

APPENDIX 1001(g)

**LOCAL REGULATIONS OF
UNITED STATES BANKRUPTCY JUDGE
BILL PARKER**

**LOCAL REGULATIONS OF
UNITED STATES BANKRUPTCY JUDGE
BILL PARKER**

In accordance with Fed. R. Bankr. P. 9029(b) and LBR 1001(g), these local regulations supplement and expand the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for the Eastern District of Texas in establishing the procedures to be utilized in cases assigned to United States Bankruptcy Judge Bill Parker. To the extent that they modify and/or expand the Local Rules of Bankruptcy Procedure, they have the same force and effect as Local Rules.

Local Regulation 2014: PROPOSED ORDERS FOR APPLICATIONS TO EMPLOY GOVERNED BY LBR 2014.

The contents of a proposed order accompanying any application to employ a professional person governed by LBR 2014 shall substantially conform to Parker Regulation Form 2014.

Local Regulation 3007: OBJECTIONS TO CLAIMS.

(a) Contents of Objections, Orders and Certificates of Service.

A claims objection must contain the following:

- (1) a copy of the proof of claim (without exhibits) to which the objection pertains;
- (2) an affidavit and/or other documentary proof offered in support of the objection which is sufficient to overcome the presumption of validity imposed by Fed. R. Bankr. P. 3001(f). In that regard, any affidavit regarding the valuation of collateral must clearly identify the basis of any valuation opinion asserted;
- (3) a certificate of service evidencing service of the claims objection upon the claimant at the address disclosed by the claimant in its proof of claim and upon all other parties entitled to notice under other applicable service rules; and
- (4) accompanied by a proposed order, substantially conforming to Parker Regulation Form 3007.

(b) **Hearings.**

A party filing an objection to claim, other than an objection for which the filing of an adversary proceeding is required, may utilize the 20-day negative notice language as follows:

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION TO CLAIM UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS OBJECTION WITHIN TWENTY (20) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS OBJECTION TO CLAIM SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

The negative notice language must be in boldface and large font; and it must be located in the motion text — preferably in the first paragraph. If the objection to claim meets the requirements mandated by subsection (a) of this regulation and no response to the claim objection is timely filed under the terms of the negative notice provided, the objection to claim may be sustained by the Court without further notice or hearing. If a response to the claim objection is timely filed, the claim objection shall be set for hearing on not less than 30 days' notice. If a claim objection does not contain the 20-day negative notice language, then the claim objection shall be automatically set for hearing on not less than 30 days' notice.

Local Regulation 3015: CHAPTER 13 INDIVIDUAL'S DEBT ADJUSTMENT CASE.

(a) **Attendance at Chapter 13 Confirmation Hearing.**

The Debtor and the Debtor's counsel in a Chapter 13 case shall be excused from attendance at the Chapter 13 plan confirmation hearing if, and only if, the following conditions are fulfilled:

1. the Debtor has complied with the service requirements set forth in LBR 3015(a);

2. no party in interest has timely filed an objection to confirmation or any such objection has been subsequently withdrawn; and
3. the Chapter 13 Trustee is recommending confirmation of the Debtor's Chapter 13 plan.

(b) **Amendment of Budget Prior to Plan Confirmation Hearing.**

Any amendment to "Schedule I - Current Income of Individual Debtor(s)" and/or to "Schedule J - Current Expenditures of Individual Debtor(s)" must be filed and properly served by a Chapter 13 debtor no later than seven (7) days prior to the confirmation hearing.

Local Regulation 4001: PROPOSED ORDERS FOR MOTIONS GOVERNED BY LOCAL RULE 4001.

The contents of a proposed order accompanying any motion governed by LBR 4001 shall substantially conform to Parker Regulation Form 4001.

Local Regulation 7007: MOTION PRACTICE IN ADVERSARY PROCEEDINGS

LBR 7007 shall be observed, except that the negative notice language to be utilized in motion practice in adversary proceedings shall be reduced from twenty (20) days to ten (10) days.

Local Regulation 9007. PROPOSED ORDERS FOR MOTIONS GOVERNED BY LOCAL RULE 9007.

(a) **Proposed Order Accompanying Motions with 20-Day Negative Notice Language.**

The contents of a proposed order accompanying any motion governed by LBR 9007 shall substantially conform to Parker Regulation Form 9007-a.

- (b) **Proposed Order Accompanying Request for Emergency Hearing.**
The contents of a proposed order accompanying any request for emergency hearing governed by LBR 9007(b) shall substantially conform to Parker Regulation Form 9007-b.
- (c) **Proposed Order Accompanying Request for Expedited Hearing.**
The contents of a proposed order accompanying any request for expedited hearing governed by LBR 9007(c) shall substantially conform to Parker Regulation Form 9007-c.

Local Regulation 9022. AGREED ORDERS.

