

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

FILED

In the Matter of the Adoption
of Local Bankruptcy Rules

GENERAL ORDER NO. 01-01

MAR 15 2001

CLERK
U.S. BANKRUPTCY COURT
By _____
DEPUTY CLERK

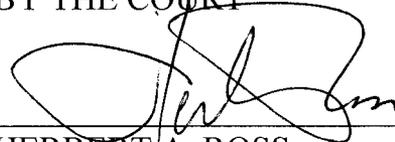
ORDER ADOPTING LOCAL BANKRUPTCY RULES

In accordance with the February 26, 2001, order of the United States District Court granting this court authority to amend local bankruptcy rules,

IT IS ORDERED that the attached Local Bankruptcy Rules 1001-1, 1001-2, 2002-1, 2015-2, 3015-1, 3016-1, 3016-2, 3017-1, 3018-2, 7041-1 and 9070-1 for the United States Bankruptcy Court for the District of Alaska are adopted effective from and after **April 1, 2001**. Rule 7041-1 is new; the other rules have been amended.

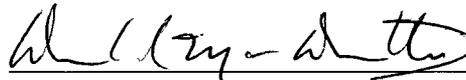
DATED: March 14, 2001.

BY THE COURT



HERBERT A. ROSS

United States Bankruptcy Judge



DONALD MacDONALD IV

Chief United States Bankruptcy Judge

Serve: W. Wolfe, Clerk of Court
C. Davidson, Librarian
Ray (for distribution)
T. Yerbich, Esq. (without attachments)

RULE 1001-1

SCOPE AND APPLICABILITY OF LOCAL RULES

(a) Scope

These local rules govern practice and procedure in the United States Bankruptcy Court for the District of Alaska. The court, on its own motion or the motion of any party, may modify or dispense with any of these rules in a particular case. These rules may be cited as "AK LBR__." Local Forms as contained in the Appendix to these Local Rules may be cited as "AK LBF__."

(b) Applicability

Unless otherwise indicated, these rules apply to cases commenced under chapters 7, 9, 11, 12 and 13 of the Bankruptcy Code as amended, Title 11 of the United States Code ("Code").

(c) Conflicts

In the event of a conflict between these Rules and the Federal Rules of Bankruptcy Procedure, the Federal Rules of Bankruptcy Procedure will prevail.

(d) Local District Rules Adopted

District of Alaska Local Rules 1.3, 4.1, 5.2, 16.2, 39.3, 39.5, 40.2, 43.1, 54.1, 54.3, 58.2, 67.1, 68.3, and 80.1 apply to all matters, actions and proceedings before the Bankruptcy Court. (The foregoing list is not exclusive. Other District of Alaska Local Rules are adopted in AK LBR 2090-1, 4001-1, 6004-1, 6006-1, 7001-1, 7026-1, and 9015-1.)

Related Provisions:

FRBP 9029	Power to Promulgate
D.AK LR 1.3	Sanctions
D.AK LR 4.1	Payment of Fees
D.AK LR 5.2	Filing and Proof of Service
D.AK LR 16.2	Alternative Dispute Resolution
D.AK LR 39.3	Exhibits
D.AK LR 39.5	Courtroom Conduct
D.AK LR 40.2	Notice of Related Case
D.AK LR 43.1	Examination of Witnesses
D.AK LR 54.1	Taxation of Costs
D.AK LR 54.3	Award of Attorney's Fees
D.AK LR 58.2	Satisfaction of Judgments
D.AK LR 67.1	Deposits in Court
D.AK LR 68.3	Settlements and Judgments in Favor of a Minor
D.AK LR 80.1	Record of Proceedings
D.AK LR 82.1	Photographs, Video or Audio Recorders, Broadcasts Prohibited

AK LBR 2090-1
AK LBR 4001-1
AK LBR 6004-1
AK LBR 6006-1
AK LBR 7001-1
AK LBR 9015-1
AK LBR 9009-1

Admission & Practice of Attorneys
Relief From Stay
Sale of Estate Property
Notice of Motion to Assume or Reject
Adversary Proceedings
Jury Trials
Local Forms

RULE 1001-2

APPLICATION OF AMENDED RULES

New or amended rules govern all existing, open proceedings from and after the effective date of the adoption of the new or amended rules to the extent that the new or amended rule does not unreasonably prejudice the rights of any party.

