

## LOCAL BANKRUPTCY RULES (“LBR”)

### PART I

#### COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

##### BANKRUPTCY LOCAL RULE 1001-1 TITLE, APPLICATION AND SCOPE OF RULES

**(a) Title and Scope.** The Federal Rules of Bankruptcy Procedure (“FRBP”) and Official Bankruptcy Forms, promulgated under 28 U.S.C. § 2075, together with these local rules govern practice and procedure in all bankruptcy cases and adversary proceedings in this district. They may be cited as “LBR \_\_\_\_.”

**(b) Relationship to Bankruptcy Rules.** These rules are divided into nine parts to be consistent in format with the Federal Rules of Bankruptcy Procedure. These local rules supplement the applicable Federal Rules of Bankruptcy. They shall be construed so as to be consistent with those rules and to promote the just, efficient, speedy and economical determination of every bankruptcy case and adversary proceeding. The numbering of these rules attempts to conform to the uniform numbering system for local bankruptcy rules, approved by the Advisory Committee on Bankruptcy Rules, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. In most cases, a local rule relates to a similarly numbered federal rule.

**(c) Relationship to Federal Rules of Civil Procedure.** Whenever a Federal Rule of Civil Procedure (“F.R.Civ.P.”) is incorporated, it shall be incorporated as modified by the Federal Rules of Bankruptcy Procedure.

**(d) Relationship to District Court of Guam Local Rules.** These rules shall incorporate the Local Rules of the District Court of Guam as appropriate.

**(e) Definitions.** The word “clerk” refers to the clerk or a deputy clerk of the Bankruptcy Division of the District Court of Guam. Except where the context otherwise requires, the word “court” refers to the Bankruptcy Division of the District Court of Guam and to the Judge acting on behalf of the court with respect to a matter within the court’s jurisdiction. The acronym “CM/ECF” means the Case Management/Electronic Case Files system used in the Bankruptcy Division of the District Court of Guam. “Debtor” includes the joint debtor, if any. The symbol “§” refers to a section under title 11 of the United States Code, unless another title is cited.

**(f) Application to Persons Appearing Without Counsel.** A person who appears and is not represented by counsel must comply with the Local Bankruptcy Rules. Each reference in the Local Bankruptcy Rules to “attorney” or “counsel” applies equally to a party who is not represented by counsel, unless the context otherwise requires.

**(g) Modification.** The Local Bankruptcy Rules apply uniformly throughout the district, but are not intended to limit the discretion of the court. The court may waive the application of any Local Bankruptcy Rule in any case or proceeding, or make additional orders as it deems appropriate, in the interest of justice

**(h) Sanctions for Noncompliance with Rules.** Failure of counsel or of a party to comply with these Rules, with the F.R.Civ.P.. or the FRBP, or with any order of the court may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the court, including, without limitation, dismissal of any action, entry of default, finding of contempt, imposition of monetary sanctions or attorney's fees and costs, and other lesser sanctions.

**(i) Procedures Outside the Rules.** The court may make such orders supplementary or contrary to the provisions of these Rules as it may deem appropriate and in the interests of justice in any particular proceeding.

**(j) Effective Date.** These rules take effect on \_\_\_\_, 2012, and shall apply to all cases and adversary proceedings pending on that date except to the extent the Court determines that such application would materially prejudice the rights of a party.

#### **BANKRUPTCY LOCAL RULE 1001-2 RULES OF CONSTRUCTION**

**(a) Construction of Terms.** As used in these rules –

- (1) “must” is mandatory
- (2) “must not” is prohibitive, not permissive
- (3) “may” is discretionary
- (4) “or” is not exclusive
- (5) “includes” and “including” are not limiting.

**(b) Gender; Plurals.** Whenever applicable, each gender includes the other gender and the singular includes the plural.

**BANKRUPTCY LOCAL RULE 1002-1**  
**COMMENCEMENT OF CASE**

(a) All petitions in Bankruptcy shall be filed in the District Court of Guam, Bankruptcy Division.

(b) A case is commenced by filing with the clerk:

(1) A Petition using the appropriate Official Form.

(2) A mailing matrix in a format prescribed by the clerk.

(3) A filing fee, paid in full in accordance with FRBP 1006, or the first installment together with a motion to pay the filing fee in installments in accordance with FRBP1006.

(c) Petitions filed by lawyers who are registered CM/ECF participants shall be accompanied by a Declaration re: Electronic Filing of Petition, Schedules & Statements, on Local Form 1.

(d) Petitions filed by persons who are not registered by CM/ECF participants shall be accompanied by Official Form B 21, Statement of Social Security Number, which shall be maintained by the clerk in a nonpublic file.

**(e) Incomplete Petitions.**

**(1) General.** A voluntary petition filed without the complete schedules, statements and other documents required by the FRBP and these rules **must** include at least the following:

(A) Petition (Official Form 1);

(B) List of Creditors Holding 20 Largest Unsecured Claims (Official Form 4) (chapter 11 cases only);

(C) Master Mailing List (List of Creditors) as required by LBR 1007-1(a)

(D) Statement of Social Security Number(s)(Official Form 21)(Required if the debtor is an individual).

**(2) Deadline to File Required Documents.** Except as provided by FRBP 1019(1)(A), and unless extended by court order, the balance of papers required by the FRBP and these rules must be filed within 14 days of the petition date, except the Statement of Intention which must be filed not later than 30 days after the filing of the petition.

**(3) Motion for Extension of Time to File Documents.** A motion for extension of time to file the lists, schedules and other papers required by this rule must comply with LBR 1007-1(e).

**(4) Failure to File Required Documents.** The case may be dismissed pursuant to LBR 1017-2.

**(f) Redaction of Personal Identifiers.**

(1) Unless otherwise ordered by the court, a debtor must refrain from including, or must redact where inclusion is necessary, the following personal identifiers from all lists, schedules, statements, payment advices, or other documents filed or required to be filed with the court in accordance with FRBP 9037(a):

- (A) **Social Security Numbers.** If disclosure of a social security number is required, only the last four digits of that number should be used. [This does not apply to Official Form 21, Statement of Social Security Number(s)].
- (B) **Names of Minor Children.** If disclosure of the identity of any minor child is required, only the initials of that child should be used.
- (C) **Date of Birth.** If disclosure of an individual's date of birth is required, only the year should be used.
- (D) **Financial Account Numbers.** If disclosure of any financial account number is required, only the last four digits of that number should be used.

(2) The responsibility for redacting these personal identifiers rests solely with the debtor and debtor's counsel. The court will not review documents for compliance with this rule.

**(g) Effect of Failure to Specify Necessary Information.**

(1) If the petition fails to specify the chapter under which relief is sought, the case will be deemed to have been filed under chapter 7.

(2) If the petition fails to specify whether it is a consumer or business case, it will be presumed to be a consumer case.

(3) If the petition fails to indicate the number of creditors or equity holders, or the amount of assets or debts, it will be presumed that the case falls in the smallest category of each.

**BANKRUPTCY LOCAL RULE 1004-1**  
**PETITION - PARTNERSHIP**

**(a)** When a voluntary petition is filed by a partnership, there shall be attached to the petition, as an exhibit, a verified document evidencing the consent of all general partners to the filing of the petition.

**(b) Separate Entity Requirement.** The clerk shall not accept for filing a single petition in bankruptcy referring to both a partnership and the individual partner or partners. If separate filings are intended by an individual partner or partners as well as the partnership, separate petitions are required by each entity.

**(c) Necessity of Retaining Counsel.** The clerk shall not accept for filing a voluntary petition to commence a case if the debtor is a partnership unless the debtor is represented by an attorney who has signed the petition. The clerk shall not accept for filing an involuntary petition to commence a case if the debtor is a partnership unless the debtor is represented by an attorney who has signed the petition.

**BANKRUPTCY LOCAL RULE 1005-1**  
**PETITION - CAPTION**

**(a) Names.** If a debtor is an individual, the full name shall be used, followed by all names, assumed names, trade names, or designated by or under which the debtor is or has been known or has conducted any business within the eight years preceding the filing of the petition. If the petition lists other names used by the debtor that are modified by a term indicative of an artificial entity, such as “Inc.” or “LLC”, the debtor must file with the petition a declaration substantially conforming to the local form [Declaration Regarding Trade Name(s) Used by Debtor [[gub\\_1005-1](#)]], stating that the name was used as a trade name but does not identify a separate legal entity. Absent such a declaration, the clerk will not include such a name as an alias or “dba” in the case information and notices sent by the court.

**(b) Chapter Identification.** The caption should identify the Chapter under which the case is filed.

**LBR 1005-1 Related Local Form:**

- Declaration Regarding Trade Names (s) Used by Debtor [[gub\\_1005-1](#)]

**BANKRUPTCY LOCAL RULE 1007-1**  
**LISTS, SCHEDULES AND STATEMENTS**

**(a) Case Opening Documents.**

**(1) Definition.** The case opening documents that are subject to this subdivision include the schedules and statements required to be filed with the court under § 521(a), other than copies of payment advices; the certificate from an approved nonprofit budget and credit counseling agency required to be filed under § 521(b); and any other document required to be filed with the petition or within a specified amount of days thereafter, under a statute, rule, or order

**(2) Dismissal Upon Failure to File Required Schedules and Statements.** In a voluntary case where schedules or statement of financial affairs, required by 11 U.S.C. § 521(1), are not filed with the petition, the clerk is authorized to issue an order to satisfy the deficiency and to give notice that failure to file the missing schedules or statement within 14 days after the date the petition was filed, or some later date as the court directs, may result in dismissal of the case without further notice, unless on or before the filing deadline the debtor requests and is granted an extension of time to file the documents. An order dismissing the case pursuant to this provision may include a 180-day bar to refile a subsequent petition pursuant to 11 U.S.C. § 109(g)(1).

**(3) Extension of Time to File Case Opening Documents.** A debtor may request an extension of time to file case opening documents by filing with the court a motion substantially conforming to the local form (Debtor's Motion to Extend Time to File Case Opening Documents [[gub\\_1007-1a3](#)]) that states the date the petition was filed, the date set for the first meeting of creditors, the new deadline being requested, and the reason for the extension. Consideration of the motion may be expedited if it contains the signature of an authorized representative of the Office of the United States Trustee in a chapter 11 case and the Chapter 13 trustee in a chapter 13 case indicating that there is no objection to an extension.. The debtor may email the proposed order to [chambers@gud.uscourts.gov](mailto:chambers@gud.uscourts.gov).

**(b) Payment Advices.**

**(1) Non-Filing of Payment Advices.** Unless the court orders otherwise, the copies of payment advices or other evidence of payment received by the debtor from any employer described in § 521(a)(1)(B)(iv) may not be filed with the court. If the court permits the filing, the filing party is responsible for redacting any confidential information, such as all but the last 4 digits of the debtor's Social Security number and any financial account numbers.

**(2) Submission to Trustee.** The copies of payment advices or other evidence of payment described in § 521(a)(1)(B)(iv) must be submitted to the trustee in a case under chapter 7, 12, or 13, or the Office of the United States Trustee in a case under chapter 11, not later than 7 days before the date first set for the first meeting of creditors under § 341, or 45 days after the date of the filing of

the petition, whichever is earlier. The debtor may offer an explanation why payment advices are not being submitted by providing to the trustee or the Office of the United States Trustee a statement substantially conforming to the local form (Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations [[gub\\_1007-1b2](#)]).

**(3) Failure to Submit.** If the debtor fails to submit to the trustee the copies of payment advices or other evidence of payment within the time specified in paragraph (2) of this subdivision, the trustee may request an order dismissing the case by filing a motion substantially conforming to the local form (Trustee's Ex Parte Motion to Dismiss Case Under 11 U.S.C. § 521(i)(2) [[gub\\_1007-1b3](#)]) or, in the alternative, a motion for an order declining to dismiss the case for the reasons stated in § 521(i)(4). In the absence of such motions, the court will presume that the debtor has submitted these documents timely to the trustee and that the debtor's case is not subject to dismissal under § 521(i)(1) or (2). A party in interest other than a trustee requesting dismissal under § 521(i)(2) for failure to file payment advices must file and serve on the debtor and all creditors a motion to dismiss with the trustee's declaration that the trustee did not receive any payment advices or any statement by the debtor regarding the failure to submit such information.

**LBR 1007-1 Related Local Forms:**

- Debtor's Motion to Extend Time to File Case Opening Documents [[gub\\_1007-1a3](#)]
- Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations [[gub\\_1007-1b2](#)]
- Trustee's Ex Parte Motion to Dismiss Case Under 11 U.S.C. § 521(i)(2) [[gub\\_1007-1b3](#)]
- Debtor's Motion to Reconsider Order Dismissing Case [[gub\\_1007-1c](#)]

**(c) Motion for Reconsideration.** A debtor whose case has been dismissed for failure to file required documents may request the court to reconsider the order dismissing the case by filing the required documents and then filing a motion substantially conforming to the local form (Debtor's Motion to Reconsider Order Dismissing Case [[gub\\_1007-1c](#)]).

**BANKRUPTCY LOCAL RULE 1007-2  
MAILING MATRIX**

**(a) Requirement to File.** The clerk may reject for filing a voluntary petition submitted without a mailing matrix, i.e. the list of names and addresses of entities included or to be included on Schedules D, E, F, G, and H.

**(b) Format of Names and Addresses.** The format of names and addresses in the mailing matrix must conform to guidelines issued by the clerk.

**(c) Digital File Format.**

**(1) Electronic Filing.** A person electronically filing a voluntary petition must upload the mailing matrix immediately after filing the petition. An image of the matrix must also be included with the petition. When electronically filing an amended matrix to include additional creditors, only the names and addresses of the additional creditors should be included in the upload and the image of the list.

**(2) Matrix Submitted on Paper.** A person submitting a paper copy of a voluntary petition for filing must submit both a paper copy of the mailing matrix and an electronic version on media (diskette, CD, USB drive, etc.) capable of being uploaded in the court's electronic filing system.

**(d) Verification.** The mailing matrix must be accompanied by the debtor's verification that all entities included on Schedules D, E, F, G, and H have been listed in the mailing matrix, using a form that substantially conforms to the local form (Verification of Creditor Matrix [[gub\\_1007-2d](#)]). The clerk's office will not compare the names and addresses listed in the schedules with the names and addresses shown on the Master Mailing Matrix or Equity Security Holders Mailing Matrix or supplement thereto.

**(e) Amended Matrix.** The debtor must file an amended mailing matrix to reflect any changes or additions to the names and addresses of entities included on Schedules D, E, F, G, or H, including a change of address of the entity or the entity's attorney, or the addition of an entity or an entity's attorney. An amended matrix is subject to the requirements of subdivisions (b) and (c) of this rule. The debtor is responsible for serving the notice of bankruptcy case, meeting of creditors, and deadlines, as well as any other notices sent by the clerk, on the parties listed in the amended matrix. The amended matrix should attach a cover sheet and certificate of service substantially conforming to the local form (Cover Sheet for Amendments [[gub\\_1009-1](#)]).

**LBR 1007-2 Related Local Forms:**

- Verification of Creditor Matrix [[gub\\_1007-2d](#)]
- Cover Sheet for Amendments [[gub\\_1009-1](#)]

**BANKRUPTCY LOCAL RULE 1009-1  
AMENDMENTS TO LISTS AND SCHEDULES**

**(a) In General.** Unless the originally filed document exceeds 15 pages, an amendment to a list, schedule, or statement must replace in its entirety, rather than supplement, the originally filed document. If the originally filed document exceeds 15 pages, the amendment must clearly indicate that it is supplemental in nature.

**(b) Cover Sheet with Declaration.** A party filing an amended list, schedule, or statement pursuant to Bankruptcy Rule 1009(a) must attach a cover sheet substantially conforming to the local form (Cover Sheet for Amendments [[gub\\_1009-1](#)]), containing the debtor's declaration that the information in the amendments is true and correct. If the amendments are filed electronically, the debtor must submit to the court, not later than 7 days after the date of electronic filing, an originally signed declaration substantially conforming to the local form (Declaration re: Electronic Filing [[gub\\_5005-4g](#)]).

**(c) Notice.** Whenever Schedule D, E, F, G, or H is amended to add a creditor or party in interest, the debtor must serve a copy of the notice of commencement of the bankruptcy case, the meeting of creditors, and any deadlines set by the court upon all added entities. The debtor must file a certificate of service to show compliance with this provision. The requirement to file a certificate of service may be satisfied by using the cover sheet substantially conforming to the local form (Cover Sheet for Amendments [[gub\\_1009-1](#)]), containing a section for certifying service.

**LBR 1009-1 Related Local Forms:**

- Cover Sheet for Amendments [[gub\\_1009-1](#)]
- Declaration re: Electronic Filing [[gub\\_5005-4g](#)]

**BANKRUPTCY LOCAL RULE 1009-2  
CORRECTION OF SOCIAL SECURITY**

**(a) Amended Statement of Social Security Number.** The debtor must promptly submit an amended Statement of Social Security Number [[Official Form B21](#)] upon becoming aware that an incorrect number was provided at the time of filing the petition, whether the petition was filed electronically or on paper. The amended statement must be submitted on paper with the debtor's original signature and must indicate conspicuously that it is an amended statement intended to correct the number previously provided to the court. It is not necessary for the debtor to file an amended petition to correct the last 4 digits of the number showing on the petition.

**(b) Notice to Creditors.** Upon submitting an amended Statement of Social Security Number, the debtor must give notice of the correct number to all creditors and parties in interest by sending a notice substantially conforming to the local form (Notice of Corrected Social Security Number [[hib\\_1009-2b](#)]). The debtor must also send the notice to the major credit reporting agencies whose names and addresses are included on the form. This notice must include the debtor's full (9-digit) Social Security Number and must not be filed in order to protect the debtor's privacy.

**(c) Certificate of Service.** The debtor must file a certificate of service substantially conforming to the local form (Certificate of Service: Notice of Corrected Social Security Number [[hib\\_1009-2c](#)]) to show compliance with the notice requirement of this rule. The certificate of service must not

include the debtor's full Social Security Number or attach a copy of the notice that was served, in order to protect the debtor's privacy.

**LBR 1009-2 Related Local Forms:**

- Statement of Social Security Number [[Official Form B21](#)]
- Notice of Corrected Social Security Number [[gub\\_1009-2b](#)]
- Certificate of Service: Notice of Corrected Social Security Number [[gub\\_1009-2c](#)]

**BANKRUPTCY LOCAL RULE 1015-1  
JOINT ADMINISTRATION/CONSOLIDATION**

**(a) Motion.** A motion by one or more debtors requesting joint administration, but not substantive consolidation, of related cases may be presented to the court ex parte, provided that the court may set the matter for hearing after notice to parties in interest.

