion or application filed in a main bankruptcy case. Any motion or application filed in an adversary proceeding shall be governed by Local Rule 7007-1. References in subparts (b) through (m) of this Local Rule to "motions" should be construed as applying to "applications" to the extent context so requires.

(b) Requests for Relief. No request for relief (not otherwise governed by Fed. R. Bankr. P. 7001) may be made to the Court, except by written motion, by oral motion in open court or by certification of Delaware Counsel. Letters from counsel or parties will not be considered.

(c) Cases with Omnibus Hearing Dates. In any case in which future omnibus hearing dates have been scheduled pursuant to Local Rule 2002-1(a), all motions and applications and related papers shall be heard only on such dates, unless otherwise ordered by the Court. In any case in which no omnibus hearing dates have been scheduled, a hearing date may be obtained by contacting the Court.

(d) Evidentiary Hearing. All hearings on a contested matter will be an evidentiary hearing at which witnesses will be required to testify in person in Court with respect to any factual issue in dispute unless these Rules, the parties or the Court provides otherwise.

(e) Contents of Notice. Unless otherwise provided in these Rules or otherwise ordered by the Court, any motion shall, in substantial conformity with Local Form 106, provide:

(i) The title of the motion in bold print;

(ii) The date and time of the hearing on the motion;

(iii) The date and time by which objections to the motion shall be filed;

(iv) The names, addresses, email addresses and fax numbers of the parties on whom any objection shall be served; and

(v) A statement that the motion may be granted and an order entered without a hearing unless a timely objection is made.

(f) Form of Motion. All motions shall have attached thereto a notice conforming to Local Rule 9013-1(e), a proposed form of order specifying the exact relief to be granted, and a certificate of service showing the date of service, means of service and the names and addresses of the parties served. All motions shall be titled in the form "[Motion/Application] of [Movant's Name] for [Relief Requested]". All motions filed pursuant to this Rule shall contain a statement that the movant does or does not consent to the entry of final orders or judgments by the Court if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution. If no such statement is included, the movant shall have waived the right to contest the authority of the Court to enter final orders or judgments.

(g) Service of Motion and Notice. All motions shall be served in accordance with Local Rule 2002-1(b).

(h) Objections. Except for motions presented on an expedited basis, any objection to a motion shall be made in writing. The title of the objection shall conform to Local Rule 9004-1 and shall include the objector's name, the motion to which the objection relates and the docket number of the motion. The hearing date and time and the docket number of the related motion shall be set forth in bold print in the caption below the case number. All objections or other responses to a motion filed pursuant to this Rule shall contain a statement that the filing party does or does not consent to the entry of final orders or judgments by the Court if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution. If no such statement is included, the filing party shall have waived the right to contest the authority of the Court to enter final orders or judgments.

(i) Telephonic Appearance at Hearing. In extenuating circumstances where counsel cannot appear at a non-evidentiary hearing on a motion, counsel may make a request to the presiding Judge's chambers for leave to appear by telephone at such hearing. Any such request for a telephonic appearance shall be made by the deadline established pursuant to such Judge's chambers procedures or, if the Judge's chambers procedures contain no such deadline, by no later than 12:00 p.m. prevailing Eastern

Time twenty-four (24) hours prior to the scheduled hearing date. Upon the approval of such request by the Court, counsel shall follow the telephonic appearance procedures located on the Court's website. This Local Rule shall not apply to evidentiary hearings.

(j) Certificate of No Objection. Twenty-four (24) hours after the objection date has passed, counting time in accordance with Fed. R. Bankr. P. 9006(a)(2), with no objection having been filed or served, Delaware Counsel for the movant may file a certificate of no objection (the "Certificate of No Objection" or "CNO"), substantially in the form of Local Form 107, stating that no objection has been filed or served on the movant. By filing the CNO, Delaware Counsel for the movant represents to the Court that the movant is unaware of any objection to the motion or application and that counsel has reviewed the Court's docket and no objection appears thereon. In any cases in which a Notice of Agenda is required under Local Rule 9029-3, Delaware Counsel for the debtor or foreign representative or trustee, as applicable, shall submit to the Court a binder that contains the Notice of Agenda, any CNOs that have been filed and any motions scheduled for such hearing that are the subject of any CNOs that have been filed. In all other cases, court documents shall be submitted in accordance with the presiding Judge's chambers procedures. Such chambers procedures, if any, are available on the Court's website. Upon receipt of the CNO, the Court may enter the order accompanying the motion without further notice or hearing and, once the order is entered, the hearing scheduled on the motion may be canceled without further notice.

(k) Amendment of Order. Any request for amendment of an order entered by the Court shall have attached the proposed amended order and a blacklined copy reflecting the changes. Additionally, any request for amendment of an order entered by the Court shall be made only as follows:

(i) If the amendment is non-material, by certification of Delaware Counsel that the amendment is not material and that all parties in interest have consented to the amendment;

(ii) By motion under this Local Rule; or

(iii) By the filing of a stipulation to amend, signed by all interested parties.

(l) Service of Order or Judgment. Service of an order or judgment shall be made in accordance with Local Rule 9022-1.

(m) Motions Filed with the Petition in Chapter 11 Cases or Chapter 15 Cases.

(i) Definition. This Local Rule shall govern any motion for which the debtor (or in a chapter 15 case, the foreign representative) requests, with less than seven (7) days' notice, a hearing or the entry of an order (whether interim or final) with such hearing to occur or such order to be entered within twenty-one (21) days after the filing of the petition commencing such case.

(ii) Scope of Relief Requested. Requests for relief under this subpart of Local Rule 9013-1 shall be confined to matters of a genuinely emergent nature required to preserve the assets of the estate and to maintain ongoing business operations and such other matters as the Court may determine appropriate.

(iii) Notice to the United States Trustee, Clerk and Certain Other Parties. Once a petition is filed, counsel for the debtor or foreign representative shall have a binder containing an agenda and all applications and motions sought to be heard on an emergent basis delivered to the Clerk's Office. Once the case is assigned to a Judge, the Court will contact counsel for the debtor or foreign representative and the United States Trustee to schedule a hearing on those applications and motions. The debtor or foreign representative shall serve (a) all motions and applications that the debtor or foreign representative asks be heard under this Local Rule (in substantially final form) upon the United States Trustee and (b) the agenda upon the United States Trustee, the creditors included on any list filed under Fed. R. Bankr. P. 1007(d) and any party directly affected by the relief sought in such applications and motions, at least twenty-four (24) hours in advance of a hearing on such applications and motions, unless otherwise ordered

by the Court, and shall file a certificate of service to that effect within forty-eight (48) hours.

(iv) Notice of Entry of Orders. Within forty-eight (48) hours of the entry of an order entered under this Local Rule ("First Day Order"), the debtor or foreign representative shall serve copies of all motions and applications filed with the Court as to which a First Day Order has been entered, as well as all First Day Orders, on those parties referred to in Local Rule 9013-1(m)(iii), and such other entities as the Court may direct.

(v) Reconsideration of Orders. Any party in interest may file a motion to reconsider any First Day Order, other than any order entered under 11 U.S.C. §§ 363 and 364 with respect to the use of cash collateral and/or approval of postpetition financing, within twenty-eight (28) days of the entry of such order, unless otherwise ordered by the Court. Any such motion for reconsideration shall be given expedited consideration by the Court. The burden of proof with respect to the appropriateness of the order subject to the motion for reconsideration shall remain with the debtor or foreign representative notwithstanding the entry of such order.

Rule 9013-3 Service Copies. Unless otherwise ordered by the Court or as provided by these Local Rules, only one (1) copy of pleadings, motions and other papers need be served upon another party.

Rule 9018-1 Exhibits; Documents under Seal; Confidentiality.

(a) Retention of Exhibits. Unless otherwise ordered by the Court, exhibits admitted into evidence must be retained by the attorney or *pro se* party who offered them into evidence until the later of the closing of the main bankruptcy case or the entry of a final, non-appealable order regarding any pending adversary proceeding, contested matter or pending appeal to which such exhibit relates.

(b) Access to Exhibits. Upon request, parties must make exhibits admitted into evidence (or copies thereof) available to any other party to copy at its expense, subject to any confidentiality, seal or other order or directive of the Court.

(c) Removal of Exhibits from Court. Exhibits that are in the custody of the Clerk shall be removed by the party responsible for the exhibits (i) if no appeal has been taken, at the expiration of the time for taking an appeal, or (ii) if an appeal has been taken, within twenty-eight (28) days after the record on appeal has been returned to the Clerk. Parties failing to comply with this Local Rule shall be notified by the Clerk to remove their exhibits and, upon failure to do so within twenty-eight (28) days of such notification, the Clerk may dispose of the exhibits.

(d) Documents under Seal.

(i) Except as otherwise ordered by the Court, any entity seeking to file a document (a "Proposed Sealed Document") under seal must file a motion requesting such relief (a "Sealing Motion") no later than three (3) business days after the filing of the Proposed Sealed Document. The Proposed Sealed Document shall be filed separately from the Sealing Motion as a restricted document in accordance with the Court's CM/ECF procedures.

(ii) The Sealing Motion (A) shall include a certification of counsel from Delaware counsel made in accordance with sub-part (d)(iv) hereof and (B) except as otherwise ordered by the Court or as provided in sub-part (d)(v) hereof, shall be accompanied by a separately filed proposed redacted version of the Proposed Sealed Document in a form suitable to appear on the Court's public docket (the "Proposed Redacted Document"). The Proposed Redacted Document

shall be filed under cover of a "Notice of Filing of Proposed Redacted Version of [Proposed Redacted Document title]".

