

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

IN RE: :  
: :  
**COMPUTATION OF TIME PERIODS** : **GENERAL ORDER No. 09-02**  
**DRIVEN BY FRBP 9006** : :  
\_\_\_\_\_ :

On March 26, 2009, the Supreme Court of the United States approved amendments to 39 Federal Rules of Bankruptcy Procedure, designed to remove inconsistency and unnecessary complications associated with the computation of time periods driven by the rules. On May 7, 2009, the President signed into public law (Public Law No. 111-016) amendments to 28 statutes including sections of the Bankruptcy Code, also to clarify computation of time periods driven by those statutes. The amendments to the Rules and Code shall become effective on December 1, 2009.

Therefore it is hereby ordered that, pursuant to 28 U.S.C. Section 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, EFFECTIVE DECEMBER 1, 2009, the time periods calculations, as captured in the Local Rules of the United States Bankruptcy Court for the District of Puerto Rico shall be amended as indicated below:

**Rule 1007-1**

**Lists, Schedules and Statements; Time Limits; Notice of Intent to Dismiss;  
Notice in Chapter 11 Cases**

**(b) Mailing Matrix.** All cases filed through the electronic system must have the creditor's mailing matrix uploaded immediately upon filing. In cases filed by conventional means a mailing matrix must be filed with the petition in all voluntary cases upon filing. This matrix must contain the names and addresses (including zip codes) of all known creditors and holders of executory contracts.

**(1) Involuntary Cases.** For cases filed by conventional means, the mailing matrix and diskette must be filed within fourteen (14) days of the entry of order for relief. The debtor must prepare and file the mailing matrix and diskette, unless the court orders otherwise, *see* LBF A.

**(d) Notice of Dismissal if Document Not Timely Filed (Lack of Prosecution).** Upon filing the petition, the debtor will receive a "Notice of Deficient Filing and Notice of Possible Dismissal" indicating which documents are missing and giving the debtor two (2) 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 refiling a petition. *See* also LBR 1017-2.

**(e) Documents subject to Two (2) Day Filing Deadline.** The following documents as applicable to the case and chapter, are required to be filed with the Clerk within two (2) days of the bankruptcy filing or will subject the case to the procedures set forth in subparagraph (d) above and LBR 1017-2:

**(f) Payment Advices.** Copies of all payment advices or other evidence of payment received within sixty (60) days before the date of the filing of the petition shall not be filed with the court unless ordered. These copies shall be provided by the debtor to the trustee and to any creditor who timely requests copies of the payment advices or other evidence of payment, at least seven (7) days before the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341. To be considered timely, a creditors' request must be received at least fourteen (14) days before the first date set for the meeting of creditors.

**(g) Notification of Creditors in Chapter 11 Cases Scheduled as Disputed, Contingent, or Unliquidated.** The debtor in each Chapter 11 case must serve LBR B on each creditor whose claim is listed on the schedules as disputed, contingent, or unliquidated, within fourteen (14) days after filing the schedules of liabilities, or within fourteen (14) days of adding those creditors to previously filed schedules. The notification must advise those creditors of their right to file proofs of claim and indicate that failure to do so shall prevent them from voting upon the plan or participating in any distribution thereunder. Debtor must file with the Clerk a certificate of service evidencing compliance with this LBR within fourteen (14) days of service.

## **Rule 1017-2**

### **Dismissal for Lack of Prosecution**

**(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, unless the debtor cures the deficiency in a timely fashion and/or the debtor or any other party in interest requests a hearing within fourteen (14) days of service of the notice of intent to dismiss. An exception to this subsection is the automatic dismissal as permitted by LBR 1007 (d) & (e).

## **Rule 2003-1**

### **Meeting of Creditors or Equity Security Holders**

**(a) Report of Action Taken.** No later than seven (7) days after the § 341 meeting, each

presiding officer at a meeting of creditors must file with the court a report of action taken, and must serve that report upon the United States Trustee. In chapter 7 cases, the Chapter 7 trustee must file a report of no distribution no later than fourteen (14) days after the § 341 meeting, if applicable.

## **Rule 2004-1 Examination**

### **(d) Notice and Response Time.**

(1) The party proposing the examination must give the entity to be examined and its counsel (if known), as well as all other affected parties, no less than fourteen (14) days written notice of a proposed examination, in accordance with LBR 9013-1(h)(1). The notice must apprise the party to be examined of the proposed scope of the examination and must list any documents requested to be presented at the examination.