**(b) Case Dockets.** Unless the court orders otherwise, all documents must be entered on the docket of the case designated as the lead case.

**(c) Mailing Matrix and Notice List.** The clerk will maintain a single, consolidated mailing matrix of names and addresses of creditors and parties requesting notice in the lead case.

**(d) Claims Register.** Unless the court orders otherwise, the clerk will maintain a single claims register in the lead case. All proofs of claim and interest must be filed in the lead case but must indicate the particular debtor against whom the claim or interest is asserted.

**(e) Separate Accounts and Reports.** Unless the jointly administered cases are also substantively consolidated, the debtor in possession or trustee must maintain separate accounts of property and distributions of each estate, and must report on each estate separately. All monthly operating reports and interim and final reports by a trustee or debtor in possession must be filed in the lead case but must clearly identify the separate estate involved.

**BANKRUPTCY LOCAL RULE 1017-1  
DISMISSAL OF CASE**

**(a) Notice of Proposed Dismissal.** Notice of the proposed dismissal of a case for failure to file in a timely manner the schedules, statements or chapter 11, 12 or 13 plan shall be given in the notice of meeting of creditors to all creditors and other interested parties.

**(b) Dismissal Without Further Notice.** Failure of the debtor to file in a timely manner the documents required by the FRBP or the Local Rules or to appear at the meeting of creditors shall be cause for dismissal of the bankruptcy case without further notice.

**(c) Reinstatement.** A case dismissed for failure of the debtor to timely file a required document or for failure to appear at the meeting of creditors may be reinstated on motion of the debtor pursuant to Bankruptcy Rule 9024, provided that all required documents are filed, or on motion of another party. The clerk shall not close a dismissed case until 60 days after the date of dismissal.

**(d) Dismissal with Prejudice.**

**(1)** Unless otherwise stated in the dismissal order, an order dismissing a bankruptcy case that provides that the dismissal is with prejudice means that the debtor is prohibited from filing another bankruptcy petition for 180 days from the date that the dismissal order is entered upon the docket.

**(2)** If the debtor attempts to file a subsequent bankruptcy petition within the 180 day period, the clerk is directed to accept the petition for filing, to assign the new case to the judge that entered the dismissal order, and to immediately generate and present to the court an appropriate Order to Show Cause as to why the new case should not be dismissed based on the court's prior order. The Order to Show Cause will then be set and treated as an expedited matter.

**(3)** Nothing in this rule prevents the clerk from obeying a specific order entered by a judge of this court. Nor does this rule prohibit a judge from entering such further orders or injunctions as are necessary to prevent an abuse of the bankruptcy process or to prohibit frivolous pleadings and filings, based on the facts of that particular case.

**(e) Order for Dismissal.**

**(1)** Notwithstanding Code § 521(i)(1), no case shall be deemed dismissed except upon entry of an order of dismissal.

**(2)** If a party moves for dismissal pursuant to Code § 521(i)(2) and if such motion specifically requests dismissal within seven (7) days, the court may dismiss the case without further notice or hearing if the docket is missing one or more of the six items identified in Code § 521(a)(1)(A) and (a)(1)(B)(i) through (v). If the docket contains a filing denominated as such but which the moving party contends fails to include all the contents required by Code § 521(a)(1) or required by the FRBP, Local Rules or Official Forms, the motion shall identify the alleged deficiency. The movant shall serve the motion on the debtor and the trustee along with a notice requiring a response to be filed within fourteen (14) days of service. If no such response is timely filed, the court may dismiss the case without further notice or hearing. If a response is timely filed, the court will either rule on it or set it for hearing.

**(g) Notice of Dismissal.** The clerk will provide notice of an order dismissing a case under this rule to the debtor, debtor's attorney (if any), United States trustee, and parties in interest.

**BANKRUPTCY LOCAL RULE 1017-2  
CONVERSION OF CASE**

**(a) Motion and Notice.** A chapter 7 debtor seeking to convert a case to one under another chapter pursuant to § 706(a) must file a motion and give notice. Notice is sufficient if given to the Office of the United States Trustee, the case trustee, and all parties receiving notice electronically through the court's transmission facilities. Notices served under this rule shall contain the following legend featured prominently on the first page of the notice:

**PURSUANT TO LBR 1017-2, THIS CASE MAY BE CONVERTED,  
WITHOUT FURTHER NOTICE OR HEARING, UNLESS A RESPONSE IS  
FILED AND SERVED UPON THE PARTY SERVING THIS NOTICE  
WITHIN 14 DAYS AFTER THE DATE THAT THE MOTION WAS FILED.**

**(b) Additional Fees Upon Conversion of Case.** A notice and motion for conversion of a case must be accompanied by payment of the filing fee, if any, required for conversion of the case to the chapter for which conversion is sought.

**PART II**

**OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS;  
EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

**BANKRUPTCY LOCAL RULE 2003-1  
MEETINGS OF CREDITORS**

**(a) Attendance Required.** The following are required to attend the meeting of creditors held pursuant to § 341(a):

(1) the debtor and the joint debtor, if any, or if the debtor is an artificial entity, the responsible individual designated under LBR 1074-1; and

(2) an attorney representing the debtor and the joint debtor if the petition was filed through counsel.

**(b) Failure to Attend Meeting.**

(1) **Debtor, Joint Debtor, or Designated Responsible Individual.** The trustee or United

States Trustee may request dismissal of the case for failure of the debtor, joint debtor, or designated responsible individual to attend the meeting of creditors by filing and serving on the debtor and all creditors a motion and notice of hearing substantially conforming to the local form (Motion to Dismiss Case for Non-Appearance at Meeting of Creditors; Notice of Hearing [[gub\\_2003-1](#)]). If the case is dismissed, the order may bar the debtor(s) from filing a subsequent voluntary petition for 180 days, pursuant to § 109(g)(1).

**(2) Attorney.** The trustee or United States Trustee may move for the imposition of monetary or other sanctions against the debtor's attorney of record if an attorney fails to appear at the meeting of creditors.

**(c) Meeting Held Open.** In a chapter 13 case, a meeting held open by the trustee does not extend the time for the debtor to file any unfiled tax returns in compliance with § 1308, unless the trustee explicitly directs that the meeting be held open for that purpose.

**LBR 2003-1 Related Local Form:**

- Motion to Dismiss Case for Non-Appearance at Meeting of Creditors; Notice of Hearing [[gub\\_2003-1](#)]

**BANKRUPTCY LOCAL RULE 2004-1  
DEPOSITIONS AND EXAMINATIONS**

**(a) Examination Order Issued by Clerk.** A party in interest seeking to examine the debtor or other entity pursuant to Bankruptcy Rule 2004 may request an examination order by filing a motion substantially conforming to the local form (Motion for Rule 2004 Examination [[gub\\_2004-1](#)]). The clerk is authorized to issue an examination order requested by a party in interest who has complied with the requirements of this local rule. Such examination order will compel the attendance or production of documents by the debtor, or, if the examinee is not the debtor, will authorize the issuance of a subpoena substantially conforming to the Subpoena for Rule 2004 Examination [[B254](#)] in accordance with Bankruptcy Rule 9016 and Fed. R. Civ. P. 45. If the requirements of this rule are not satisfied, the clerk may issue an order denying the request for an examination order.

**(b) Date, Time, and Place of Examination.** Prior to filing a motion for an examination order, the party seeking the order shall make all reasonable efforts to arrange a mutually convenient date, time, and place of examination. The motion for an examination order must be supported by a declaration stating either:

**(1)** that the proposed date, time, and place of examination have been agreed upon by all concerned; or

(2) that the parties could not agree to a date, time, and place of examination after all reasonable efforts were made, in which case the examination will take place with the moving party's proposed date, time and place of examination, but no earlier than 14 days after the filing of the motion for an examination order, and no earlier than 30 days after the date of issuance of the examination order or subpoena, whichever is later, if the motion requests production of documents or electronically stored information.

**(c) Request Limited to Delivery of Documents.** Subdivision (b) of this rule does not apply to requests for production of documents or electronically stored information to be delivered to the requesting party so long as the deadline for delivery is not less than 30 days after the date of issuance of the examination order or a subpoena, whichever is later. The motion requesting an order for production of documents or electronically stored information by mail or similar delivery method may include a request for authority to issue a subpoena for a personal examination following review of the materials produced so long as the examination date is not less than 14 days after the date of issuance of the subpoena.

**(d) Other Discovery Procedures Not Available.** The declaration supporting issuance of an order under Bankruptcy Rule 2004 must state that the requested examination does not involve pending litigation in which discovery is available under Bankruptcy Rules 7026, 9014, or other authority.

**(e) Objections.** An examinee or party in interest objecting to an examination must file and serve on the examining party a motion for a protective order or, if a subpoena has been served, a motion to quash the subpoena.

**LBR 2004-1 Related Local Forms:**

- Subpoena for Rule 2004 Examination [[B254](#)]
- Motion for Rule 2004 Examination [[gub\\_2004-1](#)]

**BANKRUPTCY LOCAL RULE 2014-1  
EMPLOYMENT OF PROFESSIONAL PERSONS**

A request for an order of employment may be made by filing an application substantially conforming to the local form (Application to Employ Professional [[gub\\_2014-1](#)]). The applicant shall either (a) submit a proposed order bearing the approval of the Office of the United States Trustee, (b) arrange for the Office of the United States Trustee to notify chambers that the Office of the United States Trustee does not object to the application, in which case the court may enter a text order granting the application, or (c) if there is an objection to the application, obtain a hearing date from the courtroom deputy and give notice of the hearing.

**LBR 2014-1 Related Local Form:**

- Application to Employ Professional [[gub\\_2014-1](#)]

**BANKRUPTCY LOCAL RULE 2015-1  
DEBTOR'S BOOKS AND RECORDS**

**(a) Voluntary Cases.** In a case filed pursuant to § 301 or 302, the books and records of the debtor shall be closed on the day immediately preceding the day on which the petition is filed, whether or not a separate estate is created for tax purposes. Prepetition liabilities must be segregated and reported separately from postpetition liabilities.

**(b) Involuntary Cases.** In a case filed under § 303, the books and records of the debtor shall be closed on the day on which relief is ordered or an interim trustee is appointed, whichever occurs first. Notwithstanding the foregoing, liabilities incurred before the commencement of the case shall be segregated and, in the event relief is granted, reported separately from liabilities incurred after the commencement of the case.

**BANKRUPTCY LOCAL RULE 2015-2  
TRUSTEES – INTERIM REPORTS**

**(a) Requirement to File.** Unless the trustee has filed a report of no distribution, a trustee appointed in a case under chapter 7 or chapter 11 must file an interim report in each case that has been pending under the same chapter for more than 1 year. The initial report is due not later than the first anniversary of the trustee's appointment, and additional interim reports must be filed at least every 6 months thereafter. This requirement is in addition to any reporting requirements set by the United States Trustee.

**(b) Content of Report.** The trustee may satisfy the reporting requirement of this rule by filing a report including substantially conforming to the local form (Trustee's Interim Report [[gub\\_2015-9](#)]) including:

- (1) a brief description of the status of the case;
- (2) the trustee's records of time spent administering the case during the reporting period;
- (3) Form 1 - Individual Estate Property Record and Report; and
- (4) Form 2 - Cash Receipts and Disbursements Record.

**LBR 2015-9 Related Local Form:**

- Trustee' Interim Report [[gub\\_2015-9](#)]

**BANKRUPTCY LOCAL RULE 2015-3  
DUTIES UPON CONVERSION TO CHAPTER 7**

Upon entry of an order converting a case to one under chapter 7, the debtor in possession or chapter 11 trustee, if any, must, in addition to complying with those duties set forth in FRBP 1019:

- (1) Secure, preserve and refrain from disposing of property of the estate;
- (2) Contact the chapter 7 trustee and arrange to deliver property of the estate and all books and records to the trustee or the trustee's designated agent; and
- (3) Within 7 days after entry of said order, file and serve upon the United States trustee and the chapter 7 trustee, a verified schedule of all property of the estate as of the conversion date.

**BANKRUPTCY LOCAL RULE 2016-1  
COMPENSATION OF PROFESSIONAL PERSONS**

**(a) Interim Fee Applications.**

**(1) Form of Fee Application.** An application for interim fees incurred or costs advanced by an attorney, accountant or other professional person, and a trustee or examiner must contain the following:

**(A)** A brief narrative history and report concerning the status of the case, including the following:

**(i) Chapter 11.** Applicant must describe the general operations of the debtor, stating whether the business of the debtor, if any, is being operated at a profit or loss, whether the business has sufficient operating cash flow, whether a plan has been filed, and if not, the prospects for reorganization and the anticipated date for the filing of a plan.

**(ii) Chapter 7.** Applicant must report the status of administration of the estate, discussing the actions taken to liquidate property of the estate, the property remaining to be administered, the reasons the estate is not in a position to be closed, and whether it is feasible to pay an interim dividend to creditors.

**(iii) All Cases.** Applicant must disclose the amount of money on hand in the estate and the estimated amount of other accrued expenses of administration. At the hearing on an application for interim fees, the applicant should be prepared to supplement the application by declaration or by testimony to inform the court of the current financial status of the debtor's estate.

**(iv) Multiple Fee Applications.** If more than 1 application for interim fees in a case is noticed for hearing at the same date and time, the narrative history provided in one of the applications may be incorporated by reference into the other interim fee applications to be heard contemporaneously by the court.

**(v) Exception.** A fee application submitted by an auctioneer, real estate broker, or appraiser does not have to comply with subsection (A) of this rule, except that auctioneers, unless otherwise ordered by the court, must file the report required by FRBP 6004(f) prior to receiving final compensation.

**(B)** The date of entry of the order approving the employment of the individual or firm for whom payment of fees or expenses is sought, and the date of the last fee application for the professional.

**(C)** A listing of the amount of fees and expenses previously requested, those approved by the court, and how much has been received.

**(D)** A brief narrative statement of the services rendered and the time expended during the period covered by the application.

**(E)** Unless employment has been approved on a fixed fee, percentage fee, or contingent fee basis, the application must contain a detailed listing of all time spent by the professional on matters for which compensation is sought, including the following:

**(i) Date service was rendered.**

**(ii) Description of service.** It is not sufficient to merely state "Research," "Telephone Call," "Court Appearance," *etc.* Applicant must refer to the particular person, motion, discrete task performed, and other matters related to such service. A summary that lists a number of services under only 1 time period is not satisfactory.

**(iii) Amount of time spent.** A summary is not adequate. Time spent must be accounted for in tenths of an hour and broken down in detail by the specific task performed. Lumping of services is not satisfactory.

**(iv) Identification of person who rendered service.** If more than 1 person's services are included in the application, applicant must identify the person who performed each item of service.

**(F)** An application that seeks reimbursement of actual and necessary expenses must include a summary listing of all expenses by category (*i.e.*, long distance telephone, photocopy costs, facsimile charges, travel, messenger and computer research). As to each unusual or costly expense item, the application must state:

- (i) The date the expense was incurred;
- (ii) A description of the expense;
- (iii) The amount of the expense; and
- (iv) An explanation of the expense.

**(G)** Unless employment has been approved on a fixed fee, percentage fee, or contingent fee basis, the application must contain a listing of the hourly rates charged by each person whose services form a basis for the fees requested in the application. The application must contain a summary indicating for each attorney by name:

- (i) The hourly rate and the periods each rate was in effect;
- (ii) The total hours in the application for which compensation is sought; and
- (iii) The total fee requested in the application.

**(H)** A description of the professional education and experience of each of the individuals rendering services, including identification of the professional school attended, year of graduation, year admitted to practice, publications or other achievements, and explanation of any specialized background or expertise in bankruptcy-related matters.

**(I)** If the hourly rate has changed during the period covered by the application, the application must specify the rate that applies to the particular hours for which compensation is sought.

**(J)** A separately filed declaration from the client indicating that the client has reviewed the fee application and has no objection to it. If the client refuses to provide such a declaration, the professional must file a declaration describing the steps that were taken to obtain the client's declaration and the client's response thereto.

(K) A statement that the applicant has reviewed the requirements of this rule and that the application complies with this rule.

**(2) Notice of Interim Fee Application and Hearing.**

(A) In all cases where the employment of more than one professional person has been authorized by the court, a professional person who files an application for interim fees must give other professional persons employed in the case not less than 45 days notice of the date and time of the hearing. The notice of hearing must further state:

“Other professional persons retained pursuant to court approval may also seek approval of interim fees at this hearing, provided that they file and serve their applications in a timely manner. Unless otherwise ordered by the court, hearings on interim fee applications will not be scheduled less than 120 days apart.”

(B) Applicant must serve not less than 21 days notice of the hearing on the debtor or debtor in possession, the trustee (if any), the creditors’ committee or the 20 largest unsecured creditors if no committee has been appointed, any other committee appointed in the case, counsel for any of the foregoing, the United States trustee, and any other party in interest entitled to notice under FRBP 2002. The notice must identify the professional person requesting fees, the period covered by the interim application, the specific amounts requested for fees and reimbursement of expenses, the date, time and place of the hearing, and the deadline for opposition papers.

(C) In addition to the notice, a copy of the application, together with all supporting papers, must be served on the debtor or debtor in possession, the trustee (if any), any committee appointed in the case, counsel for any of the foregoing, and the United States trustee. A copy of the complete application must also be promptly furnished upon specific request to any other party in interest.

**(3) Objections.** Any opposition or other responsive paper by the United States trustee or other party in interest must be served and filed at least 14 days prior to the hearing in the form required by LBR 9013-1(f).

**(b) Motions to Approve Compensation Procedures in Chapter 11 Cases, Including Monthly Draw-down and Contingency or Success Fee Agreements.** A professional person employed in a chapter 11 case may request approval for and modifications of drawdown procedures and an order allowing payment of interim compensation more frequently than once every 120 days.

**(c) Final Fee Application.**

**(1) Who Must File.** The trustee, if any, and each professional person employed in the case must file a final fee application.

**(2) Contents.** An application for allowance and payment of final fees and expense must contain the information required of an interim fee application under LBR 2016-1(a)(1).

