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AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

COMMUNICATION

FROM

THE CHIEF JUSTICE, THE SUPREME COURT OF THE UNITED STATES

TRANSMITTING

AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE THAT HAVE BEEN ADOPTED BY THE COURT, PURSUANT TO 28 U.S.C. 2072

MAY 9, 2005.—Referred to the Committee on the Judiciary and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

★ 21–689 WASHINGTON : 2005

LETTER OF SUBMITTAL

SUPREME COURT OF THE UNITED STATES,
Washington, DC, April 25, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to submit to the Congress the amendments to the Federal Bankruptcy Rules of Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying these rules are excerpts from the report of the Judicial Conference of the United States containing the Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

WILLIAM H. REHNQUIST,
Chief Justice.

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. That the Federal Rules of Bankruptcy Procedure be, and they hereby are, amended by including therein amendments to Bankruptcy Rules 1007, 2002, 3004, 3005, 7004, 9001, 9006, and 9036.

[See infra., pp. __ __ __.]

2. That the foregoing amendments to the Federal Rules of Bankruptcy Procedure shall take effect on December 1, 2005, and shall govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Bankruptcy Procedure in accordance with the provisions of Section 2075 of Title 28, United States Code.

AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rule 1007. Lists, Schedules, and Statements; Time Limits

(a) LIST OF CREDITORS AND EQUITY SECURITY HOLDERS, AND CORPORATE OWNERSHIP STATEMENT.

(1) *Voluntary Case.* In a voluntary case, the debtor shall file with the petition a list containing the name and address of each entity included or to be included on Schedules D, E, F, G, and H as prescribed by the Official Forms. If the debtor is a corporation, other than a governmental unit, the debtor shall file with the petition a corporate ownership statement containing the information described in Rule 7007.1. The debtor shall file a supplemental statement promptly upon any change

in circumstances that renders the corporate ownership statement inaccurate.

(2) *Involuntary Case.* In an involuntary case, the debtor shall file within 15 days after entry of the order for relief, a list containing the name and address of each entity included or to be included on Schedules D, E, F, G, and H as prescribed by the Official Forms.

* * * * *

(c) TIME LIMITS. In a voluntary case, the schedules and statements, other than the statement of intention, shall be filed with the petition, or within 15 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules and statements, other than the statement of intention, shall be filed by the debtor within 15 days of the entry of the order for relief. Lists, schedules, and statements filed

prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Any extension of time for the filing of the schedules and statements may be granted only on motion for cause shown and on notice to the United States trustee and to any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

* * * * *

(g) PARTNERSHIP AND PARTNERS. The general partners of a debtor partnership shall prepare and file the list required under subdivision (a), the schedules of the assets and liabilities, schedule of current income and expenditures, schedule of executory contracts and

unexpired leases, and statement of financial affairs of the partnership. The court may order any general partner to file a statement of personal assets and liabilities within such time as the court may fix.

* * * * *

Rule 2002. Notices to Creditors, Equity Security Holders, United States, and United States Trustee

* * * * *

(g) ADDRESSING NOTICES.

(1) Notices required to be mailed under Rule 2002 to a creditor, indenture trustee, or equity security holder shall be addressed as such entity or an authorized agent has directed in its last request filed in the particular case. For the purposes of this subdivision —

(A) a proof of claim filed by a creditor or indenture trustee that designates a mailing address constitutes a filed request to mail notices to that address,

unless a notice of no dividend has been given under Rule 2002(e) and a later notice of possible dividend under Rule 3002(c)(5) has not been given; and

(B) a proof of interest filed by an equity security holder that designates a mailing address constitutes a filed request to mail notices to that address.

(2) If a creditor or indenture trustee has not filed a request designating a mailing address under Rule 2002(g)(1), the notices shall be mailed to the address shown on the list of creditors or schedule of liabilities, whichever is filed later. If an equity security holder has not filed a request designating a mailing address under Rule 2002(g)(1), the notices shall be mailed to the address shown on the list of equity security holders.

(3) If a list or schedule filed under Rule 1007 includes the name and address of a legal representative of an infant or incompetent person, and a person other than

that representative files a request or proof of claim designating a name and mailing address that differs from the name and address of the representative included in the list or schedule, unless the court orders otherwise, notices under Rule 2002 shall be mailed to the representative included in the list or schedules and to the name and address designated in the request or proof of claim.

(4) Notwithstanding Rule 2002(g) (1) - (3), an entity and a notice provider may agree that when the notice provider is directed by the court to give a notice, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied

address does not invalidate any notice that is otherwise effective under applicable law.

* * * * *

Rule 3004. Filing of Claims by Debtor or Trustee

If a creditor does not timely file a proof of claim under Rule 3002(c) or 3003(c), the debtor or trustee may file a proof of the claim within 30 days after the expiration of the time for filing claims prescribed by Rule 3002(c) or 3003(c), whichever is applicable. The clerk shall forthwith give notice of the filing to the creditor, the debtor and the trustee.

Rule 3005. Filing of Claim, Acceptance, or Rejection by Guarantor, Surety, Indorser, or Other Codebtor

(a) FILING OF CLAIM. If a creditor does not timely file a proof of claim under Rule 3002(c) or 3003(c), any entity that is or may be liable with the debtor to that

creditor, or who has secured that creditor, may file a proof of the claim within 30 days after the expiration of the time for filing claims prescribed by Rule 3002(c) or Rule 3003(c) whichever is applicable. No distribution shall be made on the claim except on satisfactory proof that the original debt will be diminished by the amount of distribution.

* * * * *

Rule 7004. Process; Service of Summons, Complaint

(a) SUMMONS; SERVICE; PROOF OF SERVICE.

(1) Except as provided in Rule 7004(a)(2), Rule 4(a), (b), (c)(1), (d)(1), (e)-(j), (*l*), and (m) F.R.Civ.P. applies in adversary proceedings. Personal service under Rule 4(e)-(j) F.R.Civ.P. may be made by any person at least 18 years of age who is not a party, and the summons may be delivered by the clerk to any such person.