(2) The notice must also contain the following language regarding the time to object or otherwise respond to the proposed examination:

Any party who objects to the examination shall serve and file an objection and/or motion for protective order with the U.S. Bankruptcy Court for the District of Puerto Rico within fourteen (14) days of service of this Motion for a Rule 2004 Examination, or within three (3) additional days if you were served by mail, pursuant to Fed. R. Bankr. P. 9006(f). If no objections or motions for protective order are timely filed, the court may grant the motion for examination without further notice or a hearing.

## **Rule 3015-2 Chapter 13 Plan Requirements and Confirmation**

### **(c) Filing of Original Chapter 13 Plan and Related Motions**

(1) **Requirement.** The Chapter 13 Plan and Related Motions and any special notice to secured creditors required by this rule shall be filed with the petition or not later than fourteen (14) days after the commencement of the case if the case was originally filed under Chapter 13, or fourteen (14) days after the order converting the case to Chapter 13 from some other chapter.

### **(3) Extension of Time to File Chapter 13 Plan and Related Motions**

(A) A motion to extend the time to file a Chapter 13 Plan and Related Motions may be granted by the Clerk for an additional fourteen (14) days, if:

(i) the motion for extension has been filed before the initial due date has expired; and

(ii) notice of the motion has been given by the debtor to the trustee and all creditors.

**(e) Objections to Confirmation of Chapter 13 Plan or to Related Motions.**

**(1) Deadline for Filing.** Any objection to confirmation of the Chapter 13 Plan or to the granting of any included Motion for Determination of Value, Motion for Lien Avoidance, or Motion to Assume or Reject Executory Contract or Unexpired Lease shall be filed not later than fourteen (14) days prior to the date set for the confirmation hearing. Any extension of the original objection period must be requested by motion.

**(f) Modified Chapter 13 Plan and Related Motions**

**(1) Procedure where no plan has been confirmed**

**(A) Time for Filing.** Unless confirmation of a prior plan has been denied, a modified plan shall be filed fourteen (14) days prior to confirmation. If confirmation of a prior plan has been denied, a modified plan must be filed within the period stated in paragraph (h) of this rule unless the order denying confirmation states some other period.

**(C) Objections to Confirmation of Modified Chapter 13 Plan and Related Motions.** If a modified Chapter 13 Plan and Related Motions are filed, any objections must be filed not later than seven (7) days prior to the date set for the confirmation hearing.

**(D) Trustee's recommendations.** The Chapter 13 trustee shall file a recommendation as to the plan to be confirmed no later than seven (7) days prior to the date set for the confirmation hearing.

**(2) Procedure where plan has been confirmed.**

**(A) Where modification is requested by the trustee or a creditor.** If modification of a confirmed plan is sought by the trustee or by a creditor, the modification must be requested by motion and give twenty-one (21) days notice pursuant to Fed. R. Bankr. P. 2002(a)(5).

**(B) Where modification is requested by the debtor.** If modification of a confirmed plan is sought by the debtor, modification must be requested by filing and distributing a modified Chapter 13 Plan and Related Motions and by giving twenty-one (21) days notice pursuant to Fed. R. Bankr. P. 2002(a)(5).

**(h) Dismissal of Case upon Denial of Confirmation.** If the Court denies confirmation of

the debtor's original or subsequently modified Chapter 13 Plan and Related Motions, unless the Court has entered an order previously confirming a plan, the Court may issue an order dismissing the Chapter 13 case unless, within fourteen (14) days after denial of confirmation:

- (1) the debtor files a new Modified Chapter 13 Plan and Related Motions;
- (2) the debtor converts or moves to convert the case to another chapter of the Bankruptcy Code;
- (3) the debtor files a motion for relief from judgment or order, or appeals the denial of confirmation; or
- (4) the Court otherwise orders.

**(j) Completion of Plan.** Upon completion of the debtor(s)' confirmed plan and in compliance with 11 U.S.C. § 1328(a), the Chapter 13 Trustee's Final Report shall clearly state either:

- (4) If the trustee is unable to determine if these obligations are current, the Court shall issue a Notice of Intent to Close the Case Without a Discharge unless, within fourteen (14) days, the debtor files documentation with the Chapter 13 standing trustee that all domestic obligations are current and the Chapter 13 trustee so notifies the Court.

