



United States Bankruptcy Court District of New Jersey

Honorable Michael B. Kaplan, Chief Judge
Jeanne A. Naughton, Clerk

The purpose of this newsletter is to advise New Jersey Bankruptcy Court subscribers of new system and operational developments and to highlight issues that require immediate attention.

Office Locations

Newark

Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, NJ 07102
Phone (973) 645-4764
CM/ECF Helpdesk: (973) 645-3366

Trenton

Clarkson S. Fisher US Courthouse
402 East State Street
Trenton, NJ 08608
Phone (609) 858-9333
CM/ECF Helpdesk: (609) 858-9401

Camden

US Post Office and Courthouse
401 Market Street
Camden, NJ 08101
Phone (856) 361-2300
CM/ECF Helpdesk: (856) 361-2301

CM/ECF Helpdesk email address

cmecf_help_desk@njb.uscourts.gov

CONTENTS

- **August 1, 2024 Local Rules and Form Revisions**
- **Reminder re: Filing and Service**
- **Reminder re: Chapter 13 Plan and Motions**
- **Reminder re: Amendment to Schedules**
- **Court Holiday Schedule**
- **Email Alerts**

2024 LOCAL RULE AND FORM REVISIONS

The Court's Notice to the Bar and Public Concerning 2024 Local Rule and Form Revisions was posted to the Court's website on August 1, 2024. All revised Local Rules and forms are attached to that [Notice](#) for ease of reference. The following Local Rules and Forms have been amended, added, or eliminated under the Court's 2024 Local Rule Making Cycle. Filers are reminded that the Local Rules of the U.S. Bankruptcy Court for the District of New Jersey, when published, supersede all previously entered general orders concerning Court policy which is governed by Local Rule. The changes to the Local Rules and Forms are effective August 1, 2024.

D.N.J. LBR 1002-2. Chapter 11 Complex Case Eligibility and Procedures (new)

- *Application for Designation as a Chapter 11 Complex Case* (revised form)
- *Order Granting Chapter 11 Complex case Designation* (revised form)
- *Chapter 11 Complex Case Management Order* (new form)
- *Order Regarding Application for Expedited Consideration of First Day Matters* (revised form)

D.N.J. LBR 1016-1. Death or Finding of Incompetency of a Debtor (amended)

- *Notice of Death or Finding of Incompetency of a Debtor* (revised form)

D.N.J. LBR 3011-1. Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, or Chapter 13 (amended)

- *Application for Payment of Unclaimed Funds* (revised form)

D.N.J. LBR 9013-4. Motions: Proposed Order (amended)

- *Certification Concerning Proposed Order* (new form)
- *Certification Concerning Order to Be Submitted* (form eliminated)

D.N.J. LBR 9019-3. Compromise or Settlement of Controversy (amended)

D.N.J. LBR 9019-4. Consent Order (new)

D.N.J. LBR 9021-1. Consent Order (deleted in favor of new D.N.J. LBR 9019-4)

- *Certification of Consent Regarding Consent Order* (form eliminated)

A complete Local Rules [package](#) is available on the Court's website. Details regarding implementation of the above revisions follows. In addition, a [Notice to the Bar and Public Concerning Updated Chapter 11 Complex Case Procedures](#) has been issued.

IMPORTANT: Please ensure that you are using the most recent version of each new or revised form listed above – all are dated 8/1/2024.

D.N.J. LBR 1016-1. DEATH OR FINDING OF INCOMPETENCY OF A DEBTOR

The Court wishes to emphasize the following important revisions to this rule, related mandatory local form, and events:

- The rule has been amended to include requirements for filing a certificate of death or court order pertaining to incompetency or guardianship.
- Local Form *Notice of Death or Finding of Incompetency of a Debtor* has been revised to alert e-filers to enter the death certificate or court order pertaining to incompetency or guardianship separately from the form.
- Two new events have been created in CM/ECF to accommodate this revision:
 - *Bankruptcy > Misc. Events > Death Certificate*
 - *Bankruptcy > Misc. Events > Finding of Incompetency of a Debtor*

Both of these new events will restrict document images from public view due to the inclusion of personal identifiers.

D.N.J. LBR 3011-1. UNCLAIMED FUNDS IN CASES UNDER CHAPTER 7, SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, OR CHAPTER 13

Highlights of revisions to this rule and related mandatory local form:

- The rule has been amended to assist the court in preventing fraud and now expressly permits the court to request additional information from a claimant and require appearances at a hearing on any application.
- Local Form *Application for Payment of Unclaimed Funds* has also been revised to assist in fraud prevention.

All unclaimed funds instructions and related forms can be found on the Court's Unclaimed Funds Arising from a Bankruptcy Case [webpage](#).

