

1983 Edition

**Bankruptcy Code,
Rules and Forms**

**Including:
Federal Rules of Civil
Procedure and Federal
Rules of Evidence**

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PREFACE

This publication contains the current Bankruptcy Code (11 U.S.C.A.), new Bankruptcy Rules and Official Forms, Federal Rules of Civil Procedure, and Federal Rules of Evidence—with comprehensive Indexes for each.

The new Bankruptcy Rules and Forms, as adopted by the United States Supreme Court, became effective August 1, 1983. The accompanying Advisory Committee Notes, as prepared by the drafters of the new Rules and Forms, have also been included to assist the practitioner in making the transition from the old to the new procedural requirements.

The Federal Rules of Civil Procedure and Federal Rules of Evidence have been included in this pamphlet to provide the practitioner with a “single source” reference for current bankruptcy laws, rules, and forms. The Federal Rules of Civil Procedure (as amended effective August 1, 1983) apply primarily to adversary proceedings under Parts VII and IX of the new Bankruptcy Rules. Bankruptcy Rule 9017 provides that the Federal Rules of Evidence shall govern evidentiary matters in bankruptcy proceedings.

Reference is made to the “Highlights of the New Bankruptcy Rules and Forms” as prepared by Bankruptcy Judge Harold Lavien of Boston, Massachusetts. This feature provides a helpful overview of the major changes occasioned by the new Rules and Forms.

THE PUBLISHER

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HIGHLIGHTS OF NEW BANKRUPTCY RULES AND FORMS *

INTRODUCTION

Originally the Bankruptcy Act of 1898 was primarily a procedural act so that only a limited need existed for rules and that need was filled by the General Orders issued by the Supreme Court under the authority of Section 30 (11 U.S.C. § 53) of that Act. Section 30 limited the Supreme Court's rulemaking power to being consistent with the provisions of the Act. Therefore, the General Orders were designed to explain, amplify and apply but did not change the statutory provisions of the Bankruptcy Act of 1898.

Section 30 was repealed by Public Law 88-623, effective October 3, 1964, in order to save Congress from having to act on the many bills seeking to make mere procedural changes. The new provision found in 28 U.S.C. § 2075 gave the Supreme Court the power to prescribe general rules and forms as long as they did not "abridge, enlarge, or modify any substantive right." Additionally, all laws in conflict with these rules would be of no further force and effect.

Under this new power, on varying dates between 1973 and 1976, the General Orders were replaced by Bankruptcy Rules promulgated by the Supreme Court on recommendation of its Judicial Conference acting through its Standing Committee on Rules of Practice and Procedure and its Advisory Committee on Bankruptcy Rules.

The Advisory Committee on Bankruptcy Rules was newly constituted as of January 1, 1979 in response to the enactment of Public Law 95-598, generally effective October 1, 1979, unofficially called the Bankruptcy Reform Act of 1978. It repealed the former Bankruptcy Act of 1898 and replaced that Act with a codified bankruptcy law in title 11 U.S.C. (the "Code").

Section 405(d) of Public Law 95-598 provides that the existing bankruptcy rules not inconsistent with the Bankruptcy Code remain in effect until repealed or superseded by new rules promulgated pursuant to 28 U.S.C. § 2075, as amended.

* Prepared by Hon. Harold Lavien, Bankruptcy Judge, Boston, Massachusetts.

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With the new bankruptcy rules becoming effective on August 1, 1983,¹ the prior bankruptcy rules as well as the suggested interim rules are superceded. There is a basic difference in the force and effect of the new rules and the old rules. Since the Bankruptcy Reform Act of 1978 (hereinafter Bankruptcy Code or Code) is intended as a substantive bankruptcy law as distinguished from the procedural nature of the 1898 Act, the drafters left the procedural provisions to be treated in the rules. Congress has returned to a limitation on the Supreme Court's rulemaking authority. Section 247 of Public Law 98-598 amends 28 U.S.C. § 2075 to require that rules promulgated thereunder be consistent with the Code. Now we have almost come full circle. As in the original Section 30 of the 1898 Act, in the event of a dispute between the Code and the Rules, the Code prevails.

The scope of the rules and forms is set forth in Rule 1001. The format is similar to that of the prior rules. They are divided into ten parts with titles indicating the subject matter of the rules grouped in each part. The new rules, however, are not divided into chapters related to the different types of debtor relief chapters in the Code. These rules apply in all chapter cases except as a particular rule otherwise provides.

