

ADVISORY COMMITTEE ON BANKRUPTCY RULES
REPORT TO STANDING COMMITTEE
MAY 14, 2008
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COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
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JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D C 20544

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TO Honorable Lee H. Rosenthal, Chair
Standing Committee on Rules of Practice
and Procedure

FROM Honorable Laura Taylor Swain, Chair
Advisory Committee on Bankruptcy Rules

DATE May 14, 2008

RE Report of the Advisory Committee on Bankruptcy Rules

I. Introduction

The Advisory Committee on Bankruptcy Rules met on March 27-28, 2008, at St Michaels, Maryland.

The Advisory Committee considered public comments on the Time-Computation amendments proposed for Bankruptcy Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007 2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033. The Committee received numerous comments on the proposed amendment to Rule 8002 that would change the deadline for filing a notice of appeal from 10 days to 14 days, as well as comments in response to the Committee's inquiry as to whether the appeal time should be extended further to 30 days. We also received several comments on the proposed amendments to Rule 9006(a) which revises the method for computing time periods. We received no comments on the bulk of these rules amendments that simply substituted a multiple of seven days for time periods of less than 30 days in this package of amendments.

The Advisory Committee also considered public comments regarding the preliminary draft of proposed amendments to Bankruptcy Rules 4008, 7052 and 9021, and proposed new

Bankruptcy Rules 1017.1 and 7058, as well as comments received on proposed amendments to Official Form 8 and proposed new Official Form 27, all of which were published in August 2007

Since no person who submitted a written comment requested to appear at the public hearings scheduled for January 16 and 25, 2008, the hearings were canceled.

The Advisory Committee withdraws proposed Bankruptcy Rule 1017.1 and recommends that the Standing Committee approve the remaining amendments and additions to the Bankruptcy Rules and Official Forms and transmit them to the Judicial Conference. In connection with the withdrawal of proposed Rule 1017.1, the Advisory Committee recommended approval of a revision of the amendment to Exhibit D to Official Form 1 which was published in August 2006 and approved by the Standing Committee in June 2007. The Advisory Committee also recommends that the Standing Committee approve proposed technical amendments to Bankruptcy Rules 2016, 7052, 9006, 9015, and 9023 and Official Forms 9F, 10, and 23 without publication. The proposed amendments and additions and the comments received thereon are set out below in the Action Items section of this report.

The Advisory Committee also studied a number of proposals to amend the Bankruptcy Rules. After careful consideration, the Advisory Committee resolved to recommend that the Standing Committee approve for publication a preliminary draft of proposed amendments to Bankruptcy Rules 1014, 1015, 1018, 5009, and 9001, and proposed new Bankruptcy Rules 1004.2 and 5012. The Style Consultants to the Standing Committee offered a number of suggestions that were considered by the Advisory Committee's Style Subcommittee, and the proposals set out below in the Action Items section of the report reflect those joint efforts.

II Action Items

- A Proposed Amendments to Bankruptcy Rules 9006, 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference to Implement the Time-Computation Project

The Advisory Committee on Bankruptcy Rules recommends that the Standing Committee approve the proposed amendments to Bankruptcy Rules 9006, 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033 for submission to the Judicial Conference to implement the Time-Computation Project as set out below. These amendments are to become effective on December 1, 2009.

1. *Public Comment*

The preliminary draft of proposed amendments to Bankruptcy Rules 9006, 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033 were published for

comment in August 2007. A public hearing on the preliminary draft of the Time-Computation Amendments was scheduled for January 16, 2008, but there were no requests to appear at the hearings.

The Advisory Committee received comments on Rule 9006(a) and the Time-Computation Rule Template as set out immediately after Rule 9006. The only other Time-Computation Amendment on which the Committee received comments was the proposed amendment to Rule 8002, on which we received 40 comments. Again, those comments are described below immediately after Rule 8002.¹

2. *Synopsis of Proposed Amendments to Implement the Time-Computation Project*

- (a) **Rule 9006(a) (Time Computation Template Rule)** replaces subdivision (a) with the template being adopted throughout the Federal Rules for computing time. There are minor differences from the template in the Committee Note that include changes specific to bankruptcy law and practice. The amendment is offered in conjunction with proposed amendments to the deadlines set out

1

In addition to the description of the individual comments on the proposed amendment to Rule 8002, attached to this report is a spreadsheet that compiles the comments according to the status of the person submitting the comment (judge, practitioner, association) and the preferred notice of appeal deadline (10, 14, or 30 days)

in 39 rules. Those amendments include changes only in the time periods.

(b) **Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033** are each amended to make the deadlines under the rules multiples of seven days for any period less than 30 days. The various deadlines in these rules are amended in the following manner.

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

The changes to the Bankruptcy Rules to implement the Time-Computation project, other than the changes to Rule 9006(a), are limited to changes in the deadlines as set out above.

3 *Text of Proposed Bankruptcy Rules Amendments to Implement the Time-Computation Project*

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

Rule 9006. Computing and Extending Time

1 ~~(a) COMPUTATION~~

2 ~~• In computing any period of time prescribed or allowed~~
3 ~~by these rules or by the Federal Rules of Civil Procedure~~
4 ~~made applicable by these rules, by the local rules, by~~
5 ~~order of court, or by any applicable statute, the day of~~
6 ~~the act, event, or default from which the designated~~
7 ~~period of time begins to run shall not be included. The~~
8 ~~last day of the period so computed shall be included,~~
9 ~~unless it is a Saturday, a Sunday, or a legal holiday, or,~~
10 ~~when the act to be done is the filing of a paper in court,~~
11 ~~a day on which weather or other conditions have made~~
12 ~~the clerk's office inaccessible, in which event the period~~
13 ~~runs until the end of the next day which is not one of the~~
14 ~~aforementioned days. When the period of time~~
15 ~~prescribed or allowed is less than 8 days, intermediate~~
16 ~~Saturdays, Sundays, and legal holidays shall be excluded~~
17 ~~in the computation. As used in this rule and in Rule~~
18 ~~5001(c), "legal holiday" includes New Year's Day,~~
19 ~~Birthday of Martin Luther King, Jr., Washington's~~

20 Birthday, Memorial Day, Independence Day, Labor Day,
21 Columbus Day, Veterans Day, Thanksgiving Day,
22 Christmas Day, and any other day appointed as a holiday
23 by the President or the Congress of the United States, or
24 by the state in which the court is held

25 (a) COMPUTING TIME. The following rules apply in
26 computing any time period specified in these rules, in
27 the Federal Rules of Civil Procedure, in any local rule or
28 court order, or in any statute that does not specify a
29 method of computing time

30 (1) Period Stated in Days or a Longer Unit When the
31 period is stated in days or a longer unit of time

32 (A) exclude the day of the event that triggers the
33 period;

34 (B) count every day, including intermediate
35 Saturdays, Sundays, and legal holidays, and

36 (C) include the last day of the period, but if the
37 last day is a Saturday, Sunday, or legal
38 holiday, the period continues to run until the
39 end of the next day that is not a Saturday,
40 Sunday, or legal holiday

41 (2) Period Stated in Hours When the period is stated

42 in hours

43 (A) begin counting immediately on the

44 occurrence of the event that triggers the

45 period;

46 (B) count every hour, including hours during

47 intermediate Saturdays, Sundays, and legal

48 holidays, and

49 (C) if the period would end on a Saturday,

50 Sunday, or legal holiday, then continue the

51 period until the same time on the next day

52 that is not a Saturday, Sunday, or legal

53 holiday

54 (3) Inaccessibility of Clerk's Office Unless the court

55 orders otherwise, if the clerk's office is

56 inaccessible

57 (A) on the last day for filing under Rule

58 9006(a)(1), then the time for filing is

59 extended to the first accessible day that is not

60 a Saturday, Sunday, or legal holiday, or

61 (B) during the last hour for filing under Rule

62 9006(a)(2), then the time for filing is

63 extended to the same time on the first

- 64 accessible day that is not a Saturday, Sunday,
65 or legal holiday.
- 66 (4) "Last Day" Defined Unless a different time is set
67 by a statute, local rule, or order in the case, the last
68 day ends:
- 69 (A) for electronic filing, at midnight in the court's
70 time zone; and
- 71 (B) for filing by other means, when the clerk's
72 office is scheduled to close.
- 73 (5) "Next Day" Defined The "next day" is _____
74 determined by continuing to count forward when
75 the period is measured after an event and backward
76 when measured before an event.
- 77 (6) "Legal Holiday" Defined "Legal holiday" means
- 78 (A) the day set aside by statute for observing New
79 Year's Day, Martin Luther King Jr.'s
80 Birthday, Washington's Birthday, Memorial
81 Day, Independence Day, Labor Day, _____
82 Columbus Day, Veterans' Day, Thanksgiving
83 Day, or Christmas Day, and
- 84 (B) any other day declared a holiday by the _____
85 President, Congress, or the state where the _____

86 district court is located (In this rule, "state"
87 includes the District of Columbia and any
88 United States commonwealth, territory, or
89 possession)

90 * * * * *

COMMITTEE NOTE

Subdivision (a). Subdivision (a) has been amended to simplify and clarify the provisions that describe how deadlines are computed. Subdivision (a) governs the computation of any time period found in a Federal Rule of Bankruptcy Procedure, a Federal Rule of Civil Procedure, a statute, a local rule, or a court order. In accordance with Bankruptcy Rule 9029(a), a local rule may not direct that a deadline be computed in a manner inconsistent with subdivision (a).

The time-computation provisions of subdivision (a) apply only when a time period must be computed. They do not apply when a fixed time to act is set. The amendments thus carry forward the approach taken in *Violette v P A Days, Inc*, 427 F.3d 1015, 1016 (6th Cir. 2005) (holding that Civil Rule 6(a) "does not apply to situations where the court has established a specific calendar day as a deadline"), and reject the contrary holding of *In re American Healthcare Management, Inc*, 900 F.2d 827, 832 (5th Cir. 1990) (holding that Bankruptcy Rule 9006(a) governs treatment of date-certain deadline set by court order). If, for example, the date for filing is "no later than November 1, 2007," subdivision (a) does not govern. But if a filing is required to be made "within 10 days" or "within 72 hours," subdivision (a) describes how that deadline is computed.

Subdivision (a) does not apply when computing a time period

set by a statute if the statute specifies a method of computing time. See, e.g., 11 U.S.C. § 527(a)(2) (debt relief agencies must provide a written notice to an assisted person “not later than 3 business days” after providing bankruptcy assistance services).

Subdivision (a)(1) New subdivision (a)(1) addresses the computation of time periods that are stated in days. It also applies to time periods that are stated in weeks, months, or years. See, e.g., Federal Rule of Civil Procedure 60(b) made applicable to under Rule 9024. Subdivision (a)(1)(B)’s directive to “count every day” is relevant only if the period is stated in days (not weeks, months or years).

Under former Rule 9006(a), a period of eight days or more was computed differently than a period of less than eight days. Intermediate Saturdays, Sundays, and legal holidays were included in computing the longer periods, but excluded in computing the shorter periods. Former Rule 9006(a) thus made computing deadlines unnecessarily complicated and led to counterintuitive results.

Under new subdivision (a)(1), all deadlines stated in days (no matter the length) are computed in the same way. The day of the event that triggers the deadline is not counted. All other days — including intermediate Saturdays, Sundays, and legal holidays — are counted, with only one exception. If the period ends on a Saturday, Sunday, or legal holiday, then the deadline falls on the next day that is not a Saturday, Sunday, or legal holiday. An illustration is provided below in the discussion of subdivision (a)(5). Subdivision (a)(3) addresses filing deadlines that expire on a day when the clerk’s office is inaccessible.

Where subdivision (a) formerly referred to the “act, event, or default” that triggers the deadline, new subdivision (a) refers simply

to the “event” that triggers the deadline, this change in terminology is adopted for brevity and simplicity, and is not intended to change meaning

Periods previously expressed as less than eight days will be shortened as a practical matter by the decision to count intermediate Saturdays, Sundays, and legal holidays in computing all periods. Many of those periods have been lengthened to compensate for the change. See, e.g., Rules 2008 (trustee’s duty to notify court of acceptance of the appointment within five days is extended to seven days); 6004(b) (time for filing and service of objection to proposed use, sale or lease of property extended from five days prior to the hearing to seven days prior to the hearing), and 9006(d) (time for giving notice of a hearing extended from five days prior to the hearing to seven days)

Most of the 10-day periods were adjusted to meet the change in computation method by setting 14 days as the new period. See, e.g., Rules 1007(h) (10 day period to file supplemental schedule for property debtor becomes entitled to acquire after the commencement of the case is extended to 14 days), 3020(e) (10 day stay of order confirming a chapter 11 plan extended to 14 days), 8002(a) (10 day period in which to file notice of appeal extended to 14 days). A 14-day period also has the advantage that the final day falls on the same day of the week as the event that triggered the period — the 14th day after a Monday, for example, is a Monday. This advantage of using week-long periods led to adopting seven-day periods to replace some of the periods set at less than 10 days, 21-day periods to replace 20-day periods, and 28-day periods to replace 25-day periods. Thirty-day and longer periods, however, were generally retained without change.

Subdivision (a)(2) New subdivision (a)(2) addresses the

computation of time periods that are stated in hours. No such deadline currently appears in the Federal Rules of Bankruptcy Procedure. But some statutes contain deadlines stated in hours, as do some court orders issued in expedited proceedings.

Under subdivision (a)(2), a deadline stated in hours starts to run immediately on the occurrence of the event that triggers the deadline. The deadline generally ends when the time expires. If, however, the time period expires at a specific time (say, 2:17 p.m.) on a Saturday, Sunday, or legal holiday, then the deadline is extended to the same time (2:17 p.m.) on the next day that is not a Saturday, Sunday, or legal holiday. Periods stated in hours are not to be “rounded up” to the next whole hour. Subdivision (a)(3) addresses situations when the clerk’s office is inaccessible during the last hour before a filing deadline expires.

Subdivision (a)(2)(B) directs that every hour be counted. Thus, for example, a 72-hour period that commences at 10:23 a.m. on Friday, November 2, 2007, will run until 9:23 a.m. on Monday, November 5, the discrepancy in start and end times in this example results from the intervening shift from daylight saving time to standard time.

Subdivision (a)(3) When determining the last day of a filing period stated in days or a longer unit of time, a day on which the clerk’s office is not accessible because of the weather or another reason is treated like a Saturday, Sunday, or legal holiday. When determining the end of a filing period stated in hours, if the clerk’s office is inaccessible during the last hour of the filing period computed under subdivision (a)(2) then the period is extended to the same time on the next day that is not a weekend, holiday or day when the clerk’s office is inaccessible.

Subdivision (a)(3)'s extensions apply "[u]nless the court orders otherwise." In some circumstances, the court might not wish a period of inaccessibility to trigger a full 24-hour extension, in those instances, the court can specify a briefer extension.

The text of the rule no longer refers to "weather or other conditions" as the reason for the inaccessibility of the clerk's office. The reference to "weather" was deleted from the text to underscore that inaccessibility can occur for reasons unrelated to weather, such as an outage of the electronic filing system. Weather can still be a reason for inaccessibility of the clerk's office. The rule does not attempt to define inaccessibility. Rather, the concept will continue to develop through caselaw. *see, e.g.*, William G. Phelps, *When Is Office of Clerk of Court Inaccessible Due to Weather or Other Conditions for Purpose of Computing Time Period for Filing Papers under Rule 6(a) of Federal Rules of Bankruptcy Procedure*, 135 A.L.R. Fed. 259 (1996) (collecting cases). In addition, many local provisions address inaccessibility for purposes of electronic filing, *see, e.g.*, D. Kan. Rule 5.4.11 ("A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.")

Subdivision (a)(4) New subdivision (a)(4) defines the end of the last day of a period for purposes of subdivision (a)(1). Subdivision (a)(4) does not apply in computing periods stated in hours under subdivision (a)(2), and does not apply if a different time is set by a statute, local rule, or order in the case. A local rule may provide, for example, that papers filed in a drop box after the normal hours of the clerk's office are filed as of the day that is date-stamped on the papers by a device in the drop box.

28 U.S.C. § 452 provides that "[a]ll courts of the United States shall be deemed always open for the purpose of filing proper papers, issuing and returning process, and making motions and orders." A

corresponding provision exists in Rule 5001(a). Some courts have held that these provisions permit an after-hours filing by handing the papers to an appropriate official. *See, e.g., Casaldue v Diaz*, 117 F.2d 915, 917 (1st Cir. 1941). Subdivision (a)(4) does not address the effect of the statute on the question of after-hours filing; instead, the rule is designed to deal with filings in the ordinary course without regard to Section 452.

Subdivision (a)(5). New subdivision (a)(5) defines the “next” day for purposes of subdivisions (a)(1)(C) and (a)(2)(C). The Federal Rules of Bankruptcy Procedure contain both forward-looking time periods and backward-looking time periods. A forward-looking time period requires something to be done within a period of time *after* an event. *See, e.g.,* Rules 1007(c) (the schedules and statements, other than the statement of intention, shall be filed by the debtor within 14 days after entry of the order for relief”), 1019(b)(11) (“the trustee, not later than 30 days after conversion of the case, shall file and transmit to the United States trustee a final report and account”), and 7012(a) (“If a complaint is duly served, the defendant shall serve an answer within 30 days after the issuance of the summons, except when a different time is prescribed by the court”).

A backward-looking time period requires something to be done within a period of time *before* an event. *See, e.g.,* Rules 6004(b) (“an objection to a proposed use, sale, or lease of property shall be filed and served not less than five days before the date set for the proposed action”), 9006(d) (“A written motion, other than one which may be heard *ex parte*, and notice of any hearing shall be served not later than five days before the time specified for such hearing”). In determining what is the “next” day for purposes of subdivisions (a)(1)(C) and (a)(2)(C), one should continue counting in the same direction – that is, forward when computing a forward-looking period and backward when computing a backward-looking period. If, for example, a filing

is due within 10 days *after* an event, and the tenth day falls on Saturday, September 1, 2007, then the filing is due on Tuesday, September 4, 2007 (Monday, September 3, is Labor Day) But if a filing is due 10 days *before* an event, and the tenth day falls on Saturday, September 1, then the filing is due on Friday, August 31

Subdivision (a)(6). New subdivision (a)(6) defines “legal holiday” for purposes of the Federal Rules of Bankruptcy Procedure, including the time-computation provisions of subdivision (a) Subdivision (a)(6) continues to include within the definition of “legal holiday” days that are “declared a holiday by the President.” For two cases that applied this provision to find a legal holiday on days when the President ordered the government closed for purposes of celebration or commemoration, *see Hart v Sheahan*, 396 F.3d 887, 891 (7th Cir 2005) (President included December 26, 2003 within scope of executive order specifying pay for executive department and independent agency employees on legal holidays), and *Mashpee Wampanoag Tribal Council, Inc v Norton*, 336 F.3d 1094, 1098 (D.C Cir 2003) (executive order provided that “[a]ll executive branch departments and agencies of the Federal Government shall be closed and their employees excused from duty on Monday, December 24, 2001”). Subdivision (a)(6)(B) includes certain state holidays within the definition of legal holidays, and defines the term “state” – for purposes of subdivision (a)(6) – to include the District of Columbia and any commonwealth, territory or possession of the United States Thus, for purposes of subdivision (a)(6)’s definition of “legal holiday,” “state” includes the District of Columbia, Guam, American Samoa, the U S Virgin Islands, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands

Public Comment on Proposed Amendments to Rule 9006(a)

1 **07-BK-004: Committee on Civil Litigation of the U.S. District Court for the Eastern District of New York (“EDNY Committee”).** The EDNY Committee writes in general opposition to the time-computation proposals, but supports certain of the Civil Rules Committee’s proposals to lengthen specific Civil Rules deadlines. The EDNY Committee also makes some suggestions for improving the project if it goes forward.

- Overall cost/benefit analysis. The EDNY Committee predicts that the proposed change in time-computation approach will cause much disruption, given the great number of affected deadlines that are contained in statutes, local rules, and standard forms. The EDNY Committee believes that the current time-counting system works well. To the extent that some litigants have difficulty computing time under the current approach, the EDNY Committee suggests that one could build into the electronic case filing software a program that could perform the necessary computations.
- Incompleteness of offsetting changes. The EDNY Committee notes that as to short time periods set by the Rules, the proposed amendments mitigate the effect of no longer skipping weekends, but do not offset the fact that under the new approach holidays will no longer be skipped either. The EDNY Committee argues strongly that if the new time-counting approach is to be adopted then Congress must be asked to lengthen all affected

statutory time periods. Likewise, the EDNY Committee notes that steps must be taken to lengthen all affected time periods set by local rules, standing orders, and standard-form orders

- Business-day provisions in local rules. The EDNY Committee observes that some local rules contain periods counted in business days, and argues that any change in the time-counting rules should be tailored so as not to change such periods to calendar days
- Backward-counted time periods. The EDNY Committee warns that the proposed amendments, by clarifying the way to compute backward-counted time periods, would effectively shorten the response time allowed under rules that count backwards. Moreover, the EDNY Committee notes that the proposed time-computation template (like the existing rules) does not provide for a longer response time when motion papers are served by mail. The EDNY Committee proposes that the best solution to the backward-counting problem is to eliminate backward-counted periods, as an example, the EDNY Committee points to the Local Civil Rule 6.1 which is in use in the Eastern and Southern Districts of New York

2 **07-BR-015: Chief Judge Frank H. Easterbrook.** Chief Judge Easterbrook writes in support of the time-computation proposals. He suggests that in addition to the proposed changes, the three-day rule contained in Appellate Rule 26(c) should be abolished. He argues that the three-day rule is particularly incongruous for electronic service, and that adding three days to a period thwarts the goal served by our

preference for setting periods in multiples of seven days

3 **07-BK-007: Walter W. Bussart.** Mr Bussart states generally that the proposed amendments are helpful and that he supports their adoption

4 **07-BK-008: Jack E. Horsley.** Overall, Mr Horsley views the proposed amendments with favor

5 **07-BK-010: Stephen P. Stoltz.** Mr Stoltz generally supports the time-computation proposals. He argues, however, that the time-counting rules should define the “last day” as ending “at 11:59:59 p.m.” rather than “at midnight.” He suggests this because “[m]ost people today would agree that a day begins at midnight and ends at 11:59:59 p.m. local time.” He warns that if the time-counting rules provide that the “last day” of a period ends “at midnight,” there will be confusion and courts may conclude that a “deadline is actually the day (or evening) before the particular day.”

6. **07-BK-011: Robert J. Newmeyer.** Mr Newmeyer is an administrative law clerk to Judge Roger T. Benitez of the U.S. District Court for the Southern District of California. Mr. Newmeyer stresses that the 10-day period set by 28 U.S.C. § 636(b)(1) must be lengthened to 14 days. This statute will presumably be on the short list of statutory periods that Congress should be asked to lengthen, so this suggestion is in line with the Project’s current scheme.

Mr Newmeyer further suggests that it would be worthwhile to consider setting an even longer period for filing objections to case-dispositive rulings by magistrate judges. This suggestion seems to fall within the Civil Rules Committee’s jurisdiction rather than that of the Time-

Computation Project

Mr. Newmeyer also expresses confusion as to whether the Civil Rule 6(a) time-computation proposals affect the “three-day rule.” As you know, the time-computation project does not propose to change the three-day rule, and it seems unlikely that there will be confusion on this score in the event that the time-computation proposals are adopted (Mr. Newmeyer’s confusion probably springs from the fact that the time-computation rules as published include only provisions in which a change is proposed, and thus omit Civil Rule 6(d)). In any event, Mr. Newmeyer suggests that the three-day rule should be deleted. This suggestion, like Chief Judge Easterbrook’s suggestion, is one that the Advisory Committees may well wish to add to their agendas, but is not one that seems appropriate for resolution in connection with the time-computation project itself.

7 07-BK-012: Carol D. Bonifaci Ms. Bonifaci, a paralegal at a Seattle law firm, expresses confusion concerning the proposed time-computation rules’ treatment of backward-counted and forward-counted deadlines. Ms. Bonifaci believes that if a backward-counted deadline falls on a weekend, the time-computation proposals would direct one to reverse direction and count forward to Monday.

Ms. Bonifaci observes that the proposed Committee Note makes clear that a deadline stated as a date certain (e.g., “no later than November 1, 2008”) is not covered by the proposed time-computation rules, and she suggests that this should also be stated in the text of the proposed Rules.