(2) The clerk may sign, seal, and issue a summons electronically by putting an "s/" before the clerk's name and including the court's seal on the summons.

* * * * *

Rule 9001. General Definitions

* * * * *

(9) "Notice provider" means any entity approved by the Administrative Office of the United States Courts to give notice to creditors under Rule 2002(g)(4).

(10) "Regular associate" means any attorney regularly employed by, associated with, or counsel to an individual or firm.

(11) "Trustee" includes a debtor in possession in a chapter 11 case.

(12) "United States trustee" includes an assistant United States trustee and any designee of the United States trustee.

Rule 9006. Time

* * * * *

(f) ADDITIONAL TIME AFTER SERVICE BY MAIL OR UNDER RULE 5 (b)(2)(C) or (D) F.R.CIV.P. When there is a right or requirement to act or undertake some proceedings within a prescribed period after service and that service is by mail or under Rule 5 (b)(2)(C) or (D) F. R. Civ. P., three days are added after the prescribed period would otherwise expire under Rule 9006(a).

* * * * *

Rule 9036. Notice by Electronic Transmission

Whenever the clerk or some other person as directed by the court is required to send notice by mail and the entity entitled to receive the notice requests in writing that, instead of notice by mail, all or part of the information required to be contained in the notice be sent by a specified type of electronic transmission, the court

may direct the clerk or other person to send the information by such electronic transmission. Notice by electronic means is complete on transmission.

JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

LEONIDAS RALPH MECHAM
Secretary

March 17, 2005

MEMORANDUM TO THE CHIEF JUSTICE OF THE UNITED STATES AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT

SUBJECT: *Transmittal of Proposed Amendments to the Federal Rules of Bankruptcy Procedure*

By direction of the Judicial Conference of the United States, pursuant to the authority conferred by 28 U.S.C. § 331, I have the honor to transmit herewith for consideration of the Court proposed amendments to Rules 2002, 9001, and 9036 of the Federal Rules of Bankruptcy Procedure, which were approved by the Judicial Conference at its March 2005 session. The Judicial Conference recommends that these changes be approved by the Court and transmitted to the Congress pursuant to law.

For your assistance in considering these proposed amendments, I am transmitting an excerpt from the Report of the Committee on Rules of Practice and Procedure to the Judicial Conference and the Report of the Advisory Committee on Bankruptcy Rules.

Leonidas Ralph Mecham
Secretary

Attachments

cc: Honorable David F. Levi
Professor Daniel R. Coquillette

EXCERPT FROM THE
REPORT OF THE JUDICIAL CONFERENCE
COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES:

Expedited Consideration of Proposed Amendments to Federal Rules of Bankruptcy Procedure Producing Cost Savings for the Federal Judiciary

The Advisory Committee on Bankruptcy Rules submitted proposed amendments to Rules 2002(g), 9001(9), and 9036, with a recommendation that they be approved and transmitted to the Judicial Conference. The amendments were circulated to the bench and bar for comment in August 2004. The public comment period expired on February 15, 2005. The scheduled public hearing on the amendments was canceled because no one requested to testify on these proposed amendments. No comments on the proposed amendments were submitted.

The proposed amendments are expected to save the courts considerable amounts of money in mailing and administrative expenses. As noted in the original report, the Committee decided to process the proposed amendments on an expedited basis to reap the proposals' benefits as soon as possible. The amendments will take effect twelve months earlier under the expedited rulemaking.

The Committee's report explained that under the proposed amendments to Rule 2002(g), notice providers (newly defined entities under proposed amendments to Rule 9001(9)) may enter into agreements with creditors on the manner of service and mailing address to which service may be made. The amendments facilitate the transmission of notices to creditors that operate nationally by permitting a notice provider to send a creditor all notices to a centralized, agreed-upon electronic mailing address.

Confirmation that an electronic notice was transmitted and received would no longer be required under the proposed amendments to Rule 9036. Many internet service providers no

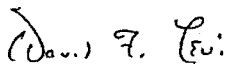
longer provide such confirmations, and confidence in the delivery of electronic transmissions now rivals or exceeds confidence in the delivery of mail. The advisory committee considered adding a provision recognizing that service of notice is not effective if the sender learns that the transmission of the notice was never received, paralleling a similar provision in Civil Rule 5. But the advisory committee decided that adding the provision to Rule 9036 was unnecessary because, though inapplicable to non-contested matters, Civil Rule 5 applies by incorporation to adversary proceedings and contested matters and a court would unlikely find notice effective if it is established that the notice was never received.

The advisory committee recommends that the amendments to the three Bankruptcy Rules be approved and transmitted to the Judicial Conference. The Committee concurs with the advisory committee's recommendation.

> **Recommendation**: That the Judicial Conference approve the proposed amendments to Bankruptcy Rules 2002, 9001, and 9036 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

* * * * *

Respectfully Submitted,



David F. Levi

David M. Bernick	John G. Kester
David J. Beck	Mary Kay Kane
James B. Comey	Mark R. Kravitz
Charles J. Cooper	J. Garvan Murtha
Sidney A. Fitzwater	Thomas W. Thrash
Harris L. Hartz	Charles Talley Wells

* * * * *

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

DAVID F. LEVI
CHAIR

PETER G. McCABE
SECRETARY

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APPELLATE RULES

A. THOMAS SMALL
BANKRUPTCY RULES

LEE H. ROSENTHAL
CIVIL RULES

EDWARD E. CARNES
CRIMINAL RULES

JERRY E. SMITH
EVIDENCE RULES

TO: **Hon. David F. Levi, Chair**
Standing Committee on Rules of Practice and Procedure

FROM: **Hon. A. Thomas Small, Chair**
Advisory Committee on Bankruptcy Rules

DATE: **December 15, 2003**

RE: **Report of the Advisory Committee on Bankruptcy Rules**

I. Introduction

The Advisory Committee on Bankruptcy Rules met on September 18-19, 2003, in Stevenson, Washington. The Committee considered a number of issues and will continue discussion of several matters at its next meeting. The Committee also adopted several proposed amendments to the Bankruptcy Rules and Forms for recommendation to the Standing Committee.

