

United States Bankruptcy Court, NDNY

November 2022

Editors: Cynthia Platt, Dawn Simmons, and T Straile

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Clerk's News 2022



Syracuse Courthouse



Albany Courthouse



Utica Courthouse

Notice Regarding Recall Status of Hon. Robert E. Littlefield, Jr.

By: Cynthia A. Platt

Notwithstanding his retirement approximately six years ago on September 30, 2016, the Hon. Robert E. Littlefield, Jr. has remained on the bench with an active case load as a recall judge. We are pleased to advise that Judge Littlefield will continue his judicial service in the Albany division of the Bankruptcy Court. The Judicial Council of the Second Circuit Court of Appeals has approved Judge Littlefield's recall status for a fourth, two-year term to run October 1, 2022 – September 30, 2024.

Information Updates and Reminders

By: Ed DiDonna and Rochelle Murine

Public Hours and Policy Changes

The Clerk's Office public counters are currently open 10:00 a.m. to 2:00 p.m. Access before and after hours is available upon prior request of the Clerk's Office.

The Clerk's Office is staffed full time, every business day, in person and remotely.

The Clerk's Office is no longer permitted to accept cash. It continues to accept cashier's checks, money orders, and debit cards from debtors, plus credit cards and personal checks from non-debtors.

Deficiencies and Edits

The Clerk's Office will no longer accept replacement PDFs for docketing. If you need to replace a PDF, you must file an amended document.

Contact Information

ALBANY:

U.S. Bankruptcy Court
James T. Foley U.S. Courthouse
445 Broadway, Suite 330
Albany, NY 12207

Albany Clerk's Office Phone:
518-257-1661

Albany Clerk's Office Help Desk:
518-257-1616

SYRACUSE:

U.S. Bankruptcy Court
James M. Hanley
U.S. Courthouse and Federal
Building
100 South Clinton St.
Syracuse, NY 13261

Syracuse Clerk's Office Phone:
315-295-1600

Syracuse Clerk's Office Help
Desk:
315-295-1618

UTICA:

U.S. Bankruptcy Court
Alexander Pirnie U.S.
Courthouse and Federal Building
10 Broad St.
Utica, NY 13501

Utica Clerk's Office Phone:
315-793-8101

Utica Clerk's Office Help Desk:
315-266-1118

Website Address:

<http://www.nynb.uscourts.gov>

Please do not send unsolicited replacement documents directly to the Clerk's Office. No action will be taken by the editor, and you will be instructed to file an amended document.

Debtor Motion to Reopen a Case to File a § 522(f) Motion

The motion to reopen may be filed *ex parte*. Simply file the motion, pay the reopening fee, and upload your proposed order. After the order granting your motion is entered on the docket, you may file your § 522(f) motion. See Local Bankruptcy Rule 5010-1(e).

Motion to Reopen a Syracuse Case Previously Assigned to Another Judge

If the case to be reopened was previously assigned to another judge, you may not be able to upload your proposed order until the case is reassigned to Judge Kinsella. Please call the Clerk's Office if you have one of these cases, so that your motion can be administered promptly.

Case Conversion to Chapter 7

There are two CM/ECF events that may be used to convert a case to chapter 7. Make sure to choose the correct path.

Bankruptcy > motions > convert chapter [11, 12, 13] to chapter 7

The above event path should be used when filing a motion to convert. This event path delays the behind-the-scenes CM/ECF conversion of the case and gives the Clerk's Office time to contact you for a notice of hearing and/or order of conversion, if missing.

The below event path should be used when a notice of voluntary conversion to chapter 7 is filed.

Bankruptcy > notices > notice of voluntary conversion to chapter 7

Motion that Seeks Multiple Reliefs

Beyond the primary relief sought, a motion often seeks additional relief such as attorney compensation and relief from the co-debtor stay. Use your keyboard's control key to add multiple reliefs to the motion text you type into the CM/ECF screen.

Resolving Issues When Uploading E-Orders that Include Scanned Documents

Using "Print to PDF" will fix most order upload errors. Please contact an Operations Supervisor if you continue to have problems.

Review Local Bankruptcy Rule 3015-4

There is no requirement that the Local Form Plan be filed or served for post-confirmation modifications.

Loss Mitigation Adjournments

If you wish to adjourn a loss mitigation status conference, be sure to use the correct adjournment form and to adjourn any related motion for relief from stay and confirmation hearing to the same date and time. It helps us keep the docket orderly.

https://www.nynb.uscourts.gov/sites/default/files/forms/LM16A_1.pdf

Tax Returns

When a debtor's tax return is requested by a trustee, the return should be mailed/e-mailed directly to the trustee. Do not file tax returns with the Clerk's Office via CM/ECF or mail.

Redaction

All filed documents, exhibits, attachments, etcetera must be redacted pursuant to FRBP 9037. See Local Bankruptcy Rule 9037-1 for the redaction procedure.

Have a Question About a Particular Case or Adversary Proceeding?