RULE 2002-1

NOTICES

(a) Party to Give

Unless otherwise ordered by the court, or as specifically provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or these Rules, notices will be served on the parties entitled to notice as follows:

(1) The Clerk of the Court will serve:

(A) In all cases under chapters 7, 9, 11, 12, and 13, the notices specified in Rules 2002(a)(1), (f)(1) and (f)(4)-(6), Federal Rules of Bankruptcy Procedure;

(B) In all cases under chapters 7 and 13, the notices specified in Rule 2002(f)(2)-(3) and 4004(g), Federal Rules of Bankruptcy Procedure; and

(C) In all other instances where notice is authorized or directed by the Administrative Office of the U.S. Courts to be given through the Bankruptcy Noticing Center.

(2) The case trustee will serve the notices specified in Rule 2002(a)(4) and (f)(8), Federal Rules of Bankruptcy Procedure.

(3) All other notices will be served by the party requesting an order or other act.

(b) Content of Notices

(1) Unless otherwise provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules, whenever the Code or Rules authorize any act, or authorize the court to enter an order, "after notice and hearing" or a similar phrase, the party giving the notice must state in the notice:

(A) That the act may be performed or the court may enter an order without an actual hearing unless a party in interest serves and files an objection in writing within a specified time; or

(B) That the court has entered the order or authorized the act to be done without a hearing.

(2) Notice of any Application, Motion, Stipulation or other matter of any kind that requires notice is to be given by the initiating party and, unless otherwise elsewhere specified by statute, Federal Rules of Bankruptcy Procedure or Local Rule, must include:

(A) a summary, fairly summarizing the relief requested, which must include an accurate legal description of any real property involved, list of any personal property or

intangibles involved, amounts of money and from whom claimed, to whom to be paid or delivered, and the basis for seeking the relief;

(B) Date by which a response is due;

(C) Place or addresses upon which any response is to be made;

(D) Date and time of any hearing set; and

(E) Unless contained in the information required by subparagraph (2)(A), an accurate, complete description of any real property, personal property or intangibles involved.

(3) Double-sided copying may be used to reduce costs of notice.

(c) To Whom Given

(1) Except as otherwise specifically provided by the rules or ordered by the court, "Notice," as used in these rules shall mean notice by first class mail to all creditors, equity security holders, indenture trustee, the debtor, the debtor's attorney, the attorney or chairman of any committee appointed in the case, any other parties in interest, and any other person or entity known to have or claim a legal or equitable interest in the subject matter of the noticed matter.

(2) The addresses utilized in notices to creditors, equity security holders or indenture trustees shall be the addresses allowed in accordance with Rule 2002(g), Federal Rules of Bankruptcy Procedure. A master mailing list of names and addresses, filed pursuant to Local Rule and updated in accordance with Rule 2002(g) may be obtained from the clerk. Notice required to be given to all creditors is presumed to be appropriate if mailed to all entries on a master mailing list [certified updated by the clerk within twenty (20) days of the notice].

(3) Whenever less inclusive notice is provided for by the rules or order of the court, as an alternative, service may be made on the master mailing list.

(d) Telephonic/Facsimile Notice of Emergency Motions and Hearings

Notwithstanding the provisions of subdivisions (b) and (c), the court may allow telephonic and/or facsimile notice of emergency motions and hearings for cause shown.

(e) Certificate of Service

After giving notice, the noticing party must file as soon as practicable, but in no event less than five (5) days prior to the date objections or responses are to be filed, unless otherwise ordered, the notice and an affidavit of mailing with a list of persons, and their addresses, to whom the notice was sent. If notice to all creditors is required, the court will enter an order based on that notice only if the list of persons to whom the notice was sent is a copy of the [certified] master mailing list described in paragraph (c)(2).