II. Action Items

A. Preliminary Draft of Proposed Amendments to Bankruptcy Rules . . . 9036

1. Synopsis of Proposed Amendments

* * * * *

B. Rule 9036 is amended to delete the current language that requires the sender of an electronic notice to have received confirmation of receipt of that notice for the notice to be complete. At the time the rule was promulgated, the sender of an electronic communication generally would receive a notification that the recipient of the notice actually received it. For the vast majority of internet service providers, these receipt notifications are no longer given. Moreover, the general level of confidence with electronic communications has increased to the point that it is presumed that these messages are received in the proper course, at least to the extent that other forms of notice (such as by regular mail) also are received. The amendment affirmatively states that the notice is complete upon its transmission. This is consistent with the treatment of notice by regular mail under the Bankruptcy Rules. It is also consistent with Civil Rule 5(b)(2)(B) and (D) that provide that service by mail and by electronic means is complete upon transmission.

The text of the proposed amendments to Bankruptcy Rules . . .9036 are set out at the end of this Report.

* * * * *

Attachments: Proposed Amendments to Bankruptcy Rules . . . 9036

* * * * *

PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE*

* * * * *

Rule 9036. Notice by Electronic Transmission

1 Whenever the clerk or some other person as directed
2 by the court is required to send notice by mail and the entity
3 entitled to receive the notice requests in writing that, instead
4 of notice by mail, all or part of the information required to be
5 contained in the notice be sent by a specified type of
6 electronic transmission, the court may direct the clerk or other
7 person to send the information by such electronic
8 transmission. ~~Notice by electronic transmission is complete,~~
9 ~~and the sender shall have fully complied with the requirement~~
10 ~~to send notice, when the sender obtains electronic~~
11 ~~confirmation that the transmission has been received.~~ Notice
12 by electronic means is complete on transmission.

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*New material is underlined; matter to be omitted is lined through.

COMMITTEE NOTE

The rule is amended to delete the requirement that the sender of an electronic notice must obtain electronic confirmation that the notice was received. The amendment provides that notice is complete upon transmission. When the rule was first promulgated, confirmation of receipt of electronic notices was commonplace. In the current electronic environment, very few internet service providers offer the confirmation of receipt service. Consequently, compliance with the rule may be impossible, and the rule could discourage the use of electronic noticing.

Confidence in the delivery of email text messages now rivals or exceeds confidence in the delivery of printed materials. Therefore, there is no need for confirmation of receipt of electronic messages just as there is no such requirement for paper notices.

Public Comment on Proposed Amendment to Rule 9036:

No comments were received on the proposed amendment.

Changes Made After Publication and Comment:

No changes since publication.

JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

LEONIDAS RALPH MECHAM
Secretary

October 27, 2004

MEMORANDUM TO THE CHIEF JUSTICE OF THE UNITED STATES AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT

By direction of the Judicial Conference of the United States, pursuant to the authority conferred by 28 U.S.C. § 331, I have the honor to transmit herewith for consideration of the Court proposed amendments to Rules 1007, 3004, 3005, 4008,* 7004, and 9006 of the Federal Rules of Bankruptcy Procedure. The Judicial Conference recommends that these amendments be approved by the Court and transmitted to the Congress pursuant to law.

For your assistance in considering these proposed amendments, I am transmitting an excerpt from the Report of the Committee on Rules of Practice and Procedure to the Judicial Conference and the Report of the Advisory Committee on the Federal Rules of Bankruptcy Procedure.

Leonidas Ralph Mecham
Secretary

Attachments

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*The Judicial Conference later withdrew the proposed amendment to Rule 4008 after Congress passed the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which contained provisions addressing the same subject matter.

EXCERPT FROM THE
REPORT OF THE JUDICIAL CONFERENCE
COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES:

* * * * *

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rules Recommended for Approval and Transmission

The Advisory Committee on Bankruptcy Rules submitted proposed amendments to Rules 1007, 3004, 3005, 4008,* 7004, and 9006 and Official Forms 6G, 16D, and 17 with a recommendation that they be approved and transmitted to the Judicial Conference. The scheduled public hearing on the amendments was canceled because no one requested to testify.

The proposed amendment to Rule 1007 requires the debtor in a voluntary bankruptcy case to submit with the petition a list of the names and addresses of each person and entity entitled — under specified schedules prescribed by the Official Forms — to receive notice of the bankruptcy filing. Virtually all courts have adopted a local rule requiring the debtor to provide such mailing information, commonly called the "mailing matrix." The information required by the amendment ensures that all entities entitled to receive notice will be mailed notices, including codebtors and nondebtor parties to executory contracts and unexpired leases.

Under the proposed amendments to Rule 3004, the debtor and trustee may not file a proof of claim as provided for in § 501(c) of the Bankruptcy Code until the creditors' opportunity to file a proof of claim has expired. The amendments also delete the present provision authorizing a creditor to file a proof of claim superseding an earlier proof of claim filed by a debtor or

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*The Judicial Conference later withdrew the proposed amendment to Rule 4008 after Congress passed the Bankruptcy Abuse Prevention and Consumer Protection Act of, which contained provisions addressing the same subject matter.

trustee, because under the amendments a debtor or trustee may no longer file a proof of claim before the time to file a claim by the creditor has expired.

The proposed amendments to Rule 3005(a) conform to the proposed amendments to Rule 3004 and delete, because it is unnecessary, the language in the existing rule that permits a creditor to file a proof of claim that supersedes a claim filed on behalf of the creditor by a codebtor. The proposed amendments to Rule 3004 and § 501 of the Code obviate the need for the existing language, because a codebtor may no longer file a proof of claim before the creditor's time to file has expired.

