

April 22, 2009 www.orb.uscourts.gov

Recent Opinions

In re Smith, Dist. Ct. Misc. No. 08-7020-AA; Bankruptcy Case No. 97-62183-aer7
March 3, 2009

Appeal; dismissal of appeal – equitable grounds; dismissal of appeal – mootness
The US District Court granted a motion to dismiss a chapter 7 debtor’s appeal of the bankruptcy court order approving the chapter 7 trustee’s final account and distribution. Debtor had not sought a stay pending appeal until after the time in which to do so had passed and the estate had been distributed. The District Court held the appeal was moot and, even if not moot, would have to be dismissed on equitable grounds .

Click on [Opinions](#) (the last item in the column headed **Information for Attorneys**), for two search options. Clicking on [To view a list of all current opinions](#) takes you to a list of opinions organized by date, most recent to oldest. Entering a search term in the box on the Opinions page produces a list of results. Search logic for opinion searches appears on the [Opinions](#) page.

NEW ITEM:

ECF Training

Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. The currently scheduled training dates for **Eugene and Portland** are May 20, June 18, July 15 and August 13.

PREVIOUSLY PUBLISHED ITEMS:

The following is a summary of items added in the past several weeks.

General Order #09-2

General Order #09-2 was posted April 7 and is effective immediately. It modifies local bankruptcy rules 2002-1(b)(3), 2015-1(a), 2015-1(b)(2)(B), 2015-1(c), 4008-1(b), 7007-1(b)(1)(D) and (E), 7007-1(b)(3)(A), 7026-1(c), 7037-1, 9013-1(b)(1), and 9013-1(d).

On the home page under **Court Rules and Announcements**, click on the first item, “4/7/09 - General Order (G.O.) #09-2.” It can also be found under **Rules and Forms**, “Oregon US Bankruptcy Court General Orders (GO).”

Local Bankruptcy Forms

The following modified LBFs are required to be used by the dates shown:

720.80 - May 1
721.03 - April 15
1124 - April 15
1198 - April 1
1305 - April 15
1355.05 - April 15

1355.10 - May 1
1366.3 - April 15

Chapter 7/13 Relief from Stay Hearings

The specific link for RFS hearings has been removed. Use the Judges' Calendars page, which can be found under Calendars on the main page, and select Relief from Stay in the "Hearing Type" box.

ECF Online Manual

Several procedures in the ECF Online Manual have been updated in accord with the upgrade to ECF 3.3. Click on **ECF** on the top index, then **Using ECF**, then **Manuals**.

The following ECF Manuals were updated on March 30, 2009:

Basic - "ECF Filing Manual"

Case Opening - "Involuntary Petition" and "Open a20BK Case"

Claims - "File Proof of Claim"

Creditor - "Attorney Creditor Manual" and "Creditor Manual (Non-Attorney)"

Miscellaneous - "Missing Documents Filed"

Query - "Query"

Reports - "Reports"

Utilities - "Utilities"

ECF Upgrade

The upgrade to ECF version 3.3 is now in effect. Details about ECF 3.3 are on the site; click on either "3/10/09 – ECF 3.3 Upgrade" under **Court News and Announcements** or, under the heading **ECF**, on **ECF 3.3**, then "What's New in Release 3.3."

Message from Clerks Office

Please do not modify the fixed text in a local bankruptcy form (LBRs 1001.1.F. and G.)! If adequate room does not exist in any area, attachment pages may be added to the end of the form for inclusion of essential text.

Debtor-Creditor Section Website

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.