## **Rule 3018-2**

### **Chapter 11 Confirmation - Requirements under 11 U.S.C. § 1129**

**(a) Requirements.** For the court to confirm a plan under Chapter 11, the proponent of a plan must file with the court the 'Statement under 11 U.S.C. § 1129' which must substantially conform with LBF D.

- (1) At least seven (7) days prior to the hearing on confirmation the plan proponent must file a statement regarding the requirements of 1129(a) and the list of outstanding pre-petition tax claims, other priority claims and expenses of administration; and
- (2) At least seven (7) days before the hearing on confirmation, the plan proponent must file the list of acceptances and rejections, and the computation of acceptances and rejections. If a case has more than one hundred (100) potential voting parties, the proponent shall contact the Clerk's office regarding the time frame for filing the above mentioned items.

**(b) Proof of Service.** The plan proponent shall file the 1129 Statement with the Clerk's office and serve notice of such filing along with a copy of the 1129 statement that shows

the date of filing upon the United States Trustee and all parties who have filed objections to confirmation, at least seven (7) days prior to the hearing on confirmation.

## **Rule 4001-1**

### **Relief from Automatic Stay**

**(c) Service.** Movant must serve both the motion and a notice that substantially conforms to LBR F within three (3) days of issuance of the notice. It must file a certificate of service, as provided on the bottom of the reverse side of the notice, within seven (7) days of effecting service. The court may deny the motion for relief from stay and remove the matter from the court's calendar, if movant fails to serve the notice within the three (3) day period prescribed herein. All documents filed pursuant to this LBR must be served on the following parties:

- (1) the debtor;
- (2) debtor's counsel;
- (3) the trustee, if one has been appointed;
- (4) any committee elected pursuant to § 705 or appointed pursuant to § 1102;
- (5) all parties with liens of record, or any other party known to the movant claiming an interest in the property;
- (6) parties requesting notice; and
- (7) The United States Trustee in a Chapter 11 case.

**(e) Response.** Respondent must file an answer to the motion for relief from stay within fourteen (14) days after service of the notice prescribed in subsection (c) of this LBR. The court may enter the order lifting stay for the moving party and take the matter off the court's calendar if respondent does not file a timely answer, provided that movant has filed the certificate of service prescribed in subsection (c) of this LBR.

## **Rule 4001-5**

### **Continuation and Imposition of the Automatic Stay**

**(c) Notice.** Service of the motion for continuation or imposition of the automatic stay shall be made to all creditors and parties in interest within three (3) days from the filing of the motion. A certificate of service must be filed within seven (7) days. If the certificate is not timely filed, the court may deny the motion for failure to provide notice. The motion shall allow fourteen (14) days from service to file an answer, informing that if no timely objections are filed, an order may be entered granting the relief requested in the motion and continuing the automatic stay, or for an imposition motion the court may order the

stay to take effect as requested.

**(d) Hearing on the Motion.** Immediately after the motion for continuation of the automatic stay is filed, the Clerk shall schedule a hearing to be held within thirty (30) days from the filing of the petition. The hearing may be vacated, if no answer is filed in the fourteen (14) days provided to the parties. If a motion for imposition of the automatic stay is properly noticed and an opposition is filed, the Clerk shall schedule a hearing and give immediate notice to any and all creditors and parties in interest.

## **Rule 4002-1**

### **Duties of Debtor**

In addition to any other duties imposed upon the debtor or its counsel under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these LBRs, or any other applicable law, the debtor has the following duties:

**(d) Persons to Act When Debtor is not a Natural Person.** The natural persons occupying the following positions shall perform all acts required to be performed by the debtor and shall attend on behalf of the debtor any examinations, meetings or hearings unless the court orders otherwise.

(4) No later than fourteen (14) days after entry of the order for relief, the natural person or persons who will perform acts, required to be performed by the debtor, shall be identified by name, title, and address.

## **Rule 4003-2**

### **Lien Avoidance of Exempt Property**

**(c) Notice.** Motions to avoid a lien under 11 U.S.C. § 522(f) must include the following notice:

#### **NOTICE OF MOTION TO AVOID LIEN**

Within twenty-one (21) days after service as evidenced by the certification, any party against whom this motion to avoid lien under 11 U.S.C. § 522(f) has been served, must file an objection or other appropriate response thereto with the Clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.