**(3) When Filed; Notice Required in Chapter 11 Cases.**

**(A)** Unless otherwise ordered by the court, a final fee application by the trustee, if any, and each professional person employed in a chapter 11 case must be filed and set for hearing as promptly as possible after confirmation of a plan.

**(B)** A final fee application must cover all of the services performed in the case, not just the last period for which fees are sought, and must seek approval of all prior interim fee awards.

**(C)** Applicant must serve not less than 21 days notice of the hearing on the debtor or debtor in possession, the trustee (if any), any committee appointed in the case, counsel for any of the foregoing, the United States trustee, and any other party in interest entitled to notice under FRBP 2002. The notice must identify the person or entity requesting a final allowance of fees and expenses, the period covered by the final application, the specific amounts requested for fees and reimbursement of expenses, the date, time and place of the hearing, and the deadline for opposition papers.

**(D)** In addition to the notice, a copy of the application, together with all supporting papers, must be served on the debtor or debtor in possession, the trustee (if any), any committee appointed in the case, counsel for any of the foregoing, and the United States trustee. A copy of the complete application must also be promptly furnished upon specific request to any other party in interest.

**(4) When Filed; Notice Required in Chapter 7 Cases.**

**(A)** A chapter 7 trustee must give at least 28 days written notice of intent to file a final report and account to the attorney for the debtor, the trustee's attorney and accountant, if any, and any other entity entitled to claim payment payable as an administrative expense of the estate.

**(B)** A professional person seeking compensation must file and serve an application for allowance and payment of final fees and expenses on the trustee within 21 days of the date of the mailing of the trustee's notice. The failure to timely to file an application may be deemed a waiver of compensation.

(C) All final fee applications by professional persons must be set for hearing with the chapter 7 trustee's final application for allowance and payment of fees and expenses. Notice of a final fee application must be given by the chapter 7 trustee as part of the notice of the hearing on the trustee's request for compensation. A separate notice by the applicant is not required.

**(5) Objections.** Any opposition or other responsive paper by the United States trustee or other party in interest must be served and filed at least 14 days prior to the hearing in the form required by LBR 9013-1(f).

**(d) Fee Examiner.** The court may, either *sua sponte* or on the motion of a party in interest, exercise its discretion to appoint a fee examiner to review fee applications and make recommendations to the court for approval.

#### **BANKRUPTCY LOCAL RULE 2070-1 ESTATE ADMINISTRATION**

**Funds of the Estate – Account Identification.** The signature card (or if there is none, the depository agreement) for any account containing funds which are the property of a bankruptcy estate must clearly indicate that the depositor or investor is a “debtor in possession” or a trustee in bankruptcy.

#### **BANKRUPTCY LOCAL RULE 2072-1 NOTICE TO OTHER COURTS**

**(a) Notice of Bankruptcy Petition.** Notice of the filing of a bankruptcy petition in this district must be given to any federal or state court or administrative tribunal in which the debtor is a party to pending litigation or other proceeding. Notice must be given, at the earliest possible date, to the judge to whom the matter is assigned, the clerk of the court where the matter is pending, all counsel of record in the matter, and all parties to the action not represented by counsel. A debtor filing a petition without bankruptcy counsel shall give notice immediately to any attorney representing the debtor in pending litigation or other proceeding. Notice of a bankruptcy petition will not bar any conference in another court held to advise the court and the parties of the status of the bankruptcy case.

**(b) Party to Give Notice.** In a voluntary case, the notice must be given by the debtor or the debtor's counsel. In an involuntary case, notice must be given by the petitioning creditors or their counsel.

**(c) Effect of Not Giving Notice.** Failure to give the notice required by subdivision (a) of this rule may constitute cause for annulment of the stay imposed by § 362, 922, 1201, or 1301 and may also result in the imposition of sanctions.

**(d) Notice of Order for Relief from Stay.** If an order terminating, annulling, modifying, or conditioning the stay imposed by § 362, 922, 1201, or 1301, will permit resumption of litigation or other proceeding, the party obtaining the order for relief from stay must give notice thereof to the parties noted in subdivision (a) of this rule.

**(e) Notice of Other Order Affecting Litigation.** Notice of an order dismissing or closing a case, granting or denying a discharge, or otherwise affecting the resumption of litigation or any other proceeding, must be given by the debtor or the debtor's counsel to the parties noted in subdivision (a) of this rule. If the debtor or the debtor's counsel fails to give such notice promptly, the notice may be given by any party in interest with knowledge of the order affecting pending litigation or other proceeding.

**BANKRUPTCY LOCAL RULE 2083-1**  
**CHAPTER 13 - GENERAL**

**(a) Debtor's Notice of Conversion to Chapter 7.** A debtor may request an order converting a chapter 13 case, not previously converted from another chapter, to one under chapter 7 by filing and serving on the trustee and United States Trustee a notice substantially conforming to the local form (Debtor's Notice of Conversion of Case to Chapter 7 [[gub\\_2083-1a](#)]). Unless the court directs otherwise, a hearing is not required.

**(b) Debtor's Motion to Dismiss Case.** A debtor may request an order dismissing a chapter 13 case, not previously converted from another chapter, by filing and serving on the trustee and United States Trustee a motion substantially conforming to the local form (Debtor's Motion to Dismiss Chapter 13 Case [[gub\\_2083-1b](#)]). Unless the court directs otherwise, a hearing is not required..

**(c) Debtor's Motion to Approve Sale of Property.** A chapter 13 debtor may request an order approving a sale of property by filing and serving on the trustee, the United States Trustee, and all parties claiming an interest in the subject property, a motion and notice substantially conforming to the local form (Debtor's Motion to Approve Sale in Chapter 13 Case [[gub\\_2083-1c](#)]), in accordance with LBR 9013-1(c). The motion must include a report as to the status of title and liens for the subject property. The motion may include a request for approval of any compensation to be paid to the debtor's attorney for services related to the motion and payment of a commission or other fees to a sales agent, auctioneer, or other professional for services performed in connection with the sale, if (i) the amount requested does not exceed the applicable amount under the Chapter 13 Attorney Fee Guidelines, and (ii) the compensation will be paid directly from the proceeds of the sale and will not diminish the amount distributable to unsecured creditors.

**(d) Debtor's Motion to Obtain Credit or Incur Debt.**

**(1) Form of Motion.** A chapter 13 debtor may request an order authorizing the debtor to

obtain credit or incur debt by filing a motion substantially conforming to the local form (Debtor's Motion to Incur Debt [gub\_2083-1d]). The motion may include a request for approval of any compensation to be paid to the debtor's attorney for services related to the motion if (i) the amount requested does not exceed the applicable amount under the Chapter 13 Attorney Fee Guidelines, and (ii) the compensation will be paid directly from the proceeds of the loan and will not diminish the amount distributable to unsecured creditors.

**(2) Notice.** The court may consider the request without notice to creditors if:

**(A)** the collateral for the new debt is property that vested in the debtor upon plan confirmation or otherwise is not property of the estate;

**(B)** the loan proceeds will be used to satisfy all remaining payments to the trustee due under the plan;

**(C)** where a separate application for compensation will be made, any compensation for services of the debtor's attorney related to the motion will be paid into a client trust account, pending further court approval; and

**(D)** the trustee's approval is evidenced by the trustee's signature on the motion or proposed order.

**(3) Plan Modification.** A debtor is not required to file a separate motion to modify confirmed plan if:

**(A)** the sale or loan proceeds will be used to complete all remaining payments due under the confirmed plan; and

**(B)** plan modification is limited to the acceleration of such payments.

**(e) Trustee's Motions to Dismiss.**

**(1) Motion to Dismiss for Lack of Feasibility.** If the trustee determines from the proofs of claims actually filed that the confirmed plan is not feasible, *i.e.* there will be insufficient funds to pay in full all administrative expenses, secured claims, priority claims, and any claims placed in a special class for full payment, the trustee may file and serve on the debtor a motion to dismiss for lack of feasibility substantially conforming to the local form (Trustee's Motion to Dismiss for Lack of Feasibility; Notice of Deadline [gub\_2083-1e1]). Failure of the debtor to file, within 28 days after the date of filing of the motion, an objection to a claim, which, if sustained, would ensure feasibility, or a motion to modify the confirmed plan, may result in the court dismissing the case without further notice or hearing..

**(2) Motion to Dismiss for Failure to Make Plan Payment or Other Cause.** Unless these rules provide for a specific alternate procedure, the trustee may request an order dismissing a chapter 13 case by filing and serving on the debtor a motion and notice substantially conforming to the local form (Trustee's Motion to Dismiss Case; Notice of Hearing; Certificate of Service [[gub\\_2083-1e2](#)]). The motion must be filed and served no later than 21 days before the hearing date.

**(f) Operation of Business.**

**(1) Requirement for Reports.** Not later than 7 days before the meeting of creditors, the debtor must submit business reports to the trustee if requested by the trustee or if at least 2 of the following conditions exist:

- (A) the business employs 3 or more individuals;
- (B) the business earns monthly gross receipts exceeding \$10,000;
- (C) the business produces net receipts comprising 50% or more of the debtor's income reported in schedule I.

**(2) Content of Reports.** The business reports required under this rule must include:

- (A) a projection of average monthly income and expenses;
- (B) evidence of appropriate business insurance;
- (C) inventory of goods as well as a list of furniture and equipment as of the date of filing of the petition;
- (D) monthly income and expense statements for at least 6 months preceding the date of filing of the petition, including a statement regarding incurred and unpaid expenses, signed by the debtor under penalty of perjury; and
- (E) any additional financial information specified by the trustee.

**(3) Trustee's Duties.** If business reports are not required under this rule, the trustee is not required to perform any additional duties under § 1302(c) with respect to the debtor's operation of a business.

**LBR 2083-1 Related Local Forms:**

- Debtor' Notice of Conversion of Case to Chapter 7 [[gub\\_2083-1a](#)]
- Debtor' Motion to Dismiss Chapter 13 Case [[gub\\_2083-1b](#)].
- Debtor' Motion to Approve Sale in Chapter 13 Case [[gub\\_2083-1c](#)]
- Debtor' Motion to Incur Debt [[gub\\_2083-1d](#)]
- Trustee' Motion to Dismiss for Lack of Feasibility; Notice of Deadline [[gub\\_2083-1e1](#)]
- Trustee' Motion to Dismiss Case; Notice of Hearing; Certificate of Service [[gub\\_2083-1e2](#)]

**BANKRUPTCY LOCAL RULE 2090-1  
ATTORNEYS – ADMISSION TO PRACTICE**

**(a) In General.** The local rules of practice of the District Court of Guam regarding attorney admission and practice apply in all bankruptcy proceedings.

**(b) Pro Hac Vice Practice.** An attorney who is not a member of the bar of the District Court of Guam, but who is a member in good standing of the bar of another United States District Court may, upon application and court order, be permitted to appear and participate in a particular case. Unless otherwise ordered, the applicant shall designate in the application local counsel currently residing in Guam with whom the court and opposing counsel may readily communicate regarding the conduct of the case. The application shall also state, under penalty of perjury, whether the applicant has filed with this court any other applications for limited admission or pro hac vice applications within one year preceding the current application and if so, the title and case number of each case in which such application was filed, the date of each application and whether each application was granted or denied. The application shall also contain the address, e-mail address, telephone number and written consent of the designated local counsel, if any.

**(d) Parties Appearing Without an Attorney.** Any party proceeding without an attorney will be expected to be familiar with and to proceed in accordance with the rules of practice and procedure of this court and with the appropriate federal rules and statutes that govern the action.

**(e) Change of Address.** An attorney who changes office address must submit a written change of address to the clerk. Completion and submission of this address change will update the attorney's address in the court's electronic database. In those cases where the attorney represents a party other than the debtor, this address change will not update the address on the mailing lists for those cases. In those cases, to update the address on the mailing list and to give notice of the address change to other attorneys and parties, the attorney must file a notice of change of address in each case. In cases where the attorney does represent the debtor, the address is updated in the database, and also updated

on the mailing lists for those cases.

If the change of address is because the attorney has changed law firms, in each case in which the attorney has appeared and in which the former firm will continue to represent the debtor or other party, a notice must be filed stating that the attorney no longer represents the party and stating who in the firm now represents that party. For those cases in which the attorney, at the new firm, will continue to represent the debtor or other party, the attorney will remain the attorney of record at the new firm and address.

**BANKRUPTCY LOCAL RULE 2091-1**  
**ATTORNEYS – WITHDRAWAL AND SUBSTITUTION**

**(a) Withdrawal of Counsel.**

**(1) When Motion Required.** Withdrawal of counsel requires court approval and is effective upon entry of an order authorizing withdrawal, unless:

**(A)** a law firm that is a partnership, corporation, limited liability partnership, or limited liability company will remain counsel of record upon the termination of services of an individual member of the firm; or

**(B)** court approval of the withdrawing counsel's retention was not required, and such withdrawal will not leave the client without counsel of record in a pending contested matter or adversary proceeding.

**(2) Bankruptcy Cases.**

**(A) Withdrawal by Motion.** Unless subparagraph (a)(1)(A) of this rule applies, an attorney seeking to withdraw in a bankruptcy case must file and serve on the client, the debtor, the trustee, the Office of the United States Trustee, any committee appointed in the case, and parties to any pending contested matters in which the attorney has participated, a motion and notice of hearing under LBR 9013-1(c). If the attorney's client is not an individual, the notice must advise the client that LBR 9010-1 provides that an artificial entity may only appear through counsel and that adverse consequences may result if legal representation is not retained promptly. The motion requesting permission to withdraw must be accompanied by a declaration stating the basis for withdrawal.

**(B) Withdrawal by Notice.** If no motion is required under this rule, the withdrawing attorney may give notice of the withdrawal by filing a notice substantially conforming to the local form (Notice of Withdrawal and Request for Removal from Notice List [[gub\\_2091-1a](#)]).

**(3) Adversary Proceedings.**

**(A) In general.** Subparagraph (a)(2)(A) applies, except that the motion and notice must be served only on the client and all counsel of record in the proceeding.

**(B) Statement of non-representation.** An attorney representing a party in a bankruptcy case, such as a debtor or a trustee, but whose services in a related adversary proceeding are not included in the attorney-client agreement, must promptly file a statement of non-representation in the adversary proceeding and serve it on all counsel of record in the proceeding.

**(b) Substitution of Counsel.** Substitution of counsel requires that the newly appearing attorney be admitted to practice in the District Court of Guam.

**(1) Bankruptcy Cases.**

**(A)** If § 327 applies, substitute counsel must file an application for employment and seek approval of an appointment in the same manner as the original appointment. The application must indicate that it involves a substitution of counsel.

**(B)** Unless subparagraph (b)(1)(A) applies, substitution of counsel may be accomplished by filing a notice of substitution substantially conforming to the local form (Notice of Substitution of Counsel [[gub\\_2091-1b](#)]) containing the signatures of the client and the attorneys involved. The notice must be served on the debtor, trustee, the Office of the United States Trustee, any committee appointed in the case.

**(2) Adversary Proceedings.** Subparagraph (b)(1)(B) applies, except that the notice must be served only on other counsel of record in the proceeding, and the court must approve the substitution. The local form (Notice of Substitution of Counsel [[gub\\_2091-1b](#)]) may be submitted for the judge to sign “Approved and So Ordered.”

**LBR 2091-1 Related Local Forms:**

- Notice of Withdrawal and Request for Removal from Notice List [[gub\\_2091-1a](#)]
- Notice of Substitution of Counsel [[gub\\_2091-1b](#)]

**PART III**

**CLAIMS AND DISTRIBUTION TO CREDITORS  
AND  
EQUITY INTEREST HOLDERS; PLAN**

**BANKRUPTCY LOCAL RULE 3003-1**  
**FILING PROOF OF CLAIM OR INTEREST UNDER CHAPTERS 9 AND 11.**

**(a) Standard Bar Date.** Unless otherwise ordered by the court, proofs of claim or interest shall be filed pursuant to FRBP 3003 and shall be filed within 90 days after the first date set for the meeting of creditors called pursuant to 11 U.S.C. § 341(a) unless the claimant is a governmental unit, in which case a proof of claim shall be 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. Notice of the deadline for filing proof of claim or interest shall be included by the clerk in the notice of commencement of the case.

**(b) Non-Standard Bar Date.** In those instances in which a 90-day claims deadline is not appropriate, debtor's attorney should submit a motion and proposed order providing for a different date at the time the Chapter 11 petition is filed. The motion should include a brief statement of the reason for the date suggested and should request *ex parte* consideration.

**BANKRUPTCY LOCAL RULE 3004-1**  
**CLAIMS FILED ON BEHALF OF CREDITOR**

**(a) Notice.** A party filing a proof of claim on behalf of a creditor under Bankruptcy Rules 3004 or 3005 must serve the creditor with a copy of the filed proof of claim, and a notice of the filing substantially conforming to the local form (Notice of Claim Filed on Behalf of Creditor [[gub\\_3004-1](#)]). The filing party must promptly file a certificate of service showing when, how, and on whom service was made.

**(b) Amended Claim Filed by Creditor.** When a proof of claim has been filed on behalf of a creditor under Bankruptcy Rule 3004 or 3005, the creditor may file an amended proof of claim within 30 days after service of the notice required under subdivision (a) of this rule. Unless the court orders otherwise, the amended proof of claim filed by the creditor will supersede the proof of claim filed by another entity.

**LBR 3004-1 Related Local Form:**

- Notice of Claim Filed on Behalf of Creditor [[gub\\_3004-1](#)]

**BANKRUPTCY LOCAL RULE 3007-1**  
**OBJECTIONS TO CLAIMS**

**(a) Notice of Bar Date to Respond to Objection.** The party filing an objection to a proof of claim that is not asserted as part of an adversary proceeding shall give notice: (1) that the claimant has 7

days from service of the objection to file and serve a response to the objection; and, (2) that if a timely response is not filed and served, the objection may be sustained by the court without further notice or hearing.

**(b) Form of Objection.** Parties may, but are not required to, employ the applicable local form (Objection to Claim; Notice of Hearing [[gub\\_3007-1](#)]).

**(c) Order Sustaining Objection.** If a timely response is not filed and served by the claimant, the objecting party may lodge an order with the court sustaining the objection.

**(d) Hearing.** If the claimant timely files and serves a response to the objection, the objecting party must obtain a hearing date, serve notice on the claimant and file a certificate of service.

