

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ALASKA

In the Matter of the Adoption of Interim
Amendments to Local Bankruptcy Rules,

Misc. Proceeding No. 05-60001

GENERAL ORDER NO. 2020-2

ORDER ADOPTING INTERIM AMENDMENTS TO LOCAL BANKRUPTCY RULES

On December 10, 2018, the court adopted amendments to the Alaska Local Bankruptcy Rules (AK LBR) following a period of public comment. Thereafter, the Executive Committee of the Judicial Conference of the United States approved interim rules to be adopted locally for the processing of chapter 11 cases filed under the Small Business Reorganization Act of 2019 (Subchapter V Chapter 11 Cases). The interim rules do not address the bar date for filing proofs of claim in Subchapter V Chapter 11 Cases. Accordingly, the court has revised AK LBR 3003-1 to establish said bar date, and to revise the bar date for chapter 9 and standard chapter 11 cases.

For these reasons, under the authority granted by 28 U.S.C. § 2017(e), Federal Rule of Bankruptcy Procedure 9029, and United States District Court for the District of Alaska Miscellaneous Order No. 880 dated March 18, 2003,

IT IS HEREBY ORDERED that the amendments to AK LBR 3003-1, appended hereto as Exhibit A, are adopted on an interim basis, effective February 19, 2020.

IT IS FURTHER ORDERED that interim AK LBR 3003-1 will remain in effect until such time as it, or a revised version thereof, becomes final, following a period for public comment.

DATED: February 7, 2020.

BY THE COURT

/s/ Gary Spraker
GARY SPRAKER
Chief United States Bankruptcy Judge

Distribution: Janet Stafford, Clerk of Court
Anna Russell, Librarian

EXHIBIT A

Rule 3003-1 ~~Proof~~Proofs of Claim in Chapter 9 and 11 Cases, Including Small Business Debtors Filing Under Subchapter V of Chapter 11.

~~(a)~~ **Deadline for Filing.**

~~(1) Chapter 9 and Chapter 11.~~ The deadline for filing proofs of claim in a chapter 9 or chapter 11 case, excluding those chapter 11 cases filed as small business debtors under subchapter V, is ninety (90) days from the date of the order for relief.

~~(2) Chapter 11- Subchapter V Small Business Debtor.~~ The deadline for filing proofs of claim in a chapter 11 case filed as a small business debtor under subchapter V is seventy (70) days from the date of the order for relief.

~~(3) Governmental Units.~~ The deadlines set forth in subsections (1) and (2) above are not applicable to governmental units filing proofs of claim, which claims remain due 180 days from the order for relief as governed by 11 U.S.C. § 502(b)(9).

~~(b)~~ **Notice to Unscheduled Claimants or Claimants Scheduled as Disputed, Contingent, or Unliquidated.** Notice of the claims bar date applicable to creditors or equity security holders whose claims or interests are scheduled as disputed, contingent, or unliquidated, shall be included in the Notice of Chapter 11 Bankruptcy Case, ~~Form 309E~~. The Clerk shall cause a copy of this Notice, which includes instructions for obtaining a proof of claim form, to be served at the inception of the case on all parties on the matrix, through the Bankruptcy Noticing Center. ~~The claim deadline shall be set sixty (60) days after the first 341 meeting.~~

~~(c)~~ **Claims in Chapter 9 and Chapter 11 Cases after Schedules ~~have been~~Have Been Amended.**

(1) A debtor who amends the schedules to add a claim or interest shall provide notice of such addition to the claimant or interest holder. If an amendment is filed in a case to show ~~an existing~~ claim or interest as disputed, contingent, unliquidated, or reduced in amount, the debtor must provide ~~additional~~ notice of such amendment to the holder of the claim.

(2) The supplemental notice must be a separate document and inform the claim holder:
[A] of the need to file a proof of claim or interest if that ~~party~~claimant disagrees with the treatment of the claim in the amended schedule; and
[B] that if a proof of claim is not filed by the time set forth in the ~~additional~~supplemental notice, the ~~holder~~claimant may lose the right to participate in the case and to participate in any distribution.

(3) A creditor or equity security holder affected by an amendment to the schedules may file a proof of claim or interest within forty-five (45) days from the date notice of the amendment to the schedules is served on that party or the claims bar date specified in ~~paragraph~~subparagraph (a)~~(1),~~ above, whichever is later.

(4) If necessary, any confirmation hearing will be continued for the purpose of allowing balloting by the creditors and equity security holders affected by the amendment.

~~(d)~~ **11 U.S.C. § 506(b) Claims in Chapter 9 and 11 Cases.**

(1) An agreement between the debtor and a secured creditor having a claim under § 506(b) of the Code for the allowance of post-petition interest, fees, costs and expenses must be evidenced by a stipulation filed with the court setting forth the agreed amount to be allowed as post-petition interest, fees, costs and expenses.

(2) [A] In the absence of an agreement between the debtor and the secured creditor, a secured creditor having a claim under § 506(b) of the Code must file an application for allowance of the claim including post-petition interest, fees, costs and expenses.
[B] Unless otherwise ordered by the court, the application must be filed not later than sixty (60) days after notice of entry of the order confirming the plan of reorganization.

(3) The stipulation or application for allowance of post-petition interest, fees, costs and expenses must be:

[A] transmitted to the United States trustee; and

[B] served on—

- (i) the debtor or trustee, if one has been appointed,
 - (ii) any committee appointed in the case, and
 - (iii) any creditor having or claiming to have an interest in the property securing the claim.
- (4) A party objecting to the stipulation or application for allowance of post-petition interest, fees, costs and expenses may serve and file a written objection thereto within fourteen (14) days after service of the stipulation or application for allowance.
- (5) If no objection is filed as specified in paragraph (ed)(4), the stipulation or application for allowance of post-petition fees, costs or charges will be deemed approved or allowed without further order of the court.