The proposed amendments to Rule 4008 establish deadlines for filing a reaffirmation agreement. The amendments also eliminate the deadlines for setting and holding the discharge hearing and instead provide a court with discretion to set and hold the hearing as appropriate under the circumstances of each case. Any party to the reaffirmation agreement may file it with the court.

The proposed amendments to Rule 7004 explicitly authorize a clerk of court to issue a summons by electronic means, including the sealing of the summonses. The amendments address only the issuance of the summons and not service of the summons, which must be accomplished in the traditional manner.

Rule 9006 would be amended to clarify the method of counting the additional three days provided to respond if service is by mail or by one of the methods prescribed in Civil Rule 5(b)(2)(C) or (D). The counting of the three days commences after the prescribed period to respond otherwise expires. Similar amendments are being proposed to Civil Rule 6.

The proposed revisions to Official Forms 6-G, 16D, and 17 were not published for comment because they are technical and conforming amendments. The revision to Schedule G of Form 6 deletes a note reminding the preparer that entities listed on the schedule will not

automatically receive notice of the filing. The note is no longer necessary in light of the proposed amendment of Rule 1007, which requires a listing of names and addresses of persons to whom notice of the filing is to be sent. The effective date of the amendment to the form should coincide with the effective date of the proposed amendments to Rule 1007, *i.e.*, December 1, 2005.

The proposed amendments to Forms 16D and 17 delete cross-references to recently abrogated Forms.

The Committee concurred with the advisory committee's recommendations.

Recommendation: That the Judicial Conference —

a. Approve the proposed amendments to Bankruptcy Rules 1007, 3004, 3005, 4008, 7004, and 9006, and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law;

b. Approve the proposed amendments to Official Forms 16D and 17 to take effect on December 1, 2004; and

c. Approve the proposed amendments to Schedule G of Official Form 6 to take effect on December 1, 2005.

The proposed amendments to the Federal Rules of Bankruptcy Procedure and Official Forms are in Appendix B with an excerpt from the advisory committee report.

* * * * *

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

DAVID F. LEVI
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CRIMINAL RULES

JERRY E. SMITH
EVIDENCE RULES

TO: **Honorable David F. Levi, Chair**
Standing Committee on Rules of Practice and Procedure

FROM: **Honorable A. Thomas Small, Chair**
Advisory Committee on Bankruptcy Rules

DATE: **May 17, 2004**

RE: **Report of the Advisory Committee on Bankruptcy Rules**

I. Introduction

The Advisory Committee on Bankruptcy Rules met on March 25-26, 2004, at Amelia Island, Florida. The Advisory Committee considered public comments regarding the preliminary draft of proposed amendments to Bankruptcy Rules 1007, 3004, 3005, 4008,* 7004, and 9006 that were published in August 2003. The Advisory Committee received only seven comments on the proposed amendments to the Rules, and the comments are summarized later in this report. Since no person who submitted a written comment requested to appear at the public hearing scheduled for January 30, 2004, the hearing was canceled. The Advisory Committee recommends that the Standing Committee approve the amendments and transmit them to the Judicial Conference. The proposed amendments and the comments received thereon are set out below in the Action Items section of this report.

Amendments to three Official Forms, Forms 6-G, 16D, and 17, also are recommended for approval by the Standing Committee and transmission to the Judicial Conference. The amendments to Forms 16D and 17 are technical in nature and are necessary because of a previous amendment effective December 1, 2003, that abrogated Official Form 16C. These amendments are recommended with an effective date of December 1, 2004. The amendments to Official Form 6-G are necessary because of the amendment proposed to Rule 1007 that will become effective no sooner than December 1, 2005. Thus, the recommended effective date for the amendments to Official Form 6-G is December 1, 2005.

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*The Judicial Conference later withdrew the proposed amendment to Rule 4008 after Congress passed the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which contained provisions addressing the same subject matter.

The Advisory Committee also studied a number of proposals to amend the Bankruptcy Rules. After careful consideration, the Advisory Committee resolved to recommend that the Standing Committee approve for publication a preliminary draft of proposed amendments to Bankruptcy Rules 1009, 2002, 4002, 7004, and 9001, and to Schedule I of Official Form 6. The Style Consultants to the Standing Committee offered a number of suggestions that were considered by the Advisory Committee's Style Subcommittee, and the proposals set out below in the Action Items section of the report reflect those joint efforts.

II Action Items

A. Proposed Amendments to Bankruptcy Rules 1007, 3004, 3005, 4008, 7004, and 9006, and Official Forms 6, 16D, and 17 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.

The Advisory Committee on Bankruptcy Rules recommends that the Standing Committee approve the following amendments for submission to the Judicial Conference.

1. *Public Comment.*

The preliminary draft of the proposed amendments to Bankruptcy Rules 1007, 3004, 3005, 4008, 7004, and 9006 was published for comment in August 2003. A public hearing on the preliminary draft was scheduled for January 30, 2004, but there were no requests to appear at the hearing. There were only seven comments on the proposals, and they are summarized below immediately following each of the rules to which the particular

comment applied. The Advisory Committee reviewed these comments and approved the amendments to the rules either as published or with slight changes that are described in the Changes Made After Publication section.

2. *Synopsis of Proposed Amendments:*

(a) Rule 1007 is amended to require the debtor in a voluntary case to submit with the petition a list of entities to which notices will be sent in the case. The listed parties are identified as the entities listed or to be listed on Schedules D through H of the Official Forms.

(b) Rule 3004 is amended to conform the rule to § 501(c) of the Bankruptcy Code. The amendment clarifies that the debtor or trustee may not file a proof of claim until after the time for filing a proof by a particular creditor has expired.

(c) Rule 3005 is amended to delete any reference to a creditor filing a proof of claim that supersedes a claim filed on behalf of the creditor by a codebtor. The amendment thus conforms the rule to § 501(b) of the Bankruptcy Code.