By: Rochelle Murine

Bankruptcy cases filed in the Northern District of New York are assigned to Case Administrators based upon the last two digits of the case number. Adversary Proceedings stay with the Case Administrator assigned to the main case. If you have a question regarding a specific case or adversary proceeding, you can contact the assigned Case Administrator directly. Below is contact information for each Case Administrator based upon the last two digits of the main case number.

Cases Ending In:	Contact Number:
01-16	315-295-1653
17-33	315-295-1619
34-50	518-257-1610
51-66	518-257-1607
67-83	315-266-1108
84-00	315-266-1107

Proposed Orders Submitted Via E-Orders

In compliance with Local Bankruptcy Rule 9011-3(h), all proposed orders submitted via E-Orders must conform to the following:

There must be a four (4) inch margin (i.e., four inches of white space) at the top of the first page of the proposed order.

The character sequence ### must appear on the last page of the proposed order, centered, and at the end of the text; and

The proposed order shall not contain a signature line, block, or date.

Failure to adhere to these specifications may delay the judge's review of your order.

Debtor Not Eligible for Chapter 13 Discharge

If a debtor is not eligible for a Chapter 13 discharge, the Chapter 13 Trustee will file a "Notice of Ineligibility for Chapter 13 Discharge" at the beginning of a case.

Clip & Save!!

AT&T Conference Call-In Information for court hearings:

Division	Number	Caller Code
Albany	877-402-9753	4954900
Utica	877-411-9748	3229032
Syracuse	888-398-2342	3187406

CHAPMobile App

By: Dawn Simmons and Dina Ventura



ChapMobile offers a central location for on-demand viewing of bankruptcy hearings and 341 Meetings for participating courts. Using the App eliminates time-consuming searches on court websites. It offers lawyers, trustees or other users free and efficient tracking for upcoming hearings. You may save and track favorite cases, debtors, and view upcoming hearings. The App offers easy search tools and custom settings for a streamlined consistent user experience while navigating from court to court.

Sites of Interest

PACER Service Center:

<https://pacer.uscourts.gov/>

Pending Rule and Form Changes:

<https://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments>

Federal Rules and Policies:

<https://www.uscourts.gov/rules-policies>

U.S. Trustee Region 2:

<https://www.justice.gov/ust-regions-r02>

Electronic Bankruptcy Noticing:

<https://bankruptcyntices.uscourts.gov/>

Government Printing Office:

<https://www.govinfo.gov>

Features include:

HEARING CALENDARS - Quickly view upcoming public daily hearing calendars for bankruptcy judges across the country. Calendar views include case and hearing information, hearing date, time, and location. Easily search for hearings by Debtor Name or Case Number and Track Active Hearings in the App.

SETTINGS - Select a court you want to visit. Control your view and favorite lists in the App settings. App personalization is easy to use.

COURT LOCATION - View court address and jump to court websites. Call or email the court directly from the App. Navigate to a different court directly from the App.

341 MEETING CALENDARS - For new case filings. The 341 daily calendar view includes date, time, meeting location, and case information for each bankruptcy Trustee or U.S. Trustee with an upcoming 341 calendar. Easily search for a 341 Meeting by Debtor Name, Case Number, or Attorney.

MY LISTS - Save time tracking information for the same cases and attorneys. Create personalized lists to follow your favorite attorneys, bankruptcy cases or debtors with upcoming court hearings.

Questions?

Contact the Help Desk:

Albany: 518-257-1616

Syracuse: 315-295-1618

Utica: 315-266-1118

*Brochure courtesy of Utah
Bankruptcy Court



Recognition of Pro Bono Service Providers

October 1, 2021 to September 30, 2022

Chief Judge Diane Davis, Judge Wendy Kinsella, and Judge Robert E. Littlefield, Jr. wish to acknowledge and thank the attorneys listed below for their outstanding pro bono contributions. During the last 12 months, these 27 attorneys and 10 students from Syracuse University College of Law Bankruptcy Law Clinic assisted 76 debtors who otherwise would not have been able to afford legal representation. The Court is grateful for the willingness of these attorneys and students to give of their time and expertise.

Paula M. Barbaruolo
 William F. Berglund
 Brandi Burns
 Maxsen D. Champion
 Guy J. Criscione Jr.
 Nancy Baum Delain
 David F. DeVall
 Cindy Domingue-Hendrickson
 Christian H. Dribusch
 Marc S. Ehrlich
 Edward Jack Fintel
 Kenneth W. Gibbons
 Jessica G. Grady
 Kristie H. Hanson
 Peter M. Hobaica
 R.P. Andrew McNee
 Sean Patrick Moran
 Justin D. Myers
 Michael Jude O'Connor
 Arlene Sanders
 Daniel A. Testa
 Michael J. Toomey
 James P. Trainor
 Christiaan M. Van Niekerk

Civics Outreach and Education

By: Dawn Simmons

During the past year, the judges continued their support of bringing communities to the court and courts to the communities to promote civic education. Judge Littlefield addressed the Upstate Chapter of the Turnaround Management Association in Albany on the benefits of filing a case under Subchapter V of Chapter 11. In March, Chief Judge Davis participated in, "Bankruptcy 101 for Non-Bankruptcy Attorneys," a program co-sponsored by the Oneida County and Broome County Bar Associations and the Federal Court Bar Association.

