

Administrative Procedures Manual



United States Bankruptcy Court
Western District of Kentucky
(Updated June 19, 2018)

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Introduction and Message from the Clerk of Court

It is our hope that the following Administrative Manual will serve your needs in knowing how to file papers, documents and pleadings. In 2008, the Local Rules Committee agreed that much of the content of our Local Rules was administrative in nature and that to separate the actual rules from the administrative guidance would be very helpful. For one, it would allow the Clerk's Office to make changes and updates more readily than during the normal cycle for revision of Local Rules. It also becomes a "text" of sorts for practicing attorneys and their assistants. We encourage you and your staff to use the Administrative Manual to guide you in your practice and welcome any ideas you might have for improving its content.

Elizabeth H. Parks
Clerk of the United States Bankruptcy Court
Western District of Kentucky
502-627-5700

Section 1 - Clerk's Office Information

1.1 Official Address of the U.S. Bankruptcy Court-Western District of Kentucky

All petitions, pleadings, and claims in bankruptcy proceedings must be filed with the:
Clerk of the Bankruptcy Court
Gene Snyder Courthouse
601 W. Broadway, Suite 450
Louisville, Kentucky 40202-2264

1.2 Business Hours

- (a) The Bankruptcy Court is open to the public from 8:30 a.m. to 4:30 p.m., Eastern Standard Time, Monday through Friday.
- (b) The Court is closed on all [federal holidays](#).
- (c) The Court may close due to inclement weather or other circumstances and will provide notification on the Court's voice-mail.
- (d) The Case Management Electronic Filing System (CM/ECF) is available 24 hours a day, 7 days a week. Scheduled outages for this system are announced both on the Court's website at www.kywb.uscourts.gov and on the Systems News section of the CM/ECF login in screen.
- (e) The Bankruptcy Court does not write receipts after 3:30 p.m. and does not accept any form of payment at the Intake counter after 4:00 p.m. Acceptable forms of payment include cash (exact change required), money order or cashiers check. No personal checks, third party checks or other negotiable instruments will be accepted.

1.3 Emergency Filings, Late or After-hours Filings, Filings by FAX (*For Motions for Emergency/Expedited Relief see Local Rule 7007-1(b)*)

- (a) In the event of technical problems with CM/ECF, the filer must contact the Clerk's office at (502) 627-5700 to request permission to file by alternative method.
- (b) The Clerk's office will direct the method that is most efficient.

1.4 Emergency Requests for Bankruptcy Copies by Facsimile

- (a) All documents are available on PACER. For very unusual and rare circumstances permission may be given to send copies by facsimile.
- (b) Copies of filings to be sent by facsimile must be approved in advance by the Clerk of Court or designee.
- (c) Copies of filings to be sent by facsimile may require advance payment of a fee as imposed in the [Bankruptcy Fee Schedule](#).

1.5 Telephone Numbers for the Clerk's Office and Chambers

Customer Service	(502) 627-5700
Multi Court Voice Case Information System (McVCIS)	(866) 222-8029
PACER Service Center	(800) 676-6856
Clerk's Office	(502) 627-5700
Clerk of Court/Chief Deputy Clerk	(502) 627-5700

Operations Manager	(502) 627-5700
Courtroom Services	(502) 627-5600
Space & Facilities Manager	(502) 627-5775
Adversary Proceedings	(502) 627-5700
Case Management Teams - All Divisions	(502) 627-5700

CHAMBERS:

Chief Judge Thomas H. Fulton	(502) 627-5550
Judge Joan A. Lloyd	(502) 627-5525
Judge Alan C. Stout	(502) 627-5575

1.6 Geographical Divisions - Counties Included in Each Division



Division 1 - Bowling Green

Adair	Hart
Allen	Logan
Barren	Metcalf
Butler	Monroe
Casey	Russell
Clinton	Simpson
Cumberland	Taylor
Edmonson	Todd
Green	Warren

Division 3 - Louisville

Breckinridge	Hardin
Bullitt	Jefferson

Larue
Marion

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Meade
Nelson
Oldham
Spencer
Washington

Division 4 - Owensboro

Daviess
Grayson
Hancock
Henderson
Hopkins

McLean
Muhlenberg
Ohio
Union
Webster

Division 5 - Paducah

Ballard
Caldwell
Calloway
Carlisle
Christian
Crittenden
Fulton

Graves
Hickman
Livingston
Lyon
McCracken
Marshall
Trigg

1.7 Other Resources Available

A number of additional resources are available to supplement the Clerk's Office Administrative Manual. A link has been provided below to each of these sites.

