

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE

administering bankruptcy cases in the
EASTERN DISTRICT OF MICHIGAN - DETROIT

DAVID Wm. RUSKIN, Trustee
LISA K. MULLEN, Attorney and Counselor
THOMAS D. DeCARLO, Attorney and Counselor

DRANÉ BEAUNE, Human Resources Manager
RICH COLLINS, Information Services Manager
STACI MCWILLIAMS, Finance Manager

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NEW PROCEDURES FOR SUBMITTING STIPULATIONS AND ORDERS

Over the years, certain practices and customs have developed and evolved, all designed to improve the efficiency of the Chapter 13 process. One of those customs has involved the use of “Stipulated Orders” for granting relief when all interested parties agree. The party seeking the relief would prepare a Stipulated Order that would outline the relief being granted, and would include signature blocks for all interested parties. The Stipulated Order would also include a signature block for the Judge.

The advent of ECF requires a change in these procedures. Under ECF, Stipulations and Orders must be submitted as two separate documents, with the Stipulation being filed via ECF and the Order being submitted via the Court’s Order Submission Program.

There are two different ways of preparing these documents, either of which our office would find acceptable:

1. Prepare a Stipulation that recites all of the relevant terms and details, including any explanation for the relief being sought if necessary. Prepare a separate Order that also recites the terms and details, which likely would be a “cut and paste” from the Stipulation itself. Then circulate both the Stipulation and Order for review and approval.
2. Prepare a Stipulation that does not recite all of the relevant details, but merely states “The undersigned parties hereby stipulate and agree to entry of the Order attached hereto as Exhibit ‘A’.” Then attach the proposed Order as an exhibit, and circulate for review and approval.

Under either alternative, once the Stipulation has been signed by all parties, the Stipulation (with the attached proposed Order if option #2 is used) should then be submitted to the Court via the ECF filing process and the Order submitted to the Court via the Order submission program.

The Court has advised that “Stipulated Orders” submitted under the prior practice will not be entered. As a result, the Trustee will no longer sign “Stipulated Orders” that do not comply with the ECF filing requirements.

Thank you.