Part X of these rules pertains only to the pilot districts in which a United States trustee is serving. Pursuant to § 408(c) of Public Law 95-598, the pilot program established by chapter 39 of 28 U.S.C. terminates as of April 1, 1984 unless further legislation is enacted by Congress. If this legislation is not enacted, Part X can be repealed without affecting the other rules.

Before discussing the Rules and other changes of significance, there are ten changes of such importance that they should be highlighted:

1. Rule 3002(c) changes the time limit for filing claims from six months to 90 days after the date set for the first meeting of creditors in Chapter 7 and Chapter 13.

2. Rule 3017 eliminates the confusion and expense caused by mailing the first filed draft of the disclosure statement to all the creditors in anticipation of the hearing on objections to the disclosure statement in Chapter 11 reorganizations. "The plan and

1. According to the Order of the Supreme Court of the United States of April 25, 1983, the Bankruptcy Rules take effect on August 1, 1983, and shall be applicable to proceedings then pending, except to the extent that in the opinion of the court their application in a pending proceeding

would not be feasible or would work injustice, in which event the former procedure applies. The complete text of the new Bankruptcy Rules, and accompanying Advisory Committee Notes, appear at pages 519 et seq. of this publication.

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disclosure statement shall be mailed with the notice of hearing *only* to the debtor, trustee, any committee appointed under the Code, the Securities and Exchange Commission and any party in interest who requests in writing a copy. . . .”

While not required in this rule, Rule X-1008(a)(4) logically requires a copy of the disclosure statement to be mailed to the United States Trustee if you are in a United States Trustee district.

3. Rule 4001 provides that relief from the automatic stay shall be requested by motion not by complaint.

4. By adopting the uniform procedure for pleading and process employed by the district courts, Part VII makes in the first instance all the time requirements of the Federal Rules of Civil Procedure applicable in bankruptcy. Most significantly Part VII does away with the unique bankruptcy summons that set a pre-trial and trial date at the very beginning of the case.

5. Rule 5002 expands the scope of the prohibition on employment or appointment and is drawn so broadly that it could be construed as barring from any appointment former bankruptcy judges, former law clerks, and their relatives, former partners or new partners or associates with no restriction as to time or familiarity with a particular case.

6. Rule 2013 requires the clerk of the bankruptcy court to maintain a public record listing who is appointed and how much they have received as compensation. The rule continues the approach used in the Suggested Interim Rules which is an attempt to protect against excessive patronage and provide against the concentration of appointments in one firm or person.

7. Rule 3010 furthers the policy of eliminating small dividend checks by providing that in Chapter 7 no dividend of less than five dollars shall issue and in Chapter 13 no regular payments of less than fifteen dollars shall be made. The previous rule made the distribution of dividends discretionary if they were less than one dollar in Chapter 7 and had no limit in Chapter 13.

8. Rule 2015 further emphasizes and makes explicit the duties of the trustee or debtor in possession to keep records, make reports, and give notice.

9. Rule 2002 sets forth the various items requiring notices of 20 and 25 days. The rule also specifies the contents of notices of sales and other notices.

10. Rule 9011 explicitly carries into the bankruptcy practice the trend in the new Federal Rules aimed at controlling frivolous pleadings by making the signing of the pleading a certification

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that the attorney has made "reasonable inquiry" that the document is well grounded in fact and is warranted by existing law. A violation of the rule no longer need be willful and shall be the subject of sanctions.

ORGANIZATION OF RULES

As to the organization of the Rules, the ten parts are divided as follows:

Part I contains rules relating to the commencement of cases under the Code, to voluntary and involuntary petitions, and to the order for relief following an involuntary petition.

Part II concerns various administrative matters, including appointment and qualification of trustees, employment of professionals by trustees, creditors' meetings, voting, and examination of debtors.

Part III details the form and time for filing claims. It also includes procedures for adopting plans of reorganization under chapter 11 and plans of arrangement under Chapter 13 of the Code.

Part IV deals with the debtor's duties and benefits, such as claiming exemptions permitted under the Code and obtaining a discharge from debts.

Part V is general and governs matters unique to the bankruptcy court and its personnel. It contains provisions for filing papers, record keeping, and disqualification of judges.

Part VI contains rules governing various aspects of the collection and disbursement of moneys into and from the estate.