This spring, Judge Kinsella was busy bringing civics education to students. In April, she hosted three groups of Syracuse University law students in her chambers. Members of the Black Law Students Association and Latin American Students Association toured the Courtroom and listened to Judge Kinsella, Magistrate Judge Lovric, Lisa Peebles, Federal Public Defender, Carina Schoenberger of the U.S. Attorneys' office, and Law Clerks Jill Levy, Jewell Ewing and Michael Medved talk about their career paths and work in the federal courts. In addition, students from the Bankruptcy Law Clinic toured the Court and learned about clerkship and other career opportunities in the Bankruptcy and Federal court system. In celebration of Law Day 2022, over the course of four days in May, Judge Kinsella joined District Court and Magistrate Judges in the presentation of careers in the law to 267 high school students. Separately, she gave a virtual presentation to 30 students from Tottenville High School.

In January, April and October, Judge Kinsella's civics outreach efforts focused on approximately 75 applicants who became U.S. Citizens at the Naturalization Ceremonies she conducted.



Jonathan D. Warner
Lee Edwin Woodard*
L. David Zube

*Director, Bankruptcy Clinic and
Professor of Law at Syracuse
University College of Law

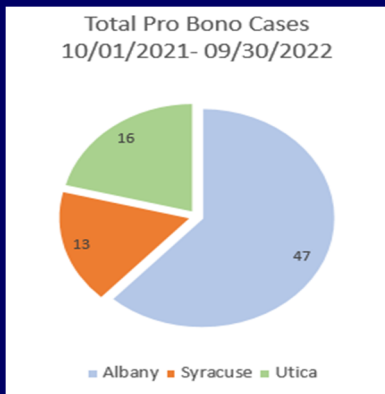
**STUDENT PRACTITIONERS
FROM SYRACUSE UNIVERSITY
COLLEGE OF LAW BANKRUPTCY
LAW CLINIC**

Jamie McHennan
Shaohuan Hu
Mark Rokow
Samuel Schimel
Mitchell Meigs
Peter Calleri
Alaina Brophy
James Lawler
Anthony Maresco
Moriah Combs

Amendments to the NYNB Local Rules Effective 12-01-2022

By: Dawn Simmons

Local Bankruptcy Rule	The Revision/Changes were made to:
1002-1 Commencement of Case	Eliminate outdated "Where to File" provision and unnecessary "Deficient Petitions and Papers" provision.
2002-1 Notice to Creditors and Other Interested Parties	Clarify the notice required under Fed. R. Bankr. P. 2002.
2014-2 Admission/Designation for Service	Clarify and set forth the procedure and requirements for Attorney Admission and Pro Hac Vice Admission.
2016-2 Compensation of Professionals in Chapter 13 Case	Conform to Administrative Order 22-03; reduce information required in Fed. R. Bankr. P. 2016(b) statement; and eliminate certain requirements for an Application for Fees in Excess of Those Approved Under the Plan.
2016-3 Request Services to be Rendered by Debtor's Attorney	Clarify the obligations of a debtor's attorney when an adversary proceeding is filed in the case.
2091-1 Attorneys Withdrawal Other Than by Substitution	Revamp process by which an attorney may withdraw as counsel of record.
2092-1 Attorneys – Substitution	Eliminate the rule in its entirety.
4002-1 Change of Address of Debtor	Update procedure for filing a change of address of debtor.
4002-2 Change of Address of Party In Interest	Eliminate the rule in its entirety.
4002-3 Attorney's Duty to Maintain Current Contact Information Via PACER	Conform to NextGen and PACER processes. Will be renumbered 4002-2.
5005-1 Electronic Filing	Focus on Electronic Filing and eliminate outdated service-related guidance.
5005-2 Electronic Filing – Registration	Conform to with NextGen and PACER processes.
5010-1 Reopening a Case	Clarify the exemptions to the requirement of a filing fee and when relief may be sought ex parte.
9001-1(17) Definitions	Update PACER's web address.
9011-3 Signature and Electronic Filing	Conform to NextGen and PACER processes.
9034-1 Notice To and Service Upon the UST	Eliminate the rule in its entirety.
Appendices	Updated
II – Local Forms Referenced in LBRs	
III - Administrative Orders	
Forms	Updated
Change of Address Form	



Access to Digital Recordings of Court Hearings is Just a Click Away

By: Sara Weiler

Did you know that you can listen to digital recordings of court hearings and trials conducted in all three divisions of the Court over the Internet using PACER? In most instances there is no longer a need to incur the expense or time involved in ordering a CD of a proceeding from the Court. Audio files of all proceedings, unless otherwise specified by the presiding Judge, will be uploaded to the CM/ECF docket. The Court began offering this service in the Syracuse division in March 2015, in the Albany division in February 2018, and in the Utica division in October 2021.

