

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed New Local Rules

Rule 1017-1. Dismissal or Conversion of Case; Suspension

Rule 7008-1. General Rules of Pleading – Statement Regarding Consent to Entry of Final Orders or Judgment by Bankruptcy Court in Original Pleading

Rule 7054-1. Judgments; Costs

Rule 9027-1. Removal

Rule 9033-1. Proposed Findings of Fact and Conclusions of Law

Proposed Amendments to Local Rules

Rule 1002-1. Commencement of Case

Rule 4001-1. Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements

Rule 7012-1. Defenses and Objections – When and How Presented – By Pleadings or Motion – Motion for Judgment on the Pleadings – ~~Statement Regarding Consent to Entry of Final Orders or Judgment by Bankruptcy Court in Responsive Pleading~~

Rule 7016-1. Pre-Trial Procedure; Formulating Issues

Rule 7033-1. Interrogatories to Parties

~~Rule 8001-1. Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals~~ **Rule 8003-1. Appeal as of Right—How Taken; Docketing the Appeal**

Rule 9013-1. Motions: Form and Service

Rule 9014-1. Contested Matters

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed New Local Rule

Rule 1017-1. Dismissal or Conversion of Case; Suspension

(f) Procedure for Dismissal, Conversion, or Suspension

(2) Debtor's motion to dismiss chapter 13 case

(A) A debtor in a case filed under chapter 13 may move to dismiss the case pursuant to section 1307(b). The debtor's motion shall be in writing and shall state whether the case has been converted previously under section 706, 1112, or 1208.

(B) The motion shall be filed and served as required by Fed. R. Bankr. P. 9013.

(C) If the court determines that dismissal is appropriate, the court may enter an ex parte order granting the debtor's motion without notice or hearing.

Notwithstanding entry of the order, any party in interest may file an objection to the debtor's motion within 14 days of entry of the order. Upon consideration of any objection timely filed, the court may, at its discretion, conduct a hearing or rule on the matter without a hearing.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed New Local Rule

Rule 7008-1. General Rules of Pleading – Statement Regarding Consent to Entry of Final Orders or Judgment by Bankruptcy Court in Original Pleading

In an adversary proceeding before a bankruptcy judge, in addition to the statements required by Fed. R. Bankr. P. 7008, the complaint, counterclaim, cross-claim, or third-party complaint shall contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court. If no such statement is included, the pleader shall have waived the right to contest the authority of the court to enter final orders or judgment.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed New Local Rule

Rule 7054-1. Judgments; Costs

(b) Costs; Attorney's Fees.

(2) Attorney's Fees.

(A) Content of Motion. In addition to those matters required by Fed. R. Civ. P. 54(d)(2)(B), a motion for attorney's fees must include an itemization and description of the legal work performed and all costs sought to be charged as part of the attorney's fee.

(B) Attorney Affidavit. Each motion must be accompanied by an affidavit from the attorney responsible for the billings in the case authenticating the information contained in the motion and confirming that the bill has been reviewed and edited and that the fees and costs charged are reasonable and necessary.

(C) Response. Any response in opposition must be filed no later than 14 days after the motion for attorney's fees is filed. The response shall set forth the specific charges that are disputed and state with reasonable particularity the basis for such opposition.

(D) Hearing. In its discretion, the court may decide the motion on the papers or set the matter for hearing.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed New Local Rule

Rule 9027-1. Removal

(a) Notice of Removal

(1) If a notice of removal states that upon removal of the claim or cause of action the proceeding or any part of it is core, the notice shall also state that the party removing the proceeding does or does not consent to the entry of final orders or judgment by the bankruptcy if it is determined that the bankruptcy court, absent consent of the parties, cannot enter final orders or judgment.

(2) If a statement filed by a party other than the party filing the notice of removal states that the proceeding or any part of it is core, the party shall also state that the party does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed New Local Rule

Rule 9033-1. Proposed Findings of Fact and Conclusions of Law

If the Court determines that it may not enter a final order or judgment in a particular proceeding designated as core under 28 U.S.C. § 157(b), Fed. R. Bankr. P. 9033 shall apply as if the proceeding were non-core.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed Local Rule Amendment

Rule 1002-1. Commencement of Case

(a) Petition

- (1) All petitions shall be filed in accordance with Fed. R. Bankr. P. 5005 and Miss. Bankr. L.R. 5005-1.
- (2) Any Petitioner other than an unrepresented individual shall be represented by counsel.

