

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**NOTICE TO THE BAR AND PUBLIC
CONCERNING 2024 LOCAL RULE AND FORM REVISIONS**

The bar and public are advised that, pursuant to the Court's annual rule making cycle, the following Local Rules for the U. S. Bankruptcy Court for the District of New Jersey are new or have been revised. The changes are effective **August 1, 2024**.

- **D.N.J. LBR 1002-2. Chapter 11 Complex Case Eligibility and Procedures (new)**
- **D.N.J. LBR 1016-1. Death or Finding of Incompetency of a Debtor (amended)**
- **D.N.J. LBR 3011-1. Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, or Chapter 13 (amended)**
- **D.N.J. LBR 9013-4. Motions: Proposed Order (amended)**
- **D.N.J. LBR 9019-3. Compromise or Settlement of Controversy (amended)**
- **D.N.J. LBR 9019-4. Consent Order (new)**
- **D.N.J. LBR 9021-1. Consent Order (deleted in favor of new D.N.J. LBR 9019-4)**

The Local Rules of the U.S. Bankruptcy Court for the District of New Jersey, when published, supersede all previously entered general orders concerning Court policy governed by local rule. Additionally, the Local Rules also implement the following new and revised mandatory Local Forms during the Court's rule making cycle:

- **Application for Designation as a Chapter 11 Complex Case (revised form)**
- **Order Granting Chapter 11 Complex Case Designation (revised form)**
- **Chapter 11 Complex Case Management Order (new form)**
- **Order Regarding Application for Expedited Consideration of First Day Matters (revised form)**
- **Notice of Death or Finding of Incompetency of a Debtor (revised form)**
- **Application for Payment of Unclaimed Funds (revised form)**
- **Certification Concerning Proposed Order (new form)**
- **Certification Concerning Order to Be Submitted (form eliminated)**
- **Certification of Consent Regarding Consent Order (form eliminated)**

The above-referenced Local Rules and Forms are attached for ease of reference. The complete Local Rules package, including the full Chapter 11 Complex Case Procedures, will be posted on the Court's website, www.njb.uscourts.gov, on or about August 1, 2024.

Dated: August 1, 2024

Jeanne A. Naughton, Clerk

D.N.J. LBR 1002-2. Chapter 11 Complex Case Eligibility and Procedures

(a) Eligibility. A Chapter 11 debtor is eligible for designation as a Complex Case if the debtor has \$50 million or more in assets or \$50 million or more in liabilities, aggregated for jointly administered cases; 1,000 or more creditors, or may be considered a case of high public interest.

(b) Designation. A Chapter 11 debtor whose case meets the eligibility requirements under subdivision (a), and who is seeking designation as a Complex Case, must file, concurrently with the order for relief, Local Form *Application for Designation as a Complex Case* and proposed Local Form *Order Granting Designation as a Complex Case*.

(c) Applicability of Procedures. The *General Order Governing Chapter 11 Complex Case Procedures* is incorporated by reference into this Rule and applies in a Complex Case. A proposed Local Form *Case Management Order* must attach as an exhibit, the General Order. Provisions outside the scope of the General Order must be highlighted for the Court's review.

2024 Comment

This Rule is new. It introduces the Court's requirements for designation as a Complex Case, governing procedures, and required local forms.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: 11

Hearing Date: _____

Judge: _____

**APPLICATION FOR DESIGNATION
AS A CHAPTER 11 COMPLEX CASE**

This bankruptcy case was filed on _____, 20__ . The undersigned party in interest believes that this case qualifies under D.N.J. LBR 1002-2 and the Court's *General Order Governing Chapter 11 Complex Case Procedures*, dated August 1, 2024, as a Chapter 11 Complex Case because:

(select all applicable items)

- The Debtor has total liabilities of at least than \$50 million;
- The Debtor has total assets of more than \$50 million;
- There are more than 1,000 creditors in this case;
- The Debtor's case is of high public interest;
- Other: Substantial explanation is required. (Attach additional sheets if necessary.)

Date: _____

Signature _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter:

11

Hearing Date: _____

Judge: _____

**ORDER GRANTING CHAPTER 11
COMPLEX CASE DESIGNATION**

The relief set forth on the following pages, numbered two (2) through (2) is hereby **ORDERED**.

.....