(d) Rule 4008 is amended to establish a deadline for filing a reaffirmation agreement with the court. The amendment deletes the former provision of the rule that governed the timing of the reaffirmation agreement and discharge hearing. These restrictions on the court's docket are unduly burdensome and the amendment provides the court with the discretion to set and hold these hearings at

appropriate times in the circumstances presented in the case.

(e) Rule 7004 is amended to authorize the clerk specifically to sign, seal, and issue a summons electronically. The amendment does not address the service requirements for a summons which are set out in other provisions of Rule 7004.

(f) Rule 9006 is amended to clarify that the three day period is added to the end of the time period for taking action when service is accomplished through certain specified means. This amendment in intended to conform as closely as possible to the amendment being proposed by the Advisory Committee on Civil Rules.

(g) Schedule G of Official Form 6 is amended to delete the note that informed the preparer of the Schedule that the entities listed on the schedule would not automatically receive notice of the case. The amendment to Rule 1007 will require the person who prepares the schedules to list the entities on the mailing matrix of persons to whom notice of the case will be sent.

(h) Official Form 16D is amended to conform to the changes made by the December 1, 2003, abrogation of Official Form 16C.

(i) Official Form 17 is amended to conform to the changes made by the December 1, 2003, abrogation of Official Form 16C.

3. *Text of Proposed Amendments to Rules 1007, 3004, 3005, 4008, 7004, and 9006.*

PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Rule 1007. Lists, Schedules, and Statements; Time Limits

1 (a) LIST OF CREDITORS AND EQUITY SECURITY
2 HOLDERS, AND CORPORATE OWNERSHIP
3 STATEMENT.
4 (1) *Voluntary Case.* In a voluntary case, the debtor
5 shall file with the petition a list containing the name and
6 address of each ~~creditor unless the petition is accompanied by~~
7 ~~a schedule of liabilities~~ entity included or to be included on
8 Schedules D, E, F, G, and H as prescribed by the Official
9 Forms. If the debtor is a corporation, other than a
10 governmental unit, the debtor shall file with the petition a
11 corporate ownership statement containing the information
12 described in Rule 7007.1. The debtor shall file a

**New material is underlined; matter to be omitted is lined through

13 supplemental statement promptly upon any change in
14 circumstances that renders the corporate ownership statement
15 inaccurate.

16 (2) *Involuntary Case.* In an involuntary case, the
17 debtor shall file within 15 days after entry of the order for
18 relief, a list containing the name and address of each ~~creditor~~
19 ~~unless a schedule of liabilities has been filed~~ entity included
20 or to be included on Schedules D, E, F, G, and H as
21 prescribed by the Official Forms.

22 * * * * *

23 (c) TIME LIMITS. In a voluntary case, the ~~The~~
24 schedules and statements, other than the statement of
25 intention, shall be filed with the petition ~~in a voluntary case~~,
26 or ~~if the petition is accompanied by a list of all the debtor's~~
27 ~~creditors and their addresses,~~ within 15 days thereafter, except
28 as otherwise provided in subdivisions (d), (e), (f), and (h) of
29 this rule. In an involuntary case, the list in subdivision (a)(2),

30 and the schedules and statements, other than the statement of
31 intention, shall be filed by the debtor within 15 days of the
32 entry of the order for relief. ~~Schedules~~ Lists, schedules, and
33 statements filed prior to the conversion of a case to another
34 chapter shall be deemed filed in the converted case unless the
35 court directs otherwise. Any extension of time for the filing
36 of the schedules and statements may be granted only on
37 motion for cause shown and on notice to the United States
38 trustee and to any committee elected under § 705 or appointed
39 under § 1102 of the Code, trustee, examiner, or other party as
40 the court may direct. Notice of an extension shall be given to
41 the United States trustee and to any committee, trustee, or
42 other party as the court may direct.
43 * * * * *
44 (g) PARTNERSHIP AND PARTNERS. The general
45 partners of a debtor partnership shall prepare and file the list
46 required under subdivision (a), the schedules of the assets and

47 liabilities, schedule of current income and expenditures,
48 schedule of executory contracts and unexpired leases, and
49 statement of financial affairs of the partnership. The court
50 may order any general partner to file a statement of personal
51 assets and liabilities within such time as the court may fix.
52 * * * * *

COMMITTEE NOTE

Notice to creditors and other parties in interest is essential to the operation of the bankruptcy system. Sending notice requires a convenient listing of the names and addresses of the entities to whom notice must be sent, and virtually all of the bankruptcy courts have adopted a local rule requiring the submission of a list of these entities with the petition and in a particular format. These lists are commonly called the "mailing matrix."

Given the universal adoption of these local rules, the need for such lists in all cases is apparent. Consequently, the rule is amended to require the debtor to submit such a list at the commencement of the case. This list may be amended when necessary. *See* Rule 1009(a).

The content of the list is described by reference to Schedules D through H of the Official Forms rather than by reference to creditors or persons holding claims. The cross reference to the Schedules as the source of the names for inclusion in the list ensures that persons such as codebtors or nondebtor parties to executory contracts and unexpired leases will receive appropriate notices in the case.

While this rule renders unnecessary, in part, local rules on the subject, this rule does not direct any particular format or form for the list to take. Local rules still may govern those particulars of the list.

Subdivision (c) is amended to reflect that subdivision (a)(1) no longer requires the debtor to file a schedule of liabilities with the petition in lieu of a list of creditors. The filing of the list is mandatory, and subdivision (b) of the rule requires the filing of schedules. Thus, subdivision (c) no longer needs to account for the possibility that the debtor can delay filing a schedule of liabilities when the petition is accompanied by a list of creditors. Subdivision (c) simply addresses the situation in which the debtor does not file schedules or statements with the petition, and the procedure for seeking an extension of time for filing.

Other changes are stylistic.

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Changes Made After Publication and Comment:

No changes since publication.