**(e) Additional Requirements in Chapter 7 and 13 Cases.** In chapter 7 and 13 cases, the following additional rules apply:

(1) The objection must state a specific basis for disallowing the claim under Bankruptcy Code § 502;

(2) The caption of the objection, any notice served in regard to the objection, and any order entered in regard to the objection must state the name of the claimant and the claim number of the disputed claim as set forth in the official claims register maintained by the court; and,

(3) The objection may incorporate the certificate of service of the objection.

**(f) Payments on Claim.** Pending resolution, the chapter 13 trustee will make payments on only the uncontroverted portion of the claim subject to an objection, until such time as the court orders otherwise.

**(g) Objection Requiring Adversary Proceeding.** An objection to a claim that includes a demand for relief of a kind specified in FRBP 7001 may not proceed under the procedures described in this rule. Such an objection requires the filing of a complaint to commence an adversary proceeding.

**LBR 3007-1 Related Local Form:**

- Objection to Claim; Notice of Hearing [[gub\\_3007-1](#)]

**BANKRUPTCY LOCAL RULE 3015-1  
CHAPTER 13 - PLAN**

**(a) Form Plan.** Unless the court orders otherwise, a plan filed in a chapter 13 case must substantially

conform to the local form plan (Chapter 13 Plan [[gub\\_3015-1](#)]). The language of the form plan may not be altered. The debtor may propose additional or different plan provisions only by setting them out in the “Additional Provisions” section of the plan.

**(b) Dismiss Upon Failure to File Plan.** If a plan is not filed with a chapter 13 petition or prior to an order converting the case chapter 13, the clerk is authorized to issue an order to satisfy the deficiency. The order may include a notice that failure to file the plan within 14 days may result in dismissal of the case without further notice, unless or before the deadline the court enters an order extending the time to file the plan. An order dismissing the case under this provision may include a 180-day bar to refile a subsequent petition as authorized by § 109(g)(1).

**(c) Extension of Time to File Plan.** A debtor may request an extension of time to file a plan by filing and serving on the trustee and United States Trustee a motion substantially conforming to the local form (Debtor’s Motion to Extend Time to File Case Opening Documents [[gub\\_1007-1a3](#)]). Consideration of the motion may be expedited if the motion includes the trustee’s signature indicating that there is no objection to the request.

**(d) Motion to Reconsider Dismissal.** A debtor whose case has been dismissed for failure to file a plan may request the court to reconsider the order dismissing the case by filing a proposed plan and motion substantially conforming to the local form (Debtor’s Motion to Reconsider Order Dismissing Case [[gub\\_9024](#)]).

**(e) Timeliness of Service.** The court may deny, without a hearing, plan confirmation if a certificate of service of the plan is not filed within 7 days after the filing of the plan.

**(f) Plan Motions.**

**(1) Form and Content of Motion.** A plan motion must substantially conform to the corresponding local form (Chapter 13 Plan Motion to Avoid Lien; Notice of Deadline to Object [[gub\\_3015-1avd](#)], or Chapter 13 Plan Motion to Value Collateral; Notice of Deadline to Object [[gub\\_3015-1val](#)]). The provisions of a plan motion must be consistent with the treatment of the subject claim proposed in the plan. Supporting documents, including appraisals, declarations, exhibits, and legal memoranda, may be attached to the motion. A plan motion must be filed separately and as soon as practicable after the plan is filed.

**(2) Service.** The debtor must serve the plan motion on the trustee, each lienholder, and any other party holding an interest in the subject property.

**(3) Objections.** An objection to a plan motion is deemed an objection to plan confirmation and must be filed no later than the deadline set for filing an objection to confirmation.

**LBR 3015-1 Related Local Forms:**

- Chapter 13 Plan [[gub\\_3015-1](#)]
- Motion to Extend Time to File Case Opening Documents [[gub\\_1007-1a3](#)]
- Debtor' Motion to Reconsider Order Dismissing Case [[gub\\_9024](#)]
- Chapter 13 Plan Motion to Avoid Lien; Notice of Deadline to Object [[gub\\_3015-1avd](#)]
- Chapter 13 Plan Motion to Value Collateral; Notice of Deadline to Object [[gub\\_3015-1val](#)]

**BANKRUPTCY LOCAL RULE 3015-2**  
**CHAPTER 13 - AMENDED PLAN OR MODIFICATION**

**(a) Amendment of Plan Before Confirmation.**

**(1) Amended Plan.** The debtor may file an amended chapter 13 plan anytime before confirmation by filing and serving on all creditors a plan substantially conforming to the local form plan (Chapter 13 Plan [[gub\\_3015-1](#)]). The debtor must check the box labeled “Amended” and indicate the date of the plan on the first page.

**(2) Objections.**

**(A) Prior Objection Deemed Moot.** An objection to a chapter 13 plan becomes moot upon the filing of an amended plan. If a party remains opposed to confirmation of an amended plan, the party must file a new objection.

**(B) Deadline to Object.** An objection to an amended plan must be filed not later than the time specified in LBR 3015-3.

**(3) Amendments Stated Orally at Confirmation Hearing.** The trustee may request that the court confirm a chapter 13 plan with an amendment stated orally at the confirmation hearing if the amendment does not prejudice any creditor.

**(4) Amended Plan Payments.** If the debtor has filed an amended plan prior to confirmation, the plan payments that come due after the date the amended plan is filed must be made in the amount stated in the amended plan, which may be higher or lower than the amount stated in the original plan. Where successive amended plans are filed, any plan payment that comes due must be made in the amount stated in the most recently filed amended plan.

**(b) Modification of Plan After Confirmation.**

**(1) Debtor's Motion.**

**(A) Form of Motion and Notice.** The debtor may request modification of a confirmed plan by filing a motion and notice of hearing substantially conforming to the local form (Debtor's Motion to Modify Confirmed Plan; Notice of Hearing [[gub\\_3015-2b1](#)]). A copy of the entire plan as modified need not be filed so long as the motion describes with specificity the proposed modifications to the plan then in effect.

**(B) Service.** A debtor's motion and notice must be served promptly on the trustee and:

(i) all creditors and parties in interest; or

(ii) if the motion is filed after the deadline to file a proof of claim, only those parties who have filed a proof of claim.

**(C) Objections.** An objection to a debtor's motion to modify a confirmed chapter 13 plan must be filed not later than 7 days before the motion's hearing date. If there are no objections, the court can grant the motion and vacate the hearing.

**(2) Motion by Trustee or Creditor.** A motion to modify a confirmed chapter 13 plan brought by a party other than the debtor, including the trustee's motion to extend the plan's duration, must be made pursuant to LBR 9013-1(c), except that a response to the motion must be filed not later than 7 days before the hearing date. The trustee may request a plan extension up to 60 months after the time the first payment was due under the confirmed plan by filing a motion and notice of hearing substantially conforming to the local form (Trustee's Motion to Extend Plan; Notice of Hearing [[gub\\_3015-2b2](#)]). The trustee is not required to file a certificate of service if the clerk serves the trustee's motion and notice using the court's transmission facilities.

**LBR 3015-2 Related Local Forms:**

- Chapter 13 Plan [[gub\\_3015-1](#)]
- Debtor' Motion to Modify Confirmed Plan; Notice of Hearing [[gub\\_3015-2b1](#)]
- Trustee' Motion to Extend Plan; Notice of Hearing [[gub\\_3015-2b2](#)]

**BANKRUPTCY LOCAL RULE 3015-3  
CHAPTER 13 - CONFIRMATION**

**(a) Objection to Confirmation.** A party objecting to confirmation of a chapter 13 plan or a plan motion must file an objection by the later of:

(1) 7 days before the date of the confirmation hearing or continued confirmation hearing , and

(2) 21 days after the date of filing of the plan, amended plan, or plan motion.

**(b) Lack of Objections.** In the absence of any timely filed objections to confirmation and any plan motions, the court may cancel the confirmation hearing, confirm the plan, and determine any plan motions.

**(c) Confirmation Orders.** Unless the court directs otherwise, the trustee will prepare a confirmation order substantially conforming to the local form (Order Confirming Chapter 13 Plan [[gub\\_3015-3pln](#)]), attaching the plan as an exhibit, and any order deciding a plan motion (Order Granting Plan Motion to Avoid Lien [[gub\\_3015-3avd](#)] or Order Granting Plan Motion to Value Collateral [[gub\\_3015-3val](#)]). The trustee may delegate the responsibility to prepare an order to the debtor or the debtor's attorney..

**(d) Procedure Upon Denial of Plan Confirmation.** If the court denies confirmation, the order may provide that the case may be dismissed unless, within 14 days after the entry of the order denying confirmation, the debtor:

(1) files an amended plan and any plan motions, or

(2) converts the case to a case under another chapter.

**(e) Multiple Denials of Confirmation.** If two or more plans have been denied confirmation in a case, the trustee may include in an objection to any subsequent plan a motion to dismiss the case for prejudicial delay to creditors. Separate notice of the request for dismissal is not required.

**LBR 3015-3 Related Local Forms:**

- Objection to Chapter 13 Plan or Plan Motion [[hib\\_3015-3obj](#)]
- Order Confirming Chapter 13 Plan [[hib\\_3015-3pln](#)]
- Order Granting Plan Motion to Avoid Lien [[hib\\_3015-3avd](#)]
- Order Granting Plan Motion to Value Collateral [[hib\\_3015-3val](#)]

**BANKRUPTCY LOCAL RULE 3017-1**  
**CHAPTER 11 - DISCLOSURE STATEMENT - APPROVAL**

**(a) Motion and Notice Required.** A plan proponent seeking approval of a disclosure statement related to a chapter 11 plan must file a motion for approval with the disclosure statement attached as an exhibit. Except as provided in LBR 3017-2, the moving party must immediately obtain a hearing date and promptly give at least 28 days' notice of the hearing to all parties in interest.

**(b) Form of Notice.** Unless the court orders otherwise, the notice of the hearing on a motion to approve a disclosure statement must substantially conform to the local form (Notice of Hearing on Disclosure Statement [[gub\\_3017-1b](#)]).

**(b) Objections.** A party objecting to approval of the disclosure statement must file a written objection not later than 7 days before the hearing date, unless otherwise ordered by the court. The objection should specify why the disclosure statement (rather than the proposed plan) is objectionable. The court generally will not entertain arguments about plan confirmation at the disclosure statement hearing.

**(c) Intention to Proceed.** Not later than 3 days prior to the hearing (and any continued hearing), the plan proponent shall advise the court by telephone or e-mail whether the proponent intends to go forward with the hearing.

**(d) Duty to Confer.** If an objection to the proposed disclosure statement is filed, the plan proponent and the objecting party must confer in a good faith attempt to resolve the dispute.

**(e) Request for Continuance.** A plan proponent desiring a continuance of the hearing on a disclosure statement shall appear at the scheduled hearing to request a continuance.

**(f) Adequate Information.** A plan proponent may establish that the proposed disclosure statement contains adequate information through offer of proof, declaration, or, if the court so requires, live testimony. In all cases, a witness competent to testify must be present. The plan proponent is not required to file briefs or memoranda.

**(g) Confirmation Hearing.** At the conclusion of the disclosure statement hearing, counsel for the plan proponent shall be prepared to advise the court of the amount of court time the confirmation hearing will require. If a contested confirmation hearing is anticipated, the court will entertain requests that scheduling procedures be established concerning the filing of briefs, exchange and marking of exhibits, disclosure of witnesses and discovery.

**(h) Order Approving Disclosure Statement.** If the disclosure statement is approved at the hearing, the plan proponent must promptly prepare and submit for electronic signature a proposed order. The proposed order must attach the approved disclosure statement as an exhibit.

**LBR 3017-1 Related Local Forms:**

- Notice of Hearing on Disclosure Statement [[hib\\_3017-1b](#)]
- Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof [[Official Form B13](#)]

**BANKRUPTCY LOCAL RULE 3017-2**  
**CHAPTER 11 - DISCLOSURE STATEMENT - SMALL BUSINESS CASE**

In a small business case governed by § 1125(f), a plan proponent may file an ex parte motion to seek (i) approval of a disclosure statement submitted using a court-approved standard form, (ii) conditional approval of a disclosure statement subject to final approval after notice and a hearing, or (iii) a determination that the plan itself provides adequate information and that a separate disclosure statement is not necessary. Any disclosure statement for which conditional or final approval is sought must be attached as an exhibit to the motion.

**BANKRUPTCY LOCAL RULE 3017-3**  
**BALLOTS - VOTING ON CHAPTER 11 PLAN**

**(a) Service.** The plan proponent must file a certificate identifying the parties served ballots to accept or reject a chapter 11 plan. The certificate of service may be combined with the certificate showing service of the disclosure statement and plan.

**(b) Ballots to be Returned to Plan Proponent.** Completed ballots must be returned to the plan proponent or its agent, not the court.

**(c) Ballot Report.** Not later than 7 days before the confirmation hearing, the plan proponent must file a ballot tabulation report that:

**(1)** shows the percentages of acceptances and rejections for each impaired class, in number and dollar amount;

**(2)** identifies any unimpaired classes with an explanation why such classes are unimpaired under § 1124;

**(3)** identifies any ballots received after the voting deadline set by the court and whether such ballots are included in the tabulation; and

**(4)** attaches all ballots as exhibits (unless there is an unusually large number of ballots).

**BANKRUPTCY LOCAL RULE 3020-1**  
**CHAPTER 11- CONFIRMATION**

**(a) Service of Disclosure Statement and Plan.** The plan proponent must file a certificate identifying the parties served the disclosure statement and plan. The certificate of service must be filed promptly after service was made.

**(b) Objections to Confirmation.** Unless the court otherwise orders, objections to confirmation of the plan must be filed not later than 7 days prior to the confirmation hearing.

**(c) Duty to Confer.** The plan proponent and any party objecting to confirmation must make a good faith effort to confer prior to the confirmation hearing regarding disputed issues and the conduct of the confirmation hearing.

**(d) Status Report.** Not later than 3 days prior to the hearing (and any continued hearing), the plan proponent must advise the court whether the proponent intends to go forward with the hearing.

**(e) Request for Continuance.** A plan proponent wishing to continue the confirmation hearing must appear at the scheduled hearing to make the request.

**(f) Confirmation Requirements.** If the plan has been accepted by the requisite majorities and no objections to confirmation have been filed, the plan proponent may establish that the plan meets the applicable requirements of chapter 11 by offer of proof, declaration, or, if the court

**BANKRUPTCY LOCAL RULE 3022-1**  
**CHAPTER 11- FINAL DECREE**

After the entry of a plan confirmation order, the debtor in possession or trustee in a chapter 11 case may request entry of a final decree by filing and serving on the United States Trustee, any committee appointed in the case, or if no committee was appointed, the holders of the 20 largest unsecured claims, an application for a final decree closing the case and discharging the trustee, if one has been appointed. If no objection is filed within 30 days after the date of filing of the application, the clerk may enter a final decree without further notice or hearing.

**BANKRUPTCY LOCAL RULE 3070-1**  
**CHAPTER 13- PAYMENTS**

**(a) Plan Payments to Trustee.**

**(1) Form of Payment.** Plan payments must be made in a form acceptable to the trustee.

**(2) Wage Orders.** The debtor may request an order directing the debtor's employer to make plan payments directly to the trustee (a "wage order") by submitting an application substantially conforming to the local form (Application for Order to Employer to Pay Funds to Trustee; Order [[gub\\_3070-1app](#)]). The trustee may request that the court issue a wage order if the debtor fails to make timely plan payments. The debtor may request an order vacating a wage order by submitting an ex parte motion substantially conforming to the local form (Motion to Vacate Order to Employer to Pay Funds to Trustee; Order [[gub\\_3070-1vac](#)]).

**(b) Pre-Confirmation Lease Payments.** Pre-confirmation payments due under personal property leases governed by § 1326(a)(1)(B) may be made directly by the debtor to the lessor only if the plan so provides or if no plan provision addresses payment of the debtor’s lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor must make the payment as part of the total payment to the trustee, and the trustee will pay the lessor, both before and after confirmation, upon the filing of a proof of claim by the lessor.

**(c) Pre-Confirmation Adequate Protection Payments.** Pre-confirmation adequate protection payments governed by § 1326(a)(1)(C) may be made directly by the debtor to the secured creditor only if the debtor’s plan so provides or if no plan provision addresses payment of the adequate protection. If the plan provides for payment of the secured claim by the trustee, the debtor must make the adequate protection payment as part of the total payment to the trustee, and the trustee will pay the secured creditor, both before and after confirmation, upon the filing of a proof of claim by the creditor.

LBR 3070-1 Related Local Forms:

- Application for Order to Employer to Pay Funds to Trustee; Order [[gub\\_3070-1app](#)]
- Motion to Vacate Order to Employer to Pay Funds to Trustee; Order [[gub\\_3070-1vac](#)]

## BANKRUPTCY LOCAL RULE 3070-2 CHAPTER 13- DISTRIBUTIONS

### **(a) Need to File Claim.**

**(1) Need to File Proof of Claim.** A creditor must file a timely proof of claim (Official Form B10) in order to receive distributions under the plan.

**(2) Need to File Administrative Claim.** A debtor’s attorney must file a request for payment of an administrative expense for compensation and reimbursement of expenses to be paid through plan distributions. The request may be made by filing in the claims register a request.

**(b) Arrearage Portion of Secured Claim.** Notwithstanding Bankruptcy Rule 3002(a), the holder of a secured claim must file a timely proof of claim in accordance with Bankruptcy Rule 3002(c) in order to receive plan distributions for a prepetition arrearage or default. If the plan provides for payment of an “arrearage,” the trustee shall make a distribution according to the amount stated on the proof of claim as “Amount of arrearage and other charges at time case filed included in secured claim,” unless the court orders otherwise. The trustee will make no distribution on the secured portion of a claim that states the amount of the arrearage is \$0.00, none, or the like, or if the arrearage amount is left blank.

**(c) Untimely Claims.** Unless the court orders otherwise, claims filed after the time periods stated in Bankruptcy Rule 3002(c) will not receive distributions under the plan. The court may consider a stipulation to allow an untimely claim without notice to other creditors if executed by the debtor and the trustee.

**(d) Debtor's Duty to Examine and Object to Claims.** Upon the expiration of the claims bar date for non-governmental creditors, the debtor is responsible for reviewing all claims and filing an objection to any claim with which the debtor disagrees and which has not yet been determined by the court.