- ▣ [Local Rules for the Western District of Kentucky](#)
- ▣ [Joint Civil Local Rules](#)
- ▣ [General Filing Requirement Information](#)
- ▣ [Pro Se Resources](#)
- ▣ [Guide to Filing Bankruptcy without an Attorney](#)
- ▣ [Attorney Quick Reference Guide](#)
- ▣ [U.S. Trustee website](#)
- ▣ [Chapter 13 Trustee website](#)

Section 2 - Filing Requirements

2.1 General Filing Requirements

All pleadings and other papers filed in a case must adhere to the following requirements:

- (a) All petitions must be typewritten.
- (b) All petitions and pleadings including proposed orders must include the name, telephone number, and address of the filer and all parties whose signature is represented on the document aligned with the left side of the page.
- (c) All petitions and pleadings must comply with [Fed.R.Bankr.P. 9037](#) regarding privacy protection for filings made with the Court.
- (d) All petitions, statements of affairs and schedules must:
 - (1) be filed within fourteen (14) days of their execution; or
 - (2) a properly executed amendment must be filed indicating the changes - if any - that have occurred between the date of execution and the date of filing.
- (e) An original of the [petition, lists, schedules and statements](#) under the selected chapter of the Bankruptcy Code must be filed.
- (f) A [matrix of creditors](#) in the form prescribed by the Clerk must be filed.
- (g) All motions, pleadings, proofs of claim and other related matters shall be presented for filing on one-sided pages using white, opaque paper of good quality, 8 ½ X 11 inches in size. Documents should be presented for filing on flat, unfolded paper which is firmly bound at the top by paper clip - not staples. Copies to be returned may be bound with staples.
- (h) All motions must state the grounds for the relief requested and must include a separate proposed order with sufficient space to accommodate the Judges signature.
- (i) The Clerk's office has developed a [Quick Reference Guide](#) for attorneys which lists pleadings that have additional filing requirements located in Section 7 of this manual. This chart also lists the ECF category and specific event to use when docketing the pleading and explains the specific procedures that the Court will take when that document is filed.
- (j) Filing fees for documents and new bankruptcy cases are due immediately upon filing unless otherwise ordered by the Court. Failure to pay fees for electronically-filed documents within 24 hours of filing may result in suspension of the filer's account, dismissal of the bankruptcy case, and/or the entry of an Order striking the document for which the fee has not been paid.
- (k) The Court requires a minimum payment of \$75.00 upon the filing of any petition unless the debtor has submitted an application for in forma pauperis status. The remaining filing fee may be paid in installments if an application to pay in installments is filed. Failure to pay any portion of the required fee in a timely fashion will result in dismissal of the case.
- (l) In Chapter 11 cases, applications for compensation filed by attorneys and their firms must include professional biographies for all professionals requesting payment.
- (m) **ADDITIONAL FILING REQUIREMENTS FOR JUDGE LLOYD'S CASES**
 - (1) **Chapter 13 cases:** an Affidavit of Necessity will be required for confirmation in any case in which the debtor's monthly telecommunication expense (telephone, cell phone, internet, satellite and cable services) equals or exceeds 5% of net income. This Affidavit should be docketed separately no less than 7 days prior to the scheduled 341 meeting.
 - (2) **Chapter 7 cases:** Should any portion of the legal fees for debtor's counsel remain unpaid at the petition date, debtor's counsel and the debtor(s) must sign and file a statement with the Court within fourteen (14) days of the petition acknowledging that counsel has advised debtor(s) that unpaid prepetition legal fees are unsecured claims against the debtor's

estate, that debtor's counsel is prohibited by 11 U.S.C. §362 and 11 U.S.C. §524 from requesting, in any manner, payment of said unpaid prepetition legal fees, and debtor's counsel may only accept debtor's voluntary payment after entry of discharge. Failure to timely file said statement will result in the Court requiring debtor's counsel and debtor(s) to appear at a hearing to show cause why the case should not be dismissed. This statement is required irrespective of any third-party payment arrangement.