Rule 3004. Filing of Claims by Debtor or Trustee

1 If a creditor ~~fails to file~~ does not timely file a proof of
2 claim under Rule 3002(c) or 3003(c), ~~on or before the first~~
3 ~~date set for the meeting of creditors called pursuant to~~
4 ~~§ 341(a) of the Code,~~ the debtor or trustee may ~~do so in the~~

~~name of the creditor,~~ file a proof of the claim within 30 days after the expiration of the time for filing claims prescribed by Rule 3002(c) or 3003(c), whichever is applicable. The clerk shall forthwith ~~mail~~ give notice of the filing to the creditor, the debtor and the trustee. ~~A proof of claim filed by a creditor pursuant to Rule 3002 or Rule 3003(c), shall supersede the proof filed by the debtor or trustee.~~

COMMITTEE NOTE

The rule is amended to conform to § 501(c) of the Code. Under that provision, the debtor or trustee may file proof of a claim if the creditor fails to do so in a timely fashion. The rule previously authorized the debtor and the trustee to file a claim as early as the day after the first date set for the meeting of creditors under § 341(a). Under the amended rule, the debtor and trustee must wait until the creditor's opportunity to file a claim has expired. Providing the debtor and the trustee with the opportunity to file a claim ensures that the claim will participate in any distribution in the case. This is particularly important for claims that are nondischargeable.

Since the debtor and trustee cannot file a proof of claim until after the creditor's time to file has expired, the rule no longer permits the creditor to file a proof of claim that will supersede the claim filed by the debtor or trustee. The rule leaves to the courts the issue of whether to permit subsequent amendment of such proof of claim.

Other changes are stylistic.

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Changes Made After Publication and Comment:

No changes were made after publication. The Advisory Committee concluded that Mr. Van Allsburg's suggestion goes beyond the scope of the published proposal. Consequently, the Committee declined to adopt the suggestion but may consider it in greater detail at a future meeting.

Rule 3005. Filing of Claim, Acceptance, or Rejection by Guarantor, Surety, Indorser, or Other Codebtor

1 (a) FILING OF CLAIM. If a creditor does not timely file
2 ~~has not filed~~ a proof of claim under ~~pursuant to~~ Rule 3002(c)
3 or 3003(c), any entity that is or may be liable with the debtor
4 to that creditor, or who has secured that creditor, ~~may;~~ may
5 file a proof of the claim within 30 days after the expiration of
6 the time for filing claims prescribed by Rule 3002(c) or Rule
7 3003(c) whichever is applicable~~, execute and file a proof of~~
8 ~~claim in the name of the creditor, if known, or if unknown, in~~
9 ~~the entity's own name~~. No distribution shall be made on the

claim except on satisfactory proof that the original debt will be diminished by the amount of distribution. ~~A proof of claim filed by a creditor pursuant to Rule 3002 or 3003(c) shall supersede the proof of claim filed pursuant to the first sentence of this subdivision.~~

* * * * *

COMMITTEE NOTE

The rule is amended to delete the last sentence of subdivision (a). The sentence is unnecessary because if a creditor has filed a timely claim under Rule 3002 or 3003(c), the codebtor cannot file a proof of such claim. The codebtor, consistent with § 501(b) of the Code, may file a proof of such claim only after the creditor's time to file has expired. Therefore, the rule no longer permits the creditor to file a superseding claim. The rule leaves to the courts the issue of whether to permit subsequent amendment of the proof of claim.

The amendment conforms the rule to § 501(b) by deleting language providing that the codebtor files proof of the claim in the name of the creditor.

Other amendments are stylistic.

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Changes Made After Publication and Comment:

(a) The reference on line 2 of Rule 3005 to "Rule 3002 or 3003(c)" was changed to read "Rule 3002(c) or 3003(c)" to make it parallel to the language in Rule 3004.

(b) The phrase "file a proof of the claim" from line 7 of the proposed rule was moved up to line 4 of the proposed amendment immediately after the word "may". This makes the structure of Rules 3004 and 3005 more consistent.

Rule 4008. ~~Discharge and Reaffirmation Hearing~~ Filing of Reaffirmation Agreement

1 A reaffirmation agreement shall be filed not later than 30
2 days after the entry of an order granting a discharge or
3 confirming a plan in a chapter 11 reorganization case of an
4 individual debtor. The court, for cause, may extend the time,
5 and leave shall be freely given when justice so requires. ~~Not~~
6 ~~more than 30 days following the entry of an order granting or~~
7 ~~denying a discharge, or confirming a plan in a chapter 11~~
8 ~~reorganization case concerning an individual debtor and on~~
9 ~~not less than 10 days notice to the debtor and the trustee, the~~
10 ~~court may hold a hearing as provided in § 524(d) of the Code.~~

~~A motion by the debtor for approval of a reaffirmation agreement shall be filed before or at the hearing.~~

COMMITTEE NOTE

The rule is amended to establish a deadline for filing reaffirmation agreements. The Code sets out a number of prerequisites to the enforceability of reaffirmation agreements. Among those requirements are that the agreements be entered into prior to the discharge and that they be filed with the court. Since the parties must make their agreement prior to the entry of the discharge, they will have at least 30 days to file the agreement with the court. Requiring the filing of reaffirmation agreements by a certain deadline also serves to inform the court of the need to hold a hearing under § 524(d) whenever the agreement is not accompanied by an appropriate declaration or affidavit from counsel for the debtor.

The rule allows any party to the agreement to file it with the court. Thus, whichever party has a greater incentive to enforce the agreement usually will file it. In the event that the parties fail to timely file the reaffirmation agreement, the rule grants the court broad discretion to permit a late filing.

The rule also is amended by deleting the provisions formerly in the rule regarding the timing of the reaffirmation and discharge hearing. Instead, the rule leaves discretion to the courts to set the hearing at a time appropriate for the particular circumstances presented in the case and consistent with the scheduling needs of the parties.