8 07-BK-014: Robert M. Steptoe, Jr. Mr. Steptoe, a partner at Steptoe & Johnson, expresses concern “that the proposed time-computation rules would govern a number of

statutory deadlines that do not themselves provide a method for computing time.” and that the proposed rules “may cause hardship if short time periods set in local rules are not adjusted.” Therefore, he urges that the time-computation proposals “not be implemented unless and until the Standing Committee is sure that it will receive the necessary cooperation from Congress and the local rules committees to meet the desired objective of simplification.”

9 **07-BK-018: FDIC** Richard J Osterman, Jr , Acting Deputy General Counsel of the Litigation Branch of the Federal Deposit Insurance Corporation, writes to urge that Congress *not* be asked to amend the time periods set in certain provisions of the Federal Deposit Insurance Act. He explains that banking agencies such as the FDIC already “employ calendar days in their computations of time to respond to regulatory and enforcement decisions” – thus indicating that no adjustment is necessary or appropriate in connection with the time-computation project. Since no participant in the time-computation project has suggested that the FDIA provisions should be included on the short list of statutory periods that Congress should be asked to change in light of the time-computation project, it seems fair to say that Mr Osterman’s suggestion accords with the approach that the project is already taking.

Mr Osterman also suggests that Civil Form 3 be amended to “include a paragraph that references federal defendants, who have a full 60 days to respond as opposed to the standard 21 days you are proposing. This language is absent from the current summons form.” This suggestion concerns the Civil Rules Committee rather than the Time-Computation Subcommittee. (The version of Form 3 that is currently in effect does include an italicized parenthetical that

states “(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3))”

10 **07-BK-019: DOJ** Craig S. Morford, Acting Deputy Attorney General, writes on behalf of the Department of Justice to express support for the goals of the time-computation project, but also to express strong concerns “about the interplay of the proposed amendment with both existing statutory periods and local rules.” The DOJ argues that “changes should be addressed in relevant statutory and local rule provisions before a new time-computation rule is made applicable.” Otherwise, the DOJ fears that the purposes of some statutes “may be frustrated.” The DOJ argues that exempting statutory time periods from the new time-counting approach would be an undesirable solution since it would create “confusion and uncertainty” to have two different time-counting regimes (one for rules and one for statutes)

Mr. Morford does not specifically state the DOJ’s position on which of the statutory time periods should be lengthened to offset the change in time-computation approach. His letter does refer to the Committee’s identification of “some 168 statutes that contain deadlines that would require lengthening”

The DOJ urges that the time-computation amendments not be allowed to take effect unless and until (1) Congress enacts legislation to lengthen all relevant statutory periods, (2) the local rulemaking bodies have had the opportunity to amend relevant local-rule deadlines, and (3) the bench and bar have had time to learn about the new time-counting rules.

11 **07-BR-036: Rules and Practice Committee of the Seventh Circuit Bar Association.** Thomas J. Wiegand

writes on behalf of the Seventh Circuit Bar Association's Rules and Practice Committee. He reports that the Bar Association sponsored a lunchtime discussion of the proposed Rules amendments this past December. One topic of discussion was whether the proposed time-computation rules' directive to "count every hour" when computing hour-based time periods will alter the application of Civil Rule 30(d)(2)'s presumptive seven-hour limit on the length of a deposition. He suggests that "the Committee might desire to make clear whether any change is intended for calculating the 7-hour period in Rule 30(d)(2)." He also notes "On the assumption that changing how to calculate the 7-hour period is outside of this year's proposed changes to the Civil Rules, some members believe that changing either the 7-hour duration in Rule 30(d)(2), or how to calculate it, should be considered by the Committee in the future." One member of the group suggested that if the deadline for filing a notice of appeal under Rule 8002(a) were to be changed, it should be reduced to 7 days rather than extended to 14.

12 07-BR-026; 07-BK-009: Alan N. Resnick. Professor Resnick previously served as first the Reporter to and then a member of the Bankruptcy Rules Committee. Of particular relevance to the overall Time-Computation Project, Professor Resnick opposes adoption of a days-are-days time-computation approach in Bankruptcy Rule 9006. He points out that a days-are-days approach would result in "the shortening of some state and federal statutory time periods."

Professor Resnick stresses that if time periods set by the Bankruptcy Rules and the Civil Rules are altered, care must be taken to adjust the Bankruptcy Rules so that newly-lengthened Civil Rules time periods are not inappropriately incorporated into the Bankruptcy Rules. In particular, Professor Resnick notes that the Bankruptcy Rules Committee should consider altering Bankruptcy Rule 9023's incorporation of Civil Rule 59's provisions if Civil Rule 59 is amended to change current 10-day time limits to 30 days. Professor Resnick also adds his voice to those that oppose the lengthening of Bankruptcy Rule 8002's ten-day appeal period.

But if Rule 8002's ten-day period is lengthened, then Professor Resnick points out other time periods in the Bankruptcy Rules that he argues should be corresponding lengthened

13 07-BK-013; 07-BR-029: Judge Philip H. Brandt

Judge Brandt, a U S Bankruptcy Judge in the Western District of Washington, argues that proposed Bankruptcy Rule 9006(a)(4)'s definition of the end of the "last day" "would eliminate 'drop-box' filings, and would advantage electronic filers over debtors and other parties representing themselves, and over attorneys who practice infrequently in bankruptcy court and are not electronic filers." The root of his concern is that (a)(4) sets a default rule that the end of the day is midnight for e-filers, but sets a default rule that the end of the day falls at the scheduled closing of the clerk's office for non-e-filers. He urges that 9006(a)(4) be amended to state "simply . . . that the time period 'ends at midnight in the court's time zone'" for all filers

14 07-BK-015: Committee on Bankruptcy and Corporate Reorganization of the Association of the Bar of the City of New York The Committee on Bankruptcy and Corporate Reorganization of the Association of the Bar of the City of New York ("ABCNY Bankruptcy Committee") writes in opposition to the time-computation proposals. The Committee focuses its opposition on the time-computation proposal for Bankruptcy Rule 9006. With respect to the time-computation proposals for the other sets of Rules, the Committee cites with approval the comments of the Committee on Civil Litigation of the U S District Court for the Eastern District of New York ("EDNY Committee")

The ABCNY Bankruptcy Committee's objections to the time-computation proposals are very similar to those stated by the EDNY Committee. In sum, the ABCNY Bankruptcy Committee believes that the costs of the time-computation proposals strongly outweigh their benefits. This summary highlights those aspects of the ABCNY Bankruptcy Committee's comments that differ from those of the EDNY

Committee. The ABCNY Bankruptcy Committee suggests, among other problems, that “some local courts might decide to retain the present computational approach through the promulgation of local rules,” which would compound the resulting confusion. The ABCNY Bankruptcy Committee also suggests that “[m]idnight” is often defined as 12:00 a.m., or the beginning of a given day.” Thus, the Committee “believes that the intent of the proposal was to permit filings up to and including 11:59 p.m., or the end of a given day.”

15. 07-BK-022: National Bankruptcy Conference

Richard Levin writes on behalf of the National Bankruptcy Conference (“NBC”), which “strongly endorses and supports” the comments previously submitted by Professor Alan Resnick. The NBC also warns that the proposed changes to various bankruptcy-relevant time periods could result in unintended consequences, it thus suggests “that the Advisory Committee delay incorporation of the 7, 14, 21, and 28 day time period changes into the Bankruptcy Rules until the impact of those changes [is] studied further.”

Changes Made After Publication:

The reference to Rule 6(a)(1) in subdivision (a)(3)(A) at line 50 of the rule as it was published was corrected by referring instead to Rule 9006(a)(1).

Rule 1007. Lists, Schedules and Statements; Time Limits**

- 1 (a) LIST OF CREDITORS AND EQUITY SECURITY
- 2 HOLDERS, AND CORPORATE OWNERSHIP
- 3 STATEMENT

** Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary.

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(2) *Involuntary Case* In an involuntary case, the debtor shall file within ~~15~~ 14^{***} days after entry of the order for relief, a list containing the name and address of each entity included or to be included on Schedules D, E, F, G, and H as prescribed by the Official Forms

(3) *Equity Security Holders.* In a chapter 11 reorganization case, unless the court orders otherwise, the debtor shall file within ~~15~~ 14 days after entry of the order for relief a list of the debtor's equity security holders of each class showing the number and kind of interests registered in the name of each holder, and the last known address or place of business of each holder

* * * * *

(c) TIME LIMITS In a voluntary case, the schedules statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within ~~15~~ 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within ~~15~~ 14

^{***} The Committee on Practice and Procedure has approved for publication in August 2008 an amendment to this deadline. Under the proposal, the 14 day period will become a seven day period

26 days of the entry of the order for relief. In a voluntary case,
27 the documents required by paragraphs (A), (C), and (D) of
28 subdivision (b)(3) shall be filed with the petition Unless the
29 court orders otherwise, a debtor who has filed a statement
30 under subdivision (b)(3)(B), shall file the documents required
31 by subdivision (b)(3)(A) within ~~15~~ 14 days of the order for
32 relief In a chapter 7 case, the debtor shall file the statement
33 required by subdivision (b)(7) within 45^{****} days after the first
34 date set for the meeting of creditors under § 341 of the Code,
35 and in a chapter 11 or 13 case no later than the date when the
36 last payment was made by the debtor as required by the plan
37 or the filing of a motion for a discharge under § 1141(d)(5)(B)
38 or § 1328(b) of the Code. The court may, at any time and in
39 its discretion, enlarge the time to file the statement required
40 by subdivision (b)(7) The debtor shall file the statement
41 required by subdivision (b)(8) no earlier than the date of the
42 last payment made under the plan or the date of the filing of
43 a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or
44 1328(b) of the Code Lists, schedules, statements, and other
45 documents filed prior to the conversion of a case to another
46 chapter shall be deemed filed in the converted case unless the
47 court directs otherwise Except as provided in § 1116(3), any
48 extension of time to file schedules, statements, and other

^{****} The Committee on Practice and Procedure has approved for publication in August 2008 an amendment to this deadline Under the proposal, the 45 day deadline will become a 60 day deadline

49 documents required under this rule may be granted only on
50 motion for cause shown and on notice to the United States
51 trustee, any committee elected under § 705 or appointed under
52 § 1102 of the Code, trustee, examiner, or other party as the
53 court may direct. Notice of an extension shall be given to the
54 United States trustee and to any committee, trustee, or other
55 party as the court may direct.

56 * * * * *

57 (f) STATEMENT OF SOCIAL SECURITY NUMBER.

58 An individual debtor shall submit a verified statement that
59 sets out the debtor's social security number, or states that the
60 debtor does not have a social security number. In a voluntary
61 case, the debtor shall submit the statement with the petition.
62 In an involuntary case, the debtor shall submit the statement
63 within ~~15~~ 14 days after the entry of the order for relief.

64 * * * * *

65 (h) INTERESTS ACQUIRED OR ARISING AFTER

66 PETITION. If, as provided by § 541(a)(5) of the Code, the
67 debtor acquires or becomes entitled to acquire any interest in
68 property, the debtor shall within ~~10~~ 14 days after the
69 information comes to the debtor's knowledge or within such
70 further time the court may allow, file a supplemental schedule
71 in the chapter 7 liquidation case, chapter 11 reorganization
72 case, chapter 12 family farmer's debt adjustment case, or
73 chapter 13 individual debt adjustment case. If any of the

74 property required to be reported under this subdivision is
75 claimed by the debtor as exempt, the debtor shall claim the
76 exemptions in the supplemental schedule. The duty to file a
77 supplemental schedule in accordance with this subdivision
78 continues notwithstanding the closing of the case, except that
79 the schedule need not be filed in a chapter 11, chapter 12, or
80 chapter 13 case with respect to property acquired after entry
81 of the order confirming a chapter 11 plan or discharging the
82 debtor in a chapter 12 or chapter 13 case

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COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. Each deadline in the rule of fewer than 30 days is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 21 day periods
- 20 day periods become 28 day periods
- 25 day periods become 35 day periods

Rule 1011. Responsive Pleading or Motion in Involuntary

and Cross-Border Cases^{*****}

* * * * *

1 (b) DEFENSES AND OBJECTIONS, WHEN
2 PRESENTED Defenses and objections to the petition shall
3 be presented in the manner prescribed by Rule 12 F R Civ P
4 and shall be filed and served within ~~20~~ 21 days after service
5 of the summons, except that if service is made by publication
6 on a party or partner not residing or found within the state in
7 which the court sits, the court shall prescribe the time for
8 filing and serving the response

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods

^{*****} Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary

- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 1019. Conversion of Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to Chapter 7 Liquidation Case

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(5) *Filing Final Report and Schedule of Postpetition Debts*

(A) Conversion of Chapter 11 or Chapter 12 Case Unless the court directs otherwise, if a chapter 11 or chapter 12 case is converted to chapter 7, the debtor in possession or, if the debtor is not a debtor in possession, the trustee serving at the time of conversion, shall

(i) not later than ~~15~~ 14 days after conversion of the case, file a schedule of unpaid debts incurred after the filing of the petition and before conversion of the case, including the name and address of each holder of a claim, and

(ii) not later than 30 days after conversion of the case, file and transmit to the United States trustee a final report and account,

17 (B) Conversion of Chapter 13 Case Unless
18 the court directs otherwise, if a chapter 13 case is converted
19 to chapter 7.

20 (i) the debtor, not later than ~~15~~ 14 days
21 after conversion of the case, shall file a schedule of unpaid
22 debts incurred after the filing of the petition and before
23 conversion of the case, including the name and address of
24 each holder of a claim, and

25 (ii) the trustee, not later than 30 days
26 after conversion of the case, shall file and transmit to the
27 United States trustee a final report and account,

28 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2002. Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee^{***}**

1 (a) ~~TWENTY-ONE-DAY~~ NOTICES TO PARTIES IN
 2 INTEREST. Except as provided in subdivisions (h), (i), (l),
 3 (p), and (q) of this rule, the clerk, or some other person as the
 4 court may direct, shall give the debtor, the trustee, all
 5 creditors and indenture trustees at least ~~20~~ 21 days' notice by
 6 mail of

7 * * * * *

8 (b) ~~TWENTY-FIVE-EIGHT-DAY~~ NOTICES TO
 9 PARTIES IN INTEREST Except as provided in subdivision
 10 (l) of this rule, the clerk, or some other person as the court
 11 may direct, shall give the debtor, the trustee, all creditors and

***** Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary

12 indenture trustees not less than ~~25~~ 28 days notice by mail of
13 the time fixed (1) for filing objections and the hearing to
14 consider approval of a disclosure statement or, under §
15 1125(f), to make a final determination whether the plan
16 provides adequate information so that a separate disclosure
17 statement is not necessary, and (2) for filing objections and
18 the hearing to consider confirmation of a chapter 9, chapter
19 11, or chapter 13 plan

20 * * * * *

21 (o) NOTICE OF ORDER FOR RELIEF IN
22 CONSUMER CASE In a voluntary case commenced by an
23 individual debtor whose debts are primarily consumer debts,
24 the clerk or some other person as the court may direct shall
25 give the trustee and all creditors notice by mail of the order
26 for relief within ~~20~~ 21 days from the date thereof

27 (q) NOTICE OF PETITION FOR RECOGNITION OF
28 FOREIGN PROCEEDING AND OF COURT'S INTENTION
29 TO COMMUNICATE WITH FOREIGN COURTS AND
30 FOREIGN REPRESENTATIVES

31 (1) *Notice of Petition for Recognition* The clerk,
32 or some other person as the court may direct, shall forthwith
33 give the debtor, all persons or bodies authorized to administer

34 foreign proceedings of the debtor, all entities against whom
35 provisional relief is being sought under § 1519 of the Code,
36 all parties to litigation pending in the United States in which
37 the debtor is a party at the time of the filing of the petition,
38 and such other entities as the court may direct, at least ~~20~~ 21
39 days' notice by mail of the hearing on the petition for
40 recognition of a foreign proceeding. The notice shall state
41 whether the petition seeks recognition as a foreign main
42 proceeding or foreign nonmain proceeding.

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2003. Meeting of Creditors or Equity Security

Holders *****

1 (a) DATE AND PLACE Except as otherwise provided
2 in § 341(e) of the Code, in a chapter 7 liquidation or a chapter
3 11 reorganization case, the United States trustee shall call a
4 meeting of creditors to be held no fewer than ~~20~~ 21 and no
5 more than 40 days after the order for relief. In a chapter 12
6 family farmer debt adjustment case, the United States trustee
7 shall call a meeting of creditors to be held no fewer than ~~20~~
8 21 and no more than 35 days after the order for relief. In a
9 chapter 13 individual's debt adjustment case, the United
10 States trustee shall call a meeting of creditors to be held no
11 fewer than ~~20~~ 21 and no more than 50 days after the order for
12 relief. If there is an appeal from or a motion to vacate the
13 order for relief, or if there is a motion to dismiss the case, the
14 United States trustee may set a later date for the meeting. The
15 meeting may be held at a regular place for holding court or at
16 any other place designated by the United States trustee within
17 the district convenient for the parties in interest. If the United
18 States trustee designates a place for the meeting which is not
19 regularly staffed by the United States trustee or an assistant

***** Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary.

20 who may preside at the meeting, the meeting may be held not
21 more than 60 days after the order for relief

22 * * * * *

23 (d) REPORT OF ELECTION AND RESOLUTION OF
24 DISPUTES IN A CHAPTER 7 CASE.

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26 (2) *Disputed Election* If the election is disputed,
27 the United States trustee shall promptly file a report stating
28 that the election is disputed, informing the court of the nature
29 of the dispute, and listing the name and address of any
30 candidate elected under any alternative presented by the
31 dispute. No later than the date on which the report is filed,
32 the United States trustee shall mail a copy of the report to any
33 party in interest that has made a request to receive a copy of
34 the report. Pending disposition by the court of a disputed
35 election for trustee, the interim trustee shall continue in office.
36 Unless a motion for the resolution of the dispute is filed no
37 later than ~~10~~ 14 days after the United States trustee files a
38 report of a disputed election for trustee, the interim trustee
39 shall serve as a trustee in the case

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COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2006. Solicitation and Voting of Proxies in Chapter 7 Liquidation Cases

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(c) AUTHORIZED SOLICITATION

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(1) A proxy may be solicited only by (A) a creditor

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owning an allowable unsecured claim against the estate on the

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date of the filing of the petition, (B) a committee elected

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pursuant to § 705 of the Code, (C) a committee of creditors

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selected by a majority in number and amount of claims of

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creditors (i) whose claims are not contingent or unliquidated,

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(ii) who are not disqualified from voting under § 702(a) of the

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Code and (iii) who were present or represented at a meeting

11 of which all creditors having claims of over \$500 or the 100
12 creditors having the largest claims had at least ~~five~~ seven days
13 notice in writing and of which meeting written minutes were
14 kept and are available reporting the names of the creditors
15 present or represented and voting and the amounts of their
16 claims, or (D) a bona fide trade or credit association, but such
17 association may solicit only creditors who were its members
18 or subscribers in good standing and had allowable unsecured
19 claims on the date of the filing of the petition

20 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2007. Review of Appointment of Creditors'

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner.

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2008. Notice to Trustee of Selection

1 The United States trustee shall immediately notify the
2 person selected as trustee how to qualify and, if applicable,
3 the amount of the trustee's bond. A trustee that has filed a
4 blanket bond pursuant to Rule 2010 and has been selected as
5 trustee in a chapter 7, chapter 12, or chapter 13 case that does
6 not notify the court and the United States trustee in writing of
7 rejection of the office within ~~five~~ seven days after receipt of
8 notice of selection shall be deemed to have accepted the
9 office. Any other person selected as trustee shall notify the
10 court and the United States trustee in writing of acceptance of
11 the office within ~~five~~ seven days after receipt of notice of
12 selection or shall be deemed to have rejected the office.

13

* * * * *

7 after the order for relief, on the appropriate Official Form, the
8 report required by § 308. If the order for relief is within the
9 first 15 days of a calendar month, a report shall be filed for
10 the portion of the month that follows the order for relief. If
11 the order for relief is after the 15th day of a calendar month,
12 the period for the remainder of the month shall be included in
13 the report for the next calendar month. Each report shall be
14 filed no later than ~~20~~ 21 days after the last day of the calendar
15 month following the month covered by the report. The
16 obligation to file reports under this subparagraph terminates
17 on the effective date of the plan, or conversion or dismissal of
18 the case.

19 * * * * *

20 (d) FOREIGN REPRESENTATIVE. In a case in which
21 the court has granted recognition of a foreign proceeding
22 under chapter 15, the foreign representative shall file any
23 notice required under § 1518 of the Code within ~~15~~ 14 days
24 after the date when the representative becomes aware of the
25 subsequent information.

26 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection

with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2015.1. Patient Care Ombudsman*****

1 (a) REPORTS Unless the court orders otherwise, a
2 patient care ombudsman, at least ~~10~~ 14 days before making a
3 report under § 333(b)(2) of the Code, shall give notice that the
4 report will be made to the court. The notice shall be
5 transmitted to the United States trustee, posted conspicuously
6 at the health care facility that is the subject of the report, and
7 served on the debtor, the trustee; all patients, and any
8 committee elected under § 705 or appointed under § 1102 of
9 the Code or its authorized agent, or, if the case is a chapter 9

***** Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary.

10 municipality case or a chapter 11 reorganization case and no
11 committee of unsecured creditors has been appointed under
12 § 1102, on the creditors included on the list filed under Rule
13 1007(d), and such other entities as the court may direct. The
14 notice shall state the date and time when the report will be
15 made, the manner in which the report will be made, and, if the
16 report is in writing, the name, address, telephone number,
17 email address, and website, if any, of the person from whom
18 a copy of the report may be obtained at the debtor's expense.

19 (b) AUTHORIZATION TO REVIEW
20 CONFIDENTIAL PATIENT RECORDS. A motion by a
21 health care ombudsman under § 333(c) to review confidential
22 patient records shall be governed by Rule 9014, served on the
23 patient and any family member or other contact person whose
24 name and address has been given to the trustee or the debtor
25 for the purpose of providing information regarding the
26 patient's health care, and transmitted to the United States
27 trustee subject to applicable nonbankruptcy law relating to
28 patient privacy. Unless the court orders otherwise, a hearing
29 on the motion may not be commenced earlier than ~~15~~ 14 days
30 after service of the motion.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner.

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2015.2. Transfer of Patient in Health Care Business Case *****

1 Unless the court orders otherwise, if the debtor is a
2 health care business, the trustee may not transfer a patient to
3 another health care business under § 704(a)(12) of the Code
4 unless the trustee gives at least ~~10~~ 14 days' notice of the
5 transfer to the patient care ombudsman, if any, the patient,
6 and any family member or other contact person whose name
7 and address has been given to the trustee or the debtor for the
8 purpose of providing information regarding the patient's

***** Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary

9 health care The notice is subject to applicable nonbankruptcy
10 law relating to patient privacy

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2015.3. Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest*****

1 * * * * *

2 (b) TIME FOR FILING, SERVICE The first report

3 required by this rule shall be filed no later than five seven

4 days before the first date set for the meeting of creditors under

***** Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary

5 § 341 of the Code. Subsequent reports shall be filed no less
6 frequently than every six months thereafter, until the effective
7 date of a plan or the case is dismissed or converted. Copies
8 of the report shall be served on the United States trustee, any
9 committee appointed under § 1102 of the Code, and any other
10 party in interest that has filed a request therefor

11 * * * * *

12 (e) NOTICE AND PROTECTIVE ORDERS. No later
13 than ~~20~~ 21 days before filing the first report required by this
14 rule, the trustee or debtor in possession shall send notice to
15 the entity in which the estate has a substantial or controlling
16 interest, and to all holders— known to the trustee or debtor in
17 possession—of an interest in that entity, that the trustee or
18 debtor in possession expects to file and serve financial
19 information relating to the entity in accordance with this rule.
20 The entity in which the estate has a substantial or controlling
21 interest, or a person holding an interest in that entity, may
22 request protection of the information under § 107 of the Code

23 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection

8 § 329 of the Code including whether the attorney has shared
9 or agreed to share the compensation with any other entity
10 The statement shall include the particulars of any such sharing
11 or agreement to share by the attorney, but the details of any
12 agreement for the sharing of the compensation with a member
13 or regular associate of the attorney's law firm shall not be
14 required. A supplemental statement shall be filed and
15 transmitted to the United States trustee within ~~15~~ 14 days
16 after any payment or agreement not previously disclosed.

