

**United States Bankruptcy Court for the District of Kansas**  
**To Become Effective December 1, 2024**

The United States Bankruptcy Court for the District of Kansas gives notice of proposed changes to the Local Bankruptcy Rules (“LBRs”) that will become effective December 1, 2024, unless comments are received that precipitate further review. Interested persons, whether or not members of the bar, are invited to submit comments addressed to:

Clerk of the U.S. Bankruptcy Court, District of Kansas  
401 N. Market, Room 167  
Wichita, Kansas 67202  
or  
David\_Zimmerman@ksb.uscourts.gov.

All comments must be in writing and must be received by the Clerk no later than **November 18, 2024**, to be considered by the Court.

The Court proposes to amend the Local Rules as shown in the markup copy below and as summarized here:

**1007.1:** The amendments:

List the Official Chapter 13 Plan Form in LBR 1007.1(a)(2)(C) and  
Add the Initial Statement About an Eviction Judgment Against You form as LBR  
1007.1(a)(2)(I) and renumbers subsequent subsections.

**2002.1:** The sentence containing the citation to LBR 5005.1 is deleted because the cited provisions were abrogated.

**3001.1:** The amendment deletes subsection (b) and renumbers the subsequent subsections.

**3015(b).1:** The amendments:

Add “, or an amended plan,” to subsection (b) to clarify that the obligation to send notice of an amended Chapter 13 Plans falls on the debtor,  
Delete subsection (c) (Failure to File) and renumber subsequent subsections, and  
Add language from Standing Order 24-1 as subsection (g) so S.O. 24-1 can be abrogated,  
Add a new subsection (g)(5) stating “(5) This subsection does not determine the interest rate applicable to mortgage conduit payments under LBR 3015(b).2.”

**3015(b).2:** The amendments delete the reference to the Authorization to Release Information to the Trustee Regarding Secured Claims Being Paid by the Trustee Committee from subsection (e)(2) because the Chapter 13 Plan form Section 10.2 now contains a release.

**5003.1:** The reference to LBR 5005.1 Appx. 1-01 in subsection (a) is deleted because it is unnecessary and outdated.

**5003.2:** The subsection (a) is deleted as obsolete because paper bankruptcy case files are no longer used.

**5005.1:** The citation in subsection (a) is updated to conform to the restyled federal rules that will take effect on December 1, 2024.

**5005.1, Appx. 1-01, § II.C:** The amendments:

Allow Limited Users to electronically file applications for unclaimed funds in CM/ECF, and

Change “notices of completion” to “certificates of completion” to conform to the changes to Fed. Rules Bankr. P. 1007(b)(7), 4004, 5009, and 9006 that are scheduled to take effect on December 1, 2024.

**5005.1, Appx. 1-01, § V:** The citation to D. Kan. Rule 5.1(f) is updated to Rule 5.1(e).

**5005.1, Appx. 1-01, § XII:** The amendments:

Add “public” to section XII.B to be consistent with LBR 5003.1, and change "Schedule of Miscellaneous Fees" to “Bankruptcy Court Miscellaneous Fee Schedule” to match the name of the schedule posted on [uscourts.gov/services-forms/fees/bankruptcy-court-miscellaneous-fee-schedule](https://uscourts.gov/services-forms/fees/bankruptcy-court-miscellaneous-fee-schedule), and

Delete section XII.C because redactions are covered by LBR 9037.1 as amended.

**7026.1:** The amendments:

Replace citations to the Fed. R. Bankr. P. with citations to the Fed. R. Civ. P. when subsections are cited because the civil rules contain the substantive content of the subsections.

Revise subsection (f) to require sufficient space for insertion of an answer after each interrogatory only if interrogatories are served in paper format. Interrogatories served in electronic format (e.g., Microsoft Word) can be edited to insert space for answers to be added.

**9004.1(c):** Subsection (c)(1)(A) is deleted as obsolete and subsequent subsections are renumbered.

**9011.4:** The amendments:

Conform the citation to the District Court Rule as it was renumbered,

Revise LBR 9011.4(c) to remove requirements that were deleted from the District Court rules, and

Delete LBR 9011.4(d)(1) and (2) as a duplicate of D. Kan. Rule 5.1(b) (as it was renumbered) and renumber the subsections.

