

MEMORANDUM

To: Terence H. Dunn, Clerk of the United States Bankruptcy Court for the District of Oregon
From: Ad Hoc Local Rules Committee of the Debtor-Creditor Section of the Oregon State Bar
Subject: Local Bankruptcy Rules; Sample Motion and Order Formats
Date: February 8, 2007

This memorandum supplements the committee's memorandum of December 18, 2006, commenting on the committee's suggested revised local bankruptcy rules for this district.

Attached are PDF and WordPerfect versions of a sample Motion to Extend Discovery Deadline and a sample Order Granting Motion to Extend Discovery Deadline.

Rule 9004-1.(f) of the proposed revised local bankruptcy rules the committee sent you on December 18, 2006, states:

- (f) **District Court Form as Safe Harbor.** A document that complies with LR form requirements that are not inconsistent with these rules will be deemed to comply with form requirements of these rules.

The attached sample motion and order illustrate the committee's understanding of LBR formatting rules, compliance with which would be mandatory, and LR formatting rules, compliance with which (to the extent not inconsistent with any LBR) would be permitted under proposed revised Rule 9004-1.(f). Endnotes in each document identify the mandatory LBR requirements and the permissive LR requirements.

The sample forms raise only the following three questions regarding LBR form requirements:

- Endnote 4 to the motion questions whether current LBR 1005-1.A., which requires debtor names in the petition to be in mixed case, should for consistency apply to all documents and party names.

- Endnote 5 to the motion questions the need for the requirement in current LBR 9004-1.A.3.d. that “Page __ of __” be bolded.
- Endnote 3 to the order questions whether current LBR 9021-1.A.4(a)(4) should continue to require an order’s “presented by” line to be signed, in view of the absence of that requirement in Oregon state court practice.

The committee suggests that, after determining by local rule both required and permitted document formatting, the court consider adopting as part of an Appendix of Forms documents such as the sample motion and order, just as the district court local rules Appendix of Forms includes Appendix Form #6, entitled “Formatted Document.” Just as LR 10.2 includes a “see” reference to Appendix Form #6, perhaps revised Rule 9004-1.(f) could include a similar reference to the sample motion and order forms, with explanatory endnotes.

Thank you for the opportunity to make this suggestion. Please feel free to contact any committee member if you have any questions.

David A. Foraker
David W. Hercher
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**²UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON**

In re³

Case No. 04-37154-elp1⁴

Abc Co.,⁵ an Oregon corporation,

Chapter 11

Debtor.

Adversary Proceeding No. 04-3373-elp

Abc Co., an Oregon corporation,

**MOTION TO EXTEND DISCOVERY
DEADLINE⁶**

Plaintiff,

v.

Def Co., a Washington corporation,

Defendant.

⁷Plaintiff, Abc Co., moves to extend the discovery deadline to December 31,
2007.

⁸LAW OFFICE OF JOHN DOE

/s/ John Doe

John Doe⁹

OSB #123

(503) 123-4567

Attorneys for Plaintiff, Abc Co.¹⁰

I hereby certify that I served the foregoing Motion to Extend Discovery Deadline
on:

Jane Roe
123 Main Street, Suite 789
Anytown, Oregon 97204-1234

Attorney for Defendant, Def Co.

by the following indicated method or methods:

- by **mailing** full, true, and correct copies thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorneys as shown above, the last-known office addresses of the attorneys, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.
- by sending full, true, and correct copies thereof via **overnight courier** in sealed, prepaid envelopes, addressed to the attorneys as shown above, the last-known office addresses of the attorneys, on the date set forth below.
- by causing full, true, and correct copies thereof to be **hand-delivered** to the attorneys at the attorneys' last-known office addresses listed above on the date set forth below.

and by ECF to the persons listed on the attached Exhibit A

DATED this 30th day of January, 2007.

/s/ John Doe
John Doe

Of Attorneys for Plaintiff, Abc Co.

EXHIBIT A
ECF Service

JOHN DOE john@doelaw.com
JANE ROE jane@roelaw.com
US Trustee, Portland USTPRegion18.PL.ECF@usdoj.gov

¹ (1) The committee proposes that all formatting on this sample be permissible. Where indicated, formatting is mandatory. (2) Top and bottom margins must be 1". Current LBR 9004-1.A.5.c. (3) Line numbers are no longer required by current LBR 9004-1.A.3.a., but are permissible under current LBR 9021-1.A.4.a. See LR 10.2(a) (line numbers prohibited). (4) Minimum type size 10 cpi or 12 pt. Current LBR 9004-1.A.2. (5) Name, address, telephone number, OSB# and identity of the attorney representing a party or of a party appearing *in propria persona* must be printed single-spaced in the upper left hand corner of the title page of all documents and begin not less than one inch from the top of the page (except that in multi-party matters reference may be made to the signature page for a complete list of counsel submitting the document for filing). LBR 9004-1.D. (6) Optional bold attorney name. See LR 10.2(a). (7) For format of counsel information paragraph, see LR 10.2(a).

² Optional: Double-space court name one inch (60 pts.) below last line of counsel information paragraph. LR 10.2(b)(1).

³ Optional: (1) Place party names four lines (48 pts.) from the bottom of the court name. LR 10.2(d). (2) Eliminate brackets [or vertical line] in caption. LR 10.2(e). (3) Bold court name, party names, and pleading title. See, e.g., Dist. Ct. Form 6 (Pretrial Order).

⁴ Optional: Right-justify case number. LR 10.2(f).

⁵ Party names are in mixed case. Current LBR 1005-1.A. Does and should that rule apply to documents other than the petition?

⁶ (1) Document title must briefly describe document's subject and content. Current LBR 9004-1.A.15. (2) Optional: Title at least two lines below case number. LR 10.2(g).

⁷ Text must be double-spaced. Current LBR 9004-1.A.5.a.

⁸ Re format of signature, see D. Ct. Form 4.

⁹ Signer's name must be typed under signature line. Current LBR 9004-1.A.8.a.

¹⁰ (1) Footer "Page x of y" must be bolded. Current LBR 9004-1.A.3.d. Should that rule continue? (2) Footer format generally: Current LBR 9004-1.A.11. (3) Signature block format consistent with LR 11.1.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON¹**

In re

Case No. 04-37154-abc11

Abc Co., an Oregon corporation,

Chapter 11

Debtor.

Adversary Proceeding No. 06-1234-abc

Abc Co., an Oregon corporation,

**ORDER GRANTING MOTION TO
TO EXTEND DISCOVERY DEADLINE**

Plaintiff,

v.

Def Co., a Washington corporation,

Defendant.

This matter came before the court on the Motion for Extension of Discovery
Deadline [12] (the “Motion”). It is hereby

ORDERED that the Motion is granted, and the discovery deadline is extended through December 31, 2007.

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²Presented by:

³/s/ John Doe

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¹ (1) Except where the context requires otherwise, all comments on the preceding motion sample also apply to this order sample. (2) The top margin (from the top of the page to the court name, ignoring the signature line) on the first page of any order or judgment must be four inches [228 pt.]. Top margin of other pages must be 1". Current LBR 9021-1.A.4.a.

² Order must bear the signature of the party presenting it, preceded by the words "presented by" on the left side of the last page. Current 9021-1.A.4.(a)(4).

³ Should the requirement of signing the presented by line continue? No signature is required in Oregon state court practice.