After review of the initial pleadings filed in this case, the Court concludes that this case meets the eligibility requirements of a Chapter 11 Complex Case under D.N.J. LBR 1002-2, and therefore

IT IS ORDERED that the request set forth in the *Application for Designation as a Chapter 11 Complex Case* pursuant to the Court's *General Order Governing Chapter 11 Complex Case Procedures* is **HEREBY GRANTED**; and

IT IS FURTHER ORDERED that the *Chapter 11 Complex Case Procedures* annexed to the *Court's General Order Governing Chapter 11 Complex Case Procedures* shall apply; and

IT IS FURTHER ORDERED that, within ___ days from the entry of this Order, the parties are directed to submit to chambers's email a proposed Case Management Order utilizing Local Form *Chapter 11 Complex Case Management Order*. The Case Management Order must attach as an exhibit the General Order with annexed Chapter 11 Complex Case Procedures. Provisions outside the scope of the General Order must be highlighted for the Court's review.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No. _____

Chapter: 11

Judge: _____

CHAPTER 11 COMPLEX CASE MANAGEMENT ORDER

The relief set forth on the following pages, numbered two (2) through two (2), is
ORDERED.

Upon entry of the Court's *Order Granting Chapter 11 Complex Case Designation*, dated _____, directing the parties to submit a proposed Chapter 11 Complex Case Management Order,

IT IS HEREBY ORDERED THAT:

1. The Court's *Chapter 11 Complex Case Procedures*, annexed hereto, apply in this Chapter 11 Case, except as otherwise ordered by the Court and specifically set forth below.

2. [Provisions outside the scope of the General Order must be highlighted below for the Court's review: Add pages as necessary]

3. The next three omnibus hearings are scheduled as follows:

(a) __: __ .m., prevailing Eastern Time, on _____;

(b) __: __ .m., prevailing Eastern Time, on _____; and

(c) __: __ .m., prevailing Eastern Time, on _____.

4. This Order shall be effective immediately upon entry, and the Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Order.

5. A true copy of this Order shall be served on all required parties pursuant to the *General Order Governing Chapter 11 Complex Case Procedures*.

6. Any party may move for modification of this Order.

7. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

new.8/1/2024

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Hearing Date: _____

Judge: _____

**ORDER REGARDING APPLICATION FOR EXPEDITED
CONSIDERATION OF FIRST DAY MATTERS**

The relief set forth on the following pages, numbered two (2) and three (3), is ORDERED.

After review of the Application for Expedited Consideration of First Day Matters, and for good cause shown;

IT IS ORDERED that the following motions are scheduled for hearing before the Honorable _____ in Courtroom # no. _____ located at _____ on the date(s) and time(s) set forth below:

MATTER	HEARING DATE and TIME
1. Motion Seeking the Joint Administration of Multiple Debtor Bankruptcy Cases.	
2. Motion for an Order Authorizing the Debtor an Extension of Time Within Which to File Statements and Schedules.	
3. Motion for an Order Authorizing the Emergency Use of Cash Collateral or Debtor-In-Possession Financing Pending the Noticing and Scheduling of an Interim Hearing for Financing Pursuant to Bankruptcy Code § 363 and 364 and Fed. R. Bankr. P. 4001.	
4. Motion for an Order Authorizing the Debtor to Maintain Existing Bank Accounts and Business Forms and Cash Management Procedures Providing the United States Trustee’s Office with a 60 Day Period to Object to Said Order before It Becomes a Final Order.	
5. Motion for an Order Authorizing a Debtor to Modify the Investment Guidelines Set Forth in Bankruptcy Code § 345 on an Interim Basis, Providing the United States Trustee’s Office and Any Other Parties-in-Interest a 60-Day Period to Object to Said Order Before it Becomes a Final Order.	
6. Motion for an Order Authorizing the Debtor to Pay Pre-Petition Wages, Salaries, Compensation, Employee Benefits and Reimbursable Business Expenses up to the Limits Set Forth in Bankruptcy Code § 507(a).	
7. Motion for an Order Authorizing the Debtor to Pay Pre-Petition Sales, Use, Payroll and Other Taxes That Are Otherwise Priority Claims Under Bankruptcy Code § 507.	
8. Motion for an Order Authorizing the Debtor to Continue Credit Card Facilities.	
9. Motion for an Order Authorizing the Debtor to Honor Certain Pre-Petition Customer Obligations, Deposits, Rebates, Etc.	