* * * * *

Changes Made After Publication and Comment:

No changes were made after publication. The Advisory Committee considered the public comments and concluded that the rule should allow post discharge filing of reaffirmation agreements notwithstanding the issues raised in the public comments. In particular, the Committee recognized the problems that can arise if the reaffirmation agreement is not filed until 30 days after the discharge is entered. Nevertheless, the post-discharge filing of the reaffirmation agreement should not itself require the reopening of the case, so the prior action of closing the case should not be too problematic. The filing of a reaffirmation agreement without a declaration or affidavit by counsel for the debtor will inform the court that a hearing must be scheduled, but again may not require a reopening of the case.

The Advisory Committee considered the timing of the filing and selected thirty days after the discharge for several reasons. Most significantly, the timing of the entry of the discharge is subject to local practice, and in many districts the discharge order is entered quite early in a case. The debtor and creditor who are parties to the reaffirmation agreement may not know when the order will be entered, and if the agreement is made before that time, it should still be enforceable even if it takes a bit longer to accomplish the filing of the agreement with the court. Moreover, the fairly short time after the entry of the discharge that is allowed for filing the agreement should not delay the proceedings generally, and it should bring whatever applicable issues need to be addressed to the attention of the bankruptcy court in a timely fashion. Nothing in the rule as amended would prevent the clerk from closing the case as expeditiously as under current practice. Finally, any delay in the closing of the case

should not postpone collection efforts of creditors because § 362(c)(2)(C) of the Bankruptcy Code would already have operated to dissolve the stay of actions against the debtor.

Rule 7004. Process; Service of Summons, Complaint

1 (a) SUMMONS; SERVICE; PROOF OF SERVICE.

2 (1) Except as provided in Rule 7004(a)(2), Rule 4(a),

3 (b), (c)(1), (d)(1), (e)-(j), (*l*), and (m) F.R.Civ.P. applies in

4 adversary proceedings. Personal service under ~~pursuant to~~

5 Rule 4(e)-(j) F.R.Civ.P. may be made by any person at least

6 18 years of age who is not a party, and the summons may be

7 delivered by the clerk to any such person.

8 (2) The clerk may sign, seal, and issue a summons

9 electronically by putting an "s/" before the clerk's name and

10 including the court's seal on the summons.

11 * * * * *

COMMITTEE NOTE

This amendment specifically authorizes the clerk to issue a summons electronically. In some bankruptcy cases the trustee or debtor in possession may commence hundreds of adversary

proceedings simultaneously, and permitting the electronic signing and sealing of the summonses for those proceedings increases the efficiency of the clerk's office without any negative impact on any party. The rule only authorizes electronic issuance of the summons. It does not address the service requirements for the summons. Those requirements are set out elsewhere in Rule 7004, and nothing in Rule 7004(a)(2) should be construed as authorizing electronic service of a summons.

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Changes Made After Publication and Comment:

No changes were made after publication.

Rule 9006. Time

1 * * * * *

2 (f) ADDITIONAL TIME AFTER SERVICE BY MAIL

3 OR UNDER RULE 5 (b)(2)(C) or (D) F.R.CIV.P. When

4 there is a right or requirement to ~~do some~~ act or undertake

5 some proceedings within a prescribed period after service ~~of~~

6 ~~a notice or other paper and the notice or paper other than~~

7 ~~process is served~~ and that service is by mail or under Rule 5

8 (b)(2)(C) or (D) F. R. Civ. P., three days ~~shall be~~ are added ~~to~~

9 after the prescribed period would otherwise expire under Rule

10 9006(a).

11 * * * * *

COMMITTEE NOTE

Rule 9006(f) is amended, consistent with a corresponding amendment to Rule 6(e) of the F.R. Civ. P., to clarify the method of counting the number of days to respond after service either by mail or under Civil Rule 5(b)(2)(C) or (D). Three days are added after the prescribed period expires. If, before the application of Rule 9006(f), the prescribed period is less than 8 days, intervening Saturdays, Sundays, and legal holidays are excluded from the calculation under Rule 9006(a). Some illustrations may be helpful.

Under existing Rule 9006(a), assuming that there are no legal holidays and that a response is due in seven days, if a paper is filed on a Monday, the seven day response period commences on Tuesday and concludes on Wednesday of the next week. Adding three days to the end of the period would extend it to Saturday, but because the response period ends on a weekend, the response day would be the following Monday, two weeks after the filing of the initial paper. If the paper is filed on a Tuesday, the seven-day response period would end on the following Thursday, and the response time would also be the following Monday. If the paper is mailed on a Wednesday, the initial seven-day period would expire nine days later on a Friday, but the response would again be due on the following Monday because of Rule 9006(f). If the paper is mailed on a Thursday, however, the seven day period ends on Monday, eleven days after the mailing of the service because of the exclusion of the two intervening Saturdays and Sundays. The response is due three days later on the following

Thursday. If the paper is mailed on a Friday, the seven day period would conclude on a Tuesday, and the response is due three days later on a Friday.

No other change in the system of counting time is intended.

Other changes are stylistic.

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Changes Made After Publication and Comment:

The phrase "would otherwise expire under Rule 9006(a)" was added to the end of the rule to clarify further that the three day extension is to be added to the end of the period that is established under the counting provisions of Rule 9006(a). This also maintains a parallel construction with Civil Rule 6(e) in which the same addition to the rule was made after the public comment period.

* * * * *

B. Preliminary Draft of Proposed Amendments to Bankruptcy Rules 1009, 2002, 4002, 7004, and 9001, and Schedule I of Official Form 6.

The Advisory Committee recommends that the Standing Committee approve the following preliminary draft of proposed amendments to the Bankruptcy Rules and Official Forms for publication for comment.

1. Synopsis of Preliminary Draft of Proposed Amendments to Bankruptcy Rules 1009, 2002, 4002, 7004, and 9001, and Schedule I of Official Form 6.

* * * * *

(b) Rule 2002(g) is amended by adding a new subdivision (g)(4) that authorizes entities and notice providers to agree on the manner and address to which service may be effected. The amendment is intended to facilitate notices to creditors that operate on a national basis, although the rule allows such agreements by any entity with any notice provider. A related amendment to Rule 9001 defines notice providers.

