

AT YOUR SERVICE: A GUIDE TO LOCAL SERVICE REQUIREMENTS

By Patrick M. Mosley, Esq. and Stephanie Crane Lieb, Esq.¹

KEY:²

D = Debtor
 T = Trustee
 COM = Committee
 AP = Affected Party⁴
 NOA = Parties who have entered a notice of appearance

DA = Debtor's Attorney
 UST = United States Trustee³
 L20 = 20 Largest Unsecured Creditors
 All = All creditors on the matrix

| PLEADING | CHAPTER | CODE/RULE | PARTIES TO SERVE |
|--|---------------|---|---|
| ** Motion to Abandon Property (20 days) | All Chapters | 6007(a) | D, DA, T, UST, COM, All |
| Motion to Accept/Reject Executory Contract | 7, 11, 12, 13 | 6006(a), (c) | D, DA, T, UST, AP, L20 or COM |
| Motion to Accept/Reject Lease | 7, 11, 12, 13 | 6006(a), (c) | D, DA, T, UST, AP, L20 or COM |
| Motion to Require Trustee or Debtor in Possession to Accept/Reject Lease or Executory Contract | 9, 11, 12, 13 | 6006(b), (c) | D, DA, T, UST, AP, L20 or COM |
| Amendments of Schedules | 7, 11, 12, 13 | 1009 and LBR 1009-1 | AP, T, UST (UST need not be served when amending 13 schedules). |
| ** Motion to Avoid Lien under § 522(f) | All Chapters | 4003(d) | UST, T, AP |
| Cash Collateral: Motion to Use; Creditor's Motion to Prohibit | 11, 12 | 4001 and 9034(f) | D, DA, T, UST, AP, L20 or COM |
| Application for Compensation and Expenses | All | 11 U.S.C. § 330, Rules 2002(a)(6) and 9034(e) | * D, DA, T, UST, All |
| ** Motion to Compromise (20 days) | All Chapters | 9019, 2002(a)(3), and 9034(b) | * D, DA, T, UST, AP, ALL |
| Debtor Motion to Convert from Chapter 7 to 11 | 7 | 1017(f)(2), 2002(a)(4), and 9034(c) | UST, T, All |
| Creditor Motion to Convert from Chapter 7 to 11 | 7 | 1017(f)(1), 2002(a)(4), and 9034(c) | D, DA, T, UST, All |

| PLEADING | CHAPTER | CODE/RULE | PARTIES TO SERVE |
|--|-----------|--|---|
| Debtor in Possession Motion to Convert from Chapter 11 to 7 | 11 | 1017(f)(2), 2002(a)(4), and 9034(c) | UST, COM, All |
| Creditor Motion to Convert from Chapter 11 to 7 | 11 | 1017(f)(1), 2002(a)(4), and 9034(c) | D, DA, UST, COM, All |
| Debtor Motion to Convert from Chapter 7 to 13 | 7 | 1017(f)(2), 2002(a)(4), and 9034(c) | T, UST, All |
| Debtor Notice/Motion to Dismiss Chapter 7, 11, or 12 | 7, 11, 12 | 1017(a), 2002(a)(4), and 9034(c) | T, UST, All |
| Creditor Motion to Dismiss Chapter 7, 11, or 12 | 7, 11, 12 | 1017(f)(1), 2002(a)(4), and 9034(c) | D, DA, T, UST, All |
| Application to Employ Professional Persons | 7, 11, 12 | 2014 and 9034(d) | D, DA, T, UST, L20 or COM, NOA ⁵ |
| Application to Appoint Trustee or Examiner | 11 | 11 U.S.C. § 1104, and Rules 2007.1 and 9034(g) | D, DA, UST, All |
| Motion for Examination Under Rule 2004 | All | 2004 and 9013 | D, DA, UST, T, AP |
| Motion to Extend Deadline to File a Complaint Under § 523 and/or § 727 | 7, 11 | 4004, 4006, 9013 | D, DA, T, UST |
| Motion to Extend Exclusivity Period for Filing Plan of Reorganization | 11 | 11 U.S.C. §§ 1121(d) and 102(1) | D, DA, UST, L20 or COM, NOA |
| Motion to Extend Exclusivity Period for Filing Plan of Reorganization in Small Business Case | 11 | 11 U.S.C. § 1121(e)(3) | D, DA, UST, L20 or COM, NOA |
| Motion to Obtain Post Petition Financing (15 days) | 11 | 4001(c) and 9034(f) | UST, AP, L20 or COM, NOA |
| Motion to Modify Plan of Reorganization Before Confirmation | 11 | 3019(a) | D, DA, UST, T, All |