(iii) If the Proposed Sealed Document is known by the filer thereof to contain information that has been designated by another entity as confidential pursuant to a protective order, contract or applicable law or as otherwise requiring protection for the benefit of another entity pursuant to section 107 of the Bankruptcy Code (such rights, "Confidentiality Rights" and any such entity holding Confidentiality Rights, a "Holder of Confidentiality Rights"), the filer thereof, prior to the filing of the Sealing Motion, shall attempt to confer in good faith with the Holder of Confidentiality Rights in an effort to reach agreement concerning what information contained in the Proposed Sealed Document must remain sealed from public view.

(iv) The certification of counsel contained in the Sealing Motion shall include the certification of Delaware counsel for the filer thereof as to one or more of the following, as appropriate: (a) that counsel for the filer of the Sealing Motion and the Holder of Confidentiality Rights (or counsel thereto) have conferred in good faith and reached agreement concerning what information contained in the Proposed Sealed Document must remain sealed from public view; (b) that counsel for the filer of the Sealing Motion and the Holder of Confidentiality Rights (or counsel thereto) have conferred in good faith and been unable to reach agreement concerning what information contained in the Proposed Sealed Document must remain sealed from public view; (c) that the filer of the Sealing Motion has been unable to confer with the Holder of Confidentiality Rights (or counsel thereto), with an explanation of the reason(s) no such conference could occur; (d) that it would be futile for the filer of the Sealing Motion to attempt to confer with the Holder of Confidentiality Rights (or counsel thereto), with an explanation of the reason(s) establishing such futility;(e) to the best of the knowledge, information and belief of counsel for the filer of the Sealing Motion, the Proposed Sealed Document does not contain information subject to

Confidentiality Rights of another Holder of Confidentiality Rights; and/or (f) that counsel for the filer of the Sealing Motion believes that the entire Proposed Sealed Document should be under seal, such that no Proposed Redacted Document can be filed with the Sealing Motion.

(v) In the event that the filer of the Sealing Motion determines in good faith, after attempting to confer with the Holder of Confidentiality Rights as provided in sub-part (d)(iii) hereof (unless the filer of the Sealing Motion has certified that such attempt to confer is not possible or would be futile), that the entire Proposed Sealed Document should be placed under seal such that no Proposed Redacted Document can be filed with the Sealing Motion, then notwithstanding anything to the contrary in sub-part (d)(ii) hereof, the filer of the Sealing Motion shall be excused from the obligation to file a Proposed Redacted Document pending further order of the Court. For the avoidance of doubt, this sub-part (d)(v) does not excuse the filer of a Sealing Motion from the obligation to file a Proposed Redacted Document merely because of (A) the existence of a dispute with a Holder of Confidentiality Rights that involves less than the entire Proposed Sealed Document or (B) the inability of the filer of the Sealing Motion to determine whether a portion of the Proposed Sealed Document that is less than the entire Proposed Sealed Document is subject to Confidentiality Rights of another Holder of Confidentiality Rights. In either such event, the filer of the Sealing Motion shall use reasonable efforts to file a Proposed Redacted Document that leaves unredacted to the fullest extent possible those portions of the Proposed Sealed Document that the filer reasonably believes are not subject to Confidentiality Rights held or asserted by the filer or another Holder of Confidentiality Rights.

(vi) In the event the Court grants relief concerning a Sealing Motion that requires redactions different from those contained in the Proposed Redacted Document (or if the Court grants relief requiring the filing of a redacted version of a Proposed Sealed Document where no prior Proposed Redacted

Document was filed), counsel for the movant shall file within one (1) business day after the Court's ruling is issued a final form of the publicly viewable version of the Proposed Sealed Document (the "Final Redacted Document") with the sealed portion(s) redacted consistent with the Court's ruling and filed in accordance with applicable CM/ECF procedures. The Final Redacted Document shall be filed under cover of a "Notice of Filing of Final Redacted Version of [Final Redacted Document title]".

(vii) In the event the Court denies the Sealing Motion, the Clerk shall take such action as the Court may direct.

(viii) If a Sealing Motion is filed in connection with a motion or application or with an objection, reply or sur-reply related to any such motion or application, unless otherwise ordered by the Court, a motion to shorten notice shall not be required and the Court will consider the Sealing Motion at the applicable hearing date and any objections to the Sealing Motion may be presented at the hearing.

(ix) Except with respect to redactions subject to Local Rule 9037-1 or as otherwise ordered by this Court, no document containing any redaction(s) made by a filer of a Proposed Sealed Document may be filed with the Clerk's Office unless the filer has previously filed or simultaneously files an unredacted copy of the same under seal and follows all requirements of this subsection with respect to the same.

(x) For the avoidance of doubt, nothing in this sub-part 9018-1(d) is intended to or shall modify any rights or obligations any entity has in connection with confidential information or information potentially subject to protection under Section 107 of the Bankruptcy Code.

(e) Order Authorizing Future Filing of Documents under Seal. If an order has been signed granting the filing of future documents under seal, the related docket number of the applicable order must also be included on the cover sheet. Any document filed under seal under a previously entered

order of the Court shall be filed as a restricted document and electronically docketed in accordance with CM/ECF procedures.

(f) Confidentiality. If any information or documents are designated confidential by the producing party at the time of production and the parties have not stipulated to a confidentiality agreement, until such an agreement has been agreed to by the parties or ordered by the Court, disclosure shall be limited to members and employees of the law firm representing the receiving party and such other persons as to which the parties agree. Such persons are under an obligation to keep such information and documents confidential and to use them only for purposes of the contested matter or the proceeding with respect to which they have been produced. Additionally, parties may stipulate to the application of this rule in connection with informal discovery conducted outside a contested matter or adversary proceeding (*e.g.*, a statutory committee's investigation of the validity, perfection or amount of a secured creditor's prepetition lien), in which case the documents and information produced shall be used only for the purpose defined by the parties' stipulation.

(g) Use of Sealed Documents. If a party intends to use a document which has been previously placed under seal at a hearing or in connection with briefing, a copy of the sealed document (in an envelope and prominently marked "CHAMBERS COPY") shall be provided to the Court in the binder delivered to Chambers. After the hearing is concluded or the motion is decided, the Court will, at its discretion, destroy or return the Chambers copy of the sealed document to the sender.

Rule 9019-1 Certificate of Counsel. Filed objection(s) or informal objection(s) to a Motion, Omnibus Objection to Claims or other pleading filed with the Court may be resolved by submitting a revised or agreed form of order filed with a Certificate of Counsel ("CoC") consistent with all of the following requirements stated in (a) – (c) below. The CoC procedure may also be utilized under such other circumstances as the Court directs.

(a) The CoC must be signed by Delaware Counsel (as defined in Local Rule 9010-1), and attach a proposed revised or agreed form of order as an exhibit. The CoC must state whether the revised or agreed form of order has been reviewed and approved by all the parties affected by the order. A CoC shall be served on all affected parties.

(b) If there is an applicable objection deadline, the CoC may not be filed until twenty-four (24) hours after that deadline.

(c) In cases in which a Notice of Agenda is required under Local Rule 9029-3 and where the revised or agreed form of order has been finalized in advance of the deadline for the filing of the Notice of Agenda, the Delaware counsel responsible for the filing of the Notice of Agenda shall include the CoC pleadings in the CNO binder that is otherwise required under these Local Rules. In all other cases, the CoC pleadings shall be submitted in accordance with each respective Judge's chambers procedures. Such chambers procedures, if any, are available on the Court's website.

Upon receipt of the CoC, the Court may enter the order attached to the CoC without further pleading or hearing or schedule the CoC for hearing.

Rule 9019-2 Mediator and Arbitrator Qualifications and Compensation.

(a) Register of Mediators and Arbitrators/ADR Program Administrator. The Clerk shall establish and maintain a register of persons (the "Register of Mediators") qualified under this Local Rule and designated by the Court to serve as mediators or arbitrators in the Mediation or Voluntary Arbitration Program. The Chief Bankruptcy Judge shall appoint a Judge of this Court, the Clerk or a person qualified under this Local Rule who is a member in good standing of the Bar of the State of Delaware to serve as the Alternative Dispute Resolution ("ADR") Program Administrator. Aided by a staff member of the Court, the ADR Program Administrator shall receive applications for designation to the Register of Mediators, maintain the Register of Mediators, track and compile reports on the ADR Program and otherwise administer the program.

(b) Application and Certification.

(i) Application. Each applicant shall submit to the ADR Program Administrator a statement of professional qualifications, experience, training and other information demonstrating, in the applicant's opinion, why the applicant should be designated to the Register of Mediators. The applicant shall submit the statement substantially in compliance with Local Form 110A. The statement also shall set forth whether the applicant has been removed from any professional organization, or has resigned from any professional organization while an investigation into allegations of professional misconduct was pending and the circumstances of such removal or resignation. This statement shall constitute an application for designation to the ADR Program. Each applicant shall certify that the applicant has completed appropriate mediation or arbitration training or has sufficient experience in the mediation or arbitration process and that he/she satisfies the qualifications set forth in 9019-2(b)(ii). If requested by the Court, each applicant hereunder shall agree to accept at least one pro bono appointment per year. If after serving in a pro bono capacity insufficient matters exist to allow for compensation, credit for pro bono service shall be carried into subsequent years in order to

qualify the mediator or arbitrator to receive compensation for providing service as a mediator or arbitrator. In order to be eligible for appointment by the ADR Program Administrator, each applicant shall meet the qualifications sent forth in 9019-2(b)(ii).

(ii) Qualifications.

