

**NOTICE OF AMENDMENT OF THE LOCAL RULES OF PRACTICE AND
PROCEDURE OF
THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF KANSAS**

The United States Bankruptcy Court for the District of Kansas gives notice of Proposed Local Rules of Practice and Procedure.

The Proposed Local Rules amend the present Local Rules as recommended by the Bench and Bar Committee of the United States Bankruptcy Court for the District of Kansas with the approval of the Court.

Interested persons, whether or not members of the bar, may submit comments on the Proposed Local Rules addressed to the Clerk of the United States Bankruptcy Court for the District of Kansas at 401 N. Market, Room 167, Wichita, Kansas 67202. All comments must be in writing and must be received by the Clerk no later than December 16, 2010, to receive consideration by the Court.

Copies of the Proposed Local Rules will be available for review by the bar and the public from November 15, 2010 through December 15, 2010 at:

Wichita Clerk's Office
167 U.S. Courthouse
401 North Market
Wichita, KS 67202

Topeka Clerk's Office
240 U.S. Courthouse
444 Southeast Quincy
Topeka, KS 66683

Kansas City Clerk's Office
161 U.S. Courthouse
500 State Avenue
Kansas City, KS 66101

Available on www.ksb.uscourts.gov

Copies of the Bench and Bar Committee Minutes, at which most of the proposed changes were discussed, are also available at www.ksb.uscourts.gov.

LBR 2002.2

**SCHEDULING, LISTING AND NOTICING THE UNITED STATES AND AGENCIES
OF THE STATE OF KANSAS AS A CREDITOR**

(a) **Departments, Agencies and Instrumentalities of the United States.** When a department, agency, or instrumentality of the United States is a creditor, the schedules and matrix must list that agency at the address provided in this rule. Any notice or service given to an address listed in this rule will be in addition to any notice required by statute, rule or regulation. *See also* D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(4) and (5) regarding service in adversary proceedings and contested matters.

(b) **United States Attorney's Office.** When any department, agency or instrumentality of the United States is a creditor, the schedule of creditors and matrix must also list the United States Attorney's Office located in the division headquarters where the petition for relief is filed. The addresses are:

1. Office of United States Attorney
Robert J. Dole U.S. Courthouse, Ste 360
500 State Avenue
Kansas City, Kansas 66101

2. Office of United States Attorney
U.S. Courthouse, Suite 290
444 Southeast Quincy Street
Topeka, Kansas 66683

3. Office of United States Attorney
1200 Epic Center
301 N. Main
Wichita, Kansas 67202

(c) **Addresses for certain Departments, Agencies and Instrumentalities of the United States.** When one of the following departments, agencies or instrumentalities of the United States is a creditor, the schedule and matrix must list the agency at the address indicated:

1. DEPARTMENT OF AGRICULTURE
(excepting Farm Services Agency, Ag Credit Division and Commodity Credit Divisions;
and Rural Economic Community Development, which are individually listed)
Regional Counsel
Department of Agriculture
Post Office Box 419205
Kansas City MO 64141-0205

Farm Services Agency
Farm Loan Programs Division
3600 Anderson Avenue
Manhattan KS 66503-2511

Farm Services Agency
Commodity Credit Division
3600 Anderson Avenue
Manhattan KS 66503-2511

USDA Rural Development
PO Box 66879
St Louis MO 63166

2. DEPARTMENT OF EDUCATION (DOE)
U.S. Department of Education
Litigation Support
50 Beale Street Suite 8629
San Francisco CA 94105
3. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
U. S. Dept. of Health and Human Services
Office of the General Counsel
601 East 12th Street Room N1800
Kansas City MO 64106
4. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Regional Counsel
Dept. of Housing and Urban Development
Professional Building
400 State Avenue
Kansas City KS 66101-2406
5. INTERNAL REVENUE SERVICE (IRS)
Internal Revenue Service
PO Box 21126
Philadelphia PA 19114
6. SMALL BUSINESS ADMINISTRATION (SBA)
District Counsel
US Small Business Administration
Kansas City District Office
1000 Walnut Street Suite 500
Kansas City MO 64106; or