(c) Notice

Unless there are exigent circumstances, counsel for the debtor shall contact the United States Trustee at least two (2) business days prior to filing a voluntary petition for relief under chapter 11 of the Bankruptcy Code for the purpose of advising the United States Trustee of the anticipated filing of the petition (without disclosing the identity of the debtor) and the matters on which the debtor intends to seek immediate relief. Counsel shall also comply with the noticing provisions set forth in Miss. Bankr. L.R. 9013-1(g)(3).

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed Local Rule Amendment

Rule 4001-1. Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements

(a) Relief from stay; prohibiting or conditioning the use, sale, or lease of property

(1) Motion

(A) Service

A motion pursuant to section 362(d) and Fed. R. Bankr. P. 4001(a)(1) seeking relief from the automatic stay shall be served in the manner provided for by Fed. R. Bankr. P.s 9014 and 7004. Additionally, unless otherwise ordered by the court, such motion shall be served on any entity having a known lien on the subject property (excluding ad valorem taxing authorities) or that will be affected by the relief requested in the motion; on the United States Trustee; on the case trustee; on any chapter 11 creditors' committee (or its agent); on the creditors listed pursuant to Fed. R. Bankr. P. 1007(d) (only in the absence of duly appointed creditors' committees); and on any person or entity who has filed a request for the receipt of all notices in the case or proceeding and who has served such requests on the trustee or debtor in possession.

(B) Supporting documentation

When a motion seeking relief from the automatic stay is filed, the moving party shall include in the motion and/or attach to the motion the following:

- (i) A description of the subject property;
- (ii) A complete and legible copy of movant's security agreements and security instruments which establish a valid lien encumbering the subject property;
- (iii) The value of the subject property and the basis of the valuation; and,
- (iv) The amount of the outstanding indebtedness secured by each lien encumbering the subject property as reflected by the schedules of the debtor(s) or such other amount as may be known by the movant.

(C) Initial 4001-1 conference

The attorneys for movant or any objecting parties shall confer with respect to the issues raised by the motion in advance of the hearing for the purpose of determining whether a consensual order may be entered and/or for the purpose of

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

stipulating to relevant facts, such as the value of the property and the extent and validity of any security instrument.

(D) Agreed order

(i) If the moving creditor, the debtor(s) and the trustee agree as to the relief to be granted and if relief from the automatic stay as well as abandonment is not contested, an agreed order signed by the debtor(s) or the attorney for the debtor(s), the trustee and the moving creditor shall be submitted to the court for consideration no later than 14 days after the date scheduled for hearing on the subject motion. Parties to whom the order or judgment has been submitted shall promptly sign it or promptly contact the party who drafted it to express any objection to the form of the proposed order or judgment. The parties shall attempt to resolve any differences in the form of the order or judgment before submitting competing orders or judgments to the court.

(ii) As provided by Fed. R. Bankr. P. 4001(d)(4), the court may direct that the procedures prescribed by Fed. R. Bankr. P. 4001(d)(1)-(3) shall not apply and the agreement may be approved without further notice if the court determines that a motion made pursuant to Fed. R. Bankr. P. 4001(a)-(c) was sufficient to afford reasonable notice of the material provisions of the agreement and an opportunity for a hearing; otherwise, notice of the proposed agreed order shall be given to the appropriate creditors and parties in interest.

(E) Order Affecting Real Property

Any Order affecting real property shall either incorporate the legal description of the real property in the body of the order itself, or attach a legal description of the real property as an exhibit to the order.

(3) Waiver or Reduction of Stay of Order

Any proposed order granting relief from the automatic stay may not waive or reduce the 14-day stay unless the motion for relief from the automatic stay specifically states the basis for the waiver or reduction, although the moving creditor, debtor(s), and the trustee may agree to waive or reduce the 14-day stay. The Court may require that a hearing be held on a request for a waiver or reduction of the 14-day stay.