(A) Attorney Applicants. An attorney applicant shall certify to the Court in the Application that the applicant:

(1) Is, and has been, a member in good standing of the bar of any state or of the District of Columbia for at least five (5) years;

(2) Has served as a principal attorney of record in at least three bankruptcy cases (without regard to the party represented) from case commencement to conclusion or, if the case is still pending, to the date of the Application, or has served as the principal attorney of record for any party in interest in at least three (3) adversary proceedings or contested matters from commencement to conclusion or, if the case is still pending, to the date of the Application; and

(3) Is willing to undertake to evaluate or mediate at least one matter each year, subject only to unavailability due to conflicts, or personal or professional commitments, on a pro bono basis.

(B) Non-Attorney Applicants. A non-attorney applicant shall certify to the Court in the Application that the applicant has been a member in good standing of the applicant's particular profession for at least five (5) years, and shall submit a statement of professional qualifications, experience, training and other information demonstrating, in the applicant's opinion, why the applicant should be appointed to the Register of Mediators. Non-attorney applicants shall make

the same certification required of attorney applicants contained in Local Rule 9019-2(b)(ii)(A).

(iii) Court Certification. The Court in its sole and absolute determination on any reasonable basis shall grant or deny any application submitted under this Local Rule. If the Court grants the application, the applicant's name shall be added to the Register of Mediators, subject to removal under these Local Rules.

(iv) Reaffirmation of Qualifications. Each applicant accepted for designation to the Register of Mediators shall reaffirm annually the continued existence and accuracy of the qualifications, statements and representations made in the application. The annual reaffirmation shall be submitted to the ADR Program Administrator in conformity with Local Form 125 by March 31st of each year, and shall include a certification of such mediator's acceptance of, or availability to perform, one pro bono appointment for the ~~current~~prior calendar year, and whether the mediator has been selected or appointed as a mediator in a dispute within the preceding three (3) calendar years for this Court.

(c) Oath. Before serving as a mediator or arbitrator, each person designated as a mediator or arbitrator shall take the following oath or affirmation:

"I, _____, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me in the Mediation or Voluntary Arbitration Program of the United States Bankruptcy Court for the District of Delaware without respect to persons and will do so equally and with respect."

(d) Removal from Register of Mediators. A person shall be removed from the Register of Mediators (i) at the person's request, (ii) by Court order entered on the sole and absolute determination of the Court, or (iii) by the ADR Program Administrator if the person (1) has failed to timely submit the annual reaffirmation as required in 9019-2(b)(iv), or (2) has not been selected or appointed as a

mediator in a dispute for three (3) consecutive calendar years. If removed from the Register of Mediators, the person shall be eligible to file an application for reinstatement after the passage of one year from the date of removal.

(e) Appointment.

(i) Selection. Upon assignment of a matter to mediation or arbitration in accordance with these Local Rules and unless special circumstances exist as determined by the Court, the parties shall select a mediator or arbitrator. If the parties fail to make such selection within the time as set by the Court, then the Court shall appoint a mediator or arbitrator. A mediator or arbitrator shall be selected from the Register of Mediators, unless the parties stipulate and agree to a mediator or arbitrator not on the Register of Mediators.

(ii) Inability to Serve. If the mediator or arbitrator is unable to or elects not to serve, he or she shall file and serve on all parties, and on the ADR Program Administrator, within fourteen (14) days after receipt of notice of appointment, a notice of inability to accept the appointment. In such event, the parties shall select an alternate mediator or arbitrator.

(iii) Disqualification.

(A) Disqualifying Events. Any person selected as a mediator or arbitrator may be disqualified for bias or prejudice in the same manner that a Judge may be disqualified under 28 U.S.C. § 44. Any person selected as a mediator or arbitrator shall be disqualified in any matter where 28 U.S.C. § 455 would require disqualification if that person were a Judge.

(B) Disclosure. Promptly after receiving notice of appointment, the mediator or arbitrator shall make an inquiry sufficient to determine whether there is a basis for disqualification under this Local Rule. The inquiry shall include, but shall not be limited to, a search for conflicts of interest in the manner prescribed by the applicable rules of professional conduct

for attorneys and by the applicable rules pertaining to the profession of the mediator or arbitrator.

(C) Objection Based on Conflict of Interest. A party to the mediation or arbitration who believes that the assigned mediator or arbitrator has a conflict of interest promptly shall bring the issue to the attention of the mediator or arbitrator, as applicable, and to the other parties. If the mediator or arbitrator does not withdraw, and the movant is dissatisfied with this decision, the issue shall be brought to the attention of the ADR Program Administrator by the mediator, arbitrator or any of the parties. If the movant is dissatisfied with the decision of the ADR Program Administrator, the issue shall be brought to the Court's attention by the ADR Program Administrator or any party. The Court shall take such action as it deems necessary or appropriate to resolve the alleged conflict of interest.

(iv) Liability. Aside from proof of actual fraud or unethical conduct, there shall be no liability on the part of, and no cause of action shall arise against, any person who is appointed as a mediator or arbitrator under these Local Rules on account of any act or omission in the course and scope of such person's duties as a mediator or arbitrator.

(f) Compensation. A person will be eligible to be a paid mediator or arbitrator if that person has been admitted to the Register of Mediators maintained by the Court or otherwise has been appointed by the Court. Once eligible to serve as a mediator or arbitrator for compensation, which shall be at reasonable rates, the mediator or arbitrator may require compensation and reimbursement of expenses as agreed by the parties; and such compensation and reimbursement of expenses shall be paid without Court Order. If any party to the mediation or arbitration objects to the compensation or expenses required by the mediator or arbitrator, such dispute may be presented to the Court by the party or the mediator or arbitrator for disposition. If the mediator or arbitrator consents to serve without compensation and at the conclusion of the

first full day of the mediation conference or arbitration proceeding it is determined by the mediator or arbitrator and the parties that additional time will be both necessary and productive in order to complete the mediation or arbitration, then:

(i) If the mediator or arbitrator consents to continue to serve without compensation, the parties may agree to continue the mediation conference or arbitration.

(ii) If the mediator or arbitrator does not consent to continue to serve without compensation, the fees and expenses shall be on such terms as are satisfactory to the mediator or arbitrator and the parties, subject to Court approval. Where the parties have agreed to pay such fees and expenses, the parties shall share equally all such fees and expenses unless the parties agree to some other allocation. The Court may determine a different allocation, if the parties cannot agree to an allocation.

(iii) If the estate is to be charged with such expense, the mediator or arbitrator may be reimbursed for actual transportation expenses necessarily incurred in the performance of duties.

(g) Administrative Fee. The mediator or arbitrator shall be entitled to an administrative fee of $250, payable upon his or her acceptance of the appointment, in every dispute referred to mediation, except a proceeding or matter in a consumer case. The administrative fee shall be a credit against any fee actually paid to the mediator or arbitrator in such proceeding or matter.

(h) Party Unable to Afford. If the Court determines that a party to a matter assigned to mediation or arbitration cannot afford to pay the fees and costs of the mediator or arbitrator, the Court may appoint a mediator or arbitrator to serve pro bono as to that party.

Rule 9019-3 Assignment of Disputes to Mediation or Voluntary Arbitration.

(a) Stipulation of Parties. Notwithstanding any provision of law to the contrary, the Court may refer a dispute pending before it to mediation and, upon consent of the parties, to arbitration. During a mediation, the parties may stipulate to allow the mediator, if qualified as an arbitrator, to hear and arbitrate the dispute.

(b) Safeguards in Consent to Voluntary Arbitration. Matters may proceed to voluntary arbitration by consent where

(i) Consent to arbitration is freely and knowingly obtained; and

(ii) No party is prejudiced for refusing to participate in arbitration.

Rule 9019-4 Arbitration.

(a) Referral to Arbitration under Fed. R. Bankr. P. 9019(c). The Court may allow the referral of a matter to final and binding arbitration under Fed. R. Bankr. P. 9019(c).

(b) Referral to Arbitration under 28 U.S.C. § 654. The Court may allow the referral of an adversary proceeding to arbitration under 28 U.S.C. § 654.

(c) Arbitrator Qualifications and Appointment. In addition to fulfilling the qualifications of a mediator found in Local Rule 9019-2(b), a person qualifying as an arbitrator hereunder must be certified as an arbitrator through a qualifying program. An arbitrator shall be appointed (and may be disqualified) in the same manner as in Local Rule 9019-2(e). The arbitrator shall be liable only to the extent provided in Local Rule 9019-2(e)(iv).

(d) Powers of Arbitrator.

(i) An arbitrator to whom an action is referred shall have the power, upon consent of the parties, to

(A) Conduct arbitration hearings;

(B) Administer oaths and affirmations; and

(C) Make awards.

(ii) The Fed. R. Civ. P. and the Fed. R. Bankr. P. apply to subpoenas for the attendance of witnesses and the production of documents at a voluntary arbitration hearing.

(e) Arbitration Award and Judgment.

(i) Filing and Effect of Arbitration Award. An arbitration award made by an arbitrator, along with proof of service of such award on the other party by the prevailing party, shall be filed with the Clerk promptly after the arbitration hearing is concluded. The Clerk shall place under seal the contents of any arbitration award made hereunder and the contents shall not be known to any Judge who might be assigned to the matter until the Court has entered a final judgment in the action or the action has otherwise terminated.

(ii) Entering Judgment of Arbitration Award. Arbitration awards shall be entered as the judgment of the Court after the time has expired for requesting a determination de novo, with no such request having been filed. The judgment so entered shall be subject to the same provisions of law and shall have the same force and effect as a judgment of the Court, except that the judgment shall not be subject to review in any other court by appeal or otherwise.