**(e) Trustee's Notice of Filed Claims and Intent to Make Distributions.** The trustee must file and serve on the debtor and all creditors a notice of claims filed and intent to make distributions. The notice must list the claims filed and advise that distributions under the plan will be made according to the classification and amount of claims as filed, unless the court already has decided the value of collateral securing a debt, avoided a lien, or otherwise disallowed or modified a claim by specific order. The notice may state that the actual distributions will be subject to changes including, but not limited to, determinations of objections to claims, amended claims, stipulations allowing untimely claims, and awards of attorney compensation. The trustee shall serve the notice of claims filed and intent to make distributions by the later of:

(1) 28 days after the latest claims deadline stated in Bankruptcy Rule 3002(c), and

(2) 60 days after the entry of the plan confirmation order.

**(f) Determination of Claimant's Address for Distribution.** The trustee shall make distributions in accordance with the name and address of the claimant stated on the proof of claim, subject to any amendment, assignment, transfer, change of address, or any other information filed with the court as part of the individual case record. The trustee shall not make a distribution to a claimant or address other than that stated on the proof of claim unless the notice of a change is filed with the court. A claimant may

give notice of an address change by filing a form substantially conforming to the local form (Notice of Change of Address (Proof of Claim) [[gub\\_3070-2f](#)]).

**(g) Claims Amended, Assigned or Transferred After the Deadline to File a Claim.** If a claim is amended, assigned, or transferred after the deadline to file a claim under Bankruptcy Rule 3002, the creditor amending the claim, the assignee, or the transferee must file promptly with the court the document amending, assigning or transferring the claim.

**(h) Distribution on Disputed Claim.** To suspend distribution on a disputed claim, the debtor must file and serve an objection to claim on the claimant not later than 28 days after the filing of the trustee's notice of filed claims and intent to make distributions. The objection must comply with procedures stated elsewhere in these rules. Pending a determination of an objection, the trustee shall

cease making a distribution on the disputed claim. If the objection is overruled, at the request of the claimant or the trustee, the court may make provision for payment of any dividends not paid while the objection was pending. Nothing in these rules prevents the debtor, the trustee, or other party in interest from objecting to a claim after the deadline specified in this paragraph. However, unless the court orders otherwise, an objection that is untimely under this subdivision and that is sustained shall not result in a refund of amounts already paid on the disputed claim.

**(i) Relief from Stay.**

**(1) Order Granting Relief from Stay.** If an order granting relief from the automatic or codebtor stay unconditionally permits the secured creditor to foreclose on or repossess its collateral, the trustee shall cease making payments as soon as practicable to all creditors whose claims are based entirely on a secured interest in the collateral being foreclosed on or repossessed.

**(2) Stipulation or Order Regarding Relief from Stay.** If a stipulated order on relief from stay or other order provides that an arrearage in postpetition payments will be added to the prepetition debt amount paid through the plan, the creditor must file an amended claim to show the adjusted total amount due.

**(j) Payment of Debtor's Attorney Fees.** Plan distributions on account of compensation and reimbursement of expenses of attorneys for chapter 13 debtors will be made before or at the same time of each payment to creditors. Upon entry of an order allowing fees and expenses, an attorney must draw on any funds being held in a client trust account before accepting any plan distributions. Unless the court orders otherwise, the following provisions govern distribution amounts for payment of attorney fees.

**LBR 3070-2 Related Forms:**

- Proof of Claim [[B10](#)]
- Notice of Change of Address (Proof of Claim) [[gub\\_3070-2f](#)]

**PART IV**

**THE DEBTOR: DUTIES AND BENEFITS**

**BANKRUPTCY LOCAL RULE 4001-1  
AUTOMATIC STAY - RELIEF FROM**

**(a) Motion and Supporting Documents.**

**(1) Motion.** A motion requesting relief from the automatic stay imposed by § 362(a) must

state the basis under § 362(d) for the relief being sought. Except for related relief from a codebtor stay under § 1201(a) or 1301(a), the motion may not include requests for other relief.

**(2) Cover Sheet.** The motion must attach a cover sheet substantially conforming to the local form (Cover Sheet - Motion for Relief from Stay [[gub\\_4001-1cs](#)]) summarizing the factual basis for the request

**(3) Declaration.** A motion for relief from the automatic stay or codebtor stay must be accompanied by admissible evidence supporting the factual basis for the motion.

**(4) Account Statement.**

**(A) When Statement Required.** If the motion alleges that the debtor has defaulted in making payments to the moving party, the motion must include an account statement and an admissible declaration attesting to the statement's accuracy. The statement must cover the entire period during which the moving party contends that the debtor has been in default. The statement and declaration must be written in language comprehensible to a lay person, and must include the following information:

**(i)** a description of the accrued and unpaid obligations, including the nature of the obligation (e.g., principal and interest, escrow, etc.) and the date on which it accrued;

**(ii)** the amount of any payments during the period of the statement; and

**(iii)** the date of receipt and posting of each such payment.

**(B) When Statement Not Required.** An account statement is not required if the debtor has indicated in the Chapter 7 Individual Debtor's Statement of Intention or in a Chapter 13 plan that the property which is the subject of the motion will be surrendered to the moving party.

**(b) Hearing.**

**(1) Preliminary Hearing.** Unless the court orders otherwise, a motion for relief from the automatic or codebtor stay will be scheduled for a preliminary hearing in accordance with LBR 9013-1(c). The moving party is responsible for obtaining a hearing date that meets the requirements of § 362(e). Failure to obtain a hearing date in compliance with this rule will be deemed to be the moving party's consent to extend the automatic stay beyond thirty days, pending the conclusion of a final hearing and determination under § 362(d).

**(2) Continuance of Hearing.** A preliminary hearing may be continued or consolidated with a final hearing if the moving party, the debtor, and all other parties responding to the motion agree to the continuance or consolidation and the extension of the 30-day period for the entry of an order under § 362(e). The parties do not need to appear at the initially scheduled hearing if the moving party contacts the courtroom deputy, represents that all parties consent to the change, obtains a new hearing date and time, and promptly files and serves a notice of the continued preliminary hearing or the final hearing.

**(3) Oral Testimony.** Unless the court orders otherwise, no oral testimony will be received by the court at any hearing on a motion for relief from the automatic or codebtor stay.

**(c) Notice.**

**(1) Form of Notice.** The moving party must file and serve a notice of hearing which provides explicit notice of the deadline to file an opposition statement and that the court may grant the relief without a hearing in the absence of a timely filed opposition statement.

**(2) Separate Document.** The notice must be filed as a separate docket entry.

**(d) Service.** The moving party must serve, promptly after filing, a copy of the motion and the notice on:

(1) the debtor;

(2) the debtor's attorney;

(3) any trustee appointed in the case;

(4) any committee appointed in the case under § 705 or 1102, or its attorney, or, if no committee of unsecured creditors has been appointed in a chapter 11 case, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(d);

(5) if the motion seeks to enforce a lien, all other parties, known to the moving party, who claim an ownership or security interest in the same collateral;

(6) if the motion concerns a codebtor stay, the codebtor; and

(7) if the motion concerns the commencement or continuation of a judicial, administrative, or other action or proceeding, all parties to the action or proceeding.

**(e) Opposition Statement and Reply.**

**(1) Opposition Statement.** A party opposing or responding to a motion under this rule must

file and serve on the moving party a statement not later than:

(A) 14 days before the hearing date if the motion requests relief only from the automatic stay under § 362; or

(B) 7 days before the hearing date if the motion includes a request for relief from the codebtor stay under § 1201 or 1301.

**(2) Reply Memorandum.** The moving party may reply to an opposition or other responsive statement by filing a reply memorandum not later than 3 days before the preliminary hearing.

**(f) Order Granting Relief.**

**(1) Relief Granted by Default.** If no timely opposition has been filed, the moving party may request the entry of an order by filing a declaration substantially conforming to the local form (Declaration and Request for Entry of Order [[gub\\_9021-1](#)]). The section regarding the Servicemembers Civil Relief Act of 2003 must be completed.

**(2) Form of Order.** The moving party may obtain the relief requested by submitting a proposed order substantially conforming to the local form order (Order Granting Relief from Stay [[hib\\_4001-1f2](#)]). If the form order is not used, the proposed order must include the following provisions unless the court directs otherwise:

(A) There shall be no deficiency judgment or other money judgment without further order of the bankruptcy court

- (i) denying the debtor a discharge;
- (ii) determining that the debt owed to the moving party is no dischargeable;
- (iii) dismissing the case prior to the entry of a discharge; or
- (iv) expressly authorizing the entry of such a judgment;

(B) If the subject property is sold and the proceeds exceed the amount of the secured claim(s), the moving party must turn over the surplus proceeds to the trustee;

(C) The secured portion of any proof of claim filed by the moving party with respect to the subject property is deemed withdrawn and the moving party may seek collection of any unsecured deficiency amount only by filing a proof of claim under § 501, or by amending a previously filed proof of claim;

(D) The order will remain effective despite the conversion of the case to one under another chapter;

(E) The order is limited to granting relief from the automatic stay and/or the codebtor stay under the Bankruptcy Code and does not determine any issues concerning any rights, claims, remedies, or defenses of the moving party, the debtor, or any other party; and

(F) In a chapter 13 case, as soon as practicable after the trustee receives notice of this order, the trustee shall cease making distributions on all claims secured by the property described above except for funds then being held by trustee for distribution.

**(3) Special Provisions.** The order may include the following special provisions only if the motion specifically requested such relief and provided an adequate factual and legal basis therefor:

(A) inapplicability of the stay provided under Bankruptcy Rule 4001(a)(3);

(B) “in rem” relief, where the order is binding with respect to the subject property in another bankruptcy case that has been or may be filed;

(C) retroactive relief or annulment of the stay; and

(D) with respect to relief from the codebtor stay under § 1201 or 1301, a provision for a deficiency judgment against a codebtor without further order of the court.

**(g) Stipulations.** The court will consider granting relief from the automatic or codebtor stay, without the filing of a motion, upon submission of a stipulation for the relief if signed by the debtor, the party seeking relief, the trustee, and any party in interest, including a codebtor. In a chapter 11 case where no trustee has been appointed, the stipulation must be signed by the members of the unsecured creditors committee or its attorney. In a chapter 11 case where no trustee or unsecured creditors committee has been appointed, notice of not less than 21 days of the stipulation and an opportunity to object must be given to the holders of the 20 largest unsecured claims.

**LBR 4001-1 Related Local Forms:**

- Cover Sheet - Motion for Relief from Stay [[gub\\_4001-1cs](#)];
- Notice of Hearing [[gub\\_9073-1](#)];
- Declaration and Request for Entry of Order [[gub\\_9021-1](#)]
- Order Granting Relief from Stay [[gub\\_4001-1f2](#)].

**BANKRUPTCY LOCAL RULE 4001-2**  
**CASH COLLATERAL AND POST-PETITION FINANCING**

**(a) Scope of Rule.** This rule applies to all requests for authority to use cash collateral and all requests for authority to incur debt in cases under chapter 7, chapter 11, and chapter 12.

**(b) Contents of Motion.** All Financing Motions must include a budget covering the time period during which the order will remain in effect.

**(c) Effect of Noncompliance.** The court may deem unenforceable any provision not described, explained, or identified as required by Bankruptcy Rule 4001(c)(1)(B).

**(d) Interim Relief.** Absent extraordinary circumstances, the court will not approve an interim order on a Financing Motion that contains any of the provisions described in Bankruptcy Rule 4001(c)(1)(B).

**BANKRUPTCY LOCAL RULE 4001-3**  
**AUTOMATIC STAY - EXTENDING OR IMPOSING STAY; CONFIRMING NO STAY IN EFFECT**

**(a) Motions to Extend or to Impose Stay.**

**(1) Motion Required.** A party requesting an order to extend the automatic stay under § 362(c)(3)(B), or to impose the stay under § 362(c)(4)(B), must file a motion.

**(2) Contents.** The motion must state whether relief is sought with respect to all creditors or only specified creditors, who must be identified by name. The motion must set forth facts, supported by declarations as appropriate, showing that the filing of the present case is in good faith as to the creditors to be stayed and describing the circumstances that led to dismissal of any prior case(s) by the debtor.

**(3) Notice and Hearing.**

**(A) Motion to Extend Stay.** A party seeking to extend the stay under § 362(c)(3)(B) must obtain a hearing date that is not later than 30 days after the date of filing of the petition. A request to shorten time is not required if the motion is filed and served not less than 14 days before the hearing date. The motion must include a notice that any response to the motion must be filed and served on the moving party not less than 7 days before the hearing date. The moving party is not required to file a reply but may do so not less than 3 days before the hearing date. Absent a timely response, LBR 9013-1(c)(3) applies.

**(B) Motion to Impose Stay.** A motion to impose the stay is governed by LBR 9013-

1(c) and, if shortening of time is sought, by LBR 9006-1(b).

**(b) Motions to Confirm Termination or Absence of Stay.**

**(1) Motion Required.** Unless the court orders otherwise, a party requesting an order to confirm that the automatic stay has been terminated or is not in effect under § 362(h)(1) or (j) must file a motion.

**(2) Contents.**

**(A) Motions Under 11 U.S.C. § 362(h)(1).** A motion to confirm termination of the automatic stay filed under § 362(h)(1) must set forth facts, supported by declarations as appropriate, describing the personal property that is the subject of the motion and the actions taken by the debtor and the moving party with respect to the debtor's statement of intention filed pursuant to § 521(a)(2), and any proposed reaffirmation under § 524(c). A copy of the debtor's statement of intention must be attached as an exhibit to the motion.

**(B) Motions Under 11 U.S.C. § 362(j).** A motion to confirm the termination or absence of a stay under § 362(j) must set forth facts, supported by declarations as appropriate, regarding the dismissal or closing of any prior cases, the time any discharge was granted or denied, and any other facts pertinent to the motion.

**(3) Notice and Hearing.** Motions to confirm the termination or absence of a stay are governed by LBR 9013-1(c) and, if shortening of time is sought, by LBR 9006- 1(b).

**(c) Service.** A motion and notice governed by this rule must be served on the debtor, the debtor's attorney, any creditors or parties in interest affected by the motion, the United States Trustee, and any trustee or committee appointed in the case.

**BANKRUPTCY LOCAL RULE 4003-1  
EXEMPTIONS**

**(a) Itemization.** The exemption list in Schedule C – Property Claimed as Exempt must itemize, describe, and separately value each item claimed as exempt, except for household goods with an aggregate value not exceeding \$500.

**(b) Amendment of Schedule C.**

**(1) Amendment not Supplemental.** An amended Schedule C – Property Claimed as Exempt should replace in its entirety, not supplement, the originally filed schedule. Unless an amended Schedule C is clearly marked as supplemental, the debtor is deemed to have withdrawn any claims

of exemption made in the originally filed schedule.

**(2) Service.** The debtor must serve a copy of any amendment to Schedule C on all creditors, and promptly file a certificate of service to show compliance.

**(c) Objection to Claim of Exemption.** A party may object to a debtor's claim of exemption by filing and serving on the debtor, the debtor's attorney, and the trustee an objection and notice of hearing in accordance with LBR 9013-1(c).

**(d) Extending Deadline to Object.** A party may request an extension of the deadline to object to a debtor's claim of exemption by filing and serving on the debtor, the debtor's attorney, and the trustee a motion and notices substantially conforming to the local form (Motion to Extend Time to File Objection to Exemptions; Notice of Hearing [[gub\\_4003-1](#)]).

**(e) Order Setting Apart Exempt Property.** If no objection to a claim of exemption in a chapter 7 case has been made within the time provided in Bankruptcy Rule 4003(b), the court may, at any time, without a hearing and without reopening the case, enter an order approving claimed exemptions and setting apart exempt property as claimed.

**LBR 4003-1 Related Local Form:**

- Motion to Extend Time to File Objection to Exemptions; Notice of Hearing [[gub\\_4003-1](#)])

**BANKRUPTCY LOCAL RULE 4004-1  
DISCHARGE OF INDIVIDUAL DEBTOR**

**(a) Chapter 7.**

**(1) Eligibility for Discharge.** In a case commenced on or after October 17, 2005, the court may grant a discharge to an individual chapter 7 debtor who is otherwise eligible to receive a discharge, unless a statement alleging that § 727(a)(12) applies to the debtor. Such a statement must be filed no later than the deadline to file a complaint objecting to the debtor's discharge stated in Bankruptcy Rule 4004(a) or other time set by the court.

**(2) Notice to Creditors.** The clerk will include notice of this rule in the notice given under Bankruptcy Rule 2002(a)(1) to the parties identified in the debtor's creditor matrix.

**(b) Chapter 11.**

**(1) Discharge After Completion of All Plan Payments.** Upon completion of all payments

due under a confirmed plan, a debtor in a chapter 11 case who is an individual must file and serve on all creditors a certification and notice of completion of plan payments substantially conforming to the local form (Chapter 11; Notice of Deadline to Object [[gub\\_4004-3b](#)]). The certification must include a statement that § 1141(d)(5)(C) does not apply to the debtor. Any objection to the certification and the granting of a discharge must be filed within 30 days after the date of filing of the certification and notice.

**(2) When Motion Required.** A debtor in a chapter 11 case who is an individual may request the granting of a discharge without completion of all payments under the plan, as provided under § 1141(d)(5)(A) and (B), by filing and serving on all creditors a motion in accordance with LBR 9013-1(c).

**(c) Chapter 12 and Chapter 13.**

**(1) Discharge After Completion of Plan Payments.** Upon completion of all payments due under a confirmed plan, a chapter 12 or chapter 13 debtor in a case commenced on or after October 17, 2005, must file with the court a certification of eligibility for a discharge substantially conforming to Procedural Obligations and Section 522(q) [[B283](#)]. If the certification indicates that the debtor is eligible for a discharge with respect to § 1228(a) and (f) or § 1328(a) and (h), the clerk will serve on all creditors a notice that any objection to the certification and the granting of a discharge must be filed within 30 days after the date of the notice. If a debtor fails to file the certification under this rule by account, the clerk may close the case without the granting of a discharge.

**(2) When Motion Required.** A debtor in a chapter 12 or chapter 13 case may request the granting of a discharge without completion of all payments under the plan, as provided under § 1228(b) or § 1328(b), by filing and serving on all creditors a motion in accordance with LBR 9013-1(c). Unless the court orders otherwise, the granting of a discharge under this provision remains subject to the requirements to file a certification of eligibility under paragraph (1) and, in a chapter 13 case, to have completed an instructional course concerning personal financial management.