**9013.3(a):** The amendments change “must make proof of service” to “must provide proof of service.”

**9036.1:** The amendments change the citation format in subsection (a)(1) to match the format of other citations in the rule.

**9037.1:** The amendments:

Delete the citation to LBR 5005.1, Appx. 1-01, § XII.C, and

Add subsection (h) to incorporate the essence of S.O. 21-1 so that Standing Order can be abrogated.

**LBR 1007.1**  
**INITIAL FILINGS**

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(2) The following documents, if applicable, must **not** be attached to the petition and must be filed separately:

	Name of Document	Official Form
(A)	Application for Individuals to Pay the Filing Fee in Installments	103A
(B)	Application to Have the Chapter 7 Filing Fee Waived	103B
(C)	The Plan (if submitted when petition is filed in Chapters 11, 12, and 13)	<a href="#">See Forms page of court website for the Official Chapter 13 Plan Form.</a>
(D)	<p><u>When Debtor(s) are represented by counsel:</u> Declaration Re: Electronic Filing (required in lieu of Official Form 121). This document must be electronically filed as a sealed document pursuant to the instructions on the form.</p> <p><u>When Debtors are self-represented:</u> Statement About Social Security Number.</p>	<p>See Forms page of court website.</p> <p>121</p>
(E)	Declaration Regarding Payment Advices or Evidence of Payment under 11 U.S.C. §521(a)(1)(B)(iv), in compliance with Appendix 1-01 to D. Kan. LBR 1007.1, that the debtor has not been employed by any employer within the 60 days before filing of the petition, or that the debtor was employed within the 60 days, but has not received payment advices or other evidence of payment, or that copies of payment advices or other evidence of payment are attached (with all but the last four numbers of the debtor's Social Security Number redacted)	See Forms page of court website.
(F)	A Record of Any Interest That the Debtor Has in an Account or Program of the Type Specified in § 521(c);	

(G)	A Certificate for Credit Counseling and Debt Repayment Plan, if any, a Certification Under § 109(h)(3), or a Request for Determination by the Court Under § 109(h)(4)	
(H)	A Debtor's Electronic Noticing Request (DeBN Request) Form	See Forms page of court website
(I)	<a href="#">Initial Statement About an Eviction Judgment Against You</a>	<a href="#">101A</a>
(J)	A Statement About Payment of an Eviction Judgment	101B

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As amended [12/1/24](#), 3/17/22, 3/17/19 (formerly S.O. 18-2), 3/17/18, 3/17/16, 3/17/08, 3/17/07, 10/17/05, 3/17/05.

Related Forms:

Declaration Regarding Payment Advices or Evidence of Payment under  
11 U.S.C. §521(a)(1)(B)(iv)  
Declaration Re: Electronic Filing  
Debtor's Electronic Noticing Request (DeBN)

### LBR 2002.1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

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**(b) Undelivered Notices.** The clerk will deliver all undelivered notices to the debtor's attorney except where the debtor is not represented by counsel. ~~Debtor's counsel must retain the notices in paper or as a scanned electronic image, for the same period required by *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* (see *D. Kan. LBR 5005.1 and related appendix*).~~ The clerk will retain notices where the debtor is not represented. The BNC will return undelivered notices in Adversary Proceedings to the clerk.

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As amended [12/1/24](#), 3/17/20, 3/17/10, 3/17/09, 3/17/08, 10/17/05, 3/17/05.

### LBR 3001.1 CLAIMS

**(a) Service.** Claimants in Chapters 11, 12, and 13 must send a copy of the proof of claim directly to the debtor at the time of filing, if the debtor is not represented by an attorney.

~~**(b) Withdrawal of Written Instruments Filed with Claims.** Claimant may request, in writing, withdrawal of written instruments or other documents not filed electronically with a proof of claim, if the claimant provides exact copies of the documents to be withdrawn. Documents that are original negotiable instruments must be stamped with a statement indicating they were filed in support of a claim, and must show the name, case number, and date the claim was filed.~~

~~**(e) (b) Secured and Unsecured Claims.** A proof of claim must indicate whether the claim is secured, unsecured, or if both, must specify the respective amounts claimed. The claim may~~

include proposed amounts for secured and unsecured claims and must clearly indicate that it includes a proposed amount.

