

*UNITED STATES BANKRUPTCY COURT
District of Connecticut*

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Clerk of Court

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To: Members of the Bar and Public

From: Gary M. Gfeller

Date: November 3, 2014

Re: Rule, Form, and Fee Changes Effective December 1, 2014

**CLERK'S
ANNOUNCEMENT
14-04**

Rule Changes

On April 25, 2014, the Supreme Court approved amendments to the Federal Rules of Bankruptcy Procedure which will take effect on December 1, 2014. The amendments to the bankruptcy rules address the following: 1) petitions involving the same debtors filed in different courts; 2) time limits for serving a summons and complaint; 3) general pleadings and judgments and costs; 4) bankruptcy appeals; and 5) new trials and relief from a judgment or order. A summary of the rule changes can be found in Attachment 1. The complete amended rules are located at:

<http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/congressional-package-for-congress.pdf>

Form Changes

Several official forms will be updated to address the amended rules. A summary of the Form changes can be found in Attachment 2. A complete list of the revised forms and instructions is posted at:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

Fee Changes

Finally, the Judicial Conference approved several amendments to the Bankruptcy Court Miscellaneous Fee Schedule. First, the Conference approved an increase of \$50 to the fee assessed under Item 14 of the schedule (from \$157 to \$207) when a direct bankruptcy appeal is accepted by a court of appeals. This adjustment brings parity to the fees for appealing a bankruptcy court order in a court of appeals.

Second, the Conference approved two amendments to the Bankruptcy Court Miscellaneous Fee Schedule that were developed in connection with a new national policy establishing filing and notice procedures for requests to redact personal identifiers from large volumes of court filings in multiple cases, including closed cases. The Conference established a \$25 fee (Item 21) to file a

motion to make redactions to previously filed records in a bankruptcy case. The fee is intended to be charged for each affected case, but courts may waive the fee under appropriate circumstances. The Conference also endorsed a new exception to the reopening fee for a closed bankruptcy case (Item 11) to clarify that the reopening fee does not apply if redaction is the only purpose for reopening the case.

A synopsis of the fee changes is attached and can also be viewed on the Fees page of our website at:

<http://www.ctb.uscourts.gov/filingfees.htm>

Attachments: Summary of 2014 Changes to Federal Rules of Bankruptcy Procedure
Summary of 2014 Changes to Bankruptcy Forms
Bankruptcy Court Fees Quick Reference, Effective December 1, 2014

Summary of 2014 Changes to Federal Rules of Bankruptcy Procedure

Rule 1014(b)

Rule 1014(b) addresses the procedure when petitions involving the same or related debtors are filed in different courts. The amendment to Rule 1014(b) provides that proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending, and would expand the list of persons entitled to receive notice of a motion in the first court for a determination of where the related cases should proceed.

Rule 7004(e)

The amendment to Rule 7004(e) alters the period of time during which service of the summons and complaint must be made, reducing the period from 14 days to 7 days after issuance of the summons. Because Rule 7012 provides that the defendant's time to answer the complaint is calculated from the date the summons is issued, a lengthy delay between issuance and service of the summons may unduly shorten the defendant's time to respond. Therefore, this amendment seeks to ensure prompt service.

Rules 7008(b) and 7054

The proposed amendments to these rules would change the procedure for seeking attorney's fees in bankruptcy proceedings, bringing the Bankruptcy Rules in closer alignment with the Civil Rules.

- Rule 7008(b), which currently addresses attorney's fees, will be deleted.
- Rule 7054 will include the procedures for seeking an award of attorney's fees, unless the governing substantive law requires the fees to be provided at trial as an element of damages.

Rules Governing Appeals - Rules 8001-8028

The amendments to Part 8 of the Bankruptcy Rules govern appeals to district courts and bankruptcy appellate panels. The purpose of the amendments is to: (1) bring the bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedure; (2) incorporate a presumption favoring electronic transmission, filing and service of court documents; and (3) adopt a clearer and simpler style.