2.2 Dissemination of the Chapter 13 Plan

- (a) The attorney for the debtor must mail copies of the plan to all scheduled creditors.
- (b) Copies of the plan must be mailed no later than fourteen (14) days after the case is filed.
- (c) The attorney for the debtor must certify to the Court that the plan has been mailed within seven (7) days of the mailing.
- (d) Debtor's counsel must include with or on the plan a statement that substantially conforms to the following:
"The above-named debtor(s) has/have filed a Chapter 13 petition in the U.S. Bankruptcy Court for the Western District of Kentucky. If you have not received notice of the filing, you will receive notice within a few days."

2.3 Exhibits

Unless otherwise ordered by the Court, all exhibits must be filed electronically.

- (a) **Uniform Designation**
Proposed exhibits, including those appended to requests for admission, interrogatories and depositions, as well as those to be utilized during trial, or hearing, shall be uniformly identified during all phases of the case.
- (b) **Method of Designation**
All trial exhibits must be marked as follows:
 - (1) Joint exhibits shall be marked "JX" and numbered;
 - (2) Plaintiff's exhibits shall be marked "PX" and numbered;
 - (3) Defendant's exhibits shall be marked "DX" and numbered;
 - (4) Third-party exhibits shall be marked "TPX" and numbered.
 - (5) For proceedings involving multiple plaintiffs or multiple defendants - the identification of each exhibit must include:
 - (A) the surname of the individual plaintiff or defendant;
 - (B) the corporate name of the plaintiff or defendant.
- (c) **Advance Marking**
All exhibits must be marked for identification purposes prior to trial or hearing. Blank labels are available upon request from the Clerk.
- (d) **List of Exhibits**
Each party must tender to the Court at least fourteen (14) days before a trial of an adversary proceeding or other evidentiary hearing a list of all exhibits the party intends to utilize at trial. The list must include the pre-marked number and a short description of the exhibit.
- (e) **Required Copies**
Three copies of each document or written exhibit to be tendered during trial or hearing must be filed with the Clerk's office at least seven (7) days before the trial or evidentiary hearing. These copies are in addition to the original exhibits that should be filed in the Court's electronic filing system. Required copies should be clearly marked as a "Copy" and should

indicate the document number(s) which correspond(s) to the electronic version of the document on the Court's docket sheet.

(f) **Disposition of Exhibits (including exhibits to Depositions)**

If any exhibits remain in the custody of the Clerk within three (3) months after the entry of a final order or following a mandate from the Court of Appeals, the Clerk will direct counsel of record to retrieve all exhibits filed. If the exhibits are not claimed within two weeks after notice to counsel of record to retrieve all exhibits filed by them, the Clerk may destroy those exhibits.

(g) **Exhibits Filed in Court Hearings**

Any exhibit introduced in Court that could not be filed electronically prior to the hearing should be filed electronically immediately upon conclusion of the hearing. These exhibits will not be docketed by Court staff unless specifically directed by the Judge.

2.4 Adversary Proceedings

(a) **Adversary Proceeding Cover Sheet**

If a complaint is not electronically filed, then an [Adversary Proceeding Cover Sheet, \(Form 1040\)](#) must be completed and filed with each complaint. Notwithstanding the instructions contained on the cover sheet, more than one block may be checked specifying the nature of the suit.

(b) **Service of Complaint, Scheduling Order and Summons**

If a complaint is not electronically filed, the Clerk will issue a copy of the summons and scheduling order to the plaintiff's attorney for service by mail. A copy of the complaint and scheduling order shall be served with the summons within seven (7) days from the date of issue.

(c) **Caption of the Complaint**

The caption of all complaints must indicate the nature of the suit. Complaints objecting to the discharge of the debtor shall bear the specific caption "Complaint Objecting to Discharge."

