

AMENDMENTS TO CERTAIN FEDERAL STATUTES AND PROCEDURAL RULES SHALL TAKE EFFECT ON DECEMBER 1, 2009

On March 26, 2009, the United States Supreme Court adopted amendments to the Federal Rules of Bankruptcy Procedure. Under the amendments, Bankruptcy Rules 2016, 4008, 7052, 9006, 9015, 9021, and 9023 were revised, a new Rule 7058 was added to make Federal Rule of Civil Procedure 58 applicable to adversary proceedings. The amendment to Rule 9006(a) clarifies the way time is calculated in the federal courts by adopting a “days are days” approach to counting time versus the current practice of excluding intervening weekends and holidays from periods of less than eight days. The amended rules count intermediate weekends and holidays for all time periods and deadlines of less than 30 days are stated as multiples of seven days so that the expiration of a deadline would typically occur on a weekday. For example, a 5 day deadline becomes 7 days; 10 and 15 day deadlines become 14 days; 20 day deadlines become 21 days; and a 25 day deadline becomes 28 days. The chart appearing below indicates the adjustments in days that will occur to each particular amended Federal Rule of Bankruptcy Procedure.

In addition, on May 7, 2009, the Statutory Time Period Technical Amendments Act of 2009 was enacted (Pub. L. No. 111-016). Under this Act, the time periods under 28 statutes, including nine sections of the Bankruptcy Code were adjusted. The time periods in Code Sections 109(h)(3)(A)(ii); 322(a); 332(a); 342(e)(2); 521(e)(3)(B); 521(i)(2); 704(b)(1)(B); 749(b) and 746(b) were adjusted from five days to seven days effective on December 1, 2009.

AMENDMENTS TO THE LOCAL RULES OF THE BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MICHIGAN EFFECTIVE DECEMBER 1, 2009

After the Supreme Court adopted the amendments to the Federal Rules of Bankruptcy Procedure, the Rules Subcommittee of the Advisory Committee to the Bankruptcy Court for the Eastern District of Michigan reviewed the Local Bankruptcy Rules to recommend any necessary revisions to conform the Local Rules to the amendments to the Federal Rules of Bankruptcy Procedure. The Rules Subcommittee recommended revisions to certain Local Rules, which were published for public comment. Subsequent to the expiration of the public comment period, on November 2, 2009, the U.S. District Court for the Eastern District of Michigan approved the amendments to Local Rules 1007-1, 1007-6, 1009-1, 1017-1, 1074-1, 2002-1, 2003-1, 2014-1, 2015-2, 2015-5, 2016-3, 3007-1, 3015-2, 3015-3, 3018-1, 4001-2, 4001-6, 4004-1, 5010-1, 6004-1, 7016-1, 7016-2, 7041-1, 7055-1, 9013-4, 9014-1, 9015-1, 9019-1, and 9024-1, and Guideline 8. The amendments to the Local Rules become effective December 1, 2009, the same date as the amendments to the Federal Rules of Bankruptcy Procedure. The chart below indicates the adjustments in days that will occur with respect to each amended Local Rule.

Federal Rules of Bankruptcy Procedure			Adjustment in Days	Local Rules Bankruptcy Court Eastern District of Michigan		Adjustment in Days
Lists, Schedules, Statements, and Other Documents; Time Limits	1007(a)(2) and (3)	15 to 14	Schedules and Other Initial Papers	1007-1(a)	20 to 21	
	1007(c) and (f)	15 to 14		1007-1(b)	15 to 14	
	1007(h)	10 to 14		1007-1(c)(1)	15 to 14	
				1007-1(e)	15 to 14	
				1007-1(f)	5 to 7	
			Credit Counseling Compliance	1007-6(a)	10 to 14	
			Amendment of Initial Papers	1009-1(c)	10 to 14	
				1009-1(d)	10 to 14	
Responsive Pleading or Motion in Involuntary and Cross Border Cases	1011(b)	20 to 21				
			Conversion from Chapter 13 to Chapter 7	1017-1 1017-1	15 to 14 10 to 14	
Conversion: Chapter 11, 12, or 13 to a Chapter 7 Case	1019(5)(A)(i) 1019(5)(B)(i)	15 to 14 15 to 14				
Small Business Chapter 11 Case	1020(a)	15 to 14				
			Filing Authorization for a Corporation, a Partnership or an Entity Other Than an Individual	1074-1	15 to 14	
Notices to Creditors, Equity Security Holders, etc.	2002(a)	20 to 21	Authorization for a Special Service List	2002-1(d)	15 to 14	
	2002(b)	25 to 28		2002-1(d)	60 to 56	
	2002(o)	20 to 21		2002-1(d)	30 to 28	
	2002(q)(1)	20 to 21				

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Meeting of Creditors or Equity Security Holders	2003(a) 2003(d)(2)	20 to 21 10 to 14	Debtor's Failure to Appear at the Meeting of Creditors	2003-1(a)(2) 2003-1(b)	10 to 14 10 to 14
Solicitation and Voting of Proxies in Chapter 7 Cases	2006(c)(1)	5 to 7			
Review of Appointment of Creditors' Committee Before Commencement of Case	2007(b)(1)	5 to 7			
Appointment of Patient Care Ombudsman	2007.2(a)	20 to 21			
Notice to Trustee of Selection	2008	5 to 7			
			Application for Court Approval of the Employment of a Professional	2014-1(b)	5 to 7
Duty to Keep Records, Make Reports and Give Notice of Case or Change of Status	2015(a)(6) 2015(d)	20 to 21 15 to 14	Quarterly Income and Expense Statement in a Business Chapter 13 Case	2015-2	30 to 28
Patient Care Ombudsman	2015.1(a) 2015.1(b)	10 to 14 15 to 14			
Transfer of Patient in Health Care Business Case	2015.2	10 to 14			
Reports of Financial Information on Entities in which a Chapter 11 Estate Holds a Controlling or Substantial Interest	2015.3(b)	5 to 7			

