

**LBR 1001-1. TITLE, APPLICATION, AND SCOPE OF RULES**

- (a) **Title and Citation.** These are the Local Bankruptcy Rules of the United States Bankruptcy Court for the Central District of California (hereinafter, “Local Bankruptcy Rules” or “rules”). They may be cited as “LBR \_\_\_\_\_.”
- (b) **Application and Construction.**
- (1) The Local Bankruptcy Rules are adopted pursuant to 28 U.S.C. § 2075, F.R.Civ.P. 83, and FRBP 9029. They are intended to supplement the FRBP and those portions of the F.R.Civ.P. that are incorporated by the FRBP. The Local Bankruptcy Rules are to be construed consistent with, and subordinate to, the FRBP and F.R.Civ.P. and to promote the just, speedy, and economic determination of every case and proceeding.
  - (2) The Local Bankruptcy Rules apply to all bankruptcy cases and proceedings (including all cases removed pursuant to 28 U.S.C. § 1452 or 15 U.S.C. § 78eee) pending in the United States Bankruptcy Court for the Central District of California.
  - (3) The Local Bankruptcy Rules apply in the United States District Court for the Central District of California in lieu of the District Court Rules when the district court is exercising its original bankruptcy jurisdiction pursuant to 28 U.S.C. § 1334.
- (c) **Application to Persons Appearing Without Counsel.** A person who appears and is not represented by counsel must comply with the Local Bankruptcy Rules. Each reference in the Local Bankruptcy Rules to “attorney” or “counsel” applies equally to a party who is not represented by counsel, unless the context otherwise requires.
- (d) **Modification.** The Local Bankruptcy Rules apply uniformly throughout the district, but are not intended to limit the discretion of the court. The court may waive the application of any Local Bankruptcy Rule in any case or proceeding, or make additional orders as it deems appropriate, in the interest of justice.
- (e) **Procedure in Absence of Rule.**
- (1) A matter not specifically covered by these Local Bankruptcy Rules may be determined, if possible, by parallel or analogy to the F.R.Civ.P., the FRBP, or the District Court Rules.
  - (2) If no parallel or analogy exists, then the court may proceed in any lawful manner not inconsistent with these Local Bankruptcy Rules and the FRBP.
- (f) **Sanctions for Noncompliance with Rules.** The failure of counsel or of a party to comply with these Local Bankruptcy Rules, with the F.R.Civ.P. or the FRBP, or with any order of the court may be grounds for the imposition of sanctions.
- (g) **Effective Date.** These LBRs are effective on January 5, 2009, and will govern all cases and proceedings pending or commenced thereafter. The court in its discretion may order that a

case or proceeding pending prior to the effective date be governed by the practice of the court prior to the adoption of these LBRs.

**LBR 1001-2. RULES OF CONSTRUCTION**

- (a) **Construction of Terms.** As used in these rules –
- (1) “must” is mandatory.
  - (2) “must not” is prohibitive, not permissive.
  - (3) “may” is discretionary.
  - (4) “or” is not exclusive.
  - (5) “includes” and “including” are not limiting.
- (b) **Gender; Plurals.** Wherever applicable, each gender includes the other gender and the singular includes the plural.

**LBR 1002-1. PETITION – GENERAL**

- (a) **Debtor’s Address.** In a petition filed under 11 U.S.C. §§ 301, 302, 303, or 1504, the debtor’s actual street address must be disclosed in addition to any post office box address.
- (b) **Attorney Information.**
- (1) **General.** A voluntary petition filed pursuant to 11 U.S.C. §§ 301 and 302 by an attorney on behalf of any party must contain the attorney’s state bar identification number, telephone number, fax number, and e-mail address in the attorney name block.
  - (2) **Signature of Counsel.** The name of the attorney signing a petition must be printed clearly below the signature line.
- (c) **Number of Copies.** For documents that are not electronically filed under the provisions of LBR 5005-4, a list of requirements that specify the minimum number of copies that must be submitted is contained in the Court Manual available from the clerk and on the court’s website.
- (d) **Incomplete Petitions.**
- (1) **General.** A voluntary petition filed without the complete schedules, statements and other documents required by the FRBP and these rules must include at least the following:
    - (A) Petition (Official Form 1);

- (B) List of Creditors Holding 20 Largest Unsecured Claims (Official Form 4) (chapter 11 cases only);
- (C) Master Mailing List (List of Creditors) in format required by LBR 1007-1(a); and
- (D) Statement of Social Security Number(s) (Official Form 21) (Required if the debtor is an individual).

A complete list of the papers required to complete the filing is contained in the Court Manual available from the clerk and on the court's website.