(d) **Entry of Default by the Clerk - Fed. R. Bank. P. 7055 (a)**

The entry of default by the Clerk precedes the issuance of a default judgment. Default is essentially a notation on the docket that the defendant has failed to plead or defend in a case as required by law. The Clerk is permitted to enter a default only upon being presented with an affidavit or affirmation setting forth the following facts:

1. date of issuance of the summons;
2. statement of whether the court fixed a deadline for the filing of an answer or motion, or whether the 30 (or 35) day limit applies;
3. date of service of the complaint;
4. date of filing of affidavit of service;
5. statement that no answer or motion has been received within the time limit fixed by the court or by [Fed. R. Bank. P. 7012\(a\)](#);
6. statement that the defendant is not in the military service, as required by [50 U.S.C. app. §520](#); and
7. statement that the defendant is not an infant or incompetent person, as required by [Fed. R. Civ. P. 55\(b\)\(1\)](#).

(e) **Default Judgment Entered by the Clerk - Fed. R. Bank. P. 7055(b)(1)**

Once a default has been entered, the plaintiff may seek a default judgment. The Clerk is required to enter a judgment by default on request of the plaintiff, and upon affidavit of the amount due, if the conditions of [Fed. R. Civ. P. 55\(b\)\(1\)](#) are met. The conditions in [Fed. R. Civ. P. 55\(b\)\(1\)](#) are that the:

1. Plaintiff's claim is for a sum certain, or for a sum which can be made certain by computation;
2. Defendant is in default for failure to appear (an Entry of Default has been entered by the Clerk in the case); and
3. Defendant is not an infant or incompetent person, nor in the military service. [50 U.S.C. app. §520](#)

A sum certain under the rule means an amount that can be fixed by simple calculation or that can be set by documentation, such as an invoice or contract. It does not refer to a mere claim by a party for a specific amount, such as a multi-million dollar claim for damages.

(f) **Default Judgment Entered by the Court - Fed. R. Bank. P. 7055(b)(2)**

In circumstances other than those specified in [Fed. R. Civ. P. 55\(b\)\(1\)](#), including when a defendant who served an answer or motion fails to appear at a court hearing, [Fed. R. Civ. P. 55\(b\)\(2\)](#) requires that the default judgment must be entered by a Judge by filing a motion and tendered order subject to the following provisions:

1. No judgment by default may be entered against an infant or incompetent person unless that person is represented in the action by a general guardian, committee, conservator, or other such representative;
2. No judgment by default may be entered unless the plaintiff files an affidavit that the defendant is not in military service as required by [50 U.S.C. app. §520](#);
3. If the party against whom a default judgment is sought, or the party's representative has appeared in the action, the party or the party's representative must be given written notice at least three days prior to the hearing on the motion; and
4. If the court finds it necessary to investigate any matter, to determine the amount of damages, or to establish the truth of any averment, the court may conduct any hearings as it deems necessary and proper.

Entry of Default by the Clerk (as described in **Section 2.4(d)** above) is not required in order for a party to file a motion for default judgment to be entered by the Court.

2.5 Release of Unclaimed Funds

All unclaimed funds paid into the Court pursuant to [11 U.S.C. § 347\(a\)](#) are deposited into the United States Treasury. The release of these funds requires the following:

(a) **Motion to Withdraw and Disburse Funds**

The claimant/filer must submit a **Motion to Disburse Unclaimed Monies, Local Form K** and a proposed order to the Clerk which includes:

(1) **Creditor Information**

The name, address, telephone number and a brief history of the creditor, who originally filed the proof of claim. In the history, include information from the time of filing of the claim to the present, and state the reason the funds were not deliverable at the time of the original distribution;

(2) **Assignment of the Claim Information**

Whether the claim has been assigned to the claimant/filer, and, if so, attach copies of all documents of the assignment; and

(3) Other Interests in the Funds

Whether or not the claimant/filer believes that any other party may be entitled to the funds; identify the party and state the reason for the other interest.