MATTER	HEARING DATE and TIME
10. Motion for an Order Authorizing the Debtor to Continue With and Pay Pre-Petition Outstanding Amounts Due on Various Insurance Policies.	
11. Motion for an Order Authorizing Payment of Outstanding and Unpaid Pre-Petition Debt to Certain Vendors Who Provide Critical and Necessary Services and/or Products to the Debtor.	
12. Motion for an Order Pursuant to Bankruptcy Code § 366 Regarding Adequate Assurance for the Future Performance for Utilities and Establishing Procedures for Determining Requests for Additional Adequate Assurance.	
13. Motion for an Order Authorizing the Debtor to Retain a Claims and Noticing Agent.	
14. Motion for an Order Establishing Noticing Procedures.	
15. Others:	

IT IS FURTHER ORDERED that, unless the Court directs otherwise, service of this Order must be made under D.N.J. LBR 9013-5(f) or, for cases designated as Chapter 11 Complex Cases, in accordance with the *General Order Governing Chapter 11 Complex Case Procedures*; and

IT IS FURTHER ORDERED, that objections and/or responses to First Day Matters, if any, may be made under D.N.J. LBR 9013-5(d).

D.N.J. LBR 1016-1. Death or Finding of Incompetency of a Debtor

Within 30 days of learning of (i) the death, or (ii) a finding of incompetency of a debtor through appropriate legal process, debtor's counsel must file Local Form *Notice of Death or Finding of Incompetency of a Debtor*. Debtor's counsel must also separately file the certificate of death or the court order pertaining to incompetency or guardianship. The certificate of death or court order pertaining to incompetency or guardianship will be immediately restricted from public viewing by the clerk's office without the necessity of a motion under these Rules. In the case of a self-represented debtor, any person who becomes aware of a debtor's death or incompetency may also file said Local Form and the certificate of death or court order pertaining to incompetency or guardianship. Any relief related to the death or incompetency of a debtor must be requested by separate motion.

2024 Comment

This Rule is amended to include the requirements for filing a certificate of death or court order pertaining to incompetency or guardianship.

2023 Comment

This Rule is new. It is meant to facilitate notice to the court upon the death or finding of incompetency of a debtor.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Judge: _____

**NOTICE OF DEATH OR
FINDING OF INCOMPETENCY OF A DEBTOR**

I, _____, am the

Executor (select if appointed by a will)

Administrator (select if no will and appointed by a probate court)

of the estate of _____ (name of debtor),

Other (identify relationship to debtor) _____,

and hereby certify as follows:

1. Debtor, _____ (name of debtor),

died on _____ (date).

was declared legally incompetent on _____ (date) by _____
_____ (insert appropriate court).

IMPORTANT: PLEASE DO NOT INCLUDE CERTIFICATE OF DEATH OR COURT ORDER PERTAINING TO INCOMPETENCY OR GUARDIANSHIP WHEN E-FILING THIS FORM. ENTER THE CERTIFICATE OF DEATH OR COURT ORDER PERTAINING TO INCOMPETENCY OR GUARDIANSHIP SEPARATELY, AS INSTRUCTED IN CM/ECF.

2. The debtor's legal representative is _____

_____ (if known, include title and contact information).

3. I do / do not have knowledge of the debtor's assets and liabilities, and financial aspects of the debtor's estate.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, then I am subject to punishment.

Dated: _____

Signature: _____

Print name: _____

Address: _____

Filed by: _____

Attorney/Other

D.N.J. LBR 3011-1. Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, or Chapter 13

(a) Deposit. A trustee must file Local Form *Notice Depositing Unclaimed Funds Pursuant to D.N.J. LBR 3011-1* to deposit unclaimed funds into the court's registry without court order.

(b) Payment of unclaimed funds.

(1) All claimants must use Local Form *Application for Payment of Unclaimed Funds*.

(2) A claimant must be:

(A) the Owner of Record (original payee) or its legal successor; or

(B) the Owner of Record's assignee or its legal successor.

(3) The application must include the supporting documentation identified in the Instructions for Filing an Application for Payment of Unclaimed Funds. The court may, in its discretion, request supplemental documentation or additional information from a claimant and conduct a hearing to verify entitlement to the funds.

(4) The application must be served on the United States Attorney for the District of New Jersey and Local Form *Certification of Service* must be filed.

(5) The application must include Local Form *Order Granting Application for Payment of Unclaimed Funds*.

(c) Objection. An objection to the application must be filed and served within 21 days after filing the application. The court may conduct a hearing on the objection in its discretion.

2024 Comment

This Rule is modified to assist the court in preventing fraud. The Rule now expressly permits the court to request additional information from a claimant and to require appearances at a hearing on any application.

2020 Comment

The title of this Rule is amended to include Subchapter V of Chapter 11 due to the enactment of the Small Business Reorganization Act of 2019.

This Rule is amended to conform with the adoption of Director's Form 1340 (to be effective December 1, 2019) by the Judicial Conference of the United States.

