

Rule 3002-1

DEADLINES FOR FILING PROOFS OF CLAIM IN REINSTATED CASES AND FOR REJECTION DAMAGES; LATE-FILED PROOFS OF CLAIM; SERVICE OF PROOFS OF CLAIM ON *PRO SE* DEBTORS

(a) ***Deadline for Filing Proofs of Claim in Reinstated Cases.*** If a case is dismissed before the deadline for filing proofs of claim under Fed. R. Bankr. P. 3002(c) has expired and the case is thereafter reinstated, a proof of claim is timely filed if it is filed no later than 70 days after the date of entry of the order vacating the dismissal and reinstating the case.

(b) ***Deadline for Filing Proofs of Claim for Rejection Damages.*** Unless the Court orders otherwise, a claim arising from the rejection of an executory contract or unexpired lease must be filed within 30 days after entry of the order approving rejection or by the deadline for filing proofs of claim, whichever is later.

(c) ***Tardily Filed Proofs of Claim in Chapter 7 Cases.*** A creditor in a Chapter 7 case that failed to file a claim before the deadline under Fed. R. Bankr. P. 3002(c) may tardily file a proof of claim without first obtaining leave of Court. However, under 11 U.S.C. § 726(a)(3), tardily filed claims receive a distribution only if all claims that were timely filed under 11 U.S.C. § 726(a)(2) are paid in full. A creditor that did not have notice or actual knowledge of the case in time for timely filing of a claim before the deadline may file a motion seeking relief under 11 U.S.C. § 726(a)(2)(C) to have the claim deemed timely filed.

(d) ***Service of Proofs of Claim on Pro Se Debtors.*** A creditor filing a proof of claim in a Chapter 13 case where the debtor is not represented by counsel shall serve the proof of claim on the debtor at the address indicated on the docket and file proof of service in accordance with Local Rule 9013-3.

Notes of Advisory Committee

2024 Amendment

This amendment renames the rule and adds new section (b) that provides a 30-day deadline for filing a claim arising from the rejection of an executory contract or unexpired lease after entry of the order approving the rejection. This amendment to the rule is effective August 15, 2024.

2021 Amendment

This amendment adds new section (c) that requires creditors to serve *pro se* Chapter 13 debtors with proofs of claim. This amendment to the rule is effective August 1, 2021.

2020 Amendment

This amendment revises section (b) to distinguish between “tardily filed” claims that, under 11 U.S.C. § 726(a)(3), receive distribution only after all timely filed claims are paid in full, and tardily filed claims that receive distributions with timely filed claims if the holder of the claim did not have notice or actual knowledge in time for timely filing of a proof of claim under 11 U.S.C. § 726(a)(2)(C). This amendment to the rule is effective August 1, 2020.

2019 Amendment

This amendment reflects the December 1, 2017 amendment to Fed. R. Bankr. P. 3002(c) that shortened the deadline for filing proofs of claim in voluntary Chapter 7, 12, and 13 cases from 90 days after the date first set for the meeting of creditors to 70 days after the order for relief or conversion of a case to a case under Chapter 12 or 13. The rule is further amended to clarify that holders of claims in Chapter 7 cases who did not have notice or actual knowledge of the case before the claims bar date but who wish to file claims that will receive no distribution unless all timely filed claims are paid in full, may file a proof of claim without first obtaining Court approval. This amendment to the rule is effective July 1, 2019.

2016 Amendment

This amendment extends the deadlines for filing proofs of claim in reinstated cases from 28 to 60 days and is now applicable to cases filed under all chapters. This amendment to the rule is effective July 1, 2016.

2012

This rule provides for new deadlines for filing proofs of claims in bankruptcy cases that are dismissed and thereafter reinstated before the expiration of the claims bar date. This new rule is effective March 15, 2012.