

The Central Guide Supplement to LBR 5005-2(d)

Serving a Judge's Copy of Documents

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1.0 What is a Judge's Copy? [LBR 5005-2(d)]

- 1.1 **General Rule.** Local Bankruptcy Rule 5005-2(d) requires that a copy of every document filed must be served on the judge who presides over the bankruptcy case or adversary proceeding.
- 1.2 **Assembling a Judge's Copy.** A judge's copy must comply with **ALL** of the following:
- (a) **One Copy.** Do not send multiples copies of the same document.
 - (b) **Stapled or Bound.** Judge's copies must be stapled or securely bound, so that all pages are bound together. The clerk's office will not be scanning a judge's copy.
 - (c) **Tabs for All Exhibits and Declarations.** Insert a separate tab to identify each declaration and each separate authenticated exhibit. The goal is for the court to be able to quickly and easily reference all of the information you want the court to read.
 - (d) **Document has already been filed.**
 - (1) **Notice of Electronic Filing.** If the document was filed electronically via CM/ECF, the NEF must be attached to either the front or back of the judge's copy.
 - (2) **Filed Stamp on First Page.** If the document was filed at the intake window, the judge's copy must have a "Filed" stamp at the top right of the first page of the document.
 - (e) **Notice of Electronic Filing.** Attach the NEF to the back or to the front of the judge's copy. The goal is to show the court that the document has been filed electronically.
 - (f) **Sent Directly to the Judge.** Deliver the judge's copy to the address in the chart in section 4.0 below. Do not send a judge's copy to the clerk's office.
 - (g) **Sent Promptly.** Promptly deliver the judge's copy according to the deadlines in the chart in section 4.0 below. The goal is to promptly get your document to the court so that your request can be acted upon in a timely manner.

2.0 Which Filed Documents Require a Judge’s Copy?

2.1 Serve a Judge’s Copy. The following types of documents must be served upon the judge as these are documents that will assist the judge in making a ruling or entering an order. Examples are:

(a) **Documents to Request a Hearing.**

- (1) LBR 9075-1(b). Any document filed seeking a hearing set on an emergency or shortened notice basis.
[See *LBR forms F 9075-1.1.APP.SHORT.NOTICE and F 9075-1.1.ORDER.SHORT.NOTICE.*]
- (2) LBR 9013-1(o)(4). Any response requesting a hearing on a motion, application or notice that was filed using the “Opportunity to Request a Hearing” procedure.
[See *LBR form F 9013-1.3.OPPOSITION.REQ.HEARING.*]

(b) **Documents Related to a Hearing on Calendar.** Any motion, response, reply, declaration, exhibits or stipulation that affects or resolves a matter on which a hearing has already been scheduled.

(c) **Documents to Request a Ruling Without a Hearing.**

- (1) LBR 9037-1(a). Motion for Protective Order to Restrict Access to Filed Documents Containing Personal Data Identifiers.
[See *LBR form F 9037-1.1.MOTION.RESTRICT.PERS.ID.*]
- (2) LBR 3015-1(q)(2). Debtor’s Notice of Conversion of Bankruptcy Case from Chapter 13 to 7.
[See *LBR form F 3015-1.21.NOTICE.CONVERT.CH13.*]
- (3) LBR 3015-1(o). Declaration Re: Entry of Order Without Hearing Pursuant to LBR 9013-1(o).
[See *LBR form F 9013-1.2.NO.HEARING.DEC.*]
- (4) LBR 4001-1(h). Debtor’s Application for Order Confirming that Loan Modification Discussion Will Not Violate Stay.
[See *LBR form F 4001-1.6.DEBTOR.APP.LOAN.MOD.*]