17 (c) DISCLOSURE OF COMPENSATION PAID OR
18 PROMISED TO BANKRUPTCY PETITION PREPARER
19 Every bankruptcy petitioner for a debtor shall file a
20 declaration under penalty of perjury and transmit the
21 declaration to the United States trustee within ~~10~~ 14 days after
22 the date of the filing of the petition, or at another time as the
23 court may direct, as required by § 110(h)(1). The declaration
24 must disclose any fee, and the source of any fee, received
25 from or on behalf of the debtor within 12 months of the filing
26 of the case and all unpaid fees charged to the debtor. The
27 declaration must describe the services performed and
28 documents prepared or caused to be prepared by the

29 bankruptcy petition preparer. A supplemental statement shall
30 be filed within ~~10~~ 14 days after any payment or agreement not
31 previously disclosed.

32 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 3001. Proof of Claim

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2 (e) TRANSFERRED CLAIM

3 * * * * *

4 (2) *Transfer of Claim Other than for Security after*
5 *Proof Filed* If a claim other than one based on a publicly
6 traded note, bond, or debenture has been transferred other
7 than for security after the proof of claim has been filed.

8 evidence of the transfer shall be filed by the transferee. The
9 clerk shall immediately notify the alleged transferor by mail
10 of the filing of the evidence of transfer and that objection
11 thereto, if any, must be filed within ~~20~~ 21 days of the mailing
12 of the notice or within any additional time allowed by the
13 court. If the alleged transferor files a timely objection and the
14 court finds, after notice and a hearing, that the claim has been
15 transferred other than for security, it shall enter an order
16 substituting the transferee for the transferor. If a timely
17 objection is not filed by the alleged transferor, the transferee
18 shall be substituted for the transferor.

19 * * * * *

20 (4) *Transfer of Claim for Security after Proof*
21 *Filed.* If a claim other than one based on a publicly traded
22 note, bond, or debenture has been transferred for security after
23 the proof of claim has been filed, evidence of the terms of the
24 transfer shall be filed by the transferee. The clerk shall
25 immediately notify the alleged transferor by mail of the filing
26 of the evidence of transfer and that objection thereto, if any,
27 must be filed within ~~20~~ 21 days of the mailing of the notice or
28 within any additional time allowed by the court. If a timely

29 objection is filed by the alleged transferor, the court, after
30 notice and a hearing, shall determine whether the claim has
31 been transferred for security. If the transferor or transferee
32 does not file an agreement regarding its relative rights
33 respecting voting of the claim, payment of dividends thereon,
34 or participation in the administration of the estate, on motion
35 by a party in interest and after notice and a hearing, the court
36 shall enter such orders respecting these matters as may be
37 appropriate.

38 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 3015. Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt

Adjustment Case

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(b) CHAPTER 13 PLAN The debtor may file a chapter 13 plan with the petition. If a plan is not filed with the petition, it shall be filed within ~~15~~ 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct. If a case is converted to chapter 13, a plan shall be filed within ~~15~~ 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct.

(g) MODIFICATION OF PLAN AFTER CONFIRMATION A request to modify a plan pursuant to § 1229 or § 1329 of the Code shall identify the proponent and shall be filed together with the proposed modification. The clerk, or some other person as the court may direct, shall give the debtor, the trustee, and all creditors not less than ~~20~~ 21 days notice by mail of the time fixed for filing objections and, if an objection is filed, the hearing to consider the proposed modification, unless the court orders otherwise with respect to creditors who are not affected by the proposed

21 modification A copy of the notice shall be transmitted to the
22 United States trustee A copy of the proposed modification,
23 or a summary thereof, shall be included with the notice If
24 required by the court, the proponent shall furnish a sufficient
25 number of copies of the proposed modification, or a summary
26 thereof, to enable the clerk to include a copy with each notice
27 Any objection to the proposed modification shall be filed and
28 served on the debtor, the trustee, and any other entity
29 designated by the court, and shall be transmitted to the United
30 States trustee An objection to a proposed modification is
31 governed by Rule 9014

32 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days Throughout the rules, deadlines are amended in the following manner

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

**Rule 3017. Court Consideration of Disclosure Statement
in a Chapter 9 Municipality or Chapter 11
Reorganization Case**

1 (a) HEARING ON DISCLOSURE STATEMENT AND
2 OBJECTIONS Except as provided in Rule 3017 1, after a
3 disclosure statement is filed in accordance with Rule 3016(b),
4 the court shall hold a hearing on at least ~~25~~ 28 days' notice to
5 the debtor, creditors, equity security holders and other parties
6 in interest as provided in Rule 2002 to consider the disclosure
7 statement and any objections or modifications thereto. The
8 plan and the disclosure statement shall be mailed with the
9 notice of the hearing only to the debtor, any trustee or
10 committee appointed under the Code, the Securities and
11 Exchange Commission, and any party in interest who requests
12 in writing a copy of the statement or plan. Objections to the
13 disclosure statement shall be filed and served on the debtor,
14 the trustee, any committee appointed under the Code, and any
15 other entity designated by the court. at any time before the
16 disclosure statement is approved or by an earlier date as the
17 court may fix. In a chapter 11 reorganization case, every
18 notice, plan, disclosure statement, and objection required to

19 be served or mailed pursuant to this subdivision shall be
20 transmitted to the United States trustee within the time
21 provided in this subdivision

22 * * * * *

23 (f) NOTICE AND TRANSMISSION OF
24 DOCUMENTS TO ENTITIES SUBJECT TO AN
25 INJUNCTION UNDER A PLAN If a plan provides for an
26 injunction against conduct not otherwise enjoined under the
27 Code and an entity that would be subject to the injunction is
28 not a creditor or equity security holder, at the hearing held
29 under Rule 3017(a), the court shall consider procedures for
30 providing the entity with

31 (1) at least ~~25~~ 28 days' notice of the time fixed for
32 filing objections and the hearing on confirmation of the plan
33 containing the information described in Rule 2002(c)(3); and

34 (2) to the extent feasible, a copy of the plan and
35 disclosure statement

36 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of

seven days Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 5 day periods become 28 day periods

Rule 3019. Modification of Accepted Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case*****

* * * * *

1 (b) MODIFICATION OF PLAN AFTER
2 CONFIRMATION IN INDIVIDUAL DEBTOR CASE If the
3 debtor is an individual, a request to modify the plan under
4 § 1127(e) of the Code is governed by Rule 9014 The request
5 shall identify the proponent and shall be filed together with
6 the proposed modification The clerk, or some other person
7 as the court may direct, shall give the debtor, the trustee, and
8 all creditors not less than ~~20~~ 21 days' notice by mail of the

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9 time fixed to file objections and, if an objection is filed, the
10 hearing to consider the proposed modification, unless the
11 court orders otherwise with respect to creditors who are not
12 affected by the proposed modification. A copy of the notice
13 shall be transmitted to the United States trustee, together with
14 a copy of the proposed modification. Any objection to the
15 proposed modification shall be filed and served on the debtor,
16 the proponent of the modification, the trustee, and any other
17 entity designated by the court, and shall be transmitted to the
18 United States trustee

19 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 3020. Deposit; Confirmation of Plan in a Chapter 9

Municipality or Chapter 11 Reorganization Case

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(c) STAY OF CONFIRMATION ORDER An order confirming a plan is stayed until the expiration of ~~10~~ 14 days after the entry of the order unless the court orders otherwise

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 4001. Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements

1

(a) RELIEF FROM STAY, PROHIBITING OR

24 than ~~15~~ 14 days after service of the motion. If the motion so
25 requests, the court may conduct a hearing before such ~~15~~ 14
26 day period expires, but the court may authorize the obtaining
27 of credit only to the extent necessary to avoid immediate and
28 irreparable harm to the estate pending a final hearing.

29 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner.

- 5 day periods become 7 day periods
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- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 4002. Duties of Debtor^{*****}

[* * * * *

***** Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary.

2 (b) INDIVIDUAL DEBTOR'S DUTY TO PROVIDE
3 DOCUMENTATION

4 * * * * *

5 (4) *Tax Returns Provided to Creditors* If a
6 creditor, at least ~~15~~ 14 days before the first date set for the
7 meeting of creditors under § 341, requests a copy of the
8 debtor's tax return that is to be provided to the trustee under
9 subdivision (b)(3), the debtor, at least 7 days before the first
10 date set for the meeting of creditors under § 341, shall provide
11 to the requesting creditor a copy of the return, including any
12 attachments, or a transcript of the tax return, or provide a
13 written statement that the documentation does not exist

14 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 6003. Interim and Final Relief Immediately Following the Commencement of the Case—Applications for Employment; Motions for Use, Sale, or Lease of Property; and Motions for Assumption or Assignment of Executory Contracts

1 Except to the extent that relief is necessary to avoid
2 immediate and irreparable harm, the court shall not, within 20
3 21 days after the filing of the petition, grant relief regarding
4 the following

5 (a) an application under Rule 2014,

6 (b) a motion to use, sell, lease, or otherwise incur an
7 obligation regarding property of the estate, including a motion
8 to pay all or part of a claim that arose before the filing of the
9 petition, but not a motion under Rule 4001, and

10 (c) a motion to assume or assign an executory contract
11 or unexpired lease in accordance with § 365

COMMITTEE NOTE

The rule is amended to implement changes in connection

10 (d) SALE OF PROPERTY UNDER \$2,500
11 Notwithstanding subdivision (a) of this rule, when all of the
12 nonexempt property of the estate has an aggregate gross value
13 less than \$2,500, it shall be sufficient to give a general notice
14 of intent to sell such property other than in the ordinary course
15 of business to all creditors, indenture trustees, committees
16 appointed or elected pursuant to the Code, the United States
17 trustee and other persons as the court may direct. An
18 objection to any such sale may be filed and served by a party
19 in interest within ~~5~~ 14 days of the mailing of the notice, or
20 within the time fixed by the court. An objection is governed
21 by Rule 9014.

22 * * * * *

23 (g) SALE OF PERSONALLY IDENTIFIABLE
24 INFORMATION

25 * * * * *

26 (2) *Appointment* If a consumer privacy
27 ombudsman is appointed under § 332, no later than ~~5~~ seven
28 days before the hearing on the motion under § 363(b)(1)(B),
29 the United States trustee shall file a notice of the appointment,
30 including the name and address of the person appointed. The
31 United States trustee's notice shall be accompanied by a

32 verified statement of the person appointed setting forth the
33 person's connections with the debtor, creditors, any other
34 party in interest, their respective attorneys and accountants,
35 the United States trustee, or any person employed in the office
36 of the United States trustee.

37 (h) STAY OF ORDER AUTHORIZING USE, SALE,
38 OR LEASE OF PROPERTY An order authorizing the use,
39 sale, or lease of property other than cash collateral is stayed
40 until the expiration of ~~10~~ 14 days after entry of the order,
41 unless the court orders otherwise

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 6006. Assumption, Rejection or Assignment of an Executory Contract or Unexpired Lease

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(d) STAY OF ORDER AUTHORIZING ASSIGNMENT An order authorizing the trustee to assign an executory contract or unexpired lease under Sec. 365(f) is stayed until the expiration of ~~10~~ 14 days after the entry of the order, unless the court orders otherwise

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 6007. Abandonment or Disposition of Property

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(a) NOTICE OF PROPOSED ABANDONMENT OR

- 25 day periods become 28 day periods

Rule 7004. Process; Service of Summons, Complaint

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(e) SUMMONS TIME LIMIT FOR SERVICE
WITHIN THE UNITED STATES If service is made
pursuant to Rule 4(e)-(j) F R Civ P it shall be made by
delivery of the summons and complaint within ~~10~~ 14 days
following issuance of the summons If service is made by any
authorized form of mail, the summons and complaint shall be
deposited in the mail within ~~10~~ 14 days following issuance of
the summons. If a summons is not timely delivered or
mailed, another summons shall be issued and served

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules The deadline in the rule is amended to substitute a deadline that is a multiple of seven days Throughout the rules, deadlines are amended in the following manner

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 7012. Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings

1 (a) WHEN PRESENTED If a complaint is duly
2 served, the defendant shall serve an answer within 30 days
3 after the issuance of the summons, except when a different
4 time is prescribed by the court. The court shall prescribe the
5 time for service of the answer when service of a complaint is
6 made by publication or upon a party in a foreign country. A
7 party served with a pleading stating a cross-claim shall serve
8 an answer thereto within ~~20~~ 21 days after service. The
9 plaintiff shall serve a reply to a counterclaim in the answer
10 within ~~20~~ 21 days after service of the answer or, if a reply is
11 ordered by the court, within ~~20~~ 21 days after service of the
12 order, unless the order otherwise directs. The United States
13 or an officer or agency thereof shall serve an answer to a
14 complaint within 35 days after the issuance of the summons,
15 and shall serve an answer to a cross-claim, or a reply to a
16 counterclaim, within 35 days after service upon the United

17 States attorney of the pleading in which the claim is asserted
18 The service of a motion permitted under this rule alters these
19 periods of time as follows, unless a different time is fixed by
20 order of the court (1) if the court denies the motion or
21 postpones its disposition until the trial on the merits, the
22 responsive pleading shall be served within ~~10~~ 14 days after
23 notice of the court's action, (2) if the court grants a motion for
24 a more definite statement, the responsive pleading shall be
25 served within ~~10~~ 14 days after the service of a more definite
26 statement

27 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8001. Manner of Taking Appeal; Voluntary

Dismissal; Certification to Court of Appeals

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(f) CERTIFICATION FOR DIRECT APPEAL TO
COURT OF APPEALS

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(3) *Request for Certification, Filing, Service,
Contents*

* * * * *

(D) A party may file a response to a request
for certification or a cross request within ~~10~~ 14 days after the
notice of the request is served, or another time fixed by the
court

* * * * *

(4) *Certification on Court's Own Initiative*

* * * * *

(B) A party may file a supplementary short
statement of the basis for certification within ~~10~~ 14 days after
the certification

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COMMITTEE NOTE

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- 25 day periods become 28 day periods

Rule 8002. Time for Filing Notice of Appeal

1 (a) ~~TEN~~14-DAY PERIOD. The notice of appeal shall
 2 be filed with the clerk within ~~10~~ 14 days of the date of the
 3 entry of the judgment, order, or decree appealed from. If a
 4 timely notice of appeal is filed by a party, any other party may
 5 file a notice of appeal within ~~10~~ 14 days of the date on which
 6 the first notice of appeal was filed, or within the time
 7 otherwise prescribed by this rule, whichever period last
 8 expires. A notice of appeal filed after the announcement of a
 9 decision or order but before entry of the judgment, order, or
 10 decree shall be treated as filed after such entry and on the day

11 thereof. If a notice of appeal is mistakenly filed with the
12 district court or the bankruptcy appellate panel, the clerk of
13 the district court or the clerk of the bankruptcy appellate panel
14 shall note thereon the date on which it was received and
15 transmit it to the clerk and it shall be deemed filed with the
16 clerk on the date so noted.

17 (b) EFFECT OF MOTION ON TIME FOR APPEAL
18 If any party makes a timely motion of a type specified
19 immediately below, the time for appeal for all parties runs
20 from the entry of the order disposing of the last such motion
21 outstanding. This provision applies to a timely motion

22 * * * * *

23 (4) for relief under Rule 9024 if the motion is filed
24 no later than ~~10~~ 14 days after the entry of judgment. A notice
25 of appeal filed after announcement or entry of the judgment,
26 order, or decree but before disposition of any of the above
27 motions is ineffective to appeal from the judgment, order, or
28 decree, or part thereof, specified in the notice of appeal, until
29 the entry of the order disposing of the last such motion
30 outstanding. Appellate review of an order disposing of any of
31 the above motions requires the party, in compliance with Rule

32 8001, to amend a previously filed notice of appeal. A party
33 intending to challenge an alteration or amendment of the
34 judgment, order, or decree shall file a notice, or an amended
35 notice, of appeal within the time prescribed by this Rule 8002
36 measured from the entry of the order disposing of the last
37 such motion outstanding. No additional fees will be required
38 for filing an amended notice.

39 (c) EXTENSION OF TIME FOR APPEAL

40 * * * * *

41 (2) A request to extend the time for filing a notice
42 of appeal must be made by written motion filed before the
43 time for filing a notice of appeal has expired, except that such
44 a motion filed not later than ~~20~~ 21 days after the expiration of
45 the time for filing a notice of appeal may be granted upon a
46 showing of excusable neglect. An extension of time for filing
47 a notice of appeal may not exceed ~~20~~ 21 days from the
48 expiration of the time for filing a notice of appeal otherwise
49 prescribed by this rule or ~~10~~ 14 days from the date of entry of
50 the order granting the motion, whichever is later.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by

which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Public Comment on Proposed Amendments to Rule 8002

1. 07-BR-001 Matt McKee (Charlotte, NC attorney).

Mr. McKee states quite simply that a 30 day deadline is his preference. He says that the change will not have a material impact in most cases.

2. 07-BR-002 Bankruptcy Judge Judith Wizmur (D.N.J.). Judge Wizmur supports the 14 day deadline and suggests that the Committee might consider whether some matters should be governed by a 30 day deadline and others by the 14 day deadline.

3. 07-BR-003 Bankruptcy Judge Margaret Dee McGarity (E.D. Wis.) Judge McGarity slightly favors the 14 day deadline over the 30 day deadline. She notes that she does not feel particularly strongly about this, but notes that the 10 day period “can sometimes be problematic.”

4. 07-BR-004 Niki Heller (Senior Staff Attorney,

Tenth Circuit) Ms Heller states that from an appellate perspective, she prefers 30 days which would make it consistent with other federal appeal deadlines. She did not mention the 10 day appeal time in federal criminal cases.

5 07-BR-005 Bankruptcy Judge Roger Efremsky (N.D. Cal.) Judge Efremsky suggests that the 14 day deadline “is a reasonable accommodation between the two other deadlines.”

6 07-BR-006 Bankruptcy Judge Terry Myers (D. Ida.) Judge Myers believes that the 14 day deadline would not make too much difference from the current deadline, but he does not find the arguments in support of the longer 30 day deadline persuasive.

7 07-BR-007 Max Tucker (Dallas, TX attorney) Mr. Tucker supports the extension of the deadline. His preference is to allow 30 days. He is unpersuaded by arguments that the bankruptcy process must move more quickly because in his experience, when a bankruptcy appeal is filed, resolution of that appeal often takes quite some time. He also cites the doctrine of equitable mootness as a means to “weed out appeals where the delay results in prejudice.”

8 07-BR-008 Bankruptcy Judge G. Harvey Boswell (W.D. Tenn.) Judge Boswell supports the 14 day deadline and sees no negative impact.

9 07-BR-009 Bankruptcy Judge Henry Boroff (D. Mass.) Judge Boroff prefers to keep the 10 day deadline for filing a notice of appeal. He states that making it 14 days will still present the prospect of catching the non-bankruptcy

attorney unaware of the deadline, and he rejects the adoption of the 30 day deadline as inconsistent with the need for “prompt final dispositions in bankruptcy cases ”

10 **07-BR-010 Bankruptcy Judge Christopher Sontchi (D. Del.)** Judge Sontchi approves the idea of a 14 day deadline, but he strongly opposes a 30 day deadline. He notes that the interdependence of the orders in cases, particularly chapter 11 cases, requires an appeal deadline of shorter than 30 days.

11 **07-BR-011 Bankruptcy Judge Raymond Lyons (D. N.J.)** Judge Lyons generally favors a 30 day deadline, at least for adversary proceedings. Other orders, including those governed by §§ 363(m) and 364(e) would be governed by a shorter deadline (he does not indicate a preference for either 10 or 14 days). He also notes that some parties are unwilling to rely on the doctrine of equitable mootness to proceed with a transaction.

12. **07-BR-012 Bankruptcy Judge Judith Fitzgerald (W.D. Pa.)** Judge Fitzgerald opposes any change from the current 10 day limit on the filing of a notice of appeal. She asserts that the quest for consistency between the civil and bankruptcy rules is an insufficient reason to move to the 30 day deadline. She also believes that persons could become confused by a 14 day deadline especially if there is a 10 day deadline for filing a motion for reconsideration. Finally, she notes that bankruptcy cases generally operate on a “compressed time frame” that properly requires a shorter time for filing an appeal. Also, the presence of CM/ECF provides

nearly immediate notice to parties. This effectively provides even more notice than parties have received in the past.

13 07-BR-013 Bankruptcy Judge Robert Kressel (D. Minn.) Judge Kressel, a former member of the Committee, noted the difficulties faced when Rule 9006(a) was amended in the 1980s. He also stated that the extension of the deadline to 30 days would promote consistency between the rules and would protect the uninitiated who are unfamiliar with the short deadline and would discourage the filing of “protective” notices of appeal by the initiated.

14 07-BR-014 Bankruptcy Judge Douglas Dodd (M.D. La.) Judge Dodd notes that the change from 10 to 14 would not help the person who mistakenly believed that the appeal deadline was 30 days. He also does not believe that the deadline for filing a notice of appeal in a bankruptcy case should change from the 10 day deadline currently in Rule 8002.

15 07-BR-015 Circuit Judge Frank Easterbrook (7th Cir.) Judge Easterbrook did not offer a comment on Rule 8002, other than to state his general support for the time computation amendments.

16 07-BR-016 Bankruptcy Judge Jerry Brown (E.D. La.) Judge Brown supports the 14 day deadline, but he strongly opposes extending the deadline to 30 days. He states that the longer period would substantially delay both sales of property and ordinary bankruptcy procedures.

17 07-BR-017 Bankruptcy Judge David Adams (E.D. Va.) Judge Adams supports the 14 day period but

opposes the 30 day period. He is concerned that the longer period would lead to irreparable harm accruing during that waiting time.

18 **07-BR-018 Bankruptcy Judge Bruce McCullough (W.D. Pa.)** Judge McCullough sees no reason to change from the 10 day period that has governed the bankruptcy appeal time for a century. He notes that time is both jobs and money, and extension of the deadline would have an adverse impact on the process.

19 **07-BR-019 Bankruptcy Judge Benjamin Goldgar (N.D. Ill.)** Judge Goldgar noted that prior to his service as a judge, he was an appellate lawyer for the State of Illinois and served a term as the President of the Illinois Appellate Lawyers Association. He supports the increase of the deadline to 14 days because it would not materially disrupt bankruptcy practice. He does not, however, support the expansion of the deadline to 30 days. In his view, the pace of bankruptcy is too brisk to permit such an extension. Moreover, he has observed that parties await the passage of the appeal time even in the face of § 363(m), equitable mootness, and other protections. Finally, he states that he is unpersuaded by the argument that the rule should be 30 days to protect those who are unfamiliar with the bankruptcy appellate process because “appellate lawyers are the most rule conscious members of the bar.”

20 **07-BR-020 Bankruptcy Court Clerk Margaret Grammar Gay (D.N.M.)** Ms. Grammar Gay supports the 14 day deadline and states that it would not disrupt bankruptcy

practice. She notes, however, that if there is any likelihood that the 14 day deadline is just a brief stop on the road to a 30 day deadline, the change should be made to 30 days in the first instance.

21 **07-BR-021 Bankruptcy Judge James Starzynski (D.N.M.)** Judge Starzynski supports the 30 day deadline so as to avoid this deadline being a trap for the unwary. He notes as well that once the appeal is taken, the final decision in the appeal will not be materially later because an additional 20 days was added to the time for filing a notice of appeal. He recognizes that there may be a concern that the time to file a notice in some appeals should be shortened, so he proposed that the rules allow for the shortening of the period by a specific and prominently ordered reduction in the time.

22 **07-BR-022 Bankruptcy Judge Timothy Mahoney (D. Neb.)** Judge Mahoney believes that the current 10 day period is insufficient and supports an extension of that time period. He notes that 14 is better than 10, but he would prefer that the time be lengthened to 30 days. He states that this is especially important for persons who do not participate through ECF, a group that is often likely not to be represented by counsel.

23 **07-BR-023 Walter Bussart (Lewisburg, Tenn. attorney)** Mr. Bussart supports all of the time computation amendments, but he does not mention Rule 8002.

24 **07-BR-024 Richard Rogan (San Francisco attorney)** Mr. Rogan, a long time bankruptcy practitioner, urges the retention of the 10 day time limit for filing a notice

of appeal. He states that the added delay would be detrimental to sales and plans of reorganization. Also, he notes that 10 days is ample time to file the notice.

25 **07-BR-025 Heather Lennox (Cleveland, Oh. attorney)** Ms. Lennox opposes the expansion of the time to file a notice of appeal beyond the 10 days in the current rule. She notes that the filing of a notice of appeal is relatively simple, and a 10-day period is more than adequate. She also points out that Congress has just amended the Code to expedite both large and small chapter 11 cases, so it would be contrary to that Congressional intent to expand the time allowed for filing a notice of appeal.