(b) Service

Serve the motion, including a certificate of service, upon the U.S. Attorney at the following address:

Office of the U. S. Attorney
Western District of Kentucky
717 W. Broadway
Louisville, KY 40202

(c) Proof of Identification

Prove the claimant's identity through at least one of the following methods:

- (1)** If the claimant appears in person provide a birth certificate, unexpired passport, valid driver's license, or original social security card.
- (2)** If the claimant does not appear in person attach to the motion an affidavit with the certificate and seal of a notary public who has examined the documents presented by the claimant/filer to establish identity. Copies of those documents used to establish identity such as a birth certificate, unexpired passport, valid driver's license, or original social security card may be attached to the affidavit. In order to safeguard personal identifiers, the Clerk may seal from the record any supporting documentation to establish identity.
- (3)** A corporate representative appearing for the corporation must attach to the motion an affidavit of the Chief Executive Officer that such representative is a duly authorized representative of the corporation. If the creditor/claimant is a successor corporation, documents establishing the chain of ownership of the original corporate claimant must be provided as proof of entitlement to the unclaimed funds. If applicable, proof of sale of the company, new and prior owners, and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed funds must be provided. Copies of all documents evidencing assignment must be appended to the motion.
- (4)** If the claimant is represented by an attorney duly admitted to practice law in this District, the attorney verifies the claimant's identity.
- (5)** A representative of a deceased creditor/claimant shall provide certified copies of all probate documents to substantiate the representative's right to act on behalf of the decedent's estate.

(d) Additional Proof of Identity/Entitlement to Funds

Additional proof of identity or proof of entitlement to funds may be requested by the Clerk's office or Court.

(e) Payments Jointly Made to Claimant and Attorney

Any payment made to a claimant represented by an attorney will be issued in the name of the claimant and will be mailed to the attorney in care of the claimant unless otherwise ordered by the Court.

(f) Corporations May Request Unclaimed Funds Without Local Representation

For the purpose of filing a request to recover unclaimed funds, a corporation can make the request on a *pro se* basis.

(g) Locator Services Must be Represented by Local Counsel

Unless represented by an attorney duly admitted to practice law in this District, locator services may not file requests for release of unclaimed funds on behalf of creditors.

2.6 Registry Funds

(a) Deposit

The deposit of any money into the registry of the Court shall be directed by Court Order. Negotiable instruments tendered for deposit shall be made payable to “Clerk, U.S. Bankruptcy Court” and are accepted subject to collection. Deposited funds shall be invested by the Clerk in accordance with the terms of the court order which shall include:

- (1) the name, address and telephone number of the person or other entity paying the money into the registry of the Court;
- (2) the sum of money to be invested and date the money is to be paid into the Court;
- (3) directions that the funds be deposited by the Clerk in an interest-bearing account in the registry of the Court pursuant to [28 U.S.C. §2041](#); and
- (4) directions that the Clerk shall deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office at 10 percent (10%) of the income earned on the investment, whenever such income becomes available for deduction in the investment so held and without further Court Order.

(b) Withdrawal

The withdrawal of funds in the registry of the Court shall be in accordance with a Court Order. Any Order authorizing disbursement from the registry shall include:

- (1) the payee’s name;
- (2) address;
- (3) tax I.D. number; and
- (4) the dollar amount to be paid.

2.7 Sealed Documents

(a) Prior Approval

Documents may only be filed under seal with Court approval or after the entry of an Order in the case.

(b) Sealed Documents Filed Electronically

Unless otherwise ordered, sealed documents must be filed with the Court electronically using the “Sealed Document - Requires Prior Court Order” event located under the Miscellaneous category.

2.8 Pro Hac Vice Motions

[U.S. District Court’s Joint Civil Local Rule 83.2](#) applies including payment of the [prescribed fee](#). The U.S. District Court receipt number is required when docketing this event. Please contact the District Court at (502) 625-3500 for information regarding the payment of this fee.

2.9 Attorney Quick Reference Guide

The Clerk’s office has developed a [Quick Reference Guide](#) for attorney’s which charts any pleading filed with the Court that has additional filing requirements. This chart also lists the ECF category and specific event to use when docketing the pleading and explains the specific procedures that the Court will take when that document is filed.

2.10 Noticing Requirements for Objection to Claim or Motion to Disallow Claim

Any objection to claim or motion to disallow claim must be accompanied by a separate notice for objections that substantially conforms to Local Form Z: Official Bankruptcy Form 420B. Both the motion/objection and the notice for objections shall be served on the claimant in accordance with Fed.R.Bank.P. 3007(a)(2) and filed with the Court. The correct date for objections to be inserted in the notice by the filer is thirty (30) days from the date the pleading is filed with the Court; date must be reflected in the notice as a date certain.

