

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT**

**LOCAL RULES OF BANKRUPTCY  
PROCEDURE**

*(Effective May 15, 1997)*

**JUDGES OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF CONNECTICUT**

Alan H. W. Shiff, Chief Judge (Bridgeport)  
Robert L. Krechevsky (Hartford)  
Albert S. Dabrowski (New Haven)  
Lorraine M. Weil (New Haven)

**CLERK OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF CONNECTICUT**

Deborah S. Hunt

**LOCAL BANKRUPTCY RULES FOR THE  
DISTRICT OF CONNECTICUT**

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**LBR 1001-1**

**SCOPE OF RULES; SHORT TITLE;  
INCORPORATION OF DISTRICT COURT RULES**

(a) These Local Rules shall govern the practice and procedure to be followed in all cases and proceedings in the United States Bankruptcy Court for the District of Connecticut. These Rules may be referred to as the “Local Rules of Bankruptcy Procedure” and cited as D. Conn. LBR \_\_\_\_-\_\_.

(b) All Local Rules of Civil Procedure of the United States District Court for the District of Connecticut shall apply in cases or proceedings in the Bankruptcy Court insofar as they are relevant and not inconsistent with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Rules of Bankruptcy Procedure, and the case management procedures applicable at the seat of the Bankruptcy Court to which the case or proceeding has been assigned.

**LBR 1002-1**

**PLACE FOR FILING PETITION AND OTHER PAPERS**

Petitions and other documents filed simultaneously therewith may be filed with the clerk at Bridgeport, New Haven, or Hartford. All other papers shall be filed at the seat of court where the case is assigned as provided by D. Conn. LBR 1073-1.

**LBR 1004-1**

**PARTNERSHIP PETITION**

A partner filing a petition on behalf of a partnership shall submit, with the petition or within five (5) business days thereafter, documentation evidencing the requisite consent of partners.

**LBR 1007-1**

**LISTS, SCHEDULES, AND STATEMENTS**

(a) In Chapter 7, 12, and 13 cases, an original and two (2) complete copies of the petition and all papers described in Fed. R. Bankr. P. 1007 shall be filed. For Chapter 9 and 11 cases, an original and six (6) complete copies of the petition and all papers described in Fed. R. Bankr. P. 1007 shall be filed. The clerk shall transmit one (1) copy of all papers filed pursuant to Fed. R. Bankr. P. 1007 and subsections (b) and (c) of this Rule to the United States Trustee.

(b) In addition to those papers and any others required by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure, non-individual debtors shall file within fifteen (15) days following the filing of a voluntary petition or consent to an involuntary petition, documentation sufficient under applicable law to evidence authority to file on behalf of the entity.

(c) Unless excused by the court, whenever, pursuant to Fed. R. Bankr. P. 1007, schedules are not filed with a voluntary petition, the petition shall be accompanied by a statement containing a brief description of the debtor's assets, their location, and the extent to which they are subject to liens or other interests.

## **LBR 1007-2**

### **MAILING MATRIX**

Every petition shall be accompanied by a mailing matrix that complies with instructions available from the clerk. Requirements related to the submission of computer-formatted discs shall be excused only upon the submission of an affidavit indicating that the person filing the petition is unable, due to a lack of computer equipment, to comply.

## **LBR 1009-1**

### **AMENDMENTS TO VOLUNTARY PETITIONS, LISTS, SCHEDULES, AND STATEMENTS**

Any amendment to a voluntary petition, list, schedule, or statement shall be dated and shall indicate that it is an amendment. Any such amendment to a schedule, list, or statement that results in the addition of any creditor or changes the name or address of any creditor shall be accompanied by an amendment to the mailing matrix, which amendment shall comply with D. Conn. LBR 1007-2. Upon the filing of any amendment adding creditors, the debtor shall serve upon the newly added creditors a copy of the "Notice of Commencement of Case Under Chapter \_\_ of the Bankruptcy Code, Meeting of Creditors and Fixing of Dates," and any other notice establishing any bar date for filing proofs of claim.