(f) Certificate of No Objections

A party that has complied with the requirements of this Rule and received no objection to its request, may submit a certificate of no objections and request entry of an order. The certificate, signed under penalty of perjury, must substantially conform to AK LBF 4.

Related Provisions:

FRBP 2002	Notices to Creditors, Equity Security Holders, United States, and United States Trustee
FRBP 9007	Authority to Regulate Notices
FRBP 9014	Contested Matters
FRBP 9019	Compromise and Settlement
FRBP 9034	Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee
FRBP 9036	Notice by Electronic Transmission
AK LBR 1007-1	Matrix
AK LBR 1009-1	Amendment of Schedules and Matrix
AK LBR 2081-1(b)	Status Conferences in Chapter 11 Cases
AK LBR 5075-1(b)	Delegation of Ministerial Orders and Notices
AK LBR 7016-1(e)	Pretrial Procedures
AK LBR 9021-1(c), (e)	Orders, Findings, Conclusions, Judgments
AK LBR 9036-1	Request for Notice by Electronic Transmission
AK LBR 9075-1	Hearings; Trials
AK LBF 4	Certificate of No Objections
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 11	Notice of Application for Order
AK LBF 17	Notice of Application for Approval of Stipulation or Settlement Agreement
AK LBF 18	Notice of Application for Order of Dismissal or Conversion of Case

RULE 2015-2

FINANCIAL REPORTING REQUIREMENTS

(a) Cooperation with United States Trustee

The trustee or debtor in possession in chapter 11 cases, debtors in business chapter 13 cases, and debtors in chapter 12 cases are required to cooperate with the United States trustee by furnishing all information the United States trustee requires to supervise the administration of the estate. All debtors in possession and trustees must use forms substantially complying with the forms for financial reporting established and periodically revised by the United States trustee, unless the United States trustee authorizes in writing modifications in a particular case for good reason.

(b) Filing

(1) In chapter 11 cases, the original and one copy must be filed with the clerk of the court and a duplicate original transmitted to the United States trustee.

(2) In chapter 13 cases, the original and one copy must be filed with the clerk of the court, a copy served on the chapter 13 trustee, and a copy transmitted to the United States trustee.

(c) Public Review

Copies of all financial reports filed are to be available for review during normal business hours by any interested party at the office of counsel for the debtor in possession (or the trustee, if one is appointed) and the principal place of business of the debtor (or the trustee, if one is appointed).

Related Provisions:

11 U.S.C. § 704	Duties of Trustee
11 U.S.C. § 1106	Duties of Trustee and Examiner
11 U.S.C. § 1107	Rights, Powers, and Duties of Debtor in Possession
11 U.S.C. § 1302	Trustee
FRBP 2015(a), (c)(1)	Duty to Keep Records, Make Reports and Give Notice of the Case — Trustee or Debtor in Possession, Chapter 13 Trustee
AK LBR 3015-1	Chapter 13 Plans

RULE 3015-1

CHAPTER 13 PLANS

(a) Format/Contents

(1) (A) Unless otherwise ordered by the court, the chapter 13 plan will conform to AK LBF 5 and contain the plan analysis and liquidation analysis attached to AK LBF 5.

(B) Paragraph (2)(e) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by § 1322(b)(1) of the Code.

(2) Any party may file a motion to convert or dismiss if the plan or an extension of time to file a plan is not filed within the fifteen (15) days required by statute.

(3) Notice of the hearing on confirmation consistent with AK LBF 6, together with a copy of the plan, must be served by the debtor in accordance with Rule 2002(b), Federal Rules of Bankruptcy Procedure.

(4) Lien avoidance under § 522(f) of the Code may not be accomplished through a chapter 13 plan. It is governed by Rule 9014, Rules of Bankruptcy Procedure and must be initiated by a separate motion and notice.

