

BANKRUPTCY ^{UP}DATE

November 7, 2017

If someone else would like to receive these ^{UP}dates, please send an e-mail to Mary_Frederickson@sdb.uscourts.gov.

CM/ECF to be Down to Transition to New Rules

Our Court's CM/ECF system will be shut down at 5:00 p.m. (Central) on Thursday, November 30, 2017, and will be brought back up at approximately 8:00 a.m. (Central) on Friday, December 1, 2017. The shutdown is necessary to allow our IT staff to make the software changes attendant to the amended Federal Rules of Bankruptcy Procedure and the amended local bankruptcy rules that take effect December 1, 2017.

Amendments to Bankruptcy Rules of Procedure: Focus on Changes to Confirmation Procedure in Chapter 12 and Chapter 13 Cases

Under amendments effective December 1, 2017, subsection (a)(9) is being added to Fed.R.Bankr.P. 2002 to reduce the notice period for *objecting* to a chapter 13 plan from 28 to 21 days; the 21 days then becomes 24 days when the three days from Fed.R.Bankr.P. 9006(f) are added. Subsection (b) is also being changed to provide 28 days notice is still required for the *confirmation hearing*. When boiled down, the last date for objections to a chapter 13 plan or modified plan has to be 24 days from service but not less than seven days before the confirmation hearing.

These changes to Fed.R.Bankr.P. 2002 prompted some changes to our local bankruptcy rules as well. Local bankruptcy rule 2002-1(c) is being updated to reflect the new plan objection period for chapter 13 cases. We are also able to combine the local rules governing confirmation of a plan or modified plan for chapter 12 cases with similar rules governing chapter 13 cases. Thus, Bankr. D.S.D. R. 3015-3A is being amended to Bankr. D.S.D. R. 3015-3 and will govern confirmation in *both* chapter 12 and chapter 13 cases, and Bankr. D.S.D. R. 3015-4A is being amended to Bankr. D.S.D. R. 3015-4 and will govern modification of a plan before confirmation for both chapters. Local rules 3015-3B and 3015-4B are being deleted. Appendix 2D, the sample notice of a confirmation hearing, is being updated, and Appendix 2E, an outdated sample notice for an in-court confirmation hearing, is being deleted. Whenever an in-court confirmation hearing is necessary, it will continue to be set by order.

The other significant change is the Bankruptcy Clerk will, effective December 1, 2017, prepare and file the notice of confirmation hearing for all chapter 12 and chapter 13 cases. That change will be our "new rules" topic next week.

Link

[Previous Bankruptcy^{UP} dates](#)

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.