**(dc) Amendment to Claim in Chapter 7.** A proof of claim, other than a priority claim, may be amended at any time prior to the trustee's notice of final distribution. A priority claim may be filed or amended on or before 14 days after the trustee mails the summary of the trustee's final report to creditors or the date on which the trustee commences final distribution under § 726, whichever is earlier. If the trustee has not objected to secured claims, the trustee must give 21 days' notice to all parties who have filed secured claims of his or her intent to file and serve a notice of final distribution.

**(ed) Filing of Requests for Administrative Expenses in a Chapter 7 Case.** A request for payment of administrative expenses must be filed prior to the trustee's notice of final distribution.

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As amended [12/1/24](#), 3/17/10, 3/17/07, 10/17/05.

### LBR 3015(b).1

#### CHAPTER 13 PLAN AND PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS

**(a) Filed with Petition.** A Chapter 13 plan filed with the petition will be served, together with notice of the time for filing objections and the hearing to consider confirmation, by the Bankruptcy Noticing Center ("BNC").

**(b) Filed after Petition.** A plan filed after the petition, [or an amended plan](#), must be served, together with notice of the time for objections and the hearing to consider confirmation, by the debtor's attorney, or the debtor if not represented.

~~—(c) Failure to File. Unless an extension was obtained, failure to file a plan, together with a certificate of service, prior to the first scheduled meeting of creditors held pursuant to § 341 will result in dismissal of the case for unnecessary delay without further notice to the debtor or debtor's attorney.~~

~~—(d) (c) Treatment of Real Estate Mortgage Arrearage Claims and Continuing Payments.~~ A timely claim for mortgage payments or mortgage arrearages will be paid by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation, or specific language in the Order of Confirmation directs otherwise.

**(ed) Treatment of Priority Claims.** A timely priority claim will be paid in full by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation or specific language in the Order of Confirmation directs otherwise.

**(fe) Objection to claim.** Nothing in this Rule alters the right of the debtor, trustee or other party in interest to object to any claim.

**(gf) Plan Payments; Adequate Protection Payments under § 1326(a)(1)(C):**

(1) *Pre-confirmation § 1326(a)(1) Payments to Trustee.* Unless the court orders otherwise, debtors must pay directly to the trustee all pre-confirmation adequate protection payments payable to creditors whose claims are secured by purchase money security interests in personal property. The trustee must promptly distribute those payments to the secured creditors whose interests are being protected, except the trustee may retain the portion of the payment representing the statutory percentage trustee fee.

(2) *Plan Payments.* The Chapter 13 plan must specify the amounts to be paid to each allowed secured claim treated under the plan. The total amount of the plan payment the debtor must make pursuant to § 1326(a)(1) must include:

- (i) an amount equal to the proposed adequate protection payment of each secured creditor whose claim is secured by a purchase money security interest;
- (ii) the variable percentage fee under 28 U.S.C. § 586(e); and
- (iii) any other amounts to be paid to the trustee under the plan.

(3) *Amount of Adequate Protection Payments under § 1326(a)(1)(C).* Unless the court orders a different payment amount, the debtor must pay adequate protection payments equaling the payment provided in the debtor's Chapter 13 plan pursuant to subsection (g)(2) of this Rule plus statutory percentage trustee fees required when that payment is made to the trustee.

(4) *Direct Payment Opt-Out.* Secured creditors eligible for direct payment of adequate protection under § 1326(a)(1) may opt for direct payments by filing a motion and noticing it for objection in accordance with these rules and the procedures of the division where the case is pending. If no timely objection is filed, the court may enter an order requiring direct payments without further hearing. In the event such an order is entered, the debtor must make the payments directly to the secured creditor, and file a certification of the payments in accordance with § 1326(a)(1)(C).