(b) Use of Cash Collateral and Financing Orders

(1) Motion.

(A) Financing Motions

Except as provided herein or in the Local Rules, all cash collateral and financing requests

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

under 11 U.S.C. §§ 363 and 364 shall be heard by motion filed under Fed. R. Bankr. P. 2002, 4001 and 9014 ("Financing Motions"). All Financing Motions filed as an expedited or emergency matters, including specifically First Day Motions as defined in Miss. Bankr. L.R. 9014-1 shall comply with Miss. Bankr. L.R. 9013-1(f) and 9014-1, in addition to this rule.

(B) Provisions to be Highlighted.

All Financing Motions must (a) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (b) identify the location of any such provision in the proposed form of order, cash collateral stipulation and/or loan agreement and (c) justify the inclusion of such provision:

- (i) All of the provisions described in Fed. R. Bankr. P. 4001(c)(1)(B) and (d)(1)(B).
- (ii) Provisions or findings of fact that bind the estate or other parties in interest with respect to the validity, perfection, priority or amount of the secured creditor's prepetition lien or the waiver of claims against the secured creditor without first giving parties in interest at least seventy-five (75) days from the entry of the order and the creditors' committee, if formed, at least sixty (60) days from the date of its formation to investigate such matters;
- (iii) Provisions that deem prepetition secured debt to be postpetition debt or that use postpetition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in 11 U.S.C. § 552(b);
- (iv) Provisions that provide disparate treatment for the professionals retained by a creditors' committee from those professionals retained by the debtor with respect to a professional fee carve-out;
- (v) Provisions that prime any secured lien without the consent of that lienor;
- (vi) Provisions that grant liens on the debtor's property that is unencumbered by consensual liens;
- (vii) Provisions that grant the secured creditor the right to exercise remedies upon a default by the debtor, without notice to the debtor and other parties-in-interest, a hearing, and further order of the court; and
- (viii) Provisions or findings of fact that purport to bind a later appointed trustee to the agreement of the debtor.

(C) All Financing Motions shall also provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity,

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

events of default, use of funds limitations and protections afforded under 11 U.S.C. §§ 363 and 364).

(D) Interim Relief. When Financing Motions are filed with the Court on or shortly after the petition date, the Court may grant interim relief pending review by interested parties of the proposed debtor-in-possession financing arrangements. Such interim relief shall be only what is necessary to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the Court will not approve interim financing orders that include any of the provisions previously identified in Sections (1)(A)(i)-(viii).

(E) Final Orders. A final order shall be entered only after notice and a hearing under Fed. R. Bankr. P. 4001. Ordinarily, the final hearing shall be held at least five (5) business days following the organizational meeting of the creditors' committee contemplated by 11 U.S.C. § 1102.

(c) Obtaining Credit.

The provisions of subpart (b) of this rule shall apply to all motions filed requesting credit under 11 U.S.C. § 364.

(e) Procedure Regarding Motion to Extend the Automatic Stay Pursuant to Section 362(c)(3)(B)

(1) Any party in interest seeking a continuation of the automatic stay pursuant to 11 U.S.C. §362(c)(3)(B), shall file, in accordance with Fed. R. Bankr. P. 9013, a motion and proposed order. The movant shall state whether continuation of the automatic stay is sought with respect to all creditors or, if less than all creditors, shall specify the creditor(s) with respect to whom the continuation of the automatic stay is sought. The movant also shall set forth facts to establish that the filing of the present bankruptcy case was in good faith.

(2) For a motion to continue the automatic stay filed on or within 14 days of the date of filing the petition, the court shall set a hearing date no later than 30 days after the filing of the petition. For a motion to continue the automatic stay filed more than 14 days after the date of the filing of the petition, the court shall set a hearing date with not less than 14 days notice. The mere filing of the motion will not extend the automatic stay beyond the 30th day after the filing of the petition. If the hearing date is more than 30 days after the date of the filing of the petition, it is incumbent on the debtor or other party in interest to seek an injunction (through the filing of a complaint and motion for a Temporary Restraining Order) to stop any creditor/lienholder collection efforts which may be scheduled to occur after the 30th day following the filing of the petition, but before the hearing on the motion to continue the automatic stay.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

(3) A party in interest opposing a motion for continuation of the automatic stay must file a response to the motion. The opponent shall state specifically why the motion should not be granted or state any conditions or limitations that should be imposed upon granting a continuance of the stay.