(5) Objections to claims under § 502 of the Code may not be accomplished through a chapter 13 plan. Objections to claims are governed by Rules 3007 and 9014, or 7001, of the Federal Rules of Bankruptcy Procedure.

(6) Discharge of debts excepted from discharge by § 1328(a) of the Code may not be accomplished through a chapter 13 plan. Dischargeability of debts is governed by Rules 4007 and 7001, Federal Rules of Bankruptcy Procedure and must be initiated by a separate adversary proceeding.

(b) Payroll Deduction/Other Income

(1) Following a default of two (2) monthly payments, all future wage earner debtor chapter 13 plan payments must be by payroll deduction.

(2) Schedules of income and expenses, and required periodic financial reports, if any, must clearly delineate the source and amount of gross receipts and projected expenditures. Expenses incident to the production of any non-wage income must be accurately set forth.

(c) Certification

The plan must be signed by the debtor and debtor's attorney, which signatures constitute certification that the plan complies with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and this rule.

Related Provisions:

11 U.S.C. § 1322	Contents of Plan
11 U.S.C. § 1324	Confirmation Hearing
11 U.S.C. § 1325	Confirmation of Chapter 13 plan
11 U.S.C. § 1326	Payments
11 U.S.C. § 1328	Discharge
FRBP 1007(b)	Lists, Schedules and Statements; Time Limits – Schedules and Statements Required
FRBP 2002	Notices
FRBP 3007	Objections to Claims
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 4007	Determination of Dischargeability of a Debt
FRBP 7001	Adversary Proceedings
FRBP 9014	Contested Matters
AK LBR 2003-1	Meeting of Creditors
AK LBR 2083-1	Chapter 13 Cases
AK LBR 9070-1	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)
AK LBF 6	Notice of Hearing on Confirmation of Chapter 13 Plan
AK LBF 19	Notice of Time for Filing Objections to Application for Extension of Time to File Chapter 13 (11) Plan

RULE 3016-1

CHAPTER 11 DISCLOSURE STATEMENT

(a) Filing

A disclosure statement must be filed concurrently with the plan, and a copy transmitted to the United States trustee.

(b) Table of Contents

All disclosure statements must contain a table of contents which fully lists the headings and subheadings set forth in paragraph (c) of this Rule with appropriate page numbers.

(c) Debts Exceeding \$2,000,000

For all chapter 11 debtors having aggregate noncontingent liquidated secured and unsecured debts as of the date the petition is filed exceeding \$2,000,000, the disclosure statement must include information covering the following topics, when applicable or unless otherwise ordered by the court:

(1) Short history of the business activities of the debtor covering the five-year period preceding the petition filing date, or such shorter period as the debtor has been operating its business;

(2) General nature of the business transacted and to be transacted by the debtor;

(3) A complete description of equity interests, including authorized and outstanding stock, number and classes of shares, par value thereof, description of the voting rights and other properties or attributes of the stock and any outstanding options;

(4) Names and addresses of all persons owning more than 10 percent of any equity interest and the percentage so held;

(5) For corporations, a listing of parent, subsidiary and "brother-sister" corporations, and for partnerships and limited liability companies, a listing of all corporations, partnerships and limited liability companies in which the partnership or limited liability company holds more than 10% of any interest therein and all partnerships in which any general partner or manager of a limited liability company or combination of general partners or managers of the debtor hold(s) 25%, or more, interest as a general partner or manager, or any other related entity;

(6) Complete description of the business, including—

(A) competitive conditions in the industry and debtor's competitive condition,

(B) dependence upon one or more customers for more than 10 percent of debtor's annual gross revenue,

(C) principal product(s) and/or services,

(D) method(s) of marketing of product(s) and/or services,

(E) current backlog of business (*e.g.* current orders for products or services or current uncompleted contracts to provide products or services) and comparable figures for the same time during each of the 2 years preceding the date the plan is filed,

(F) if a manufacturing or fabricating business, source and availability of raw materials, and if a retail or wholesale business, source and availability of goods or product sold in the ordinary course of business,