Section 3 - Electronic Filing

3.1 Eligibility, Registration and Passwords for Electronic Filing

(a) **Eligibility**

Attorneys admitted to the bar of this Court, including those admitted *pro hac vice*, private trustees, U.S. trustees and their assistants, and others as the Court deems appropriate, may register as filers of CM/ECF by submitting an **Electronic Registration Form, [Local Form D](#)**.

(b) **Creditors Not Represented**

Creditors who are not represented by counsel may register as filers of CM/ECF for the sole purpose of filing claims, notice of transferred claims, reaffirmation agreements, requests to receive notices and withdrawal of claim by submitting an **Limited User Electronic Registration Form, [Local Form C](#)**.

(c) **Consent to Electronic Notice and Service**

Issuance of a password granting access to CM/ECF constitutes express consent by the filer to electronic notice and service, except with regard to service of a summons and complaint under [Fed.R.Bankr.P. 7004](#). Consent to electronic notice applies to notice of the entry of an order or judgment under [Fed.R.Bankr.P. 9022](#).

(d) **Duty to Protect Electronic Filing Password**

Upon completion of the application to register as a filer, the Court will e-mail a log-in name and unique password for use exclusively by the filer and his/her designee. Filers agree to protect the security of their passwords and immediately notify the Clerk if they learn that their passwords have been compromised. Filers may be subject to sanctions for failure to adequately protect their passwords.

(e) **Maintenance of E-mail Addresses**

At all times, filers must maintain their current e-mail addresses in their CM/ECF account.

3.2 Entry of Court Orders

(a) **Entry on the Docket**

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket. All signed orders will be filed electronically by the Court or court personnel.

(b) **Effect of Electronically Signed Orders**

Any order entered electronically with a representation of the Judge's signature has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order.

3.3 Electronic Signatures

(a) **Signature for Purposes of Rule 9011**

The filer log-in and password required to submit documents to CM/ECF also serve as a signature for purposes of [Fed.R.Bankr. P. 9011](#), the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

(b) Requirements for Signature Block

Electronically filed documents must include a signature block which includes:

- (1) the name;
- (2) address; and
- (3) telephone number of the filer.

(c) Requirement of “/s” to Denote Signature

The name of the filer under whose log-in and password the document is submitted must be preceded by a "/s" and typed in the space where the signature would otherwise appear.

(d) Unauthorized Use of Filer Password

No filer or other person may knowingly permit or cause to permit a filer's password to be used by anyone other than an authorized agent of the filer.

3.4 Notice of Court Orders and Judgments

(a) Requirements for Notice and Service by Clerk

Immediately upon the entry of an Order or Judgment in CM/ECF, the Clerk will transmit to filers in the case, in electronic form, a notice of electronic filing which constitutes the notice required by [Fed.R.Bankr.P. 9022](#).

(b) Notice and Service by Clerk for Non-Electronic Filers

The Clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the [Federal Rules of Bankruptcy Procedure](#).

(c) Notices to Debtors

The Clerk shall only serve orders to a debtor that gives notice required under [Fed.R.Bankr.P. 2002](#), which includes but is not limited to the following:

- (1) orders setting a hearing;
- (2) orders of dismissal and conversion;
- (3) orders of discharge; and
- (4) orders of confirmation.

3.5 Technical Failures

A filer whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court through a motion and order, except in the case of filing a Notice of Appeal or Dischargeability Complaint.

3.6 Public Access

(a) Electronic Access to Court Information

Any person or organization may access CM/ECF at the Court's Internet site at www.kywb.uscourts.gov after obtaining a PACER log-in and password.

(b) Limitations to Electronic Access to Court Information

Those who have PACER access but who are not filers may retrieve docket sheets and documents, but they may not file documents.

(c) Transcripts and Exhibits

All transcripts and exhibits must be filed electronically unless impractical. Filers shall contact the Court for alternate filing instructions for voluminous exhibits.

(d) **Prohibition against Use of Information Inconsistent with Privacy**

Information posted on CM/ECF must not be downloaded for uses inconsistent with the [privacy concerns](#) of any person.

3.7 Public Computer Terminal

A computer terminal is available in the Customer Service area of the Louisville office (Room 450) of the Clerk's Office for electronic filing by filers.