26 **07-BR-026 Prof. Alan Resnick (New York attorney and professor)** Professor Resnick, former Reporter to the Committee, strongly opposes the change in Rule 8002 from 10 days to either 14 or 30 days. He notes the general need for matters to proceed quickly in bankruptcy cases, and he states as well that the filing of a notice of appeal does not require any significant amount of time. Further, he argues that the presence of an additional layer of appeals in bankruptcy cases provides another reason not to add to the delay in the case. He also points out that the 1987 change to Rule 9006(a) that effectively extended the appeal time was not well received and led to its almost immediate repeal when the bar fully understood its implications. To that end, he also notes that a change in the rules to make the appeal time 14 days would likely catch some or many bankruptcy practitioners unaware of the change, and vulnerable to appeals.

taken after they acted to close a transaction on the 11th day after the entry of the relevant order. Finally, he notes that the “uniformity” argument for changing the rule to allow 30 days for appeals is in fact not uniform. Criminal appeals must be taken in 10 days under the current rule (14 under the proposed revision to Appellate Rule 4). Professor Resnick also submitted recommendations regarding other Bankruptcy Rules that he believes may need to be revised. In particular, he notes that Rule 9023 should be amended to prevent the proposed amendment to Civil Rule 59 to circumvent the deadline for filing a notice of appeal in a bankruptcy case. Rule 59, as amended, would allow a party 30 days after entry of an order to file a motion for new trial or a motion to alter or amend a judgment. Although not mentioned in the comment, similar issues could arise under proposed Civil Rule 50 which is made applicable by Bankruptcy Rule 7050. Professor Resnick also argues that if the 10 day appeal time is to remain in effect, the 10 day periods in Rules 3002(e), 4001(a)(3), 6004(g), and 6006(d) should not be changed to 14 days as proposed in the Time Computation changes. He notes that these deadlines are comparable to the notice of appeal deadline, and they should be the same in each of these rules. Professor Resnick makes a similar argument regarding Rules 7062 and 9033.

27 **07-BR-027 Bankruptcy Judge Barry Schermer (E.D. Mo.)******* Judge Schermer opposes the expansion of the deadline to file a notice of appeal to either 14 or 30 days, and instead argues that the current deadline is both appropriate and necessary. He states that the extension

***** The other Bankruptcy Judges in the District, Judges Surratt-States, McDonald, and Rendlen joined in this comment, as did Dana McWay, the Clerk of the Court

of the deadline will increase uncertainty in the process that will lead to additional costs to the parties and the process. Many parties are affected by decisions in bankruptcy cases, including the debtor, the debtor's employees, and creditors. The comment also suggests that the rule is not difficult to read or understand, so that anyone who takes the time to read the rule would not be "unwary" of the deadline. Moreover, he notes that the rules already permit some extensions of the appeal time under Rule 8002(c). He concludes that the need for uniformity does not outweigh the harm that would follow from the proposed extension of the deadline. He also suggests that it is unnecessary, and perhaps even counterproductive, to protect unwary practitioners.

28. **07-BR-028 American Bankruptcy Institute** The ABI conducted a survey of its membership (approximately 11,000) as to the proposed changes to Rule 8002. The members were asked whether the change from 10 to 14 days would have a significantly detrimental or significantly beneficial impact on bankruptcy cases, or whether there would be no significant impact from such a change. There were 183 responses, and 45% thought there would be no significant impact, and 27% each thought the impact would be significantly detrimental or beneficial. As to the impact of making the appeal time 30 days, 70% said it would be significantly detrimental, and 23% responded that it would be significantly beneficial. Only 8% said that the 30 day deadline would not have a significant effect. The respondents identifying themselves as practicing in business bankruptcy cases were far more likely to find the changes from 10 days to be significantly detrimental.

29 **07-BR-029 Bankruptcy Judge Philip Brandt (W.D. Wash.)** Judge Brandt opposes any change from the 10 day deadline set out in current Rule 8002. He states that many orders are not implemented until a day or two after the expiration of the appeal deadline. In many cases, the daily costs could be extensive, so extending the deadline even 4 days could have a negative impact on many cases. Judge Brandt also noted that the pending proposed amendment to Civil Rule 59 would create problems when it is incorporated into the Bankruptcy Rules through Rule 9023, and he cautioned against permitting those problems to arise.

30. **07-BR-030 Business Law Section of the State Bar of Michigan** The Business Law Section and the Debtor/Creditors' Rights Committee of the State Bar oppose the extension of the deadline for filing a notice of appeal beyond the 10 days already provided for in current Rule 8002.

31 **07-BR-031 Bankruptcy Judge Martin Teel and Nancy Mayer-Whittington, Clerk (D.D.C.)******* Judge Teel and Ms. Mayer-Whittington support the change in the appeal time from 10 to 14 days. They note that the order being appealed from is effective unless it is stayed, no matter what the deadline may be for filing the appeal. They also suggest that the deadline might be set at 28 days. They express a concern that the 10 day period is sometimes too short to decide whether to appeal, particularly if a few days pass before the parties receive notice of the underlying order.

***** This comment is listed under the name Patti Meador. Ms. Meador submitted the comment on behalf of Judge Teel and Ms. Mayer-Whittington.

32. **07-BR-032 Business Law Section of the State Bar of California** The Insolvency Law Committee of the Business Law Section opposes the change in the deadline for filing a notice of appeal. The Committee notes that the courts in chapter 11 cases enter numerous orders that relate to the operation of the debtor's business, and additional time for appeals would inject additional uncertainty and delay into the process. It notes that the 10 day appeal time has worked well since 1898 and does not need to be changed.

33. **07-BR-033 Committee on Bankruptcy and Corporate Reorganization of the Association of the Bar of the City of New York** The Committee states that the extension of the appeal time would cause a material disruption in the operation of bankruptcy practice. These disruptions also outweigh any benefits that might be obtained by making the appeal deadline consistent with the deadline for an appeal in a civil case. The Committee points out that in civil litigation, courts almost always are adjudicating disputes about past conduct, while many matters that bankruptcy courts resolve provide the debtor with authority to go forward in its business activities either specifically or generally. Many parties rely on these orders, and they must be implemented with dispatch given the potential for changing market conditions and the like. The Committee also points out that other Bankruptcy Rules such as Rules 3020(e), 6004(g) and 6006(d) provide specific stay relief from certain orders that are appealed, and that this recent judgment of the Rules Committee shows that protection is available in those instances where it is particularly important, and no further protection is necessary. The Committee also noted the

potential problems that could arise if Civil Rules 52 and 59 are amended and incorporated into the Bankruptcy Rules without change

34 07-BR-034 Commercial Law League of America.

The CLLA has no comment on the proposal to extend the 10 day deadline in Rule 8002 to 14 days. It does, however, oppose the extension of the deadline to 30 days. It points out that bankruptcy cases impact the interests of a number of parties, and the delays that are created would have a negative effect on those parties. It also notes that the added delays would undermine the debtor's fresh start as well as delay the distribution of assets in cases. The CLLA also expresses some sympathy for the unwary, occasional bankruptcy practitioner, but it asserts that it is an insufficient justification for the proposed amendment.

35 07-BR-035 Bankruptcy Appeals Clerk Alesia Wallace (W.D.N.C.) Ms. Wallace states that the extension of the deadline to 14 days would have little or no impact on the court, but that an extension to 30 days would impact deadlines for closing bankruptcy cases and may lead to more frivolous appeals.

36 07-BR-036 Seventh Circuit Bar Association The Association opposes the extension of the deadline for filing a notice of appeal in a bankruptcy case, and even suggested that if there was a need to restate the deadline in a multiple of 7 days, then the deadline should perhaps be 7 days rather than 14.

37 07-BR-037 American Bar Association The Association opposes the amendment and urges that the 10 day

deadline for filing a notice of appeal be retained. It states that the deadline has been in place for over 100 years, and it questions whether there is any empirical support for the idea that the rule has operated to trap the unwary. It further asserts that the short deadline is necessary in bankruptcy cases where parties usually demand that no action be taken until the appeal deadline has passed. The Association notes that neither equitable mootness nor the statutory protections in §§ 363 and 364 are sufficient to protect a party who acts prior to the conclusion of the appeal period. Thus, the Association proposes that the 10 day limit be retained. This position was also adopted by the State Bar of Michigan and the State Bar of California responses in Comment 07-BR-030 and 07-BR-033, respectively.

38 07-BK-002 Kenneth Klee (Los Angeles attorney and professor) Mr. Klee opposes extending the deadline from 10 to 30 days. He notes that the added costs resulting from the 20 additional days to wait for an order to be final is very costly. He also notes that the rules already permit an extension of the time to file a notice of appeal in many cases.

39 07-BK-003 Bankruptcy Judge Paul Mannes (D. Md.) Judge Mannes, a former Chair of the Committee, asserts that the 10 day deadline has worked well, but he would grudgingly support the extension to 14 days for the sake of uniformity. He opposes any additional extension.

40 07-BK-022 National Bankruptcy Conference The Conference endorses and supports the comment of Professor

Resnick (07-BR-026, above), stating that it is vitally important that bankruptcy matters be resolved as expeditiously as possible. The Conference also suggests that the Advisory Committee not permit the proposed amendment to Civil Rule 59 to operate to effectively extend the appeal time in bankruptcy cases through its incorporation into the Bankruptcy Rules by Rule 9023. It also urges the Advisory Committee to further study the impact of the changes in the Civil Rules that change deadlines of less than 30 days to deadlines that are multiples of 7 days.

Changes Made After Publication

No changes since publication

Rule 8003. Leave to Appeal

1 (a) CONTENT OF MOTION, ANSWER. A motion for
2 leave to appeal under 28 U.S.C. § 158(a) shall contain: (1) a
3 statement of the facts necessary to an understanding of the
4 questions to be presented by the appeal, (2) a statement of
5 those questions and of the relief sought, (3) a statement of the
6 reasons why an appeal should be granted, and (4) a copy of
7 the judgment, order, or decree complained of and of any
8 opinion or memorandum relating thereto. Within ~~10~~ 14 days
9 after service of the motion, an adverse party may file with the
10 clerk an answer in opposition.

11 * * * * *

12 (c) APPEAL IMPROPERLY TAKEN REGARDED AS
13 A MOTION FOR LEAVE TO APPEAL If a required
14 motion for leave to appeal is not filed, but a notice of appeal
15 is timely filed, the district court or bankruptcy appellate panel
16 may grant leave to appeal or direct that a motion for leave to
17 appeal be filed The district court or the bankruptcy appellate
18 panel may also deny leave to appeal but in so doing shall
19 consider the notice of appeal as a motion for leave to appeal
20 Unless an order directing that a motion for leave to appeal be
21 filed provides otherwise, the motion shall be filed within ~~10~~
22 14 days of entry of the order

23 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods

- 25 day periods become 28 day periods

Rule 8006. Record and Issues on Appeal

1 Within ~~10~~ 14 days after filing the notice of appeal as
2 provided by Rule 8001(a), entry of an order granting leave to
3 appeal, or entry of an order disposing of the last timely
4 motion outstanding of a type specified in Rule 8002(b),
5 whichever is later, the appellant shall file with the clerk and
6 serve on the appellee a designation of the items to be included
7 in the record on appeal and a statement of the issues to be
8 presented. Within ~~10~~ 14 days after the service of the
9 appellant's statement the appellee may file and serve on the
10 appellant a designation of additional items to be included in
11 the record on appeal and, if the appellee has filed a cross
12 appeal, the appellee as cross appellant shall file and serve a
13 statement of the issues to be presented on the cross appeal and
14 a designation of additional items to be included in the record.
15 A cross appellee may, within ~~10~~ 14 days of service of the
16 cross appellant's statement, file and serve on the cross
17 appellant a designation of additional items to be included in
18 the record. The record on appeal shall include the items so
19 designated by the parties, the notice of appeal, the judgment,

20 order, or decree appealed from, and any opinion, findings of
21 fact, and conclusions of law of the court Any party filing a
22 designation of the items to be included in the record shall
23 provide to the clerk a copy of the items designated or, if the
24 party fails to provide the copy, the clerk shall prepare the copy
25 at the party's expense If the record designated by any party
26 includes a transcript of any proceeding or a part thereof, the
27 party shall, immediately after filing the designation, deliver to
28 the reporter and file with the clerk a written request for the
29 transcript and make satisfactory arrangements for payment of
30 its cost All parties shall take any other action necessary to
31 enable the clerk to assemble and transmit the record

32 * * * * *

COMMITTEE NOTE

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- 15 day periods become 14 day periods

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- 25 day periods become 28 day periods

Rule 8009. Briefs and Appendix; Filing and Service

1 (a) BRIEFS Unless the district court or the bankruptcy
2 appellate panel by local rule or by order excuses the filing of
3 briefs or specifies different time limits

4 (1) The appellant shall serve and file a brief within
5 ~~±5~~ 14 days after entry of the appeal on the docket pursuant to
6 Rule 8007

7 (2) The appellee shall serve and file a brief within
8 ~~±5~~ 14 days after service of the brief of appellant. If the
9 appellee has filed a cross appeal, the brief of the appellee shall
10 contain the issues and argument pertinent to the cross appeal,
11 denominated as such, and the response to the brief of the
12 appellant

13 (3) The appellant may serve and file a reply brief
14 within ~~±0~~ 14 days after service of the brief of the appellee,
15 and if the appellee has cross-appealed, the appellee may file
16 and serve a reply brief to the response of the appellant to the
17 issues presented in the cross appeal within ~~±0~~ 14 days after
18 service of the reply brief of the appellant. No further briefs
19 may be filed except with leave of the district court or the

20 bankruptcy appellate panel

21 * * * * *

COMMITTEE NOTE

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Rule 8015. Motion for Rehearing

1 Unless the district court or the bankruptcy appellate
2 panel by local rule or by court order otherwise provides, a
3 motion for rehearing may be filed within ~~10~~ 14 days after
4 entry of the judgment of the district court or the bankruptcy
5 appellate panel. If a timely motion for rehearing is filed, the
6 time for appeal to the court of appeals for all parties shall run
7 from the entry of the order denying rehearing or the entry of

8 a subsequent judgment

COMMITTEE NOTE

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- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 8017. Stay of Judgment of District Court or Bankruptcy Appellate Panel

1 (a) AUTOMATIC STAY OF JUDGMENT ON
2 APPEAL. Judgments of the district court or the bankruptcy
3 appellate panel are stayed until the expiration of ~~10~~ 14 days
4 after entry, unless otherwise ordered by the district court or
5 the bankruptcy appellate panel

6 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 9006. Time

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* * * * *

(d) FOR MOTIONS—AFFIDAVITS. A written motion, other than one which may be heard ex parte, and notice of any hearing shall be served not later than ~~five~~ seven days before the time specified for such hearing, unless a different period is fixed by these rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion, and, except as otherwise provided in Rule 9023, opposing affidavits may be served not later than one day before the hearing, unless the

12 court permits them to be served at some other time

13 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 9027. Removal

1 * * * * *

2 (e) PROCEDURE AFTER REMOVAL

3 * * * * *

4 (3) Any party who has filed a pleading in
5 connection with the removed claim or cause of action, other
6 than the party filing the notice of removal, shall file a
7 statement admitting or denying any allegation in the notice of
8 removal that upon removal of the claim or cause of action the
9 proceeding is core or non-core. If the statement alleges that

10 the proceeding is non-core, it shall state that the party does or
11 does not consent to entry of final orders or judgment by the
12 bankruptcy judge. A statement required by this paragraph
13 shall be signed pursuant to Rule 9011 and shall be filed not
14 later than ~~10~~ 14 days after the filing of the notice of removal.
15 Any party who files a statement pursuant to this paragraph
16 shall mail a copy to every other party to the removed claim or
17 cause of action.

18 * * * * *

19 (g) APPLICABILITY OF PART VII. The rules of Part
20 VII apply to a claim or cause of action removed to a district
21 court from a federal or state court and govern procedure after
22 removal. Repleading is not necessary unless the court so
23 orders. In a removed action in which the defendant has not
24 answered, the defendant shall answer or present the other
25 defenses or objections available under the rules of Part VII
26 within ~~20~~ 21 days following the receipt through service or
27 otherwise of a copy of the initial pleading setting forth the
28 claim for relief on which the action or proceeding is based, or
29 within ~~20~~ 21 days following the service of summons on such
30 initial pleading, or within ~~five~~ seven days following the filing

31 of the notice of removal, whichever period is longest

32 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 9033. Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings

1 * * * * *

2 (b) OBJECTIONS TIME FOR FILING Within 14
3 days after being served with a copy of the proposed findings
4 of fact and conclusions of law a party may serve and file with
5 the clerk written objections which identify the specific
6 proposed findings or conclusions objected to and state the
7 grounds for such objection. A party may respond to another
8 party's objections within 14 days after being served with

9 a copy thereof. A party objecting to the bankruptcy judge's
10 proposed findings or conclusions shall arrange promptly for
11 the transcription of the record, or such portions of it as all
12 parties may agree upon or the bankruptcy judge deems
13 sufficient, unless the district judge otherwise directs

14 (c) EXTENSION OF TIME The bankruptcy judge may
15 for cause extend the time for filing objections by any party for
16 a period not to exceed ~~20~~ 21 days from the expiration of the
17 time otherwise prescribed by this rule. A request to extend
18 the time for filing objections must be made before the time for
19 filing objections has expired, except that a request made no
20 more than ~~20~~ 21 days after the expiration of the time for filing
21 objections may be granted upon a showing of excusable
22 neglect

23

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

- B Proposed Amendments to Bankruptcy Rules 4008, 7052 and 9021, and Proposed New Bankruptcy Rule 7058, Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.

The Advisory Committee on Bankruptcy Rules recommends that the Standing Committee approve the proposed amendments to Bankruptcy Rules 4008, 7052 and 9021, and proposed new Bankruptcy Rule 7058 for submission to the Judicial Conference. These amendments and addition to the Rules are to become effective on December 1, 2009.

1. *Public Comment*

The preliminary draft of proposed amendments to Bankruptcy Rules 4008, 7052 and 9021, and proposed new Bankruptcy Rules 1017.1 and 7058, were published for comment in August 2007. A public hearing on the preliminary draft of the amendments and additions to the Bankruptcy Rules was scheduled for January 25, 2008, but there were no requests to appear at the hearing.

We received comments on many of the proposed additions and amendments, and the Advisory Committee reviewed these comments and, with the exception of proposed Rule 1017.1, approved the amendments to the rules either as published or with slight changes that are described in the Changes Made After Publication section.

The Advisory Committee received five comments on proposed new Rule 1017.1, which would have revised the

process for granting an extension of time to complete the credit counseling requirement for individual debtors. The comments asserted that the rule is unnecessary because very few cases have arisen in which there was any request for an extension, and each of those cases was filed shortly after the effective date of the 2005 amendments to the Bankruptcy Code. The commentators noted that individual debtors and their attorneys seem to have adjusted to the new process, and the nearly universal availability of credit counseling briefing services has made the need for the time extensions almost nonexistent. Therefore, the Committee concluded that there is no need for the rules to adopt a process for these matters, and it withdraws proposed new Rule 1017.1

2 *Synopsis of Proposed General Amendments*

- (a) **Rule 4008** is amended to insert a requirement that the Official Form of a reaffirmation cover sheet be filed with the court along with the reaffirmation agreement. The cover sheet will include the information necessary to assist the court in determining what action to take regarding the proposed reaffirmation.
- (b) **Rule 7052** is amended to clarify that entry of judgment in an adversary proceeding means the entry of a judgment or order under the Bankruptcy Rules rather than under the Federal Rules of Civil Procedure.

- (c) **Rule 7058** is new, and it makes Rule 58 of the Federal Rules of Civil Procedure applicable in adversary proceedings
- (d) **Rule 9021** is amended in connection with the addition of Rule 7058. Since that rule governs in adversary proceedings, Rule 9021 no longer needs to make Rule 58 of the Federal Rules of Civil Procedure applicable in those actions. This amendment and the addition of Rule 7058 results in the explicit adoption of the separate document requirement for judgments in adversary proceedings, while the effectiveness of an order or judgment in other actions within the case is determined under Rule 5003 which does not include the separate document requirement.

3 *Text of Proposed Amendments to Rules 4008, 7052, and 9021, and
New Rule 7058*

Rule 4008. Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement²¹

- 1 (a) FILING OF REAFFIRMATION AGREEMENT A
- 2 reaffirmation agreement shall be filed no later than 60 days

²¹ Incorporates amendments approved by the Supreme Court that are due to take effect on December 1, 2008, if Congress takes no action to the contrary.

3 after the first date set for the meeting of creditors under §
4 341(a) of the Code The reaffirmation agreement shall be
5 accompanied by a cover sheet, prepared as prescribed by the
6 appropriate Official Form. The court may, at any time and in
7 its discretion, enlarge the time to file a reaffirmation
8 agreement.

9 * * * * *

COMMITTEE NOTE

Subdivision (a) of the rule is amended to require that the entity filing the reaffirmation agreement with the court also include Official Form 27, the Reaffirmation Agreement Cover Sheet. The form includes information necessary for the court to determine whether the proposed reaffirmation agreement is presumed to be an undue hardship for the debtor under § 524(m) of the Code.

Public Comment on Proposed Amendment to Rule 4008:

No comments were received on this proposed amendment.

Changes Made After Publication

No changes since publication.

Rule 7052. Findings by the Court²²

1 Rule 52 F R Civ P applies in adversary proceedings In
2 these proceedings, the reference in Rule 52 F R Civ. P. to the
3 entry of judgment under Rule 58 F R Civ. P. shall be read as a
4 reference to the entry of a judgment or order under Rule 5003(a).

COMMITTEE NOTE

The rule is amended to clarify that the reference in Rule 52 F. R. Civ P to Rule 58 F R Civ P. and its provisions is construed as a reference to the entry of a judgment or order under Rule 5003(a)

Public Comment on Proposed Amendments to Rule 7052:

1 **Comment 07-BK-013** (also numbered **07-BR-029**) was submitted by Hon Philip H Brandt (Bankr. W D Wa) Judge Brandt recommended that the phrase “shall be read as a reference to” be replaced with “means.”

Changes Made After Publication.

No changes since publication.

²² In addition, the Advisory Committee on Bankruptcy Rules has recommended approval of a proposed technical amendment to Rule 7052, which also would take effect on December 1, 2009, if the Committee on Rules of Practice and Procedure, the Judicial Conference, and the Supreme Court approve and if Congress takes no action to the contrary The proposed technical amendment is set out in Part II D of this report

Rule 7058. Entry of Judgment

1 Rule 58 F. R. Civ. P. applies in adversary proceedings. In
2 these proceedings, the reference in Rule 58 F. R. Civ. P. to the civil
3 docket shall be read as a reference to the docket maintained by the
4 clerk under Rule 5003(a).

COMMITTEE NOTE

This rule makes Rule 58 F. R. Civ. P. applicable in adversary proceedings and is added in connection with the amendments to Rule 9021.

Public Comment on Proposed New Rule 7052

1 **Comment 07-BK-013** (also numbered **07-BR-029**) was submitted by Hon. Philip H. Brandt (Bankr. W.D. Wa.). Judge Brandt recommended that the phrase “shall be read as a reference to” be replaced with “means.”

Changes Made After Publication

No changes since publication.

Rule 9021. Entry of Judgment

1 ~~Except as otherwise provided herein, Rule 58 F-R Civ-P~~
2 ~~applies in cases under the Code. Every judgment entered in an~~
3 ~~adversary proceeding or contested matter shall be set forth on a~~
4 ~~separate document. A judgment or order is effective when entered~~
5 ~~as provided in under Rule 5003. The reference in Rule 58 F-R~~
6 ~~Civ. P to Rule 79(a) F-R Civ. P shall be read as a reference to~~
7 ~~Rule 5003 of these rules.~~

COMMITTEE NOTE

The rule is amended in connection with the amendment that adds Rule 7058. The entry of judgment in adversary proceedings is governed by Rule 7058, and the entry of a judgment or order in all other proceedings is governed by this rule.

Public Comment on Proposed Amendments to Rule 9021.

No comments were received on these proposed amendments

Changes Made After Publication

No changes since publication

C. Proposed Amendments to Official Forms 1 and 8, and Proposed New Official Form 27 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference

The Advisory Committee on Bankruptcy Rules recommends that the Standing Committee approve the proposed amendments to Official Forms 1 and 8, and Proposed New Official Form 27 for submission to the Judicial Conference. The amendments to Official Forms 1 and 8 are to become effective on December 1, 2008. Proposed new Official Form 27 is to become effective on December 1, 2009, in conjunction with a proposed amendment to Bankruptcy Rule 4008.