(G) existence and significance of any patents, trademarks, licenses, franchises and concessions,

(H) nature, scope and importance of any research and development activities,

(I) number of persons employed by category (*e.g.*, executive officers, supervisory personnel, production personnel, sales personnel),

(J) seasonal nature of business,

(K) description of any foreign operations, and

(L) governmental regulatory agencies having jurisdiction over debtor's operations, including the nature of the regulatory supervision and any problems encountered or anticipated;

(7) Description of any pending and anticipated legal or administrative proceedings,

(8) Description of securities to be issued, if any, and consideration to be received in connection with the issuance;

(9) Information regarding officers and directors of a corporation, general partners of a partnership, or managers of a limited liability company to be continued in office upon confirmation of the plan, including—

(A) name and position held,

(B) familial relationship, if any, to other officers, directors, general partners or managers,

(C) complete disclosure of all remuneration, including salaries, bonuses, fringe benefits, and stock options, and

- (D) whether or not each individual is an "insider";
- (10) Financial information, which accurately sets forth—
- (A) summaries of tax returns for the three tax years preceding the date the plan is filed,
 - (B) current balance sheet, including all appropriate footnotes and assumptions,
 - (C) projected balance sheet applicable upon confirmation of the plan, including all appropriate footnotes and assumptions,
 - (D) income statements accurately reflecting debtor's income and expenses since the fiscal year of the debtor's last tax return until two months prior to the filing of the disclosure statement,
 - (E) income/expense and cash flow projections of operations over the term of the payment to unsecured creditors or 5 years, whichever is less, including all assumptions underlying those projections,
 - (F) a schedule of payments to be made towards obligations undertaken by the debtor as part of the plan,
 - (G) a description of the debtor's working capital position and any changes thereto expected to occur within the first 12 months of the plan,
 - (H) brief explanation of the tax consequences, if any, of the plan confirmation,
 - (I) if applicable, income and expense information for each profit center, line of business and class of similar products or services,
 - (J) attorney and professional fees for debtor and all payments made or expected to be made for services in connection with the case or plan,
 - (K) if the plan calls for the liquidation of real or personal property in conjunction with the plan, current values of the property to be liquidated,
 - (L) source of financial information in ¶¶ (A) — (K) hereof and the qualifications of the source,
 - (M) a list, by the classes established in the plan and alphabetically within each class, of all claims and interests for which proofs of claim have been filed or deemed filed in the case that are allowed or deemed allowed. The list must include the name of the holder of each claim or interest and the claimed or deemed allowed amount of each claim or interest,

(N) a list of all disputed, contingent and unliquidated claims for which the claimants have filed proofs of claim and a discussion of the impact, if any, the allowance of these claims will have on the plan, debtor and other parties in interest, and

(O) liquidation analysis with a specific description of all assumptions underlying the analysis;

(11) Description of the plan, how it is to be implemented and its effect on all classes of creditors and equity interests;

(12) Description of management to be retained and compensation to be paid, including as a minimum—

(A) for corporations, the chief executive officer, chief operating officer, chief financial officer, and general managers of any facility, division or department,

(B) for limited partnerships, the general partners and any general manager of any facility, division or department,

(C) for general partnerships, the managing partner or members of any management committee, and general managers of any facility, division or department,

(D) for limited liability companies, any manager or member; and

(E) for individuals the debtor and any person holding a position comparable to the chief executive officer, chief operating officer, chief financial officer or general manager of a corporate entity;

(13) Any dividends, draws or other payments, other than as compensation as set forth in ¶ (c)(12) or reimbursement of expenses incurred in the ordinary course of debtor's business, contemplated to be made to, or for the benefit of, equity security holders, partners, members, or individual debtors;

(14) Transactions with insiders and potential conflicts of interest involving each member of management for which disclosure is made under paragraph (b)(12) of this rule, and of every shareholder, partner or member holding more than a 10% equity or profits interest in debtor, including—