Section 4 - Listing of Service Addresses

4.1 United States Agencies

If a debt is owed to the United States, other than for taxes, notice must be mailed to the department, agency or instrumentality of the United States through which the debtor became indebted. The following governmental units have specified addresses for bankruptcy noticing purposes pursuant to Federal Rule of Bankruptcy Procedure 5003(e):

Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7346	Social Security Administration Office of the General Counsel, Region IV 61 Forsyth Street, SW, Suite 20T45 Atlanta, GA 30303
U. S. Small Business Administration Tennessee District Office 2 International Plaza, Ste. 500 Nashville TN 37217-2002	Veterans Administration Centralized Accounts Receivable Section P. O. Box 11930 St. Paul, MN 55111
U. S. Army Corps of Engineers 600 Dr. Martin Luther King, Jr. Place P. O. Box 59 Louisville, KY 40202	U. S. Dept. of Labor - Mine Safety and Health Civil Penalty Compliance Office Attn: Compliance Officer 1100 Wilson Blvd., 25 th Floor Arlington, VA 22209-2296
U. S. Dept. of Housing and Urban Development Attn: Chief Counsel 601 West Broadway, Room 110 Louisville, KY 40202	Defense Finance & Accounting Service Office of General Counsel 8899 E. 56 th St. Indianapolis, IN 46249-0160
Farm Service Agency f/k/a Farmers Home Administration U. S. Dept. of Agriculture Attn: State Executive Director 771 Corporate Dr., Suite 205 Lexington, KY 40503 (for farm loans, ASCS & CCC - County Office where loan originated)	Rural Economic & Community Development Services f/k/a Farmers Home Administration (for rural housing loans) U. S. Dept. of Agriculture Attn: State Executive Director 771 Corporate Dr., Suite 200 Lexington, KY 40503
U.S. Department of Education (for general bankruptcy mail) Educational Credit Management Corp. PO Box 16448 St. Paul MN 55116-0448	Education Department (for contested matters and adversary proceedings) Office of General Counsel 400 Maryland Ave. SW, Rm. 6E353 Washington DC 20202

4.2 Address for U. S. Attorney - WDKY

For the Western District of Kentucky, notice shall be served on the U. S. Attorney at:

Office of the U. S. Attorney

Western District of Kentucky

For: (name of the agency through which the debtor became indebted)

717 West Broadway
Louisville, KY 40202

4.3 For Federal Agencies Not Listed Above

- (a) For any federal agency not listed, serve the U.S. Attorney for the Western District of Kentucky and the office of the agency through which the debtor became indebted.
- (b) The above addresses shall also be used for service as required under [Fed.R.Bankr.P. 7004\(a\)\(4\) and \(5\)](#), and Local Rule 9014, in addition to the required service upon the Attorney General:

For KY tax matters, serve

Attorney General of the United States
U.S. Department of Justice Tax Division
Civil Trial Section, Central Division
555 4th St., NW
Washington, DC 20001

For all other matters, serve

Attorney General of the United States
Main Justice Building
10th & Constitution Ave., NW
Washington, DC 20530

4.4 For State and Other Agencies Not Listed Above

Pursuant to [11 U.S.C. §505\(b\)](#) the following agencies have designated an address for service of requests for prompt determination of tax liability.

Michigan Department of Treasury Tax Policy Division ATTN: Litigation Liaison 2 nd Floor, Austin Building 430 West Allegan Street Lansing, MI 48922	Kentucky Labor Cabinet Office of General Counsel 1047 U.S. Highway 127 South, Suite 4 Frankfort KY 40601
Franchise Tax Board Bankruptcy Unit PO Box 2952, MS A-340 Sacramento CA 95812-2952 <i>For Adversary Proceedings ONLY</i> Chief Counsel Franchise Tax Board c/o General Counsel Section PO Box 1720, MS A-260 Rancho Cordova CA 95741-1720	Tennessee Department of Revenue c/o Tennessee Attorney General's Office Bankruptcy Division PO Box 20207 Nashville TN 37202-0207

Section 5 - The “Flat Fee” in Chapter 13 Cases

5.1 The Amount of the “Flat Fee”

Effective February 1, 2016, the “flat fee” is \$3,750.00 for cases in which the amount being paid into the plan is \$10,000.00 or more. For cases in which the total amount being paid into the plan is less than \$10,000.00, the “flat fee” is \$2,000.00.