- (a) **Required Cover Sheet.**
Any party who submits an order to the Court, whether by agreement prior to or at a scheduled hearing, or pursuant to the direction of the Court following a ruling issued at the conclusion of a hearing, shall attach a cover sheet substantially conforming to Parker Regulation Form 9022.
- (b) **Signatures.**
The Court does not consider that an agreed order has been properly “signed by the parties or their attorneys,” as required by LBR 9022, unless it contains the original signature of at least one of the parties or its attorney, plus the facsimile signature of all other opposing parties or attorneys affixed to the order.
- (c) **Representation By Presentation of Agreed Order.**
Any party who wishes to present an agreed order to the Court has an affirmative duty to determine and to disclose to the Court whether any part of such agreement potentially affects the rights of other parties. The presentation of an agreed order shall constitute an affirmative representation to the Court that, in the opinion of the presenting party, no additional notice to any party is required and the Court shall address any misrepresentation in this regard with appropriate sanctions.
- (d) **Presentation of Agreed Orders During Docket Week.**
The presentation of an agreed order resolving a matter scheduled for hearing during the Court’s regular docket week must be submitted in open court on the scheduled hearing date, if such agreed order has not been received by the Clerk by 4:00 p.m. on the Friday preceding that docket week.

**FORMS UNDER LOCAL REGULATIONS
OF JUDGE BILL PARKER**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

Debtor

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Case No. _____

Chapter _____

**ORDER APPROVING THE EMPLOYMENT OF
[Name of Professional or Firm]
AS ATTORNEYS [Accountants, or Other Professional] FOR THE ESTATE**

ON THIS DATE this Court considered the Application of [name of trustee or debtor-in-possession], for an order approving the employment of **[name of professional or firm]** as primary bankruptcy counsel **[or accountants, or whatever]** for the Chapter [___] Estate in the above-referenced case. The Application has been served upon the United States Trustee as required by the Local Rules of Bankruptcy Procedure and no objection to the Application has been timely filed by the United States Trustee. Upon review of the Application, it appears to the Court that the proposed professional is "disinterested" as that term is defined in 11 U.S.C. §101(14) and that the proposed professional represents or holds no interest adverse to the Estate. Accordingly,

IT IS THEREFORE ORDERED that the Application is **GRANTED** and that the employment of **[name of professional or firm]** as primary bankruptcy counsel **[or accountants, or whatever]** for the Chapter [___] Estate in the above-referenced case is hereby **APPROVED**, with such compensation as may be awarded by the Court upon proper application submitted pursuant to Fed. R. Bankr. P. 2016(a) and LBR 2016.

BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE: _____ §
§
§ Case No. _____
§
Debtors § Chapter _____

**ORDER SUSTAINING DEBTORS' OBJECTION
TO PROOF OF CLAIM # [Claim Number]
FILED BY [Name of Claimant]**

ON THIS DATE the Court considered the Debtors' objection to proof of claim # [claim number] filed by [name of claimant] (the "Claimant") on or about [date claim was filed] in the amount of \$[amount of claim]. The Debtors filed such objection on [date objection was filed]. The Court finds that the objection to claim contains proof sufficient to overcome the presumption of validity imposed by Fed. R. Bankr. P. 3001(f) and was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure. The Court further finds that the objection contained the appropriate twenty (20)-day negative notice language, pursuant to LBR 9007, which directed the Claimant to file a written response within twenty days or the objection to claim would be deemed by the Court to be unopposed. Due to the failure of the Claimant to file a timely written response to the objection, the Court deems the Debtors' claim objection to be unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Debtors' Objection to the Proof of Claim filed by Claimant is **SUSTAINED** and... [continue with appropriate language from below]

IF OBJECTING TO SECURED PROOF OF CLAIM:

and that claim # [claim number] filed by [name of claimant] is hereby allowed as a secured claim in the amount of \$[allowed secured amount per objection], with the balance of the claim allowed as a general unsecured claim.

IF OBJECTING TO PRIORITY PROOF OF CLAIM:

and that claim # [claim number] filed by [name of claimant] is reduced from a priority unsecured claim to a general unsecured claim and is allowed as a general unsecured claim in the amount of \$[allowed unsecured amount per objection].

BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

Debtor

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Case No. _____

Chapter _____

**ORDER GRANTING [Title of Motion]
FILED BY [Name of Movant]**

On [date], a [title of motion] (the "Motion") was filed by [name of movant] (the "Movant") in the above-referenced case. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate fifteen (15)-day negative notice language, pursuant to LBR 4001, which directed any party opposed to the granting of the relief sought by the Motion to file a written response within fifteen days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the [title of motion] filed by [name of movant] on [date] is hereby **GRANTED** so as to authorize [insert specific relief sought].

FOR MOTIONS FOR RELIEF FROM AUTOMATIC STAY... ADD THE FOLLOWING:

***IT IS FURTHER ORDERED** that, since the Motion was unopposed by any party, the ten (10)-day stay period otherwise imposed by Fed. R. Bankr. P. 4001(3) shall not be applicable to this Order.*

BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

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Case No. _____

Debtor

Chapter _____

**ORDER GRANTING [Title of Motion]
FILED BY [Name of Movant]**

On [date], a [title of motion] (the "Motion") was filed by [name of movant] (the "Movant") in the above-referenced case. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty (20)-day negative notice language, pursuant to LBR 9007, which directed any party opposed to the granting of the relief sought by the Motion to file a written response within twenty days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the [title of motion] filed by [name of movant] on [date] is hereby **GRANTED** so as to authorize [insert specific relief sought].

