

**LOCAL RULES
OF THE
UNITED STATES
BANKRUPTCY COURT
FOR THE
DISTRICT OF KANSAS**

**Janice Miller Karlin
Chief Judge**

**Robert E. Nugent III
Judge**

**Dale L. Somers
Judge**

**Robert D. Berger
Judge**

EFFECTIVE MARCH 17, 2017

**THE HONORABLE JANICE MILLER KARLIN
CHIEF JUDGE
United States Bankruptcy Judge
215 U.S. Courthouse
444 Southeast Quincy Street
Topeka, Kansas 66683**

**THE HONORABLE ROBERT E. NUGENT III
United States Bankruptcy Judge
104 U.S. Courthouse
401 North Market
Wichita, Kansas 67202**

**THE HONORABLE DALE L. SOMERS
United States Bankruptcy Judge
225 U.S. Courthouse
444 Southeast Quincy Street
Topeka, Kansas 66683**

**THE HONORABLE ROBERT D. BERGER
United States Bankruptcy Judge
125 Robert J. Dole U.S. Courthouse
500 State Avenue
Kansas City, Kansas 66101**

**BANKRUPTCY CLERK
David D. Zimmerman**

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

**Kansas City Clerk's Office
161 Robert J. Dole U.S. Courthouse
500 State Avenue
Kansas City, Kansas 66101**

**Topeka Clerk's Office
240 U.S. Courthouse
444 Southeast Quincy Street
Topeka, Kansas 66683**

**Please see www.ksb.uscourts.gov for
current telephone contact information.**

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

ORDER OF ADOPTION

Pursuant to the authority vested in this court by Rule and Statute,

IT IS ORDERED that the attached amendments to Section II.C of Appendix 1-01 to LBR 5005.1, LBR 9027.1, and LBR 9029.3 of the Local Rules of the United States Bankruptcy Court for the District of Kansas are adopted, supersede existing rules bearing the same number, and become effective March 17, 2017. Superseded rules or subsections are repealed effective March 17, 2017.

IT IS FURTHER ORDERED that LBR 4001(a).2 is ABROGATED as moot.

IT IS FURTHER NOTED THAT Standing Order 16-1 of the United States Bankruptcy Court for the District of Kansas was adopted on October 12, 2016, became effective December 1, 2016, and superseded and abrogated Standing Order 15-3.

DATED this 1st day of February, 2017.

s/ Janice Miller Karlin
JANICE MILLER KARLIN
Chief Judge

s/ Robert E. Nugent
ROBERT E. NUGENT
Judge

s/ Dale L. Somers
DALE L. SOMERS
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

* * *

ATTEST:
s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
IN THE MATTER OF RULES OF
PRACTICE AND PROCEDURE IN THIS COURT
MEMORANDUM AND ORDER**

By means of this Memorandum and Order, the Judges of this court express their appreciation to the members of the Bench Bar Committee appointed to make recommendations on possible revisions of the Local Rules of Practice and Procedure.

The individuals composing the committee devoted much time studying the existing local rules, the applicable federal statutes and rules, and the rules of other United States Bankruptcy Courts. The Bench Bar Committee performed its task competently, unselfishly, and in the best tradition of the legal profession.

IT IS, THEREFORE, ORDERED that the Clerk file this Memorandum and Order as a permanent record of the court and that he deliver an attested copy to each member of the committee, namely:

Emily B. Metzger, Chair	
Jordan Sickman	William E. Griffin
Christopher Redmond	David Lund
Jill A. Michaux	January Bailey
Scottie Kleypas	Eric Lomas
Luke Sinclair	

DATED this 1st day of February, 2017.

s/ Janice Miller Karlin
JANICE MILLER KARLIN
Chief Judge

s/ Robert E. Nugent
ROBERT E. NUGENT
Judge

s/ Dale L. Somers
DALE L. SOMERS
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

ATTEST:
s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk

LBR 4001(a).2
EFFECT OF AUTOMATIC STAY IN
CHAPTER 12 AND 13 CASES ON INCOME
WITHHOLDING ORDERS FOR CHILD SUPPORT
IN CASES FILED BEFORE OCTOBER 17, 2005
(Abrogated 3/17/2017)

* * *

LBR 5005.1, Appendix 1-01, Section II.C
ADMINISTRATIVE PROCEDURES FOR FILING,
SIGNING AND VERIFYING PLEADINGS AND
DOCUMENTS BY ELECTRONIC MEANS
(Rev. 3/17/2017)

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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 of completion of an instructional course concerning personal financial management pursuant to Fed. R. Bankr. P. 1007(b)(7).