The digital audio recording will appear on the docket as a PDF with an MP3 file. This file will generally be available within 24-48 hours after the conclusion of a hearing or trial.

02/17/2015	22 (1 pg)	PDF with attached Audio File. Court Date & Time [2/17/2015 1:59:03 PM]. File Size [80 KB]. Run Time [02/17/2015]
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Remember that the digital audio recording (MP3) accessed via PACER is a copy of a court proceeding and is provided to the public as a convenience. It is not the official record. The official record of a hearing or trial remains the written transcript.

Something else to be mindful of is that Fed. R. Bankr. P. 9037 restricts the publication in filings made with the Court of an individual's complete social security number, complete taxpayer identification number, or birth date, the name of a minor child, or a complete financial-account number. Counsel and the parties are responsible for guaranteeing that these personal identifiers are not contained in pleadings and mentioned in testimony in compliance with the rule. If a personal identifier is stated during a Court proceeding, it will be made public when the audio recording is uploaded to the docket or if the official transcript is filed with the Court. **The Court does not have the capacity to redact a portion of an audio file placed on the docket.**

Instructions for accessing audio files via PACER are available on the Court's website under: Programs & Services > CourtSpeak Program and by clicking [here](#).

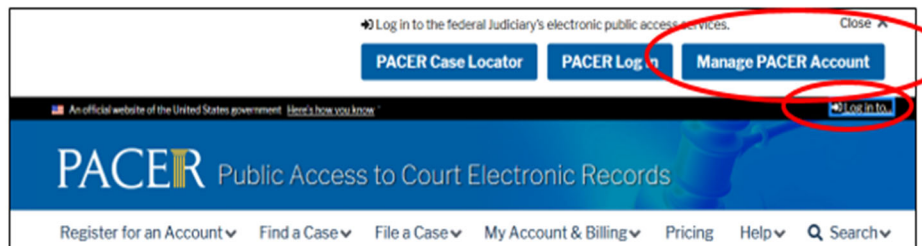
How To Update Your Bankruptcy CM/ECF Account (NextGen Edition)

By: Dina Ventura and Sara Weiler

Rule: Use PACER to update your personal account information.

Exception: Use CM/ECF > Maintain User Account to add or modify the secondary e-mail address.

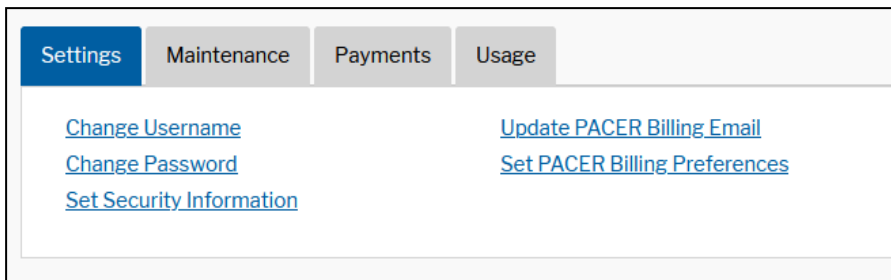
- Go to PACER (www.pacer.uscourts.gov)
- In the upper right corner, click on: “Log in to...” or “Menu”
- Click on: **Manage PACER Account**
- Log-in to PACER



Choose from these four tabs:

- Settings
- Maintenance
- Payments
- Usage

Settings Tab: Use this tab to reset login credentials and update PACER billing information.



Maintenance Tab: You will use this tab the most. From this tab you may apply to Courts for E-Filing privileges and update contact information.

Settings	Maintenance	Payments	Usage
Update Personal Information Update Address Information Update E-File Email Noticing and Frequency Display Registered Courts		Attorney Admissions / E-File Registration Non-Attorney E-File Registration Check E-File Status E-File Registration/Maintenance History	

Note: If you [Update Address Information](#) or [Update E-File Email Noticing and Frequency](#), make sure to **Apply Updates** to New York Northern Bankruptcy Court.

Apply Updates to Selected Courts

PACER Billing

110 Lincoln Center
Suite 100
Syracuse, NY 13202
Phone: 315-422-1000

U.S. Bankruptcy Courts

New York Northern Bankruptcy (train)

110 Lincoln Center
Suite 100
Syracuse, NY, 13202
Phone: 315-422-1000

New York Northern Bankruptcy Court (test)

110 Lincoln Center
Suite 100
Syracuse, NY, 13202
Phone: 315-422-1000

Once the submission is made, you will see the following message:

Update Address Information

Your PACER address information has been successfully changed! Your address change has been sent to the selected courts for review and processing. Please note that this process may not be immediate, and there is a possibility that the court may not accept your change.

[Close](#)

Payments Tab: Use this tab to make a one-time PACER payment or change your stored credit card information.

Settings	Maintenance	Payments	Usage
Make One-Time PACER Fee Payment		Manage My Stored Payment Information	

Usage Tab: From this tab, you may view your PACER statement or transaction report.