**LBR 4004-3 Related Local Forms:**

- Chapter 11; Notice of Deadline to Object [[gub\\_4004-3b](#)]
- 522(q) [[B283](#)]

**BANKRUPTCY LOCAL RULE 4008-1  
REAFFIRMATION**

**(a) Reaffirmation Agreement Deficiency.** If a reaffirmation agreement [[B240A](#)] is not accompanied by the Reaffirmation Agreement Cover Sheet [[Official Form B27](#)] required under Bankruptcy Rule

4008(a), or if the cover sheet or the reaffirmation agreement is incomplete, the court may not consider a reaffirmation agreement for approval, or may find, without a hearing, that a presumption of undue hardship has not been rebutted to the satisfaction of the court. The cover sheet is incomplete if it does not contain the debtor's income and expenses as stated in the reaffirmation agreement and as stated in schedules I and J, together with an explanation of any differences between these amounts security agreement must be attached.

**(b) Reaffirmation Without Representation or Certification by Debtor's Attorney.** In a case with a debtor unrepresented by an attorney, or where an attorney is unwilling or unable to sign the Certification by Debtor's Attorney, the debtor or creditor must file a motion for approval of the reaffirmation agreement. Such debtor must complete Part E of Official Form B240.

**(c) Extension of Deadline to Refile Reaffirmation Agreement.** A debtor's request to defer entry of a discharge and to extend the time to file a reaffirmation agreement by filing a motion conforming to the local form (Debtor's Motion to Defer Entry of Discharge and Enlarge Time to File Reaffirmation Agreement [[gub\\_4008-1b](#)]), generally will be considered ex parte. A motion for such relief by a party other than the debtor must comply with LBR 9013-1(c).

**LBR 4008-1 Related Local Forms:**

- Reaffirmation Agreement [[B240A](#)]
- Reaffirmation Agreement Cover Sheet [[Official Form B27](#)]
- Motion to Defer Entry of Discharge and Enlarge Time to File Reaffirmation Agreement [[gub\\_4008-1b](#)]

**PART V**

**COURT AND CLERK**

**BANKRUPTCY LOCAL RULE 5001-2**

**CLERK - LOCATION**

**(a) Office Hours.** The clerk's office is located at 520 West Soledad Avenue, 4<sup>th</sup> Floor, Hagåtña, Guam, 96910. The business hours are from 8:00 a.m. to 3:00 p.m. daily except Saturday, Sunday and legal holidays, or as otherwise directed.

**(b) Website.** Local Rules, forms, court calendars, and other information are available through the internet at <http://www.gud.uscourts.gov>.

**(c) CM/ECF and PACER.** Documents may be filed and viewed through the Internet by using the

federal judiciary's Case Management/Electronic Case Files and Public Access to Court Electronic Records ("PACER") systems; CM/ECF and PACER accounts are required for access.

**BANKRUPTCY LOCAL RULE 5003-1**  
**COURT DOCUMENTS**

**(a) Review of Court Records.** All records filed with the court not under seal, are subject to examination by the public without charge at the clerk's office.

**(b) Access to Electronic Filing System.** Any user with login/password to the United States Courts Public Access to Court Electronic Records ("PACER") system may view documents at any time and will be charged the appropriate fee. To obtain a login/password to the PACER system, contact the PACER Service Center at [www.pacer.pcs.uscourts.gov](http://www.pacer.pcs.uscourts.gov).

**BANKRUPTCY LOCAL RULE 5005-1**  
**FILING PAPERS - REQUIREMENTS**

**(a) Filing.** Documents to be filed in a bankruptcy case or proceeding must be filed with the clerk of the bankruptcy court.

**(b) Caption Requirements.** In addition to the information generally required by these rules, a party filing a document with the clerk must include the following in the document's caption:

- (1) the chapter of the Bankruptcy Code under which the case is currently pending; and
- (2) if the document is the subject of a hearing or trial, the date and time of the hearing or trial.

**(c) Defective Pleadings and Papers.**

(1) The clerk may reject without filing a petition that is submitted:

- (A) by a person who may not file a voluntary petition pursuant to an order of this court;
- (B) in paper form without the original signature of the debtor, and, if any, the joint debtor and the attorney for the debtor(s); or
- (C) without a creditor mailing matrix.

(2) The clerk may reject without filing any document, including a petition, that is

submitted:

(A) without the fee required to be paid at the time of filing by 28 U.S.C. § 1930(a) or (b), in a manner acceptable to the clerk;

(B) in paper form without the original signature of the individual submitting the document;

(C) without the verification or declaration required under Bankruptcy Rule 1008; or

(D) for filing in a closed or non-existent case in this court, unless the document's purpose is to commence or reopen a case.

(3) The clerk shall give prompt notice to the party whose document has been rejected for filing, including a specific description of the deficiency.

(4) Any party affected by the rejection of a document may file a motion for judicial review of such action within 7 days after the date of the clerk's rejection notice. The moving party must serve notice of a motion for such review on all parties affected by the document subject to the motion. If judicial review results in a determination that the rejection was improper, the document will be deemed filed as of a date and time set by the court.

**BANKRUPTCY LOCAL RULE 5005-2**  
**FILING PAPERS - NUMBER OF COPIES**

(a) **Documents for Filing.** Any party filing a document in paper form must submit to the clerk one copy of the document with an original signature. Upon request, the clerk will affix the date and time of filing stamp on a reasonable amount of additional copies.

(b) **Copy for Chambers.** A paper copy of a filed document should only be submitted to the judge's chambers if:

(1) requested by the clerk or

(2) the document is filed:

(A) 5 days or fewer before the hearing or trial to which the document pertains; or

(B) after the applicable deadline. (This provision does not excuse or permit the untimely filing of a document and the court may disregard any such document.)

**BANKRUPTCY LOCAL RULE 5005-4**  
**ELECTRONIC FILING**

**(a) Scope of Electronic Filing.** Documents may be filed, signed, verified and served by electronic means, in accordance with procedures promulgated by the court. Except as prescribed by local rule, order, or other procedure, the court has assigned all cases and proceedings to the CM/ECF system. Unless otherwise expressly provided in these rules or in exceptional circumstances preventing a filer from filing electronically, all documents required to be filed with the court in connection with a case or proceeding must be electronically filed.

**(b) CM/ECF Eligibility.** An individual entitled to file documents with the court electronically is referred to as an ECF User. All attorneys permitted to practice before the federal courts in the District of Guam are eligible to be ECF Users. The clerk may authorize other individuals to be ECF Users with full or limited participation in the CM/ECF system.

**(c) Consequences of Electronic Filing.**

**(1) Entry on the Docket.** Electronic transmission of a document to the CM/ECF system consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under FRBP 5003.

**(2) Official Record.**

**(A) Document electronically filed.** When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

**(B) Document submitted in paper form.** When a document submitted in paper form has had its image electronically recorded, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as so filed. A document submitted in paper form is deemed filed at the earlier of (i) the date and time stated on the Notice of Electronic Filing from the court or (ii) the date and time stamp affixed by the clerk. The clerk is not required to retain any paper document after making an electronic recording thereof consistent with the technical standards, if any, established by the Judicial Conference of the United States and the requirements, if any, prescribed by the Administrative Office of the United States Courts.

**(3) Deadlines.** Filing a document electronically does not alter the filing deadline for that document. Filing must be completed by 11:59 p.m. Hawaiian Standard Time as recorded by the

court's CM/ECF server in order to be considered timely filed that day.

**(4) Virtual Documents.** The court may create certain text-only entries on the docket for selection by an ECF User that consist entirely of the text contained in the docket entry and for which there is no separate electronically recorded image. Such virtual documents are fully effective despite the absence of a document image linked to the entry.

**(d) Entry of Court-Issued Documents.**

**(1) In General.** All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Bankruptcy Rules 5003 and 9021. Any order or other court-issued document filed electronically without the original signature of a judge or clerk, including a documents that is a virtual document or a text-only docket entry, has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a nonelectronic manner.

**(2) Summons.** The clerk may sign, seal, and issue a summons electronically. A summons in an adversary proceeding and a summons to an alleged debtor in an involuntary case containing the name of the clerk, the image of the seal of the court, and the identification of the court may be made available for downloading from the court's website. Such a summons, once completed in accordance with Fed. R. Civ. P. 4, dated on or after the date of the filing of a complaint or an involuntary petition, and filed with the court by an ECF User, shall be deemed to be a valid summons signed, sealed, and issued by the clerk.

**(e) Attachments and Exhibits.**

**(1) Excerpts.** Attachments and exhibits should contain only those excerpts of the referenced material that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. A party filing excerpts of a document under this rule does so without prejudice to the right to file timely additional excerpts or the complete document. A responding party may file timely additional excerpts or the complete document that the party believes to be directly germane to the subject matter.

**(2) Proofs of Claim.** Only documents that are necessary to show the basis for the amount of the claim or the basis for any secured claim or security interest should be filed as attachments to a proof of claim.

**(f) Sealed Documents.** Unless the court orders otherwise, documents that have been approved for sealing will be electronically filed and their images stored in the CM/ECF system, with access to the sealed documents limited to court staff. A party wishing to file a document under seal must submit (i) an electronic image of the document in PDF format, attached to a declaration that the image is a true and correct copy of the original document, and (ii) a courtesy paper copy for chambers.

**(g) Signatures.**

**(1) ECF User.** Use of the ECF User's login and password constitutes the signature of that individual for all purposes, including those under Bankruptcy Rule 9011 and 28 U.S.C. § 1746, and has the same force and effect as if the individual had affixed that individual's signature on a paper copy of the document being filed.

**(2) Debtor.** When a bankruptcy petition and accompanying schedules and statements, including amendments thereof, are filed electronically by an ECF User, the declarations or certifications required of a debtor in these documents must be made by submitting a paper copy of a declaration with the original signature of each individual or joint debtor, or the original signature of an authorized individual on behalf of a debtor that is an artificial entity. The Declaration re: Electronic Filing must be filed within 7 days after the date of electronic filing of the subject document. Failure to comply with this rule may result in dismissal of the case without further notice or a hearing.

**(3) Other Requirements.** The court may adopt further requirements regarding signatures through issuance of administrative procedures.

**(h) Service and Notice by Electronic Means.** Electronic transmission through the CM/ECF system of a notice of electronic filing and, unless the document is virtual or a text-only docket entry, a link to the image of the document that has been filed constitutes service and notice of the entry of that document in accordance with Bankruptcy Rule 9022 and Fed. R. Civ. P. 5(b)(2)(E) to those persons who consented in writing to accept electronic service or notice.

**(i) Technical Failures.** An ECF User who is unable to effect a filing through the Internet due to a technical failure should document the incident and report it to the clerk as soon as practicable. If a filing is made untimely as the result of a technical failure, an ECF User may seek appropriate relief from the court.

**(j) Hyperlinks.**

**(1) Link Within Same Document.** An electronically filed document may contain a hyperlink to another portion of the same document.

**(2) Link to External Source.** An electronically filed document may contain a hyperlink to a location on the Internet that contains a source document for a citation. However, hyperlinks are simply a convenient means for accessing reference material and may not replace standard citation format. Complete standard citations must be included in the document text. Neither a hyperlink, nor any site to which it refers, may be considered part of the record. The court accepts no responsibility for accessibility to or the functionality of any hyperlink or its content.

**BANKRUPTCY LOCAL RULE 5005-3**  
**E-GOVERNMENT ACT OF 2002**

**(a)** In compliance with the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

- (1)** Social Security numbers;
- (2)** Names of minor children;
- (3)** Dates of birth;
- (4)** Financial account numbers.

**(b)** Any pleading or paper filed with the court shall be subject to the following provisions:

- (1)** Minor children shall be identified only by initials;
- (2)** Only the year of a child's birth shall be disclosed;
- (3)** Only the last four digits of any social security shall be disclosed, except as required in Official Form B 21; and
- (4)** Only the last four digits of an account number shall be disclosed.

**(c)** The responsibility of redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this rule.

**(d)** A party wishing to file a document containing personal identifiers listed above may file an unredacted document under seal. This document shall be retained as part of the court record. The court may still require the party to file a redacted copy for the public file.

**BANKRUPTCY LOCAL RULE 5073-1**  
**PHOTOGRAPHY, RECORDING DEVICES AND BROADCASTING**

**(a) Prohibition.** Unless the court orders otherwise, taking a photograph, making an audio or video recording, or broadcasting by radio, television, or otherwise in the courtroom during or in connection with any hearing, trial, or other proceeding is prohibited. If a court proceeding is recorded for a

specific purpose in accordance with the policy of the Judicial Conference of the United States, the dissemination of any recorded courtroom transmission by any means, for any purpose, by or to any person, without a court order authorizing such dissemination, is prohibited.

**(b) Exception.** Subdivision (a) does not apply to audio recordings of proceedings made by court staff for the purpose of making the official record. The presiding judge may authorize public access to such audio recordings on PACER. A party objecting to access to an audio recording being made available on PACER must file an objection no later than the time of the hearing or trial and bring it to the attention of the judge at the commencement of the proceeding..

## PART VI

### COLLECTION AND LIQUIDATION OF THE ESTATE

#### BANKRUPTCY LOCAL RULE 6004-1 SALE OF ESTATE PROPERTY

**(a) Procedure.** A motion for authority to sell free and clear of liens under 11 U.S.C. § 363(f) shall identify by name, immediately below the caption, the lienholders whose property rights are affected by the motion. The affected lienholders shall be served with a complete set of moving papers pursuant to FRBP 7004(b). The motion must attach a cover sheet substantially conforming to the local form (Cover Sheet – Motion to Sell Property [[gub\\_6004-1a](#)]), must identify the name and address of each lienholder and any other party whose property rights are affected by the proposed sale, and must identify on the cover sheet the basis for compliance with § 363(f). In addition to the information on the cover sheet, the motion must include, immediately below the caption, the statement: “**THIS MOTION AFFECTS THE PROPERTY RIGHTS OF . . .**” with the name of each holder of a lien or other interest whose property rights are affected.

#### **(b) Supporting Papers.**

**(1) Memorandum of Law.** The motion must be supported by a memorandum of law explaining compliance with § 363(f).

**(2) Declaration.** The motion must be accompanied by admissible evidence supporting the factual basis for the motion and showing satisfaction of one or more conditions under § 363(f). The evidence must include a copy of a current title report, a current Uniform Commercial Code financing statement, or other report on the status of the title to the real or personal property and identification of any security interests in the subject property.

**(3) Notice.** Unless the court orders otherwise, the moving party must obtain a hearing date

and give notice to all creditors in accordance with LBR 9013-1(c). The notice of the hearing must contain a description of the property, identification of the purchasing party, and the material terms of the sale (including any provision for overbidding at the hearing).

**(c) Persons Prohibited from Purchasing Estate Property.** The following persons shall not, directly, or indirectly, purchase property from any bankruptcy estate:

**(1)** employees of the Bankruptcy Division; and

**(2)** any person who is serving as trustee, disbursing agent, appraiser, auctioneer, examiner, accountant, or attorney for a trustee in any matter before the court. Sales or purchases made in violation of this rule are unauthorized and not title shall pass by reason thereof.

**(d) Sales Subject to Liens.** A party seeking to sell estate property subject to one or more liens which will not be discharged from the proceeds of the sale at closing must obtain an order approving the sale. Subdivision (e) of this rule applies to such a sale.

**(e) Other Sales Outside the Ordinary Course of Business.** If the subject property is not being sold free and clear of liens or other interests, or is being sold subject to one or more liens which will not be discharged from the sale proceeds at closing, the trustee or debtor in possession may obtain an order approving the sale by filing a notice of the proposed sale substantially conforming to the local form (Notice of Proposed Use, Sale, or Lease of Property [hib\_6004-1c]). The notice must be served on the debtor, any committee appointed in the case, the United States trustee, all creditors, and any parties with an interest in the property or directly affected by the proposed sale.

**(f) Trustee's Sale of Property Under \$2,500.** When all of the nonexempt property of the estate has an aggregate gross value less than \$2,500, the clerk may give a general notice of intent to sell such property other than in the ordinary course by including such notice in the notice of commencement of the case, the notice of need to file a proof of claim, or other such notice, without further notice or a hearing. An objection to this procedure must be filed not later than 21 days after the date of filing of such notice.

**(g) Trustee's Sale of Personal Property on Leased Premises.** A motion by a trustee or debtor in possession to sell personal property of the estate located on leased premises may be heard on 7 days' notice without an order shortening time.

**(h) Special Provisions.**

**(1) Good Faith Finding.** A party seeking approval of a sale or lease of property as being made in good faith under § 363(m) must make the specific allegation of good faith in a motion governed by this rule and provide supporting evidence.

**(2) 14-Day Stay After Entry of Order.** A party seeking a provision in the order approving sale which waives the stay provided for in Bankruptcy Rule 6004 (h) must include a specific request for this provision in the motion and notice.

**(i) Form of Order.** The order granting a motion to sell free and clear of liens shall specify each lienholder whose interest is to be affected by the order.

**LBR 6004-1 Related Local Forms:**

- Cover Sheet –Motion to Sell Property [[hib\\_6004-1a](#)]
- Notice of Proposed Use, Sale, or Lease of Property [[hib\\_6004-1c](#)]

**BANKRUPTCY LOCAL RULE 6006-1  
EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

**(a) Rejection.** A motion for rejection of an executory contract or unexpired lease shall include:

(1) The date of the contract or lease;

(2) The names of all entities known to movant to claim or to have claimed an interest on the contract or lease, including the original parties, assignees, sublessors, sublessees and parties holding a security interest therein or in the subject property;

(3) The subject matter and essential terms of the contract or lease, including (i) if a real property lease, the location (including the street address, legal description and assessor's parcel number if known), or (ii) if a personal property lease, a description of the items of personal property;

(4) The balance of any payments or other performance required to be paid or performed under the contract or lease; and

(5) The reasons for the relief requested.

**(b) Assumption.** A motion for assumption of an executory contract or unexpired lease shall include:

(1) The items listed in paragraph (a) above;

(2) If there has been a default, how the movant will cure or provide adequate assurance that the movant will promptly cure such default;

(3) How the movant will compensate, or provide adequate assurance that the movant will

promptly compensate, a party other than the debtor for any actual pecuniary loss to such party resulting from such default; and

(4) How adequate assurance of future performance will be provided.