## **Rule 5010-1**

### **Reopening Cases - Notice and Service**

A motion to reopen a case shall give twenty-one (21) days notice to all parties in interest. The

motion shall be served upon the United States Trustee, the previously appointed trustee and any party being added, if any, as a creditor or party in interest in the case. The motion shall be accompanied by the appropriate fee to reopen the case and a certificate of service (*See* LBR 1006-3).

## **Rule 5071-1**

### **Continuances**

**(a) Written Request.** All requests for continuance of matters set for hearing or trial must:

- (1) be filed in the case seven (7) days prior to the hearing;

## **Rule 5078-1**

### **Fees – General**

**(a) Authority.** The fees charged for services to be performed by the court are contained in the Bankruptcy Court Miscellaneous Fee Schedule, promulgated by the Judicial Conference of the United States in accordance with 28 U.S.C. § 1930(b). Neither the Clerk of the court nor his/her designees has the authority to waive the payment of any prescribed fee, except as provided in the Miscellaneous Fee Schedule.

**(b) Treatment Where Fee Is Not Timely Paid.** The prescribed fee must be paid in advance of the service to be performed by the Clerk's office. For persons authorized to file conventionally, the Clerk will return to the filer any document without the required filing fee at the time of filing. For documents filed electronically, the Clerk will issue a "Notice of non-payment of Fee" and the Clerk will strike the document from the legal docket if payment is not made within one (1) day from issuance of the Notice.

## **Rule 6004-1**

### **Sale of Estate Property**

**(a) Sale of Property Not in the Ordinary Course of Business.**

**(2) Scope and Content of Notice.** The motion/notice must include the time and place of any proposed sale, a summary of the terms and conditions of the proposed sale, a statement of the aggregate amount of liens or encumbrances known to movant, and a statement that the proposed sale price is at least equal to or more than the value of the property. The notice must afford creditors, parties in interest, and affected parties and lien holders not less than twenty-one (21) days notice and opportunity to object to the proposed action, unless the Court shortens the notice period upon appropriate request.

**(3) Objection to Proposed Use, Sale or Lease.** An objection to the proposed use, sale, or lease, not in the ordinary course of business, shall be filed with the Court and served upon the proponent of the action not less than seven (7) days before the date set for the proposed action. The Clerk shall schedule a hearing date on the objection and shall provide notice of the hearing to all parties in interest.

## **Rule 6007-1**

### **Abandonment**

**(b) Effective Date of Abandonment.** The abandonment will be considered uncontested if no objection to a notice of intent to abandon is filed within fourteen (14) days of the mailing of the notice of abandonment.

## **Rule 7004-2**

### **Summons**

**(a) Forms.** For the Clerk to issue the summons, the plaintiff shall provide the summons as prescribed in Fed. R. Bankr. P. 7004 which shall conform to LBF I. Plaintiff shall present the summons to the Clerk for signature and seal. If the summons is in the proper form, the Clerk shall issue it to plaintiff for service. If the summons is not in the proper form, the Clerk will reject the issuance of the summons. If the complaint is filed by conventional means, the summons must be presented to the Clerk for issuance at the same time the complaint is being filed. If the complaint is filed electronically, the summons must be presented no later than three (3) days after the complaint has been filed.

**(b) Contested matters filed under 11 U.S.C. § 362(a) & (d).** If the motion is filed by conventional means, the summons must be presented to the Clerk for issuance at the same time the motion is being filed. If the motion is filed electronically, the summons must be presented no later than one (1) day after the motion has been filed.

## **Rule 7016-1**

### **Pre-trial Procedures**

**(b) Continuance of Dates Set in Pretrial Order.** The parties and their counsel are bound by the dates specified in said order and no extensions or continuances thereof shall be granted in the absence of a showing of good cause. Mere failure on the part of counsel to proceed promptly with the normal process of discovery shall not constitute good cause for an extension or continuance. Motions for continuance shall be filed at least seven (7) days prior to the hearing.

## **Rule 7026-1**

### **Discovery – General**

**(d) Affidavit of Noncompliance.** If either party fails to perform as required in this LBR, the aggrieved party may file an affidavit stating the facts which constitute the failure to cooperate. Upon consideration of an affidavit of noncompliance and any response thereto, the court may order that the adversary proceeding proceed as a defaulted matter as follows:

**(1)** If the plaintiff is in default regarding the holding of the Rule 7026(f) conference, the filing of the discovery plan, or any of the requirements specified in Rule 7026(f) and this LBR, the court may dismiss the matter for want of diligent prosecution. The party in default may have the matter reinstated only upon the filing of a motion showing special circumstances within fourteen (14) days of dismissal.