If an objection is timely filed in accordance with subsection (c) the court will schedule a hearing.

In a closed case, no motion to reopen is required and no reopening fee will be charged.

2015 Comment

Section 2041 of title 28 governs deposit of funds in pending or adjudicated cases, and section 2042 governs withdrawal of funds deposited in court.

This Rule applies only to unclaimed distributions deposited into court by a trustee under § 347(a) of the Code. All other funds deposited into court are governed by Local Bankruptcy Rule 7067-1. In a closed case, the chief bankruptcy judge will hear the motion for withdrawal.

Fill in this information to identify the case:

Debtor 1

First Name Middle Name Last Name

Debtor 2

(Spouse, if filing) _____
First Name Middle Name Last Name

United States Bankruptcy Court for the: District of New Jersey
(State)

Case number:

Form 1340 (8/24)

APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS

1. Claim Information

For the benefit of the Claimant(s)¹ named below, application is made for the payment of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds.

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:

\$ _____

Claimant's Name:

Claimant's Current Mailing
Address, Telephone
Number, and Email Address:

Phone number: _____

Email address: _____

2. Claimant Information

Applicant² represents the following:

- The Claimant is the Owner of Record³ entitled to the unclaimed funds appearing on the records of the court.
- The Claimant (Successor Claimant) is entitled to the unclaimed funds by transfer, assignment, purchase, merger, acquisition, or succession by other means, and below are the name(s) of the Owner of Record and all previous owner(s) of the claim:

- If the Claimant is a Successor Claimant, Applicant has sent a copy of the application to the Owner of Record and all other previous owner(s) of the claim at their current address or Applicant has enclosed a statement explaining why Applicant was not able to do so or an explanation of why doing so is not necessary.

¹ The Claimant is the party entitled to the unclaimed funds.

² The Applicant is the party filing the application. The Applicant and Claimant may be the same.

³ The Owner of Record is the original payee.

3. Applicant Information

Applicant represents the following:

- Applicant is the Claimant.
- Applicant is Claimant’s representative (e.g., attorney or unclaimed funds locator).
- Applicant is a representative of the deceased Claimant’s estate.

4. Supporting Documentation

- Applicant has read the court’s instructions for filing an Application for Unclaimed Funds and is providing the required supporting documentation with this application.

5. Notice to United States Attorney

- Applicant has sent a copy of this application and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney
 District of New Jersey
 Peter Rodino Federal Building
 970 Broad Street, Suite 700
 Newark, New Jersey 07102

6. Applicant Declaration

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the application or supplemental materials may result in criminal penalties, see, e.g, 18 U.S.C. § 152.

Date: _____

Signature of Applicant

Printed Name of Applicant

Address: _____

Telephone: _____

Email: _____

6. Co-Applicant Declaration (if applicable)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the application or supplemental materials may result in criminal penalties, see, e.g, 18 U.S.C. § 152.

Date: _____

Signature of Co-Applicant (if applicable)

Printed Name of Co-Applicant (if applicable)

Address: _____

Telephone: _____

Email: _____

D.N.J. LBR 9013-4. Motions: Proposed Order

(a) Separate document. A proposed order must be a separate document.

(b) Order Template. A party submitting a proposed order must use Local Form *Order Template*.

(c) Title. The title of a proposed order must identify the relief sought.

(d) Order to be submitted. If the court instructs a party to submit a new proposed order to reflect its ruling during a hearing, the new proposed order must be submitted to the chambers's email address. The same procedure must be used if the parties resolve a pending motion prior to the hearing and the calendar is marked "order to be submitted." The proposed order will be held for a 7-day objection period. If the parties seek immediate entry of the proposed order, they must inform the court in their email that they have filed Local Form *Certification Concerning Proposed Order*.

(e) Objection period. An objection to an order submitted under subdivision (d) must be submitted to the chambers's email address and served on all interested parties not later than 7 days after submission of the order. The objection must include an alternative proposed order. The court may conduct a hearing on the objection in its discretion.

2024 Comment

Subdivision (d) of this Rule has been modified to coincide with new Local Form *Certification Concerning Proposed Order*. The form comports with new Local Bankruptcy Rule 9019-4.

Local Bankruptcy Rule 9021-1 is superseded by new Local Bankruptcy Rule 9019-4.

2018 Comment

This Rule has been amended to reflect the prevailing practice of attorneys requesting that a calendar be marked "order to be submitted" and to clarify the procedure for seeking immediate entry of a proposed order. Local Form *Certification Concerning Order to be Submitted* is new and is intended to document the parties' consent to entry of the proposed order.