Some highlights of the revised rules related to appeals include:

- Rule 8003 requires the clerk to serve the notice of appeal instead of providing notice of the filing of the notice of appeal. The Notice of Electronic Filing (NEF) will suffice as notice except when pro se parties are involved.

- Rule 8003(d)(1) requires the clerk to transmit the notice of appeal promptly to the district court or BAP. The Committee note makes clear that this transmission should no longer be delayed until the record is complete. Each district should determine how best to transmit the notice of appeal within the district.
- Rule 8005(a) eliminates the requirement that a separate document be filed when a party to an appeal opts out of the BAP. (Also see discussion of Official Form 17 below).
- Rule 8009
 - addresses transcripts, when a transcript is or is not ordered, and allows an appellant to file a statement in lieu of a transcript when a transcript is unavailable.
 - permits the parties to file an agreed statement as to the record on appeal (in lieu of the record on appeal).
 - if a sealed document is designated as part of the record on appeal, the party making the designation must file a motion requesting that the appellate court accept the sealed document. The Committee Note states that the bankruptcy court may not transmit the designated sealed document without an order from the appellate court.
- Rule 8010 requires that if a party moves in the district, BAP, or court of appeals for any of the following: leave to appeal; dismissal; a stay pending appeal; approval of a supersedeas bond, or additional security on a bond or undertaking on appeal; or any other intermediate order, the bankruptcy clerk must transmit to the clerk of the court where the relief is sought any parts of the record designated by a party to the appeal or a notice that those parts are available electronically.

Rules Governing New Trials, Amendment of Judgments and Relief from Judgment or Order

- Rule 9023 (governing new trials and amendment of judgments) and Rule 9024 (governing relief from a judgment or order) will add reference to the procedure in amended Rule 8008 addressing indicative rulings.
- Rule 8008 provides a procedure for the issuance of an indicative ruling when a bankruptcy court determines that, because of a pending appeal, the court lacks jurisdiction to grant a request for relief that the court concludes is meritorious or raises a substantial issue.

Summary of 2014 Changes to Bankruptcy Forms

Official Forms 3A (Application for Individuals to Pay the Filing Fee in Installments) and 3B (Application to Have the Chapter 7 Filing Fee Waived) are revised to remove references to fee amounts.

Official Form B6Sum (Summary) is revised to update line number cross references to the revised means test forms (Official Forms 22A-1, 22A-1 Supp, 22A-2, 22B, 22C-1 and 22C-2).

Official Forms 17A (Notice of Appeal and Statement of Election), 17B (Optional Appellee Statement of Election to Proceed in District Court) and 17C (Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)) are new forms set to go into effect with the revised bankruptcy appellate rules.

Official Forms 22A-1 (Chapter 7 Statement of Your Current Monthly Income), 22A-1 Supp (Statement of Exemption from Presumption of Abuse Under §707(b)(2)), 22A-2 (Chapter 7 Means Test Calculation), 22B (Chapter 11 Statement of Your Current Monthly Income), 22C-1 (Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period) and 22C-2 (Chapter 13 Calculation of Your Disposable Income) are the revised means test forms. These forms are revised to accommodate changes in the law as a result of Supreme Court precedent and as part of the Bankruptcy Rules Advisory Committee's ongoing Forms Modernization Project.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

BANKRUPTCY COURT FEES¹ QUICK REFERENCE
EFFECTIVE DECEMBER 1, 2014

FILING FEES

Petitions²

Chapter 7	\$335.00
Chapter 9	\$1,717.00
Chapter 11 (non-railroad)	\$1,717.00
Chapter 12	\$275.00
Chapter 13	\$310.00
Chapter 15 (formerly known as "ancillary proceeding")	\$1,717.00
Adversary Proceeding	\$350.00
Notice of Removal	\$350.00

