

From: [Michael Gieseke](#)
To: [RulesCommittee Secretary](#)
Subject: Suggested edit for Federal Rule of Bankruptcy Procedures related to corporate disclosure requirements
Date: Monday, February 13, 2023 6:20:37 PM

23-BK-B

Greetings Mr. Byron,

I'm emailing you to suggest a change to Federal Rule of Bankruptcy Procedure which would enhance the corporate ownership disclosure requirements for non-governmental organizations to all bankruptcy proceedings. Currently, such disclosures are required only in adversary proceedings under FRBP 7007.1 and appellate proceedings under FRBP 8012:

Rule 7007.1 Corporate Ownership Statement

(a) Required Disclosure. Any corporation that is a party to an adversary proceeding, other than the debtor or a governmental unit, shall file two copies of a statement that identifies any corporation, other than a governmental unit, that directly or indirectly owns 10% or more of any class of the corporation's equity interests, or states that there are no entities to report under this subdivision.

(b) Time for Filing. A party shall file the statement required under Rule 7007.1(a) with its first appearance, pleading, motion, response, or other request addressed to the court. A party shall file a supplemental statement promptly upon any change in circumstances that this rule requires the party to identify or disclose.

Rule 8012. Disclosure Statement

(a) Nongovernmental Corporations. Any nongovernmental corporation that is a party to a proceeding in the district court or BAP must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation. The same requirement applies to a nongovernmental corporation that seeks to intervene.

(b) Disclosure About the Debtor. The debtor, the trustee, or, if neither is a party, the appellant must file a statement that:

- (1) identifies each debtor not named in the caption; and
- (2) for each debtor that is a corporation, discloses the information required by Rule 8012(a).

(c) Time to File; Supplemental Filing. A Rule 8012 statement must:

- (1) be filed with the principal brief or upon filing a motion, response, petition, or answer in the district court or BAP, whichever occurs first, unless a local rule requires earlier filing;
- (2) be included before the table of contents in the principal brief; and
- (3) be supplemented whenever the information required by Rule 8012 changes.

A new rule could be written to clarify the requirements outside of adversary (and appellate)

proceedings:

Rule 9013-2 Corporate Ownership Statement

The requirements of Rule 7007.1 apply to a nongovernmental corporation, as defined by section 101(9), that requests relief in non-adversary bankruptcy court proceedings. The nongovernmental corporation must file the corporate ownership statement with its first pleading, motion, response, or other request addressed to the court.

Thank you for your consideration.

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