

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

ADOPTION OF INTERIM LOCAL
BANKRUPTCY RULES 1007-1 AND 1017-2

GENERAL ORDER 06-01

Whereas, on April 20, 2005 the Bankruptcy Abuse Prevention and Consumer Protection Act of (2005) (the Act) was enacted into law; and

Whereas, the general effective date of the Act has not provided sufficient time to promulgate local rules after the appropriate public notice and an opportunity for comment;

Whereas, the timely compliance with all the notice requirements under the Act necessitates that all the documents required upon filing under 11 U.S.C. 521 and F.R.B.P. 1007 be filed at the filing of the petition or within two (2) business days of the opening of the case ;

Whereas, failure to submit the required documentation results in an undue burden on the Clerk's Office to meet the notification of the presumption of abuse and the §341 Meeting of Creditors as required by the Act;

NOW THEREFORE, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached Interim Local Rules are adopted to be effective on January 1, 2006.

I. INTERIM RULE 1007-1

LIST, SCHEDULES AND STATEMENTS: TIME LIMIT: NOTICE OF INTENT TO DISMISS

(a) Filings Subject to Two (2) Business Day Filing Deadline. The following filings, as applicable to the case and chapter, are required to be filed with the clerk within two (2) business days of the bankruptcy filing or will subject the case to the procedures set forth in subparagraph (b) below and P.R. Interim LBR 1017-2:

- (1) Voluntary Petition;
- (2) Statement of Social Security Number(s)- Form B-21;
- (3) Corporate Resolution/Corporate Ownership Statement;
- (4) Fee Payment; or Application to Pay Filing Fee in Installments; or Application for Waiver of the chapter 7 filing fee;
- (5) Creditor Mailing List (names and addresses) uploaded in CM/ECF System;
- (6) Cover sheet for list of creditors and creditor matrix diskette if filed conventionally;
- (7) Chapter 11 List of creditors holding 20 largest unsecured claims;
- (8) Chapter 7, 11, 13 Certification of Credit Counseling (individual creditors); and
- (9) Notice to Individual Consumer debtor.

(b) Notice of Dismissal if Documents Not Timely Filed (Lack of Prosecution)

Procedure for Issuance of Notice Of Intended Dismissal. Upon filing the petition, the debtor will receive a "Notice of Deficient Filing and Notice of Dismissal" indicating which documents are missing and giving the debtor two (2) business days to file the required documents. If after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to timely file the required documents the Clerk shall issue an order of dismissal without further notice. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of 11 U.S.C. §§ 109 (g), with a 180-day bar to refile a petition.

See also P.R. Interim LBR 1017-2.

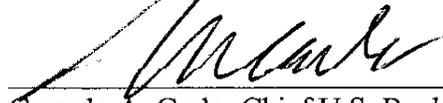
II. INTERIM RULE 1017-2 DISMISSAL FOR LACK OF PROSECUTION

(a) Want of Prosecution Defined. For purposes of Fed. R. Bankr. P. 1017, the term “want of prosecution” includes, but is not limited to:

- (1) failure to file lists, schedules, and statements within the time allowed by Fed. R. Bankr. P. 1007, and Interim Fed. R. Bankr. P. 1007;
- (2) failure of a debtor that is a corporation to be represented by counsel within the time set by order of the court;
- (3) failure to pay any required filing fee in a timely fashion;
- (4) failure to prosecute in a timely and diligent manner the filing of a plan, disclosure statement, or other document or pleading, as required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Interim Federal Rules of Bankruptcy Procedure, the P.R. Local Bankruptcy Rules or orders of the court;
- (5) failure of a party or counsel to appear at a hearing before the court, upon notice or order;
- (6) failure of the debtor to appear at the initial Section 341 meeting, or any continued meeting; and
- (7) failure to abide by any court order requiring the filing of papers, or payment of fees, costs, or sanctions.

(b) Sua Sponte Action by the Court. The court may dismiss a case for lack of prosecution on its own motion – after notice to the debtor, the debtor’s attorney (if any), and all creditors, except for automatic dismissal as permitted by P.R. Interim LBR 1007(b), unless the debtor cures the deficiency in a timely fashion and/or the debtor or any other party in interest requests a hearing within fifteen (15) days of service of the notice of intent to dismiss.

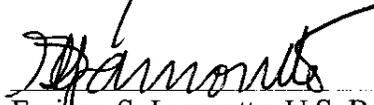
In San Juan, Puerto Rico, this 25th day of January, 2006.



Gerardo A. Carlo, Chief U.S. Bankruptcy Judge



Sara E. de Jesús, U.S. Bankruptcy Judge



Enrique S. Lamoutte, U.S. Bankruptcy Judge