

**SELF-CALENDARING INSTRUCTIONS
FOR JUDGE MARTIN R. BARASH
MARCH 2024 – DECEMBER 2024**

(NORTHERN DIVISION)

Effective **October 2, 2023**, Judge Barash will resume in-person hearings. However, Judge Barash will continue to offer hearing parties in interest (and their counsel) the ability to participate in most hearings remotely, using ZoomGov audio and video.

Accordingly, in addition to all other applicable noticing requirements, and pursuant to the authority granted under Fed. R. Bankr. P. 9007, Judge Barash requires that a moving party or other party noticing a hearing before him (i) file and serve a completed Supplemental Notice Re: Availability Of Zoomgov Audio And Video For Remote Appearance ("Supplemental Notice"), at the same time the principal notice of such hearing is to be filed and served, OR (ii) incorporate conforming language into such principal notice.

The form of the Supplemental Notice approved by Judge Barash for a hearing in a main bankruptcy proceeding can be found [\[here\]](#). The form of the Supplemental Notice approved by Judge Barash for a hearing in an adversary proceeding can be found [\[here\]](#).

The unique ZoomGov connection information for each day's hearings before Judge Barash—which information is necessary to satisfy the foregoing requirements--is posted on his public calendar, which can be located at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=MB>

The self-scheduling system is designed to allow both counsel and parties to schedule hearing dates for matters heard on regular notice, without having to contact a calendar clerk to obtain a hearing date. Matters that do not require hearings may be filed in accordance with Local Bankruptcy Rule 9013-1(o), (p) & (q). Please refer to the appropriate Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules regarding the filing and service of motions. Except as noted in section II.D, II.F, II.K and II.L below, matters that are not eligible for self-scheduling must be set by contacting Brad Handy at (805) 884-4884.

I. EXCEPT FOR THOSE MATTERS EXPRESSLY EXCLUDED FROM SELF-CALENDARING PURSUANT TO SECTION II BELOW, MATTERS WITHIN THE FOLLOWING CATEGORIES MAY BE SELF-CALENDARED AT THE FOLLOWING TIMES, ON SELECT DATES SPECIFIED ON THE CALENDAR OF AVAILABLE DATES FOR JUDGE BARASH:

DATE	TIME
Motions for relief from stay – all chapters -- to be set on the following dates: Mar. 28, Apr. 25, May 30, Jun. 27, Jul. 25, Aug. 29, Sep. 26, Oct. 31, Nov. 21 & Dec. 19.	10:00 a.m.

DATE	TIME
Chapter 7 matters, except motions in adversary proceedings, to be set on the following: Mar. 28, Apr. 25, May 30, Jun. 27, Jul. 25, Aug. 29, Sep. 26, Oct. 31, Nov. 21 & Dec. 19.	11:30 a.m.

DATE	TIME
All Chapter 11 & Chapter 12 matters, except motions for relief from stay, motions in adversary proceedings, and motions listed below which may not be self-calendared to be set on the following: Mar. 28, Apr. 25, May 30, Jun. 27, Jul. 25, Aug. 29, Sep. 26, Oct. 31, Nov. 21 & Dec. 19.	1:30 p.m.

DATE	TIME
Motions in adversary proceedings, except motions listed below which may not be self-calendared, to be set on the following: Mar. 28, Apr. 25, May 30, Jun. 27, Jul. 25, Aug. 29, Sep. 26, Oct. 31, Nov. 21 & Dec. 19.	2:30 p.m.

II. THE FOLLOWING MATTERS *MAY NOT BE SELF-CALENDARED*:

- A. Emergency motions (i.e., motions necessitating less than 48 hours' notice).
- B. Applications for orders shortening time or matters that are subject to a shortened time request.
- C. Multiple claim objections (i.e., more than 20 claims).
- D. In adversary proceedings: motions to dismiss, for judgment on the pleadings, default judgment or for summary judgment. A hearing date will be provided only after the motion has been filed. After the motion has been filed, movants must email an ecf-stamped copy to:

Chambers_MBarash@cacb.uscourts.gov

- E. Motions for temporary restraining orders or preliminary injunctions.
- F. Motions for reconsideration pursuant to Federal Rule of Civil Procedure 59 / Federal Rule of Bankruptcy Procedure 9023. A hearing date, if any, will be provided only after the motion has been filed. After the motion has been filed, movants must email an ecf-stamped copy to:

Chambers_MBarash@cacb.uscourts.gov

The Judge may rule on a motion for reconsideration without a hearing.

- G. Status conferences and pre-trial conferences – all chapters.
- H. Trials in adversary proceedings.
- I. Reaffirmation agreements.
- J. Clusters of related matters that ordinarily would be calendared at separate times.
- K. Chapter 11 disclosure statement and plan confirmation hearings. A hearing date will be provided on an initial disclosure statement (or, in Subchapter V cases, the initial plan) only after the initial disclosure statement / plan has been filed. After the initial disclosure statement / plan has been filed, plan proponents must email an ecf-stamped copy to:

Chambers_MBarash@cacb.uscourts.gov

- L. Motions to dismiss or convert bankruptcy cases, except motions for which no hearing is required pursuant to LBR 9013-1(o), (p) or (q) and motions filed by the United States Trustee based solely on compliance deficiencies.
- M. Motions to appoint a chapter 11 trustee or examiner.
- N. Any matter that will take more than 15 minutes.