Part VII, entitled "Adversary Proceedings," explicitly adopts most of the Federal Rules of Civil Procedure for litigated matters of a truly adversarial nature, *i.e.*, actions between estates and third parties.

Part VIII covers appeals from bankruptcy courts to the district courts, bankruptcy appellate panels (presently existing in the First and Ninth Circuits), and, in part, to the Courts of Appeals when a direct appeal is taken by agreement of the parties.

Part IX contains general provisions, including definitions, and specifies the Federal Rules of Civil Procedure applicable to disputed matters commenced other than by complaint under Part VII.

Part X concerns the procedure in the eighteen pilot districts in which a United States trustee has been appointed. (This ex-

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perimental program will end on April 1, 1984, unless Congress enacts further legislation.)

SIGNIFICANT PROVISIONS OF THE NEW RULES

In many respects the rules contain provisions similar to those in the former rules and many of the changes are already familiar as part of the Suggested Interim Rules of 1979. Necessarily there are differences occasioned by changes made by the Code and there are provisions for the new matters. Some rules contain provisions different from those in the former rules because of changes occurring in the practice in the bankruptcy courts. Some of the significant provisions follow:

(1) Rule 1007(d) requires a debtor in a Chapter 9 or 11 case to file a list of its 20 largest unsecured creditors with the petition. This will assist the court in expediting appointment of a creditors' committee as required by § 1102 of the Code. The Suggested Interim Rules called for ten.

(2) Rule 1011(b) provides that an answer to an involuntary petition must be filed within 20 days after service of summons.

(3) Rule 2003(b)(1) provides that the clerk of the bankruptcy court is to preside at the meeting of creditors unless the court designates another person or one is elected by creditors. Section 341(c) of the Code changes former practice and does not permit the judge to preside at the meeting.

(4) Rule 2003(b)(3) requires that a creditor desiring to vote at the meeting of creditors have either a proof of claim or some writing evidencing a right to vote. The rule provides the procedure for the holder of an allowable claim to vote and is designed to eliminate disputes at meetings by requiring some evidence of creditor status.

(5) Rule 2006, which regulates solicitation of proxies, applies only in Chapter 7 cases because creditors may vote for a trustee or committee only in those cases.

(6) Rule 2007 provides a procedure for the appointment of a prepetition committee as the statutory committee in a Chapter 11 case.

(7) Rule 2015 further emphasizes and makes explicit the duties of the trustee or debtor in possession to keep records, make reports, and give notice.

(8) Rule 2002 sets forth the various items requiring notices of 20 and 25 days. The rule also specifies the contents of notices of sales and other notices.

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(9) Rule 2013 requires the clerk of the bankruptcy court to maintain a public record listing who is appointed and how much they have received as compensation. The rule continues the approach in the Suggested Interim Rules in attempting to protect against excessive patronage and provide against the concentration of appointments in one firm or person.

(10) Rule 2018(b) provides a new procedure and permits a state's Attorney General to appear subject to court approval on behalf of consumer creditors.

(11) Rule 3001 pertains to the form of the proof of claim; Rule 3002 pertains to all matters regarding its filing.

The time for filing claims in Chapter 7 and 13 cases is reduced to 90 days after the first date set for the meeting of creditors. The Advisory Committee believes that six months is unnecessarily long.

(12) Rule 3003 provides the procedure and time for filing claims under § 1111(a) of the Code.

(13) Rule 3010 furthers the policy of eliminating small dividend checks by providing that in Chapter 7 no dividend of less than five dollars shall issue and in Chapter 13 no regular payments of less than fifteen dollars shall be made. The previous rule made the distribution of dividends discretionary if they were less than one dollar in Chapter 7 and had no limit in Chapter 13.

(14) Rule 3014 fixes the time within which a secured creditor may elect to hold a nonrecourse claim pursuant to § 1111(b). The election may be made prior to the conclusion of the hearing on the disclosure statement. When the statement has been approved, votes on the plan are solicited and an election should not be permitted thereafter.

(15) Rule 3017 fixes the procedure for the hearing on the disclosure statement. Prior to the hearing the statement will be transmitted to the debtor, trustee, appointed committee, SEC and any party in interest requesting a copy. After its approval, the statement is transmitted to all parties whose votes are being solicited. Rule 3017(d).