FOR MOTIONS AUTHORIZING THE USE, SALE OR LEASE OF PROPERTY, OTHER THAN CASH COLLATERALADD THE FOLLOWING:

IT IS FURTHER ORDERED that, since the Motion was unopposed by any party, the ten (10)-day stay period otherwise imposed by Fed. R. Bankr. P. 6004(g) shall not be applicable to this Order.

FOR MOTIONS AUTHORIZING THE ASSIGNMENT OF AN EXECUTORY CONTRACT OR UNEXPIRED LEASEADD THE FOLLOWING:

IT IS FURTHER ORDERED that, since the Motion was unopposed by any party, the ten (10)-day stay period otherwise imposed by Fed. R. Bankr. P. 6006(d) shall not be applicable to this Order.

BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

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Case No. _____

Debtors

Chapter _____

**ORDER GRANTING EMERGENCY HEARING
ON [Name of Motion]**

ON THIS DATE the Court considered the request for emergency hearing filed by **[name of Movant]** ("Movant") in conjunction with its **[name of motion]** (the "Motion") which was filed on **[date motion was filed]**. The Court finds that the request complies with LBR 9007(b) and demonstrates that sufficient cause exists for the scheduling of an emergency hearing on the Motion. Accordingly,

IT IS THEREFORE ORDERED that the request for emergency hearing is **GRANTED** and that a hearing on Movant's **[name of motion]** shall be held on **Day & Date, at time a.m./p.m.** in the Courtroom of the United States Bankruptcy Court, 200 East Ferguson Street, First Floor, in Tyler, Texas. [or Jack Brooks Federal Building, 300 Willow Street, First Floor, in Beaumont, Texas.]

IT IS FURTHER ORDERED that the Movant or its counsel shall give notice of this emergency hearing by forwarding a copy of this Order by facsimile transmission, if possible, and by First Class United States Mail to all parties listed in the certificate of service contained in the Motion and shall evidence such service by the filing of a Certificate of Service with the Court prior to the scheduled hearing.

BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

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Case No. _____

_____ Debtors

Chapter _____

**ORDER GRANTING EXPEDITED HEARING
ON [Name of Motion]**

ON THIS DATE the Court considered the request for expedited hearing filed by [**name of Movant**] ("Movant") in conjunction with its [**name of motion**] (the "Motion") which was filed on [**date motion was filed**]. The Court finds that the request complies with LBR 9007(d) and demonstrates that sufficient cause exists for shortening the normal response time and scheduling an expedited hearing on the Motion. Accordingly,

IT IS THEREFORE ORDERED that the responses to the Motion shall be filed no later than [**Day & Date**].

IT IS FURTHER ORDERED that the request for expedited hearing is **GRANTED** and that a hearing on Movant's [**name of motion**] shall be held on **Day & Date, at time a.m./p.m.** in the Courtroom of the United States Bankruptcy Court, 200 East Ferguson Street, First Floor, in Tyler, Texas. [or Jack Brooks Federal Building, 300 Willow Street, First Floor, in Beaumont, Texas.]

IT IS FURTHER ORDERED that the Movant or its counsel shall give notice of this expedited hearing by forwarding a copy of this Order by facsimile transmission, if possible, and by First Class United States Mail to all parties listed in the certificate of service contained in the Motion and shall evidence such service by the filing of a Certificate of Service with the Court prior to the scheduled hearing.

BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT

Parker Regulation Form 9022

FOR THE EASTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE: § Case No. _____
 §
 § Chapter _____
 § or
 § Adv. No. _____

ORDER SUBMISSION FORM
(For a Proposed Order Not Accompanying a Motion)

1. _____ ORDER SUBMITTED AFTER HEARING HELD:

(whether by agreement or submitted pursuant to Court request)

Motion: _____

Hearing held on _____ in Tyler / Beaumont

2. _____ AGREED ORDER SUBMITTED PRIOR TO SCHEDULED HEARING:

Motion: _____

Hearing scheduled for _____ at _____ a.m./p.m. in Tyler / Beaumont

_____ Agreed order contains original signature **of all parties** or their attorneys.

_____ Agreed order contains original signature **of at least one party** and attaches copies of signatures from all other parties or their attorneys..

3. _____ AGREED ORDER SUBMITTED BEFORE HEARING SCHEDULED:

(No hearing date has yet been set, but the following motion was filed on _____)

Motion: _____

_____ Agreed order contains original signature **of all parties** or their attorneys.

_____ Agreed order contains original signature **of at least one party** and attaches copies of signatures from all other parties or their attorneys.

The undersigned acknowledges that the submission of the attached order constitutes a representation to the Court that, to the best of the submitting party's knowledge, information and belief, the terms of such attached order do not adversely affect the interests of any party, other than those parties who have signed the order, and that the Court reserves the right to direct the service of the proposed order upon other parties-in-interest prior to the execution of the order.

This "Order Submission Form" is submitted by _____ (Name/ State Bar No./ address/ phone