Settings	Maintenance	Payments	Usage
View Quarterly Invoice / Statement of Account		View Detailed Transactions	

Electronic Bankruptcy Noticing and Fed. R. Bankr. P. 9036(b)(2)(B)

By: Ed DiDonna

Federal Rule of Bankruptcy Procedure 9036(b)(2)(B), which took effect December 1, 2021, allows the Director of the Administrative Office of the United States Courts to designate any entity that receives a threshold number of paper bankruptcy notices in a single calendar month, including creditors, law firms, attorneys, and trustees, as a “high-volume paper notice recipient.” The current threshold is 100 paper notices in a single month. The threshold will be reviewed annually and may be adjusted effective December 1st of each year. An entity designated as a high-volume paper notice recipient is required to receive notice or service of papers electronically from the court. A high-volume paper notice recipient should register its email address with the Bankruptcy Noticing Center or the court to ensure delivery to their preferred email address. Otherwise, the Director may designate an email address.

While high-volume paper notice recipients are required to receive electronic notice and service of papers from the court, electronic noticing from the court is available to low-volume recipients too. There are distinct advantages for using this **free** Electronic Bankruptcy Noticing (“EBN”) service.

- EBN is faster, more reliable than mail, and convenient.
- The preferred address feature ensures that notices are forwarded to a specific email address no matter what address or addresses are provided on the original creditor matrix or any amendments to it.
- There is the ability to list all iterations of a creditor or law firm name and multiple mailing addresses and to designate one or more email addresses to receive electronic notices. This eliminates the lost time between receiving a paper notice and getting it to the right person to review.
- The notice is transmitted via an email containing a secure link to a government site for you to retrieve a PDF copy of the notice, and every PDF contains case data in XLM format.

Debtor attorneys and trustees are encouraged to take advantage of EBN for paperless delivery of all § 341 notices. Like the paper format § 341 notice, the EBN version of the notice will have the debtor’s entire social security number and tax ID number.

The link to register for EBN is available on the Court’s website under: Programs & Services > Free Electronic Bankruptcy Noticing (EBN) and by clicking [here](#).

Please contact the Clerk’s Office if you have questions or need help registering for this service.

Public Access to Opinions via the Government Printing Office's Website

By: Sara Weiler

The Northern District of New York is joining a majority of bankruptcy courts as well as federal appellate and district courts participating in a Judicial Conference-approved program that provides the public with **free** access to court opinions on the Government Printing Office's (GPO) Govinfo website. This program is a collaborative effort between the GPO and the Administrative Office of the U.S. Courts. Opinions docketed in CM/ECF will be transmitted overnight to the GPO for posting on the Govinfo website. This website consolidates opinions from participating courts into one free, publicly accessible, text-searchable, national database. Opinions can be searched using both basic and advanced searches including by court-type, court name, case title, case number, party name, and docket text.

Opinions can be accessed at: <https://www.govinfo.gov>

Annual Loss Mitigation Statistics: October 1, 2021 to September 30, 2022

By: Edward DiDonna

The Court's Loss Mitigation Program, which began in July 2013, continues to be an important and useful tool for debtors and creditors alike. From 2018/19 to 2021/22, bankruptcy case filings dropped about 50%. Even so, Loss Mitigation requests in chapter 13 cases held steady at 17%. Mortgage modifications, as a percentage of Loss Mitigation requests, averaged 63% and in the past 12 months, 75 mortgage modifications were approved.

District Wide	10/01/21 - 09/30/22	10/01/20 – 09/30/21	10/01/19 – 09/30/20	10/01/18 – 09/30/19
Number of Loss Mitigation Requests Filed	110	108	166	208
Number of Loss Mitigation Proceedings Closed	111	113	137	206
Number of Loan Modifications Granted	75	86	81	110

December 1, 2022 Amendments to Federal Rules of Bankruptcy Procedure

By: Dawn Simmons

SBRA-Related Rules

PROPOSED CHANGES TO BANKRUPTCY RULES

RELATED TO SBRA

ON TRACK TO GO INTO EFFECT ON DECEMBER 1, 2022

Rule 1007 (Lists, Schedules, Statements, and Other Documents; Time Limits)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, subdivision (b)(5) of the rule includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income. Subdivision (h) is amended to provide that the duty to file a supplemental schedule under the rule terminates upon confirmation of the plan in a subchapter V case, unless the plan is confirmed under § 1191(b), in which case it terminates upon discharge as provided in § 1192.

Rule 1020 (Chapter 11 Reorganization Case for Small Business Debtors)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019 (SBRA), Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to include that option and to require a small business debtor to state in its voluntary petition, or in a statement filed within 14 days after the order for relief is entered in an involuntary case, whether it elects to proceed under subchapter V. The rule does not address whether the Court, on a case-by-case basis, may allow a debtor to make an election to proceed under subchapter V after the times specified in subdivision (a) or, if it can, under what conditions. Former subdivision (c) of the rule is deleted because the existence or level of activity of a creditors' committee is no longer a criterion for small-business-debtor status. The SBRA eliminated that portion of the definition of "small business debtor" in § 101(51D) of the Code. Former subdivision (d) is redesignated as subdivision (c), and the list of entities to be served is revised to reflect that in most small business and subchapter V cases there will not be a committee of creditors.