(16) Rule 3020 requires that the consideration to be distributed after confirmation of a Chapter 9 or 11 plan be deposited with the trustee or debtor in possession. The Code is silent with respect to any pre-confirmation deposit.

(17) Rule 4001(a) provides that relief from the automatic stay pursuant to § 362 shall be initiated by motion.

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Rule 4001(b) continues the well accepted proposal in the Suggested Interim Rules that there be a deadline imposed on the court to make its determination in 30 days after the final hearing on a motion for relief from the automatic stay.

(18) Rule 4003(b) provides that objections to the debtor's listed exemptions must be filed within 30 days after 341 meeting.

Rule 4003(d) prescribes that the procedure avoiding a lien under § 522(f) or (h) of the Code is by motion, thus eliminating resort to the existing more formal adversary proceeding practice.

(19) Rules 4004(a) and 4007(c) provide a uniform deadline for filing complaints objecting to discharge and to determine the non-dischargeability of certain debts. Namely, 60 days following the first date set for the meeting of creditors in Chapter 7 and in Chapter 11 the first date set for the hearing on confirmation. Former practice permitted each judge to fix a date but the Advisory Committee believes that a uniform standard is preferable.

(20) Rule 5002 governs prohibited appointments and now includes examiners within its scope. The rule is adapted from former Rule 505(a) but is broader and should be examined carefully.

(21) Rule 6004(c) permits a more expeditious procedure for the sale of estate property having a value of less than \$2,500. A general notice of intention to sell will suffice and absent timely objection, the sale may take place.

(22) Pursuant to § 554 of the Code, property of the estate may be abandoned. Rule 6007 provides the procedure for abandonment.

(23) Rule 9011 explicitly carries into the bankruptcy practice the trend in the new Federal Rules aimed at controlling frivolous pleadings by making the signing of the pleading a certification that the attorney has made "reasonable inquiry" that the document is well grounded in fact and is warranted by existing law. A violation of the rule no longer need be willful and shall, not may, be the subject of sanctions.

SPECIAL CONSIDERATIONS

A. Special Masters

While Parts VII and IX together incorporate many of the Federal Rules of Civil Procedure, the proposed rules do not make Rule

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53 applicable in cases under the Code. Former Bankruptcy Rule 513 provided:

If a reference is made in a bankruptcy case by a judge to a special master, the Federal Rules of Civil Procedure applicable to masters apply.

The word "judge" meant the United States district judge, not the bankruptcy judge. See § 1(20) of the Act; former Bankruptcy Rule 901. Accordingly, former Rule 513 generally applied only when a Chapter X case was retained by the district judge although it probably would apply when a district judge removed any case from the bankruptcy court to the district court. See former Rule 102(b).

Although open to dispute, there does not appear to be any need for the appointment of special masters in bankruptcy cases by bankruptcy judges. The Advisory Committee, therefore, has decided that former Rule 513 not be continued in the rules and that Rule 53 F.R.Civ.P. not be made applicable. See Rule 9031.

B. Adversary Proceedings—Part VII

The concept of adversary proceedings is continued in Part VII of the proposed rules with some changes.

Initially, former Rule 704 permitted that service by registered mail could displace personal service. In 1976, the rule was amended to permit service by first class mail because process could be avoided by nonacceptance of registered mail. The Advisory Committee decided to retain this manner of service in Rule 7004 and in addition permit service as provided in Rule 4 F.R.Civ.P.

C. Appeals—Part VIII

Because of the statutory changes made in the appellate process, the Part VIII Rules contain provisions not found in the former rules. For example, the procedure for appeals as of right and motions for leave to appeal is specified in Rule 8001(a) and 8003. The effect of taking a direct appeal by agreement to the United States Court of Appeals on a previously filed notice of appeal is set forth in Rule 8001(d).

This is one of the areas where the Rules may conflict with *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, — U.S. —, 102 S.Ct. 2858 (1982). Clearly, the rule is not coordinated with the December, 1982 Emergency Bankruptcy Rule. Rule 8001 etc., continues to refer to the bankruptcy appellate panel and Rule 8013 provides for the bankruptcy court's decision to not be altered on appeal "unless clearly erroneous." Reference

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is made to letter from Administrative Office of the Courts on page XXI, *infra*, with respect to conflicts between new Bankruptcy Rules and Model Emergency Rule.

D. General Provisions—Part IX

The rules in Part IX cover matters which are general in nature and apply in contested matters, adversary proceedings and other aspects of cases under the Code.