**(c) Assignment.** A motion to assign, whether or not included with a motion to assume, shall also include:

(1) The name of the proposed assignee and essential terms of the assignment;

(2) How adequate assurance of future performance will be provided, whether or not there has been a default;

(3) Whether the proposed assignment is subject to higher and better bids; and

(4) Whether any disbursements will be paid from any proceeds received and, if so, to whom and whether such recipient is an insider.

**(d) Form of Notice.** The notice of motion shall set forth those items listed in paragraph (a) (1) or, if applicable, paragraph (a) (2) and (a) (3) above and shall provide that if no objection is served on movant and filed within 14 days of service, the motion may be granted.

**(e) Service.**

(1) **The Motion.** The motion shall be served upon those parties listed in paragraph (a) (2) above.

(2) **The Notice of Motion.** Notice of the motion shall be served upon:

(A) Those parties listed in paragraph (a)(2) above;

(B) The United States Trustee;

(C) If appropriate, the attorney for any case trustee or, if not represented by an attorney, upon the case trustee;

(D) If appropriate, the attorney for the debtor or, if not represented by an attorney, upon the debtor;

(E) In chapter 11 cases, the twenty largest unsecured creditors listed by the debtor;

(F) The attorney for any committee appointed under the Code;

(G) Any proposed assignee;

(H) Any party requesting notice; and

(I) Any other person or entity upon whom service is required by law or the court.

**(f) Entry of Order.**

**(1) Lack of Objection.** If, after filing a motion to assume, reject or assign, an objection is not timely filed and served, a proposed form of order may be lodged and served with a certificate of service and of no objection, which certification may not be made until expiration of 3 days after the last day for objection.

**(2) Service of Certifications and Proposed Orders.** Certifications and proposed orders shall be served upon the parties listed in paragraph (e) (2) above.

**(3) Objections.** If a timely objection is filed and served, the moving party shall obtain a hearing date from the court and file a notice of hearing, serve it on the objecting party and on other interested parties and file a certificate of service prior to the hearing.

**(g) Expiration of the Time to Assume.** If a lease or executory contract is deemed rejected by virtue of the expiration of the applicable period of assumption, any party to the lease or contract may lodge with the court an order confirming the rejection of such lease or contract, together with a motion stating that the time for assumption has expired and that no motion to assume or to extend the time to assume has been filed and is pending. Such motion and form of order shall be served upon those parties listed in paragraph (a)(2) above.

**BANKRUPTCY LOCAL RULE 6007-1  
ABANDONMENT OF PROPERTY**

**(a) Definitions.** For purpose of this Local Rule, the term “trustee” does not include a “debtor in possession”.

**(b) Procedure.**

**(1) Notice of Intent to Abandon.** A case trustee or debtor in possession who desires to abandon property of the estate may seek to do so by a notice of intent to abandon, without necessity for filing a motion to abandon.

**(2) Motion to Compel Abandonment.** A party in interest who seeks to compel the case trustee or debtor in possession to abandon property of the estate shall do so by motion.

**(c) Notice.**

**(1) By Trustee.** A trustee's notice of intent to abandon shall be served by the clerk.

**(2) By Debtor in Possession.** A debtor in possession's notice of intent to abandon shall be served by the debtor in possession.

**(3) By Movant.** Notice of a party in interest's motion to compel abandonment shall be prepared and served by the movant.

**(4) Contents.** The notice of intent or motion shall briefly describe the nature or type of property to be abandoned, including the address of the property if applicable, and the basis upon which the case trustee, debtor in possession or movant concludes that the property is burdensome to the estate or that it is of inconsequential value and benefit to the estate.

**(5) Parties to be Served.** The notice shall be served on those listed in Rule 6007(a).

**(d) Objections.** Objections must be filed with the court and served upon the person(s) specified in the notice, within 14 days of service of the notice.

**(e) Hearings.** Unless a timely objection is filed, a notice of intention or motion to abandon property shall not be set for hearing unless otherwise ordered by the court.

**(f) Orders.**

**(1) If No Objection is Filed and Served.** If no timely objection to a notice of intent or motion to abandon is filed and served, the property is deemed abandoned without further order of the court unless the court otherwise directs. If an entity desires an order of the court authorizing or directing, and confirming, the case trustee's or debtor in possession's abandonment of the property, that entity may submit to the court a proposed form of order, together with a declaration which recites (A) the circumstances of compliance with the notice requirements of Rule 6007 and this Local Rule, (B) that the time for objection has expired, and (C) that no objection has been filed and served, and 3 days have passed since the last day for objections.

**(2) If Objection is Filed.** If a timely objection is filed, the party requesting the abandonment shall obtain a hearing date from the court and file a notice of hearing, and serve said notice on the objecting party and also prepare and file a certificate of service prior to the hearing.

**(3)** If the party submitting a declaration pursuant to paragraph (f) (1) has actual knowledge that an objection has been filed or served, but was untimely, the declaration should so state.

**BANKRUPTCY LOCAL RULE 6071-1**  
**PROPERTY OF THE ESTATE**

An entity exercising control over a financial account, safe deposit box, or other property which may be property of the estate may request instructions from the court by filing an application substantially conforming to the local form (Application for Instructions Regarding Property; Notice of Deadline to Request Hearing; Certificate of Service [[gub\\_6071-1](#)]). The application must be served on the debtor, the trustee, and any other party known to claim an interest in the property. If the party seeking instructions under this rule is an artificial entity, the entity may file the request without being represented by counsel.

**LBR 6071-1 Related Local Form:**

- Application for Instructions Regarding Property; Notice of Deadline to Request Hearing; Certificate of Service [[gub\\_6071-1](#)]

**PART VII**

**COLLECTION AND LIQUIDATION OF THE ESTATE**

**BANKRUPTCY LOCAL RULE 7001-1**  
**ADVERSARY PROCEEDINGS - GENERAL**

**(a) Incorporation of Other Rules.** Unless the court otherwise orders, the Federal Rules of Bankruptcy Procedure, Federal Rules of Civil Procedure, together with the Local Rules of the District Court of Guam shall apply in all adversary proceedings.

**(b) Modification.** The court may direct that additional rules may apply.

**BANKRUPTCY LOCAL RULE 7001-2**  
**EFFECT OF DISMISSAL OF BANKRUPTCY CASE ON ADVERSARY PROCEEDINGS**

Whenever a case is dismissed, any adversary proceeding filed in connection with that case will be dismissed without prejudice unless otherwise ordered, and any proceedings that have been removed to the bankruptcy court in connection with that case shall be remanded.

**BANKRUPTCY LOCAL RULE 7001-3  
CIVIL RICO CLAIMS**

Unless the court orders otherwise, any local rules of the district court governing claims based on the Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. § 1961, et seq., apply in adversary proceedings.

**BANKRUPTCY LOCAL RULE 7003-1  
COVER SHEET**

Every complaint initiating an adversary proceeding must be accompanied by a cover sheet substantially conforming to the Director's Procedural Form (Adversary Proceeding Cover Sheet [B104]).

**LBR 7003-1 Related Form:**

- Adversary Proceeding Cover Sheet [B104]

**BANKRUPTCY LOCAL RULE 7003-2  
COMMENCEMENT OF ACTION**

An adversary proceeding is commenced by the filing of:

- (1) A complaint;
- (2) An Adversary Proceeding Cover Sheet on Official Form B 104;
- (3) A Summons in an Adversary Proceeding on Official Form B 250A, completed except for the date and the clerk's signature and seal; and
- (4) payment of the filing fee, if required by law.

**BANKRUPTCY LOCAL RULE 7005-1  
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

(a) All pleadings and papers shall be filed with the clerk by electronic means unless otherwise permitted by these rules.

(b) Pleadings and papers filed electronically are deemed served upon all CM/ECF participants who

are parties to the proceeding, provided that the notice of electronic filing issued by the clerk indicates that service has been made. Follow up service of a “hard copy” pleading or paper is not necessary unless the acknowledgment of filing does not indicate that service was made.

**BANKRUPTCY LOCAL RULE 7007-2**  
**STATEMENT OF NON-OPPOSITION**

**Requirement to File.** If a motion in an adversary proceeding is unopposed, the respondent shall file a Statement of Non-Opposition within the time for filing and serving any opposition.

**BANKRUPTCY LOCAL RULE 7016-1**  
**PRETRIAL PROCEDURES**

**(a) Counsel’s Duty of Diligence.** Counsel for parties in an adversary proceeding must diligently take all steps necessary to bring the action to trial.

**(b) Scheduling Conference.**

**(1) Conference Date and Time.** Upon the filing of a complaint, the plaintiff must obtain a scheduling conference date and time from the courtroom deputy.

**(2) Scheduling Conference Statement.** Not later than 7 days before the scheduling conference, each party must file with the court and serve on all other parties a scheduling conference statement addressing the following subjects:

- (A)** nature of the action, including a concise factual background;
- (B)** jurisdiction and venue;
- (C)** demand for jury trial;
- (D)** disclosures under Fed. R. Civ. P. 26 not covered by the report required under Fed. R. Civ. P. 26(f);
- (E)** discovery completed, in progress, and any pending motions related to discovery issues;
- (F)** special procedures;
- (G)** related cases in any state or federal court; and

(H) prospects of settlement, including use of the bankruptcy alternative dispute resolution program.

**(3) Attendance.** All parties receiving notice of the scheduling conference must attend and be prepared to discuss the items listed under paragraph (2) of this rule and the following:

(A) service of parties not yet served;

(B) anticipated motions, and deadlines to the filing and hearing of motions, including motions to dismiss or for summary judgment;

(C) deadlines to join other parties, amend pleadings, and conduct discovery;

(D) setting a trial date and any pretrial proceedings; and

(E) any special procedures or other matters affecting the speedy, just, and inexpensive determination of the action.

**(c) Scheduling Order.** Unless the court directs otherwise, the following deadlines and provisions apply in an adversary proceeding and will be set forth in the scheduling order.

**(1) Motions.**

**(A) Motions to Join or to Amend.** Motions to join other parties or to amend pleadings may be filed not later than 28 days after the date of entry of the scheduling order.

**(B) Motions for Summary Judgment or to Dismiss.** Dispositive motions, including motions for summary judgment or to dismiss, must be filed so as to be heard not later than 28 days before the trial date.

**(C) Motions in Limine.** Motions in limine and other objections to witnesses or exhibits may be filed not later than 14 days before the trial date. The title of a motion or objection must clearly identify the subject matter. A response to a motion in limine or other objection may be filed not later than 7 days before the trial date.

**(2) Trial Briefs.** Not later than 28 days before the trial date, each party must file and serve on all other parties a trial brief discussing all significant issues of law, including foreseeable procedural and evidentiary issues, setting forth concisely the party's position and the supporting arguments and authorities. A trial brief exceeding 15 pages must include a table of contents and a table of authorities.

**(3) Witness Lists.** Not later than 28 days before the trial date, each party must file and serve on all other parties a final comprehensive witness list, including a brief summary of the anticipated testimony from each witness.

**(4) Interpreters.** Not later than 28 days before the trial date, any party wishing to use an interpreter for the testimony of one or more witnesses must notify the courtroom deputy of such a request. The party wishing to use the interpreter must verify that the individual has been certified as an interpreter by the Director of the Administrative Office of the United States Courts and indicate whether the selection of the interpreter is agreeable to all parties. The requesting party's witness list must include the name of the interpreter and identify the parties whose testimony will be interpreted.

**(5) Exhibits.**

**(A) Deadlines.** Not later than 28 days before the trial date, each party must serve on all other parties, but not file with the court, copies of all exhibits, including both evidentiary exhibits and illustrative aids. Unless the court directs otherwise, exhibits may not be submitted to the court until the day of trial.

**(B) Marking.** Plaintiff's exhibits must be marked with numbers; defendant's exhibits must be marked with letters; additional parties should contact the courtroom deputy for marking instructions. Enlargement of evidentiary exhibits must bear the same exhibit marking as the underlying exhibit. Illustrative aids and enhancements of evidentiary exhibits (e.g., a copy of an exhibit including lines, highlighting, or explanatory text) must be separately listed and marked. At trial, each party must tender to the courtroom deputy the original and two copies of the marked exhibits in tabbed binders.

**(C) Objections.** Not later than 14 days before the trial date, the parties must meet and confer to make a good faith attempt to resolve any objections to the admissibility of any exhibits. At the commencement of trial, the parties should be prepared to stipulate into evidence all exhibits as to which there were no objections.

**(6) Use of Presentation Equipment.** Not later than 14 days before the trial date, a party must inform the courtroom deputy of any intention to use courtroom equipment to present evidence and illustrative aids. Counsel are responsible for making arrangements to familiarize themselves with the equipment, to test the compatibility of their presentations with the court's equipment and software, and to make alternative arrangements for their presentation in the event of incompatibility or system failure. If the exhibits or illustrative aids are in digital format, the party must provide all other parties with a digital copy, in its native file format, on a CD, DVD, or diskette.

**(d) Unrepresented Parties.** Any party that is not represented by counsel shall be responsible for complying with the requirements of this Local Rule, and any reference in this Local Rule to counsel

for such party shall be deemed to refer to such party.

**BANKRUPTCY LOCAL RULE 7030-1**  
**DEPOSITIONS; ORIGINAL TRANSCRIPTS**

**(a) Original Document.** Counsel responsible for the preservation and storage of the original transcript, tape, or other means of preservation of any deposition must produce the original transcript, tape, or other means of preservation of such deposition upon request by the court or any party if needed for court proceedings.

**(b) Germane Portion.** Only the portion of a deposition that is directly germane to the matter under consideration by the court should be offered as an exhibit in support of a motion, objection, or response thereto.

**BANKRUPTCY LOCAL RULE 7037-1**  
**DISCOVERY DISPUTES**

**(a) Requirement of Electronic Filing.** Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court shall be electronically filed.

**(b). Objections to Discovery Process.** An objection to any interrogatory, deposition, request, or application shall include only that portion that is the subject of the objection. Any such objection shall not extend the time within which the objecting party shall otherwise answer or respond to any discovery matter to which it has not objected. Any party opposing the requested relief shall file only those additional portions of the interrogatories, request for documents or request for admission and the responses to same that are necessary for the court's consideration of the matter.

**(c). Motions To Compel.** If a discovery dispute is not resolved, the party initiating discovery shall file and serve a motion to compel an answer, production, designation, or inspection. Only those portions of the interrogatories, depositions, requests for documents, or request applications that are germane to the motion shall be filed. Any party opposing the requested relief shall file only those additional portions of the interrogatories, depositions, requests or applications and the responses to same that are necessary for the court's consideration of the matter.

**(d)** Compliance with discovery orders shall be effected within fifteen (15) days of the entry of the order.

**(e) Failure To Comply with Order.** Should a party fail to comply with an order of the court concerning discovery motions, the party objecting to such failure to comply shall place the matter

before the Court by filing and serving a motion for supplementary relief.

**(f) Consultation Among Counsel.** All Counsel are required to participate in pre-trial discovery conferences in order to decrease, in every way possible, the filing of unnecessary discovery motions. No motion concerning discovery matters may be filed until counsel make a good faith effort with opposing counsel to resolve the discovery matters in dispute. The court shall dismiss any motion concerning discovery matters not accompanied by a certificate of counsel that a good faith effort has been made to resolve the discovery matters at issue. The certification shall be filed as an attachment to the motion.

**BANKRUPTCY LOCAL RULE 7054-1**  
**TAXATION OF COSTS - ADVERSARY PROCEEDINGS**

**(a) Cost Statement.** A party allowed costs shall, within 14 days after entry of the judgment unless the time is extended by motion filed prior to the expiration of the 14 days, file with the clerk and serve upon all adverse parties, a cost statement together with a notice of application to have the costs taxed and a proposed form of taxation of costs. The cost statement shall include a memorandum of the costs and shall be verified.

**(b) Objections.** Unless the clerk otherwise directs, the notice of application to have costs taxed shall give adverse parties notice that they have 14 days to file and serve on the party who seeks costs, any objections to the cost statement. Any evidence supporting the objection shall be attached thereto. Thereafter, the clerk shall tax the costs.

**(c) Clerk Taxation.** The clerk will not tax costs unless the judgment allows costs.

**BANKRUPTCY LOCAL RULE 7055-1**  
**DEFAULT**

**(a) Request for Entry of Default.** A party requesting entry of default must support the request with a declaration regarding sufficiency of service of the summons and copy of the complaint. The declaration must identify the applicable provision authorizing service under Bankruptcy Rule 7004 or Fed. R. Civ. P. 4 and, if served in a place not within any judicial district of the United States, the specific authority for service under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents or other method of service.

**(b) Judgment for Plaintiff.** Unless the court otherwise orders, a plaintiff entitled to a judgment by default in an adversary proceeding, for a claim other than a sum certain pursuant to F.R.Civ.P.. 55(b)(2), shall obtain a judgment only by written motion and upon establishment of a prima facie case at a hearing, with notice of not less than 28 days to the defendant. The motion shall be served on the defendant and, if represented by counsel, the defendant's attorney. Entry of default by the

clerk must be made prior to or concurrently with the filing of the motion.

## **PART VIII**

### **APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL**

#### **BANKRUPTCY LOCAL RULE 8001-1 NOTICE OF APPEAL**

An appeal from a final order or judgment or decree of the court shall be taken to the United States Ninth Circuit.

#### **BANKRUPTCY LOCAL RULE 8007-1 COMPLETION OF RECORD - APPEAL**

The record on appeal shall include a transcript of the hearing(s) resulting in the order of judgment from which the appeal is taken or a summary thereof agreed upon by all parties.

## **PART IX**

### **GENERAL PROVISIONS**

#### **BANKRUPTCY LOCAL RULE 9003-2 CONFIDENTIALITY**

Court staff, including clerks, law clerks, judicial assistants, and court security officers, may not disclose to any person information related to any case or proceeding that is not part of the public record without specific authorization of a judge.

#### **BANKRUPTCY LOCAL RULE 9003-5 GRATUITIES**

No person may directly or indirectly give or offer to give, nor may any judge, employee, trustee, or anyone appointed by the court or by any judge for any purpose accept on such individual's behalf or on behalf of the court any gift or gratuity, regardless of value, directly or indirectly related to services performed by or for the court.

**BANKRUPTCY LOCAL RULE 9004-1**  
**PAPERS - CAPTION AND FORM, GENERAL**

**(a) Caption.** The caption of each document filed, other than the petition, unless otherwise specified in this Local Rule, shall include the title of the court as set forth in Local Rule 1005-1, the name of the debtor, the chapter of the case, the bankruptcy case number in the form required by Local Rule 1005-1 and a brief designation of the nature of the relief requested.

