Local Rules of the United States Bankruptcy Court for the Western District of Missouri

Rule 2007.1-1 Appointment or Election of Trustee or Examiner in a Chapter 11 Reorganization Case

A. Request for an Election. A request to convene a meeting of creditors for the purpose of electing a trustee in a Chapter 11 reorganization case shall be filed and transmitted to the United States Trustee in accordance with Fed. R. Bankr. P. 5005 within the time prescribed by § 1104(b) of the Bankruptcy Code. Pending Court approval of the person elected, a person appointed trustee under § 1104(d) shall serve as trustee.

B. Manner of Election and Notice. An election of a trustee under § 1104(b) of the Code shall be conducted in the manner provided in Fed. R. Bankr. P. 2003(b)(3) and 2006. Notice of the meeting of creditors convened under § 1104(b) shall be given in the manner and within the time provided for notices under Fed. R. Bankr. P. 2002(a). A proxy for the purpose of voting in the election may be solicited by a committee appointed under § 1102 of the Code and by any other party entitled to solicit a proxy under Fed. R. Bankr. P. 2006.

C. Application for Approval of Appointment and Resolution of Disputes. If it is not necessary to resolve a dispute regarding the election of the trustee or if all disputes have been resolved by the Court, the United States Trustee shall promptly appoint the person elected to be trustee and file an application for approval of the appointment of the elected person under Fed. R. Bankr. P. 2007.1(b), except that the application does not have to contain names of parties in interest with whom the United States Trustee has consulted. If it is necessary to resolve a dispute regarding the election, the United States Trustee shall promptly file a report informing the Court of the dispute. If no motion for the resolution of the dispute is filed within 14 days after the date of the creditors' meeting called under § 1104(b), a person appointed by the United States Trustee in accordance with § 1104(d) of the Code and approved in accordance with Fed. R. Bankr. P. 2007.1(b) shall serve as trustee.