## **LBR 1015-1**

### **CONSOLIDATION OR JOINT ADMINISTRATION OF CASES PENDING IN SAME COURT**

(a) Upon entry of an order directing the consolidation or joint administration of cases, notice thereof shall be served by the debtor on all creditors and other parties in interest.

(b) Consolidated or jointly administered cases shall be assigned to the bankruptcy judge to whom the lower numbered case was assigned.

(c) All pleadings and other papers filed in jointly administered cases shall bear a combined caption with the words "Jointly Administered." Except as provided in subsection (d) of this Rule, pleadings and other papers shall be docketed and placed in the case file of the lower numbered case only.

(d) All proofs of claim filed in a jointly administered case shall be listed in the claims register and placed in the claims file for the specific case to which they pertain.

(e) Notwithstanding the joint administration of cases, each debtor shall file schedules of assets and liabilities.

### **LBR 1073-1**

#### **ASSIGNMENT AND REASSIGNMENT OF CASES Amended April 1, 1999**

(a) All cases shall be assigned by the clerk to a bankruptcy judge as follows: (i) those cases in which the debtor resides or has its principal place of business in Fairfield County, exclusive of the towns of Monroe, Shelton and Stratford, shall be assigned to the Bridgeport Division; (ii) those cases in which the debtor resides or has its principal place of business in Litchfield, Middlesex, New London, or New Haven Counties, or in the towns of Monroe, Shelton and Stratford shall be assigned to the New Haven Division; and (iii) those cases in which the debtor resides or has its principal place of business in Hartford, Tolland or Windham Counties shall be assigned to the Hartford Division.

(b) Upon motion to the judge to whom the case has been assigned and after notice and a hearing, the clerk shall reassign the case to another Division as ordered by that judge upon the findings that such reassignment would be in the best interests of the estate and parties in interest. Upon such reassignment, the clerk shall transmit the case file to the appropriate office of the clerk.

### **LBR 2002-1**

#### **NOTICES TO PARTIES IN INTEREST WHO HAVE REQUESTED SERVICE**

In addition to the requirements of any other applicable rule governing service, and unless otherwise ordered by the court, a copy of all motions, pleadings, applications, petitions, and other papers filed in a case shall be timely served on any party in interest who has filed in such a case a written demand for such service.

## **LBR 2014-1**

### **EMPLOYMENT OF PROFESSIONAL PERSONS**

(a) In addition to the requirements set forth in Fed. R. Bank. P. 2014, all applications for the employment of professional persons shall state whether or not the person has an interest adverse to the estate and the nature of that interest and whether or not the person is disinterested. All applications for approval of employment shall be accompanied by a proposed order setting forth the terms of the employment.

(b) In addition to the general requirements set forth in paragraph (a) above, an application for the employment of an accountant shall be accompanied by an affidavit of the proposed accountant, setting forth the nature and extent of the services that the accountant proposes to render, the estimated total cost thereof and hourly rate, the basis of such estimate, and the extent to which the accountant is familiar with the books or accounts of the debtor. Any order authorizing the employment of an accountant shall fix the maximum hourly rate and the maximum amount of compensation sought.

## **LBR 2014-2**

### **NON-PROFESSIONAL EMPLOYEES OF THE TRUSTEE**

(a) Unless authorized to carry on the business, a trustee shall not employ any non-professional person at the expense of the estate except on order of the court expressly authorizing such employment and fixing the amount of compensation or the rate or measure thereof. The application for such an order shall be made by the trustee who shall set forth the name of the person sought to be employed, the reason for the selection, the necessity for the employment, and whether the United States Trustee has consented to the request. The trustee shall not employ persons at the expense of the estate merely for the purpose of guarding the property when there are other adequate methods of protecting it at less expense.

(b) Before payment, each such person employed by the trustee shall submit a statement setting forth the dates of employment, and also the hours between which he or she was actually present and performing the duties for which he or she was employed. Such statement shall accompany any application for allowance of compensation submitted by the trustee. The sharing of the compensation paid to non-professional employees of the trustee with any person is prohibited.