(5) *Pre-confirmation Disbursements of Adequate Protection Payments to Secured Creditors by Trustee.* Pre-confirmation disbursements of adequate protection payments under § 1326(a)(1) are authorized without further order, but no disbursement may be made unless the secured creditor has filed a proof of claim. Pre-confirmation disbursements under § 1326(a)(1) may be made to creditors within 35 days of the filing of the proof of claim, unless, within 7 days prior to the end of the 35-day period, the trustee has not received sufficient, cleared funds to make the payment. The trustee is authorized to deduct from an allowed claim all § 1326(a)(1) pre-confirmation disbursements.

(g) Presumptive Interest Rate on Secured Claims. The presumptive interest rate to be paid on secured claims paid through a chapter 13 plan shall be calculated in chapter 13 cases filed on or after January 1, 2024, as follows:

(1) Calculation. Three percent shall be added to the 5-year Daily Treasury Par Yield Curve Rate published by the US Department of the Treasury for the first business day of the quarter in which the bankruptcy case was filed (e.g., January 2, April 1, July 1, and October 1, 2024).

(2) Notice. The current rate shall be determined by the Clerk of the Bankruptcy Court and posted on the Bankruptcy Court's website no later than the 10th day of each quarter (January 10, April 10, July 10, October 10).

(3) Duration. The interest rate in effect on the petition date shall remain in effect for the duration of a case.

(4) Exception. Proposed deviations from the presumptive interest rate must be set forth in the plan's nonstandard provisions.

(5) This subsection does not determine the interest rate applicable to mortgage conduit payments under LBR 3015(b).2.

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As amended 12/1/24 (previously S.O. 24-1), 3/17/20, 3/17/15, 3/17/10, 3/17/07, 10/17/05.

**LBR 3015(b).2**  
**CONDUIT MORTGAGE PAYMENTS IN CHAPTER 13 CASES**

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(e) **Debtor's Duties.**

(1) Debtor may be excused from complying with this rule only upon entry of a Court order upon a showing of circumstances justifying the same.<sup>1</sup>

(2) Debtor must complete a Mortgage Creditor Checklist and ~~an Authorization to Release Information to the Trustee Regarding Secured Claims Being Paid by the Trustee and forward those documents~~it to the Trustee (not to the Court) within 14 days of the filing of the bankruptcy petition.

(3) Debtor or Debtor's attorney shall mail a copy to the Trustee of all correspondence, notices, statements, payment coupons, escrow notices and default notices concerning any adjustment to the monthly payments or interest rate immediately upon receipt of the same.

(4) Debtor shall include the regular payment amount owing to the Real Property Creditor, inclusive of Trustee's fees, in the plan payment to be paid by Debtor to the Trustee.

(5) Pursuant to provisions of Paragraph (f)(5) below, in the event the monthly conduit payment changes due to either changed escrow requirements or a change in an adjustable interest rate, Debtor's plan payment to the Trustee shall change by the same amount, plus the Trustee's fee.

(6) For any Debtor who is employed and required to make mortgage payments through the Trustee, an employer pay order shall be promptly entered by the Clerk of the Bankruptcy Court as provided in Debtor's plan and served upon Debtor's employer. Until the employer begins to withhold bankruptcy plan payments from Debtor's pay, Debtor is required to make plan payments directly to the Trustee. A Debtor may be excused from complying with employer pay orders only upon the entry of a Court order upon a showing of circumstances justifying the same.

(7) If Debtor modifies a previously confirmed Chapter 13 Plan that originally provided for Debtor to pay the on-going post-petition payments directly to a holder of the claim to bring all or some part of the on-going payments into the Chapter 13 Plan for payments, then any post-confirmation amendment to the Plan must spell out with specificity all of the following:

- (i) the name, address, and redacted account number of the creditor to whom the payments are to be paid;
- (ii) the month for which the Trustee is to commence making the on-going post-petition payments;
- (iii) the amount and treatment of the post-petition delinquency, including the gap between the date when Debtor proposed for modifying the Plan and the month for which the Trustee is to commence making the mortgage payment, if any.

**(f) Trustee's Duties:**

(1) The Trustee is authorized to deduct from any payments collected, pursuant to 11 U.S.C. § 1326, the percentage Trustee fees then in effect as necessary costs and expenses, together with any fee, charge, or amount required under § 1326.

