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Rule 2084-8

Serving the Plan or Motion for Moratorium

(a) Debtor Service of Plan. The debtor shall serve on creditors, as required by Bankruptcy Code § 342 and Rules 7004 and 9014, the plan (original, amended, modified) and plan analysis, or any motion for a moratorium, and a notice containing the appropriate deadlines set forth below. A debtor must serve a motion for a moratorium in the same manner as a plan.

(b) Service of Amended and Modified Plans. A debtor needs only to serve nonmaterial changes in an amended or a modified plan on the case trustee and those creditors affected by the changes. To be regarded as nonmaterial, the modification must not delay or reduce the dividend to be paid on any claim or otherwise modify the claim of affected creditor's consent. A material modification is considered a plan amendment or modification and must be noticed accordingly.

(c) Notice. The notice served with a plan or motion for a moratorium must be in a form that provides the information required by this Local Rule. Noticing out the plan or a motion for a moratorium without the notice is insufficient.

(d) Service by Unrepresented Debtor. If the debtor is unrepresented by counsel, the debtor is required to timely notice any plan or motion through the case trustee. The case trustee will direct how the debtor is to do the noticing and will select, with the approval of the United States trustee, the mailing/copying service used by the debtor. The debtor shall pay the cost of this noticing.

(e) Time for Service. Unless the court for cause orders otherwise, a debtor must accomplish service as follows:

(1) For the original plan, the debtor must serve it within seven days of filing it or within 28 days after the petition date, whichever is earlier.

(2) For an amended plan or pre-confirmation motion for a moratorium, the debtor must serve it within seven days after filing it.

(3) For a modified plan or post-confirmation motion for a moratorium, the debtor must serve it within seven days of filing it.

(f) Continuance of Meeting of Creditors. If the debtor fails timely and properly to serve the original plan, within 28 days of the petition date, the case trustee, in the case trustee's discretion, may continue the meeting of creditors for a sufficient period for the debtor to notice out the plan and for creditors to receive at least 28 days of notice. The debtor shall contact the case trustee for the date and time of the continued meeting of creditors. Using an updated master mailing list, the debtor shall notice out the continued meeting to all parties entitled to notice and file a certificate of service within three business days after receiving the continued date and time from the case trustee. Also, within the same period, the debtor shall notice out the plan and the notice containing the deadline for creditor objections. If the debtor is pro se, the noticing of the plan and continued meeting of creditors may be combined. The new deadline for creditor objections shall be 14 days after the date of the continued meeting of creditors or 28 days after service, whichever is later. If the court dismisses the debtor's case before the debtor attends a meeting of creditors and then reinstates the case, the debtor shall notice or re-notice out the plan to creditors and file a certificate of service within three business days of receipt of the rescheduled meeting of creditors. The deadline for creditor objections shall be 14 days after the date of the meeting of creditors or 28 days after service, whichever is later.

(g) Certificate of Service. After the debtor serves any plan, motion for a moratorium, continued meeting of creditors, or reinstatement order, the debtor shall file a certificate of service within seven days. The certificate of service may be incorporated into the notice. The debtor shall attach a copy of the document being noticed, the mailing list used, and the notice mailed to the certificate of service. Instead of attaching the document noticed the certificate and docket entry may contain the appropriate reference to the ECF docket number. The debtor must use a master mailing list downloaded from the court within seven days before the noticing. The mailing list attached to the certificate of service must contain the PACER/ECF information.

(h) Dismissal for Failure to Serve. If the debtor fails timely to file and properly serve any plan or motion for a moratorium, or timely file a certificate of service, the case trustee may upload, and if uploaded shall serve, a proposed dismissal order and, after 14 days, the court may dismiss the case without further notice or a hearing.

Committee Notes 2009: Time deadlines have been amended to be consistent with amendments to the Federal Rules of Bankruptcy Procedure, effective December 1, 2009.

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