* * * * *

(e) Rule 9001 is amended to add a definition of notice provider to the rule. The definition is to be read in conjunction with the proposed amendment to Rule 2002(g).

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2. Text of Preliminary Draft of Proposed Amendments to Rules . . . 2002 and 9001 . . . .

PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE*

* * * * *

Rule 2002. Notices to Creditors, Equity Security Holders, United States, and United States Trustee**

1 * * * * *

2 (g) ADDRESSING NOTICES.

3 (1) Notices required to be mailed under Rule 2002 to

4 a creditor, indenture trustee, or equity security holder shall be

5 addressed as such entity or an authorized agent has directed

6 in its last request filed in the particular case. For the purposes

7 of this subdivision –

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*New material is underlined; matter to be omitted is lined through.

** The amendment to Rule 9001 should be considered in tandem with the proposed amendment to Rule 2002. Rule 9001 as proposed to be amended is set out at the end of this section of the report.

8 (A) a proof of claim filed by a creditor or
9 indenture trustee that designates a mailing address constitutes
10 a filed request to mail notices to that address, unless a notice
11 of no dividend has been given under Rule 2002(e) and a later
12 notice of possible dividend under Rule 3002(c)(5) has not
13 been given; and
14 (B) a proof of interest filed by an equity security
15 holder that designates a mailing address constitutes a filed
16 request to mail notices to that address.
17 (2) If a creditor or indenture trustee has not filed a
18 request designating a mailing address under Rule 2002(g)(1),
19 the notices shall be mailed to the address shown on the list of
20 creditors or schedule of liabilities, whichever is filed later. If
21 an equity security holder has not filed a request designating a
22 mailing address under Rule 2002(g)(1), the notices shall be
23 mailed to the address shown on the list of equity security
24 holders.

25 (3) If a list or schedule filed under Rule 1007 includes
26 the name and address of a legal representative of an infant or
27 incompetent person, and a person other than that
28 representative files a request or proof of claim designating a
29 name and mailing address that differs from the name and
30 address of the representative included in the list or schedule,
31 unless the court orders otherwise, notices under Rule 2002
32 shall be mailed to the representative included in the list or
33 schedules and to the name and address designated in the
34 request or proof of claim.

35 (4) Notwithstanding Rule 2002(g) (1) - (3), an entity
36 and a notice provider may agree that when the notice provider
37 is directed by the court to give a notice, the notice provider
38 shall give the notice to the entity in the manner agreed to and
39 at the address or addresses the entity supplies to the notice
40 provider. That address is conclusively presumed to be a
41 proper address for the notice. The notice provider's failure to

42 use the supplied address does not invalidate any notice that is

43 otherwise effective under applicable law.

44 * * * * *

COMMITTEE NOTE

A new paragraph (g)(4) is inserted in the rule. The new paragraph authorizes an entity and a notice provider to agree that the notice provider will give notices to the entity at the address or addresses set out in their agreement. Rule 9001(9) sets out the definition of a notice provider.

The business of many entities is national in scope, and technology currently exists to direct the transmission of notice (both electronically and in paper form) to those entities in an accurate and much more efficient manner than by sending individual notices to the same creditor by separate mailings. The rule authorizes an entity and a notice provider to determine the manner of the service as well as to set the address or addresses to which the notices must be sent. For example, they could agree that all notices sent by the notice provider to the entity must be sent to a single, nationwide electronic or postal address. They could also establish local or regional addresses to which notices would be sent in matters pending in specific districts. Since the entity and notice provider also can agree on the date of the commencement of service under the agreement, there is no need to set a date in the rule after which notices would have to be sent to the address or addresses that the entity establishes. Furthermore, since the entity supplies the address to the notice provider, use of that address is conclusively presumed to be proper. Nonetheless, if that address is not used, the notice still may be effective if the notice is otherwise effective under applicable law. This is the same treatment

given under Rule 5003(e) to notices sent to governmental units at addresses other than those set out in that register of addresses.

The remaining subdivisions of Rule 2002(g) continue to govern the addressing of a notice that is not sent pursuant to an agreement described in Rule 2002(g)(4).

Public Comment on Proposed Amendment to Rule 2002:

No comments were received on the proposed amendment.

Changes Made After Publication and Comment:

No changes since publication.

* * * * *

Rule 9001. General Definitions

1 * * * * *

2 (9) "Notice provider" means any entity approved by
3 the Administrative Office of the United States Courts to give
4 notice to creditors under Rule 2002(g)(4).

5 (10) ~~(9)~~ "Regular associate" means any attorney
6 regularly employed by, associated with, or counsel to an
7 individual or firm.

8 (11) ~~(10)~~ "Trustee" includes a debtor in possession in

9 a chapter 11 case.

10 (12) ~~(11)~~ "United States trustee" includes an assistant

11 United States trustee and any designee of the United States

12 trustee.

COMMITTEE NOTE

The rule is amended to add the definition of a notice provider and to renumber the final three definitions in the rule. A notice provider is an entity approved by the Administrative Office of the United States Courts to enter into agreements with entities to give notice to those entities in the form and manner agreed to by those parties. The new definition supports the amendment to Rule 2002(g)(4) that authorizes a notice provider to give notices under Rule 2002.

Many entities conduct business on a national scale and receive vast numbers of notices in bankruptcy cases throughout the country. Those entities can agree with a notice provider to receive their notices in a form and at an address or addresses that the creditor and notice provider agree upon. There are processes currently in use that provide substantial assurance that notices are not misdirected. Any notice provider would have to demonstrate to the Administrative Office of the United States Courts that it could provide the service in a manner that ensures the proper delivery of notice to creditors. Once the Administrative Office of the United States Courts approves the notice provider to enter into agreements with creditors, the notice

provider and other entities can establish the relationship that will govern the delivery of notices in cases as provided in Rule 2002(g)(4).

Public Comment on Proposed Amendment to Rule 9001:

No comments were received on the proposed amendment.

Changes Made After Publication and Comment:

No changes since publication.

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