- (2) Deadline to File Required Documents. Except as provided by FRBP 1019(1)(A), and unless extended by court order, the balance of the papers required by the FRBP and these rules must be filed within 15 days of the petition date, except the Statement of Intention which must be filed not later than 30 days after the filing of the petition.
- (3) Motion for Extension of Time to File Documents. A motion for extension of time to file the lists, schedules and other papers required by this rule must comply with LBR 1007-1(e).
- (4) Failure to File Required Documents. The case may be dismissed pursuant to LBR 1017-2.

**(e) Redaction of Personal Identifiers.**

- (1) Unless otherwise ordered by the court, a debtor must refrain from including, or must redact where inclusion is necessary, the following personal identifiers from all lists, schedules, statements, payment advices, or other documents filed or required to be filed with the court in accordance with FRBP 9037(a):
  - (A) Social Security Numbers. If disclosure of a social security number is required, only the last four digits of that number should be used. [This does not apply to Official Form 21, Statement of Social Security Number(s)].
  - (B) Names of Minor Children. If disclosure of the identity of any minor child is required, only the initials of that child should be used.
  - (C) Date of Birth. If disclosure of an individual's date of birth is required, only the year should be used.
  - (D) Financial Account Numbers. If disclosure of any financial account number is required, only the last four digits of that number should be used.
- (2) The responsibility for redacting these personal identifiers rests solely with the debtor and debtor's counsel. The court will not review documents for compliance with this rule.

(f) **Effect of Failure to Specify Necessary Information.**

- (1) If the petition fails to specify the chapter under which relief is sought, the case will be deemed to have been filed under chapter 7.
- (2) If the petition fails to specify whether it is a consumer or business case, it will be presumed to be a consumer case.
- (3) If the petition fails to indicate the number of creditors or equity holders, or the amount of assets or debts, it will be presumed that the case falls in the smallest category of each.

(g) **Joint Petitions.** Individuals filing jointly must present upon request appropriate evidence to support their joint filing status at the 11 U.S.C. § 341(a) meeting, such as a copy of the marriage license.

**LBR 1006-1. FILING FEES**

(a) **Payment of the Filing Fee in Installments.**

- (1) **Eligibility.** Only an individual debtor who is unable to pay the full filing fee for a voluntary petition under chapter 7, 11, or 13, may apply for permission to pay the filing fee in installments. A corporation, partnership, limited liability company, unincorporated association, trust, or other artificial entity must pay the filing fee in full at the time the petition is filed.
- (2) **Application.** The debtor must submit a written application for an order permitting payment of the filing fee in installments. The application must be accompanied by a declaration under penalty of perjury establishing that the debtor is unable to pay the filing fee except in installments. The application and declaration must be completed on forms prescribed by the court and presented for filing with the petition. If unrepresented by an attorney, or if required by the court, the debtor must also present evidence of personal identification in the form of a valid government-issued driver's license or identification card, or other similar form of identification satisfactory to the clerk.
- (3) **Hearing.** On the petition date or at a later date and time the designated judge may select for a hearing, the debtor must appear personally before a designated judge to present the application, supporting declaration, and proposed order. The debtor must provide sworn testimony regarding the basis for the application and circumstances of the bankruptcy filing. Unless the court specifically waives the requirement of personal appearance, the debtor's failure to appear and testify at the prescribed time and place will result in denial of the application and dismissal of the bankruptcy case.
- (4) **Notice.** Compliance with the notice and service requirements of LBR 9013-1 is not required, unless otherwise ordered by the designated judge.

- (5) Order. An order authorizing payment of filing fee in installments must fix the number of installments and the amount and due date of each installment. The number of installments must not exceed 4. The final installment is payable not later than 120 days after the filing of the petition, unless extended by the court for cause shown to a date not later than 180 days after the petition date. The first payment must be at least \$30, unless otherwise ordered by the court.
- (6) Dismissal for Nonpayment. The debtor's failure to pay any installment when due may result in dismissal of the case after notice and hearing.