Rule 9003 prohibits *ex parte* contact with the judge unless otherwise permitted by law. This proscription was included in the Suggested Interim Rules.

Rule 9015 contains jury trial provisions and is adapted from Rules 38 and 39 F.R.Civ.P. There would have been a greater possibility for jury trials under the Code than under the Act. See 28 U.S.C. § 1480(a), prior to the *Marathon Pipe Line* decision, *supra*. This is another area of conflict with both the *Marathon Pipe Line* decision and the Emergency Bankruptcy Rule.

Rule 9027 implements 28 U.S.C. § 1478(a) which is new and permits removal of a claim or cause of action to the bankruptcy court. The rule conforms substantially to 28 U.S.C. §§ 1446-1450 and Rule 81(a) F.R.Civ.P. in providing the procedure for removal. Note the time limitations in Rule 9027(b). Again, this Rule may have problems after *Marathon Pipe Line*, particularly see section (e).

As under the former rules, local rules may be adopted which are not inconsistent with the Code or the rules promulgated by the Supreme Court. Rule 9029 delegates this authority to the bankruptcy courts. Query, is this still a proper delegation?

Substantial portions of these Highlights originated in various Advisory Committee Notes, the Preface of the Advisory Committee on Bankruptcy Rules dated April, 1982, and the Report to the Judicial Conference Committee on Rules of Practice and Procedure dated February 12, 1982.

OFFICIAL FORMS

Rule 9009 provides that official forms will be prescribed by the Judicial Conference of the United States. In essence, it is contemplated that the official forms, such as those prepared by the Advisory Committee and appended to these rules, will be prescribed by the Judicial Conference. The Advisory Committee on Bankruptcy Rules will be the representative of the Judicial Conference in the drafting of the forms.

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As indicated above, accompanying the new Rules are 35 Official Forms which are made applicable by Rule 9009. Most of these Forms are substantially the same as the old official forms previously in use. These new Official Forms, and accompanying Advisory Committee Notes, appear on pages 719 et seq., *infra*.

Official Forms 7 & 8, *The Statement of Affairs*, have a new question 11(b) and 13(b) respectively relating to Setoffs. Official Form 12 is a new Form of *Partners Petition for an Involuntary Partnership Petition*. Official Form 16, *Order for Meeting of Creditors*, shortens the time for filing claims from 6 months to 90 days in Chapters 7 & 13. Official Form 28, *Order and Notice for Hearing on Disclosure Statement*, is a new form as a result of Rule 3017(a) limiting the initial mailing of the disclosure statement and notice of hearing to the debtor, trustee, committees, Securities and Exchange Commission, U.S. Trustee, and any party in interest requesting a copy. Official Form 33, *Final Decree*, is a new form required by Rule 3022 and Section 350, of the Code. Official Form 34, required by Rule 7010, provides a new caption to be used in adversary proceedings. Official Form 35 is a new *Notice of Appeal*.

MODEL EMERGENCY BANKRUPTCY RULE WITH PROCEDURAL GUIDE

SAMPLE ORDER AND MODEL EMERGENCY RULE FOR THE CONTINUED OPERATION OF BANKRUPTCY COURT SYSTEM

Publisher's Note

At the time of publication there has been no Congressional action in response to the Northern Pipeline decision, 102 S.Ct. 2858 (1982), in which the Supreme Court found that certain powers assigned to bankruptcy judges by the 1978 Bankruptcy Reform Act could be exercised constitutionally only by Article III judges.

*William E. Foley, Director of the Administrative Office of the United States Courts, has had prepared and transmitted to the United States Courts of Appeals, District Courts, and Bankruptcy Courts a sample order and emergency rule regarding continued operation of the Bankruptcy Court system after December 24, 1982 (the last date that Congress had extended its stay of mandate), in the absence of Congressional action. Mr. Foley, in a memorandum to judges and clerks, noted that the Judicial Conference on September 10, 1982, advised Congress of its belief that the Supreme Court decision did not completely invalidate subsections (a) and (b) of section 1471 of Title 28, U.S.C.A., as enacted in section 241(a) of the 1978 Act. He further noted that, in addition, sections 404 and 405 of that Act expressly vest bankruptcy powers in the district courts as "courts of bankruptcy" until April 1, 1984. The emergency rule, he said, was formulated in reliance upon the remaining valid elements in the 1978 Act.**

Practitioners should, however, check with their local Bankruptcy Clerk of Court to ascertain the precise status of any interim rule promulgated in their respective district.

