

BANKRUPTCY ^{UP}DATE

November 23, 2020

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Several Amendments to Federal Rules of Bankruptcy Procedure Take Effect December 1

On December 1, 2020, six Federal Rules of Bankruptcy Procedure will be amended. The first will affect the Bankruptcy Clerk's office: As amended, Fed.R.Bankr.P. 2002(f)(7) will require the Clerk to give all creditors and other parties in interest notice in a chapter 13 case that an order confirming a plan has been entered. We already do so in chapter 12 cases.

The second set of amendments to Fed.R.Bankr.P. 2002(h) isn't quite so neat and tidy. Under the amendments, in certain situations under certain chapters, which now include chapters 12 and 13, the notices required in Fed.R.Bankr.P. 2002(a) may be limited to creditors who have filed a proof of claim or may still file a proof of claim instead of all creditors. The amendments utilize "may," so Judge Nail asks that any party who wants service limited under one of these provisions to file a motion seeking authority to so limit. We'll try that awhile and see how it works.

The amendment to Fed.R.Bankr.P. 2002(k) is technical and boring.

Federal Rule of Bankruptcy Procedure 2004(c) is being amended to include the production of electronically stored information and to conform the subpoena provision with Fed.R.Civ.P. 45, which is applicable to bankruptcy cases under Fed.R.Bankr.P. 9016. As stated in the Committee Notes:

Under Rule 45, a subpoena always issues from the court where the action is pending, even for a deposition in another district, and an attorney admitted to practice in the issuing court may issue and sign it. In light of this procedure, a subpoena for a Rule 2004 examination is now properly issued from the court where the bankruptcy case is pending and by an attorney authorized to practice in that court, even if the examination is to occur in another district.

The amendment to Fed.R.Bankr.P. 8012(a) is mostly technical. In Fed.R.Bankr.P. 8012(b), as amended, an appropriate party must file a disclosure statement about the debtor that mirrors the corporate disclosure required by Rule 8012(a). The amendments to Fed.R.Bankr.P. 8012(c) are mostly technical. The amendments to Fed.R.Bankr.P. 8013(a), 8015(g), and 8021(d) reflect the fact that documents in appeals are now served electronically. The amendments to Fed.R.Bankr.P. 8015(g) also include some technical changes.

Chambers and Bankruptcy Clerk's Office Closed November 26 and 27

In celebration of Thanksgiving, Chambers and the Bankruptcy Clerk's office will be closed this Thursday, November 26, and this Friday, November 27. 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.

Link

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