(A) full particulars of the nature and extent of the interest of such persons in any property acquired other than in the ordinary course of business of the debtor within two years preceding the filing of the petition,

(B) description of management contracts and any contracts made other than in the ordinary course of business with such persons,

(C) loans made to or obligations incurred by such persons,

(D) any guarantees of indebtedness by or for such persons,

(E) transactions with such persons that are necessary to, or contemplated by the plan;

(15) Information concerning changes occurring within the 12 months preceding the disclosure statement affecting revenue and expenses, including—

(A) product mix,

(B) added, discontinued or significantly modified operations,

(C) advertising, research, development, product introduction or deletion, or other discretionary costs,

(D) acquisition or disposition of any material asset other than in the ordinary course of business,

(E) material extraordinary charges or gains, including charges associated with any discontinuation of operations, and

(F) material changes in assumed investment return;

(16) Information concerning changes expected to occur with the first 12 months of the plan affecting revenue and/or expenses, including any closing of a facility, branch or other material interruption, completion of a material contract, or any event that will materially reduce or increase revenues in subsequent periods (as used herein, "materially" means a change of 10 or more percentage points);

(17) Other information, including—

(A) extraordinary risk factors,

(B) nondischargeable debts (individuals only),

(C) effect of plan on retiree benefits, if any,

(D) brief explanation of the cause of debtor's financial difficulties and the reason(s) such difficulties are not expected to recur during the life of the plan,

(E) vote required for acceptance of the plan, and

(F) disposition of equity interests in corporate, partnership, or limited liability company debtors.

(d) Debts not Exceeding \$2,000,000

In cases having aggregate noncontingent liquidated secured and unsecured debts not exceeding \$2,000,000 as of the date the petition is filed, the disclosure statement must as a minimum include information from the following paragraphs of subdivision (c) of this rule: (1), (2), (3), (7), (9), (10), (11), (12), (13), (14), and (17).

(e) Consultation with United States Trustee

Unless waived by the United States trustee, not less than seven (7) days before the plan and disclosure statement are filed, counsel for the proponent or the proponent will consult with the United States trustee regarding the proper formulation of a plan and disclosure statement.

Related Provisions:

11 U.S.C. § 1125	Postpetition Disclosure and Solicitation
FRBP 2002	Notices
FRBP 3016	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017	Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
AK LBR 3016-2	Chapter 11 Plans
AK LBR 3017-1	Hearing on Chapter 11 Disclosure Statement
AK LBR 5005-1	Place of Filing
AK LBR 9001-1	Meaning of Words and Phrases
AK LBR 9070-1	Number of Copies

RULE 3016-2

CHAPTER 11 PLAN

(a) Table of Contents

All plans shall contain a table of contents which appropriately lists the headings and subheadings of the plan with page numbers.

(b) Substantial Consummation

A chapter 11 plan of reorganization shall clearly set forth what events or acts the plan proponent considers as constituting substantial consummation of the plan, as defined in § 1101(2) of the Code.

(c) Liquidating Plans

If the plan provides for liquidation of property of the estate, it shall:

(1) set forth the date certain by which liquidation must occur and shall provide for an alternative if liquidation does not occur by the date so set; and

(2) if the debtor is an individual, indicate whether the debtor will engage in business after consummation of the plan.

(d) Notes

If the plan calls for definite payments to unsecured creditors over time, contain a provision calling for the issuance of promissory notes or individualized statements memorializing the amount of the claims and the payments due over the life of the plan.

(e) Transmittal to United States Trustee

A copy of the plan and accompanying disclosure statement are to be transmitted to the United States trustee concurrently with filing with the court.