District Counsel
US Small Business Administration
271 W Third Street North
Suite 2500
Wichita KS 67202-1212
7. SOCIAL SECURITY ADMINISTRATION
Office of General Counsel, Region VII
Social Security Administration
Richard Bolling Federal Building

601 East 12th St Room 965
Kansas City MO 64106

8. UNITED STATES POSTAL SERVICE

Law Department
US Postal Service
9350 South 150 East
Suite 800
Sandy UT 84070-2716

9. VETERANS ADMINISTRATION (VA)

Department of Veterans Affairs
Office of Regional Counsel
1201 Walnut Street
Suite 800
Kansas City MO 64106

(d) Departments, Agencies and Instrumentalities of the State of Kansas. When any department, agency, or instrumentality of the State of Kansas is a creditor, the schedules and matrix must list that agency at the address provided in this rule. Any notice or service given to an address listed in this rule will be in addition to any notice required by statute, rule or regulation. *See also* D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(6) regarding service in adversary proceedings and contested matters.

(e) Addresses for certain Departments, Agencies and Instrumentalities of the State of Kansas. When one of the following departments, agencies or instrumentalities of the State of Kansas is a creditor, the schedule and matrix must list the agency at the address indicated:

1. Kansas Department of Administration
Attn Director of Accounts and Reports
Landon State Ofc Bldg Rm 351-S
900 SW Jackson
Topeka KS 66612
2. Kansas Department on Aging
New England Building
503 S Kansas Ave
Topeka KS 66603-3404
3. Kansas Department of Agriculture
Office of Chief Counsel
109 SW 9th 4th Floor
Topeka KS 66612
4. Kansas Department of Commerce
1000 SW Jackson
Suite 100
Topeka KS 66612-1354

5. Kansas Department of Education
120 SE 10th Ave
Topeka KS 66612-1182
6. Kansas Dept of Health and Environment
1000 SW Jackson
Suite 540 560
Topeka KS 66612-1290 1368
7. Kansas Department of Labor
Attn Legal Services
401 SW Topeka Blvd
Topeka KS 66603-3182
8. Kansas Department of Revenue
Civil Tax Enforcement
PO Box 12005
915 SW Harrison
Topeka KS 66612-2005
9. Kansas Dept of Soc and Rehab Svcs
Office of the Secretary
Docking State Office Building 6th Floor
915 SW Harrison
Topeka KS 66612-1570
10. Kansas Department of Transportation
Eisenhower State Office Bldg
3rd Floor West
700 SW Harrison
Topeka KS 66603-3754
11. Kansas Department of Wildlife and Parks
1020 South Kansas Ave
Room 200
Topeka KS 66612-1233
12. Kansas Health Policy Authority
Attention Legal Section
Landon State Office Building
900 SW Jackson St Rm 900N
Topeka KS 66612-1220

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As adopted amended 3/17/2011, 3/17/2008.

Comments: This Rule was updated to reflect new addresses.

LBR 7026.1
DISCOVERY

(a) Application. This rule applies to adversary proceedings, and contested matters as prescribed by Fed. R. Bankr. P. 9014 and when the court orders. Fed. R. Civ. P. 26(a) and (f), and the corresponding sections of this rule, do not apply to contested matters unless the presiding judge specifically orders otherwise.

(b) Completion Time. The parties should complete discovery within four months from the later of the date the case becomes at issue or the date a scheduling order is issued pursuant to Fed. R. Bankr. P. 7016. Ordinarily, the parties should have completed discovery before the pretrial conference. For good cause, the court may establish longer or shorter periods for the completion of discovery.

(c) Notice of Depositions Permitted by Fed. R. Bankr. P. 7030. The reasonable notice for taking a deposition is 7 days. For good cause, the court may enlarge or shorten the time.

(d) Motions for Protective Order.

(1) *Stay of Discovery.* Except as provided in paragraph (2), a motion for protective order filed pursuant to Fed. R. Bankr. P. 7026(c) or 7030(d), or a motion to quash or modify a deposition subpoena filed pursuant to Fed. R. Bankr. P. 9016, stays the particular discovery or deposition pending court order.

(2) *Stay of Properly Noticed of Deposition.* A motion filed under this rule will not stay a properly noticed deposition unless filed and served on the attorneys or parties within 14 days after service of the deposition notice and at least 48 hours in advance of the deposition.