## **Rule 9010-1**

### **Attorneys – Admission to Practice, Representation and Appearances**

**(b) Local Counsel not Required in Uncontested Matters.** An attorney may appear *pro hac vice* without a local attorney if the matter is uncontested, with the exception of representation as counsel to a debtor or trustee. However, if the matter is, or becomes contested, local counsel must enter an appearance at least seven (7) days before the scheduled hearing.

## **Rule 9013-1**

### **Motions Practice**

**(g) Ex-Parte Motions.** A motion seeking ex-parte relief may be filed only in circumstances in which immediate action is required to maintain the status quo until an appropriate hearing on notice can be conducted. A motion for ex-parte relief must be verified or supported by affidavit and must set forth specific facts and circumstances that necessitate ex-parte relief. The motion shall include a statement as to why the procedures in Section (f) of this LBR for emergency hearings are not practical. All orders or proposed orders providing ex-parte relief must include the finding that the relief requested could not be delayed, and must indicate that the affected parties may request a hearing on the subject matter addressed in the ex parte motion by filing a motion for review of the ex-parte relief within fourteen (14) days of service of the order for ex-parte relief. If appropriate, the Court will schedule a hearing on such ex-parte motion as soon as practicable.

### **(h) Required Response Time Language Must be Included on All Papers.**

**(1) Usual Papers.** Adequate notice must be given to interested parties of the time to respond to every motion, application, petition, objection to claim, or objection to exemption filed with the Clerk's office. Excluded from this requirement are those motions set forth in paragraph (2) below, and the bankruptcy petition. This notice may be in single or double space, must be in at least 11 point type, and must contain language substantially similar to the following:

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**(2) Excepted Papers with Different Response Times.** A different objection/response time applies to the following matters and should be substituted for the fourteen (14) day period above:

(A) Application to Compromise – Twenty-one (21) days;

(B) Motion/Notice of Intended Sale – Twenty-one (21) days;

- (C) Motion to Amend or Modify a Plan – Twenty-one (21) days;
- (D) Application (or Notice) to Abandon – Fourteen (14) days;
- (E) Motion to Shorten Time (Expedited Treatment) – Seven (7) days;
- (I) Motion for Relief of Stay under 11 U.S.C. § 362 - Fourteen (14) days.

### **Rule 9014-1 Contested Matters**

**(d) Duty to File Joint Pretrial Order.** Where the Court determines that the filing of a Joint Pretrial Order would facilitate and expedite the hearing of a contested matter, the parties will be directed to file a Joint Pretrial Order within the time established by the Court, in accordance with the requirements set forth in paragraphs (1) and (2) below and in the form described in LBF J.

**(1) Initial Draft by Plaintiff/Movant.** In all instances that require the filing of a Joint Pretrial Order, it is the plaintiff/movant's responsibility to prepare the initial draft of the order and to serve it on opposing counsel at least four (4) days before the order is due in the Clerk's office. The opposing party must submit any comments or revisions within two (2) days, to finalize the order. If either party fails to perform as required herein, the aggrieved party must file an affidavit stating the facts which constitute the failure to cooperate.

### **Rule 9019-1 Stipulations**

**(b) Time to File.** When a proceeding or matter is settled in open Court, the parties shall, within fourteen (14) days or such other time as the Court may direct, file a signed stipulation or agreement.

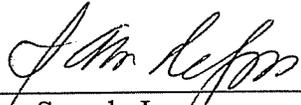
**Rule 9027-1**  
**Removal and Remand**

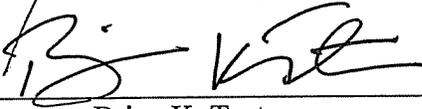
**(a) Filing requirement.** The party filing a notice of removal of an action from local or federal court to this court pursuant to Fed. R. Bankr. P. 9027 must file with the Clerk true and accurate copies of all pertinent papers filed in the Court from which removal is sought, and a certified or attested copy of all docket entries if available, in that action, within fourteen (14) days of filing the notice of removal.

It is so Ordered.

In San Juan, Puerto Rico, December <sup>17<sup>th</sup></sup>, 2009.

  
\_\_\_\_\_  
Enrique S. Lamoutte  
Chief, U.S. Bankruptcy Judge

  
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Sara de Jesus  
U. S. Bankruptcy Judge

  
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Brian K. Tester  
U.S. Bankruptcy Judge