

BANKRUPTCY ^{UP}DATE

November 19, 2014

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Amendments to Federal Rules of Bankruptcy Procedure Effective December 1, 2014

The following changes to Federal Rules of Bankruptcy Procedure 1014, 7004, 7008, 7054, 8001-8028, 9023, and 9024 will become effective on December 1, 2014:

Rule 1014(b) is amended to provide that proceedings in subsequently filed cases involving the same or related debtors in different courts are stayed only by an order of the court in which the first-filed petition is pending, and expands the list of persons entitled to receive notice of a motion in the first court for a determination of where the related cases should proceed.

Rule 7004(e) is revised to reduce the period of time (from 14 days to 7) in which the summons and complaint must be served after the issuance of the summons in an adversary proceeding.

Rule 7008(b), which addresses attorney's fees, is deleted.

Rule 7054, as amended, will contain the exclusive procedure for seeking an award of attorney's fees, unless the governing substantive law requires those fees to be proved at trial as an element of damages.

Rules 8001-8028 govern appeals to district courts and bankruptcy appellate panels and are revised to bring the

bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedure, to incorporate a presumption favoring electronic transmission, filing, and serving of court documents, and to adopt a clearer and simpler style. Some highlights of the revised rules related to appeals include:

Rule 8005(a) eliminates the requirement that a separate document be filed when a party elects to have an appeal heard by the district court.

Rule 8008 provides a procedure for the issuance of an indicative ruling when a bankruptcy court determines that, because of a pending appeal, the court lacks jurisdiction to grant a request for relief the court concludes is meritorious or raises a substantial issue.

Rule 8009 allows an appellant to file a statement in lieu of a transcript when a transcript is unavailable and permits parties to file an agreed statement in lieu of the record on appeal.

Rule 9023 (governing new trials and the amendment of judgments) and **Rule 9024** (governing relief from a judgment or order) are revised to add reference to the procedure in amended Rule 8008 addressing indicative rulings.

Revisions to Bankruptcy Court Fee Schedule

At its September 2014 session the Judicial Conference approved revisions to the [Bankruptcy Court Miscellaneous Fee Schedule](#) effective December 1, 2014. The biggest change is the new fee of \$25.00 to file a motion to make redactions to previously filed documents in a bankruptcy case. The fee is intended to be

charged for each motion filed in each affected case, but courts may waive the fee under appropriate circumstances. Also, the conference clarified that a fee will not be charged for reopening a closed case if redaction is the only reason for reopening the case.

Links

[Amendments to Federal Rules of Bankruptcy Procedure](#)

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As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.