

LCvR84 – Bankruptcy Rules

LCvR84-1 Bankruptcy Cases.

(a) Matters Referred to the Bankruptcy Judges.

(1) Pursuant to 28 U.S.C. § 157(a), all cases under Title 11 of the United States Code and any and all proceedings arising under Title 11 or arising in or related to a case under Title 11 shall be and hereby are referred to the bankruptcy judges for this district.

(2) ~~The~~ bankruptcy judges shall hear and determine all cases under Title 11 and all core proceedings arising under Title 11 or arising in a case under Title 11, and may enter appropriate orders and judgments, subject to review under 28 U.S.C. § 158; provided, however, that personal injury tort and wrongful death claims shall be tried in the district court in accordance with 28 U.S.C. § 157(b)(5).

(3) The bankruptcy judges may hear a proceeding that is not a core proceeding but that is related to a case under Title 11. Resolution of such matters shall be governed by 28 U.S.C. § 157(c).

(4) All removed claims and causes of action removed from state court pursuant to Fed. R. Bankr. P. 9027 are hereby referred to the bankruptcy judge assigned to the case to which the removed action relates. The bankruptcy judge shall hear and determine all such removed proceedings subject to review and appeal as allowed under 28 U.S.C. §§ 157 and 158 and the Federal Rules of Bankruptcy Procedure.

(5) The bankruptcy judges shall hear and enter appropriate orders on all motions related to appeals prior to the entry of the appeal on the docket of the district court or bankruptcy appellate panel. Orders entered during this period are subject to review or appeal as allowed under 28 U.S.C. §§ 157 and 158.

(b) Motions for Withdrawal of Reference.

(1) Motions for withdrawal of the reference of a case, proceeding, or contested matter (collectively, a “proceeding”) shall be timely filed with the bankruptcy clerk, shall be accompanied by the required filing fee, and shall be governed by Fed. R. Bankr. P. 5011 and 9014. In the motion, the movant shall allege whether the proceeding is a core proceeding under 28 U.S.C. § 157(b) or a proceeding that is otherwise related to a case under Title 11.

(2) Motions for withdrawal of a bankruptcy case shall be filed and served within fourteen ~~(14)~~ days after the first meeting of creditors is held in the case. Motions for withdrawal of an adversary proceeding or a contested matter shall be filed and served at the same time the party filing such motion files its first pleading responding to claims asserted in the adversary proceeding or contested matter.

(3) Responses to motions for withdrawal shall be filed with the bankruptcy clerk within fourteen ~~(14)~~ days from service of the motion. Replies may be filed only with leave of the bankruptcy court.

(4) Within a time period reasonable under the circumstances of the matter, the bankruptcy judge shall enter an order pursuant to 28 U.S.C. § 157(b)(3), determining whether the proceeding is a core proceeding or a proceeding that is otherwise related to a case under Title 11 and forward the order to the district court together with a copy of the record of the proceeding for which withdrawal is sought.

(c) Appeals. All appeals from final judgments, orders and decrees of bankruptcy judges and, with appropriate leave, from interlocutory orders and decrees of bankruptcy judges shall be taken in the manner prescribed by 28 U.S.C. § 158 and Part VIII of the Federal Rules of Bankruptcy Procedure, as supplemented by the Local Rules of the [U.S. United States](#) Bankruptcy Court for the Northern District of Oklahoma.

(d) Transmittal of Records or File by the Bankruptcy Court. The bankruptcy clerk shall transmit the record or file of a case, proceeding or contested matter (collectively, a “proceeding”) to the Court Clerk as follows:

- (1) a copy of the record, after the expiration of time for filing objections to the bankruptcy court’s proposed findings of fact and conclusions of law in non-core “related-to” proceedings pursuant to Fed. R. Bankr. P. 9033(b);
- (2) a copy of the record of the proceeding for which a withdrawal of reference is sought upon the entry of the order required by LCvR84-1(b)(4);
- (3) the file, upon the receipt of an order by a district judge pursuant to 28 U.S.C. § 157(d) withdrawing the reference;
- (4) the file, upon the filing of a recommendation by a bankruptcy judge that a proceeding is one in which a personal injury tort or wrongful death claim shall be tried in the district court pursuant to 28 U.S.C. § 157(b)(5); and
- (5) the record, when it is complete for purposes of appeal pursuant to Fed. R. Bankr. P. 8010.

(e) Assignment of District Judges. The Court Clerk shall assign a district judge to the transmitted matter or proceeding in accordance with random assignment procedure used in assigning civil cases unless a prior assignment of a related matter requires assignment of the newly transmitted matter or proceeding to a particular district judge.

(f) Jury Trials.

- (1) In accordance with 28 U.S.C. § 157(e), if the right to a jury trial applies in a proceeding that may be heard by a bankruptcy judge, each of the bankruptcy judges for this district is hereby specially designated to exercise such jurisdiction and to conduct such jury trials.
- (2) In conducting jury trials, the bankruptcy court shall adhere to the provisions of the Jury Act.
- (3) ~~This Court’s Jury Plan of the Court, available on the Court’s website, as set forth in these Local Rules~~ shall govern jury selection in the bankruptcy court.

(4) Upon request, the Court Clerk shall supply a sufficient number of jurors to the bankruptcy court for its scheduled jury trials. Jurors may continue to be utilized by the district court if not selected or when not serving in the bankruptcy court.

(5) The bankruptcy clerk shall cooperate with the Court Clerk in the implementation of efficient and economical juror utilization techniques.

(6) In conducting jury trials, the bankruptcy court shall comply with these ~~Local~~ ~~Rules~~ as applicable to civil jury trials. The bankruptcy court may waive such rules for good cause in any civil jury case, upon due notice, ~~in order~~ to accommodate expedited scheduling and trial consistent with due process.

~~(g) Prior Orders Superseded. Miscellaneous Order M-128 dated April 11, 1985 and Miscellaneous Order M-128 dated June 21, 1995, are superseded by this Rule 84.1.~~

SUMMARY OF CHANGES

Minor changes for consistency with other rules or changes to other rules. Subsection (g) is deleted as unnecessary. Links added in (f)(3) to Jury Plan and to General Order adopting Jury Plan.