(f) Determination De Novo of Arbitration Awards.

(i) Time for Filing Demand. Within twenty-eight (28) days after the filing of an arbitration award under Local Rule 9019-4(e) with the Clerk, any party may file a written demand for a determination de novo with the Court.

(ii) Action Restored to Court Docket. Upon a demand for determination de novo, the action shall be restored to the docket of the Court and treated for all purposes as if it had not been referred to arbitration.

(iii) Exclusion of Evidence of Arbitration. The Court shall not admit at the determination de novo any evidence that there has been an arbitration proceeding, the nature or amount of any award or any other matter concerning the conduct of the arbitration proceeding, unless

(A) The evidence would otherwise be admissible in the Court under the Federal Rules of Evidence; or

(B) The parties have otherwise stipulated.

(g) This Local Rule shall not apply to arbitration under 9 U.S.C. § 3, if applicable.

Rule 9019-5 Mediation.

(a) Types of Matters Subject to Mediation. The Court may assign to mediation any dispute arising in an adversary proceeding, contested matter or otherwise in a bankruptcy case. Except as may be otherwise ordered by the Court, all adversary proceedings filed in a business case shall be referred to mandatory mediation, except an adversary proceeding in which (i) the United States Trustee is the plaintiff; (ii) one or both parties are *pro se*; or (iii) the plaintiff is seeking a preliminary injunction or temporary restraining order. Parties may also stipulate to mediation, subject to Court approval.

(b) Effects of Mediation on Pending Matters. The assignment of a matter to mediation does not relieve the parties to that matter from complying with any other Court orders or applicable provisions of the Code, the Fed. R. Bankr. P. or these Local Rules. Unless otherwise ordered by the Court, the assignment to mediation does not delay or stay discovery, pretrial hearing dates or trial schedules.

(c) The Mediation Process.

(i) Cost of Mediation. Unless otherwise ordered by the Court, or agreed by the parties, (1) in an adversary proceeding that includes a claim to avoid and recover any alleged avoidable transfer pursuant to 11 U.S.C. §§ 544, 547, 548 and/or 550, the bankruptcy estate (or if there is no bankruptcy estate, the plaintiff in the adversary proceeding) shall pay the fees and costs of the mediator and (2) in all other matters, the fees and costs of the mediator shall be shared equally by the parties.

(ii) Time and Place of Mediation Conference. After consulting with all counsel and *pro se* parties, the mediator shall schedule a time and place for the mediation conference that is acceptable to the parties and the mediator. Failing agreement of the parties on the date and location for the mediation conference, the mediator shall establish the time and place of the mediation conference on no less than twenty-one (21) days' written notice to all counsel and *pro se* parties.

(iii) Submission Materials. Unless otherwise instructed by the mediator, not less than seven (7) days before

the mediation conference, each party shall submit directly to the mediator and serve on all counsel and *pro se* parties such materials (the "Submission") in form and content as the mediator directs. Any instruction by the mediator regarding submissions shall be made at least twenty-one (21) days in advance of a scheduled mediation conference. Prior to the mediation conference, the mediator may talk with the participants to determine what materials would be helpful. The Submission shall not be filed with the Court and the Court shall not have access to the Submission.

(iv) Attendance at Mediation Conference.

(A) Persons Required to Attend. Except as provided by subsection (j)(ix)(A) herein, or unless excused by the Mediator upon a showing of hardship, which, for purposes of this subsection shall mean serious or disabling illness to a party or party representative; death of an immediate family member of a party or party representative; act of God; state or national emergency; or other circumstances of similar unforeseeable nature, the following persons must attend the mediation conference personally:

(1) Each party that is a natural person;

(2) If the party is not a natural person, including a governmental entity, a representative who is not the party's attorney of record and who has full authority to negotiate and settle the matter on behalf of the party;

(3) If the party is a governmental entity that requires settlement approval by an elected official or legislative body, a representative who has authority to recommend a settlement to the elected official or legislative body;

(4) The attorney who has primary responsibility for each party's case, including Delaware counsel if engaged at the time of mediation regardless of

whether Delaware counsel has primary responsibility for a party, unless Delaware counsel requests to be and is excused from attendance by the mediator in advance of the mediation conference; and

(5) Other interested parties, such as insurers or indemnitors or one or more of their representatives, whose presence is necessary for a full resolution of the matter assigned to mediation.

(B) Failure to Attend. Willful failure to attend any mediation conference, and any other material violation of this Local Rule, shall be reported to the Court by the mediator and may result in the imposition of sanctions by the Court. Any such report of the mediator shall comply with the confidentiality requirement of Local Rule 9019-5(d).

(v) Mediation Conference Procedures. The mediator may establish procedures for the mediation conference.

(vi) Settlement Prior to Mediation Conference. In the event the parties reach a settlement in principle after the matter has been assigned to mediation but prior to the mediation conference, the plaintiff shall advise the mediator in writing within one (1) business day of the settlement in principle.

(d) Confidentiality of Mediation Proceedings.

(i) Protection of Information Disclosed at Mediation. The mediator and the participants in mediation are prohibited from divulging, outside of the mediation, any oral or written information disclosed by the parties or by witnesses in the course of the mediation. No person may rely on or introduce as evidence in any arbitral, judicial or other proceeding, evidence pertaining to any aspect of the mediation effort, including, but not limited to: (A) views expressed or suggestions made by a party with respect to a possible settlement of the dispute; (B) the fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator; (C) proposals made or views expressed by the mediator; (D) statements

or admissions made by a party in the course of the mediation; and (E) documents prepared for the purpose of, in the course of, or pursuant to the mediation. In addition, without limiting the foregoing, Rule 408 of the Federal Rules of Evidence, any applicable federal or state statute, rule, common law or judicial precedent relating to the privileged nature of settlement discussions, mediations or other alternative dispute resolution procedures shall apply. Information otherwise discoverable or admissible in evidence does not become exempt from discovery, or inadmissible in evidence, merely by being used by a party in the mediation. However, except as set forth in the previous sentence, no person shall seek discovery from any participant in the mediation with respect to any information disclosed during mediation.

(ii) Discovery from Mediator. The mediator shall not be compelled to disclose to the Court or to any person outside the mediation conference any of the records, reports, summaries, notes, communications or other documents received or made by the mediator while serving in such capacity. The mediator shall not testify or be compelled to testify in regard to the mediation in connection with any arbitral, judicial or other proceeding. The mediator shall not be a necessary party in any proceedings relating to the mediation. Nothing contained in this paragraph shall prevent the mediator from reporting the status, but not the substance, of the mediation effort to the Court in writing, from filing a final report as required herein, or from otherwise complying with the obligations set forth in this Local Rule.

(iii) Protection of Proprietary Information. The parties, the mediator and all mediation participants shall protect proprietary information.

(iv) Preservation of Privileges. The disclosure by a party of privileged information to the mediator does not waive or otherwise adversely affect the privileged nature of the information.

(e) Recommendations by Mediator. The mediator is not required to prepare written comments or recommendations to the

parties. Mediators may present a written settlement recommendation memorandum to attorneys or *pro se* litigants, but not to the Court.

(f) Post-Mediation Procedures.

(i) Filings by the Parties. If a settlement is reached at a mediation, the plaintiff shall file a Notice of Settlement or, where required, a motion and proposed order seeking Court approval of the settlement within twenty-eight (28) days after such settlement is reached. Within sixty (60) days after the filing or the Notice of Settlement or the entry of an order approving the settlement, the parties shall file a Stipulation of Dismissal dismissing the action on such terms as the parties may agree. If the plaintiff fails to timely file the Stipulation of Dismissal, the Clerk's office will close the case.

(ii) Mediator's Certificate of Completion. No later than fourteen (14) days after the conclusion of the mediation conference or receipt of notice from the parties that the matter has settled prior to the mediation conference, unless the Court orders otherwise, the mediator shall file with the Court a certificate in the form provided by the Court ("Certificate of Completion") showing compliance or noncompliance with the mediation conference requirements of this Local Rule and whether or not a settlement has been reached. Regardless of the outcome of the mediation conference, the mediator shall not provide the Court with any details of the substance of the conference.

(g) Withdrawal from Mediation. Any matter assigned to mediation under this Local Rule may be withdrawn from mediation by the Court at any time.

(h) Termination of Mediation. Upon the filing of a mediator's Certificate of Completion under Local Rule 9019-5(f)(ii) or the entry of an order withdrawing a matter from mediation under Local Rule 9019-5(g), the mediation will be deemed terminated and the mediator excused and relieved from further responsibilities in the matter without further order of the Court. If the mediation conference does not result in a resolution of all of the disputes in the

assigned matter, the matter shall proceed to trial or hearing under the Court's scheduling orders.

(i) Modification of ADR Procedure. Any party seeking to deviate from, or propose procedures or obligations in addition to, the Local Rules governing ADR shall comply with Local Rule 7001-1(a)(i).

(j) Alternative Procedures for Certain Avoidance Proceedings.

(i) Applicability. This subsection (j) shall apply to any adversary proceeding that includes a claim to avoid and/or recover any alleged avoidable transfer pursuant to 11 U.S.C. §§ 547, 548 and/or 550 from one or more defendants where the amount in controversy from any one defendant is equal to or less than $75,000.

(ii) Service of this Rule with Summons. The plaintiff shall serve with the Summons a copy of this Del. Bankr. L.R. 9019-5(j) and the Certificate (as defined hereunder) and file a certificate of service within seven (7) days of service.