## **LBR 2015-3**

### **POST-CONFIRMATION REPORTS**

Within 45 days after the order confirming a plan in a Chapter 11 case and, until the entry of final decree, every 90 days thereafter, the debtor-in-possession, trustee, distributor, or plan proponent shall file a report with the court and serve a copy on any committee appointed in the case, and the United States Trustee, which report shall set forth the action taken and progress made in the consummation of the plan pursuant to 11 U.S.C. § 1106(a)(7).

## **LBR 2016-1**

### **COMPENSATION FOR PROFESSIONAL PERSONS**

(a) Unless otherwise ordered by the court, all applications for compensation to attorneys, trustees, accountants, or examiners for services rendered or reimbursement of necessary expenses shall, in addition to the requirements set forth in the Bankruptcy Code and Fed. R. Bank. P. 2016(a), contain the following information:

- (1) The date of the order of appointment;
- (2) A brief general narrative statement of the nature of the services provided, including the results obtained, the size of the estate, the total amount of compensation sought, and any other factors which will assist the court in determining the reasonable value of such services;
- (3) A typed time sheet, based upon records prepared contemporaneously with the services rendered, setting forth:
  - a. The dates the services were rendered;
  - b. A description of services in sufficient detail to enable the court to find that such services were actual and necessary;
  - c. The time spent rendering each service broken down into tenths of an hour;
  - d. The identity of the person(s) rendering such services;
  - e. The normal billing rate for each person providing services and a total of the amount of time spent by each person; and
  - f. The total compensation sought by each person providing the services.

- (4) In the case of an accountant, the maximum compensation fixed in the order of appointment;
- (5) In all applications for reimbursement of expenses, an itemization as to purpose, amount, and date incurred, accompanied by an invoice, receipt, or other documentation for each item for which reimbursement is sought. The general costs of doing business, such as regular postage and ordinary telephone expenses will not be allowed; and
- (6) Whenever the time sheet required in paragraph (3) above exceeds five pages, each page shall set forth a cumulative total of the times recorded therein and on preceding pages.

(b) All applications of persons other than attorneys, trustees, accountants, or examiners for compensation and reimbursement of expenses in the amount of \$500.00 or less shall be governed by the requirements set forth in the Bankruptcy Code and Fed. R. Bank. P. 2016(a) and contain the following information:

- (1) The date of the order of appointment;
- (2) A brief general narrative statement of the nature of the services provided;
- (3) Based upon records prepared contemporaneously with the services rendered, a statement, indicating:
  - (a) The dates the services were rendered;
  - (b) The identity of the person or persons rendering such services; and
  - (c) The total compensation sought by each person providing the services.

#### **LBR 2071-1**

#### **COMMITTEES IN CHAPTER 11 AND 12 CASES**

Within five (5) days of the appointment of a committee, the United States Trustee shall file with the court a list containing the names, addresses, and telephone numbers of persons serving on such committee. If a creditors' committee is not constituted, a statement to that effect relating briefly the reasons for not appointing a committee shall be filed with the court.

**LBR 3002-1**

**PROOFS OF CLAIM**

Any creditor filing a proof of claim shall, contemporaneously with the filing of the original proof of claim, serve a copy, via first class mail, on the debtor-in-possession or any trustee appointed in a Chapter 11 case, and on the trustee in a Chapter 12 or 13 case.

**LBR 3015-1**

**CHAPTER 12 AND 13 PLANS**

The debtor shall file the original and three (3) copies of the Chapter 12 or 13 plan.

**LBR 3017-1**

**TRANSMISSION AND NOTICE OF  
PLAN AND DISCLOSURE STATEMENT**

Unless the court otherwise directs, the proponent of a plan shall transmit all notices and other documents required by Fed. R. Bankr. P. 3017(a).