(2) The Trustee shall allow as an administrative expense an amount equal to 2 full regular monthly payments inclusive of escrow deposits and 2 associated late fees. This allowance shall reimburse Real Property Creditor for post-petition delinquencies that may accrue

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<sup>1</sup> See, e.g., *In re Perez*, 339 B.R. 385, 409 (Bankr. S.D. Tex. 2006) (Court lists 21 non-exclusive factors to be examined in determining whether to excuse debtors from conduit payment scheme or employer withholding orders). The additional cost associated with the trustee fee on the conduit payment will not, by itself, constitute good cause.

until the Trustee begins payments to that Creditor. This added amount shall bear interest at 5% unless Debtor's Plan contains a different rate.

(3) In the event Debtor is granted an abatement of Plan payments, the Trustee is authorized to pay any missed mortgage payments in a separate administrative claim record that includes late fees. This amount shall bear interest at 5% unless Debtor's Plan contains a different rate.

(4) The Trustee will not make payments to the Real Property Creditor on the pre-petition arrearage until such time as a Proof of Claim is filed with the Court and the Plan is confirmed. The Court is deemed to have granted authority to the Trustee to disburse conduit payments, as if the plan had been confirmed, once the Real Property Creditor has filed a Proof of Claim to which a fully executed Official Form 410A and an Addendum to Chapter 13 Proof of Claim for Residential Home Mortgage Debt Paid Through the Chapter 13 Trustee has been attached. The Trustee is required to make a full mortgage payment for each full plan payment made. The Trustee is not required to make partial payments to Real Property Creditors.

(5) Any notice filed pursuant to Fed. R. Bankr. P. 3002.1(b) or (c) shall be treated as an amendment to the creditor's claim and Debtor's plan. The Trustee is authorized to disburse the new conduit payment or fees as soon as practicable after resolution of any motion under Fed. R. Bankr. P. 3002.1(b)(2) without seeking formal modification of the plan.

(6) Should the new conduit payment or fees jeopardize the feasibility of the plan, the Trustee may file a motion to amend the plan or seek conversion or dismissal of the case, whichever the Trustee deems appropriate.

**(g) Real Property Creditor's Duties:**

(1) The Real Property Creditor shall file a Proof of Claim, to which it shall attach the Official Form 410A and Addendum to Chapter 13 Proof of Claim for Residential Home Mortgage Debt Paid Through the Chapter 13 Trustee.

(2) At least 45 days prior to the change of the name of the Real Property Creditor payee, or the address to which payments should be made, Real Property Creditor shall notify the Trustee, Debtor, and the attorney for the Debtor of any such change in a document that conforms to a Notice of Transfer of Servicing and Claim or Notice of Transfer of Claim (Other than for Security).

(3) Any amount paid or tendered to the Real Property Creditor prior to confirmation shall be applied to the next post-petition payment under the terms of the note due, without penalty. Alternatively, the mortgage holder may apply the payment as it deems appropriate, but said application shall be deemed to be the Real Property Creditor's waiver of all fees and expenses to which it is entitled under the loan documents.

(4) The holder of the mortgage claim shall not file a separate proof of claim for the amount of the 2 full regular monthly post-petition payments provided for in paragraph (f)(2) or include such post-petition payments in the pre-petition arrearage claim.

(5) Confirmation of the plan shall impose an affirmative duty and legal obligation on the Real Property Creditor to do all of the following:

(i) Apply the payments received from the Trustee for payment on the Arrearage, if any, only to such Arrearage pursuant to the plan. The Arrearage shall be deemed paid in full upon the entry of the Discharge Order in the case, unless otherwise ordered by the Court.

(ii) Deem the pre-petition Arrearage (and post-petition Arrearage, if any) contractually current upon confirmation of the plan so as to preclude the imposition of late payment charges or other default-related fees and services based solely on any



pre-petition default or the payments referred to in paragraph (f)(2) above. This obligation will have no force and effect if the case is dismissed or converted.

(iii) Apply the post-petition monthly mortgage payments paid by the Trustee or by Debtor to the month in which they were designated to be made under the plan. Even if such payments are placed in suspense, forbearance, or similar account, they will be deemed to have been applied to the note pursuant to this subsection.