Related Provisions:

11 U.S.C. § 1101	Definitions for this Chapter [11]
11 U.S.C. § 1121	Who May file a Plan
11 U.S.C. § 1122	Classification of Claims or Interests
11 U.S.C. § 1123	Contents of Plan
11 U.S.C. § 1124	Impairment of Claims or Interests
11 U.S.C. § 1141	Effect of Confirmation

FRBP 3016	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3021	Distribution Under Plan
FRBP 4004(a)	Time for Filing Complaint Objecting to Discharge; Notice of Time Fixed
AK LBR 3016-1	Chapter 11 Disclosure Statements
AK LBR 3019-1	Modification of Chapter 11 Plan
AK LBR 3020-1	Chapter 11 Confirmation Hearing
AK LBR 5005-1	Place of Filing
AK LBR 9070-1	Number of Copies

RULE 3017-1

HEARING ON CHAPTER 11 DISCLOSURE STATEMENT

(a) Request for Hearing

Within five (5) business days after filing the proposed plan and disclosure statement the proponent of the plan must file a calendar request with the court requesting a hearing date on the disclosure statement. When a hearing date has been set by the court, the proponent will forthwith prepare and submit to the court for signature an Order and Notice for Hearing on Disclosure Statement complying with the appropriate Official Form.

(b) Notice of Hearing

A copy of the Order and Notice for Hearing on Disclosure Statement (using the appropriate Official Form) must be mailed to the master mailing list in the time ordered by the court, but in any event, not less than twenty-five (25) days prior to the last day to object to approval of the disclosure statement. The proponent will forthwith file an affidavit of service of the Order and Notice for Hearing on Disclosure Statement.

(c) Objections to Disclosure Statement

Objections to the disclosure statement must be filed and served on (to be received by) the proponent of the disclosure statement and transmitted to the United States trustee at least five (5) business days prior to the hearing on approval of the statement. Grounds for objection must be addressed to the adequacy of the disclosure statement only and be stated with specificity.

(d) Conditional Approval of Disclosure Statement by the Court in Small Business Cases

In cases in which Rule 3017.1, Federal Rules of Bankruptcy Procedure, applies, or in which the court has so ordered:

(1) Within ten (10) business days after the disclosure statement is transmitted to the United States trustee and filed, the United States trustee must file with the court and serve on the party filing the disclosure statement a statement signifying that the United States trustee has reviewed the disclosure statement and finds that the disclosure statement either:

(A) provides adequate information as required by § 1125 of the Code; or

(B) does not contain adequate information as required by § 1125, briefly delineating those areas that, in the opinion of the United States trustee, are deficient.

(2) If the United States trustee objects to the adequacy of the disclosure statement or the court finds the disclosure statement inadequate, the court will schedule a hearing on the disclosure statement with counsel for the proponent and the United States trustee to discuss the perceived deficiencies.

(3) If no objection is filed to the conditionally approved disclosure statement within the time specified in the order fixing the last date to object, the conditional approval will become final.

Related Provisions:

11 U.S.C. § 1125	Postpetition Disclosure and Solicitation
FRBP 2002(b)	Twenty-five Day Notices to Parties in Interest
FRBP 3016	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017	Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases
FRBP 3017.1	Court Consideration of Disclosure Statement in a Small Business Case
FRBP 5005	Filing and Transmittal of Papers
FRBP 9006(a)	Time — Computation
AK LBR 2081-2	Chapter 11 Small Business Cases
AK LBR 3016-1	Chapter 11 Disclosure Statements
AK LBR 3020-1	Chapter 11 Confirmation Hearing
AK LBR 5005-1	Place of Filing
AK LBR 9013-1	Briefs; Memoranda
AK LBR 9075-1	Hearings; Trials
AK LBF 7	Bankruptcy Court Calendar Request

RULE 3018-2

ACCEPTANCE OR REJECTION AND OBJECTIONS TO CHAPTER 11 CONFIRMATION

Unless otherwise ordered, ballots accepting or rejecting the chapter 11 plan must be filed with (received by) the plan proponent, not filed with the court, at least five (5) business days prior to the confirmation hearing. Objections to confirmation must be filed with the court, transmitted to the United States trustee and served (to be received by) on the proponent of the plan, debtor, and any committee appointed under the Code at least five (5) business days prior to the confirmation hearing. Grounds for objection to the plan must be stated with specificity, and identify those provisions of the Code with which the objecting party contends the plan does not comply.