**(b) Waiver of Chapter 7 Filing Fee.**

- (1) Eligibility. Only an individual debtor may file an application to waive the filing fee in a chapter 7 case.
- (2) Application. The debtor must submit a written application for an order waiving payment of the filing fee in a chapter 7 case. The application must be accompanied by a declaration under penalty of perjury establishing that the debtor qualifies for a waiver and is unable to pay the filing fee. The application and declaration must be completed on forms prescribed by the court and presented for filing with the petition. If unrepresented by an attorney, or if required by the court, the debtor must also present evidence of personal identification in the form of a valid government-issued driver's license or identification card, or other similar form of identification satisfactory to the clerk.
- (3) Hearing. On the petition date or at a later date and time the designated judge may select for a hearing, the debtor must appear personally before a designated judge to present the application, supporting declaration, and proposed order. The debtor must provide sworn testimony regarding the basis for the application and circumstances of the bankruptcy filing. Unless the court specifically waives the requirement of personal appearance, the debtor's failure to appear and testify at the prescribed time and place will result in denial of the application and dismissal of the bankruptcy case.
- (4) Notice. Compliance with the notice and service requirements of LBR 9013-1 is not required, unless otherwise ordered by the designated judge.
- (5) Order. An order denying an application to waive the chapter 7 filing fee may provide for payment of the filing fee in installments pursuant to LBR 1006-1(a)(5).

**LBR 1007-1. LISTS, SCHEDULES, AND STATEMENTS**

**(a) Master Mailing List.**

- (1) A master mailing list must be filed with the petition in the format specified in the Court Manual available from the clerk and on the court's website.
- (2) Unless otherwise ordered, the master mailing list must include the name, mailing address, and zip code of each creditor listed on Schedules D, E, and F.

- (b) **Amendment of Master Mailing List.** When an addition or change is required to the master mailing list, a supplemental master mailing list, in the required format, containing only the newly added or changed creditors must be filed. The supplement must not repeat those creditors listed on the original master mailing list.
  
- (c) **Partnerships, Corporations, and Limited Liability Companies.** If the debtor is a partnership, corporation, or limited liability company, the master mailing list must include the name and address of each general partner, senior corporate officer, or managing member. A list of all limited partners, shareholders, or other equity holders must be provided either as part of the master mailing list or as a separate “Equity Holders’ Mailing List.” The Equity Holders’ Mailing List must comply with the format requirements of subsection (a) of this rule.
  
- (d) **Verification of Completeness and Accuracy.**
  - (1) The debtor, or such other person as the court may order, is responsible for the accuracy and completeness of the master mailing list, any supplement to the master mailing list, and the Equity Holders’ Mailing List.
  - (2) The master mailing list and any supplement thereto must be accompanied by a declaration by the debtor or debtor’s counsel attesting to the completeness and correctness of the list.
  - (3) If the master mailing list or any supplement thereto is submitted in a court-approved electronic format and the electronic file is prepared by someone other than the debtor or debtor’s counsel, a further declaration must be submitted by the preparer to attest to the accuracy of the electronic file as it relates to the information provided by the debtor or debtor’s counsel.
  - (4) The clerk will not compare the names and addresses of the creditors listed in the schedules with the names and addresses shown on the master mailing list or any supplement thereto.
  
- (e) **Extension of Time to File Schedules, Statements, and Other Documents.**
  - (1) A motion for an extension of time to file the lists of creditors and equity security holders, or to file the schedules, statements, and other documents must comply with FRBP 1007(c).
  - (2) The motion must be accompanied by evidence demonstrating cause for the requested extension of time.

**LBR 1007-4. DISCLOSURE OF CORPORATE RELATIONSHIPS**

- (a) **Mandatory Statement.** A debtor that is a corporation, other than a governmental unit, must file with the petition a corporate ownership statement that either identifies any corporation, other than a governmental unit, that directly or indirectly owns 10% or more of any class of the debtor corporation’s equity interests or states that there are no such entities to report.

- (b) **Supplemental Statement.** The debtor must file a supplemental statement promptly upon any change in circumstances that this rule requires the debtor to identify or disclose.

**LBR 1010-1. INVOLUNTARY PETITIONS**

The court may dismiss an involuntary petition *sua sponte* if the petitioner fails to (a) serve the summons and petition within the time allowed by FRBP 7004; (b) file a proof of service of the summons and petition with the court; or (c) appear at the status conference set by the court.

**LBR 1015-1. CONSOLIDATION AND JOINT ADMINISTRATION**

- (a) **Joint Cases.** A joint case commenced for spouses by the filing of a single petition under 11 U.S.C. § 302(a) will be deemed substantively consolidated unless the court orders otherwise.

(b) **Joint Administration of Cases Pending in the Same Court.**

- (1) If 2 or more cases are pending before the same judge, an order of joint administration may be entered, without notice and an opportunity for hearing, upon the filing of a motion for joint administration pursuant to FRBP 1015, supported by a declaration establishing that the joint administration of the cases is warranted, will ease the administrative burden for the court and the parties, and will protect creditors of the different estates against potential conflicts of interest.
- (2) An order for joint administration under this rule may be reconsidered upon motion by a party in interest after notice and a hearing.
- (3) An order of joint administration under this rule is for procedural purposes only and shall not effect a substantive consolidation of the respective debtors' estates.