- (5) LBR 5010-1. Any motion to reopen a bankruptcy case or adversary proceeding. When this involves extending time to file debtor's certification of completion of financial management course.
[See *LBR form F 5010-1.1.MOTION.REOPEN.CERT.*]
- (6) LBR 9013-1(m). Motion to request continuance of a hearing.
- (7) LBR 9013-1(o)(3). Declaration of service of motion and lack of opposition and request for hearing. The motion or application to be ruled upon must be attached as an exhibit.
[See *LBR form F 9013-1.2.NO.HEARING.DEC.*]
- (8) LBR 9013-1(p). Motion, with supporting documents, to be ruled upon without a hearing under LBR 9013-1(p).
- (9) LBR 9013-1(q). Motion, with supporting documents, to be ruled upon without a hearing under LBR 9013-1(q).
- (d) **Documents to Commence or Resolve an Adversary Proceeding.** Any documents filed in an adversary proceeding, including the complaint, summons, responsive pleadings, status reports, pretrial stipulation, trial documents, stipulated judgments, etc.
- (e) **Notice of Lodgment of Proposed Order or Judgment.** These documents are filed when the proposed order or judgment relates to a motion or other request for relief that was opposed, or the parties stipulated to the terms of the order or judgment. [See LBR 9021-1(b) and Court Manual section 4.2. For bankruptcy cases, see *LBR form F 9021-1.2.BK.NOTICE.LODGMENT*, and for adversary proceedings, *F 9021-1.2.ADV.NOTICE.LODGMENT.*]
- (f) **Chapter 11 Case Commencement Documents.** Many judges need a judge's copy. Refer to the court's website to see if your judge does.
- (g) **Other United States trustee documents ONLY NEEDED by certain judges.** These are documents such as interim statements and operating reports. Check the judge's section of the court's website to verify.

2.2 Don't Serve a Judge's Copy. The following filed documents do not need to be served upon a judge, mainly because these documents do not assist a judge in making a ruling or entering an order. This is not an exhaustive list. Instead it is a list of documents that are often mistakenly served on the judge. The best practice is to see if a document is listed in the "Serve a judge's copy" section above, or see if the judge's section of the court's website indicates that it is needed. If you don't see your document identified in either of these locations, don't send it to the judge.

(a) Case Commencement Documents - Chapter 7, 12, and 13

(1) Case commencement documents for voluntary chapter 7, 12 and 13 cases, including amended case commencement documents.

(b) Proofs of Claim. Proofs of claim filed in any bankruptcy case are not needed, regardless of chapter.

(c) Non-hearing Motion When the Response Deadline Has Not Passed. Please wait until the response deadline has passed without any response or request for a hearing. THEN, file the declaration of service and non-response or request for a hearing, attach the motion as an exhibit and service this as a judge's copy.

(1) **Chapter 13.** Motions/applications filed under LBR 3015-1(w).

(2) **Other Non-hearing Motions/Applications.** This includes any motion/application filed under LBR 9013-1(o), or any motion/application which, under Local Bankruptcy Rules may be filed with a similar notice and opportunity procedure.

(d) Documents Intended Only for the United States Trustee. A judge's copy is generally not needed of interim statements and operating reports required by the United States trustee in chapter 11 cases per LBR 2015-2(c). Check the judge's section of the court's website to see if these are needed.

(e) Lodged Orders Upload or LOU Receipts. As judges are being served with a Notice of Lodgment (NOL) when one is filed, you do not need to provide the judge with an additional copy of an order at the time it is uploaded through LOU or with a copy of the associated upload receipt.

(f) Local Forms, National Forms and Other Forms. A judge's copy is not needed of the following Local Bankruptcy Rules Forms, National Forms and Other Forms:

LOCAL BANKRUPTCY RULES (LBR) FORMS	
F 2091-1.SUBSTITUTION.ATTY	Substitution of Attorney
F 3001-1.NOTICE.TRANSFER.CLAIM	Notice of Transfer of Claim Pursuant to FRBP 3001(e)
F 3007-1.2.NOTICE.REQ.CLAIM	Notice of Trustee's/Debtor's Request for a Copy of Proof of Claim
F 3015-1.7.RARA	Rights and Responsibilities Agreement Between Chapter 13 Debtors and Their Attorneys

NATIONAL FORMS	
Official Form 423	Certification About a Financial Management Course

OTHER FORMS
Abstract of Judgment
Certification of Judgment for Registration in Another District
Change of Address
Notice of Continuance of §341(a) Meeting of Creditors
Request for Special Notice
Writ of Execution

3.0 Proof of Service of Judge's Copy of Documents [LBR 5005-2(d)]

3.1 The Proof of Service of Document must indicate the date and manner in which the judge was served, and must be on Local Bankruptcy Rules (LBR) form **F 9013-3.1.PROOF.SERVICE** unless the Proof of Service of Document has been included in the LBR form being used.