(4) In the absence of a timely filed response, the Court may allow the motion seeking a continuance of the automatic stay without a hearing.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed Local Rule Amendment

Rule 7012-1. Defenses and Objections – When and How Presented – By Pleadings or Motion – Motion for Judgment on the Pleadings – Statement Regarding Consent to Entry of Final Orders or Judgment by Bankruptcy Court in Responsive Pleading

(a) The procedures set forth in Miss. Bankr. L.R. 7056-1(3) for filing or responding to a motion for summary judgment shall also be applicable to a motion to dismiss.

(b) In an adversary proceeding before a bankruptcy judge, a responsive pleading shall contain a statement that a pleader does or does not consent to entry of final orders or judgment by the bankruptcy court. If no such statement is included, the pleader shall have waived the right to contest the authority of the court to enter final orders or judgment.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed Local Rule Amendment

Rule 7016-1. Pre-Trial Procedure; Formulating Issues

The bankruptcy court shall decide, on the court's own motion or on the timely motion of a party in interest, whether to hear and determine the proceeding, issue proposed findings of fact and conclusions of law, or take some other action.

(a) Case management, status and scheduling conferences in chapter 11 cases

The court on its own motion or on the motion or request of a party in interest may conduct case management, status and scheduling conferences at such times during a case as will further the expeditious and economical resolution of the case. At the conclusion of each such conference, the court may enter case management, scheduling or pre-trial orders as may be required. Such orders may establish notice requirements, set dates on which motions and proceedings will be heard, establish procedures (including briefing schedules) and address such other matters as may be appropriate. This rule shall be applicable in matters contemplated under Fed. R. Bankr. P. 9014.

(b) Pre-trial conference

A pre-trial conference may be held if ordered by the court.

(1) Request for a pre-trial conference

Any party may request that a pre-trial conference be held following the completion of discovery, as provided in the scheduling order, by filing a motion with the clerk.

(2) Failure to appear at pre-trial conference or to cooperate

Unless otherwise permitted by the court under Miss. Bankr. L.R. 7016-1(c), all counsel who will conduct the trial are required to appear before the court for the pre-trial conference. Should an attorney for a party fail to appear or to cooperate in the preparation of the pre-trial order, the court, in its discretion, may impose sanctions, such as costs and fines. The court, nevertheless, may hold a pre-trial hearing and enter an appropriate judgment or order.

(3) Attorney conference prior to pre-trial conference

Before the pre-trial conference, attorneys for all of the parties and any unrepresented individual shall confer and cooperate to permit each party to pre-mark all exhibits and to prepare a proposed pre-trial order for the court, unless a pretrial order is waived by the court.

(4) Pre-trial order

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

The parties shall comply with the requirements and procedures established by each judge with respect to the preparation, execution, submission and service of any pretrial order.

(c) Telephonic Fed. R. Civ. P. 16 scheduling conference or pre-trial conference

For cause shown, and at least 2 days before the time scheduled for a scheduling conference or pre-trial conference, any party to the conference may request that the conference be conducted by telephone or that the party be permitted to participate by telephone. Such request may be made by telephone to the courtroom deputy and shall be communicated contemporaneously to other counsel known to be involved in the hearing or conference. Any party objecting to the request shall promptly advise the court and other counsel.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed Local Rule Amendment

Rule 7033-1. Interrogatories to Parties

(a) Number of interrogatories

Interrogatories propounded by any party to another party shall be limited to 1 set of questions, not to exceed ~~30~~ 25 in number, except by order of the court for good cause shown. In computation of the number of questions propounded, each subpart of a question shall be counted as a question.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed Local Rule Amendment

~~Rule 8001-1. Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals~~ **Rule 8003-1. Appeal as of Right—How Taken; Docketing the Appeal**

~~(a) Appeal as of right; how taken~~ **(c) Serving the Notice of Appeal**

(1) Simultaneously with the filing of any notice of appeal or notice of cross-appeal, with respect to an appeal in which any official committee in the bankruptcy case from which such appeal originated is not a named party to the appeal, the party filing such notice of appeal or notice of cross-appeal shall serve a copy of such notice on counsel to any such official committee and shall file with the notice of appeal or notice of cross-appeal a certificate of service.