1 *Synopsis of Proposed Amendments to Exhibit D of Official Form 1 and Official Form 8, and Proposed New Official Form 27*

(a) **Exhibit D to Official Form 1** is amended to delete any reference to a requirement that the debtor file a motion to obtain an order to permit the debtor to complete the required credit counseling briefing after the commencement of the case. It is also amended to clarify that the debtor still must complete the briefing even if the request is granted. It also warns the debtor that the case may be dismissed if the court concludes that no postponement of the obligation is warranted.

(b) **Official Form 8** is amended to resolve

ambiguities in the form and to implement changes to the Code in 2005 by adding a section covering personal property subject to an unexpired lease

- (c) **New Official Form 27** requires the disclosure and certification of information necessary for the court to make its determination under §524(m) as to whether the reaffirmation agreement creates a presumption of undue hardship.

- 2. *Text of Proposed Amendments to Exhibit D of Official Form 1 and Official Form 8, and Proposed New Official Form 27*

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____
Debtor

Case No _____
(if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now.

[Summarize exigent circumstances here] _____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

4. I am not required to receive a credit counseling briefing because of. *[Check the applicable statement] [Must be accompanied by a motion for determination by the court]*

Incapacity (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.),

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet);

Active military duty in a military combat zone

5 The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor _____

Date. _____

COMMITTEE NOTE

Paragraph 3 of Exhibit D is amended to delete any reference to a requirement that a debtor file a motion with the court to obtain an order approving a request for the postponement of the debtor's obligation to obtain a credit counseling briefing prior to the commencement of the case. The paragraph immediately following numbered paragraph 3 is also amended to reflect the deletion of the need for a separate motion beyond the completion of the certification itself. That paragraph continues to warn the debtor that the case may be dismissed if the court does not find that a postponement is warranted. It also advises the debtor that, even if the court concludes that postponement of the obligation is appropriate, the debtor still must complete the briefing within the time allowed under the Code.

PART B – Personal property subject to unexpired leases. (All three columns of Part B must be completed for each unexpired lease. Attach additional pages if necessary.)

Property No 1		
Lessor's Name:	Describe Leased Property:	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2) YES _____ NO _____

Property No 2 (if necessary)		
Lessor's Name:	Describe Leased Property:	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2) YES _____ NO _____

Property No 3 (if necessary)		
Lessor's Name:	Describe Leased Property:	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2): YES _____ NO _____

_____ continuation sheets attached (if any)

I declare under penalty of perjury that the above indicates my intention as to any property of my estate securing a debt and/or personal property subject to an unexpired lease.

Date _____

Signature of Debtor

Signature of Joint Debtor

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION
(Continuation Sheet)

PART A - Continuation

Property No ____	
Creditor's Name:	Describe Property Securing Debt.
Property will be (check one) <input type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one) <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one) <input type="checkbox"/> Claimed as exempt <input type="checkbox"/> Not claimed as exempt	

PART B - Continuation

Property No ____		
Lessor's Name:	Describe Leased Property:	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2). YES _____ NO _____

Property No ____		
Lessor's Name:	Describe Leased Property:	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2). YES _____ NO _____

FORM 8

COMMITTEE NOTE

The form is amended to conform to § 362(h), which was added to the Code, and § 521(a)(2), which was amended, by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub L No 109-8, 119 Stat 23 (April 20, 2005), by expanding the questions directed to the debtor regarding leased personal property and property subject to security interests. The form is also amended and reformatted to require the debtor to complete a series of statements describing the property and setting out what actions the debtor intends to take for each listed asset. The amended form is intended to elicit more complete information about the debtor's intentions with regard to property subject to security interests and personal property leases than has been obtained under the current version of the form.

In addition, the form is amended to add a space for the joint debtor's signature and to specify that, as required by Rule 1008, the signature of the debtor or joint debtor is a declaration made under penalty of perjury. A continuation page has been provided for use if necessary. The Declaration of Non-Attorney Bankruptcy Petition Preparer has been deleted from the form as duplicative of Form 19, Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer. Form 19 contains both the petition preparer's declaration and signature and the notice the petition preparer is required to give to the debtor under § 110 of the Code.

United States Bankruptcy Court

District Of _____

In re _____,
Debtor

Case No _____
Chapter _____

REAFFIRMATION AGREEMENT COVER SHEET

This form must be completed in its entirety and filed, with the reaffirmation agreement attached, within the time set under Rule 4008. It may be filed by any party to the reaffirmation agreement.

- 1 Creditor's Name: _____
- 2 Amount of the debt subject to this reaffirmation agreement:
\$ _____ on the date of bankruptcy \$ _____ to be paid under reaffirmation agreement
- 3 Annual percentage rate of interest: _____% prior to bankruptcy
_____ % under reaffirmation agreement (_____ Fixed Rate _____ Adjustable Rate)
- 4 Repayment terms (if fixed rate): \$ _____ per month for _____ months
- 5 Collateral, if any, securing the debt: Current market value \$ _____
Description. _____
- 6 Does the creditor assert that the debt is nondischargeable? ___ Yes ___ No
(If yes, attach a declaration setting forth the nature of the debt and basis for the contention that the debt is nondischargeable.)

Debtor's Schedule I and J Entries

Debtor's Income and Expenses as Stated on Reaffirmation Agreement

7A. Total monthly income from \$ _____
Schedule I, line 16

7B. Monthly income from all \$ _____
sources after payroll deductions

8A. Total monthly expenses \$ _____
from Schedule J, line 18

8B. Monthly expenses \$ _____

9A. Total monthly payments on \$ _____
reaffirmed debts not listed on
Schedule J

9B. Total monthly payments on \$ _____
reaffirmed debts not included in
monthly expenses

10B. Net monthly income \$ _____
(Subtract sum of lines 8B and 9B from
line 7B. If total is less than zero, put the
number in brackets)

11. Explain with specificity any difference between the income amounts (7A and 7B)

12. Explain with specificity any difference between the expense amounts (8A and 8B)

If line 11 or 12 is completed, the undersigned debtor, and joint debtor if applicable, certifies that any explanation contained on those lines is true and correct

Signature of Debtor (only required if
line 11 or 12 is completed)

Signature of Joint Debtor (if applicable, and only
required if line 11 or 12 is completed)

Other Information

Check this box if the total on line 10B is less than zero. If that number is less than zero, a presumption of undue hardship arises (unless the creditor is a credit union) and you must explain with specificity the sources of funds available to the Debtor to make the monthly payments on the reaffirmed debt _____

Was debtor represented by counsel during the course of negotiating this reaffirmation agreement?

_____ Yes _____ No

If debtor was represented by counsel during the course of negotiating this reaffirmation agreement, has counsel executed a certification (affidavit or declaration) in support of the reaffirmation agreement?

_____ Yes _____ No

FILER'S CERTIFICATION

I hereby certify that the attached agreement is a true and correct copy of the reaffirmation agreement between the parties identified on this Reaffirmation Agreement Cover Sheet

Signature

Print/Type Name & Signer's Relation to Case

COMMITTEE NOTE

This form is new. It gathers certain financial information, including information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship under § 524(m) of the Code, and it allows the debtor to provide additional information that may rebut such a presumption

To implement the requirements of Bankruptcy Rule 4008(b), the form also provides for a disclosure of any differences between the income and expenses reported on schedules I and J and the income and expenses reported in the debtor's statement in support of the reaffirmation agreement, together with an explanation of any such differences.

Finally, the form requires a certification that the information supplied is true and correct.

3 *Public Comment on Proposed Amendments to Official Form 8*

Comment 07-BK-001 was submitted by David S Yen on behalf of the Legal Assistance Foundation of Metropolitan Chicago. Mr. Yen suggests that the form include a certificate of service or, if not a certificate of service, a warning that Rule 1007(b)(2) requires that the form be served on the trustee, creditors and lessors.

Judge Hunter (W.D. La.) submitted **Comment 07-BK-005** in response to the proposed amendment. His comment echoes concerns expressed by the Bankruptcy Judges Advisory Group (BJAG) which had a brief opportunity to review the proposed form. Generally, the concern is that the form, as revised, is too complicated and attempts to accomplish too much. Judge Hunter suggests that the proposed form as amended is too complex. He notes that the proposed form allows a debtor to state that something "other" than surrender, reaffirmation or redemption will be done with the property. He suggests that no other option is available. Furthermore, he asserts that the form should not include any reference to whether the debtor intends to claim the property as exempt. This additional information, Judge Hunter argues, will confuse the issues. He notes that exemptions are covered by Schedule C, and he suggests that information regarding exemptions be limited to that form.

Comment 07-BK-023 was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. Ms. Grammar Gay notes her agreement with Judge Hunter's comments which are summarized above. She also notes that she finds the explanation or instructions for the fourth column on the form to be confusing and not illustrative of the form. Furthermore, she states that the form should require the debtor's signature to be verified as required by Rule 1008, and she believes the form could delete the declaration of a petition preparer who would already be required to file Official Form 19 (petition preparer's declaration) with Official Form 8 when it is filed.

Changes Made After Publication.

The form was revised by setting the question of whether the debtor intends to exempt property apart from the question of whether the debtor intends to retain the property. In addition, the form is amended to add a space for the joint debtor's signature and to specify that, as required by Rule 1008, the signature of the debtor or joint

debtor is a declaration made under penalty of perjury. Other stylistic changes were made to the form to simplify the form and make it easier to complete

4. *Public Comment on proposed new Official Form 27.*

Comment 07-BK-013 Bankruptcy Judge Philip Brandt (W.D. Wash.) Judge Brandt's comment suggests that the form include a line that would capture reaffirmation agreements that are proposed as settlements of unsecured claims alleged to be nondischargeable. He proposes that if a reaffirmation is based on such a claim, the form include a sworn statement that sets out the factual basis of the debt and why it is nondischargeable. This issue could be addressed in the first information item on the form as more fully discussed in connection with Comment 07-BK-017.

Comment 07-BK-016 Mr. Philip Bartlett, CEO and President of the Financial Services Roundtable Mr Bartlett does not offer any comment directly on proposed Official Form 27, other than to say that additional work should be done to prepare a required form of reaffirmation agreement itself. He notes that there is a wide range of forms being used across the country, and he suggests that there should be a single, uniform reaffirmation agreement.

Comment 07-BK-020 American Bankers Association, et al. (including the Financial Services Roundtable) These groups note that they do not "per se" object to the form, but they urge the Committee to take action to ensure that reaffirmation agreements comply with the requirements of the Bankruptcy Code. Among the suggestions is that there should be rules or forms that ensure that reaffirmation agreements include the language that is specifically required by the Code. The group states that the Committee should not be troubled by the current discrepancies among the courts with regard to the form and content of reaffirmation agreements because a form that would preserve adherence to the Code could not raise substantive disagreement among the courts. They express concern that although the Code provisions governing reaffirmations require increased uniformity, there is still a variety of forms that they must use in different courts across the country.

Comment 07-BK-017 Bankruptcy Clerk Thomas Hart (D. Vt.) Mr Hart submitted a lengthy comment that generally supports

proposed Official Form 27, and that includes a number of suggestions for the improvement of the form. More significantly, the submission includes a form of reaffirmation cover sheet that they have used along with an extensive instruction sheet that provides much more detail than is included in the proposed Official Form. He notes that the District was in the process of creating a form of reaffirmation cover sheet, but they decided to use the proposed Official Form 27, with one modification, as their form. They also decided to make a few stylistic changes to the form along with a much more extensive instruction sheet that accompanies the form. The "substantive" modification that they made to the form was to delete the item on proposed Official Form 27 that asks for the amount of the debt as of the commencement of the case. They deleted the question because they found it to be ambiguous. That item calls for the "amount of debt as of commencement of case", and they noted that it could be read to mean all of the debt owed as of the commencement of the case rather than just the debt owed to the creditor who is a party to the reaffirmation agreement.

Comment 07-BK-023 Chief Deputy Bankruptcy Court Clerk Margaret Grammar Gay (D.N.M.) Ms. Grammar Gay makes several suggestions regarding proposed Official Form 27. First, she notes that the form should be denominated OF27 rather than B27 at the top of the form. Second, she suggests that at the top of the form, an instruction be added directing the appropriate person to "Complete this form and file it within the time set under Rule 4008." She further suggests that the form not require a listing of the debtor's name and address, and that the third sentence on the form provide that the filer must "Attach the reaffirmation agreement to this cover sheet." She suggests that the words "set out" be deleted in lines 8 and 11 on the form and that in the sentences at the first check box, the words "greater than" be underlined to provide greater emphasis to the concept. She also notes that the filer's certification would not be necessary if the reaffirmation agreement is attached to the form.

Changes Made After Publication:

The form was changed to require the submission of additional information to assist the court in determining whether the reaffirmation agreement presents an undue hardship to the debtor and the debtor's dependents. The form now requires the person completing the form to include the interest rates charged under the

original agreement and the reaffirmation agreement, the repayment terms of the reaffirmation agreement, and whether the creditor asserts that the underlying obligation is nondischargeable. The debtor's income and expenses at the time of the reaffirmation agreement and as set out on Schedules I and J (the debtor's income and expenses at the time of the commencement of the case) are now set out in parallel columns for ease of comparison. Other stylistic changes were made to the form, and the Committee Note is revised to reflect these changes.

5. *Exhibit D to Official Form 1*

Exhibit D was published for comment in August 2006. The changes to the form were made necessary in part because the Advisory Committee decided to withdraw Proposed Rule 1017.1 which would have created a new process for the consideration of requests for the postponement of a debtor's obligation to obtain a prepetition credit counseling briefing. The revised form deletes the reference to a motion to be filed by the debtor, as no motion is required. Instead, the form itself operates as the debtor's request for consideration of the issue by the court. The Advisory Committee recommends that this amendment become effective on December 1, 2008.

D Proposed Amendments to Bankruptcy Rules 2016, 7052, 9006(f), 9015, and 9023 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference Without Publication.

The Advisory Committee recommends that the following amendments be approved and submitted to the Judicial Conference without publication. The amendments to Rules 2016 and 9006(f) are technical amendments necessary to correct cross references in the rules to provisions of the Bankruptcy Code and to the Federal Rules of Civil Procedure that were amended and renumbered. The amendments to Rules 7052, 9015, and 9023 are necessary to implement the new 14-day deadline for the filing of a notice of appeal. The Advisory Committee recommends that these amendments become effective on December 1, 2009.

1. *Synopsis of Proposed Amendments to Rules 2016, 7052, 9006(f), 9015, and 9023*
 - (a) **Rule 2016** is amended to correct a cross reference in the rule to a subsection of the Code that was changed by a 2005 amendment to the Code. The amendment also changes the deadline for filing a supplemental statement to conform to the time computation amendments that change all 10 day periods to 14 day periods.
 - (b) **Rule 7052** is amended by limiting the time for filing post judgment motions for

amended or additional findings. The deadline is set at 14 days in contrast to the 30 day deadline included in the Federal Rules of Civil Procedure. This is necessary because the deadline for filing a notice of appeal under Bankruptcy Rule 8002 is 14 days rather than the 30 days allowed under Rule 4(a)(1)(A) F. R. App. P.

- (c) **Rule 9006** is amended to correct a cross reference to subparagraphs of Rule 5(b)(2) F. R. Civ. P. Those subparagraphs were renumbered as a part of the civil rules restyling project.
- (d) **Rule 9015** is amended by deleting the reference to Rule 50 F.R.Civ.P. from the list of civil rules that are applicable in cases and proceedings. Subdivision (c) is added to make Rule 50 applicable in cases and proceedings, but it limits the time for filing certain post judgment motions to 14 days rather than 30 days as set out in the civil rules.
- (e) **Rule 9023** is amended to limit the time for filing a post judgment motion for a new trial or for the court to order sua sponte a new trial to 14 days after entry of judgment. This is necessary because the deadline for filing a notice of appeal under Rule 8002 is 14 days.

2. *Text of Proposed Amendments to Rules 2016, 7052, 9006(f), 9015, and 9023*

Rule 2016. Compensation for Services Rendered and Reimbursement of Expenses

1

* * * * *

2

(c) DISCLOSURE OF COMPENSATION PAID

3

OR PROMISED TO BANKRUPTCY PETITION

4 PREPARER Before a petition is filed, every Every
5 bankruptcy petition preparer for a debtor shall ~~file~~ deliver to
6 the debtor, a the declaration under penalty of perjury and
7 ~~transmit the declaration to the United States trustee within~~
8 ~~10 days after the date of the filing of the petition, or at~~
9 ~~another time as the court may direct, as required by §~~
10 110(h)(1) (2). The declaration shall ~~must~~ disclose any fee,
11 and the source of any fee, received from or on behalf of the
12 debtor within 12 months of the filing of the case and all
13 unpaid fees charged to the debtor. The declaration shall also
14 ~~must~~ describe the services performed and documents
15 prepared or caused to be prepared by the bankruptcy
16 petition preparer. The declaration shall be filed with the
17 petition. The petition preparer shall file a ~~A~~ supplemental
18 statement ~~shall be filed~~ within ~~10~~ 14 days after any payment
19 or agreement not previously disclosed.

judgment That deadline corresponds to the deadline for filing a notice of appeal in a civil case under Rule 4(a)(1)(A) F.R.App.P. In a bankruptcy case, the deadline for filing a notice of appeal is 14 days. Therefore, the 30 day deadline for filing a motion for amended or additional findings would effectively override the notice of appeal deadline under Rule 8002(a) but for this amendment.

Rule 9006. Time

1

* * * * *

2 (f) ADDITIONAL TIME AFTER SERVICE BY MAIL OR

3 UNDER RULE ~~5(b)(2)(C) or (D)~~ 5(b)(2)(D), (E), or (F)

4 F.R Civ P.

5 When there is a right or requirement to act or undertake

6 some proceedings within a prescribed period after service

7 and that service is by mail or under Rule 5 ~~(b)(2)(C) or (D)~~

8 (b)(2)(D), (E), or (F) F.R CIV.P , three days are added after

9 the prescribed period would otherwise expire under Rule

10 9006(a).

COMMITTEE NOTE

Subdivision (f) is amended to conform to the changes made to Rule 5(b)(2) of the Federal Rules of Civil Procedure as a part of the Civil Rules Restyling Project. As a part of that project, subparagraphs (b)(2)(C) and (D) of that rule were rewritten as subparagraphs (b)(2)(D), (E), and (F). The cross reference to those rules contained in subdivision (f) of this rule is corrected by this amendment.

Rule 9015. Jury Trials

1

2

(a) APPLICABILITY OF CERTAIN FEDERAL

3

RULES OF CIVIL PROCEDURE Rules 38, 39, ~~and 47-~~

4

~~51~~ 47-49, and 51, F.R.Civ.P., and Rule 81(c) F.R.Civ.P.

5

insofar as it applies to jury trials, apply in cases and

6

proceedings, except that a demand made pursuant to under

7

Rule 38(b) F.R.Civ.P. shall be filed in accordance with

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Rule 5005.

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* * * * *

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(c) APPLICABILITY OF RULE 50 F.R.CIV.P.

11

Rule 50 F.R.Civ.P. applies in cases and proceedings, except

5 or amend a judgment shall be filed, and a court may on its
6 own order a new trial, no later than 14 days after entry of
7 judgment.

COMMITTEE NOTE

The rule is amended to limit to 14 days the time for a party to file a post judgment motion for a new trial and for the court to order sua sponte a new trial. In 2009, Rule 59 F.R.Civ.P. was amended to extend the deadline for these actions to 30 days after the entry of judgment. That deadline corresponds to the deadline for filing a notice of appeal in a civil case under Rule 4(a)(1)(A) F.R App.P. In a bankruptcy case, however, the deadline for filing a notice of appeal is 14 days. Therefore, the 30 day deadline for filing a motion for a new trial or a motion to alter or amend a judgment would effectively override the notice of appeal deadline under Rule 8002(a) but for this amendment.

- E. Proposed Amendments to Official Forms 9F, 10,
 and 23 Submitted for Final Approval by the
 Standing Committee and Submission to the Judicial
 Conference Without Publication

The Advisory Committee recommends that the amendments to Official Forms 9F, 10, and 23 be approved and submitted to the Judicial Conference without publication. These changes are largely technical in nature and are made to conform to the language of the Bankruptcy Code.

Official Form 9F is amended to delete inclusion of the debtor's phone number. Official Form 10 is amended to include a reference to instruction

seven in the parenthetical at the end of numbered paragraph seven on page one, to include information about health care-related claims in instructions two and seven, and to revise the definitions of “creditor” and “claim” to conform to those definitions in the Bankruptcy Code. Official Form 23 is amended to include a reference to § 1141(d)(5)(B) in the filing deadlines note at the bottom of the page. The Advisory Committee recommends that these amendments become effective on December 1, 2008.

Text of Proposed Amendments to Official Forms 9F, 10, and 23

EXPLANATIONS

B9F (Official Form 9F) (12/08)

<p>Filing of Chapter 11 Bankruptcy Case</p>	<p>A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment, taking actions to collect money or obtain property from the debtor; repossessing the debtor's property, and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.</p>
<p>Claims</p>	<p>A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is <i>not</i> listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. Filing Deadline for a Creditor with a Foreign Address: The deadline for filing claims will be set in a later court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.</p>
<p>Discharge of Debts</p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141 (d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141 (d) (6) (A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.</p>
<p>Bankruptcy Clerk's Office</p>	<p>Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.</p>
<p>Creditor with a Foreign Address</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>
<p align="center">Refer To Other Side For Important Deadlines and Notices</p>	

B10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____		PROOF OF CLAIM
Name of Debtor _____		Case Number _____
NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property) _____		1. Check this box to indicate that this claim amends a previously filed claim Court Claim Number _____ (If known) Filed on _____
Name and address where notices should be sent _____ Telephone number _____		
Name and address where payment should be sent (if different from above) _____		1. Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. 11. Check this box if you are the debtor or trustee in this case.
Telephone number _____		
1. Amount of Claim as of Date Case Filed \$ _____ If all or part of your claim is secured, complete item 4 below, however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. 11. Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim 11. Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B) 11. Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4) 11. Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5) 11. Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7) 11. Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8) 11. Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____)
2. Basis for Claim. _____ (See instruction #2 on reverse side)		
3. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as _____ (See instruction #3a on reverse side)		Amount entitled to priority: \$ _____ *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
4. Secured Claim (See instruction #4 on reverse side) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff. <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any \$ _____ Basis for perfection _____ Amount of Secured Claim \$ _____ Amount Unsecured \$ _____		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____		
Date _____	Signature. The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1 Amount of Claim as of Date Case Filed

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim

State the type of debt or how it was incurred. Examples include: goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

3 Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

4 Secured Claim.

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a)

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6 Credits

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(c), any applicable provisions of the Bankruptcy Code (11 U.S.C. §101 *et seq.*), and any applicable orders of the bankruptcy court.

COMMITTEE NOTE

The form is amended at box seven on page one, and instructions two and seven on page two, to instruct the claimant that the information contained in or attached to a claim based on the delivery of health care goods or services should be limited so as to avoid embarrassment or the unnecessary disclosure of confidential information. The claimant is informed that additional disclosure may be required if the trustee or another party in interest objects to the claim.

Page two of the form is also amended to revise slightly the definitions of "creditor" and "claim" to conform more closely to the definitions of those terms in the Code.

United States Bankruptcy Court

District Of _____

In re _____,
Debtor

Case No _____

Chapter _____

DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

Every individual debtor in a chapter 7, chapter 11 in which § 1141(d)(3) applies, or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below.

I, _____, the debtor in the above-styled case, hereby
(Printed Name of Debtor)

certify that on _____ (Date), I completed an instructional course in personal financial management provided by _____, an approved personal financial management provider
(Name of Provider)

Certificate No (if any) _____

I, _____, the debtor in the above-styled case, hereby
(Printed Name of Debtor)

certify that no personal financial management course is required because of [Check the appropriate box]

Incapacity or disability, as defined in 11 U.S.C. § 109(h),

Active military duty in a military combat zone, or

Residence in a district in which the United States trustee (or bankruptcy administrator) has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.

Signature of Debtor _____

Date _____

Instructions Use this form only to certify whether you completed a course in personal financial management (Fed R Bankr P 1007(b)(7)) Do NOT use this form to file the certificate given to you by your prepetition credit counseling provider and do NOT include with the petition when filing your case

Filing Deadlines In a chapter 7 case, file within 45 days of the first date set for the meeting of creditors under § 341 of the Bankruptcy Code. In a chapter 11 or 13 case, file no later than the last payment made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. (See Fed R Bankr P 1007(c))

F. Proposed Amendments to Bankruptcy Rules 1014, 1015, 1018, 5009, and 9001, and Proposed New Bankruptcy Rules 1004.2 and 5012.