3.2 Judge's name on Proof of Service.

Should I Put the Judge's Name on the Proof of Service?

YES - Use mandatory LBR Form **F 9013-3.1.PROOF.SERVICE** unless the "Proof of Service of Document" has been included in the LBR form being filed.

The judge will be in either:

- * **Category 2.** "Served by United States mail" or
- * **Category 3.** "Served by Personal Delivery or Overnight Mail"

4.0 Deadline, Method, and Address to Serve the Judge

Consult the following charts to determine the deadline, the method, and address to serve the judge.

4.1 Deadline and Method

<i>What is the Deadline for Serving the Judge's Copy? What Methods Can I Use to Serve the Judge?</i>	
If the document relates to a hearing, and the hearing is <u>14 days or more</u> after the document is filed: The document must be served on the judge no later than 24 hours after the document is filed, by personal delivery, overnight mail, or United States mail.	If the document relates to a hearing, and the hearing is <u>fewer than 14 days</u> after the document is filed: The document must be served on the judge no later than 24 hours after the document is filed, by personal delivery or overnight mail. In no event shall the document arrive in chambers later than 2 court days prior to the hearing.
If the document is <u>NOT</u> related to a hearing The document must be served on the judge no later than 24 hours after the document is filed, by personal delivery, overnight mail or United States mail.	
If the document is filed pursuant to LBR 9075-1 The document must be served on the judge by personal delivery or overnight mail as soon as is practicable, but no later than 24 hours after the document is filed.	

4.2 Judge's Address

At What Address do I Deliver the Judge's Copy?			
<i>Division & Mailing Address</i>	<i>Judge Name</i>	<i>Suite# for Regular or Overnight Mail</i>	<i>Location for Personal Delivery</i>
LOS ANGELES DIVISION U.S. Bankruptcy Court Roybal Federal Building 255 E. Temple Street Los Angeles, CA 90012	Neil W. Bason	1552	Bin outside of Suite 1552
	Sheri Bluebond	1534	Bin outside of Suite 1534
	Julia W. Brand	1382	Bin outside of Suite 1382
	Sandra R. Klein	1582	Bin outside of Suite 1582
	Robert N. Kwan	1682	Bin outside of Suite 1682
	Barry Russell	1660	Bin outside of Suite 1660
	Deborah J. Saltzman	1634	Bin outside of Suite 1634
	Vincent P. Zurzolo	1360	Bin outside of Suite 1360
RIVERSIDE DIVISION U.S. Bankruptcy Court 3420 Twelfth Street Riverside, CA 92501	Scott C. Clarkson	Use Judge Clarkson's Santa Ana Division address	
	Mark D. Houle	325	Bin outside of Courtroom 301
	Wayne Johnson	385	Bin outside of Courtroom 304
	Magdalena Reyes Bordeaux	365	Bin outside of Courtroom 303
	Scott H. Yun	345	Bin outside of Courtroom 302
SANTA ANA DIVISION U.S. Bankruptcy Court Ronald Reagan Federal Building 411 W. Fourth Street Santa Ana, CA 92701	Theodor C. Albert	5085	Bins for each judge by 5 th floor elevators
	Scott C. Clarkson	5130	
	Erithe A. Smith	5040	
	Mark D. Houle	Use Judge Houle's Riverside Division address	
SAN FERNANDO VALLEY DIVISION U.S. Bankruptcy Court 21041 Burbank Blvd Woodland Hills, CA 91367	Alan M. Ahart	216D	Bins on 1st floor outside entry to the Intake Section
	Martin R. Barash	342	
	Victoria S. Kaufman	354	
	Geraldine Mund	313	
	Deborah J. Saltzman	Use Judge Saltzman's Los Angeles Division address	
	Maureen A. Tighe	324	Bins on 1st floor outside entry to the Intake Section
NORTHERN DIVISION U.S. Bankruptcy Court 1415 State Street Santa Barbara, CA 93101	Ronald A. Clifford III	233	Intake Lobby Window #1
	Deborah J. Saltzman	Use Judge Saltzman's Los Angeles Division address	
	Martin R Barash	Use Judge Barash's San Fernando Valley Division address	