(3) *No Appearance at Deposition Required.* No party, witness, or attorney is required to appear at a deposition stayed by a motion under this rule until the court decides the motion or it is otherwise resolved.

(e) Additional Interrogatories to Those Permitted by Fed. R. Bankr. P. 7033(a). A party must file a motion to seek leave to serve interrogatories in excess of the number permitted by Fed. R. Bankr. P. 7033(a). The motion must (1) submit the proposed additional interrogatories; and (2) state good cause for those interrogatories. Additional interrogatories served under this rule are subject to subsection (1) of this rule.

(f) Format for Interrogatories. Sufficient space for the insertion of an answer must be provided after each interrogatory. Each answer must directly follow the interrogatory being answered.

(g) Motions Relating to Discovery. Motions under Fed. R. Bankr. P. 7026(c) or 7037(a) directed at depositions, interrogatories, requests for production of documents, or requests for admissions under Fed. R. Bankr. P. 7030, 7033, 7034 or 7036, or at the responses, must be accompanied by copies of the portions of the interrogatories, requests or responses in dispute. Motions under Fed. R. Bankr. P. 9016 directed at subpoenas must be accompanied by a copy of the disputed subpoena.

(h) Depositions. Deposition transcripts may not be filed unless the court orders otherwise. The originals of all stenographically-reported depositions must be delivered to the party noticing the deposition:

- (1) after signature by the deponent if he or she has requested to review the transcript and to make changes;
- (2) on completion, if the deponent has not requested to review the transcript; or

(3) on certification by the stenographer that following reasonable notice to the deponent and deponent's attorney of the availability of the transcript for signature, the deponent has failed or refused to sign it.

(i) Retention of Originals. The party to whom it is delivered must retain the original of the deposition to be available for appropriate use by any party in a hearing or trial of the case.

(j) Disclosures and Discovery Not to be Filed.

(1) The following must be served on other attorneys and unrepresented parties, but not filed:

- (A) disclosures required under Fed. R. Bankr. P. 7026(a)(1) and (2);
- (B) interrogatories under Fed. R. Bankr. P. 7033;
- (C) requests for production or inspection under Fed. R. Bankr. P. 7034;
- (D) requests for admission under Fed. R. Bankr. P. 7036; and
- (E) the responses.

(2) At the same time disclosures, discovery, or responses are served, the serving party must file a certificate of service stating the type of disclosure, discovery or response served, the date and type of service, and the party served.

(k) Use of Discovery at Trial. A party must file with the clerk at the beginning of trial, or earlier if required by court order, the portions of any deposition transcript, interrogatories, requests for production or inspection, admissions, or any responses the party reasonably anticipates using.

(l) Duty to Confer Concerning Discovery Disputes. In addition to the duties required by Fed. R. Bankr. P. 7026 through 7037, unless the court orders otherwise, the court will not entertain any motion to quash or modify a subpoena pursuant to Fed. R. Bankr. P. 9016, or any motion under Fed. R. Civ. P. 26(c) or 37(a), unless the attorney for the moving party confers or has made reasonable effort to confer with opposing attorneys concerning the matter in dispute prior to the filing of the motion. Every certification required by Fed. R. Bankr. P. 7026(c) and 7037 and this rule related to attempts to resolve discovery or disclosure disputes must describe the steps taken by all attorneys to resolve the disputed issues.

(1) *Definition of "reasonable effort to confer."* "Reasonable effort to confer" means more than mailing or faxing a letter to the opposing party. It requires that the parties in good faith converse, confer, compare views, consult, and deliberate, or in good faith attempt to do so.

(m) Trial Preparation After Close of Discovery.

(1) Parties should ordinarily take the deposition of a material witness not subject to subpoena during the discovery period. Parties may depose a material witness who agrees to appear at trial, but later becomes unable or refuses to attend, at any time prior to trial.

(2) The court may order the physical or mental examination of a party pursuant to Fed. R. Bankr. P. 7035 at any time prior to trial.

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As amended 3/17/11, 3/17/10, 10/17/05.

Comments: This Rule was updated to correct the title of paragraph (d)(2).