(iii) Defendant's Election. On or within twenty-eight (28) days after the date that the Defendant's response is due under the Summons, the Defendant may opt-in to the procedures provided under this subsection (j) by filing with the Court on the docket of the adversary proceeding and serving on the Plaintiff, a certificate in the form of Local Form 118 ("Certificate"). The time period provided hereunder to file the Certificate is not extended by the parties' agreement to extend the Defendant's response deadline under the Summons.

(iv) Mediation of All Claims. Unless otherwise agreed by the parties, the Defendant's election to proceed to mediation under subsection (j)(iii) operates as a referral of all claims against the Defendant in the underlying adversary proceeding.

(v) Appointment of Mediator. On or within fourteen (14) days after the date that the Certificate is filed, Plaintiff shall file either: (i) a stipulation (and proposed order) regarding the appointment of a mediator from the Register of Mediators approved by the Court; or (ii) a request for the Court to

appoint a mediator from the Register of Mediators approved by the Court. If a stipulation or request to appoint is not filed as required hereunder, then the Clerk of Court may appoint in such proceeding a mediator from the Register of Mediators approved by the Court.

(vi) Election in Cases Where Amount Exceeds $75,000. In any adversary proceeding that includes a claim to avoid and/or recover an alleged avoidable transfer(s) from one or more defendants where the amount in controversy from any one defendant is greater than $75,000, the plaintiff and defendant may agree to opt-in to the procedures provided under this subsection (j) by filing a certificate in the form of Local Form 119 ("Jt. Certificate") on the docket of the adversary proceeding within the time provided under subsection (j)(iii) hereof that includes the parties' agreement to the appointment of a mediator from the Register of Mediators; provided, however, that in a proceeding that includes more than one defendant, only the defendant who agrees to opt-in is subject to the provisions hereof. The use of the term "Defendant" in this subsection (j) shall include any defendant who agrees with plaintiff to mediation hereunder.

(vii) Participation. The parties shall participate in mediation in an effort to consensually resolve their disputes prior to further litigation.

(viii) Scheduling Order.

(A) Effect of Scheduling Order. Any scheduling order entered by the Court at the initial status conference or otherwise shall apply to the parties and claims which are subject to mediation under this subsection; provided, however, that: (1) the referral to mediation under this subsection (j) shall operate as a stay as against the parties to the mediation of any requirement under Fed. R. Bankr. Proc. 7026 to serve initial disclosures, and a stay as against the parties to the mediation of such parties' right and/or obligation (if any) to propound, object or respond to written discovery requests or other discovery demands

to or from the parties to the mediation; and (2) as further provided in subsection (j)(ix)(B) hereof, after the conclusion of mediation the time frames set forth in the scheduling order entered by the Court shall be adjusted so that such time frames are calculated from the date of completion of mediation (as evidenced by the date of entry on the adversary docket of the Certificate of Completion). The stay provided for under this subsection shall automatically terminate upon the filing of the Certificate of Completion.

(B) Agreement to and Filing of Scheduling Order after Conclusion of Mediation. If the mediation does not result in the resolution of the litigation between the parties to the mediation, then within fourteen (14) days after the entry of the Certificate of Completion on the adversary docket, the parties to the mediation shall confer regarding the adjustment of the date and time frames set forth in the scheduling order entered by the Court so that such dates and time frames are calculated from the date of completion of mediation. The parties shall further agree to a related form of scheduling order or stipulation and proposed order, and the plaintiff shall file such proposed scheduling order or stipulation and proposed order on the docket of the adversary proceeding under certification of counsel. If the parties do not agree to the form of scheduling order or stipulation as required hereunder and the timely filing thereof, then the parties shall promptly contact the Court to schedule a hearing to consider the entry of an amended scheduling order.

(C) Absence of Scheduling Order. The terms of this subsection (viii) apply only if the Court enters a form of scheduling order in the underlying adversary proceeding prior to the conclusion of mediation.

(ix) The Mediation Conference.

(A) Persons Required to Attend. A representative of each party who has full authority to negotiate and settle the matter on behalf of the party must attend the mediation in person. Such representative may be the party's attorney of record in the adversary proceeding. Other representatives of the party or the party (if the party is not the representative appearing in person at the mediation) may appear by telephone, videoconference or other similar means. If the party is not appearing at the mediation in person, the party shall appear at the mediation by telephone, videoconference or other similar means as directed by the mediator.

(B) Mediation Conference Procedures. The mediator may establish other procedures for the mediation conference.

(x) Other Terms. Unless otherwise provided hereunder, the provisions of Del. Bankr. L.R. 9019-5 (including subsections (b), (c) (iv)(B), and (d) – (h)) shall apply to any mediation conducted under this subsection (j).

Rule 9019-6 Other Alternative Dispute Resolution Procedures. The parties may employ any other method of alternative dispute resolution.

Rule 9019-7 Notice of Court Annexed Alternative Dispute Resolution Program. The plaintiff, at the time of service of the complaint and summons under Local Rule 7004-2, shall give notice of dispute resolution alternatives substantially in compliance with Local Form 110B. A certificate of service shall be filed within seven (7) days of service of the notice.

Rule 9022-1 Service of Judgment or Order. Immediately upon the entry of a judgment or order, the Clerk shall serve a notice of the entry of the judgment or order on Delaware Counsel for the movant, via electronic means, as consented to by the movant. Registered CM/ECF users are deemed to have consented to service of the notice of the entry of orders or judgments via electronic means. If counsel for the movant is not a registered CM/ECF user, the Clerk shall serve a copy of the judgment or order on Delaware Counsel for the movant via first class mail. Counsel for the movant shall serve a copy of the judgment or order on all parties that contested the relief requested in the order and on other parties as the Court may direct and file a certificate of service to that effect within forty-eight (48) hours. For any *pro se* movant or sua sponte order, the Clerk's Office shall serve a copy of the judgment or order via first class mail on all parties affected thereby and file a certificate of service to that effect, unless otherwise directed by the Court.

Rule 9027-1 Statements in Notice of Removal or Related Filings Regarding Consent to Entry of Order or Judgment in Core Proceeding.

(a) Reference is made to the requirement of Fed. R. Bankr. P. 9027(a)(1) that a notice of removal must contain a statement that upon removal of the claim or cause of action the party filing the notice does or does not consent to entry of final orders or judgments by the Court. If no such statement is included, unless otherwise ordered by the Court, the party filing the notice of removal shall have waived the right to contest the authority of the Court to enter final orders or judgments.

(b) Reference is made to the requirement of Fed. R. Bankr. P. 9027(e) that any party who has filed a pleading in connection with the removed claim or cause of action, other than the party filing the notice of removal, must file a statement that the party does or does not consent to entry of final orders or judgments by the Court. If no such statement is included, unless otherwise ordered by the Court, the filing party shall have waived the right to contest the authority of the Court to enter final orders or judgments.

Rule 9029-2 Modalities and Guidelines for Communication and Cooperation Between Courts in Cross-Border Insolvency Matters. The modalities and guidelines set forth at Part X of these Local Rules may apply in any case involving cross-border proceedings relating to insolvency or adjustment of debt opened in a foreign court. In order for the guidelines (the "Guidelines")(whether in whole or in part and with or without modification) to be applicable in a particular case, the Court shall approve a protocol or enter an order, following an application by the parties or sua sponte by the Court.

Rule 9029-3 Hearing Agenda Required. In all chapter 7 asset cases, chapter 11 cases and chapter 15 cases, the counsel for the debtor, the statutory trustee, the foreign representative or the post-confirmation estate representative, as applicable, shall file an agenda for each scheduled hearing in the case, in substantial conformity to Local Form 111 and meeting the requirements set forth in this Local Rule.

(a) General Requirements of Agenda.

(i) Delaware Counsel shall file the agenda in the bankruptcy case and adversary proceeding, if applicable, with the Bankruptcy Court on or before 12:00 p.m. prevailing Eastern Time two (2) business days before the date of the hearing. Failure to file the agenda timely may subject counsel to a fine.

(ii) Resolved or continued matters shall be listed before unresolved matters. Contested matters (and documents within each matter) shall be listed in the order of docketing with corresponding docket numbers. Unless otherwise authorized by the Court, a matter may only be listed as continued if all parties that have outstanding objections to the matter consent to such continuance. All amended agendas shall list matters as listed in the original agenda, with added matters being listed last and all changes being made in bold print.

(iii) Copies of the proposed agenda shall be served upon Delaware Counsel who have entered an appearance in the case, as well as all other counsel with a direct interest in any matter on the agenda, substantially contemporaneous with the Court filing.

(b) Motions.

(i) General Information. For each motion, the agenda shall provide the title, docket number and date filed. Supporting papers shall be similarly listed.

(ii) Objection Information. For each motion, the agenda shall provide the objection deadline and any objections filed, and provide the docket number and the date filed, if available.

(iii) Status Information. For each motion, the agenda shall provide whether the matter is going forward, whether a continuance is requested (and any opposition to the continuance, if known), whether any or all of the objections have been resolved and any other pertinent status information, including whether the presentation of live witnesses is expected.

(c) Adversary Proceedings. When an adversary proceeding is scheduled, the agenda shall indicate the adversary proceeding number in addition to the information required by Local Rule 9029-3(b).

(d) Hearing Binders. The agenda shall be submitted to the respective Judge's chambers in a hearing binder containing copies of all documents relevant to matters scheduled to be considered by the Court at such hearing. Hearing binders shall contain only the substantive documents necessary for the hearing (i.e., motions and responses) and shall not contain documents related to continued or resolved matters. Certificates of service shall not be included in the hearing binder unless adequacy of service is an issue to be considered by the Court.