Rule 2009 (Trustees for Estates When Joint Administration Ordered)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. In a case under that subchapter, § 1183 of the Code requires the United States trustee to appoint a trustee, so there will be no election. Accordingly, subdivisions (a) and (b) of the rule are amended to except cases under subchapter V from their coverage. Subdivision (c)(2), which addresses the appointment of trustees in jointly

administered chapter 11 cases, is amended to make it applicable to cases under subchapter V.

Rule 2012 (Substitution of Trustee or Successor Trustee; Accounting)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (a) of the rule is amended to include any case under that subchapter in which the debtor is removed as debtor in possession under § 1185 of the Code.

Rule 2015 (Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) is amended to prescribe the duties of a debtor in possession, trustee, and debtor in a subchapter V case. Those cases are excepted from subdivision (a) because, unlike other chapter 11 cases, there will generally be both a trustee and a debtor in possession. Subdivision (b) also reflects that § 1187 of the Code prescribes reporting duties for the debtor in a subchapter V case.

Former subdivisions (b), (c), (d), and (e) are redesignated (c), (d), (e), and (f) respectively.

Rule 3010 (Small Dividends and Payments in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. To avoid the undue cost and inconvenience of distributing small payments, the title and subdivision (b) are amended to include subchapter V cases.

Rule 3011 (Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The rule is amended to include such cases because § 347(a) of the Code applies to them.

Rule 3014 (Election Under § 1111(b) by Secured Creditor in Chapter 9 Municipality or Chapter 11 Reorganization Case)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, see § 1181(b) of the Code, the rule is amended to provide a deadline for making an election under § 1111(b) in such cases that is set by the Court.

Rule 3016 (Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) of the rule is amended to reflect that under § 1181(b) of the Code, § 1125 does not apply to subchapter V cases (and thus a disclosure statement is not required) unless the Court for cause orders otherwise. Subdivision (d) is amended to include subchapter V cases as ones in which Official Forms are available for a reorganization plan and, when required, a disclosure statement.

Rule 3017.1 (Court Consideration of Disclosure Statement in a Small Business Case or in a Case Under Subchapter V of Chapter 11)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to cover such cases when the Court orders that § 1125 of the Code applies.

Rule 3017.2 ^{NEW} (Fixing of Dates by the Court in Subchapter V Cases in Which There Is No Disclosure Statement)

The rule is added in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, see § 1181(b) of the Code, the rule is added to authorize the Court in such a case to act at a time other than when a disclosure statement is approved to set certain times and dates.

Rule 3018 (Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case)

Subdivision (a) of the rule is amended to take account of the Court's authority to set times under Rules 3017.1 and 3017.2 in small business cases and cases under subchapter V of chapter 11.

Rule 3019 (Modification of Accepted Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case)

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (c) is added to the rule to govern requests to modify a plan after confirmation in such cases under § 1193(b) or (c) of the Code.

**PROPOSED CHANGES TO BANKRUPTCY RULES
ON TRACK TO GO INTO EFFECT ON DECEMBER 1, 2022**

Rule 3002 (Filing Proof of Claim or Interest)

Rule 3002(c)(6) is amended to provide a single standard for granting motions for an extension of time to file a proof of claim, whether the creditor has a domestic address or a foreign address. If the notice to such creditor was “insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim,” the Court may grant an extension.

Rule 5005 (Filing and Transmittal of Papers)

Subdivision (b)(1) is amended to authorize the clerk or parties to transmit papers to the United States trustee by electronic means in accordance with Rule 9036, regardless of whether the United States trustee is a registered user with the Court’s electronic-filing system. Subdivision (b)(2) is amended to recognize that parties meeting transmittal obligations to the United States trustee using the Court’s electronic-filing system need not file a statement evidencing transmittal under Rule 5005(b)(2). The amendment to subdivision (b)(2) also eliminates the requirement that statements evidencing transmittal filed under Rule 5005(b)(2) be verified.

Rule 7004 (Process; Service of Summons, Complaint)

New Rule 7004(i) is intended to reject those cases interpreting Rule 7004(b)(3) and Rule 7004(h) to require service on a named officer, managing or general agent or other agent, rather than use of their titles. Service to a corporation or partnership, unincorporated association or insured depository institution at its proper address directed to the attention of the “Chief Executive Officer,” “President,” “Officer for Receiving Service of Process,” “Managing Agent,” “General Agent,” “Officer,” or “Agent for Receiving Service of Process” (or other similar titles) is sufficient.

Rule 8023 (Voluntary Dismissal)

The amendment is intended to conform the rule to the revised version of Appellate Rule 42(b) on which it was modelled. It clarifies that the fees that must be paid are Court fees, not attorney’s fees. The rule does not alter the legal requirements governing Court approval of a settlement, payment, or other consideration. *See, e.g.*, Fed. R. Bankr. P. 9019 (requiring Court approval of compromise or settlement). The amendment clarifies that any order beyond mere dismissal — including approving a settlement, vacating, or remanding — requires a Court order.

