

Rule 2002-1

NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) ***Mailing of Notice.*** The Clerk may require the debtor, the trustee, or other party in interest filing a petition, a complaint, an objection, a pleading, or other paper to prepare and mail required notice(s) as the Court may designate and to file with the Clerk proof of service in accordance with the provisions of Local Rule 9013-3.

(b) ***Notices in Chapter 11 Cases in Which Committees Have Been Appointed.*** Pursuant to Fed. R. Bankr. P. 2002(i) and unless otherwise ordered by the Court, the notices required by Fed. R. Bankr. P. 2002(a)(2), (3), and (6) may be served only on the parties on the Local Rule 1007-2 Parties in Interest List.

(c) ***Notices in Voluntary Chapter 7 Cases, Chapter 12 Cases, and Chapter 13 Cases.*** In voluntary Chapter 7 cases, Chapter 12 cases, and Chapter 13 cases, pursuant to Fed. R. Bankr. P. 2002(h) and unless otherwise ordered by the Court, after 70 days following the order for relief or the date of the order converting the case to Chapter 12 or Chapter 13, all notices required by Fed. R. Bankr. P. 2002(a) shall be served only upon the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, creditors, if any, that are still permitted to file claims because an extension was granted under Fed. R. Bankr. P. 3002(c)(1) or (c)(2), and parties who have filed a request for notice under section (f) of this rule.

(d) ***Notices in Involuntary Chapter 7 Cases.*** In involuntary Chapter 7 cases, pursuant Fed. R. Bankr. P. 2002(h) and unless otherwise ordered by the Court, after 90 days following the order for relief or the date of the order converting the case to Chapter 12 or Chapter 13, all notices required by Fed. R. Bankr. P. 2002(a) shall be served only upon the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, creditors, if any, that are still permitted to file claims because an extension was granted under Fed. R. Bankr. P. 3002(c)(1) or (c)(2), and parties who have filed a request for notice under section (f) of this rule.

(e) ***Notice of Amended Plans in Chapter 12 and Chapter 13 Cases.*** In Chapter 12 and Chapter 13 cases, amended plans need be served only upon creditors who have filed proofs of claim and whose treatment is affected by the amendment to the debtor's plan.

(f) ***Requests for Notice.*** A party who files a request for notice pursuant to Fed. R. Bankr. P. 2002(g) shall be placed on the master mailing matrix and, in Chapter 11 cases, on the Local Rule 1007-2 Parties in Interest List. Requests for notice shall be served on the debtor and the trustee.

(g) ***Form of Notice.*** Notices shall be in such form as may be directed by the Clerk or as may be ordered by the Court.

(h) ***Return Address Required.*** Envelopes containing notices or orders served by the Bankruptcy Noticing Center, the debtor's attorney, or the debtor if the debtor is acting *pro se*, shall bear the return address of the debtor's attorney or the *pro se* debtor.

(i) ***Returned Notices.*** If the debtor's attorney, liquidating trustee, or *pro se* debtor receives a piece of mail from the United States Post Office that was addressed to a party to the case but has been returned as undeliverable, the debtor's attorney, liquidating trustee, or *pro se* debtor shall immediately determine the correct address of the party, mail a copy of the returned piece of mail to the party, and promptly thereafter file proof of such service with the Clerk. The debtor's attorney, liquidating trustee, or *pro se* debtor shall also immediately file with the Clerk a notice of the corrected address for the creditor. If no correct address of the party can be located after reasonable inquiry to locate a correct address, the debtor's attorney, liquidating trustee, or *pro se* debtor may mark off the party from any future mailing matrix and shall be relieved from future service on such party. Upon ascertaining a correct address, the party shall no longer be marked off future mailing matrix and the debtor's attorney, liquidating trustee, or *pro se* debtor shall immediately file with the Clerk a notice of the corrected address for the creditor.

(j) ***Service of Orders and Notices.*** If the Court directs an attorney or a party to serve an order or a notice, the attorney or party shall serve the order or notice within three days of its having been entered by the Court, and the attorney or party shall thereafter promptly file a proof of such service in accordance with the provisions of Local Rule 9013-3.

(k) ***Notices as Directed by the Court.*** If a party is authorized by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court to give notice of a hearing or the time in which an objection or request for hearing is required, such notice shall be on the face of the first page of such notice, pleading, or other paper.

(l) ***Administrative Expense.*** The cost or expense incurred in serving notices and orders may be an administrative expense to be paid or reimbursed pursuant to 11 U.S.C. § 503(a).

Notes of Advisory Committee

2021 Amendment

This amendment revises section (i) to provide a procedure for address corrections and removal of parties from the mailing matrix when mail is returned as undeliverable. This amendment to the rule is effective August 1, 2021.

2020 Amendment

Amended Federal Rule of Bankruptcy Procedure 2002(h), effective on December 1, 2020, allows the Court to limit notice to creditors in Chapter 12 and 13 cases to those creditors who have filed claims. In addition, revised Rule 2002(h) distinguishes between voluntary and involuntary Chapter 7 cases and reflects the 2017 amendment to Rule 3002(c). Under Rule

3002(c), the deadline for filing proofs of claim in voluntary Chapter 7, Chapter 12, and Chapter 13 cases is 70 days after the order for relief; in involuntary Chapter 7 cases the deadline for filing proofs of claim is 90 days after the order for relief. The revisions to the local rule are consistent with the amendments to Rule 2002(h). This amendment to the rule is effective December 1, 2020.

2019 Amendment

This amendment adds new section (d) which limits service of amended Chapter 12 and Chapter 13 plans to affected creditors. This amendment to the rule is effective July 1, 2019.

2013 Amendment

This amendment adds new section (c) which applies to Chapter 7 cases and limits service of notices required by Fed. R. Bankr. P. 2002(a), after 90 days following the first date set for the meeting of creditors, to the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, and creditors, if any, that are still permitted to file claims by reason of an extension granted pursuant to Fed. R. Bankr. P. 3001(c)(1) or (c)(2). This is consistent with Fed. R. Bankr. P. 2002(h). This amendment to the rule is effective July 1, 2013.

2012 Amendment

This amendment incorporates archived Administrative Order FLMB-2003-1 “General Order Regarding the Return Address of Notices and Orders Mailed by the Bankruptcy Noticing Center.” The addition of headings and subheadings is intended to be a stylistic rather than substantive change. This amendment to the rule is effective March 15, 2012.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. This amendment, 2002-1(a), recognizes that the Clerk may more expeditiously give notice to creditors or parties in interest through the Bankruptcy Noticing Center (BNC). For practical purposes, only when the Clerk cannot reasonably process notices through BNC, would the Clerk request the moving party to send notice to creditors or other parties in interest.

This amendment, 2002-1(d), adds a provision permitting Electronic Filing Users the ability to complete service of papers by electronic means.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to

the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 3.03. Paragraphs (b) through (g) of this rule were formerly paragraphs (b) through (f) and (h) of Local Rule 2.19. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This rule is amended to substitute the term “proof of service” for “certificate of service” as required by amended Rule 2.19(a). The provisions as to the content of the proof and the time for filing the proof are deleted because those subjects are now contained in amended rule 2.19(a). These amendments were effective on February 15, 1995.