

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

**NOTICE REGARDING CHANGES TO BANKRUPTCY RULES,
OFFICIAL FORMS, FEES, AND ECF EVENTS
EFFECTIVE DECEMBER 1, 2014**

Federal Rules of Bankruptcy Procedure – Effective December 1, 2014

On April 25, 2014 the Chief Justice of the United States Supreme Court transmitted to the Congress the amendments to the Federal Rules of Bankruptcy Procedure. They are effective December 1, 2014. The following list includes the amended rules with a brief comment identifying the change. The complete text of these rules is available on the U.S. Courts Website: <http://www.uscourts.gov/RulesAndPolicies/rules/pending-rules.aspx>.

Rule 1014. Dismissal and Change of Venue. (b) Procedure When Petitions Involving the Same Debtor or Related Debtors Are Filed in Different Courts.	Makes clear that the court where the first filed petition is pending determines where the pending related cases should proceed if a party seeks such a determination. The rule now directs parties upon whom service of such a motion must be made. It makes clear an order of the court where the first filed petition is pending is necessary to stay proceedings in the related cases.
Rule 7004. Process; Service of Summons, Complaint. (e) Summons: Time Limit For Service Within the United States.	Delivery of the summons and complaint shall be made within 7 days of the issuance of the summons. This is a change from 14 days. If service is by mail, the summons and complaint shall be deposited in the mail within 7 days of issuance of the summons. Another summons may be issued for service if the summons is not timely delivered or mailed.
Rule 7008. General Rules of Pleading. (b)Attorney’s Fees.	Subsection (b) which required a request for attorney’s fees to be pleaded as a claim in an allowed pleading is eliminated. The authority and method of procedure is moved to Rule 7054(b)(2).
Rule 7054. Judgment; Costs. (b)(2) Attorney’s Fees.	Makes F.R. Civ. P. 54(d)(2)(A)-(C) applicable to adversary proceedings. This prescribes the procedure for seeking an award of attorney’s fees and related nontaxable expenses in an adversary proceeding. The court is allowed to establish a local rule to resolve fee-related disputes without extensive evidentiary hearings.

Rule 9023. New trials; Amendment of Judgments.	Adds a cross-reference to amended Rule 8008. It outlines the bankruptcy court's options if a party timely seeks relief which the court lacks the authority to grant because an appeal is pending.
Rule 9024. New trials; Amendment of Judgments.	Adds a cross-reference to amended Rule 8008.
Rules Governing Appeals - Rules 8001-8028.	Part 8 of the Federal Rules of Bankruptcy Procedure governs appeals to district courts and bankruptcy appellate panels. The amendments to Part 8 are extensive and several rules are re-numbered. The purpose of the amendments are to (1) bring the bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedures; (2) incorporate a presumption favoring electronic transmission, filing and service of court documents; and (3) adopt a clearer and simpler style.

Official Bankruptcy Forms - Effective December 1, 2014.

On September 16, 2014 the Judicial Conference of the United States, through its Committee on Rules of Practice and Procedure, approved changes to certain official forms. Many of the revisions or additions were necessary as a result of the federal rules of bankruptcy procedure changes effective December 1, 2014. The following list includes the revised forms effective December 1, 2014, with a brief comment identifying the change:

- 1. B3A Application for Individuals to Pay the Filing Fee in Installments (12/14).** This includes the application and order approving installment payments. The revision eliminated the filing fees for the various chapters listed on page one. This will prevent further revisions to the official form as filing fees change.
- 2. B3B Application to Have the Chapter 7 Filing Fee Waived (12/14).** This includes the application and order determining chapter 7 filing fee waiver. The amount of the filing fee is no longer on the blank order.
- 3. B06 Summary (12/14).** Line number references to the amended means-test forms (Official Forms 22A-1, 22B, and 22C-1) for Current Monthly Income added on page 2.
- 4. B22A-1 Chapter 7 Statement of Your Current Monthly Income (12/14).** Revised chapter 7 means test as part of the Bankruptcy Rules Advisory Committee's ongoing Forms Modernization Project. The old B-22A has been split into two forms. This form must be completed by **all** chapter 7 debtors. It is designed to calculate the debtor's current monthly income and compare it to the median income for similarly sized households in the debtor's state.
- 5. B22A-1 Supp Statement of Exemption from Presumption of Abuse Under §707(b)(2) (12/14).** The exemptions from the means test (*i.e.*, debtors who do not have primarily consumer debts and certain members of the armed forces) have been moved to this form. They used to be included at the top of the Official Form 22-A. This form will only be filed where applicable.

6. **B22A-2 Chapter 7 Means Test Calculation.** Only debtors with current monthly income above the applicable state median must complete this form.

7. **B22B Chapter 11 Statement of Your Current Monthly Income (12/14).** Chapter 11 means test form has been revised as part of the Bankruptcy Rules Advisory Committee's ongoing Forms Modernization Project.

8. **B22C-1 Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (12/14).** All chapter 13 debtors must file this form.

9. **B22C-2 Chapter 13 Calculation of Your Disposable Income (12/14).** Only debtors with current monthly income above the applicable state median must complete this form. It uses the allowed expenses deductions under 11 U.S.C. § 1325(b)(3) to calculate disposable income. Part 3 of this form provides for reporting changes to income or expenses in accord with the Supreme Court's decision in *Hamilton v. Lanning*, 560 U.S. 505 (2010).

If using the revised forms for the first time, you are encouraged to review the forms' instructions and the Committee Notes on the United States Court's website at:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>.

Failure to file the required official forms will result in an order directing the filing of official forms. If the amended document is not filed timely, the document may be stricken or the case dismissed without hearing.

Changes to the Bankruptcy Fees Effective - December 1, 2014

At its September 2014 session, the Judicial Conference of the United States approved changes to the Bankruptcy Court Miscellaneous Fee Schedule effective December 1, 2014. The new amounts are listed below and on our fees page. <http://www.mieb.uscourts.gov/court-info/fee-schedule>

Fee changes:

- Direct appeal or direct cross-appeal fee (authorized by the Court of Appeals) - \$207.
- Filing a motion to restrict public access - \$25 per affected case.

New and Modified ECF Events Effective - December 1, 2014

The following list includes new ECF events that were created in response to the December 1, 2014 rules and forms changes.

- Statement of Evidence in Lieu of Transcript
- Response to Statement of Evidence in Lieu of Transcript
- Order Approving/Not Approving Statement of Evidence in Lieu of Transcript
- Agreed Statement in Lieu of Record on Appeal
- Order Approving/Not Approving Agreed Statement in Lieu of Record on Appeal
- Chapter 7 Means Test Calculation Form 22A-2
- Chapter 13 Calculation of Your Disposable Income Form 22C-2

The following list includes modified ECF events in connection with the December 1, 2014 forms changes.

CURRENT TITLE	NEW TITLE
Chapter 7 Means Test	Chapter 7 Statement of Your Current Monthly Income Form 22A-1
Release From Active Duty	Statement of Exemption from Presumption of Abuse Under §707(b)(2) Form 22A-1 Supp
Chapter 13 Statement of Current Monthly and Disposable Income (22C)	Chapter 13 Statement of Your Current Monthly Income Form 22C-1
Chapter 11 Current Monthly Income – Form 22B	Chapter 11 Statement of Your Current Monthly Income - Form 22B

Date: November 19, 2014

Katherine B. Gullo
Clerk of Court