The Advisory Committee recommends that the Standing Committee approve the following preliminary draft of proposed amendments to the Bankruptcy Rules and Official Forms for publication for comment.

1. *Synopsis of Proposed Amendments to Bankruptcy Rules 1014, 1015, 1018, 5009, and 9001, and Proposed New Bankruptcy Rules 1004.2 and 5012*
 - (a) **Rule 1004.2** is new. It requires that the entity filing a chapter 15 petition state on the petition the country of the debtor's main interests. It also requires that the filer list each country in which a case involving the debtor is pending. The rule sets a deadline for challenging the statement asserting the country of the debtor's main interests.
 - (b) **Rule 1014** is amended to include chapter 15 cases among those subject to the rule that authorizes the court to determine where cases should go forward when multiple petitions involving the same debtor are pending.
 - (c) **Rule 1015** is amended to include chapter 15 cases among those subject to the rule that authorize the court to order the consolidation or joint administration of cases.
 - (d) **Rule 1018** is amended to reflect the enactment of chapter 15 of the Code in 2005. The rule also is amended to clarify that it applies to contests over involuntary petitions but does not apply to matters that are merely related to a contested involuntary petition.
 - (e) **Rule 5009** is amended to redesignate the former rule as new subdivision (a), and to add new subdivisions (b) and (c) to the rule. Subdivision (b) requires the clerk to provide notice to individual debtors in chapter 7 and 13 cases that their case may be closed without the entry of a discharge if they fail to file a timely statement that they have completed a personal financial management course. Subdivision (c) requires a foreign representative in a chapter 15 case to file and give notice of the filing of a final report in the case.
 - (f) **Rule 5012** is new. It establishes the procedure in chapter 15 cases for obtaining the approval of an agreement regarding communications and the coordination of the proceedings with cases involving the debtor pending in other countries.

- (g) **Rule 9001** is amended to add § 1502 to the list of definitional provisions in the Code that are applicable to the Bankruptcy Rules.

2 *Text of Proposed Amendments to Bankruptcy Rules 1014, 1015, 1018, 5009, and 9001, and Proposed New Bankruptcy Rules 1004.2 and 5012*

Rule 1004.2. Petition in Chapter 15 Cases²³

1

2

(a) DESIGNATING CENTER OF MAIN

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INTERESTS. A petition seeking recognition of a foreign

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proceeding under chapter 15 of the Code shall state the

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country where the debtor has the center of its main

6

interests. The petition shall also identify each country in

7

which a foreign proceeding by, regarding, or against the

8

debtor is pending.

9

(b) CHALLENGING DESIGNATION. The United

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States trustee or a party in interest may file a motion for a

²³In addition to the adoption of Rule 1004.2, Official Form 1 would be amended to include a line on the form where the foreign representative indicates the country of the debtor's center of main interests. The Official Form would also be amended to include a line or lines on which the filer would set out the countries in which cases are pending.

11 determination that the debtor's center of main interests is
12 other than as stated in the petition for recognition
13 commencing the chapter 15 case. The motion shall be filed
14 no later than 60 days after notice of the petition has been
15 given to the movant under Rule 2002(q)(1). The motion
16 shall be transmitted to the United States trustee and served
17 on the debtor, all persons or bodies authorized to administer
18 foreign proceedings of the debtor, all entities against whom
19 provisional relief is being sought under § 1519 of the Code,
20 all parties to litigation pending in the United States in
21 which the debtor was a party at the time of the filing of the
22 petition, and such other entities as the court may direct.

COMMITTEE NOTE

This rule is new. Subdivision (a) directs any entity that files a petition for recognition of a foreign proceeding under chapter 15 of the Code to state in the petition the center of the debtor's main interests. The petition must also list each country in which a foreign proceeding involving the debtor is pending. This information will assist the court and parties in interest in determining whether the foreign proceeding is a foreign main or nonmain proceeding.

Subdivision (b) sets a 60-day deadline for filing a motion to challenge the statement in the petition as to the country in which the debtor's center of main interests is located.

Rule 1014. Dismissal and Change of Venue

* * * * *

1
2 (b) PROCEDURE WHEN PETITIONS
3 INVOLVING THE SAME DEBTOR OR RELATED
4 DEBTORS ARE FILED IN DIFFERENT COURTS If
5 petitions commencing cases under the Code or seeking
6 recognition under chapter 15 are filed in different districts
7 by regarding, or against (1) the same debtor, or (2) a
8 partnership and one or more of its general partners, or (3)
9 two or more general partners, or (4) a debtor and an
10 affiliate, on motion filed in the district in which the petition
11 filed first is pending and after hearing on notice to the
12 petitioners, the United States trustee, and other entities as
13 directed by the court, the court may determine, in the
14 interest of justice or for the convenience of the parties, the

15 district or districts in which the case or cases should
16 proceed Except as otherwise ordered by the court in the
17 district in which the petition filed first is pending, the
18 proceedings on the other petitions shall be stayed by the
19 courts in which they have been filed until the determination
20 is made

COMMITTEE NOTE

Subdivision (b) of the rule is amended to provide that petitions for recognition of a foreign proceeding are included among those that are governed by the procedure for determining where cases should go forward when multiple petitions involving the same debtor are filed. The amendment adds a specific reference to chapter 15 petitions and also provides that the rule governs proceedings regarding a debtor as well as those that are filed by or against a debtor.

Other changes are stylistic

Rule 1015. Consolidation or Joint Administration of Cases Pending in Same Court

1

2

(a) CASES INVOLVING SAME DEBTOR. If two

3 or more petitions by, regarding, or against the same debtor
4 are pending in the same court ~~by or against the same debtor,~~
5 the court may order consolidation of the cases.

6 * * * * *

COMMITTEE NOTE

By amending subdivision (a) to include cases regarding the same debtor, the rule explicitly recognizes that the court's authority to consolidate cases when more than one petition is filed includes the authority to consolidate cases when one or more of the petitions is filed under chapter 15. This amendment is made in conjunction with the amendment to Rule 1014(b), which also governs petitions filed under chapter 15 regarding the same debtor as well as those filed by or against the debtor

Rule 1018. Contested Involuntary Petitions; Contested Petitions Commencing Ancillary Chapter 15 Cases; Proceedings to Vacate Order for Relief; Applicability of Rules in Part VII Governing Adversary Proceedings

1 Unless the court otherwise directs and except as
2 otherwise prescribed in Part I of these rules, the ~~The~~
3 following rules in Part VII apply to all proceedings ~~relating~~
4 ~~to a contested~~ contesting an involuntary petition, ~~to~~

5 ~~proceedings relating to a contested~~ petition or a chapter 15
6 petition for recognition ~~commencing a case ancillary to a~~
7 ~~foreign proceeding~~, and to all proceedings to vacate an
8 order for relief. Rules 7005, 7008-7010, 7015, 7016, 7024-
9 7026, 7028-7037, 7052, 7054, 7056, and 7062, ~~except as~~
10 ~~otherwise provided in Part I of these rules and unless the~~
11 ~~court otherwise directs~~. The court may direct that other
12 rules in Part VII shall also apply. For the purposes of this
13 rule a reference in the Part VII rules to adversary
14 proceedings shall be read as a reference to proceedings
15 ~~relating to a contested~~ contesting an involuntary petition, or
16 ~~contested ancillary~~ petition or a chapter 15 petition for
17 recognition, or proceedings to vacate an order for relief.
18 Reference in the Federal Rules of Civil Procedure to the
19 complaint shall be read as a reference to the petition.

COMMITTEE NOTE

The rule is amended to reflect the enactment of chapter 15 of

the Code in 2005. As to chapter 15 cases, the rule applies to contests over the petition for recognition and not to all matters that arise in the case. Thus, proceedings governed by § 1519(e) and § 1521(e) of the Code must comply with Rules 7001(7) and 7065, which provide that actions for injunctive relief are adversary proceedings governed by Part VII of the rules. The rule is also amended to clarify that it applies to contests over an involuntary petition, and not to matters merely “relating to” a contested involuntary petition. Matters that may arise in a chapter 15 case or an involuntary case, other than contests over the petition itself, are governed by the otherwise applicable rules.

Other changes are stylistic.

Rule 5009. Closing Chapter 7 Liquidation, Chapter 12 Family Farmer’s Debt Adjustment, and Chapter 13 Individual’s Debt Adjustment, and Chapter 15 Ancillary and Cross-Border Cases

1 (a) CASES UNDER CHAPTERS 7, 12, AND
2 13. If in a chapter 7, chapter 12, or chapter 13 case the
3 trustee has filed a final report and final account and has
4 certified that the estate has been fully administered, and if
5 within 30 days no objection has been filed by the United
6 States trustee or a party in interest, there shall be a
7 presumption that the estate has been fully administered.

8 (b) NOTICE OF FAILURE TO FILE RULE
9 1007(b)(7) STATEMENT. If an individual debtor in a
10 chapter 7 or 13 case has not filed the statement required by
11 Rule 1007(b)(7) within 45 days after the first date set for
12 the meeting of creditors under § 341(a) of the Code, the
13 clerk shall promptly notify the debtor that the case will be
14 closed without entry of a discharge unless the statement is
15 filed within the applicable time limit under Rule 1007(c).

16
17 (c) CASES UNDER CHAPTER 15. A foreign
18 representative in a proceeding recognized under § 1517 of
19 the Code shall file a final report when the purpose of the
20 representative's appearance in the court is completed. The
21 report shall describe the nature and results of the
22 representative's activities in the court. The foreign
23 representative shall transmit the report to the United States
24 trustee, and give notice of its filing to the debtor, all

25 persons or bodies authorized to administer foreign
26 proceedings of the debtor, all parties to litigation pending in
27 the United States in which the debtor was a party at the
28 time of the filing of the petition, and such other entities as
29 the court may direct. The foreign representative shall file a
30 certificate with the court that notice has been given. If no
31 objection has been filed by the United States trustee or a
32 party in interest within 30 days after the certificate is filed,
33 there shall be a presumption that the case has been fully
34 administered.

COMMITTEE NOTE

The rule is amended to redesignate the former rule as subdivision (a) and to add new subdivisions (b) and (c) to the rule. Subdivision (b) requires the clerk to provide notice to an individual debtor in a chapter 7 or 13 case that the case may be closed without the entry of a discharge due to the failure of the debtor to file a timely statement of completion of a personal financial management course. The purpose of the notice is to provide the debtor with an opportunity to complete the course and file the appropriate document prior to the filing deadline. Timely filing of the document avoids the need for a motion to extend the time retroactively. It also avoids the potential for closing the case without discharge, and the possible need to pay

an additional fee in connection with reopening. Timely filing also benefits the clerk's office by reducing the number of instances in which cases must be reopened.

Subdivision (c) requires a foreign representative in a chapter 15 case to file a final report setting out the foreign representative's actions and results obtained in the United States court. It also requires the foreign representative to give notice of the filing of the report, and provides interested parties with 30 days to object to the report after the foreign representative has certified that notice has been given. In the absence of a timely objection, a presumption arises that the case is fully administered, and the case may be closed.

Rule 5012. Agreements Concerning Coordination of Proceedings in Chapter 15 Cases

1 Approval of an agreement under § 1527(4) of the Code
2 shall be sought by motion. The movant shall attach to the
3 motion a copy of the proposed agreement or protocol and,
4 unless the court directs otherwise, give at least 30 days'
5 notice of any hearing on the motion by transmitting the
6 motion to the United States trustee, and serving it on the
7 debtor, all persons or bodies authorized to administer
8 foreign proceedings of the debtor, all entities against whom

9 provisional relief is being sought under § 1519, all parties
10 to litigation pending in the United States in which the
11 debtor was a party at the time of the filing of the petition,
12 and such other entities as the court may direct

COMMITTEE NOTE

This rule is new. In chapter 15 cases, any party in interest may seek approval of an agreement, frequently referred to as a “protocol,” that will assist with the conduct of the case. Because the needs of the courts and the parties may vary greatly from case to case, the rule does not attempt to limit the form or scope of a protocol. Rather, the rule simply requires that approval of a particular protocol be sought by motion, and designates the persons entitled to notice of the hearing on the motion. These agreements, or protocols, drafted entirely by parties in interest in the case, are intended to provide valuable assistance to the court in the management of the case. Interested parties may find guidelines published by organizations, such as the American Law Institute and the International Insolvency Institute, helpful in crafting agreements or protocols to apply in a particular case.

Rule 9001. General Definitions

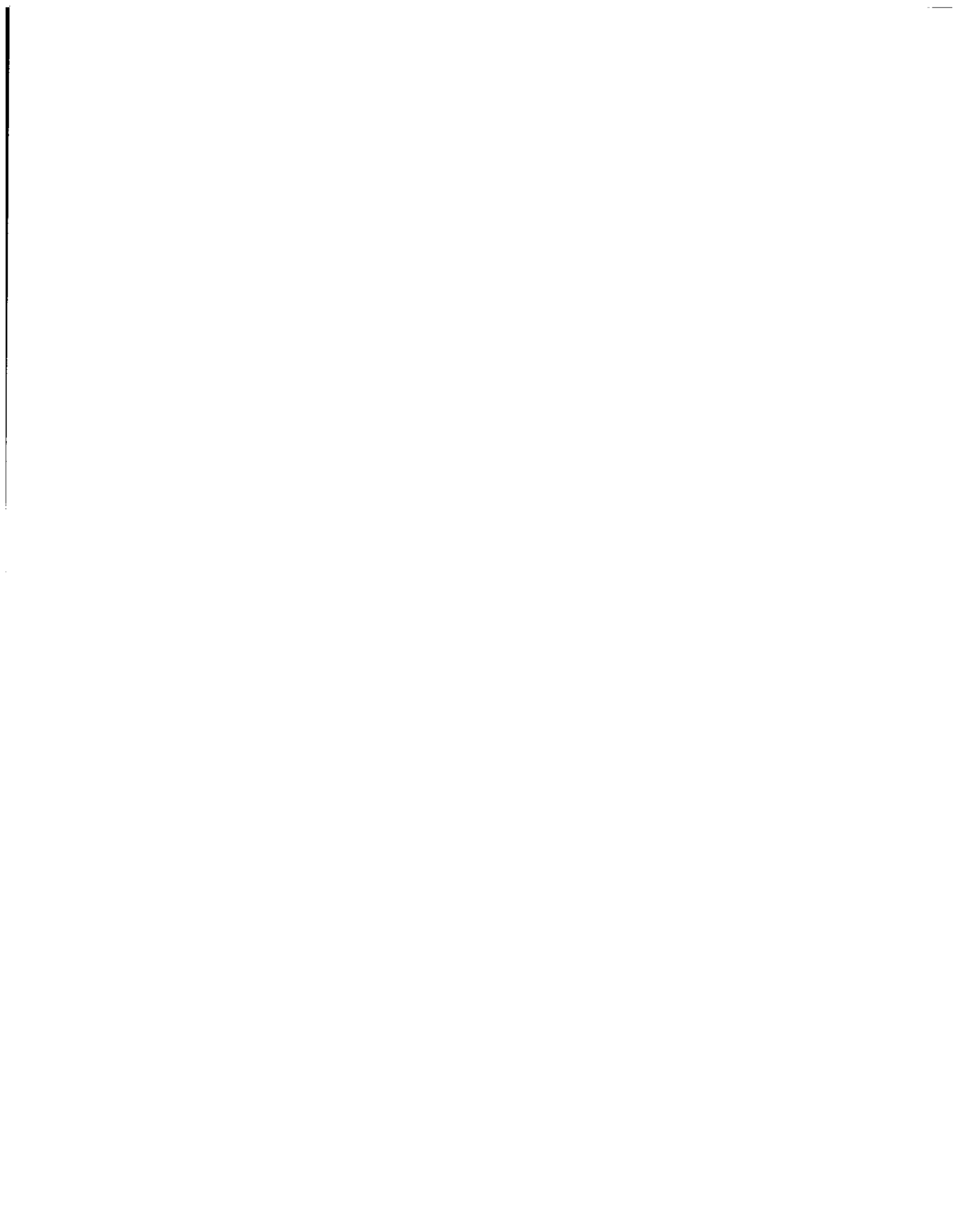
1 The definitions of words and phrases in §§ 101, § 902,
2 and § 1101, and 1502 of the Code, and the rules of
3 construction in § 102, ~~of the Code~~ govern their use in these

4 rules In addition, the following words and phrases used in
5 these rules have the meanings indicated

6 * * * * *

COMMITTEE NOTE

The rule is amended to add § 1502 of the Code to the list of definitional provisions that are applicable to the Rules. That section was added to the Code by the 2005 amendments.



III. Information Items

(1) Statutory Time Periods Affected by the Time Computation Rule Changes

Bankruptcy Rule 9006 governs the computation of statutory periods as well as deadlines set out in the rules and court orders. Amending that rule to provide that intervening weekends and holidays are no longer to be excluded when the time period is less than 8 days would effectively shorten those time periods. The Advisory Committee reviewed the Bankruptcy Code and identified sixteen deadlines of less than 8 days in the Code. Ten of these deadlines are 5 day periods, four are 7 day periods, one is a 3 day period, and one is a 1 day period. The Advisory Committee recommends that, with the exception of one 5 day period that is expressed in terms of "business days," Congress expand the 5 day periods to 7 days, thereby essentially retaining the amount of time typically applicable under current law. The Advisory Committee recommends that the four 7 day periods set out in the Code remain 7 days. Retention of the 7 day deadlines arguably shortens those time periods, but adding two or three days to those deadlines would run counter to the policy of adopting periods in multiples of 7 days. Finally, the Advisory Committee recommends retaining the 3 and 1 day periods under the Code because the provision that includes the three day period is set out as "3 calendar days", so Congress has already provided a computation method for that deadline. Finally, the one day deadline cannot reasonably be extended without contradicting the apparent purpose of the current statute. Thus, the Advisory Committee recommends that the 5 day periods in the following provisions of the Bankruptcy Code be extended to 7 days: 11 U.S.C. §§ 109(h)(3)(A)(ii), 322(a), 332(a), 342(e)(2), 521(e)(3)(B), 521(i)(2), 704(b)(1)(B), 764(b), and 749(b).

(2) Backward Counting Deadlines

The Advisory Committee discussed at length the computation of backward counting deadlines under the proposed time-computation amendments. In particular, significant concern was expressed about the Time-Computation Committee's recommendation that state holidays be included in the computation method. Under subdivision (a)(5), a backward counting deadline that ends on a Saturday, Sunday, or holiday would continue to the "next day" that is not a Saturday, Sunday, or holiday. Since it is a "backward" counting deadline, if the last day of a backward counting period is a Saturday, the "next day" would be Friday, and the action or filing would have to be completed on or before that Friday. If the last day is a holiday, the same rule applies. That is, the next day that is before the holiday (and that is not also a Saturday, Sunday, or holiday) is the day on which the action or filing must occur.

The Advisory Committee is concerned that parties will be unaware of many state holidays and will suffer the loss of rights for failure to act timely under the backward counting system as it applies to lesser known state holidays. Many of these holidays are not well known, and they pass without any other recognition by the federal courts. Nonetheless, a backward counting deadline that ends on Victory Day in Rhode Island (the second Monday in August), would not end on that day, but would end on the Friday before that day. This would shorten the time for a party to act,

even though the federal court is open and operating on the day of the state holiday.

To the extent that the decision not to exclude state holidays from the backward counting method was based on the assumption that there are relatively few of these deadlines, that assumption may not be appropriate for the Bankruptcy Code. The Code includes 80 backward counting deadlines. Attached is a spreadsheet that sets out these deadlines. Also attached is a spreadsheet that sets out the 18 backward counting deadlines included in the Bankruptcy Rules. The Advisory Committee recognizes the interest in and need for uniformity in the adoption of a time computation rule, but it also believes that an exclusion from the backward counting method for state holidays might be appropriate.

(3) Draft Minutes

Draft minutes of the March 2008 meeting of the Advisory Committee are attached.

ATTACHMENTS

Spreadsheet of Comments on the Extension of the Deadline for Filing a Notice of Appeal
Spreadsheets on Backward Counting Deadlines in the Bankruptcy Code and Rules
Draft Minutes of March 2008 Advisory Committee Meeting

BANKRUPTCY RULE 8002
COMMENTS

Comment #	Name	Status	10	14	30	
1	McKee	Pract	X			
2	Wizmur	BJ		X		
3	McGarity	BJ		X		
4	Heller	Staff Atty 10th Cir			X	
5	Efremsky	BJ		X		
6	Myers, T	BJ		X		
7	Tucker	Pract			X	
8	Boswell	BJ		X		
9	Boroff	BJ		X		
10	Sontchi	BJ		X		
11	Lyons	BJ			X	
12	Fitzgerald	BJ	X			
13	Kressel	BJ			X	
14	Dodd	BJ	X			
15	Easterbrook	7TH CIR		X		
16	Brown	BJ		X		
17	Adams	BJ		X		
18	McCullough	BJ	X			
19	Goldgar	BJ		X		
20	Grammar Gay	Court Clerk			X	
21	Starzinski	BJ			X	
22	Mahoney, T	BJ			X	
23	Bussart	Pract		X		
24	Rogan	Pract	X			
25	Lennox	Pract	X			
26	Resnick	Prof	X			
27	Schermer	BJ	X			This comment was submitted by the four Bankruptcy Judges and the Clerk for the ED Mo
28	ABI	Assoc		X		This is an aggregation of responses, and I would suggest that the position might also be correctly characterized as a preference for a 10 day deadline
29	Brandt	BJ	X			
30	Mich Bar	Assoc	X			
31	Teel	BJ		X		The Clerk of the court also joined in this comment, and they suggest that 30 days is also acceptable
32	Cal Bar	Assoc	X			
33	NYC Bar	Assoc	X			
34	CLLA	Assoc	X			
35	Wallace	Court Clerk		X		
36	7th Cir	Assoc	X			This comment actually suggests that the deadline be made 7 days to conform to the multiple of 7 principle
37	ABA	Assoc	X			
BK-2	Klee	Pract	X			
BK-3	Mannes	BJ		X		
BK-7(same as 23)		Pract		X		
BK-9(same as 26)		Prof	X			
BK-13(same as 29)		BJ	X			
BK-15(same as 33)		Assoc	X			
BK-22	NBC	Assoc	X			
			17	16	7	

A		B		C		D		E		F		G		H		I		J		K					
Title		Section		Subsection		Nature of Deadline		Unit of Time		Hours		Days		Weeks		Months		Year(s)		Issues		Comments			
1																									
2																									
3																									
4	11	101		(10A), (A)(2)			The term "current monthly income" means the average monthly income from all sources that the debtor receives (or in a joint case the debtor and the debtor's spouse receive) without regard to whether such income is taxable income derived from the 6-month period ending on (i) the last day of the calendar month immediately preceding the date of the commencement of the case if the debtor files the schedule of current income required by section 521(a)(1)(B)(iii)																I believe time computation rules apply here- if the last day of the calendar month is on a weekend or legal holiday what is the proper unit of time? (6 months?)		
5	11	101		(14)(B)			The term "disinterested person" means a person that (A) is not a creditor, an equity security holder, or an insider (B) is not and was not within 2 years before the date of the filing of the petition a director, officer, or employee of the debtor.						6												
6	11	101		(22A)(A)			The term "financial participant" means (A) an entity that, at the time it enters into a securities contract, swap agreement, repurchase agreement, or forward contract, or at the time of the date of the filing of the petition, has one or more agreements or transactions described in paragraph (1) (2) (3) (4) (5) or (6) of section 561(e) with the debtor or any other entity (other than an affiliate) of a total in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than \$100,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than the affiliate) on any day during the previous 15-month period.										2								
7	11	101		(47)(A)			(47) The term "repurchase agreement" (which definition also applies to a reverse purchase agreement) (A) means (i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans interests in mortgage related acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers acceptance securities, mortgage loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer, or on demand, against the transfer of funds.																		
8	11	108		(a)(2)			(a) If applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding, or an agreement fixes a period within which the debtor may commence an action, and such period has not expired before the date of the filing of the petition, the trustee may commence such action only before the later of (1) the end of such period including any suspension of such period occurring on or after the commencement of the case or (2) two years after the order of relief.																		
9	11	108		(b)(2)			Except as provided in subsection (a) of this section, if applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding, or an agreement fixes a period within which the debtor or an individual protected under section 1201 or 1301 of this title may file any pleading, demand, notice, or proof of claim or loss, cure a default, or perform any other similar act, and such period has not expired before the date of the filing of the petition, the trustee may only file, cure, or perform as the case may be, before the later of (1) the end of such period, including any suspension of such period occurring on or after the commencement of the case or (2) 60 days after the order of relief.																		
10	11	108		(c)(2)			Except as provided in section 524 of this title, if applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding, or an agreement fixes a period for commencing or continuing a civil action in a court other than a bankruptcy court on a claim against the debtor, or against an individual with respect to which such individual is protected under section 1201 or 1301 of this title, and such period has not expired before the date of the filing of the petition, then such period does not expire until the later of (1) the end of such period, including any suspension of such period occurring on or after the commencement of the case or (2) 30 days after notice of the termination or expiration of the stay under section 362, 922, 1201, or 1301 of this title, as the case may be, with respect to such claim.						60												
11	11	109		(g)			Notwithstanding any other provision of this section, no individual or family farmer may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if (1) the case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case, or (2) the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title.																		

