

**FILED**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

2018 JUN 20 AM 10:30

US BANKRUPTCY  
DISTRICT OF SOUTH CAROLINA

IN RE:

SC LBR 1017-2 and 9013-4 amendments

**OPERATING ORDER 18-02**

Pursuant to SC LBR 9029-1, amendments to the local rules of this court are adopted in light of the holding in *No v. Gorman*, 891 F3d. 138, 2018 WL 2339451 (4<sup>th</sup> Cir., May 24, 2018) as follows:

1. SC LBR 1017-2 is abrogated and replaced with the attached SC LBR 1017-2.
2. SC LBR 9013-4 Exhibit A is amended as follows:
  - a. Appended to the list of Motions/Applications in Chapter 12 and 13 Cases is the following “\* Trustee motions to dismiss pursuant to § 1307(c)” with 14 as the No. Days for Objection.
  - b. “Convert or Dismiss except pursuant to 11 U.S.C. §§ 707(b) or 1112” under Motions/Applications by a Trustee or United States trustee is amended to “\*Convert or Dismiss except pursuant to 11 U.S.C. §§ 707(b), 1112, or 1307(c)” with 21 remaining as the No. Days for Objection.

**AND IT IS SO ORDERED.**



David R. Duncan, Chief Judge

Columbia, South Carolina,

June 20, 2018

## LOCAL RULE 1017-2: DISMISSAL OR SUSPENSION OR CASE OR PROCEEDING

- a. The Court may enter an order dismissing a voluntary case upon the debtor failing to file or provide lists, schedules, statements, and other documents required pursuant to 11 U.S.C. 521, Fed. R. Bankr. P 4002(b), or SC LBR 3015-4 within the time periods established therein or by Fed R. Bankr. P. 1007(c), 1019(1)(B), or other rule."
- b. The Court may enter an order dismissing or converting a chapter 13 case if confirmation of the plan is denied. If a chapter 11 plan is not confirmed or a disclosure statement is not approved by the Court, the case may be dismissed or converted without further notice or hearing if the plan proponent fails to file a new disclosure statement and plan, as applicable, within 14 days (or such other period as is ordered) after the hearing which resulted in denial of confirmation or not approving the disclosure statement.
- c. Any party filing a motion to dismiss or convert a case pursuant to 11 U.S.C. § 1112 shall either: (1) ensure that the Court has an available hearing date that both allows for applicable notice and falls within the time required by statute, the Federal Rules of Bankruptcy Procedure, and Local Rules or (2) specially request by separate emergency motion that such a hearing be scheduled. The absence of such a request shall be deemed a waiver of the scheduling and ruling deadlines imposed by the statute and the rules.

### Notes:

(2018) The former rule was abrogated as a result of the holding in *No v. Gorman*, 891 F3d. 138, 2018 WL 2339451 (4th Cir., May 24, 2018). Section (a) loosely follows former section (a) but no longer provides for dismissal without notice and hearing under the former certification for dismissal process. Section (b) permits dismissal for failure to confirm a chapter 13 or 11 plan or obtain approval of a chapter 11 disclosure statement, though again the former certification procedure is eliminated from the rule, and is loosely based upon former section (d). Section (c) retains the provision of former section (e).