D.N.J. LBR 9013-4. MOTIONS: PROPOSED ORDER

Highlights of revisions to this rule, related mandatory local form, and events:

- Subdivision (d) of the rule has been amended to coincide with new Local Form *Certification Concerning Proposed Order*, which must be filed if parties seek immediate entry of a proposed order being submitted to a chambers email address.
- A new event has been created in CM/ECF to accommodate this revision:
 - *Bankruptcy or Adversary > Misc. Events > Certification Concerning Proposed Order*
- Local Form *Certification Concerning Order to Be Submitted* has been eliminated. The corresponding event is no longer available in CM/ECF as of August 1, 2024.

D.N.J. LBR 9019-3. COMPROMISE OR SETTLEMENT OF CONTROVERSY

Important summary of revisions to this rule, events, and related filing procedure:

- The rule has been amended to clarify the procedures for approval of a proposed compromise or settlement.
- If an order approving a proposed compromise or settlement is sought, a motion and Local Form *Notice of Proposed Compromise or Settlement of Controversy* must be filed, unless an application to shorten time is also being filed.
- Adversary Proceedings – motions to approve a proposed compromise or settlement should be filed in the adversary case and Local Form *Notice of Proposed Compromise or Settlement of Controversy* should be filed in **both** the adversary and main case for noticing purposes.
- Where the provisions in the local rule are not followed, a Correction Notice will be issued by the Clerk's Office advising that the motion/notice will not be heard/processed.
- For consistency in filing, the name of following event has been modified:
 - FROM - *Bankruptcy or Adversary > Motions/Applications > Approve Compromise Under Rule 9019*
 - TO - *Bankruptcy or Adversary > Motions/Applications > Approve Compromise or Settlement Under Rule 9019*. As of August 1st, please use this event for all motions of this type (not *Motion(Generic)*).

D.N.J. LBR 9019-4. CONSENT ORDER

This new rule replaces D.N.J. LBR 9021-1 and instructs that all proposed consent orders sent to a chambers email address that resolve a motion or pending adversary proceeding must include a filed copy of (new) Local Form [Certification Concerning Proposed Order](#). The rule also includes the provisions for consent orders in lieu of a motion or adversary proceeding.

- As noted in the summary of D.N.J. LBR 9013-4 on page 4, a new event has been created in CM/ECF for filing this new form:
 - *Bankruptcy or Adversary > Misc. Events > Certification Concerning Proposed Order*
- Local Form *Certification of Consent Regarding Consent Order* has been eliminated. The corresponding event is no longer available in CM/ECF as of August 1, 2024.

REMINDER RE: FILING AND SERVICE

Filers are reminded that, as set forth in the Court's local rules, motions and other documents that initiate a contested matter must be served by non-electronic means in accordance with Bankruptcy Rule 7004 and that Notice of Electronic Filing is not proper service.

REMINDER RE: CHAPTER 13 PLAN AND MOTIONS

Filers are reminded that mandatory Local Form [Chapter 13 Plan and Motions](#) was revised on November 14, 2023. Any prior version (or national version) of the plan will not be processed and a Correction Notice will be issued by the Clerk's Office to refile the current version of the local form.

In addition, note the following:

- In those sections where initials are required, electronic initials must be preceded by /s/, as with all other electronic signatures
- For debtors filing a joint petition, Part 1e. must be completed

Improper or missing signatures (and initials) will also prompt the issuance of a Correction Notice by the Clerk's Office.

REMINDER RE: AMENDMENT TO SCHEDULES

When processing amended schedules, the Clerk's Office finds that in many instances, D.N.J. LBR 1009-1 has not been followed. Not adhering to the rule results in additional processing time and/or follow up by the Clerk's Office and the filer:

- If the amendment adds a creditor to Schedule D – H, the debtor must also file an Amended List of Creditors which includes only the added creditor
- Official Forms *Declaration about an Individual Debtor's Schedules* and updated *Summary of Your Assets and Liabilities and Certain Statistical Information* must be submitted by an individual debtor when amending a schedule
- Official Forms *Declaration Under Penalty of Perjury for Non-Individual Debtors* and updated *Summary of Assets and Liabilities (for Non-Individuals)* must be submitted by a non-individual debtor when amending a schedule.

COURT HOLIDAY SCHEDULE

Please be advised that the Court will be closed on the following days:

Monday, September 2, 2024

Monday, October 14, 2024

Monday, November 11, 2024

Thursday and Friday, November 28 & 29, 2024

EMAIL ALERTS

NEVER MISS A COMMUNICATION FROM THE COURT!

If you are reading this newsletter, but did not receive it as an email, you can sign up to receive email alerts from the Court: click [here](#) or at the bottom of the Court's [homepage](#), click on the red envelope shown below.



Sign up for email alerts