

BANKRUPTCY ^{UP}DATE

September 13, 2022

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

New Member

Please welcome Michael J. Ogborn to the group.

Last Week's State Bar Bankruptcy Seminar

Judge Nail and the Clerk's office thank all of you who attended last Thursday's state bar bankruptcy seminar in Sioux Falls. We had a great turnout and hope everyone learned a bit. Special thanks to our speakers (in order of appearance): Dale Wein, Stan Anker, Tim Engel, Stanton Anker, Anthony Hohn, Judge Anita Shodeen, Mary Jensen, Lee Ann Pierce, Laura Kulm Ask, and Robert Miller.

CLN Decision

You can use the link in the "Links" section below to view the following decision:

In re Cooper

Issue: Whether a fully secured creditor was entitled to recover interest and certain attorney fees and other costs under 11 U.S.C. § 506(b) as part of its secured claim?

Ruling: Since the parties stipulated the creditor had a written agreement with the debtor permitting it to recover interest, attorney fees, and costs and the value of the creditor's collateral exceeded the amount of its claim, the only factor considered was whether the creditor's attorney fees and costs were reasonable. As nothing in the record demonstrated the necessity of the services of the creditor's expert, the expert's compensation and expenses, as well as the attorney fees incurred in dealing with the expert, were excluded from the creditor's award. With one small agreed-upon exception, interest and the creditor's remaining attorney fees and costs were allowed.

Proposed Amendments to Local Rules

The Local Bankruptcy Rules Committee has recommended several amendments to our local bankruptcy rules and appendices (see the link below). Written comments regarding the proposed amendments should be submitted on or before September 20, 2022, to either Dale A. Wein, Chairman of the Local Bankruptcy Rules Committee, at dalewein@rw-law.net or P.O. Box 1329, Aberdeen, SD 57402, or Rick Entwistle, Bankruptcy Clerk, at Rick_Entwistle@sdb.uscourts.gov or 400 S. Phillips Avenue, Room 104, Sioux Falls, SD 57104.

[Proposed amendments to local bankruptcy rules and appendices](#)

Mini Discussion Sessions Set for October

Chief Deputy Clerk Vicky Reinhard and Law Clerk Kay Cee Hodson will be conducting mini discussion sessions in each of the four divisions in October. The topics will be how to fulfill a

debtor's responsibility regarding notice to creditors and the new federal and local bankruptcy rules taking effect this year. The sessions are for bankruptcy attorneys *and* their staff.

Following are the dates, times, and locations:

Sioux Falls	Monday, October 3, 2022, at 1:30-3:00 p.m. (Central) Federal Courthouse 400 South Phillips Avenue, first floor jury room
Aberdeen	Tuesday, October 4, 2022, at 10:30 a.m.-12:00 noon (Central) Federal Building (<i>not</i> the federal courthouse) 115 Fourth Avenue SE, conference room 206-207
Rapid City	Monday, October 17, 2022, at 1:30-3:00 p.m. (Mountain) Federal Building and United States Courthouse 515 Ninth Street, Courtroom 3
Pierre	Friday, October 28, 2022, at 10:30 a.m.-12:00 noon (Central) Federal Building and United States Courthouse (building is adjoined to the United States Post Office) 225 South Pierre Street, second floor conference room

Please email Judge Nail's legal assistant Sandy Brooks at Sandy_Brooks@sdb.uscourts.gov to let her know which session you and your staff will attend and how many will be coming.

Links

In re Cooper

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.