| PLEADING | CHAPTER | CODE/RULE | PARTIES TO SERVE |
|--|-----------|----------------------------------|---|
| Motion to Modify Plan of Reorganization After Confirmation in Individual Debtor Case | 11 | 3019(b) | D, DA, T, UST, All |
| ** Objection to Claim (30 days) | All | 3007 and LBR 3007-1 | D, DA, T, AP |
| Objection to Claim of Exemption | All | 4003 | D, DA, T, UST, AP |
| Objection to Disclosure Statement | 11 | 3017(a) and 3017.1 | D, DA, T, UST, COM |
| Objection to Chapter 13 Plan | 13 | 3015(f) | D, DA, T, UST |
| Objection to Chapter 12 Plan | 12 | 3015(f) | D, DA, T, UST |
| Objection to Motion to Modify Confirmed Plan | 12, 13 | 3015(g) | D, DA, T, UST |
| Objection to Chapter 11 Plan | 11 | 3017(a) | D, DA, T, UST, COM |
| Motion to Determine Whether Debtor is a Health Care Business | 7, 9, 11 | 1021 | D, DA, T, UST, COM or L20 |
| Motion to Re-Open Case | All | 5010 and 9024 | D, DA, T, UST, AP, ALL (if the motion to re-open does <u>not</u> affect all creditors, notice need <u>only</u> be made on the affected party) |
| Motion to Reconsider or Vacate Order | All | 3008 and 9013 | D, DA, T, UST, AP |
| Motion for Relief From the Automatic Stay (20 days) (Motion for Relief From Stay may be served by negative notice in Chapter 7 cases only) | All | 4001(a) | D, DA, T, UST, AP, COM or L20 |
| ** Motion for Relief From Co-Debtor Stay | 13 | 11 U.S.C. § 1301 | D, DA, T, Co-Debtor |
| Motion to Sell Free and Clear of Liens | 7, 11, 12 | 6004(c) and 2002(a)(2) | * D, DA, T, UST, AP, All |
| Motion for Valuation of Collateral | All | 3012, 3012-1 ⁶ | D, DA, T, UST, AP |
| Application for Administrative Expense | All | 11 U.S.C. § 503 and Rule 9034(e) | D, DA, T, UST, AP |

| PLEADING | CHAPTER | CODE/RULE | PARTIES TO SERVE |
|---|---------|-------------------------------|---|
| ** Motion/Notice of Proposed Abandonment or Disposition of Property (20 days) | All | 6007(b) | D, DA, T, UST, COM, ALL |
| ** Application for the Sale of Real Property | All | 6004, 2002(a)(2), and 9034(a) | * D, DA, T, UST, AP, ALL |
| Motion to Withdraw as Counsel | All | LBR 2091-1 | D, DA, T, UST, AP (service of a motion to withdraw as counsel must be made on the client or party affected, and opposing counsel) |
| Involuntary Bankruptcy Petition | 7, 11 | 1010 | D, UST |
| Objection or Request for Determination of Small Business Chapter 11 Reorganization Case | 11 | 1020(d) | D, DA, T, UST, COM, L20 |

* Pursuant to LBR 2002-1, the notice requirements of Fed. R. Bankr. P. 2002(a)(2), (3) and (6) may be delivered only to the parties on the LBR 1007-2 Parties in Interest List. When serving the parties reflected on the LBR 1007-2 list, you are serving the Committee and 20 Largest Unsecured Creditors; however, you must still serve the Committee’s counsel and co-counsel, if applicable.

** Pursuant to LBR 2002-4, this item may be served by negative notice.

¹ Thanks to Chuck Kilcoyne and the Tampa Division Clerk’s Office Staff for their help in reviewing and approving this article and its contents.

² Pursuant to LBR 7005-3, “[a] party may make service under Rule 5(b)(2)(D) of the Federal rules of Civil Procedure through the Court’s electronic transmission facilities if the party being served is a Filing User or otherwise consents in writing to electronic service”

³ Pursuant to Fed. R. Bankr. P. 9034, “[u]nless the United States Trustee requests otherwise or the case is a chapter 9 municipality case, any entity that files a pleading, motion, objections or similar paper ... shall transmit a copy thereof to the United States Trustee within the time required by these rules for service of the paper.” In the Middle District of Florida, Tampa Division, the United States Trustee must be served with a copy of any paper in the following manner: (i) in a Chapter 11 or 12 case all papers must be served on the UST; (ii) in a Chapter 7 case (a) the petition and any amendments, (b) any matter related to the disposition of assets of the estate, (c) trustee’s reports, and (d) orders concluding the case and discharging the trustee must be served on the UST; and (iii) in a Chapter 13 case service on the UST is not required.

⁴ If an affected party is represented by counsel, both counsel and the affected party must be served.

⁵ While Fed. R. Bankr. P. 2014(a) only requires service on the United States Trustee, the United States Bankruptcy Judges for the Middle District of Florida, Tampa Division require applications to employ professionals to be served on the creditors committee or the twenty largest unsecured creditors and all parties who have filed a notice of appearance.

⁶ Local Rule 3012-1 requires service on the Affected Party pursuant to (1) 3007-1, as if it were a claims objection, thus requiring service on (a) the affected creditor to the person who signed the proof of claim (to the extent that such name can be determined from the proof of claim), and (b) any attorney who has filed an appearance for the affected creditor; and (2) Fed. R. Bankr. P. 7004, requiring service on officer of the affected creditor by certified mail (if the affected creditor is an insured depository institution), or by service on an officer, managing agent, or general agent authorized to receive service of process if not an insured depository institution.