Appeals

Appeal (must also pay Notice of Appeal fee)	\$293.00
Cross Appeal (must also pay Notice of Appeal fee)	\$293.00
Notice of Appeal ³	\$5.00
Direct Bankruptcy Appeal to Court of Appeals ⁴ : (must also pay Notice of Appeal fee)	\$293.00 (For Requesting) \$207.00 (Once Authorized)

Motions

Relief From Stay	\$176.00
Sale of Property Free & Clear of Liens	\$176.00
Redact (fee charged per case)	\$25.00
Withdraw the Reference Under 28 U.S.C. 157(d)	\$176.00
Compel Abandonment	\$176.00
Split a Case:	
Chapter 7	\$335.00
Chapter 11	\$1,717.00
Chapter 12	\$275.00
Chapter 13	\$310.00

¹ The Court accepts cash, checks, money orders, American Express, VISA, MasterCard, and Discover/Novus. Debtors' personal checks and credit cards will not be accepted when filing a petition. We do not accept party checks. A voluntary petition by an individual or an individual and spouse may be paid in no more than four (4) installments, upon application to the Court.

² The fee for filing a petition consists of a filing fee, an administrative fee, and, for chapter 7 petitions, a trustee surcharge, combined here for simplicity.

³ This is a mandatory fee in addition to the fee for appeals and cross appeals. It is due upon filing and may not be waived or deferred.

⁴ The fee for **requesting** a direct appeal or cross appeal from a bankruptcy court decision to the Court of Appeals is \$298 (\$293 appeal fee + \$5 notice of appeal fee). If the Court of Appeals **authorizes** the direct appeal, an **additional** fee of \$207 is due to the Bankruptcy Court.

Conversions ⁵ :	
Convert Chapter 9 to Chapter 7	\$15.00
Convert Chapter 11 to Chapter 7	\$15.00
Convert Chapter 13 to Chapter 7	\$25.00
Convert Chapter 12 to Chapter 7	\$60.00
Convert Chapter 12 to Chapter 13	\$35.00
Convert Chapter 7 to Chapter 11	\$922.00
Convert Chapter 12 to Chapter 11	\$800.00
Convert Chapter 13 to Chapter 11	\$932.00

Reopen a Case: ⁶	
Chapter 7	\$260.00
Chapter 9	\$1,167.00
Chapter 11	\$1,167.00
Chapter 12	\$200.00
Chapter 13	\$235.00
Chapter 15	\$1,167.00

Miscellaneous Fees

Amendments to a Petition	
Schedules D, E, F, and/or Mailing List/Matrix ⁷	\$30.00
Other Schedules	No Fee
Audio Recording (CD)	\$30.00
Certification	\$11.00
Exemplifications	\$21.00
Any Payment Returned/Denied for Insufficient Funds	\$53.00
Photocopies (per page)	\$0.50
Record Retrieval from Federal Records Center ⁸	Contact Clerk's Office for Fees and Instructions
Record Search	\$30.00
(No fee charged if the requested item can be found via the computerized docket (CMECF))	
Filing or Indexing of Miscellaneous Paper	\$46.00
Pro Hac Vice Admission	\$75.00
PACER Fees	\$0.10/page ⁹ \$3.00/audio recording
Transfer Claim	\$25.00

⁵ No fee is charged when the conversion order is made on its own by the court (i.e., *sua sponte*), in the absence of a notice or request of a party. The fee to convert to Chapter 11 is payable upon **conversion**, rather than upon filing.

⁶ The exemption from paying the fee to reopen a case applies in only two situations: (1) reopening a case to permit a party to file a complaint to obtain a determination under Rule 4007(b); or (2) reopening a case when a creditor is violating the terms of the discharge under 11 U.S.C. § 524. The court may defer payment of the fee from trustees pending discovery of additional assets. The court will waive a deferred fee when no additional assets are discovered.

⁷ There is no fee to change the address of a listed creditor, or to add/change the name and address of a listed creditor's attorney.

⁸ Generally, \$64 fee for the retrieval of one box of records, \$39 for the retrieval of each additional box.

⁹ \$3.00 maximum charge per document.