**LBR 3018-2**

**CERTIFICATION OF ACCEPTANCES  
AND REJECTIONS OF CHAPTER 11 PLANS**

Prior to or at the hearing on confirmation, the proponent of a Chapter 11 plan, or other party who receives the ballots accepting or rejecting such plan, shall certify to the court the amount and number of allowed claims or interests in each class accepting or rejecting the plan. A copy of the certification shall be served upon the debtor, debtor-in-possession, trustee, if any, United States Trustee, any committee appointed pursuant to the Bankruptcy Code, and any other entity designated by the court. On the basis of the certification, the court may find that the plan has been accepted or rejected.

**LBR 3019-1**

**MODIFICATION OF CHAPTER 11 PLAN  
BEFORE ACCEPTANCE**

In the event that the proponent of a Chapter 11 plan files a modification of the plan after transmittal of the disclosure statement and before the time specified for acceptance or rejection of the plan, the proponent shall serve a copy of the plan, as modified, on the debtor, debtor-in-possession, trustee, if any, the United States Trustee, any committee appointed pursuant to the Bankruptcy Code, and any other entity designated by the court. On notice to such entities, the court shall determine, after motion and hearing, whether the modification adversely affects the treatment of the claim of any creditor or the interest of any equity security holder who has not accepted the modification in writing. If the modification is not adverse, the plan, as modified, shall be deemed accepted by the creditors and equity security holders who accept the plan. If the modification is adverse, the requirements of Fed. R. Bankr. P. 3017 shall apply to the modified plan and any amendment to the disclosure statement made necessary by the modification.

**LBR 3022-1**

**CLOSING CHAPTER 11 CASES**

(a) Unless the court orders otherwise, within thirty (30) days following substantial consummation of a Chapter 11 plan, the debtor-in-possession, trustee, distributor, or plan proponent shall file with the clerk and the United States Trustee a closing report which shall: (1) contain a breakdown of the disbursements, as applicable from the inception of the case, for fees of the debtor's attorney, other professional fees and expenses, the trustee's fees, and fees for the trustee's attorney; (2) state the percentage of dividend paid and to be paid, or whether the future dividend percentage is not yet determinable; and (3) state the steps taken to consummate the plan and whether the initial plan distribution is complete.

(b) After substantial consummation of the plan, the debtor-in-possession, trustee, distributor, or plan proponent shall file an application for a final decree in accordance with Fed. R. Bank. P. 3022.

**LBR 5003-2**

**INTEGRITY AND EXAMINATION OF FILES**

No papers on file in the office of the clerk shall be removed therefrom except with permission of the clerk.

## **LBR 5010-1**

### **REOPENING CASES**

A motion to reopen a case pursuant to 11 U.S.C. § 350(b) and Fed. R. Bank. P. 5010 shall state the reason therefor and shall be filed with the clerk in the court where such case was closed. The court may direct the clerk to obtain any required part of the record of the closed case from wherever it is stored. A filing fee for a case reopened pursuant to 11 U.S.C. § 350(b) and Fed. R. Bank. P. 5010 shall be required unless the case is reopened to correct an administrative error, or on account of actions relating to the debtor's discharge.

## **LBR 5011-1**

### **WITHDRAWAL OF REFERENCE**

A motion for withdrawal of the reference shall be filed with the clerk of the Bankruptcy Court. The clerk of the Bankruptcy Court shall promptly transmit the motion to the clerk of the United States District Court and notify the movant of the transmission. The movant shall notify all other parties of the transmission. Following transmission of the motion to the clerk of the District Court, all further papers with respect to the motion shall be filed with the clerk of the District Court.

## **LBR 5080-1**

### **COURT FEES**

The clerk shall not be required to render any service for which a fee is prescribed by statute or by the Judicial Conference of the United States unless the fee for the service is paid in advance.

## **LBR 6004-1**

### **SALE OF ESTATE PROPERTY**

(a) Appraisals shall ordinarily be required prior to any sale not in the ordinary course of business unless the trustee or debtor-in-possession determines that such appraisal is not warranted under the facts of the case. Where appropriate, the trustee or debtor-in-possession may determine the value of any property by reference to current price guides used to determine the value of such property, unless otherwise directed by the court.