Northern District of New York Bankruptcy Court Personnel Updates from Human Resources

By: Lisa Cardinal

The past year brought some changes to the Clerk's Office and chambers' staff at the Bankruptcy Court.

Albany Chambers

Kristopher Larsen (Term Law Clerk to Judge Littlefield) began his appointment in October 2021.

Minghong Li (Intern) began his Fall 2022 semester internship in August 2022. Ming is a third-year law student at Albany Law School.

Syracuse Chambers

Michael Medved (Term Law Clerk to Judge Kinsella) finished his term clerkship in July 2022.

Jewell Ewing (Term Law Clerk to Judge Kinsella) finished her term clerkship in August 2022.

Kelly Griffith (Career Law Clerk to Judge Kinsella) began her appointment in August 2022.

Keyashia Willis (Term Law Clerk to Judge Kinsella) began her appointment in September 2022.

Utica Chambers

T. Jackson Brake (Term Law Clerk to Chief Judge Davis) began his appointment in January 2022.

Dwij Patel (Term Law Clerk to Chief Judge Davis) began his appointment in January 2022.

Clerk's Office

Kristie King (Case Administrator) joined the Syracuse Division of the Clerk's Office in March 2022.

Kathleen Coughlin (Case Administrator) retired in February 2022, after 31 years of service with the Albany Division of the Clerk's Office.

Sean Garrow (Administrative Specialist) retired in February 2022, after 29 years of service with the Court.

Dina McDonald (Case Administrator) retired in August 2022, after 30 years of service with the Albany Division of the Clerk's Office.

YEARS OF SERVICE RECOGNITION

The following employees achieved milestone anniversaries with the Court this year. We applaud their dedication to public service. This year's service award recipients are:

Dana Rosenberg (Case Administrator) - 25 Years

Thomas Schaaf (Case Administrator) – 25 Years

Dawn Simmons (Chief Deputy) – 15 Years

Nicole Smith (Courtroom Deputy) – 15 Years

Adjustment of Certain Dollar Amounts Applicable to Bankruptcy Cases

By: Cynthia Platt

The dollar amounts in the Bankruptcy Code are adjusted every three years on April 1 to account for inflation. The adjustments' timing and calculation are codified in 11 U.S.C. § 104. The adjustments reflect the change in the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor for the three-year period ending immediately before January 1, 2022, rounded to the nearest \$25. This year's increase was nearly 11%, compared to the approximately 6.2% increase three years ago. The adjusted dollar amounts affect nearly everything in bankruptcy that has a dollar limit, including the aggregate debt limits used to determine eligibility under chapters 12 and 13, the definition of "small business debtor," federal exemptions, and the value of consumer debts for luxury goods and services presumed to be nondischargeable.

The below chart shows the affected sections of the Bankruptcy Code and Title 28, with the prior and adjusted dollar amounts in those sections. Impacted official bankruptcy forms were also revised to reflect the new dollar amounts.

Affected Sections of Title 28 U.S.C. and the Bankruptcy Code	Dollar Amount to be Adjusted	New (Adjusted) Dollar Amount ¹ Effective April 1, 2022
28 U.S.C.		
Section 1409(b) - a trustee may commence a proceeding arising in or related to a case to recover		
(1) - money judgment of or property worth less than	\$1,375	\$1,525
(2) - a consumer debt less than	\$20,450	\$22,700
(3) - a non-consumer debt against a non-insider less than	\$25,000	\$27,750
11 U.S.C.		
Section 101(3) - definition of assisted person	\$204,425	\$226,850

Section 101(18) - definition of family farmer	\$10,000,000 (each time it appears)	\$11,097,350 (each time it appears)
Section 101(19A) - definition of family fisherman	\$2,044,225 (each time it appears)	\$2,268,550 (each time it appears)
Section 101(51D) - definition of small business debtor	\$2,725,625 (each time it appears)	\$3,024,725 (each time it appears)
Section 109(e) - debt limits for individual filing bankruptcy under chapter 13	\$419,275 (each time it appears) \$1,257,850 (each time it appears)	\$465,275 (each time it appears) \$1,395,875 (each time it appears)
Section 303(b) - minimum aggregate claims needed for the commencement of an involuntary chapter 7 or 11 petition	\$16,750 (each time it appears)	\$18,600 (each time it appears)
Section 507(a) - priority expenses and claims		
(1) - in paragraph (4)	\$13,650	\$15,150
(2) - in paragraph (5)(B)(i)	\$13,650	\$15,150
(3) - in paragraph (6)	\$6,725	\$7,475
(4) - in paragraph (7)	\$3,025	\$3,350
Section 522(d) - value of property exemptions allowed to the debtor	\$25,150	\$27,900
(1) - in paragraph (1)	\$4,000 \$625 \$13,400	\$4,450 \$700 \$14,875
(2) - in paragraph (2)	\$1,700	\$1,875
(3) - in paragraph	\$1,325 \$12,575	\$1,475 \$13,950