(6) If the modification of a previously confirmed plan provides for mortgage payments to be made by the Trustee rather than the Debtor, and if the Real Property Creditor has not previously filed a proof of claim, the Real Property Creditor must file a proof of claim stating the amounts of the on-going payments as well as any post-petition delinquency that has occurred, including the gap between the date when Debtor modified the Plan and the month for which the Trustee is to commence making the mortgage payment, if any. Subparagraph (g)(1) of this Rule applies to the filing of the proof of claim.

**(h) No Variance Without Court Order.** The procedures set out in this rule may be varied in a particular case only by Court order.

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As amended [12/1/24](#), 3/17/22, 3/17/19; adopted 8/22/17 (formerly S.O. 11-3).

Related forms:

Mortgage Creditor Checklist

Authorization to Release Information to the Trustee

Regarding Secured Claims Being Paid by the Trustee

Addendum to Chapter 13 Proof of Claim for Residential

Home Mortgage Debt Paid Through Chapter 13 Trustee

Notice of Transfer of Servicing and Claim

Notice of Transfer of Claim (Other than for Security)

### LBR 5003.1

#### ACCESS TO COURT RECORDS

**(a) Access.** The public records of the court are available for examination in the clerk's office during normal business hours. Access to electronically-filed documents is available [as set forth in Appendix 1-01 of D. Kan. LBR 5005.1 through the Public Access to Court Electronic Records \(PACER\) system.](#)

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As amended [12/1/24](#), 3/17/08, 10/17/05.

### LBR 5003.2

#### ~~WITHDRAWAL AND DISPOSITION OF COURT RECORDS~~

~~—(a) Case Files. A bankruptcy case file may not be withdrawn.~~

~~—(b) Exhibits, Sealed Documents, and Filed Depositions.—~~ Any exhibit, sealed document, or filed deposition in the clerk's custody more than 30 days after the time for appeal, if any, has expired or an appeal has been decided and mandate received, may be returned to the parties or destroyed by the clerk if unclaimed after reasonable notice.

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[As amended 12/1/24.](#)

## LBR 5005.1

### FILING BY ELECTRONIC MEANS

(a) **Background and Authority.** Federal Rule of Civil Procedure 83, Federal Rules of Bankruptcy Procedure 5005(a)(23), and District of Kansas Rule 83.8.12, authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and documents by electronic means.

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#### Appendix 1-01 to LBR 5005.1

#### Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means

(Rev. 3/17/22 12/1/24)

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## II. Eligibility, Registration, Passwords

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C. **Limited Use Eligibility.** Limited Users without counsel may register as Filing Users of the court's electronic filing system for the sole purpose of filing claims, transfers of claims, reaffirmation agreements, requests to receive notices, withdrawal of claims, changes of address, ~~and notices~~ [applications for unclaimed funds, and certificates](#) of completion of an instructional course concerning personal financial management pursuant to Fed. R. Bankr. P. 1007(b)(7). The clerk may provide alternative means for Limited Users without counsel to file those documents without registering as Filing Users.

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## V. Attachments and Exhibits

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless otherwise directed by the court. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such (*also see* D. Kan. Rule 5.1(~~fe~~) and D. Kan. LBR 9072.1(a) dealing with bulky/voluminous exhibits). Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

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## XII. Public Access

A. **PACER Access.** Any person or organization, other than one registered as a Filing User under these rules, may access the Electronic Filing System at <https://ecf.ksb.uscourts.gov> by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

B. **Clerk's Office Access.** Access to all [public](#) documents is available, without obtaining a password, in the clerk's office during regular business hours, Monday through Friday. Conventional and certified copies of electronically filed documents may be purchased at the clerk's office during regular business hours Monday through Friday. The fee for copying and certifying shall be in accordance with the ~~Schedule of Bankruptcy Court~~ [Miscellaneous Fees](#) ~~Fee Schedule~~ promulgated by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930(b).