(e) Amended Agenda. Where an amended agenda is necessary, the amended agenda shall (in bold print) note any material changes in the status of any agenda matter.

Rule 9033-1 Transmittal to the District Court of Proposed Findings of Fact and Conclusions of Law. The Clerk will transmit to the District Court the proposed findings of fact and conclusions of law filed pursuant to Fed. R. Bankr. P. 9033 upon the expiration of time for filing objections and any response thereto.

Rule 9036-1 Electronic Transmission of Court Notices; Service on Registered CM/ECF Users; Use of Technology in the Courtroom.

(a) Court Notices. To eliminate redundant paper notices, all registered electronic filing participants will receive notices required to be sent by the Clerk via electronic transmission only. No notices from the Clerk's Office will be sent in paper format to registered CM-ECF users, with the exception of the Notice of Meeting of Creditors, which will be sent in both paper and electronic format. The electronic transmission of notices by the Clerk will be deemed complete upon transmission. See also Local Rule 5005-4.

(b) Service through the Court's Electronic Filing System. Service will be made on registered CM/ECF users through the CM/ECF system and may be made on any person by other electronic means consented to in writing in accordance with Fed. R. Bankr. P. 9036. For the avoidance of doubt, this rule does not apply to any pleading or other paper required to be served in accordance with Fed. R. Bankr. P. 7004 or as provided in Local Rule 5005-4(c)(iii). In chapter 11 and chapter 15 cases, when service is completed through the CM/ECF system or by other electronic means that the person consented to in writing, a courtesy copy of the document also will be provided by email, other electronic form as provided under Local Rule 5005-4(c), or by hard copy via hand delivery, first class or other mail or delivery, to: (i) counsel for the debtor or the foreign representative (as applicable), counsel for the United States Trustee, counsel for any committee appointed pursuant to section 1102 of the Bankruptcy Code, and all parties whose rights are affected by the filing (but excluding parties only receiving service because such party filed a request for service of notices under Fed. R. Bankr. P. 2002(i)), and, if the filing party is the debtor, foreign representative or any committee appointed pursuant to section 1102 of the Bankruptcy Code, then the courtesy copy also will be delivered to all parties who file a request for service of notices under Fed. R. Bankr. P. 2002(i); and (ii) any other party as the Court may direct. Consistent with Local Rule 2002-1(c), lists of parties entitled to service may be obtained from the claims agent or debtor, as applicable.

(c) Use of Technology in the Courtroom. Unless otherwise authorized by the Court, parties intending to use technology in the Courtroom must give the Court notice by

the time the Agenda is due under Del. Bankr. L.R. 9029-3. At that time, notice should also be sent via email to debml_Courtroom_Technology@deb.uscourts.gov.

Rule 9037-1 Redaction of Personal Data Identifiers.

(a) Responsibility for Redaction. The responsibility for redacting personal data identifiers (as defined in Fed. R. Bankr. P. 9037) rests solely with counsel, parties in interest and non-parties. The Clerk, or claims agent if one has been appointed, will not review each document for compliance with this Rule. In the event the Clerk, or claims agent if one has been appointed, discovers that personal identifier data or information concerning a minor individual has been included in a pleading, the Clerk, or claims agent if one has been appointed, is authorized, in its sole discretion, to restrict public access (except as to the filer, the case trustee, the United States Trustee and the claims agent) to the document in issue and inform the filer of the requirement to file a motion to redact.

(b) Method of Redaction. The filer of the document containing personal data identifiers shall, in accordance with CM/ECF procedures, file a motion to redact that identifies the proposed document for redaction by docket number or if applicable, by claim number. The filer shall submit, with the motion to redact, an exhibit containing the document to be substituted for the original filing.

(c) Clerk's Action upon Filing. Upon filing of the motion to redact, the Clerk's Office will restrict the original image containing the personal data identifiers from public view (except as to the filer, the case trustee, the United States Trustee and the claims agent) on the docket.

(d) Notice. The filer shall include a certificate of service at the time the motion to redact is filed, showing service to the following recipients: the debtor, anyone whose personal information has been disclosed, the case trustee (if any) and the United States Trustee.

PART X. MODALITIES OF COURT-TO-COURT COMMUNICATION

Scope and Definitions

1. These Modalities apply to direct communications (written or oral) between courts in specific cases of cross-border proceedings relating to insolvency or adjustment of debt opened in more than one jurisdiction ("Parallel Proceedings"). Nothing in this document precludes indirect means of communication between courts, such as through the parties or by exchange of transcripts, etc. This document is subject to any applicable law.

2. These Modalities govern only the mechanics of communication between courts in Parallel Proceedings. For the principles of communication (e.g., that court-to-court communications should not interfere with or derogate from the jurisdiction or the exercise of jurisdiction by a court in any proceedings, etc.), reference may be made to the Guidelines for Communication and Cooperation between Courts in Cross-Border Insolvency Matters (the "Guidelines") issued by the Judicial Insolvency Network in October 2016, adopted in the Local Rules in 2017 as APPENDIX A hereto.

3. These Modalities contemplate contact being initiated by an "Initiating Judge" (defined below). The parties before such judge may request him or her to initiate such contact, or the Initiating Judge may seek it on his or her own initiative.

4. In this document:

   a. "Initiating Judge" refers to the judge initiating communication in the first instance;

   b. "Receiving Judge" refers to the judge receiving communication in the first instance;

   c. "Facilitator" refers to the person(s) designated by the court where the Initiating Judge sits or the court where the Receiving Judge sits (as the case may be) to initiate or receive communications on behalf of the Initiating Judge or the Receiving Judge in relation to Parallel Proceedings.

Designation of Facilitator

5. Each court may designate one or more judges or administrative officials as the Facilitator. It is recommended that, where the Facilitator is not a judge, a judge be designated to supervise the initial steps in the communication process. The Facilitator appointed by the Court is the Clerk.

6. Courts should prominently publish the identities and contact details of their Facilitators, such as on their websites.

7. Courts should prominently list the language(s) in which initial communications may be made and the technology available to facilitate communication between or among courts (e.g. telephonic and/or video conference capabilities, any secure channel email capacity, etc.). The Court identifies English as the language in which initial communications may be made.

Initiating Communication

8. To initiate communication in the first instance, the Initiating Judge may require the parties over whom he or she exercises jurisdiction to obtain the identity and contact details of the Facilitator of the other court in the Parallel Proceedings, unless the information is already known to the Initiating Judge.

9. The first contact with the Receiving Judge should be in writing, including by email, from the Facilitator of the Initiating Judge's court to the Facilitator of the Receiving Judge's court, and contain the following:

    a. the name and contact details of the Facilitator of the Initiating Judge's court;

    b. the name and title of the Initiating Judge as well as contact details of the Initiating Judge in the event that the Receiving Judge wishes to contact the Initiating Judge directly and such contact is acceptable to the Initiating Judge;

    c. the reference number and title of the case filed before the Initiating Judge and the reference number and title (if known; otherwise, some other identifier)

of the case filed before the Receiving Judge in the Parallel Proceedings;

d. the nature of the case (with due regard to confidentiality concerns);

e. whether the parties before the Initiating Judge have consented to the communication taking place (if there is any order of court, direction or protocol for court-to-court communication for the case approved by the Initiating Judge, this information should also be provided);

f. if appropriate, the proposed date and time for the communication requested (with due regard to time differences); and

g. the specific issue(s) on which communication is sought by the Initiating Judge.

Arrangements for Communication

10. The Facilitator of the Initiating Judge's court and the Facilitator of the Receiving Judge's court may communicate fully with each other to establish appropriate arrangements for the communication without the necessity for participation of counsel or the parties unless otherwise ordered by one of the courts.

11. The time, method and language of communication should be to the satisfaction of the Initiating Judge and the Receiving Judge, with due regard given to the need for efficient management of the Parallel Proceedings.

12. Where translation or interpretation services are required, appropriate arrangements shall be made, as agreed by the courts. Where written communication is provided through translation, the communication in its original form should also be provided.

13. Where it is necessary for confidential information to be communicated, a secure means of communication should be employed where possible.

Communication Between Initiating Judge and Receiving Judge

14. After the arrangements for communication have been made, discussion of the specific issue(s) on which communication

was sought by the Initiating Judge and subsequent communications in relation thereto should, as far as possible, be carried out between the Initiating Judge and the Receiving Judge in accordance with any protocol or order for communication and cooperation in the Parallel Proceedings.

15. If the Receiving Judge wishes to by-pass the use of a Facilitator, and the Initiating Judge has indicated that he or she is amenable, the judges may communicate with each other about the arrangements for the communication without the necessity for the participation of counsel or the parties.

16. Nothing in this document should limit the discretion of the Initiating Judge to contact the Receiving Judge directly in exceptional circumstances.

APPENDIX A

GUIDELINES FOR COMMUNICATION AND COOPERATION BETWEEN COURTS IN CROSS-BORDER INSOLVENCY MATTERS

INTRODUCTION

A. The overarching objective of these Guidelines is to improve in the interests of all stakeholders the efficiency and effectiveness of cross-border proceedings relating to insolvency or adjustment of debt opened in more than one jurisdiction ("Parallel Proceedings") by enhancing coordination and cooperation among courts under whose supervision such proceedings are being conducted. These Guidelines represent best practice for dealing with Parallel Proceedings.

