

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF
LOCAL RULES OF PRACTICE AND
PROCEDURE IN BANKRUPTCY COURT,
DISTRICT OF VERMONT**

**Standing Order
03-2**

***TO DELETE THE USE OF BUSINESS DAYS
IN COMPUTING VARIOUS TIME PERIODS***

WHEREAS it is the Court's intent to make practicing in this Court as convenient and efficient as possible within the parameters of the notice and hearing requirements set forth in the Bankruptcy Code and Rules; and

WHEREAS it has come to the Court's attention that the use of business days in the Local Rules of Practice and Procedure in Bankruptcy Court, District of Vermont (hereinafter, "the Local Rules") in computing various deadlines has caused some confusion and difficulty, particularly since the implementation of the electronic case filing system ("CM/ECF");

THE COURT HEREBY FINDS that the Local Rules would be clearer, and determination of various time periods and deadlines would be easier, if most references to "business days" in the Local Rules were replaced with references to "days;" and FURTHER FINDS that the use of "days" will create more consistency between the Local Rules and Fed. R. Bankr. P. Rule 9006.

THEREFORE, IT IS ORDERED that the Local Rules are hereby modified to substitute "days" for "business days" as follows:*

Vt. LBR 1002-1(c). Electronic Filings. [Reference to business days modified by Standing Order # 03-1.]

Vt. LBR 1015-1(c)(2). Mailing List. [Last sentence being modified by this Standing Order.] . . . The mailing list must be in compliance with the filing requirements otherwise set forth in these local rules and shall be filed with a proposed order of consolidation no later than *five (5) days* after entry of the order granting the motion to consolidate.

Vt. LBR 2002-1(a). Duty to Provide Notice. [Second sentence being modified by this Standing Order.] . . . Unless otherwise specified by the Court, the movant must give at least *five (5) days* ' notice of any hearing.

* For the convenience of locating the substitutions instituted by this Standing Order, wherever "business days" is replaced by "days" the revised language is reproduced in italics. Such changes are also conspicuously noted on the set of Local Rules available through the Court's webpage .

Vt. LBR 3015-3(a). Objections. [Second sentence being modified by this Standing Order.] . . . If in writing, the objection must be filed with the Clerk and served on the chapter 13 trustee, the debtor, and the debtor's attorney at least *three (3) days* prior to the date set for the confirmation hearing.

Vt. LBR 3017-2(d). 11 U.S.C. § 1111(b) Election in a Chapter 11 Case. A class of secured creditors may make an election under 11 U.S.C. § 1111(b) no later than *ten (10) days* prior to the confirmation hearing, unless a different date is set by the Court.

Vt. LBR 3018-3. CERTIFICATION OF ACCEPTANCE AND REJECTION OF CHAPTER 11 PLANS

At least *five (5) days* prior to the confirmation hearing, the chapter 11 plan proponent shall file the original ballots received with the Clerk and certify in writing to the Court the amount and number of allowed claims of each class accepting or rejecting the plan, and the amount of allowed interests of each class accepting or rejecting the plan. A copy of the certification, with photocopies of the original ballots received, unless otherwise requested by the intended recipients, shall be served by the plan proponent on the debtor-in-possession, the trustee, if any, the Office of the U.S. Trustee, and any committee, to be received not less than *three (3) days* prior to the hearing. The Court may find that the plan has been accepted or rejected on the basis of the certification. The hearing on confirmation shall not commence unless the certification has been timely filed unless, for good cause shown, the Court directs otherwise.

Vt. LBR 3020-1 (a). Confirmation Requirements. [Second sentence being modified by this Standing Order.] . . . The plan proponent has the burden of proof on confirmation. At least *three (3) days* before the confirmation hearing, the plan proponent shall file the following with the Clerk:

. . .

Vt. LBR 3020-1(b). Cram Down Under § 1129(b). [Last sentence being modified by this Standing Order.] . . . The motions must be served at least *fourteen (14) days* before the date scheduled for the confirmation hearing.

Vt. LBR 4001-2(b). Service of Motion. All motions must be filed with the Clerk. The movant must file a separate Certificate of Service showing service of the motion on the debtor, the debtor's attorney, the case trustee, if any, appropriate parties in interest, and the Office of the U.S. Trustee promptly after effecting service and no later than *three (3) days* prior to the hearing.

Vt. LBR 5005-4(c). Fax Filing. [Fourth sentence being modified by this Standing Order.] . . . It is not necessary to mail an original of the document faxed to the Clerk except that a Fax Declaration with the debtor's original signature must be filed within *ten (10) days* as to any petition, schedules, statements or amendments thereto.

Vt. LBR 5076-1(b). Telephonic and Emergency Hearings. [Second sentence being modified by this Standing Order.] . . . A party wishing to have a transcript of a telephonic or emergency hearing must provide a court reporter or means of recording, and must provide a transcript to the Court within *five (5) days* following the hearing.

Vt. LBR 7016-1(b). Pre-Trial Statements. It is the plaintiff's responsibility to prepare and timely serve the first draft of the Preliminary Pre-Trial Statement on opposing counsel at least *five (5) days* before the Joint Pre-Trial Statement is required to be filed.

Vt. LBR 9011-1(e). Electronic Signatures of Multiple Persons. [Item (3) being modified by this Standing Order.] . . . (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than *three (3) days* after filing;

9013-1(e)(2)(i). Minimum Notice. Unless a greater period is required by the Bankruptcy code or the Federal Rules of Bankruptcy Procedure, service must be made:

- if served personally or by fax: at least *nine (9) days* prior to objection deadline; or
- if served by first class mail, postage prepaid, or by E-mail: at least *fourteen (14) days* prior to objection deadline.

9013-1(e)(2)(ii). Objection deadline. The deadline for filing objections shall be no later than *eight (8) days* prior to the hearing date.

9013-1(e)(4). Mandatory Language. The following language, in bold and conspicuous print, must be included in the notice:

If you object to the motion, you must file a written objection with the Clerk of Court, **on or before 4:00 PM on _____ [enter date, eight (8) days prior to hearing date]**. A hearing on the motion and any objections will be held at: _____ **[enter time and date of hearing]** at the following location: **[enter location where hearing will be held]**.

...


IT IS FURTHER ORDERED that **Vt. LBR 5072-1(f)**, regarding counsel wishing to appear by telephone, is not modified by this Standing Order. Counsel are still required to “make arrangements for the telephonic connection with the courtroom deputy at least one (1) full business day in advance of the time set for the hearing.”

IT IS FURTHER ORDERED that **Vt. LBR 9013-1(g)**, regarding consent orders, is not modified by this Standing Order. Parties may submit a consent order resolving a motion to “up to one (1) business day prior to the hearing date.”

This modification of the Local Rules is **effective immediately**.

SO ORDERED.

Rutland, Vermont
March 26, 2003



Colleen A. Brown
United States Bankruptcy Judge