

BANKRUPTCY ^{UP}DATE

December 8, 2021

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

Need to Move to Reschedule a Hearing, Conference, or Trial? First Things First.

If circumstances arise necessitating that a hearing, conference, or trial be rescheduled, your first step is to talk with the other parties involved. State in your motion to reschedule whether each of the other parties is a "yea" or a "nay." Also, specifically state the cause for the request and when the parties anticipate being able to proceed. Notice of a motion to reschedule is **not** required, but serve your motion on any affected party that is not electronically served. *See* Bankr. D.S.D. R. 5071-1.

Have an emergency? Call the law clerk, Kay Cee Hodson, or the courtroom deputy, Nita Sarvis. In those situations, Kay Cee or Nita can confer with Judge Nail and the matter can usually be rescheduled without a formal motion.

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

Amendments to four Federal Rules of Bankruptcy Procedure took effect on December 1, 2021. They are all relatively minor.

Rule 2005, addressing release conditions for a debtor taken into custody, was revised to refer to the correct section of title 18.

Rule 3007, governing the serving of claim objections, was amended to clarify that an insured depository institution, now identified only as one "defined in section 3 of the Federal Deposit Insurance Act," also has to be served in accordance with Rule 7004(h) and its more stringent service requirements, including by certified mail in certain situations.

Rule 7007.1, concerning corporate ownership disclosures, was revised to conform with similar disclosure rules in the Federal Rules of Appellate Procedure and the Federal Rules of Civil Procedure. It now specifically applies only to nongovernmental corporations.

Rule 9036, regarding notice and service, was amended to set forth new procedures for high-volume paper notice recipients concerning the Bankruptcy Noticing Center.

Click [here](#) to access the full set of rule changes.

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.