(2) Any official committee wishing to be placed on the service list for any appeal for the purpose of receiving notices and copies of papers served shall, within 21 days of service of the notice of appeal or the notice of cross-appeal, file with the bankruptcy clerk a request for notice. Such notice shall become part of the record for the appeal to be transmitted to the clerk of the district court by the clerk of the bankruptcy court.

(3) Nothing contained herein shall affect or in any way determine any official committee's right to intervene in any appeal or cross-appeal or its obligation to seek leave to intervene in any appeal or cross-appeal if such official committee is not a named party to such appeal or cross-appeal.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed Local Rule Amendment

Rule 9013-1. Motions: Form and Service

(a) Rule or statutory basis

Each motion shall specify the rules and statutory provisions upon which it is predicated.

(b) Service of motions and responses; limited notice

(1) When a motion or response is filed, at a minimum, the following persons or entities listed in section (2)(B) below shall be served unless otherwise specifically provided by the Federal Rules of Bankruptcy Procedure, these Local Rules, or by order of the court.

(2) When limited notice is allowed by the Federal Rules of Bankruptcy Procedure or these Local Rules, it shall be in accordance with Miss. Bankr. L.R. 2002-1(m).

(A) In a chapter 7 case, notice shall be given to the debtor, the trustee, the United States Trustee, any court-approved committees, the counsel for each of the foregoing entities, and any other entities affected by the relief requested.

(B) In a chapter 11 case, to the extent limited notice is permitted under the Bankruptcy Rules, notice shall be given to the debtor, any court-approved committee, the twenty largest unsecured creditors if no official committee of unsecured creditors has been appointed, any chapter 11 trustee, the counsel for each of the foregoing entities, all parties who have filed a notice of entry of appearance, the United States Trustee, and any other entities affected by the relief requested.

(C) In a chapter 12 or 13 case, notice shall be given to the debtor, debtor's counsel, the chapter 12 or 13 trustee, the United States Trustee and any other entities affected by the relief requested.

(D) Whenever a pleading governed by Miss. Bankr. L.R. 9013-1 is to be served on the United States, or an officer or agency thereof, the service provisions of Fed. R. Bankr. P. 7004(b)(4)-(b)(5) apply.

(c) Objections

Except for motions made in open court, any objection to a motion shall be made in writing and conform to Miss. Bankr. L.R. 9004-1(b), be filed pursuant to Miss. Bankr. L.R. 5005-1(a)(2)(D) and be served as provided in Miss. Bankr. L.R. 9013-1(b)(1).

(d) Failure to file responsive pleading

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

If a response is not timely filed, the court may enter an order granting the relief requested prior to hearing and may remove the motion or application from the court calendar unless leave to file a late response is granted.

(e) Submitting of order or judgment

After hearings held in the court, the prevailing party shall submit an order or judgment, consistent with the court's ruling, within 14 days of the hearing or such other time as the court may direct, for the court's approval and entry. For settlement announcements prior to a scheduled hearing date, the related order or judgment shall be submitted within 14 days after the scheduled hearing date or such other time as the court may direct. Except as otherwise directed by the court, prior to submitting the order or judgment to the court, the prevailing party shall submit to all parties appearing at the hearing who filed responsive pleadings related to the subject of the motion or hearing the order for their signature indicating approval as to form. Parties to whom the order or judgment has been submitted shall promptly sign it or promptly contact the party who drafted it to express any objection to the form of the proposed order or judgment. The parties shall attempt to resolve any differences in the form of the order or judgment before submitting competing orders or judgments to the court.

