

## **BANKRUPTCY <sup>UP</sup>DATE**

### **November 22, 2016**

If someone else would like to receive these <sup>UP</sup>dates, please send an e-mail to [Mary\\_Frederickson@sdb.uscourts.gov](mailto:Mary_Frederickson@sdb.uscourts.gov).

### **Chambers Closed November 24 and 25**

In celebration of Thanksgiving, Chambers and the Clerk's office will be closed this Thursday, November 24, and Chambers will also be closed this Friday, November 25. If you need to contact Chambers this Friday, please send an e-mail to Law Clerk Kay Cee Hodson at [Kay\\_Cee\\_Hodson@sdb.uscourts.gov](mailto:Kay_Cee_Hodson@sdb.uscourts.gov) or call the Clerk's office.

### **Certain Federal Rules of Bankruptcy Procedure to be Amended Effective December 1, 2016**

On December 1, 2016, several Federal Rules of Bankruptcy Procedure are being amended. The one which has perhaps garnered the most attention among the bankruptcy bar nationwide is the removal of electronic service from those types of service that receive the extra three days notice under Fed.R.Bankr.P. 9006(f). This change, however, will have no practical effect in our district since we already set a specific last date for objections in most notices and that last date for objections has always reflected the requirements of Rule 9006(f). A General Order was entered yesterday to tweak one local rule to reflect the amendment to Rule 9006(f).

The amendments to the Federal Rules of Bankruptcy Procedure that will probably have the most impact relate to pleadings in adversary proceedings. Because of the Supreme Court's decisions in *Stern v. Marshall*, 564 U.S. 462 (2011), and its progeny, parties will no longer be required to plead "core" or "non core" in their complaints and answers. Instead, the plaintiff and the defendant will need to state whether they consent to the Bankruptcy Court's entry of a final judgment - an effort to directly address any *Stern* issues.

Three Official Forms are also being amended effective December 1, 2016. The changes are minor. A few fees are going up, too. Sorry about that, but we do not control the fees.

A PowerPoint slide show is available for your and your staff's review. It includes a brief summary of each Federal Rule of Bankruptcy Procedure and Official Form being amended and it lists the fee changes. You may access the [slide show here](#) and it is also available on our website on the "Local Rules and General Orders" page under the "Local Rules and Forms" tab.

If you have any questions, please contact Clerk Rick Entwistle or Law Clerk Kay Cee Hodson.

## **Link**

[Previous Bankruptcy<sup>UP</sup> dates](#)

**HAPPY THANKSGIVING**

from Chambers and the Clerk's office