~~—C. Redaction. In connection with the filing of any material in an action assigned to the Electronic Filing System, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.~~

~~—D. C. Misuse. Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.~~

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As amended [12/1/24](#), 3/17/22, 3/17/21, 3/17/20, 3/17/19 (formerly S.O. 18-3), 3/17/18, 3/17/17, 3/17/16, 3/17/14, 3/17/08.

## **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~~Civ. P. ~~702626~~(c) or ~~703030~~(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 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~~Civ. P. ~~703333~~(a).** A party must file a motion to seek leave to serve interrogatories in excess of the number permitted by Fed. R. ~~Bankr~~Civ. P. ~~703333~~(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- if interrogatories are served in paper format. Each answer must directly follow the interrogatory being answered.

**(g) Motions Relating to Discovery.** Motions under Fed. R. ~~Bankr~~Civ. P. ~~702626~~(c) or ~~703737~~(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~~Civ. P. ~~702626~~(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~~Civ. P. ~~702626~~(c) and ~~703737~~ 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."* "~~Reason-able~~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.

\* \* \*

As amended [12/1/24](#), 3/17/11, 3/17/10, 10/17/05.

**LBR 9004.1**  
**FORM OF PLEADINGS AND DOCUMENTS**

...

**(c) Orders.**

(1) *Generally.*

~~(A) The following information must appear at the top of the signatory page of all orders:~~

~~(i) the name of the court;~~

~~(ii) the case caption, the case number and chapter; and~~

~~(iii) the caption of the order and page number.~~

~~(B)~~ (A) The top margin on the first page of an order must be four inches; all subsequent pages of the order must have a top margin of one inch.

~~(C)~~ (B) The last line of the order preceding attorney signatures must consist of 3 pound symbols (# # #), centered, to indicate the end of the order. Omit a signature line for the judge because all orders will be signed electronically in the top margin of the first page.

(2) *Resulting from Hearing.* Unless the court directs otherwise, orders resulting from an actual hearing are due 14 days from the date of the hearing. The first paragraph of the order must begin with the actual date of the hearing, e.g.,: “Now on this 23rd day of March, 2013, this matter came before the court...”

(3) *No Hearing Held.* Orders resulting from the failure to object or respond to a notice with objection deadline are due 14 days after the deadline expires. The first paragraph of the order must begin by stating that the matter was noticed with opportunity for hearing but no objections were filed and no hearing was held.

...

\* \* \*

As amended [12/1/24](#), 3/17/16, 3/17/12, 3/17/10, 10/17/05, 3/17/05.

**LBR 9011.4**  
**SIGNATURES**

~~(a) [Reserved]~~

~~(b)~~ **Signing of Pleadings by Unrepresented Parties.** The original of every pleading, motion or other paper filed by a party not represented by an attorney must bear the genuine signature of the unrepresented party.

(1) Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original wet ink signatures or which require verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, may contain, in lieu of the original wet ink signature, a copy, or digitally scanned image, of the original document containing a wet ink signature of the unrepresented party.

(2) Stamped signatures or signatures created by use of special software programs for electronic signatures, such as DocuSign and Sign Easy, are not acceptable as signatures of an unrepresented party.

(3) If an unrepresented party submits a document that does not bear a genuine signature, the unrepresented party may promptly cure the defect by completing and signing the Declaration Regarding Filing form in conformity with the instructions on the form. The

form is available on the Forms page of the court website. Failure to cure the defect may result in the court treating the document as unfiled.

**(eb) Signing of Pleadings by Attorney for Parties.**

~~(1) The original of every pleading, motion, or other paper filed by an attorney must bear the genuine signature of at least one attorney of record and comply with D. Kan. Rule 5.1(eb) as to form. The following are exceptions to D. Kan. Rule 5.1(b) and they apply only to documents filed by attorneys in bankruptcy cases in this District:~~

~~(1) Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and When an attorney signs a petition, list, schedule, statement, amendment, pleading, affidavit, or other documents document which must contain an original wet ink signature signature or which require requires verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, may contain, in lieu of the original wet ink attorney's signature, may be in the signature forms described herein form of:~~

~~(A) A copy, or digitally scanned image, of the original document containing a wet ink signature; or~~

~~(B) An image with a signature captured electronically at the time of document creation, or signature a signature created and verified by use of a special software programs program for electronic signatures, such as DocuSign or Sign Easy.~~