Consent orders resolving adversary proceedings and those filed in lieu of a motion are governed by Local Bankruptcy Rule 9021-1.

2015 Comment

This Rule is new. It is derived from former Local Bankruptcy Rules 9072-1 and 9072-2, which have been deleted.

The 7-day objection period in subdivision (e) does not apply if the parties inform the court that they agree to entry of the revised order.

Local Bankruptcy Rule 7058-1 addresses proposed judgments in adversary proceedings.

Local Bankruptcy Rule 9021-1 addresses consent orders.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Hearing Date: _____

Judge: _____

CERTIFICATION CONCERNING PROPOSED ORDER

I, _____, certify that with respect to the proposed order submitted to the court, the following is true and correct to the best of my knowledge.

For the matter titled _____ filed on _____:

Orders to be Submitted

1.) A hearing was held and the matter was marked "Order to be submitted." All parties to the matter have reviewed the proposed order and agree that the proposed order comports with the Court's ruling and may be entered without being held for 7 days under D.N.J. LBR 9013-4(d).

OR

2.) A pending matter has been resolved. All parties to the matter have reviewed the proposed order and agree it may be entered without being held for 7 days under D.N.J. LBR 9013-4(d).

Consent Orders

3.) A proposed consent order relating to a pending matter has been submitted. All parties to the matter have reviewed the proposed consent order and agree it may be entered under D.N.J. LBR 9019-4(a).

OR

4.) An application and proposed consent order not relating to a pending matter has been filed under D.N.J. LBR 9019-4(b). All parties to the matter have reviewed the proposed consent order and agree it may be entered without being held for 7 days under D.N.J. LBR 9019-4(b).

Final paragraph options:

5.) If submitting the consent order and this certification to the Court conventionally, I acknowledge the signing of same for all purposes, including those under Fed. R. Bankr. P. 9011.

OR

6.) If submitting or filing the consent order and this certification to the Court electronically, I will simultaneously electronically file this certification, thereby signing same for all purposes including those under Fed. R. Bankr. P 9011.

A copy of the proposed order has been provided to:

NAME	RELATIONSHIP TO CASE
	<input type="checkbox"/> Trustee
	<input type="checkbox"/> U.S. Trustee

I certify under penalty of perjury that the foregoing is true.

Date: _____

Signature

D.N.J. LBR 9019-3. Compromise or Settlement of Controversy

(a) Motion required. A party seeking an order of the Court approving a proposed compromise or settlement of a controversy must file a motion and, except where the motion is heard on shortened time, must file Local Form *Notice of Proposed Compromise or Settlement of Controversy*.

(b) Adversary Proceeding. If the settlement is of an adversary proceeding, the motion should be filed in the adversary case and the *Notice of Proposed Compromise or Settlement of Controversy* filed simultaneously in both the adversary and the main case.

2024 Comment

This Rule is amended to clarify the procedures set forth in Bankruptcy Rule 9019 for approval of a proposed compromise or settlement. Where a motion under Bankruptcy Rule 9019 is not required, parties are directed to D.N.J. LBR 9019-4.

When the motion will be heard on shortened time, the motion should be served as directed by the Order Shortening Time and Local Form *Notice of Proposed Compromise or Settlement of Controversy* is not needed.

2015 Comment

This Rule is new. In addition to the motion required under Bankruptcy Rule 9019, it provides the procedure for a party seeking approval of a proposed compromise or settlement of controversy to supply information to the court to satisfy the clerk's responsibility to send notice under Bankruptcy Rule 2002(a)(3).

Local Bankruptcy Rule 6004-1 addresses the notice requirements under Bankruptcy Rule 2002(a)(2) for a motion to sell property.

D.N.J. LBR 9019-4. Consent Order

(a) Consent order resolving pending motion or adversary proceeding. A proposed consent order resolving a motion or adversary proceeding must be submitted to the chambers's email address. It must attach a filed copy of Local Form *Certification Concerning Proposed Order*.

(b) Consent order in lieu of motion or adversary proceeding. In addition to the requirements set forth in subdivision (a), if a proposed consent order is not related to a pending matter, the proponent must file an application that includes the facts and law supporting entry of the proposed consent order. Objections must be filed not later than 7 days after the filing of the application.

2024 Comment

This Rule is new. It replaces former D.N.J. LBR 9021-1. It augments the procedures set forth in D.N.J. LBR 9013-4(d) and (e). This Rule is intended for use only where all impacted parties are signatories to the consent order. Nothing in this Rule is intended to override compliance with Bankruptcy Rule 9019 where appropriate.