**(b) Adversary Proceedings, Contested Matters or Certain Motions.** No documents, pleadings or motions other than those specified in these Local Rules shall be dual captioned. The caption of an adversary complaint and all other documents filed in an adversary proceeding shall be dual captioned. The first caption shall include the debtor's name. The second caption shall include the names of the plaintiffs and defendants. The caption shall also include the chapter, the bankruptcy case number and the adversary proceeding number, once assigned. The caption of a motion to vacate the stay and all subsequent pleadings related to the motion shall be dual captioned. The first caption shall include the debtor's name, case number, and the chapter under which the debtor filed. The second caption shall include the name of the movant and the respondent.

**(c) Jointly Administered or Substantively Consolidated Cases.** Unless otherwise ordered, after the entry of an order for joint administration or substantive consolidation of two or more bankruptcy cases, all documents filed shall be jointly captioned to include the debtors' names and the case numbers of all the cases ordered jointly administered or substantively consolidated. The caption shall include whether the cases are jointly administered or substantively consolidated. All documents shall be filed and docketed in only the lowest numbered case. The caption shall identify the jointly administered case or cases to which the filing relates.

**(d) Date and Time of Hearing.** The caption shall include the date, time and place of the hearing if known. This information shall be placed to the right of the caption name and beneath the case number.

**(e) Proposed Orders.** Proposed orders shall be prepared as a separate document containing the appropriate caption required by this Local Rule and shall not be included as part of stipulations, motions or other pleadings.

**(f) Amended Pleadings.** Any party filing an amended pleading may incorporate, unless otherwise ordered by the court, any part of the preceding pleading, including the exhibits, by reference.

**(g) Form of Papers.** All pleadings, motions and other papers shall identify in the caption the nature of the relief sought. All pleadings and other papers shall be formatted for paper 8½ inches by 11 inches and shall be signed as provided in FRBP Rule 11 or Local Rule 5005-2(f). The body of all documents shall be typed double-spaced and shall not exceed 28 lines per page; they shall not be single-spaced except for footnotes and indented quotations. All pleadings, motions and other papers

shall be in a twelve (12) font size, except that footnotes may be 11 point. The left margin shall be not less than 1½ inches and the right margin shall be not less than ½ inch.

**BANKRUPTCY LOCAL RULE 9006-1**  
**ENLARGEMENT OF TIME TO PLEAD AND CONTINUANCES OF TRIALS OR HEARINGS**

**(a)** Motions for enlargement of time to file any pleading or paper shall not be filed unless the moving party has first sought the agreement of the opposing parties, if any, and the Trustee if the Trustee is a party to the proceeding. The moving party shall certify whether or not the opposing parties have consented to the motion.

**(b)** Motions to continue trials or hearings shall not be filed unless the moving party has first sought the agreement of opposing parties, if any, and the moving party shall certify whether or not consent was obtained. If consent has not been obtained, the motion shall be supported by an affidavit or declaration setting forth with particularity the reasons for the continuance.

**(c)** Motions to continue trials or hearings will be granted only upon a showing of good cause. The court is not bound by the consent of opposing parties and may deny a motion for a continuance notwithstanding the consent of the opposing party.

**(d)** The additional three days provided by Bankruptcy Rule 9006(f), is allowed if the notice or other paper is served by electronic means.

**BANKRUPTCY LOCAL RULE 9009-1**  
**FORMS**

The clerk may issue local forms for use under the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules. References in these rules to use of a form substantially conforming to a prescribed local form means that the filer must provide the information requested in the local form.

**BANKRUPTCY LOCAL RULE 9010-1**  
**ATTORNEYS - NOTICE OF APPEARANCE**

**(a) Appearance and Filing of Papers.** A corporation, partnership, or any entity other than a natural person may not appear as a party in an adversary proceeding or a contested matter or as a debtor in a bankruptcy case except through counsel admitted to practice in this District.

**(b) Chapter 11 Cases.** A corporation, partnership, or any entity other than a natural person may not serve as a debtor-in-possession in a Chapter 11 case unless represented by counsel. If a corporation

or partnership does not obtain court approval of counsel promptly, the court, after notice as prescribed by FRBP 2002(a), may dismiss the case, order it converted to Chapter 7, or order the appointment of a trustee.

**(c) Excepted Matters.** Nothing herein shall preclude a corporation, partnership, or any entity other than a natural person from filing a proof of claim, an application for compensation, a reaffirmation agreement, or from appearing at a meeting of creditors through an officer or other authorized agent.

**(d) Appearances.** The filing of any document in a bankruptcy case or adversary case proceeding shall constitute an appearance by the attorney who signs the document.

**(e) Withdrawal.** No attorney shall seek withdrawal or substitution as attorney of record in any pending case or proceeding except by written application. Unless the rules require otherwise, the application shall contain at a minimum: (1) the name, address and telephone number of the substituting attorney, and such attorney's approval; or (2) if no substituting attorney exists, the client's name, last known address and telephone number, and a certificate of the attorney that the client has been notified in writing of the status of the case, including the dates and time of any court hearings or trial settings and the need to comply with any existing court orders, discovery requests and the possibility of sanctions for the failure to comply. The application shall be accompanied by a proposed court order.

**(f) Notice.** Prompt notice of any withdrawal or substitution order shall be given to all interested parties in any case, adversary proceeding, or contested matter in which the withdrawing attorney has appeared.

#### **BANKRUPTCY LOCAL RULE 9011-1 ATTORNEYS - DUTIES**

**(a) Representation in a Bankruptcy Case.** Notwithstanding any employment, retainer or attorney-client agreement, an attorney who files a petition in bankruptcy on behalf of a debtor, or who subsequently enters an appearance on behalf of a debtor other than as special counsel under 11 U.S.C. § 327(e), will be counsel of record and shall provide representation in all matters arising during the administration of the case until the case is closed or dismissed, unless the court approves the attorney's withdrawal or substitution.

**(b) Representation in an Adversary Proceeding.** An attorney representing a debtor in a bankruptcy case may, by agreement with the debtor, exclude representation of the debtor in an adversary proceeding by indicating such non-representation in the attorney's compensation disclosure statement required under FRBP 2016(b).

**BANKRUPTCY LOCAL RULE 9011-2**  
***PRO SE PARTIES***

Individuals may appear *pro se*, under such conditions the court may impose, shall notify the clerk in writing of their names, their mailing and residence addresses, and their telephone numbers and shall keep the clerk and opposing parties and counsel informed by proper written notice of changes in the addresses or telephone numbers or both.

**BANKRUPTCY LOCAL RULE 9013-1**  
**MOTION PRACTICE**

For purposes of these Local Rules, a request for an order, including a motion, application or other pleading (all of the foregoing will be referred to in this Local Rule as a "motion") shall be governed by the following requirements.

**(a) Motions.** All motions, unless made in open court, shall include a memorandum setting forth the points and authorities relied upon in support of the motion.

**(b) Length of Motions and Memoranda.** Unless otherwise permitted by the court, a motion and the supporting memorandum shall not exceed 15 pages, exclusive of attachments.

**(c) Response and Reply Times for Motions in Adversary Proceedings.** Unless otherwise set forth in the Rules, the Local Rules, the notice prescribed in paragraph (j) or an order of the court, in an adversary proceeding the party responding to a motion shall have 14 days after service within which to serve and file a responsive memorandum, and the moving party shall have 14 days after service of the responsive memorandum to serve and file a reply.

**(d) Unopposed or Ex Parte Motions.** Motions that the moving party contends are unopposed or need not be set for hearing shall so state and be accompanied by a separate proposed order granting the relief requested. If the moving party contends that the motion should be granted on an ex parte basis, the motion shall state why it may be granted without notice and shall be accompanied by a form of order.

**(e) Discovery Disputes.** No motion concerning discovery disputes will be considered unless a statement of the moving party or its counsel, if represented, is attached certifying that after personal consultation and sincere efforts to do so, the parties have been unable to resolve the matter.

**(f) Motions to Compel.** When a motion for an order compelling discovery is brought, in addition to the requirements set forth in paragraph (e) above, the moving party shall set forth the following in separate, distinct, numbered paragraphs:

(1) The questions propounded, the interrogatory submitted, the designation requested or the inspection requested;

(2) The answer, designation or response received; and

(3) The reason(s) why said answer, designation or response is deficient.

The foregoing requirements shall not apply where there has been a complete failure to respond to a discovery request.

**(g) Motions for Summary Judgment.** Any motion for summary judgment shall set forth separately from the memorandum of law, and in full, the specific facts upon which the moving party relies in support of the motion. The specific facts shall be set forth in serial fashion, not in narrative form. As to each fact, the statement shall refer to a specific portion of the record where the fact may be found (i.e., affidavit, deposition, etc.). Any party opposing summary judgment must comply with the foregoing in setting forth the specific facts relied upon in opposing the motion or that otherwise establish that a genuine issue of material fact exists that precludes summary judgment. In the alternative, the moving party and the opponent shall jointly file a stipulation setting forth a statement of the stipulated facts, if the parties agree that there is no genuine issue of material fact. As to any stipulated facts, the parties may state that their stipulations are entered into only for the purposes of the motion for summary judgment and are not to be otherwise binding. Unless otherwise set forth in the Rules, the Local Rules, or an order of the court, and notwithstanding the provisions of paragraph (c) above, the party opposing or responding to a motion for summary judgment shall have 30 days after service within which to serve and file a responsive memorandum and the moving party shall have 14 days after service of the responsive memorandum to serve and file a reply.

**(h) Accelerated Hearings.** Motions to accelerate hearings or reduce notice periods are disfavored and should not result from delay or inadvertence by the moving party or its counsel. The procedure for requesting such relief shall be governed by the following requirements.

(1) The moving party shall make every practicable effort to notify opposing parties, if any, and shall serve the pleadings at the earliest possible time and by the most expeditious means practicable.

(2) The request for relief shall be a separate motion and bear a caption such as "Motion for Accelerated Hearing" or "Motion to Reduce Notice Period." A proposed order granting the relief requested shall be lodged with the motion.

(3) Such motion shall contain:

(A) The telephone numbers, fax numbers, e-mail addresses and office addresses of the attorneys for the opposing parties;

(B) Facts showing the existence and nature of the claimed emergency; and

(C) When and how counsel for the opposing parties were notified and whether they have been served with the motion, or, if not notified and served, why that was not done.

**(i) Motions for Continuance or Extensions of Time.** Requests for continuance of hearings or extensions of time as to briefing schedules or other matters shall state whether any other party objects to the request, or why the moving party has been unable to determine the other party's position.

**(j) Notice for Motion Requiring a Hearing.** For any motion that requires a hearing, it shall be the responsibility of the moving party to obtain from the court the date, time and location of the hearing and to provide notice thereof to all interested parties in substantially the following format:

(1) In addition to the date, time and location of the hearing, the notice shall specify the details of the requested relief, the deadline for any response or objection, and the requirement that any response or objection be filed with the court and served on the moving party.

(2) The notice may state that the court may vacate the hearing and grant the requested relief if no timely objection is served and filed.

(3) The moving party shall serve the notice as required by the Rules, Local Rules, or order of the court and file a certificate or affidavit of service.

**(k) Negative Notice.** In addition to the bar date procedures established by these Local Rules, unless the court orders otherwise, the moving party may use a 21 day bar date notice for all:

(1) Motions to approve § 363 sales other than real property, and other than pursuant to Code §363(h);

(2) Motions to approve compromises and settlements pursuant to Bankruptcy Rule 9019, except where a party to the settlement is not represented by counsel;

(3) Applications for professional fees;

(4) Objections to exemptions claimed by the debtor;

(5) Motions by debtors to sell or refinance homestead property; and,

(6) Motions to set a claims bar date in a chapter 11 case.

Motions filed under this rule shall contain a negative notice legend in substantially the following form prominently displayed on the face of the first page of the motion:

**PURSUANT TO LBR 9013-1, THIS MOTION WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN 14 DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE FILED WITH THE CLERK AND SERVED UPON THE MOVING PARTY. RESPONSES MUST BE FILED ELECTRONICALLY WITH THE CLERK OR BY U.S. MAIL ADDRESSED TO THE CLERK, DISTRICT COURT OF GUAM, BANKRUPTCY DIVISION, 520 WEST SOLEDAD AVENUE, HAGÁTÑA GUAM 96910.**

The moving party must serve a detailed notice of the motion on all parties entitled to notice, clearly stating the requirement to respond within the time allowed, and must file a certificate of service. Upon expiration of the time stated, plus an additional three days, and provided that no objections have been filed, the moving party may file a certificate of service and of no objection and lodge an appropriate order granting the relief requested. The lodged order must conform to the relief requested in the motion. If an objection is filed, the movant must obtain a hearing date, serve notice on all parties entitled to notice and file a certificate of service.

**BANKRUPTCY LOCAL RULE 9013-2**  
**SERVICE**

**(a) Required Information.** Unless the court directs otherwise, a certificate of service of a document must identify:

- (1) the document(s) served;
- (2) the date that service was made;
- (3) the name of the person served and the person's:
  - (A) mailing or street address if served by mail or hand delivery;
  - (B) email address if served electronically; or
  - (C) fax number if served by fax transmission;
- (4) the name of the client if service was made on a party's attorney; and
- (5) the method of service (personal, hand delivery, first class mail, the court's electronic transmission facilities, or other delivery method consented to in writing).

**(b) Written Consent to Electronic Service.** If service is made by electronic means or by fax transmission, the certificate of service must include a statement that the party being served has consented in writing to the particular method of service.

**(c) Service Via CM/ECF.** If service is made using the court’s electronic transmission facilities, the party filing the certificate of service may rely on the court’s CM/ECF notice of electronic filing (“NEF”) to indicate that service was made. The NEF is not a substitute for a certificate of service but a copy of the NEF may be attached as an exhibit to list the names and email addresses of parties served electronically.

**LBR 9013-3 Related Local Form:**

- Certificate of Service [[gub\\_9013-3](#)]

**(d) Separate Docket Entry.** A party filing a certificate of service for pleadings in contested matters and adversary proceedings must file it as a separate docket entry or clearly identify it in the docket entry as an attachment.

**BANKRUPTCY LOCAL RULE 9013-3  
FILING OF PROPOSED ORDERS**

All requests for relief including, but not limited to, all motions, petitions, applications, complaints, and objections shall have an appropriate proposed order electronically submitted for the court’s signature.

**BANKRUPTCY LOCAL RULE 9013-4  
AMENDED PLEADINGS**

Any party filing or moving to file an amended pleading must reproduce the entire pleading as amended and may not incorporate any part of a prior pleading by reference, except with leave of court.

**BANKRUPTCY LOCAL RULE 9014-1  
CONTESTED MATTERS - ATTENDANCE OF WITNESSES**

**(a) Initial Hearing without Live Testimony.** Pursuant to Bankruptcy Rule 9014(e), all hearings scheduled on contested matters will be conducted without live testimony except as otherwise ordered by the court. If, at such hearing, the court determines that there is a material factual dispute, the court will schedule a continued hearing at which live testimony will be admitted.

**(b) Request for Live Testimony.**

(1) Any party filing a motion, application, or objection who reasonably anticipates that its resolution will require live testimony may file an accompanying motion for an evidentiary hearing, stating:

(A) The estimated time required for receipt of all evidence, including live testimony;

(B) When the parties will be ready to present such evidence;

(C) The estimated time required to complete all formal and informal discovery;

(D) Whether a Bankruptcy Rule 7016 Scheduling Conference should be held; and,

(E) Whether any party who may participate at the evidentiary hearing is appearing pro se.

(2) The party requesting an evidentiary hearing shall accompany the motion with a proposed order.

(3) Any response to a motion for an evidentiary hearing shall be served and filed within seven days of service of the motion. The time computation and enlargement provisions of FRBP 9006 shall not apply to the response deadline, except that the responding party shall have an additional 3 days to respond if the motion is served by mail.

(4) Based upon the motion and any responses, the court will either finalize the order setting the matter for hearing or request that the parties appear for a Bankruptcy Rule 7016 Scheduling Conference.

**BANKRUPTCY LOCAL RULE 9019-1  
SETTLEMENTS**

**(a) When Motion Required.** Except as provided in subdivision (b), a party may seek court approval of a settlement or stipulation by filing and serving on all creditors a motion pursuant to LBR 9013-1(c). If the motion concerns settlement of an adversary proceeding, the motion and notice must be entered on the docket in the bankruptcy case.

**(b) Stipulations.**

**(1) Procedural and Other Matters.** A party may seek approval of a stipulation regarding

procedures, deadlines, discovery, and other similar matters by submitting an order pursuant to LBR 9072-1(i), without filing a motion.

**(2) Stipulated Judgments and Dismissals in Adversary Proceedings.**

**(A) In General.** A stipulated judgment or dismissal regarding the dischargeability of a particular debt under § 523, or other claims in an adversary proceeding which do not affect the estate, may be submitted for approval by the court with notice limited to parties to the adversary proceeding.

**(B) Stipulated Judgment Dismissing Objection to Discharge.** Notice of a stipulated judgment which includes dismissal of an objection to the debtor's discharge under § 727 must be given to the trustee and the United States trustee and entered on the docket in the bankruptcy case.

**BANKRUPTCY LOCAL RULE 9036-1  
NOTICE BY ELECTRONIC TRANSMISSION**

**(a)** Notices required or permitted to be sent by the clerk shall be sent by electronic means to all parties who are represented by counsel who are CM/ECF participants.

**(b)** CM/ECF participants shall be deemed to have been served upon entry of electronic confirmation of service.

**(c)** CM/ECF participants may serve any document required or permitted to be served by electronic means upon other CM/ECF participants. Follow-up service by way of a hard copy document is not required. .

**BANKRUPTCY LOCAL RULE 9071-1  
STIPULATIONS OF COUNSEL**

**(a) Written.** Stipulations of counsel or parties relating to the business of the court, other than stipulations made on the record in open court, shall be contemporaneously memorialized in writing and signed by and transmitted to all affected parties and counsel.

**(b) Binding Effect.** No stipulation between parties or counsel relating to the business of the court shall be binding on the court until approved by the court. Stipulations made in compliance with paragraph (a) above shall be binding on the participating parties and counsel until disapproved by the court or overruled by court order. Except as provided by law, the court may refuse to consider parole evidence of any stipulation not made in compliance with paragraph (a)

above.