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			Trustee's Procedures Upon Chapter 13 Plan Completion	2015-5(a)(5) 2015-5(d)(2) 30 to 28 30 to 28
Compensation for Services Rendered and Reimbursement of Expenses	2016(b) 2016(c)	15 to 14 10 to 14	Interim Payment of Fees	2016-3(b)(3) 15 to 14
Proof of Claim	3001(e)(2) 3001(e)(4)	20 to 21 20 to 21		
			Adjustment in a Periodic Payment on a Secured Claim in Chapter 13	3001-2(a) 45 to 42
			Objection to Claim	3007-1(a) 3007-1(b) 10 to 7 10 to 7
Filing, Objection to Confirmation, and Modification of Plan in a Chapter 12 or Chapter 13 Case	3015(b) 3015(g)	15 to 14 20 to 21	Modification of Plan in a Chapter 13 Case	3015-2(c)(1) 3015-2(c)(2) 15 to 14 19 to 18
			Confirmation of a Chapter 13 Plan	3015-3(a)(4) 25 to 28
Court Consideration of Disclosure Statement in a Chapter 9 or Chapter 11 Case	3017(a) 3017(f)(1)	25 to 28 25 to 28	The Duties of a Plan Proponent After Disclosure Statement Approval	3018-1 5 to 7
Modification of Accepted Plan in a Chapter 9 or Chapter 11 Case	3019(b)	20 to 21		

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Deposit; Confirmation of Plan in a Chapter 9 or Chapter 11 Case	3020(e)	10 to 14			
Relief from Automatic Stay; Prohibiting or Conditioning Use, Sale, or Lease or Property; Use of Cash Collateral; Obtaining Credit Agreements	4001(a)(3)	10 to 14	Motion for Use of Cash Collateral or to Obtain Financing	4001-2(c)(5)(A)	15 to 14
	4001(b)(2)	15 to 14			
	4001(c)(2)	15 to 14			
			Pre-Confirmation Payments in a Chapter 13 Case	4001-6(c)	30 to 28
Duties of Debtor	4002(b)(4)	15 to 14			
Grant or Denial of Discharge	4004(a)	25 to 28	Domestic Support Certification in a Chapter 13 Case	4004-1	30 to 28
			Motion to Reopen to File a Missing Paper	5010-1	15 to 14
Interim and Final Relief Immediately Following Commencement of the Case	6003	20 to 21			
Use, Sale, or Lease of Property	6004(b)	5 to 7	Use, Sale, or Lease of Estate Property Other Than Cash Collateral	6004-1(a)	15 to 14
	6004(d)	15 to 14		6004-1(a)	20 to 21
	6004(g)(2)	5 to 7			
	6004(h)	10 to 14			
Assumption, Rejection or Assignment of an Executory Contract or Unexpired Lease	6006(d)	10 to 14			

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Abandonment or Disposition of Property	6007(a)	15 to 14		
Process; Service of Summons, Complaint	7004(e)	10 to 14		
Defenses and Objections – When and How Presented – By Pleading or Motion – Motion for Judgment on the Pleadings	7012(a)	20 to 21		
	7012(a)	10 to 14		
			The Joint Final Pretrial Order and the Preparation of Exhibits	7016-1(a)(3) 5 to 7
			Mediation	7016-2(a) 7016-2(a)(5) 7016-2(a)(7) 10 to 7 10 to 14 3 to 7
			Dismissal of a Complaint Objecting to the Discharge of the Debtor	7041-1 15 to 14
			Default Judgment	7055-1 15 to 14
Manner of Taking Appeal; Voluntary Dismissal; Certification of Court of Appeals	8001(f)(3)(D)	10 to 14		
	8001(f)(4)(B)	10 to 14		
Time for Filing Notice of Appeal	8002(a)	10 to 14		
	8002(b)(4)	10 to 14		
	8002(c)(2)	20 to 21		
	8002(c)(2)	10 to 14		

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Leave to Appeal	8003(a) 8003(c)	10 to 14 10 to 14		
Record and Issues on Appeal	8006	10 to 14		
Briefs and Appendix; Filing and Service	8009(a)(1) and (a)(2) 8009(3)	15 to 14 10 to 14		
Motion for Rehearing	8015	10 to 14		
Stay of Judgment of District Court or Bankruptcy Appellate Panel	8017(a)	10 to 14		
Computing and Extending Time	9006(d)	5 to 7		
			Fixed Hearing Dates	9013-4(b)(4) 5 to 7
			Motion Procedure Generally	9014-1(b)(2) 20 to 21 9014-1(c) 19 to 18 9014-1(c) 24 to 25
			Jury Trial Demand and Consent	9015-1(a) 10 to 14 9015-1(b) 30 to 28 9015-1(c) 30 to 28
			Settlement	9019-1 10 to 14
			Post-Judgment Motions	9024-1(a)(1) 10 to 14
Removal	9027(e)(3) 9027(g) 9027(g)	10 to 14 20 to 21 5 to 7		

Federal Rules of Bankruptcy Procedure		Adjustment in Days	Local Rules Bankruptcy Court Eastern District of Michigan		Adjustment in Days
Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings	9033(b)	10 to 14			
	9033(c)	20 to 21			
			LBR 9013-5 Compliance	Guideline 8	8 to 7