B. In all Parallel Proceedings, these Guidelines should be considered at the earliest practicable opportunity.

C. In particular, these Guidelines aim to promote:

(i) the efficient and timely coordination and administration of Parallel Proceedings;

(ii) the administration of Parallel Proceedings with a view to ensuring relevant stakeholders' interests are respected;

(iii) the identification, preservation, and maximization of the value of the debtor's assets, including the debtor's business;

(iv) the management of the debtor's estate in ways that are proportionate to the amount of money involved, the nature of the case, the complexity of the issues, the number of creditors and the number of jurisdictions involved in Parallel Proceedings;

(v) the sharing of information in order to reduce costs; and

(vi) the avoidance or minimization of litigation, costs and inconvenience to the parties[1] in Parallel Proceedings.

D. These Guidelines should be implemented in each jurisdiction in such manner as the jurisdiction deems fit.[2]

E. These Guidelines are not intended to be exhaustive and in each case consideration ought to be given to the special requirements in that case.

F. Courts should consider in all cases involving Parallel Proceedings whether and how to implement these Guidelines. Courts should encourage and where necessary direct, if they have the power to do so, the parties to make the necessary applications to the court to facilitate such implementation by a protocol or order derived from these Guidelines and encourage them to act so as to promote the objectives and aims of these Guidelines wherever possible.

ADOPTION AND INTERPRETATION

Guideline 1: In furtherance of paragraph F above, the courts should encourage administrators in Parallel Proceedings to cooperate in all aspects of the case, including the necessity of notifying the courts at the earliest practicable opportunity of issues present and potential that may (a) affect those proceedings and (b) benefit from communication and coordination between the courts. For the purpose of these Guidelines, "administrator" includes a liquidator, trustee, judicial manager, administrator in administration proceedings, debtor-in-possession in a reorganization or scheme of arrangement, or any fiduciary of the estate or person appointed by the court.

Guideline 2: Where a court intends to apply these Guidelines (whether in whole or in part and with or without modification) in particular Parallel Proceedings, it will need to do so by a protocol or an order,[3] following an application by the parties or

[1] The term "parties" when used in these Guidelines shall be interpreted broadly.

[2] Possible modalities for the implementation of these Guidelines include practice directions and commercial guides.

[3] In the normal case, the parties will agree on a protocol derived from these Guidelines and obtain the approval of each court in which the protocol is to apply.

pursuant to a direction of the court if the court has the power to do so.

Guideline 3: Such protocol or order should promote the efficient and timely administration of Parallel Proceedings. It should address the coordination of requests for court approvals of related decisions and actions when required and communication with creditors and other parties. To the extent possible, it should also provide for timesaving procedures to avoid unnecessary and costly court hearings and other proceedings.

Guideline 4: These Guidelines when implemented are not intended to:

(i) interfere with or derogate from the jurisdiction or the exercise of jurisdiction by a court in any proceedings including its authority or supervision over an administrator in those proceedings;

(ii) interfere with or derogate from the rules or ethical principles by which an administrator is bound according to any applicable law and professional rules;

(iii) prevent a court from refusing to take an action that would be manifestly contrary to the public policy of the jurisdiction; or

(iv) confer or change jurisdiction, alter substantive rights, interfere with any function or duty arising out of any applicable law, or encroach upon any applicable law.

Guideline 5: For the avoidance of doubt, a protocol or order under these Guidelines is procedural in nature. It should not constitute a limitation on or waiver by the court of any powers, responsibilities, or authority or a substantive determination of any matter in controversy before the court or before the other court or a waiver by any of the parties of any of their substantive rights and claims.

Guideline 6: In the interpretation of these Guidelines or any protocol or order under these Guidelines, due regard shall be given to their international origin and to the need to promote good faith and uniformity in their application.

COMMUNICATION BETWEEN COURTS

Guideline 7: A court may receive communications from a foreign court and may respond directly to them. Such communications may occur for the purpose of the orderly making of submissions and rendering of decisions by the courts, and to coordinate and resolve any procedural, administrative or preliminary matters relating to any joint hearing where Annex A is applicable. Such communications may take place through the following methods or such other method as may be agreed by the two courts in a specific case:

(i) Sending or transmitting copies of formal orders, judgments, opinions, reasons for decision, endorsements, transcripts of proceedings or other documents directly to the other court and providing advance notice to counsel for affected parties in such manner as the court considers appropriate.

(ii) Directing counsel to transmit or deliver copies of documents, pleadings, affidavits, briefs or other documents that are filed or to be filed with the court to the other court in such fashion as may be appropriate and providing advance notice to counsel for affected parties in such manner as the court considers appropriate.

(iii) Participating in two-way communications with the other court, in which case Guideline 8 should be considered.

Guideline 8: In the event of communications between courts, other than on procedural matters, unless otherwise directed by any court involved in the communications whether on an ex parte basis or otherwise, or permitted by a protocol, the following shall apply:

(i) In the normal case, parties may be present.

(ii) If the parties are entitled to be present, advance notice of the communications shall be given to all parties in accordance with the rules of procedure applicable in each of the courts to be involved in the communications and the communications between the courts shall be recorded and may be transcribed. A written transcript may be prepared from a recording of the communications that, with the approval of each court involved in the

communications, may be treated as the official transcript of the communications.

(iii) Copies of any recording of the communications, of any transcript of the communications prepared pursuant to any direction of any court involved in the communications, and of any official transcript prepared from a recording may be filed as part of the record in the proceedings and made available to the parties and subject to such directions as to confidentiality as any court may consider appropriate.

(iv) The time and place for communications between the courts shall be as directed by the courts. Personnel other than judges in each court may communicate with each other to establish appropriate arrangements for the communications without the presence of the parties.

Guideline 9: A court may direct that notice of its proceedings be given to parties in proceedings in another jurisdiction. All notices, applications, motions, and other materials served for purposes of the proceedings before the court may be ordered to be provided to such other parties by making such materials available electronically in a publicly accessible system or by facsimile transmission, certified or registered mail or delivery by courier, or in such other manner as may be directed by the court in accordance with the procedures applicable in the court.

APPEARANCE IN COURT

Guideline 10: A court may authorize a party, or an appropriate person, to appear before and be heard by a foreign court, subject to approval of the foreign court to such appearance.

Guideline 11: If permitted by its law and otherwise appropriate, a court may authorize a party to a foreign proceeding, or an appropriate person, to appear and be heard on a specific matter by it without thereby becoming subject to its jurisdiction for any purpose other than the specific matter on which the party is appearing.

CONSEQUENTIAL PROVISIONS

Guideline 12: A court shall, except on proper objection on valid grounds and then only to the extent of such objection, recognize and accept as authentic the provisions of statutes, statutory or

administrative regulations, and rules of court of general application applicable to the proceedings in other jurisdictions without further proof. For the avoidance of doubt, such recognition and acceptance does not constitute recognition or acceptance of their legal effect or implications.

Guideline 13: A court shall, except upon proper objection on valid grounds and then only to the extent of such objection, accept that orders made in the proceedings in other jurisdictions were duly and properly made or entered on their respective dates and accept that such orders require no further proof for purposes of the proceedings before it, subject to its law and all such proper reservations as in the opinion of the court are appropriate regarding proceedings by way of appeal or review that are actually pending in respect of any such orders. Notice of any amendments, modifications, extensions, or appellate decisions with respect to such orders shall be made to the other court(s) involved in Parallel Proceedings, as soon as it is practicable to do so.

Guideline 14: A protocol or order made by a court under these Guidelines is subject to such amendments, modifications, and extensions as may be considered appropriate by the court, and to reflect the changes and developments from time to time in any Parallel Proceedings. Notice of such amendments, modifications, or extensions shall be made to the other court(s) involved in Parallel Proceedings, as soon as it is practicable to do so.

ANNEX A (JOINT HEARINGS)

Annex A to these Guidelines relates to guidelines on the conduct of joint hearings. Annex A shall be applicable to, and shall form a part of these Guidelines, with respect to courts that may signify their assent to Annex A from time to time. Parties are encouraged to address the matters set out in Annex A in a protocol or order.

ANNEX A: JOINT HEARINGS

A court may conduct a joint hearing with another court. In connection with any such joint hearing, the following shall apply, or where relevant, be considered for inclusion in a protocol or order:

(i) The implementation of this Annex shall not divest nor diminish any court's respective independent jurisdiction over the subject matter of proceedings. By implementing this Annex, neither a court nor any party shall be deemed to have approved or engaged in any infringement on the sovereignty of the other jurisdiction.

(ii) Each court shall have sole and exclusive jurisdiction and power over the conduct of its own proceedings and the hearing and determination of matters arising in its proceedings.

(iii) Each court should be able simultaneously to hear the proceedings in the other court. Consideration should be given as to how to provide the best audio-visual access possible.

(iv) Consideration should be given to coordination of the process and format for submissions and evidence filed or to be filed in each court.

(v) A court may make an order permitting foreign counsel or any party in another jurisdiction to appear and be heard by it. If such an order is made, consideration needs to be given as to whether foreign counsel or any party would be submitting to the jurisdiction of the relevant court and/or its professional regulations.

(vi) A court should be entitled to communicate with the other court in advance of a joint hearing, with or without counsel being present, to establish the procedures for the orderly making of submissions and rendering of decisions by the courts, and to coordinate and resolve any procedural, administrative or preliminary matters relating to the joint hearing.

(vii) A court, subsequent to the joint hearing, should be entitled to communicate with the other court, with

or without counsel present, for the purpose of determining outstanding issues. Consideration should be given as to whether the issues include procedural and/or substantive matters. Consideration should also be given as to whether some or all of such communications should be recorded and preserved.