(b) Appraisals shall be submitted to the court not later than noon on the day prior to the sale of the property in question. Each appraisal shall be kept under seal upon filing and treated as

confidential. Access to the appraisal may be had only by the court, the United States Trustee, and such other parties as the court may direct. Unless otherwise authorized by the court, the appraisals shall be unsealed at the conclusion of the case.

(c) No trustee, appraiser, or auctioneer, or officer, director, stockholder, agent, employee or relative of a trustee, appraiser or auctioneer, shall directly or indirectly purchase any of the property of any bankruptcy estate.

(d) Unless otherwise ordered by the court: (1) assets of an estate shall not be sold on a percentage basis, i.e., on terms providing for the payment of a fixed percentage to creditors and expenses of administration; (2) a public sale shall be advertised at least ten (10) days before the sale, although the trustee may require further advertising; (3) the property to be sold shall be open to public inspection for such reasonable period prior to the sale as the trustee may determine; and (4) an auctioneer shall, before receiving bids, announce the terms of sale, including the statement that no sale is final without the approval of the trustee.

(e) A purchaser at any public sale shall not be entitled to a refund on account of discrepancies between the assets offered for sale by the auctioneer and the assets as listed in the inventory. Any property which, because of reclamation proceedings or for other reasons, is not included in the sale, shall be set apart and conspicuously marked "not included in sale," and such fact shall be announced by the auctioneer before the sale. Except upon prior approval of the Court, only items constituting assets of the estate being administered shall be sold at any sale held pursuant to provisions of the Bankruptcy Code, and such sales shall not be conducted in conjunction with any non-bankruptcy sale.

(f) When the trustee acts as auctioneer, he or she shall receive no compensation therefor in excess of the amount provided by the Bankruptcy Code for trustees.

(g) Unless the court orders otherwise, trustees must be in attendance throughout all auction sales.

(h) The sanctions which may be imposed for violation of this Rule, include, but are not limited to, the disqualification of a person from future employment on behalf of bankruptcy estates.

## **LBR 6005-1**

### **EMPLOYMENT OF APPRAISERS AND AUCTIONEERS**

(a) All applications for the appointment of an appraiser must be filed with the court for approval. Said applications shall contain at a minimum the following information:

- (1) A statement setting forth in what manner and by whom the costs of the appraisal will be paid, and if payment is to be made from assets of the estate, a statement that the estate has adequate funds with which to pay the appraisal fee;
- (2) The name and address of the appraiser and the maximum amount of the appraisal fee;
- (3) A statement to the effect that the appraiser does not hold an interest adverse to the estate, is a disinterested person, and a description of the appraiser's general qualifications;
- (4) A description of the item(s) to be appraised, their estimated value and the time required for the appraisal; and
- (5) If the appraiser sought to be appointed will incur travel expenses in connection with the appraisal, an explanation as to why a local appraiser is unavailable or unsuitable.

(b) All applications for allowance of appraiser's fees for services rendered or reimbursement of expenses totaling \$500.00 or more, shall, in addition to the requirements set forth in the Bankruptcy Code and Fed. R. Bankr. P. 2016(a), contain the following information:

- (1) The date of the order of appointment;
- (2) In concise form, a general narrative statement of the nature of the services provided; and
- (3) A statement, based upon records prepared contemporaneously with the services rendered, indicating:
  - a. The dates the services were rendered;
  - b. The identity of the person or persons rendering such services; and
  - c. The total compensation sought by each person providing the services.

(c) Unless otherwise provided by the order of the court, sections (d) through (m) of this Rule shall apply to the employment of all auctioneers and the conduct of auctions.

(d) The employment of an auctioneer shall be submitted to the court for approval upon application setting forth:

- (1) The need for an auctioneer's services;
- (2) A description of the property to be sold, its estimated value, and the location thereof;

- (3) How the auctioneer is to be paid, and, if payment is to be made from assets of the estate, whether the estate will have adequate funds with which to pay the auctioneer's fee;
- (4) If the items to be auctioned constitute collateral, entirely or in part, whether or not the party claiming a security interest in such collateral has agreed to pay any or all of the auctioneer's expenses;
- (5) How many assistants, if any, will be required to help the auctioneer and why such assistance is required, a statement by the trustee in support of the number required and the expense to be incurred for each assistant, based upon an hourly fee; and
- (6) A statement that the auctioneer is enrolled on the list of qualified auctioneers as approved by the court, or a statement pursuant to subsection (e) of this rule.

