

#4725

97-BK-E

copy to [unclear]
Suggestion for [unclear]
is not [unclear]

United States Bankruptcy Court

EASTERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK

RECEIVED
7/22/97

REPLY TO

RICHARD G. HELTZEL
CLERK

- ✓ 8108 U.S. COURTHOUSE
650 CAPITOL MALL
SACRAMENTO, CA 95814
(916) 498-5525
- 11 1130 12TH STREET
SUITE C
MODESTO, CA 95354
(209) 521-5160
- 11 2656 U.S. COURTHOUSE
1130 O STREET
FRESNO, CA 93721
(209) 498-7217

July 14, 1997

Professor Alan N. Resnick
Reporter, Advisory Committee of Bankruptcy Rules
121 Hofstra University
Hempstead, NY 11550-1090

Dear Alan:

Last week Pat Channon reminded me that I needed to follow up with you regarding a possible change to FRBP 9022. At the last rules committee meeting, I proposed amending this rule to permit the court to delegate responsibility to the prevailing party to effect notice of entry of judgments or orders. The idea seemed to have the support of several members of the committee.

I offer the following proposed amendment:

Rule 9022.

NOTICE OF JUDGMENT OR ORDER

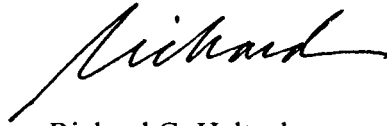
(a) Judgment or Order of Bankruptcy Judge. Immediately on the entry of a judgment or order, the clerk or some other person as the court may direct, shall serve a notice of the entry by mail in the manner provided by Rule 7005 on the contesting parties and on other entities as the court directs. Unless the case is a chapter 9 municipality case, the clerk shall forthwith transmit to the United States trustee a copy of the judgment or order. If service of the notice is made by a person other than the clerk, a certificate of service shall be filed with the court in the manner provided for in Rule 7005(d). Service of the notice shall be noted in the docket. Lack of notice of the entry does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted in Rule 8002.

Adoption of this amendment would relieve the clerks' offices of workload associated with preparing and mailing copies of judgments or orders, tasks which generally require hand processing. Requiring a certificate of service when service is effected by a person other than the clerk is intended to prevent abuse caused by a party's failure to serve the notice.

Professor Alan N. Resnick
Page 2
July 14, 1997

Time permitting, I would like to see this suggestion added to the September meeting agenda. If you have any questions, please contact me at (916) 498-5578.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard".

Richard G. Heltzel
Clerk, U.S. Bankruptcy Court

cc: Judge Adrian G. Duplantier
✓Peter G. McCabe
Patricia S. Channon