

PUBLIC NOTICE: Opportunity for Public Comment on Proposed Amendments to Two Local Bankruptcy Rules Effective December 1, 2021.

United States Bankruptcy Court
Northern District of New York
October 15, 2021

The Local Rules Standing Committee and the Judges for the United States Bankruptcy Court for the Northern District of New York are proposing amendments to two local rules and have requested that the proposed amendments be circulated to the bar for comment. The amended rules will become effective December 1, 2021. Please submit all comments electronically to rules_comment@nyb.uscourts.gov The deadline for submitting comments is Friday, November 5, 2021.

Amendments are being proposed to the following rules:

- 3015-4
- 6007-1

The current version of the rules with the proposed amendments appearing in redline are attached.

(b) Modification of Plan After Confirmation.

(1) **Format.** A debtor seeking to modify a plan after confirmation ~~(the “Modified Plan”)~~ ~~does not need to use the Model Plan. The Modified Plan~~ shall file a notice of motion and motion to modify confirmed plan in the format and with the disclosures set forth herein. ~~set forth only those terms of the confirmed Chapter 13 plan that the proponent seeks to modify.~~

(2) **Procedure.** A Court order is required to modify a confirmed plan. A debtor, trustee, or holder of an allowed unsecured claim seeking to modify a confirmed plan shall:

~~(A) File the Modified Plan;~~

~~(AB)~~ File a notice of motion and a motion to modify confirmed plan;

~~(BC)~~ Sserve the notice of motion on creditors that hold claims for which proofs of claim have been filed, and creditors, if any, that are still permitted to file claims because an extension was granted under Rule 3002(c)(1) or (c)(2)all creditors, and serve the notice of motion and motion to modify plan on the trustee, the debtor, and, if the debtor is not the movant, the debtor’s attorney; and

~~(CD)~~ File a certificate of service not later than seven (7) days prior to the return date of the motion.

(3) **Notice of Motion.** The notice of motion to modify confirmed plan shall include the following disclosures:

(A) A clear statement of the proposed modification, with specific reference to the provisions of the previously filed plan that are being modified;

(B) Any change in the dividend to be paid to unsecured creditors, indicating the specific percentage change in the dividend;

(C) Any change in the time for the final payment under the plan;

(D) Any change in the plan payment; and

(E) Any effect on the specific treatment of secured creditors under the plan.; and

~~(F) —The exact reasons for the modification, including specific and detailed~~

~~changes in the budget of the debtor, or other circumstances of the debtor that would justify the modification.~~

(4) Motion. The motion to modify confirmed plan shall include:

(A) The disclosures set forth in subparagraph (b)(3) above;

(B) The reasons for the modification, including specific and detailed changes in the budget of the debtor, or other circumstances of the debtor that would ~~justify~~ demonstrate the basis for the modification; and

(C) If the debtor is the movant, a representation that the debtor reviewed and consents to the proposed modified terms of the confirmed plan and will comply with them, if approved.

(54) Proposed Order Modifying Confirmed Plan. Any proposed order that modifies a confirmed plan shall be captioned Order Modifying Confirmed Plan and must include the modified terms of the plan as requested in the motion to modify confirmed plan as approved by the Court.

Comment

Federal Rule of Bankruptcy Procedure 2002(a) requires notice be given to the debtor, the trustee, all creditors and indenture trustees. Rule 2002(h)(1) authorizes a court to alter the notice requirement and permit limited notice.

**RULE 6007-1 ABANDONMENT OR DISPOSITION OF DEBTOR'S BOOKS,
RECORDS AND PAPERS**

- (a) **Available Options.** Unless the Court orders otherwise, the trustee, subject to applicable non-bankruptcy law, may
- (1) Place in storage, at the expense of the estate, the debtor's books, records, ~~and~~ papers, and electronically stored information;
 - (2) After issuance of the final decree, upon 14 days notice to the debtor, either:
 - (A) Return the debtor's books, records, ~~and~~ papers, and electronically stored information to the debtor or its principal(s) ~~after issuance of the final decree~~; or
 - (B) Dispose of all the debtor's books, records, ~~and~~ papers, and electronically stored information in the trustee's possession, ~~after issuance of the final decree, provided that the debtor's books, records, and papers are first offered to the debtor.~~
- (b) **Privacy Protection.** Subject to applicable non-bankruptcy law, aAny trustee disposing of a debtor's books, records, ~~and~~ papers, and electronically stored information shall redact and/or shred any confidential and/or personal information including, but not limited to billing records, medical records, social security numbers, tax identification numbers, and financial account numbers.