5.2 Services and Responsibilities Covered by the “Flat Fee”

Pursuant to Local Bankruptcy Rule 2012-1, the “flat fee” includes ANY AND ALL SERVICES AND RESPONSIBILITIES REQUIRED BY A DEBTOR DURING THE COURSE OF HIS OR HER BANKRUPTCY CASE. Disclosures of Compensation filed with the Bankruptcy Schedules should reflect this fee amount. Carve-outs or other exceptions to the flat fee will not be allowed.

5.3 Flat Fee Election and Rule 2016 Compliance

At confirmation, counsel for the Debtor shall elect either to accept a flat fee or to seek fees by way of application and order under Federal Rule of Bankruptcy Procedure 2016, in accordance with guidelines set forth in the United States Trustee’s “Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330” set forth at 28 C.F.R. Pt. 58, App. A, and *In re J.F. Wagner’s Sons Co.*, 135 B.R. 264 (Bankr. W.D.Ky. 1991). Such election shall be set forth in the Order of Confirmation tendered to and entered by the Court. NO ADDITIONAL FEES WILL BE AWARDED TO COUNSEL ELECTING THE FLAT FEE AND COUNSEL SHALL NOT SEEK ADDITIONAL FEES FROM CLIENTS IN ANY MANNER OR UNDER ANY CIRCUMSTANCES. Counsel seeking fees by way of application shall file an application for the same, which shall be accompanied by time records, CVs and affidavits in compliance with the United States Trustee guidelines and *In re Wagner*. Any such application shall be noticed for objections and scheduled for hearing.

5.4 Possible Sanctions for Failure to Perform Services Required by the Flat Fee

Failure to perform any service required by the “flat fee” may result in sanctions, including but not limited to a reduction in the fee awarded to debtor's counsel.

Section 6 - Local Forms Index

(In Compliance with Bankruptcy Rule 9009-1)

Forms	Titles
<u>A</u>	Appendix to Motion for Relief From Stay Chapter 13 Real Property
<u>B</u>	Certificate of Service and Notice of Amendment to Schedules
<u>C</u>	ECF - Limited Use/Claim Password Registration Form
<u>D</u>	ECF - Attorney Registration Form
<u>E</u>	Motion and Order by Secured Creditor for Abandonment of Property
<u>F</u>	Motion and Order to Suspend Payments
<u>G</u>	Motion and Order to Incur Credit Post-Confirmation
<u>H</u>	Motion and Order to Redeem Property
<u>I</u>	Motion and Order to Avoid Lien
<u>J</u>	Motion and Order to Limit Noticing Requirements
<u>K</u>	Motion and Order to Disburse Unclaimed Monies
<u>L</u>	Schedule of Allowed Claims
<u>M</u>	Motion and Order to Strip Off a Junior Lien
<u>N</u>	Motion and Order to Extend Time for Credit Counseling
<u>O</u>	Motion and Order for Exemption From Credit Counseling
<u>P</u>	Motion and Order for Exemption from Financial Management Instructional Course
<u>Q</u>	Chapter 13 Certification of Plan Completion and Request for Discharge
<u>R</u>	Chapter 13 Certification of Debtor Information Regarding Request for Hardship Discharge

<u>S</u>	Chapter 11 Certification of Plan Completion and Request for Discharge
<u>T</u>	Chapter 11 Certification of Debtor Eligibility Regarding Request for Discharge Prior to Completion of Plan Payments
<u>U</u>	Chapter 11 Certification and Request for Entry of Final Decree **NOW AVAILABLE AS A VIRTUAL EVENT WITH NO PDF DOCUMENT REQUIRED**
<u>V</u>	Chapter 12 Certification of Plan Completion and Request for Discharge
<u>W</u>	Chapter 12 Certification of Debtor Information Regarding Request for Hardship Discharge
X	LOCAL FORM REMOVED Refer to <u>National Form B-417A</u> Notice of Appeal
<u>Y</u>	Order Granting Application to Proceed In Forma Pauperis - Initial Filing Fee
<u>Z</u>	Notice of Objection to Claim **Required 12/1/17**