Related Provisions:

11 U.S.C. § 1126	Acceptance of Plan
FRBP 3018	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case
FRBP 9006(a)	Time — Computation
AK LBR 3018-1	Report of Balloting
AK LBR 3020-1	Chapter 11 Confirmation Hearing

RULE 9070-1

NUMBER OF COPIES

(a) Petitions, Schedules and Statements

In addition to the original, each petition, schedule, statement of affairs, and any amendments, supplements or addendum thereto, must be accompanied by the following number of copies:

Chapter 7	2 copies
Chapter 7 (Stockbroker)	3 copies
Chapter 7 (Commodity Broker)	3 copies
Chapter 9	5 copies
Chapter 11	4 copies
Chapter 11 (Railroad Reorganization)	5 copies
Chapter 12	3 copies
Chapter 13	3 copies

In cases filed other than in Anchorage, one additional copy is to be filed. For cases filed in Anchorage, other than the copies listed above, no further copies need be submitted.

(b) Chapter 9, 11, 12 and 13 Plans

In addition to the original, each plan in cases under chapters 9, 11, 12 and 13 and the chapter 11 disclosure statement and any amendments, supplements or addendum thereto, shall be accompanied by the same number of copies as is provided in subdivision (a) of this rule for petitions, schedules, and statements of affairs for the applicable chapter.

(c) Other Pleadings

All other pleadings, motions, papers and documents filed with the court must be accompanied by one copy for use by the judge hearing the matter. Copies must be complete, including any attachments or exhibits made a part of the original pleading, motion, paper or document being filed.

RULE 7041-1

DISMISSAL OF DISCHARGE ACTIONS

(a) Required Information

Unless it is contained in the stipulation or settlement agreement, a stipulation or request by the plaintiff to dismiss a complaint brought to bar discharge of a debtor must be accompanied by a separate statement, signed by counsel (or by the party if not represented by counsel) for all parties to the stipulation or settlement agreement, setting forth any consideration, monetary or otherwise, to be received by the plaintiff, the basis and source of that consideration, or that the plaintiff is not to receive any consideration.

(b) Notice

(1) Notice of the stipulation or settlement must contain a clear and concise statement of the consideration, if any, to be received by the plaintiff.

(2) In addition to the persons specified in Rule 7041, Federal Rules of Bankruptcy Procedure, notice of the stipulated dismissal must be given to any party in interest having filed a special request for notice and any creditor having filed a proof of claim or, in a case in which no claims are to be filed, the five (5) largest unsecured creditors other than those creditors whose claims are nondischargeable under 11 U.S.C. § 523.

(c) Opposition

(1) A party in interest opposing dismissal of the § 727 complaint may file a written opposition thereto within 20 days of the date the notice is served, serve a copy on the parties to the adversary action and the case trustee, and transmit a copy to the United States trustee.

(2) Any opposition to the dismissal must set forth specifically the basis for the objection, any terms or conditions the objecting party requests be imposed on the dismissal, and a statement of whether or not the objecting party is agreeable to substituting as party plaintiff in the action.

(d) Hearing

(1) In any case in which the plaintiff is to receive consideration in any form in exchange for dismissal, unless the court, for cause, otherwise orders, a hearing must be held before a discharge action is dismissed by stipulation or agreement of the parties, even if no objection is filed in response to the notice.

(2) In any case where the plaintiff is not to receive consideration in any form in exchange for the dismissal, the court may deny, grant, or impose terms and conditions on dismissal of the action without a hearing. If an objection or opposition to dismissal is timely filed, ordinarily the court will not grant dismissal without a hearing.

Related Provisions:

11 USC § 523	Exceptions to Discharge
11 USC § 727	Discharge
FRBP 7041	Dismissal of Adversary Proceedings
AK LBR 9075-1	Hearings; Trials
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 17	Notice of Application for Approval of Stipulation or Settlement Agreement
AK LBF 24	Notice of Hearing