(e) No auctioneer shall have his or her name enrolled upon the list of qualified auctioneers unless he or she shall file with the clerk a verified application for approval as an auctioneer, which application shall contain:

- (1) Facts as to the applicant's qualifications and previous experience as an auctioneer;
- (2) A description of the business in which he or she has been engaged within the past ten (10) years;
- (3) Banking references;
- (4) A statement whether he or she has ever been convicted of any criminal offense, other than motor vehicle violations;
- (5) A statement whether he or she has been liable in any litigation for the repayment or return of any money or property held by him or her in a fiduciary capacity;
- (6) Three (3) letters of recommendation as to the applicant's character, ability, and experience to act as an auctioneer; and
- (7) A statement whether he or she has ever been denied coverage under a corporate surety bond.

(f) An auctioneer employed with court approval shall not act until he or she gives in each estate, at his or her own expense, a surety bond in favor of the United States of America, to be approved by and in such sum as may be fixed by the court, conditioned upon:

- (1) The faithful and prompt accounting for all monies and property which may come into his or her possession as auctioneer;

- (2) Compliance with all rules, orders, and decrees of the court; and
- (3) The faithful performance of his or her duties in all respects.

Said bond shall contain a provision that it may not be canceled or terminated without sixty (60) days notice being given to the clerk and the United States Trustee. In lieu of a bond in each case, an auctioneer may be permitted to file a blanket bond covering all cases in which he or she may act. Such blanket bond shall be in favor of the United States of America, shall be in the sum of one million dollars (\$1,000,000.00), and shall be conditioned for each estate on the same terms as bonds in separate estates.

(g) The name of any auctioneer may be removed from the list of qualified auctioneers at any time by the court, in its sole discretion. Notice of such removal shall be sent forthwith to such auctioneer and to his or her bonding or surety company.

(h) In the event that the employment of a particular auctioneer, other than an auctioneer on the list of qualified auctioneers, is required, an application for such employment shall specify the reasons and necessity for such employment. Such auctioneer, before such employment, shall qualify by filing a bond in such amount as is set by the court, unless excused by the court.

(i) Compensation and Expenses:

- (1) An auctioneer appointed by the court may be allowed, as compensation on the sale of personal property, a sum equivalent to 10% of the first \$50,000.00; 8% of the next \$25,000.00; 6% of the next \$25,000.00; 4% of the next \$50,000.00 and 2% of all amounts over \$150,000.00. On real property, an auctioneer may be allowed up to 5% commission on the sale price of the property. Any allowance of compensation and reimbursement of expenses to an auctioneer shall be paid only upon proper application and subject to the approval of the court.
- (2) An auctioneer shall be reimbursed for reasonable and necessary expenses directly related to the sale, including printing, advertising, insurance, and bond costs. Where the auctioneer has a blanket bond, the auctioneer may be reimbursed a proportionate amount of the costs, based upon the value of the assets sold by the auctioneer in the particular estate. When directed by the trustee to transport goods, the auctioneer shall be reimbursed for expenditures related thereto. No travel expenses shall be allowed except as ordered by the court. The auctioneer may be reimbursed for his or her expenses only if the application for reimbursement is supported by a sworn affidavit, setting forth the specific expenses incurred and the necessity for such. Vouchers, invoices, receipts, or other appropriate supporting documentation shall accompany the application. Where

disbursements were made for advertising, copies of the actual advertisements shall be attached to the affidavit.

(j) A person shall not at any time, directly or indirectly, designate or refer to himself or herself as “Official United States Auctioneer,” or as “Official Bankruptcy Auctioneer,” or use any similar title or designation which states expressly or by implication that such person is an officer of the United States District Court or Bankruptcy Court, or that such person holds any permanent designation by the court as an auctioneer.