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As amended 3/17/17, 3/17/16, 3/17/14, 3/17/08

LBR 9027.1
REMOVAL/REMANDS

(a) Procedure and Fees. Fed. R. Bankr. P. 9027 controls the procedure for removal of claims or causes of action in civil actions under 28 U.S.C. § 1452. The filing of a Notice of Removal with the Clerk of Bankruptcy Court requires payment of a filing fee that will not be satisfied by the redundant filing of the motion with the Clerk of the District Court.

(b) Motions to Remand. A motion to remand under Fed. R. Bankr. P. 9027(d) must be served within 21 days following the filing of the notice of removal.

* * *

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

LBR 9029.3
BANKRUPTCY BENCH BAR COMMITTEE

There is a Bankruptcy Bench Bar Committee appointed by the court.

(a) Membership. The committee consists of the chief judge, any other judges who may from time to time be appointed by the court, the United States Attorney or a designated assistant, the U.S. Trustee for Region 20 or a designated assistant, six actively practicing members of the bar of the bankruptcy court, a Chapter 13 Trustee, and a Chapter 7 Trustee, selected by the bankruptcy judges.

(b) Terms of Office. The court will appoint the six actively practicing members of the bar, the Chapter 13 trustee, and the Chapter 7 trustee to serve three year terms to begin on July 1 of each year. If a committee member is unable to complete the term of appointment, a replacement member may be appointed to complete the term.

* * *

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

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 15-3
ORDER GOVERNING
DEPOSIT AND INVESTMENT OF REGISTRY FUNDS**

**(Abrogated effective December 1, 2016,
by Standing Order 16-1)**

* * *

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 16-1
ORDER GOVERNING
DEPOSIT AND INVESTMENT OF REGISTRY FUNDS**

On this date the Court determined that it is necessary to amend its local procedures governing the deposit, investment, and tax administration of funds in the Court's Registry, (*see* Bankr. D. Kan. S.O. 15-3):

IT IS THEREFORE ORDERED that the following shall govern the receipt, deposit and investment of registry funds:

I. Receipt of Funds

- A. No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge in the case or proceeding.
- B. The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court by delivering or mailing a copy of the order to the

Administrative Office of the Clerk of the Bankruptcy Court for the District of Kansas at 167 U.S. Courthouse, 401 North Market, Wichita, Kansas 67202-2011, or by sending a copy to the email address of the court's Finance Department provided by the Clerk of Court on the court's website.

- C. Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

II. Investment of Registry Funds

- A. Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Fed. R. Civ. P. 67, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.
- B. Interpleader funds deposited under 28 U.S.C. § 1335 meet the Internal Revenue Service ("IRS") definition of a "Disputed Ownership Fund" ("DOF"), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.

- C. The Director of Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.
- D. Money from each case deposited in the CRIS shall be pooled together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.
- E. An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.
- F. For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund

investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

III. Fees and Taxes

- A. The custodian is authorized and directed by this Order to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.

- B. The custodian is authorized and directed by this Order to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Order to withhold and pay federal taxes due on behalf of the DOF.

IV. Transition From Former Investment Procedure

- A. The Clerk of Court is further directed to develop a systematic method of redemption of all existing interest-bearing investments and their transfer to the CRIS.
- B. Deposits to the CRIS DOF will not be transferred from any existing CRIS funds. Only new deposits pursuant to 28 U.S.C. § 1335 from the effective date of this order will be placed in the CRIS DOF.
- C. Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees on proper motion and approval of the judge assigned to the specific case.
- D. This Order is generally effective on the date of entry, but DOF provisions will become effective the date the CRIS DOF begins to accept deposits. This order supersedes and abrogates Bankr. D. Kan. S.O. 15-3 and all other prior orders of this Court regarding the deposit and investment of registry funds.

IT IS SO ORDERED.

Dated this 12th day of October, 2016.

s/Janice Miller Karlin
JANICE MILLER KARLIN
Chief Judge

s/Robert E. Nugent
ROBERT E. NUGENT
Judge

s/Dale L. Somers
DALE L. SOMERS
Judge

s/Robert D. Berger
ROBERT D. BERGER
Judge

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