Bankruptcy Local Rule 1002-1

PETITIONS

(a) Petitions

All petitions shall be submitted in Electronic Case Filing, (hereinafter “ECF”) unless otherwise ordered by the court or exempted by ECF Procedures.

(b) Caption of petitions and identity of debtors

In regard to all cases filed under 11 U.S.C. §§ 301 and 302 of the Code, the caption of such cases shall be in the following style:

(1) If the debtor is an individual, not filing a joint petition with his/her spouse: "John A. Doe" or “Doe, John A.”

(2) If the debtor is an individual filing a joint petition with his/her spouse: "John A. Doe and Mary A. Doe" or “Doe, John A. and Doe, Mary A.”

(3) If the debtor is a general [or limited] partnership: "Name of entity, a general [limited] partnership."

(4) If the debtor is a corporation: "Name of entity, a corporation" (unless the word "Inc.," "Incorporated" or "Corporation" is a part of the name).

(5) If the debtor is a limited liability company or similar entity: “Name of entity, a Limited Liability Company,” or “L.L.C.” or similar designations.

(c) Petition filed by a corporation, partnership, or other entity

Although a corporation, general partnership, limited partnership, limited liability company or other entity may file a voluntary petition, it must be executed by an authorized corporate officer, general partner, or designated manager and must include a resolution or other evidence of entity authorization for the petition. Further, an attorney shall represent these entities, and such attorney shall also sign the petition.

(d) Voluntary petition and other documents signed by a representative on behalf of an individual debtor

If a voluntary petition for an individual debtor or other document is signed on behalf of the debtor by someone other than the debtor, the name and capacity of the person signing on behalf of the debtor must be clearly stated under the signature line. An attorney must also sign and file such a petition. In addition, a copy of documentation evidencing authority of the signer to act on behalf of the debtor must be filed at the same time as the petition. If there is no such documentation, then a statement explaining how the petition complies with Fed. R. Bankr. P. 1004.1 must be filed with the petition. A certificate of service showing service on the non-signing debtor of a copy of the filed petition and the notice of the bankruptcy case meeting of creditors and deadlines shall be filed with the court no later than 14 days after the case has commenced.

RELATED AUTHORITY

11 U.S.C. §§ 101(9), 109, 301, 302

Fed. R. Bankr. P. 1002, 1004, 1005, 1006(a), 1007, 9010 and 9011(f)

Advisory Committee Notes:

ECF is defined in this Rule and that abbreviation is used throughout the balance of the Rules.

This rule attempts to address the problems caused by petitions either improperly or confusingly captioned, as well as those caused by petitions improperly purporting to be "joint" petitions outside the limited authority of § 302 of the Code -- i.e., an individual and a corporation.

The rule in (c) addresses the problem of so-called "pro se" corporate or partnership cases. Also see LBR 9010-1(e)(3) regarding appearances for such entities.

The rule in (d) does not confer authority on others to file petitions or other documents, such as schedules, reaffirmation agreements, etc., on behalf of a debtor. See L.B.R. 9010-1(b) &(e). It is designed to make it clear when documents are signed by a representative such as a general guardian, committee, conservator, or similar fiduciary on behalf of a debtor so that parties in interest may determine whether it was appropriate. This rule is also designed to protect debtors. Attorneys filing such petition should review applicable law and rules of professional conduct.