A		B		C		D		E		F		G		H		I		J		K			
Title		Section		Subsection		Title 11 of the Bankruptcy Code- Time Computation Rules		Unit of Time		Hours		Days		Weeks		Months		Year(s)		Issues		Comments	
1																							
2																							
3																							
12	11	109		(h)(1)					180														
13	11	109		(h)(2)(B)														1					
14	11	109		(h)(3)(A)(ii)					5														
15	11	109		(h)(3)(B)					30														
16	11	109		(h)(3)(B)					15														
17	11	110		(h)(2)														12					
18	11	110		(h)(3)(A)(i)																			
19	11	110		(h)(5)					30														
20	11	111		(b)(3)																			
21	11	111		(b)(5)					30														
22	11	303		(h)(2)					120														
23	11	322		(a)					5														
24	11	322		(d)																			2

A		B		C		D		E		F		G		H		I		J		K				
Title		Section		Subsection		Nature of Deadline		Unit of Time		Days		Weeks		Months		Year(s)		Issues		Comments				
25	11	329	(a)	Any attorney representing a debtor in a case under this title, or in connection with such a case, whether or not such attorney applies for compensation under this title, shall file with the court a statement of the compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition, 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.																				
26	11	331		A trustee, an examiner, a debtor's attorney or any professional person employed under section 327 or 1103 of this title may apply to the court not more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 330 of this title. After notice and a hearing, the court may allow and disburse to such applicant such compensation or reimbursement.				120																
27	11	332	(a)	If a hearing is required under section 363(b)(1)(B), the court shall order the United States trustee to appoint, not later than 5 days before the commencement of the hearing, 1 disinterested person (other than the United States trustee) to serve as the consumer privacy ombudsman in the case and shall require final notice of such hearing be timely given to such ombudsman.				6																
28	11	333	(a)(1)	If the debtor in a case under chapter 7 or 11 is a health care business, the court shall order, not later than 30 days after the commencement of the case, the appointment of an ombudsman to monitor the quality of patient care and to represent the interests of the patients of the health care business unless the court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case.				30																
29	11	333	(b)(2)	An ombudsman appointed under subsection (a) shall (1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians; (2) not later than 60 days after the date of appointment, and not less frequently than at 60-day intervals thereafter, report to the court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor.				60																
30	11	342	(c)(2)(A)	If, within the 90 days before the commencement of a voluntary case, a creditor supplies the debtor, in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number.				90														such 90-day period refers that the 90-day period discussed in Section 342 (c)(2)(A) above		
31	11	342	(c)(2)(B)	If a creditor would be in violation of applicable nonbankruptcy law by sending any such communication within such 90-day period and if such creditor supplies the debtor in the last 2 communications with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number.				90																
32	11	342	(d)	In a case under chapter 7 of this title in which the debtor is an individual and in which the presumption of abuse arises under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has arisen.				10																
33	11	342	(e)(2)	Any notice in such case required to be provided to such creditor by the debtor or the court later than 5 days after the court and the debtor receive such creditor's notice of address, shall be provided to such address.				5																
34	11	342	(f)(2)	In any case filed under chapter 7 or 13, any notice required to be provided by a court with respect to which a notice is filed under paragraph (1) to such entity later than 30 days after the filing of such notice under paragraph (1) shall be provided to such address unless with respect to a particular case a different address is specified in a notice filed and served in accordance with subsection (g).				30																
35	11	347	(a)	Ninety days after the final distribution under sections 726, 1226, or 1326 of this title in a case under chapter 7, 12 or 13 of this title, as the case may be, the trustee shall stop payment on any check remaining unpaid, and any remaining property of the estate shall be paid into the court and disposed of under chapter 129 of title 28.				90																
36	11	351	(1)(A)	If a health care business commences a case under chapter 7 or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements may apply: (1) The trustee shall (A) promptly publish notice in 1 or more appropriate newspapers that if records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification the trustee will destroy the patient records, and				365																

1	2	3	A	B	C	D	E				F				K
							Title 11 of the Bankruptcy Code - Time Computation Rules				Nature of Deadline				
Title	Section	Subsection	Hours	Days	Weeks	Months	Years	Days	Weeks	Months	Years	Days	Weeks	Months	Years
37	11	(1)(B)	180												
38	11	(2)	365												
39	11	(b)(12)	90												
40	11	(b)(13)	90												
41	11	(b)(20)													
42	11	(b)(23)	30												
43	11	(c)(3)	30												
44	11	(c)(3)(A)	30												
45	11	(c)(3)(B)	30												

		Title 11 of the Bankruptcy Code- Time Computation Rules													
		Nature of Deadline													
1	2	3	A	B	C	D	E			F			J	K	
							Section	Subsection	Hours	Days	Weeks	Months			Year(s)
46	11		362	(c)(3)(C)(i)(i)											
47	11		362	(c)(9)(C)(i)(ii)											
48	11		362	(c)(4)(B)											
49	11		362	(c)(4)(D)(i)											
50	11		362	(d)(3)											
51	11		362	(d)(4)(E)											
52	11		362	(e)(1)											
53	11		362	(e)(2)(A)											
54	11		362	(f)(1)(A) & (B)											
55	11		362	(f)(3)(A)											

1	2	3	A	B	C	D	E				F				K
							Title 11 of the Bankruptcy Code- Time Computation Rules		Nature of Deadline		Unit of Time		Issues		
							Hours	Days	Weeks	Months	Year(s)				
56	11	362	(m)(1)			Except as otherwise provided in this subsection (b)(2)(3) shall apply on the date that is 15 days after the date on which the lessor files and serves a certification described in subsection (b)(2)(3) if the debtor files and serves the objection under subparagraph (A), the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the situation giving rise to the lessor's certification under paragraph (1) existed or has been remedied		15							
57	11	362	(m)(2)(B)			If the debtor fails to file within 15 days an objection under paragraph (2)(A) subsection (b)(2)(3) shall apply immediately upon such failure and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property, and (B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating such failure		10							
58	11	362	(m)(3)(A) & (B)			If notification is required under subsection (a) of section 7A of the Clayton Act in the case of a transaction under this subsection then (B) not withstanding subsection (b) of such section the required waiting period shall end on the 15th day after the day of the receipt by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice of the notification required under such subsection (a) unless such waiting period is extended (i) pursuant to subsection (e)(2) of such section in the same manner as such subsection (e)(2) applies to a cash tender offer (ii) pursuant to subsection (g)(2) of such subsection or (iii) by the court after notice and a hearing		15							
59	11	363	(b)(2)(B)(i)-(iii)			In a case under chapter 7 of this title if the trustee does not assume or reject an executory contract or unexpired lease of residential real property or of personal property of the debtor within 60 days after the order for relief or within such additional time as the court for cause within such 60-day period fixes then such contract or lease is deemed rejected		15							
60	11	365	(d)(1)			The trustee shall timely perform all the obligations of the debtor except those specified in section 365(b)(2), arising from and after the order for relief under any unexpired lease of nonresidential real property until such lease is assumed or rejected notwithstanding section 503(b)(1) of this title. The court may extend for cause the time for performance of any such obligation that arises within 60 days after the date of the order for relief but the time for performance shall not be extended beyond such 60-day period. This subsection shall not be deemed to affect the trustee's obligations under the provisions of subsection (b) or (f) of this section. Acceptance of any such performance does not constitute waiver or relinquishment of the lessor's rights under such lease or under this title		60							
61	11	365	(d)(3)			Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of (i) the date that is 120 days after the date of the order for relief or (ii) the date that is 90 days after the date of the order for relief		120							
62	11	365	(d)(4)(A),(i)			for 90 days on the motion of the trustee or lessor for cause		90							
63	11	365	(d)(4)(B)(i)			The trustee shall timely perform all of the obligations of the debtor except those specified in section 365(b)(2), first arising from or after 60 days after the order for relief in a case under chapter 11 of this title under an unexpired lease of personal property (other than personal property leased to an individual primarily for personal family or household purposes) until such lease is assumed or rejected not withstanding section 503(b)(1) of this title unless the court after notice and a hearing based on the equities of the case orders otherwise with respect to the obligations or timely performance thereof		60							
64	11	365	(d)(5)			If not later than 30 days after notice is provided under subparagraph (A) the debtor notifies the lessor in writing that the lease is assumed the liability under the lease will be assumed by the debtor and not by the estate		30							
65	11	365	(p)(2)(E)			Such utility may after refuse or discontinue service if neither the trustee nor the debtor within 20 days after the date of the order for relief furnishes adequate assurance of payment in the form of a deposit or other security for service after such date		20							
66	11	366	(b)			Subject to paragraphs (3) and (4) with respect to a case filed under chapter 11 a utility referred to in subsection (a) may after refuse or discontinue utility service, if during the 30-day period beginning on the date of the filing of the petition the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility		30							
67	11	366	(c)(2)												

1	2	3	A	B	C	D	E					J	K			
							Title	Section	Subsection	Nature of Deadline	Unit of Time			Hours	Days	Weeks
68	11	502	(b)(9)			Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition and shall allow such claim in such amount, except to the extent that (9) proof of such claim is not timely filed, except to the extent lawfully filed as permitted under paragraph (1), (2), or (3) of section 726(a) of this title or under the Federal Rules of Bankruptcy Procedure, except that a claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the Federal Rules of Bankruptcy Procedure may provide, and except that in a case under chapter 13 a claim of a governmental unit for a tax with respect to a return filed on or before the date that is 60 days after the date on which such return was filed as required.	180	60								
69	11	502	(k)(1)			The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on an unsecured consumer debt by not more than 20 percent of the claim, if (B) the offer of the debtor under subparagraph (A)(v) was made at least 60 days before the date of the filing of the petition and	60								The 60 day period discussed in 11 USC 502(k)(2)(B) refers to the 60 day period discussed in 502(k)(1).	
70	11	503	(b)(7)			After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title including (7) with respect to a nonresidential real property lease previously assumed under section 365 and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or a penalty provision, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from an entity other than the debtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6).										
71	11	503	(b)(9)			After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title including (9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.	20									
72	11	505	(a)(2)(B)(i)			The court may not so determine (B) any right of the estate to a tax refund before the earlier of (i) 120 days after the trustee properly requests such refund from the governmental unit from which such refund is claimed	120									
73	11	505	(b)(2)(A)(i) & (ii)			A trustee may request a determination of any unpaid liability of the estate for any tax incurred during the administration of the case by submitting a tax return for such tax and a request for such a determination to the governmental unit charged with responsibility for collection or determination of such tax at the address and in the manner designated in paragraph (1). Unless such return is fraudulent or contains a material misrepresentation of the estate, the trustee or the debtor, and any successor to the debtor are discharged from any liability for such tax (A) upon payment of the tax shown on such return, if (i) such governmental unit does not notify the trustee within 60 days after such request that such return has been selected for examination, or (ii) such governmental unit does not complete such an examination and notify the trustee of any tax due, within 180 days after such request. The following expenses and claims have priority in the following order: (4) Fourth allowed unsecured claims, but only to the extent of \$10,000 for each individual or corporation, as the case may be, earned within 180 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first.	60	180								
74	11	507	(a)(4)			Fifth, allowed unsecured claims for contributions to an employee benefit plan (A) arising from services rendered within 180 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first.	180									
75	11	507	(a)(5)(A)			Eighth, allowed unsecured claims of governmental units, only to the extent that such claims are for (A) a tax on or measured by income or gross receipts for a taxable year ending on or before the date of the filing of the petition (i) for which a return, if required, is last due, including extensions, after three years before the date of the filing of the petition.	180									
76	11	507	(a)(8)(A)(i)			Eight, allowed unsecured claims of governmental units, only to the extent that such claims are for (A) a tax on or measured by income or gross receipts for a taxable year ending on or before the date of the filing of the petition (ii) assessed within 240 days before the date of the filing of the petition, exclusive of										
77	11	507	(a)(8)(A)(ii)			(vi) assessed within 240 days before the date of the filing of the petition, exclusive of (i) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days	240									
78	11	507	(a)(8)(A)(iii)(I)			assessed within 240 days before the date of the filing of the petition, exclusive of (ii) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period, plus 90 days	30									
79	11	507	(a)(8)(A)(iii)(II)			Eight, allowed unsecured claims of governmental units, only to the extent that such claims are for (B) a property tax incurred before the commencement of the case and last payable without penalty after one year before the date of the filing of the petition.	90									
80	11	507	(a)(8)(B)													

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							Title 11 of the Bankruptcy Code - Time Computation Rules							
Title	Section	Subsection	Nature of Deadline				Unit of Time	Days	Weeks	Months	Years	Year(s)		
81	11	507	(a)(8)(D)				Eight unsecured claims of governmental units, only to the extent that such claims are for (D) an employment tax on a wage, salary, or commission of a kind specified in paragraph (4) of this subsection earned from the debtor before the date of the filing of the petition, whether or not actually paid before such date, for which a return is last due under applicable law or under any extension after three years before the date of the filing of the petition.					3		
82	11	507	(a)(9)(E)(i)				Eight unsecured claims of governmental units, only to the extent that such claims are for (E) an excise tax on (i) a transaction occurring before the date of the filing of the petition for which a return, if required, is last due under applicable law or under any extension, after three years before the date of the filing of the petition, or					3		
83	11	507	(a)(9)(E)(ii)				if a return is not required a transaction occurring during the three years immediately preceding the date of the filing of the petition.					3		
84	11	507	(a)(9)(F)(i)				Eight unsecured claims of governmental units, only to the extent that such claims are for (F) a customs duty arising out of the importation of merchandise (i) entered for consumption within one year before the date of the filing of the petition,					1		
85	11	507	(a)(9)(F)(ii)				covered by an entry liquidated or reliquidated within one year before the date of the filing of the petition, or entered for consumption within four years before the date of the filing of the petition but unliquidated on such date, if the Secretary of the Treasury certifies that failure to liquidate such entry was due to an investigation pending on such date into assessment of antidumping or countervailing duties or fraud, or if information needed for the proper appraisal or classification of such merchandise was not available to the appropriate customs officer before such date, or					1		
86	11	507	(a)(8)(F)(iii)				An otherwise applicable time period specified in this paragraph shall be suspended for any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection taken or proposed against the debtor, plus 90 days plus any time during which the stay of proceedings was in effect a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days					4		
87	11	507	(a)(8)(G)				copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor.	90/90						
88	11	521	(a)(1)(B)(v)				a statement disclosing any reasonable anticipated increased in income or expenditures over the 12-month period following the date of the filing of the petition.	60						
89	11	521	(a)(1)(B)(vi)				within thirty days after the date of the filing of a petition under chapter 7 of this title or on or before the date of the meeting of creditors, whichever is earlier, or within such additional time as the court, for cause, within such period fixes the debtor shall file with the clerk a statement of his intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property	12						In sections (a)(2)(A) and (a)(2)(B) thirty days is written three different ways (thirty days 30 days 30-days)
90	11	521	(a)(2)(A)				within 30 days after the first date set for the meeting of creditors under section 341(a), or within such additional time as the court, for cause, within such 30-day period fixes, the debtor shall perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph, and	30						
91	11	521	(a)(2)(B)				in a case under chapter 7 of this title in which the debtor is an individual not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in such personal property unless the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either (A) enters into an agreement with the creditor pursuant to section 524(c) with respect to the claim secured by such property, or (B) reaffirms such property from the security interest pursuant to section 722.	30						
92	11	521	(a)(6)				The debtor shall provide (i) not later than 7 days before the date first set for the first meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed	45						
93	11	521	(e)(2)(A)(i)				by a creditor in a case under chapter 13 files with the court at any time a request to receive a copy of the plan filed by the debtor, then the court shall make available to such creditor a copy of the plan (A) at a reasonable cost, and (B) not later than 5 days after such request is filed	7						
94	11	521	(e)(3)(B)				in a case under chapter 13 (A) on the date that is either 90 days after the end of such tax year or, if year after the date of the commencement of the case, whichever is later, if a plan is not confirmed before such later date, and	5						
95	11	521	(f)(4)(A)				annually after the plan is confirmed and until the case is closed, not later than the date that is 45 days before the anniversary of the confirmation of the plan.	30				1		
96	11	521	(f)(4)(B)				Subject to paragraphs (2) and (4) and notwithstanding section 707(e), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 45th day after the date of the filing of the petition.	45						
97	11	521	(i)(1)					45						

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							Title 11 of the Bankruptcy Code - Time Computation Rules						
			Title	Section	Subsection	Nature of Deadline	Hours	Days	Weeks	Months	Year(s)	Issues	Comments
98	11	521			(b)(2)	Subject to paragraph (4) and with respect to a case described in paragraph (1) any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.		5					
99	11	521			(j)(3)	Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.		45/45					
100	11	521			(j)(2)	If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after the request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case whichever is in the best interests of creditors and the estate.		90					
101	11	522			(b)(3)(A)	Property listed in this paragraph is (A) subject to subsections (o) and (p) any property that is exempt under Federal law other than subsection (d) of this section, or State or local law that is applicable on the date of the filing of the petition at the place in which the debtor's domicile has been located for the 730 days immediately preceding the date of the filing of the petition or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile has not been located at a single State for such 730-day period or for a longer portion of such 180-day period than in any other place.		730/180					
102	11	522			(b)(4)(D)(ii)(I)	Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code or 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such distribution. (i) A distribution described in this clause is an amount that (I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, and (II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of such amount.		60					
103	11	522			(p)(1)	Except as provided in paragraph (2) of this subsection and sections 544 and 548, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 1215-day period preceding the date of the filing of the petition that exceeds in the aggregate \$125,000 in value in (A) real or personal property that the debtor or a dependent of the debtor uses as a residence, (B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, (C) a burial plot for the debtor or a dependent of the debtor, or (D) real or personal property that the debtor or dependent of the debtor claims as a homestead.		1215				For the time computation rule the computation must be made for the first day of the period.	
104	11	522			(p)(2)(B)	For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of such 1215-day period) into the debtor's current principal residence, if the debtor's previous and current residences are located in the same State.		1215					
105	11	522			(q)(1)(B)(v)	the debtor owes a debt arising from (v) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.					5		
106	11	523			(e)(1)(B)(vi)	A discharge under section 727, 1141, 1228(e), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt (1) for tax or a customs duty (B) with respect to which a return or equivalent report or notice if required (i) was not filed or given, or (ii) was filed or given after the date on which such return, report or notice was last due, under applicable law or under any extension, and after two years before the date of the filing for the petition.					2		
107	11	523			(a)(2)(C)(ii)	for the purposes of subparagraph (A) (i) consumer debts owed to a single creditor and aggregating more than \$500 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable, and		90					
108	11	523			(a)(2)(C)(iii)	cash advances aggregating more than \$750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title are presumed to be nondischargeable.		70					
109	11	523			(a)(7)(B)	to the extent such debt is for a fine, penalty or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss, other than a tax penalty (B) imposed with respect to a transaction or event that occurred before three years before the date of the filing of the petition.							
110	11	524			(k)(3)(j)(i)	Your right to rescind (cancel) your reaffirmation agreement. You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later.		60					
111	11	524			(m)(1)	Until 60 days after an agreement of the kind specified in subsection (c) is filed with the court (or such additional period as the court, after notice and a hearing and for cause, orders before the expiration of such period), it shall be presumed that such agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's complete and signed statement in support of such agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt.		60					

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Title		Section		Subsection		Nature of Deadline		Unit of Time		Days		Weeks		Months		Year(s)		Issues		Comments			
112	11	527	(a)(2)	A debt relief agency providing bankruptcy assistance to an assisted person shall provide (2) to the extent not covered in the written notice described in paragraph (1) and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person a clear and conspicuous written notice advise assisted persons that:																			
113	11	528	(a)(1)	A debt relief agency shall (1) not later than 5 business days after the first date on which such agency provides any bankruptcy assistance services to an assisted person but prior to such assisted person's petition under this title being filed execute a written contract with such assisted person that explains clearly and conspicuously (A) the services such agency will provide to such assisted persons and (B) the fees or charges for such services and the terms of payment.																			
114	11	541	(a)(5)	Any interest in property that would have been property of the estate if such interest had been an interest of the debtor on the date of the filing of the petition and that the debtor acquires or becomes entitled to acquire within 180 days after such date (A) by bequest devise or inheritance (B) as a result of a property settlement agreement with the debtor's spouse or of an interlocutory or final divorce decree, or (C) as a beneficiary of a life insurance policy or of a death benefit plan.																			
115	11	541	(b)(5)	Property of the state does not include (5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of the filing of the petition in a case under this title but:																			
116	11	541	(b)(5)(C)	(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date only so much of such funds as does not exceed \$5,000.																			
117	11	541	(b)(6)	Property of the state does not include (6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of the filing of the petition in a case under this title but:																			
118	11	541	(b)(6)(C)	(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date only so much of such funds as does not exceed \$5,000.																			
119	11	541	(b)(9)(A)	any interest in cash or cash equivalents that constitute proceeds of a sale by the debtor of a money order that is made (A) on or after the date that is 74 days prior to the date on which the petition is filed																			
120	11	543	(c)(3)	The court after notice and a hearing shall (3) surcharge such custodian other than an assignee for the benefit of the debtor's creditors that was appointed or took possession more than 120 days before the date of the filing of the petition for an improper or excessive disbursement other than a disbursement that has been made in accordance with applicable law or that has been approved after notice and a hearing by a court of competent jurisdiction before the commencement of the case under this title																			
121	11	543	(d)(2)	After notice and hearing, the bankruptcy court (2) shall excuse compliance with subsections (a) and (b)(1) of this section if the custodian is an assignee for the benefit of the debtor's creditors that was appointed or took possession more than 120 days before the date of the filing of the petition unless compliance with such subsections is necessary to prevent fraud or injustice																			
122	11	546	(a)(1)(A)	An action or proceeding under section 544 545 547 546 553 of this title may not be commenced after the earlier of (1) the later of (A) 2 years after the entry of the order for relief, or																			
123	11	546	(a)(1)(B)	(A) 1 year after the appointment or election of the first trustee under section 702 1104 1163 1202 or 1302 of this title if such appointment or such election occurs before the expiration of the period of specified in subparagraph (A)																			
124	11	546	(c)(1)	Except as provided in subsection (d) of this section and in section 507(c) and subject to the prior rights of a holder of a security interest in such goods or the proceeds thereof the rights and powers of the trustee under sections 544(b) 545 547 and 549 are subject to the right of a seller of goods that has sold goods to the debtor in the ordinary course of such seller's business to reclaim such goods if the debtor has received such goods while insolvent within 45 days before the date of the commencement of a case under this title but such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods.																			
125	11	546	(c)(1)(A)	not later than 45 days after the date of receipt of such goods by the debtor or																			
126	11	546	(c)(1)(B)	not later than 20 days after the date of commencement of the case if the 45-day period expires after the commencement of the case																			
127	11	546	(d)(1)	such producer or fisherman may not reclaim any grain or fish unless such producer or fisherman demands in writing reclamation of such grain or fish before ten days after receipt thereof by the debtor																			