~~(2) An attorney's electronic filing of such When an attorney electronically files a document with the signature in the form described above will constitute, it constitutes a certification by the attorney that:~~

~~(A) the filing attorney transmitted the entire document to the attorney signatory(ies) for review and signature, and received express authorization from the attorney signatory(ies) to file the document; and~~

~~(B) the filing attorney transmitted the entire document to any non-attorney signatory(ies) (or to their counsel) for review and signature, communicated with any non-attorney signatory(ies) who is represented by the filing attorney regarding the substance and purpose of the document, received the signature of any non-attorney signatory(ies), and, at the time of electronic filing, is in possession of an image format, facsimile, or software-assisted signature of the document from the non-attorney signatory(ies).~~

~~**(d) Contact Information and Bar Registration Numbers.**~~

~~(1) Requirements for Unrepresented Parties and Attorneys. Each party or attorney signing papers submitted for filing must include the signer's:~~

~~(A) name;~~

~~(B) address;~~

~~(C) telephone number;~~

~~(D) facsimile number; and~~

~~(E) e-mail address.~~

~~(2) Additional Requirements for Attorneys. Each attorney signing a document must also include the attorney's state supreme court registration number, or, in cases where the attorney is not admitted to practice in Kansas, its equivalent. Attorneys admitted from the Western District of Missouri by reciprocal admission must include their Kansas District Court registration number.~~

~~(3) (c) Duty to Update Contact Information. Each attorney or unrepresented party must notify the clerk in writing of any change of address or telephone number. Any notice mailed to the last address of record of an attorney or an unrepresented party is sufficient notice.~~

\* \* \*

As amended [12/1/24](#), 3/17/22 (formerly S.O. 20-2), 3/17/19, 3/17/10, 3/17/09, 3/17/05.

**LBR 9013.3**  
**PROOF OF SERVICE**

**(a) Certificates of Service.** Except as the court or rules provide otherwise, an attorney of record or an unrepresented party must ~~make~~[provide](#) proof of service of any pleading, motion, or other document required to be served, by filing a certificate. The certificate must either be included in the pleading or document served, or filed separately as soon as possible, and in any event before any action based on the service is requested or taken by the court. The certificate of service must indicate that service was accomplished through the Notice of Electronic Filing for parties and attorneys who are Filing Users and indicate how service was accomplished on any party or attorney who is not a Filing User.

\* \* \*

As amended [12/1/24](#), 3/17/20, 3/17/10, 3/17/05.

**LBR 9036.1**  
**DEBTOR ELECTRONIC BANKRUPTCY NOTIFICATION**

**(a) DeBN Request Form.** Each debtor who files a voluntary petition in bankruptcy on or after August 1, 2015, must file, contemporaneous with the petition, a completed Debtor's Electronic Noticing Request (DeBN Request) on the form provided by the Clerk of the Bankruptcy Court. Each DeBN Request must indicate whether the debtor:

- (1) requests creation of a new DeBN account to begin receiving court notices and orders via email pursuant to [Fed. R. Bankruptcy Rule Bankr. P. 9036](#), or
- (2) declines participation in the DeBN program, or
- (3) requests an update to or reactivation of an existing DeBN account, or
- (4) requests deactivation of an existing DeBN account.

\* \* \*

Adopted [12/1/24](#), 3/17/16.

**LBR 9037.1**  
**REDACTION**

**(a) Motion.** Any person seeking to redact publicly filed data that is subject to privacy protection under Fed. R. Bankr. P. 9037 ~~or section XII.C of Appendix 1-01 to D. Kan. LBR 5005.1~~ should file a motion to redact such data on the grounds that public access is likely to prejudice privacy interests. Motions to redact need not be filed with a notice of objection deadline, but the Court may in its discretion determine that a hearing is appropriate to consider the motion and any related responses.

\* \* \*

[\(h\) Highly Sensitive Documents. Highly sensitive documents are subject to the procedures and requirements published on the court's website.](#)

\* \* \*

As amended [12/1/24 \(formerly S.O. 21-1\)](#), 3/17/20, 3/17/15.