(k) Every auctioneer acting hereunder shall at all times keep proper records of all transactions and shall submit a report of each sale which shall include the following information:

- (1) The time and place of sale;
- (2) The gross amount of the sale and when property is sold in lots, the items in each lot and the amount received for each lot, with the name of the purchaser, as well as any bulk bid;
- (3) An itemized statement of the expenditures, disbursements, and commissions allowable under this Rule, together with appropriate vouchers as described in paragraph (i)(2) above; and
- (4) Whenever articles are sold free and clear of liens, with the liens to attach to the proceeds, the articles and liens shall be itemized separately.

(l) The trustee shall not delegate any of his or her fiduciary responsibilities to an auctioneer.

(m) The sanctions that may be imposed for violation of this Rule, include, but are not limited to, the disqualification of the person from future employment on behalf of bankruptcy estates.

**LBR 7024-2**

**NOTICE OF CLAIM OF UNCONSTITUTIONALITY**

To enable the Court to comply with the requirements of 28 U.S.C. § 2403, if at any time prior to the trial of any adversary proceeding or contested matter to which neither the United States, an individual state, nor any agency, officer, or employee of either is a party, a party draws in question the constitutionality of an Act of Congress or a state statute affecting the public interest, such party shall give written notice to the court of the existence of such question and specifically identify the statute and the respects in which it is claimed to be unconstitutional. Copies of the notice shall be served upon all parties to the matter or proceeding, the United States Trustee, and the United States Attorney for the District of Connecticut and/or the chief legal officer of the State whose statute is claimed to be unconstitutional.

**LBR 7041-1**

**ACTIONS TO DETERMINE DISCHARGE AND DISCHARGEABILITY**

(a) No adversary proceeding to deny a discharge shall be withdrawn, dismissed, or settled except upon an order of the court after notice to the trustee, all creditors, and other parties in interest and a hearing.

(b) In the event of a dismissal of an adversary proceeding to deny the discharge of a debtor no discharge shall be granted unless the debtor shall file an affidavit and the debtor's attorney shall sign and file a statement that no consideration has been promised or given, directly or indirectly, for any such dismissal.

(c) No adversary proceeding to determine the dischargeability of a debt shall be settled except upon the order of the court after full disclosure of the terms of any agreement entered into between the parties relating to the payment of the debt in whole or in part.

**LBR 8004-1**

**COPIES OF NOTICE OF APPEAL**

Upon the filing of a notice of appeal, the appellant shall provide the clerk with sufficient copies of the notice of appeal to permit the clerk to comply with Fed. R. Bankr. P. 8004.

## **LBR 9001-1**

### **DEFINITIONS**

The definition provisions of 11 U.S.C. § 101 and Fed. R. Bankr. P. 9001 shall be applicable to these Local Rules.

## **LBR 9004-1**

### **REQUIREMENTS OF FORM**

In addition to the requirements of the applicable Local District Court Rule, all petitions, statements, schedules, pleadings, reports, and other papers shall be written, typewritten, printed, or reproduced on durable white paper of good quality on one side of a page only; shall be without erasures or interlineations materially defacing them; and, except for trial or hearing exhibits, shall be punched with two (2) holes two and three-quarters ( $2\frac{3}{4}$ ) inches apart, each centered seven-sixteenths ( $\frac{7}{16}$ ) of an inch from the upper edge, one being two and seven-eighths ( $2\frac{7}{8}$ ) inches from the left-hand edge and the other being the same distance from the right-hand edge, and each one-quarter ( $\frac{1}{4}$ ) of an inch in diameter.

## **LBR 9010-1**

### **APPEARANCES**

(a) The signature of an attorney for a petitioner on a bankruptcy petition or the signature of an attorney on a complaint or a motion in a bankruptcy case constitutes a notice of appearance pursuant to Fed. R. Bankr. P. 9010(b), and constitutes a certification that the attorney is authorized to practice in the United States Bankruptcy Court for the District of Connecticut.