* Reference is also made to Mr. Foley's letter of August 3, 1983 to federal judges, magistrates, and clerks, regarding perceived conflicts between the new Bank-

ruptcy Rules and this Model Rule. This letter follows the text of the Model Rule, *infra*.

MODEL EMERGENCY BANKRUPTCY RULE

SAMPLE ORDER

Acting pursuant to the authority vested in the Judicial Council by 28 U.S.C. § 332(d), the Judicial Council of the ——— circuit concludes that the uniform effective and expeditious administration of justice within this circuit requires that the attached rule for the administration of the bankruptcy system in this circuit be adopted by the district courts of this circuit pursuant to 11 U.S.C. § 105, and it is so ordered.

MODEL RULE*

(a) Emergency Resolution

The purpose of this rule is to supplement existing law and rules in respect to the authority of the bankruptcy judges of this district to act in bankruptcy cases and proceedings until Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, — U.S. —, 102 S.Ct. 2858 (1982), or until March 31, 1982, whichever first occurs.

The judges of the district court find that exceptional circumstances exist. These circumstances include: (1) the unanticipated unconstitutionality of the grant of power to bankruptcy judges in section 241(a) of Public Law 95-598; (2) the clear intent of Congress to refer bankruptcy matters to bankruptcy judges; (3) the specialized expertise necessary to the determination of bankruptcy matters; and (4) the administrative difficulty of the district courts' assuming the existing bankruptcy caseload on short notice.

Therefore, the orderly conduct of the business of the court requires this referral of bankruptcy cases to the bankruptcy judges.

(b) Filing of Bankruptcy Papers

The bankruptcy court constituted by § 404 of Public Law 95-598 shall continue to be known as the United States Bankruptcy Court of this district. The Clerk of the Bankruptcy Court is hereby designated to maintain all files in bankruptcy cases and adversary proceedings. All papers in cases or proceedings arising under or related to Title 11 shall be filed with the Clerk of the Bankruptcy Court regardless of whether the case or proceeding is before a bankruptcy judge or a judge of the district court, except that a

* Reference is also made to Mr. Foley's letter of August 3, 1983 to federal judges, magistrates, and clerks, regarding perceived conflicts between the new Bank-

ruptcy Rules and this Model Rule. This letter follows the text of the Model Rule, infra.

MODEL EMERGENCY BANKRUPTCY RULE

judgment by the district judge shall be filed in accordance with Rule 921 of the Bankruptcy Rules.

(c) Reference to Bankruptcy Judges

(1) All cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to cases under Title 11 are referred to the bankruptcy judges of this district.

(2) The reference to a bankruptcy judge may be withdrawn by the district court at any time on its own motion or on timely motion by a party. A motion for withdrawal of reference shall not stay any bankruptcy matter pending before a bankruptcy judge unless a specific stay is issued by the district court. If a reference is withdrawn, the district court may retain the entire matter, may refer part of the matter back to the bankruptcy judge, or may refer the entire matter back to the bankruptcy judge with instructions specifying the powers and functions that the bankruptcy judge may exercise. Any matter in which the reference is withdrawn shall be reassigned to a district judge in accordance with the court's usual system for assigning civil cases.

(3) Referred cases and proceedings may be transferred in whole or in part between bankruptcy judges within the district without approval of a district judge.

(d) Powers of Bankruptcy Judges

(1) The bankruptcy judges may perform in referred bankruptcy cases and proceedings all acts and duties necessary for the handling of those cases and proceedings except that the bankruptcy judges may not conduct:

- (A) a proceeding to enjoin a court;
- (B) a proceeding to punish a criminal contempt—
 - (i) not committed in the bankruptcy judge's actual presence; or
 - (ii) warranting a punishment of imprisonment;
- (C) an appeal from a judgment, order, decree, or decision of a United States bankruptcy judge; or
- (D) jury trials.

Those matters which may not be performed by a bankruptcy judge shall be transferred to a district judge.

(2) Except as provided in (d)(3), orders and judgments of bankruptcy judges shall be effective upon entry by the Clerk of the Bankruptcy Court, unless stayed by the bankruptcy judge or a district judge.

(3)(A) Related proceedings are those civil proceedings that, in the absence of a petition in bankruptcy, could have been brought