		Title 11 of the Bankruptcy Code - Time Computation Rules																					
		Nature of Deadline																					
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1	2	3	Title	Section	Subsection	Hours	Days	Weeks	Months	Year(s)	Issues	Comments											
128	11	546	(h)		Notwithstanding the rights and powers of a trustee under sections 544(a), 545, 547, 548, and 553, if the court determines on a motion by the trustee made not later than 120 days after the date of the order for relief in a case under chapter 11 of this title and after notice and a hearing, that a return is in the best interests of the estate, the debtor, with the consent of a creditor and subject to the prior rights of holders of security interests in such goods or the proceeds of such goods, may return goods shipped to the debtor by the creditor before the commencement of the case and the creditor may offset the purchase price of such goods against any claim of the creditor against the debtor that arose before the commencement of the case.																		
129	11	547	(b)(4)(A)		Except as provided in subsections (c) and (i) of this section, the trustee may avoid any transfer of an interest of the debtor in property (4) made (A) on or within 90 days before the date of the filing of the petition, or	120																	
130	11	547	(b)(4)(B)		between ninety days and one year before the date of the filing of the petition, if such creditor at the time of such transfer was an insider, and	90				1													
131	11	547	(c)(3)(B)		The trustee may not avoid under this section, transfer (3) that creates a security interest in property acquired by the debtor (B) that is perfected on or before 30 days after the debtor receives possession of such property	30																	
132	11	547	(c)(5)(A)(i)		The trustee may not avoid under this section, transfer (5) that creates a perfected security interest in inventory or a receivable or the proceeds of either, except to the extent that the aggregate of all such transfers to the transferees caused a reduction as of the date of the filing of the petition and to the prejudice of other creditors holding unsecured claims, of any amount by which the debt secured by such security interest exceeded the value of all unsecured claims for such debt on the later of (A)(i) with respect to a transfer to which subsection (b)(4)(A) of this section applies, 90 days before the date of the filing of the petition, or	90																	
133	11	547	(c)(5)(A)(ii)		with respect to a transfer, which subsection (b)(4)(B) of this section applies, one year before the date of the filing of the petition.	90				1													
134	11	547	(e)(2)(A)		For the purposes of this section, except as provided in paragraph (3) of this subsection, a transfer is made (A) at the time such transfer takes effect between the transferor and the transferee, if such transfer is perfected at, or within 30 days after, such time, except as provided in subsection (c)(3)(B).	30																	
135	11	547	(e)(2)(B)		at the time such transfer is perfected, if such transfer is perfected after such 30 days, or	30																	
136	11	547	(e)(2)(C)(ii)		immediately before the date of the filing of the petition, if such transfer is not perfected at the later of (i) the commencement of the case, or (ii) 30 days after such transfer takes effect between the transferor and the transferee.	30																	
137	11	547	(f)		For the purposes of this section, the debtor is presumed to have been insolvent on and during the 90 days immediately preceding the date of the filing of the petition.	90																	
138	11	547	(i)		If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.	90																	
139	11	548	(a)(1)		The trustee may avoid any transfer (including any transfer to or for the benefit of an insider under an employment contract) of an interest of the debtor in property or any obligation (including any obligation to or for the benefit of an insider under an employment contract) incurred by the debtor, that was made or incurred on or within 2 years before the date of the filing of the petition.					1													
140	11	548	(b)		The trustee of a partnership debtor may avoid any transfer of an interest of the debtor in property, or any obligation incurred by the debtor, that was made or incurred on or within 2 years before the date of the filing of the petition, to a general partner in the debtor, if the debtor was insolvent on the date such transfer was made or such obligation was incurred, or became insolvent as a result of such transfer or obligation.					2													
141	11	548	(e)(1)		In addition to any transfer that the trustee may otherwise avoid, the trustee may avoid any transfer of an interest of the debtor in property that was made on or within 10 years before the date of the filing of the petition.																		
142	11	548	(d)(1)		An action or proceeding under this section may not be commenced after the earlier of (1) two years after the date of the transfer sought to be avoided.					10													
143	11	550	(c)		If a transfer made between 90 days and the year before the filing of the petition (1) is avoided under section 547(b) of this title, and (2) was made for the benefit of a creditor that, at the time of such transfer, was an insider, the trustee may not recover under subsection (a), from a transferee that is not an insider.	90																	
144	11	553	(e)(2)(B)(i)		Except as otherwise provided in this section and in sections 362 and 363 of this title, this title does not affect any right of a creditor to offset a mutual debt owing by such creditor to the debtor that arose before the commencement of the case under this title against a claim of such creditor against the debtor that arose before the commencement of the case, except to the extent that (2) such claim was transferred, by an entity other than the debtor, to such creditor (B)(i) after 90 days before the date of the filing of the petition.					1													
145	11	553	(a)(3)(A)		The debt owed to the debtor by such creditor was incurred by such creditor (A) after 90 days before the date of the filing of the petition.	90																	

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2	Title	Section	Subsection	Nature of Deadline	Unit of Time	Hours	Days	Weeks	Months	Year(s)	Issues	Comments
146	11	553	(b)(1)	Except with respect to a sheriff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 565, 569, 570, 561, 365(h), 546(h), or 365(j)(2) of this title, if a creditor offsets a mutual debt owing to the debtor against the debtor on or within 90 days before the date of the filing of the petition, then the trustee may recover from such creditor the amount so offset to the extent that any insufficiency on the date of such setoff is less than the insufficiency on the later of	90	90						
147	11	553	(b)(1)(A)	90 days before the date of the filing of the petition, and the first date during the 90 days immediately preceding the date of the filing of the petition on which there is an insufficiency	90	90						
148	11	553	(b)(1)(B)	For the purposes of this section, the debtor is presumed to have been insolvent on and during the 90 days immediately preceding the date of the filing of the petition	90	90						
149	11	553	(c)	Notwithstanding sections 362, 363, 365, and 554 of this title, on the court's own motion, the court may, and on the request of the trustee or an entity that claims an interest in grain or the proceeds for the grain, the court shall expedite the procedures for the determination of interests in and the disposition of grain and the proceeds of grain, by shortening to the greatest extent feasible such time periods as are otherwise applicable for such procedures and by establishing, by order, a timetable having a duration of not to exceed 120 days for the completion of the applicable procedure specified in subsection (d) of this section	120							
150	11	557	(c)(1)	The court may extend the period for final disposition of grain or the proceeds of grain under this section beyond 120 days if the court finds that (1) the interests of justice so require in light of the complexity of the case, and (2) the interests of those claimants entitled to distribution of grain or the proceeds of grain will not be materially injured by such additional delay	120							
151	11	557	(f)	With respect to a debtor who is an individual in a case under this chapter (A) the United States trustee (or the bankruptcy administrator, if any) shall review all materials filed by the debtor and not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b), and	10							
152	11	704	(a)(1)(A)	not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors	5							
153	11	704	(b)(1)(B)	The United States trustee (or the bankruptcy administrator, if any) shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee (or the bankruptcy administrator, if any) does not consider such a motion to be appropriate if the United States trustee (or the bankruptcy administrator, if any) determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income multiplied by 12 is not less than (A) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for 1 earner, or (B) in the case of a debtor in a household of 1 or fewer individuals	30							
154	11	704	(b)(2)	The court may dismiss a case under this chapter only after notice and a hearing and only for cause, including (3) failure of the debtor in a voluntary case to file, within fifteen days or such additional time as the court may allow after the filing of the petition commencing such case, the information required by paragraph (1) of section 521, but only on a motion by the United States trustee	15							
155	11	707	(a)(3)	Except as provided in section 510 of this title, property of the estate shall be distributed (1) first, in payment of claims of the kind specified in and in the order specified in, section 507 of this title, proof of which is timely filed to creditors of the summary of the trustee's final report, or (B) the date on which the trustee commences final distribution under this section	10							
156	11	726	(a)(1)(A)	The court shall grant the debtor a discharge unless (7) the debtor has committed any act specified in paragraph (2), (3), (4), (5), or (6) of this subsection, on or within one year before the date of the filing of the petition, or during the case, in connection with another case under this title or under the Bankruptcy Act concerning an insider,							1	
157	11	727	(a)(7)	The court shall grant the debtor a discharge unless (6) the debtor has been granted a discharge under this section, under section 1141 of this title, or under section 14.371 or 4.76 of the Bankruptcy Act, in a case commenced within 8 years before the date of the filing of the petition							8	
158	11	727	(a)(8)	The court shall grant the debtor a discharge unless (9) the debtor has been granted a discharge under section 1228 or 1328 of this title, or under section 660 or 661 of the Bankruptcy Act, in a case commenced within six years before the date of the filing of the petition, unless payments under the plan in such case totaled at least (A) 100 percent of the allowed unseasoned claims in such case, or (B)(i) 70 percent of such claims, and (ii) the plan was proposed by the debtor in good faith, and was the debtor's best effort,							6	
159	11	727	(a)(9)									

		A	B	C	D										K			
		Title	Section	Subsection	Title 11 of the Bankruptcy Code - Time Computation Rules										Comments			
		Nature of Deadline			Hours	Days	Weeks	Months	Years	Issues								
					Unit of Time													
160	11	727	(a)(11)	The court shall grant the debtor a discharge unless (1) after filing the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111, except that this paragraph shall not apply with respect to a debtor who is a person described in section 109(n)(4) or who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional courses under this section. (The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in this paragraph shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter), or					1									
161	11	727	(a)(12)	The court shall grant the debtor a discharge unless (12) the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is reasonable cause to believe that (A) section 522(q)(1) may be applicable to the debtor and (B) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).														
162	11	727	(e)	The trustee, a creditor, or the United States trustee may request a revocation of a discharge (1) under subsection (d)(1) of this section within one year after such discharge is granted	10													
163	11	741	(e)(B)	net equity means, with respect to all accounts of a customer that such customer has in the same capacity (B) any payment by such customer to the trustee, within 60 days after notice under section 342 of this title of any business-related claim of the debtor against such customer in such capacity	60													
164	11	744		Notwithstanding section 365(q)(1) of this title, the trustee shall assume or reject under section 365 of this title any executory contract of the debtor for the purchase or sale of a security in the ordinary course of the debtor's business within a reasonable time after the date of the order for relief, but not to exceed 30 days	30													
165	11	764	(b)	Notwithstanding sections 544, 545, 548, 549, and 724(a) of this title, the trustee may not avoid a transfer made before five days after the order for relief, if such transfer is approved by the Commission by rule or order either before or after such transfer, and if such transfer is (1) a transfer of a commodity contract entered into or carried by or through the debtor on behalf of a customer, and of any cash securities or other property margining or securing such commodity contract, or (2) the liquidation of a commodity contract entered into or carried by or through the debtor on behalf of a customer	5													The 60-day period refers to section (e)(2)(A) immediately above
166	11	1104	(b)(1)	Except as provided in section 1163 of this title, on the request of a party in interest made not later than 30 days after the court orders the appointment of a trustee under subsection (a), the United States trustee shall convene a meeting of creditors for the purpose of electing one disinterested person to serve as a trustee in the case	30													
167	11	1110	(e)(2)(A)	The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if (A) before the date that is 60 days after the date of the order for relief under this chapter the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract,	60													
168	11	1110	(a)(2)(B)(i)	any default, other than a default of a kind specified in section 365(b)(2) under such security agreement, lease, or conditional sale contract (i) that occurs before the date of the order is cured before the expiration of such 60-day period, (ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of (i) the date that is 30 days after the date of the default, or (ii) the expiration of such 60-day period, and (iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.	30													
169	11	1112	(a)(3)	the court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.	30/15													
170	11	1112	(e)	Except as provided in (c) and (f) the court, on request of the United States trustee, may convert a case under this chapter to a case under chapter 7 of this title or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate if the debtor in a voluntary case fails to file, within fifteen days after the filing of the petition commencing such case or such additional time as the court may allow, the information required by paragraph (1) of section 521, including a list containing the names and addresses of the holders of the twenty largest unsecured claims (or of all unsecured claims if there are fewer than twenty unsecured claims), and the approximate dollar amounts of each of such claims	16													
171	11	1113	(d)(1)	Upon the filing of an application for rejection the court shall schedule a hearing to be held not later than fourteen days after the date of the filing of such application.	14													
172	11	1113	(d)(1)	All interested parties may appear and be heard at such hearing. Adequate notice shall be provided to such parties at least ten days before the date of such hearing.	10													

		Title 11 of the Bankruptcy Code--Time Computation Rules										
		Nature of Deadline										
A	B	C	D		E	F	G	H	I	J	K	
Title	Section	Subsection	Unit of Time		Hours	Days	Weeks	Months	Years	Issues	Comments	
173	11	1113	(d)(1)		7							
174	11	1113	(d)(2)									
175	11	1114	(k)(1)		30							
176	11	1114	(k)(1)		14							
177	11	1114	(k)(1)		10							
178	11	1114	(k)(2)		7							
179	11	1114	(l)		90							
180	11	1116	(1)		7							
181	11	1116	(3)		30							
182	11	1121	(b)		120							
183	11	1121	(c)(3)		180							
184	11	1121	(d)(2)(A)									
185	11	1121	(d)(2)(B)									
186	11	1121	(e)(1)		180							
187	11	1121	(e)(2)		300							
188	11	1125	(f)(3)(B)		25							
189	11	1129	(a)(5)(C)(ii)									
190	11	1129	(e)		45							
191	11	1141	(d)(5)(C)		10							

A		B		C		D		E		F		G		H		I		J		K	
Title		Section		Subsection		Nature of Deadline		Unit of Time		Days		Weeks		Months		Year(s)		Issues		Comments	
192	11	1143																			
193	11	1145		(a)(3)(C)(i)																	
194	11	1145		(a)(3)(C)(ii)						180											
195	11	1145		(a)(4)						40											
196	11	1145		(d)																	
197	11	1146		(b)(2)						270											
198	11	1168		(a)(1)(A)						60											
199	11	1168		(a)(1)(B)(i)(i)						30											
200	11	1172		(b)						180											
201	11	1174																			
202	11	1201		(d)						20											
203	11	1221								90											
204	11	1222		(a)(4)																	
205	11	1222		(c)																	

I	A	B	C	D										K										
				Title 11 of the Bankruptcy Code - Time Computation Rules																				
2	Title	Section	Subsection	Nature or Deadline										Comments										
3																								
				Unit of Time																				
				Hours	Days	Weeks	Months	Year(s)						Issues										
206	11	1224		After expedited notice the court shall hold a hearing on confirmation of the plan. A party in interest, the trustee or the United States trustee may object to the confirmation of the plan. Except for cause, the hearing shall be concluded not later than 45 days after the filing of the plan. If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan then the court may not approve the plan unless, as of the effective date of the plan (B) the plan provides that all of the debtor's projected disposable income to be received in the three-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first payment is due under the plan will be applied to make payments under the plan; or (C) the value of the property to be distributed under the plan in the 3-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first distribution is due under the plan is not less than the debtor's projected disposable income for such period.										45										
207	11	1225	(b)(1)(B)	On request of a party in interest before one year after a discharge under this section is granted, an after notice and a hearing the court may revoke such discharge only if (1) such discharge was obtained by the debtor through fraud, and (2) the requesting party did not know of such fraud until after such discharge was granted.																				
208	11	1225	(b)(1)(C)	The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting that discharge finds that there is no reasonable cause to believe that (1) section 522(q)(1) may be applicable to the debtor, and (2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).																				
209	11	1228	(d)	A plan modified under this section may not provide for payments over a period that expires after three years after the time that the first payment under the original confirmed plan was due unless the court for cause approves a longer period, but the court may not approve a period that expires after five years after such time.																				
210	11	1228	(f)	On request of a party in interest at any time within 180 days after the date of the entry of an order of confirmation under section 1225 of this title and after notice and a hearing the court may revoke such order if such order was procured by fraud.										180										
211	11	1229	(c)	The court may authorize the proponent of a plan to request a determination limited to questions of law by any governmental unit charged with responsibility for collection or determination of a tax on or measured by income of the tax effects under section 346 of this title and under the law imposing such tax of the plan. In the event of an actual controversy the court may declare such effects after the earlier of (1) the date on which such governmental unit responds to the request under this subsection, or (2) 270 days after such request.										270										identical to section 1201(d) above
212	11	1230	(a)	Twenty days after the filing of a request under subsection (c)(2) of this section for relief from the stay provided by subsection (a) of this section such stay is terminated with respect to the party in interest making such request unless the debtor or any individual that is liable on such debt with the debtor files and serves upon such party in interest a written objection to the taking of the proposed action.										20										
213	11	1231	(b)(2)	Except as provided in subsection (3) of this section on request of a party in interest or the United States trustee and after notice and a hearing the court may convert a case under this chapter to a case under chapter 7 of this title or may dismiss a case under this chapter whichever is in the best interests of creditors and the estate for cause including (9) only on request of the United States trustee failure of the debtor to file within fifteen days or such additional time as the court may allow after the filing of the petition commencing such case the information required by paragraph (1) of section 521.										15										
214	11	1301	(d)	Subject to paragraph (2) if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a) the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unpaid returns but such additional period of time shall not extend beyond (A) for any return that is past due as of the date of the filing of the petition the date that is 120 days after the date of that meeting, or (B) for any return that is not past due as of the date of the filing of the petition the later of (i) the date that is 120 days after the date of that meeting or (ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled and for which request is timely made in accordance with applicable bankruptcy law.										120										
215	11	1307	(c)(9)	After notice and a hearing and order entered before the tolling of any applicable filing period determined under this subsection if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor the court may extend the filing period by the trustee under this subsection for (A) a period of not more than 30 days for returns described in paragraph (1).										120										
216	11	1308	(b)(1)(A)	The plan shall (4) notwithstanding any other provision of this section a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.																				
217	11	1308	(b)(1)(B)(i)	If the current monthly income of the debtor and the debtor's spouse combined when multiplied by 12 is not less than (C) in the case of a debtor in a household exceeding 4 individuals the highest median family income of the applicable State for a family of 4 or fewer individuals plus \$525 per month for each individual in excess of 4 the plan may not provide for payments of a period that is longer than 3 years.																				
218	11	1308	(b)(2)(A)																					
219	11	1322	(b)(4)																					
220	11	1322	(d)(1)(C)																					

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1	2	Title	Section	Subsection	Nature of Deadline	Unit of Time	Hours	Days	Weeks	Months	Years	Issues	Comments								
221	11	1322	(d)(2)(C)	If the current monthly income of the debtor and the debtor's spouse combined when multiplied by 12 is not less than (C) in the case of a debtor in a household exceeding 4 individuals the highest median family income of the applicable State for a family of 4 or fewer individuals plus \$525 per month for each individual in excess of 4 the plan may not provide for payments over a period that is longer than 3 years unless the court for cause approves of a longer period but the court may not approve a period that is longer than 5 years							3/5	2									
222	11	1324	(b)	The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a) unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date			20/45														
223	11	1325	(e)(9)	For purposes of paragraph (5) section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim the debt was incurred within the 90-day period preceding the date of the filing of the petition and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor or if collateral for that debt consists of another thing of value if the debt was incurred during the 1-year period preceding that filing			9/10				1										
224	11	1325	(b)(4)(A)(i)	For purposes of this subsection the "applicable commitment period" (A) subject to subparagraph (B) shall be (i) 3 years, or							3										
225	11	1325	(b)(4)(A)(ii)	multiplied by 5 years if the current monthly income of the debtor and the debtor's spouse combined when multiplied by 12 is not less than (j) in the case of a debtor in a household of 1 person the median family income of the applicable State for 1 earner (ii) in the case of a debtor in a household of 2, 3, or 4 individuals the highest median family income of the applicable State for a family of the same number or fewer individuals or (iii) in the case of a debtor in a household exceeding 4 individuals the highest median family income of the applicable State for a family of 4 individuals plus \$25 per month for each individual in excess of 4, and							6										
226	11	1326	(e)(1)	Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief whichever is earlier in the amount (A) proposed by the plan to the trustee			30														
227	11	1326	(a)(4)	Not later than 60 days after the date of filing of a case under this chapter a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property			60														
228	11	1328	(f)(1)	Notwithstanding subsections (a) and (b) the court shall not grant a discharge of all debts provided for in the plan or disallowed under section 502 if the debtor has received a discharge (1) in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or							4										
229	11	1328	(f)(2)	in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order							2										
230	11	1328	(g)(3)	The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in paragraph (2) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter							1										
231	11	1328	(h)	The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting that discharge finds that there is no reasonable cause to believe that (1) section 522(q)(1) may be applicable to the debtor and (2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B)			10						identical to section 1228(f) above								
232	11	1329	(c)	A plan modified under this section may not provide for payments over a period that expires after the applicable commitment period under section 1325(b)(1)(B) after the time that the first payment under the original confirmed plan was due unless the court for cause approves of a longer period but the court may not approve a period that expires after five years after such time																	
233	11	1330	(a)	On request of a party in interest at any time within 180 days after the date of the entry of an order of confirmation under section 1325 of this title and after notice and a hearing the court may revoke such order if such order was procured by fraud			180				5										
234	11	749	(b)	Notwithstanding sections 544 546 547 548 549 and 724(a) of this title the trustee may not avoid a transfer made before five days after the order for relief if such transfer is approved by the Commission by rule or order either before or after such transfer and if such transfer (1) a transfer of a securities contract entered into or carried by or through the debtor on behalf of a customer and of any cash security or other property margining or securing such securities contract or (2) the liquidation of a securities contract entered into or carried by or through the debtor on behalf of a customer			5														
235	11	1308	(a)	Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a) if the debtor was required to file a tax return under applicable nonbankruptcy law the debtor shall file with the appropriate tax authorities all tax returns for all tax periods ending during the 4-year period ending on the date of the filing of the petition			1														

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Title 18 of the Bankruptcy Code- Time Computation Rules																					
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Title	Section	Subsection	Nature of Deadline	Unit of Time	Hours	Days	Weeks	Months	Year(s)	Issues	Comments										
16	1961	(5)	"pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity						10												
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A	B	C	D	E	F	G	H	I	J	K
1			Title 28 of the Bankruptcy Code- Time Computation Rules							
2	Title	Section	Subsection	Unit of Time	Days	Weeks	Months	Year(s)	Issues	Comments
3				Hours						
4	28	152	(e)(1)		180					
			Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the circuit court of appeals to the United States for the circuit in which such district is located. Such appointments shall be made after considering the recommendations of the Judicial Conference submitted pursuant to subsection (b). Each bankruptcy judge shall be appointed for a term of fourteen years, subject to the provisions of subsection (e). However, upon the expiration of the term, a bankruptcy judge may, with the approval of the judicial council of the circuit, continue to perform the duties of the office until the earlier of the date which is 180 days after the expiration of the term or the date of the appointment of a successor.							
5	28	152	(B)(2)(C)(i)(II)		180					
			If a bankruptcy court issues an order exercising its authority under subparagraph (A), the court (i) through the Administrative Office of the United States courts, shall (ii) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order.							
6	28	158	(b)(1)		90					
			The judicial council of a circuit shall establish a bankruptcy appellate panel service composed of bankruptcy judges of the districts in the circuit who are appointed by the judicial council in accordance with paragraph (3), to hear and determine, with the consent of all the parties, appeals under subsection (a) unless the judicial council finds that: (A) there are insufficient judicial resources available in the circuit, or (B) the establishment of such service would result in undue delay or increased cost to parties in cases under title 11. Not later than 90 days after making the finding, the judicial council shall submit to the Judicial Conference of the United States a report containing the factual basis of such finding.							
7	28	158	(c)(1)(B)		30					
			Subject to subsections (b) and (d)(2), each appeal under subsection (a) shall be heard by a 3-judge panel of the bankruptcy appellate panel service established under subsection (b)(1) unless (B) any other party elects, not later than 30 days after the service of notice of the appeal.							
8	28	158	(d)(2)(E)		60					
			Any request under subparagraph (B) for certification shall be made not later than 60 days after the entry of the judgment, order, or decree.							
9	28	586	(d)(2)		90					
			A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the district court of the United States for which the panel to which the trustee is appointed under subsection (a)(1), or in the district court of the United States for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies.							
10	28	589a	(d)		120					
			The Attorney General shall transmit to the Congress, not later than 120 days after the end of each fiscal year, a detailed report on the amounts deposited in the Fund and a description of expenditures made under this subsection.							

A	B	C	D	E	F	G	H	I	J	K
			Title 28 of the Bankruptcy Code- Time Computation Rules							
			Nature of Deadline	Unit of Time	Days	Weeks	Months	Year(s)	Issues	Comments
1				Hours						
2										
3										
11	28	604	(a)(3)							
				The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference of the United States, shall: (3) Submit to the annual meeting of the Judicial Conference of the United States, at least two weeks prior thereto, a report of the activities of the Administrative Office and the state of the business of the courts, together with the statistical data submitted to the chief judges of the circuits under paragraph (a)(2) of this section, and the Director's recommendations, which report, data and recommendations shall be public documents.						
12	28	657	(c)(1)		30					
				Within 30 days after the filing of an arbitration award with a district court under subsection (a), any party may file a written demand for a trial de novo in the district court.						
				Except as provided in section 1410 of this title, a case under title 11 may be commenced in the district court for the district (1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States of such person were located in any other district.						
13	28	1408	(1)		180					
				The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.						
14	28	1930	(a)(6)							
				??- What if the last day of the calendar month is on Sunday or a holiday?						