

Local Rule of Bankruptcy Procedure 9013. MOTION PRACTICE.

(a) Form

A motion or application, an objection to a proof of claim, or an objection to a debtor's claim of exemption, must contain all information required under these Local Rules of Bankruptcy Procedure including any applicable negative notice language. A failure to include required information may result in the dismissal of that pleading.

(b) Proposed Orders.

1. Any motion, application, or objection shall be accompanied by a proposed order with a title that describes the relief and refers to the pleading which it accompanies.
2. A proposed order must clearly delineate that the motion is being granted or denied, or that an objection is being sustained or denied, and avoid non-descriptive titles such as "Order On" or "Order Regarding" in order to provide effective notification of the entry of such order to affected parties.
3. A failure to attach a proposed order may result in the dismissal of the referenced pleading.

(c) [Reserved for future use]

(d) Redaction of Personal Identifiers

Pursuant to Fed. R. Bankr. P. 9037 and the exemptions contained therein, as well as policies adopted by the Judicial Conference of the United States, all parties must refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all pleadings and exhibits filed with the Court, unless ordered by the Court to do otherwise:

- **Social Security Numbers:** if disclosure of a social security number is required, only the last four digits of that number should be used;
- **Names of Minor Children:** if disclosure of the identity of any minor child is required, only the initials of that child should be used;
- **Dates of Birth:** if disclosure of an individual's date of birth is required by any statement or schedule, only the year should be used;

- **Financial Account Numbers:** if disclosure of any financial account number is required, only the last four digits of that number should be used.
- **Driver's License Numbers:** parties should redact license numbers when attaching a copy of any driver's license to any pleading, including motions pertaining to unclaimed funds.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court will not review each pleading for compliance with this rule. Parties are cautioned that failure to redact these personal identifiers may subject them to the full disciplinary power of the Court.

(e) **Notices: Certificate of Service**

1. A motion, application, or other document filed with the Court when notice to interested parties is required under applicable law, or in which the relief requested may adversely affect an interested party, must contain a certificate of service.
2. The certificate of service must indicate specifically the parties served (including their addresses), the method of service, the date of service, and shall be signed by an attorney or an agent thereof.
3. Failure to include a certificate of service in compliance with this rule may result in the dismissal, denial or striking of the affected pleading.

(f) **Notices: Parties-in-Interest Served**

1. When a motion or application is filed which can only be authorized or granted on notice or “after notice and hearing” as such phrase is defined in Bankruptcy Code §102 (other than motions relating to appeals from orders or for new trial), including motions for relief from automatic stay, the movant shall serve a copy of the motion, or a summary of the motion, upon all parties entitled to service of such motion or any hearing on such a motion under any Federal Rule or Local Rule of Bankruptcy Procedure. Such service includes the following parties at a minimum:
 - (A) In a Chapter 7 case: the debtor, the trustee, the United States Trustee, all members of any official committee, and their respective attorneys; all parties who have filed a notice of appearance or request for notice in the case; and, if the motion involves relief from the stay with respect to property, any other parties claiming a security interest

of record in the same property;

- (B) In a Chapter 11 case: the debtor, the United States Trustee, the case trustee (if one has been appointed), all members of any official committee, and their respective attorneys; all secured creditors; all governmental units, the twenty (20) largest unsecured creditors (only in the event that no official committee of unsecured creditors has been formed); and all parties who have filed a notice of appearance or request for notice in the case;
- (C) In a Chapter 12 or 13 case: the debtor, Chapter 12 or 13 Trustee, all parties who have filed a notice of appearance or request for notice in the case, and, if the motion involves relief from the stay with respect to property, any party claiming a security interest of record in the same property [no service upon United States Trustee is required].

For further information, parties should consult this Court's Guide to Practice and Procedures which is available at the Court's website [www.txeb.uscourts.gov].

- 2. Any summary of a motion or application issued to parties entitled to service shall contain:
 - (A) the relevant facts regarding the motion or application;
 - (B) appropriate negative notice language as designated in these Local Rules for that type of motion or application; and
 - (C) a notification that a complete copy of the motion or application will be sent to any requesting party at no charge.

(g) Briefs

Authorities and argument may be briefed in a motion, application or responsive pleading, and a separate brief or memorandum of authorities is not required. However, any party wishing to submit a separate brief must do so no later than three (3) business days prior to a hearing.

(h) Service by Electronic Means

Documents filed in any matter governed by this rule may be served upon another party by electronic means that are consistent with technical standards established

by the Judicial Conference of the United States and are in compliance with the *Administrative Procedures for the Filing, Signing, and Verifying of Documents by Electronic Means* as set forth in *TXEB Appendix 5005*. The transmission facilities of the Court may be utilized to accomplish such service.