(f) Expedited or emergency matters

(1) Motion for expedited or emergency hearing

A request for hearing on an expedited or emergency basis shall be made by contacting the courtroom deputy, stating the reason the matter should be considered on an expedited or emergency basis. Counsel for the movant shall immediately thereafter notify counsel for the respondent of the emergency hearing setting. "Expedited basis" or "emergency basis" is defined as any hearing within 14 days of the filing of the motion on which the emergency hearing is requested.

(2) Response to expedited or emergency matters

A response to a motion or application set on an expedited or emergency basis and/or seeking expedited or emergency hearing may be filed until and including the date of the hearing, unless otherwise ordered by the court. The respondent must serve the response on the opposing counsel as soon as possible by facsimile and/or email and must file the original response with the court in accordance with Miss. Bankr. L.R. 9013-1(c).

(3) First Day Motions in Chapter 11 Cases.

First Day Motions as defined in subpart (g) which are of an expedited or emergency nature shall comply with this rule.

(g) First Day Motions in Chapter 11 Cases. Procedure.

(1) Definition.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Any motion or application in which the debtor requests a hearing or the entry of an order on an expedited basis as defined in Miss. Bankr. L.R. 9013-1(f) prior to the earlier of the creditors' committee formation meeting or the 11 U.S.C. § 341 meeting of creditors ("First Day Motions") shall be governed by this Local Rule.

(2) Scope of Relief Requested.

Requests for relief under this rule shall be confined to matters of genuine emergency required to preserve the assets of the estate and to maintain ongoing business operations and such other matters as the Court may determine appropriate.

(3) Notice to the United States Trustee and Certain Other Parties.

Once a petition is filed and the case is assigned to a bankruptcy judge, counsel for the debtor shall contact the judge's chambers to schedule a hearing on those applications and motions as soon as reasonably possible. Counsel for the debtor shall prepare and file a notice of hearing identifying the matters on which the debtor asks to be heard under this rule. The debtor shall serve the notice of hearing, all motions, applications, and proposed orders (as required by Miss. Bankr. L.R. 5005-1(a)(2)(D)(i)) to be heard (in substantially final form) upon the United States Trustee, the creditors included on the list filed under Fed. R. Bankr. P. 1007(d) and any party directly affected by the relief sought in such applications and motions, at least twenty-four (24) hours in advance of a hearing on such applications, motions, and proposed orders, unless otherwise ordered by the Court, and shall file a certificate of service to that effect within forty-eight (48) hours.

(4) Notice of Entry of Orders.

Within forty-eight (48) hours of the entry of an order entered under this rule ("First Day Order"), the debtor shall serve copies of all motions and applications filed with the Court as to which a First Day Order has been entered, and any First Day Orders entered, on those parties referred to in Miss. Bankr. L.R. 9013-1(g)(3), and such other entities as the court may direct, and shall file a certificate of service to that effect within forty-eight (48) hours.

**Proposed Amendment to Uniform Local Rules for
United States Bankruptcy Courts
Northern and Southern Districts of Mississippi**

Proposed Local Rule Amendment

Rule 9014-1. Contested Matters

(a) Motion

- (1)** If a matter requires a hearing, notice of the setting shall be accomplished by the clerk, unless otherwise directed by the court.
- (2)** All Financing Motions as defined in Miss. Bankr. L.R. 4001-1(b)(1)(A) that are not First Day Motions as defined in Miss. Bankr. L.R. 9013-1(g)(1) or a motion for expedited or emergency hearing under Miss. Bankr. L.R. 9013-1(f) are otherwise governed by this rule and any other rules specific to the relief sought.
- (3)** Motions initiating contested matters which request expedited or emergency hearings shall comply with Miss. Bankr. L.R. 9013-1(f).

(c) Application of Part VII rules

The court may order Miss. Bankr. L.R. 7016-1 to apply to contested matters. Unless ordered otherwise, to the extent that Part VII of the Federal Rules of Bankruptcy Procedure are applicable to contested matters pursuant to the Fed. R. Bankr. P. 9014(c), the corresponding Mississippi Bankruptcy Local Rules for Part VII shall apply to contested matters.