(b) An attorney entering a case under the Bankruptcy Code, or any matter commenced by a complaint or motion, shall first file an appearance with the court and serve the same upon the debtor or the debtor-in-possession, any trustee, any committee or its counsel, the United States Trustee, and, if an adversary proceeding, any party to such proceeding.

**LBR 9013-1**

**FORMS OF PLEADINGS APPLYING TO  
CERTAIN CONTESTED MATTERS**

Motions seeking relief under the following listed sections of the Bankruptcy Code shall comply with the requirements of Fed. R. Bankr. P. 7010:

- Section 362(d) - Relief from stay;
- Section 363(c) - Use of cash collateral;
- Section 363(f) - Sale free and clear of interests in property;
- Section 364(d) - Obtain or incur debt secured by a senior or equal lien ;
- Section 365(a), (f) - Assumption or rejection of executory contracts and unexpired leases;
- Section 506 - Determination of secured status; and
- Section 522(f) - Avoidance of fixing of liens.

**LBR 9015-1**

**JURY TRIALS**

(a) Fed. R. Civ. P. 38, 39, 47-51, and 81(c) (insofar as it applies to jury trials) apply in cases and proceedings, except that a demand made under Fed. R. Civ. P. 38(b) shall be filed in accordance with Fed. R. Bank. P. 5005.

(b) If the right to a jury trial applies, a timely demand has been filed under Fed. R. Civ. P. 38(b), and the bankruptcy judge has been specially designated to conduct the jury trial, the parties may consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly or separately filing a statement of consent no later than thirty (30) days following the jury trial demand.

**LBR 9019-2**

**ALTERNATIVE DISPUTE RESOLUTION (ADR)**

(a) An adversary proceeding or a contested matter may be referred for voluntary ADR at any stage of the bankruptcy litigation deemed appropriate by the parties and the judge to whom the adversary proceeding or a contested matter has been assigned.

(b) Before an adversary proceeding or a contested matter is referred to voluntary ADR, the parties must agree upon, subject to the approval of the judge:

- (1) The form of the ADR process (e.g., mediation, arbitration, summary trial, minitrial, etc.);
- (2) The scope of the ADR process (e.g., settlement of all or specified issues, resolution of discovery schedules or disputes, narrowing of issues, etc.);
- (3) The ADR provider; and
- (4) The effect of the ADR process (e.g., binding or non-binding).

(c) When an agreement between the parties and the judge for a voluntary ADR referral has been reached, the parties shall file jointly for the judge's endorsement a "Stipulation for Reference to ADR." The Stipulation, subject to the judge's approval, shall specify:

- (1) The form of the ADR procedure and the name of the ADR provider agreed upon;
- (2) The judicial proceedings, if any, to be stayed pending ADR;
- (3) The procedures, if any, to be completed prior to ADR (e.g., appraisal, expert opinions, etc.);
- (4) The effect of the ADR process;
- (5) The date or dates for the filing of progress reports by the ADR provider with the trial judge or for completion of the ADR process; and
- (6) The special conditions, if any, imposed by the judge upon any aspect of the ADR process.

(d) All ADR sessions shall be deemed confidential and protected by the provisions of Fed. R. Evid. 408 and Fed. R. Civ. P. 68. No statement made or document produced as part of an ADR proceeding, not otherwise discoverable or obtainable, shall be admissible as evidence or subject to discovery.

(e) At the conclusion of the voluntary ADR session(s), the ADR provider's report to the judge shall merely indicate "matter settled or not settled," unless the parties agree to a more detailed report (e.g., stipulation of facts, narrowing of issues and discovery procedures, etc.). If a matter settles, the parties shall agree upon the appropriate moving papers to be filed for the judge's endorsement. If a matter does not settle but the parties agree to a narrowing of discovery or legal issues, then the ADR provider's report shall set forth those matters for endorsement or amendment by the judge.

**LBR 9029-2**

**ADMINISTRATIVE ORDERS**

The clerk shall maintain an administrative order book, containing all currently effective administrative orders of the court that are applicable throughout the district, dated and numbered chronologically. Copies of such administrative orders shall be available upon request at the office of the clerk .