II. TO OBTAIN A HEARING DATE AND IN ADDITION TO CONTACTING JUDGE BARASH'S LAW CLERKS, COPIES OF THE FOLLOWING ECF-STAMPED PLEADINGS MUST BE EMAILED TO:

Chambers_MBarash@cacb.uscourts.gov.

- A. In adversary proceedings: motions to dismiss, motions for judgment on the pleadings, motions for default judgment, and motions for summary judgment.
- B. Motions for reconsideration.
- C. Chapter 11 disclosure statements and plans of reorganization.
- D. Motions to dismiss or convert bankruptcy cases.
- E. Motions to appoint a chapter 11 trustee or examiner.

IV. CERTAIN MOTIONS REGARDING THE AUTOMATIC STAY MAY BE HEARD ON SHORTENED TIME WITHOUT FILING AN APPLICATION OR OBTAINING IN ADVANCE AN ORDER SHORTENING TIME, PROVIDED THAT CERTAIN REQUIREMENTS ARE SATISFIED:

- A. Residential unlawful detainer actions.
- B. Motions for relief from stay involving postpetition transfers of real property to the debtor.
- C. Motions for relief from stay involving prepetition transfers to the debtor either within 30 days of the debtor's petition date, or involving a fractionalized interest in real property.

If a movant wishes to calendar one of the motions listed in paragraphs IV. A, B or C above on shortened time, the motion and notice of motion must be filed with the Court and served on all parties entitled to receive notice of those papers so that the moving papers and notice of hearing are **received** not later than five (5) Court days prior to the date of the hearing. Notice of the motion must state that opposition may be presented orally at the hearing; movant may alter language on the Court-approved notice of motion to comply with this requirement, notwithstanding LBR 9009-1(b)(4). **The movant also must give telephonic notice of the hearing to all parties entitled to receive notice thereof not later than five (5) Court days prior to the hearing.**

In addition to the motions listed in paragraphs IV.A, B and C above, **debtors' motions to continue or impose the stay under §§ 362(c)(3) or (c)(4)** may be heard on shortened time without filing an application or obtaining in advance an order shortening time. If a debtor wishes to calendar a motion to continue or impose the stay under §§ 362(c)(3) or (c)(4), the motion and notice of motion must be filed with the Court and served on all parties entitled to receive notice of those papers not later than 14 calendar days prior to the date of the hearing. Notice of the motion must state that

opposition may be presented orally at the hearing; movant may alter language on the Court-approved notice of motion to comply with this requirement, notwithstanding LBR 9009-1(b)(4). **The movant also must give telephonic notice of the hearing to all parties entitled to receive notice thereof not later than 14 calendar days prior to the hearing.**

If the movant wishes to have any other motion heard with less than the required amount of notice, the movant must apply for an order shortening time or utilize the emergency motion procedures under Local Bankruptcy Rule 9075-1.

V. FOR ALL MATTERS THAT MAY BE SELF-CALENDARED, PLEASE ADHERE TO THE FOLLOWING STEPS:

Step 1: Identify available dates and times for the type of matter that you want to calendar by referring to the dates listed above.

Step 2: Prepare a notice of hearing for the date and time that you have selected and a Supplemental Notice of Hearing to Be Held Remotely Using ZoomGov Audio and Video.

NOTE: By choosing a date for a relief from stay hearing that is greater than 30 days from the date you file your motion, you are deemed to have waived the time limits of Bankruptcy Code Section 362(e)(1).

Step 3: Give sufficient notice of all matters to all parties entitled to receive such notice pursuant to applicable provisions of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules. Schedule hearing dates accordingly.

NOTE: In particular, please refer to (i) Local Bankruptcy Rules 9013-1(c) and 9013-1(d) (and the other Local Bankruptcy Rules referenced therein) regarding notice requirements and timing, (ii) Local Bankruptcy Rules 9013-1(e) and 9013-3 regarding proof of service, and (iii) Local Bankruptcy Rule 9013-1(i), regarding declarations and written evidence required in support of any motion.

Step 4: File and serve your moving papers in a timely manner. The time and date of the scheduled hearing must appear on all documents next to the caption box.

Step 5: Confirmation that your matter has been calendared should appear on the docket within several Court days of your filing. If the date you have selected is unavailable for any reason, you will be contacted to arrange an alternative date. **The Court reserves the right to reschedule any hearing.** You will be notified promptly if your hearing has been re-set.

Step 6: Counsel must follow Local Bankruptcy Rule 9021-1(b)(1)(B), which provides that “A proposed order must be served and lodged within 7 days of the granting thereof.” The proposed order must be lodged electronically via the Lodged Order Upload (LOU) program in accordance with the LOU Procedures contained in Section 4 of the Court Manual posted on the Court’s website. **Except as provided by Local Bankruptcy Rule 9021-1(b)(1)(B), a proposed order must not be submitted or uploaded on LOU before the hearing.**