(3)	\$2,525	\$2,800
(4) - in paragraph (4)	\$13,400 \$25,150	\$14,875 \$27,900
(5) - in paragraph (5)		
(6) - in paragraph (6)		
(7) - in paragraph (8)		
(8) - in paragraph (11)(D)		
Section 522(f)(3) - exception to lien avoidance under certain state laws	\$6,825	\$7,575
Section 522(f)(4) - items excluded from definition of household goods for lien avoidance purposes	\$725 (each time it appears)	\$800 (each time it appears)
Section 522(n) - maximum aggregate value of assets in individual retirement accounts exempted	\$1,362,800	\$1,512,350
Section 522(p) – state homestead exemption, limit for interest acquired ≤ 1215 days before filing	\$170,350	\$189,050
Section 522(q) – state homestead exemption, limit under particular circumstances	\$170,350	\$189,050
Section 523(a)(2)(C) - exceptions to discharge –	\$725	\$800

presumption of nondischargeability		
(1) - in paragraph (i)(I) - consumer debts for luxury goods or services incurred \leq 90 days before filing owed to a single creditor in the aggregate	\$1,000	\$1,100
(2) - in paragraph (i)(II) – certain cash advances obtained \leq 70 days before filing, in the aggregate		
Section 541(b)- certain property of the estate exclusion limits	\$6,825 (each time it appears)	\$7,575 (each time it appears)

Section 547(c)(9) – minimum preference avoidance value in cases with primarily non- consumer debts	\$6,825	\$7,575
Section 707(b) - dismissal of a chapter 7 case or conversion to chapter 11 or 13 (means test)	\$8,175	\$9,075
(1) - in paragraph (2)(A)(i)(I)	\$13,650	\$15,150
(1) - in paragraph (2)(A)(i)(I)	\$2,050	\$2,275
(2) - in paragraph (2)(A)(i)(II)	\$8,175	\$9,075
(2) - in paragraph (2)(A)(i)(II)	\$13,650	\$15,150
(3) - in	\$1,375	\$1,525

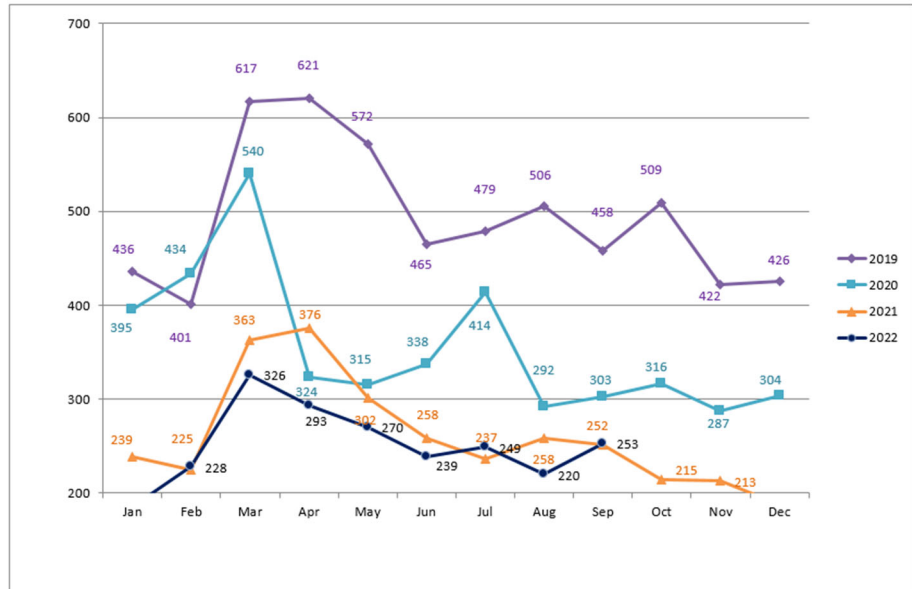
paragraph (2)(A)(ii)(IV)	\$750	\$825
(4) - in paragraph (2)(B)(iv)(I)	\$750	\$825
(5) - in paragraph (2)(B)(iv)(II)		
(6) - in paragraph (5)(B)		
(7) - in paragraph (6)(C)		
(8) - in paragraph (7)(A)(iii)		
Section 1322(d) - length of chapter 13 plan, current monthly income, 4+ household	\$750 (each time it appears)	\$825 (each time it appears)
Section 1325(b) - confirmation of chapter 13 plan, current monthly income, 4+ household	\$750 (each time it appears)	\$825 (each time it appears)
Section 1326(b)(3) - payments to former chapter 7 trustee	\$25	\$25

¹ The New (Adjusted) Dollar Amounts reflect a 10.97347880254584 percent increase, rounded to the nearest \$25.

Northern District of New York Bankruptcy Court Case Filing Statistics

By: T Straile

U.S. Bankruptcy Court NDNY Case Filings by Month 2019-2022



U.S. Bankruptcy Court NDNY Total Filings 2019-2022