PART XI. CHRONOLOGY TABLE

DATE	COMMENT
February 1, 2007	Effective date of Local Rules
December 3, 2007	Revised Local Rule 3007-1
	Revised Local Rule 3011-1
	Added Local Rule 3011-2
	Revised Local Rule 3023-1(c)(1)
	Added Local Rule 6004-1
	Revised Local Rule 7007-4
	Revised Local Rule 7030-1
	Revised Local Rule 9011-4
	Revised Local Rule 9013-1
	Revised Local Rule 9018-1
	Revised Local Rule 9019-7
	Revised Local Rule 9029-3
	Revised Local Rule 9036-1
December 6, 2007	Revised Local Rule 1009-2
	Revised Local Rule 2002-1
	Revised Local Rule 2014-1
	Revised Local Rule 3007-1
	Revised Local Rule 6004-1
	Revised Local Rule 7016-1
	Revised Local Rule 7016-2
	Revised Local Rule 7026-1
	Added Local Rule 7026-2
	Added Local Rule 7026-3
	Revised Local Rule 7030-1
	Revised Local Rule 9006-1
	Revised Local Rule 9010-1
	Revised Local Rule 9013-1
January 29, 2008	Revised Local Rule 3007-1(f)
December 5, 2008	Revised Local Rule 1007-2(a)
	Added Local Rule 1007-2(b)
	Revised Local Rule 2002-1(f)
	Revised Local Rule 3011-1
	Revised Local Rule 3023-1(b)
	Revised Local Rule 3023-1(c)
	Added Local Rule 3023-1(g)
	Added Local Rule 4001-4
	Revised Local Rule 7007-2(a)
	Revised Local Rule 9010-2(b)
	Revised Local Form 103
	Added Local Form 103A
	Revised Local Form 104

DATE	COMMENT
October 22, 2009	Revised Local Rule 1002-1(c)
	Revised Local Rule 1007-2
	Revised Local Rule 1009-1
	Revised Local Rule 1009-2
	Revised Local Rule 1014-1
	Revised Local Rule 2002-1(b)(i)(A)
	Revised Local Rule 2002-1(e)
	Revised Local Rule 2002-1(f)
	Revised Local Rule 2004-1
	Revised Local Rule 3007-1
	Revised Local Rule 3023-1(b)(i)
	Revised Local Rule 3023-1(c)(i)
	Revised Local Rule 4001-1
	Revised Local Rule 4001-2(c)
	Revised Local Rule 5009-1(c)
	Revised Local Rule 5009-2
	Revised Local Rule 7007-1(a)(iii)
	Revised Local Rule 7007-3
	Revised Local Rule 7007-4
	Revised Local Rule 7016-1(a)
	Revised Local Rule 7016-2
	Revised Local Rule 7016-3
	Revised Local Rule 7026-1(a)
	Revised Local Rule 7030-1(b)
	Revised Local Rule 8001-1
	Revised Local Rule 9006-1(c)
	Revised Local Rule 9010-2(b)
	Revised Local Rule 9013-1
	Revised Local Rule 9018-1
	Revised Local Rule 9019-2
	Revised Local Rule 9019-5
	Revised Local Rule 9029-3(a)(i)
	Revised Local Rule 9036-1(b)
December 11, 2009	Revised Local Rule 2002-1(b)(2)(D)
	Revised Local Rule 2002-1(f)
	Revised Local Rule 3007-1
	Revised Local Rule 3011-1
	Revised Local Rule 4001-1
	Revised Local Rule 5005-4
	Revised Local Rule 9010-1(e)(iii)
	Revised Local Rule 9018-1
	Added Local Rule 9019-1
	Revised Local Rule 9019-2
	Revised Local Rule 9036-1(b)

DATE	COMMENT
	Added Local Form 114
	Added Local Rule 9037-1
December 22, 2010	Revised Local Rule 2002-1(f)(ix)
	Added subsection (g) to Local Rule 2002-1
	Added Local Rule 3002-1
	Added subsection (j) to Local Rule 2016-2
	Revised Local Rule 3007-1
	Revised Local Rule 9006-1
	Revised Local Rule 7007-2
	Added Local Rule 3015-1
	Revised Local Rule 9010-1
	Added Local Form 115
	Added Local Form 116
	Added Local Form 117
December 14, 2011	Added Local Rule 1003-1
	Revised Local Rule 1007-1
	Revised Local Rule 1009-1
	Added Local Rule 1017-2
	Added Local Rule 1017-3
	Revised Local Rule 2002-1
	Revised Local Rule 3007-1
	Revised Local Rule 3011-1
	Revised Local Rule 3023-1
	Revised Local Rule 5005-4
	Revised Local Rule 7004-1
	Revised Local Rule 9006-1
	Added Local Rule 9010-1(f)
	Revised Local Rule 9018-1
	Revised Local Rule 9037-1
December 18, 2012	Revised Local Rule 2002-1(e)
	Revised Local Rule 2002-1(f)
	Revised Local Rule 2014-1
	Revised Local Rule 2016-2
	Revised Local Rule 3001-1
	Revised Local Rule 3002-1
	Revised Local Rule 3003-1
	Revised Local Rule 3017-1
	Added Local Rule 3022-1, deleted 5009-2
	Revised Local Rule 4001-2
	Revised Local Rule 4004-1
	Revised Local Rule 4007-1
	Revised Local Rule 5005-2
	Revised Local Rule 5005-4
	Revised Local Rule 5011-1

DATE	COMMENT
	Revised Local Rule 6004-1
	Revised Local Rule 7007-4
	Added Local Rule 7008-1
	Added Local Rule 7012-1
	Added Local Rule 7012-2
	Revised Local Rule 7016-2(d)
	Revised Local Rule 9006-1(c)
	Revised Local Rule 9010-1(e)
	Revised Local Rule 9011-4
	Revised Local Rule 9013-1 (f), (h) and (j)
	Revised Local Rule 9018-1
	Revised Local Rule 9019-2
	Revised Local Rule 9019-5
	Added Local Rule 9027-1
	Added Local Rule 9029-1
	Revised Local Form 103
	Added Local Forms 118 and 119
January 17, 2013	Revised Local Rule 8006
January 8, 2014	Added Local Rules 3007-2, 5009-2
	Added Local Forms 120 and 121
	Revised Local Rules 1003-1, 2002-1, 2004-1, 3022-1, 3023-1, 5011-1, 6004-1, 7004-2, 7007-1, 7016-2, 7026-1, 7026-2, 7030-1, 8001-1, 9013-1, 9018-1, 9022-1, 9029-3
December 17, 2014	Added Local Rules 8003-1, 8003-2, 8004-1, 8009-1, 9010-3
	Added Local Forms 104A and 122
	Revised Local Rules 3022-1, 7016-1, 7026-1, 7026-3, 8001-1 (revised in part and deleted in part and renumbered), 8001-2 (deleted), 8006-1 (revised in part and deleted in part and renumbered), 9018-1, 9019-2, 9019-5, 9037-1
	Revised Local Form 105
January 9, 2015	Added Local Forms 123 and 124
December 14, 2015	Revised Local Rules 2002-1, 2004-1, 2015-2, 2016-2, 5005-4, 8009-1, 9013-1, 9019-1, 9029-3
	Added Local Rule 3017-2
	Added Local Form 105A; Deleted Local Form 114
December 15, 2016	Revised Local Rules 1002-1(c), 1006-1(b), 2002-1(b)&(f), 2016-2(e), 3007-1(e)(iv), 3023-1(b), 4001-1(b) & (c), 5011-1, 7004-

DATE	COMMENT
	2, 7007-1, 8003-1, 9010-2(b), 9013-1, 9018-1, 9029-3
	Added Local Rules 1001-1(f), 2002-1(h), 3016-1, 9029-2, 9033-1, Added Part X to Local Rules - Guidelines for Communication and Cooperation in Cross-Border Insolvency Matters (Local Rule 9029-2)
	Revised Local Form 103
January 9, 2018	Revised Local Rules 1001-1(f), 1007-1, 2002-1, 2004-1, 3007-1, 3023-1, 4001-1, 4003-1, 4004-1, 4007-1, 5009-2, 5011-1, 7007-2, 7008-1, 7012-1, 7012-2, 7016-1, 7016-2, 7026-3, 9006-1, 9010-1, 9013-1, 9018-1, 9019-2, 9019-4, 9019-5, 9027-1, 9029-1, 9036-1
	Added Local Rules 3011-1(c), 3017-3, 7001-1, 7016-1(f),9004-1(c), 9019-2(g), 9019-5(i)
	Revised Local Form 102
	Added Local Form 104B
December 11, 2018	Added Local Rules 1016-1, 3016-2, 3017-2(g)
	Revised Local Rules 2014-1, 3007-1(h), 3022-1, 7004-2, 7007-2, 7007-3, 7026-1, 9006-1
	Added Local Form 126
January 13, 2020	Revised Local Rules 2002-1, 3011-1, 3017-1, 3022-1, 5005-4, 6004-1, 7004-2, 9006-1, 9011-4, 9013-1, 9013-3, 9018-1, 9019-5, 9019-7, 9029-2, 9029-3, 9036-1, Part X, Added Local Rule 8024-1, Omitted Local Rule 7004-1
	Added Local Forms 127, 127A, 128-135
February 19, 2020	Added Local Forms 136 and 137
January 19, 2021	Added subsection (d) to Local Rule 2014-1, added subsection (e)(vi) to Local Rule 3007-1, Revised Local Rules 3016-1, 3017-2(c), 4001-2, added Local Rule 5010-1, Revised title of Local Rule 7012-1, Revised Local Rules 9010-1(e), 9011-4(c), 9019-2(b)(iv)

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