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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

ADOPTION OF INTERIM BANKRUPTCY
RULE 1007-I,

AMENDED GENERAL ORDER NO. 22

Whereas, on October 20, 2008 the National Guard and Reservists Debt Relief Act (the Act) was enacted into law; and

Whereas, the provisions of the Act became effective on December 19, 2008; and

Whereas, the Advisory Committee on Bankruptcy Rules has prepared revised Interim Rule 1007-I designed to implement the substantive and procedural changes mandated by the Act; and

Whereas, the Committee on Rules of Practice and Procedures of the United States Judicial Conference and the Judicial Conference of the United States have approved this revised Interim Rule and recommended the adoption of the revised Interim Rule to provide uniform procedures for implementing the Act; and

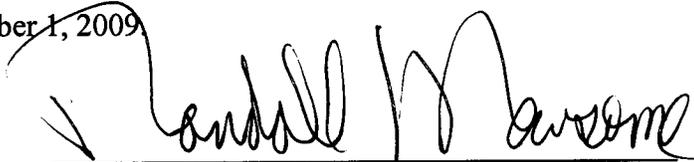
Whereas, the general effective date of the Act has not provided sufficient time to promulgate rules after appropriate public notice and an opportunity for comment;

NOW THEREFORE, pursuant to 28 U.S.C. section 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached revised Interim

1 Rule is adopted, effective December 1, 2009

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DATED: 10/6/09



RANDALL J. NEWSOME
Chief Judge
United States Bankruptcy Court

Interim Rule 1007-I. Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion

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(b) SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED.

* * * * *

(4) Unless either: (A) § 707(b)(2)(D)(i) applies, or (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by Rule 1017(e), an individual debtor in a chapter 7 case shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.

* * * * *

(c) TIME LIMITS. In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), (h), and (n) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules, statements, and other documents required

21 by subdivision (b)(1) shall be filed by the debtor within 14 days of
22 the entry of the order for relief. In a voluntary case, the documents
23 required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall
24 be filed with the petition. Unless the court orders otherwise, a debtor
25 who has filed a statement under subdivision (b)(3)(B), shall file the
26 documents required by subdivision (b)(3)(A) within 14 days of the
27 order for relief. In a chapter 7 case, the debtor shall file the statement
28 required by subdivision (b)(7) within 45 days after the first date set
29 for the meeting of creditors under § 341 of the Code, and in a chapter
30 11 or 13 case no later than the date when the last payment was made
31 by the debtor as required by the plan or the filing of a motion for a
32 discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court
33 may, at any time and in its discretion, enlarge the time to file the
34 statement required by subdivision (b)(7). The debtor shall file the
35 statement required by subdivision (b)(8) no earlier than the date of
36 the last payment made under the plan or the date of the filing of a
37 motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b)
38 of the Code. Lists, schedules, statements, and other documents filed
39 prior to the conversion of a case to another chapter shall be deemed
40 filed in the converted case unless the court directs otherwise. Except
41 as provided in § 1116(3), any extension of time to file schedules,
42 statements, and other documents required under this rule may be

43 granted only on motion for cause shown and on notice to the United
44 States trustee, any committee elected under § 705 or appointed under
45 § 1102 of the Code, trustee, examiner, or other party as the court may
46 direct. Notice of an extension shall be given to the United States
47 trustee and to any committee, trustee, or other party as the court may
48 direct.

49 * * * * *

50 (n) TIME LIMITS FOR, AND NOTICE TO, DEBTORS
51 TEMPORARILY EXCLUDED FROM MEANS TESTING.

52 (1) An individual debtor who is temporarily excluded from
53 means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file any
54 statement and calculations required by subdivision (b)(4) no later
55 than 14 days after the expiration of the temporary exclusion if the
56 expiration occurs within the time specified by Rule 1017(e) for filing
57 a motion pursuant to § 707(b)(2).

58 (2) If the temporary exclusion from means testing under
59 § 707(b)(2)(D)(ii) terminates due to the circumstances specified in
60 subdivision (n)(1), and if the debtor has not previously filed a
61 statement and calculations required by subdivision (b)(4), the clerk
62 shall promptly notify the debtor that the required statement and
63 calculations must be filed within the time specified in subdivision
64 (n)(1).