- (c) **Joint Administration/Substantive Consolidation.** A motion for joint administration or for substantive consolidation must include a motion under LBR 1073-1 to transfer the assignment of the cases to be jointly administered or substantively consolidated if those cases are not all assigned to one judge.

**LBR 1015-2. RELATED CASES**

- (a) **Definition of Related Cases.** For purposes of this rule, cases are deemed “related cases” if the earlier bankruptcy case was filed or pending at any time before the filing of the new petition, and the debtors in such cases:

- (1) Are the same;
- (2) Are spouses, former spouses, domestic partners, or former domestic partners;
- (3) Are “affiliates,” as defined in 11 U.S.C. § 101(2), except that 11 U.S.C. § 101(2)(B) shall not apply;
- (4) Are general partners in the same partnership;

- (5) Are a partnership and one or more of its general partners;
- (6) Are partnerships that share one or more common general partners; or
- (7) Have, or within 180 days of the commencement of either of the related cases had, an interest in property that was or is included in the property of another estate under 11 U.S.C. § 541(a), § 1115, § 1207, and/or § 1306.

**(b) Disclosure of Related Cases.**

- (1) A petition commencing a case must be accompanied by court-mandated form F 1015-2.1, Statement of Related Cases.
- (2) The petitioner must execute court-mandated form F 1015-2.1 under penalty of perjury disclosing, to the petitioner's best knowledge, information and belief, whether a related case was filed or has been pending at any time and if so, for each such related case:
  - (A) The name of the debtor in the related case;
  - (B) The case number of the related case;
  - (C) The district and division in which the related case is or was pending;
  - (D) The judge to whom the related case was assigned;
  - (E) The current status of the related case;
  - (F) The manner in which the cases are related; and
  - (G) The real property, if any, listed in the Schedule A that was filed in the related case.
- (3) The failure to provide complete and accurate information in court-mandated form F 1015-2.1 may subject the petitioner and its attorney to appropriate sanctions, including the appointment of a trustee or dismissal of the case with prejudice.

**LBR 1017-1. CONVERSION**

**(a) Conversion Upon Debtor's Request.**

- (1) A debtor's notice of conversion under 11 U.S.C. §§ 1208(a) or 1307(a) must be filed and served on the standing trustee and United States trustee. No hearing is required for conversion.
- (2) A debtor must request conversion under 11 U.S.C. § 1112(a) by motion filed and served as required by FRBP 9013, but the motion does not require a hearing.

- (3) A debtor must request conversion under 11 U.S.C. § 706(a) to a case under chapter 11, 12 or 13 by motion which, unless otherwise ordered by the court, may be granted only after notice of opportunity to request a hearing to the trustee, attorney for the trustee (if any), United States trustee, and parties in interest, as provided in LBR 9013-1(o).
- (4) If the case is converted, the clerk will give notice of the order converting the case to another chapter to all creditors and interested parties and to the United States trustee.

**(b) Additional Fees Upon Conversion of a Case.**

- (1) A notice of conversion or motion for conversion, as the case may be, of a case must be accompanied by payment of the filing fee, if any, required for conversion of the case to the chapter for which conversion is sought.
- (2) If a conversion to chapter 11 is denied, the filing fee paid when the motion was filed will be refunded to the payor upon written request to the Fiscal Department of the clerk's office. A conformed copy of the order denying the conversion to chapter 11 must be attached to the request for refund.
- (3) If a conversion to chapter 7 is denied, the filing fee paid when the motion was filed will not be refunded.

**LBR 1017-2. DISMISSAL OF CASE OR SUSPENSION OF PROCEEDINGS**

**(a) Dismissal for Failure to File Documents.**

- (1) Cause for Dismissal. The failure of the petitioner to file in a timely manner any document required by the Bankruptcy Code, the FRBP, and these rules is cause for dismissal of the case.
- (2) Notice of Proposed Dismissal. If a petition is filed without all of the documents required by the Bankruptcy Code, the FRBP, and these rules, the clerk will issue a notice to the petitioner that identifies each of the deficiencies and states that the case will be dismissed without further notice or hearing if the documents listed in the notice, or a request for extension of time within which to file the required documents, are not filed within 15 days from the filing of the petition.
- (3) Dismissal Without Further Notice. If the required documents are not filed within 15 days from the filing of the petition or an extension of such 15-day period granted by an order of the court, the case will be dismissed without further notice or hearing.

- (b) Dismissal of Chapter 7 Case for Failure to Attend Meeting of Creditors.** The failure of a chapter 7 debtor to appear at the initial meeting of creditors and any continuance thereof is cause for dismissal of the case. The court will dismiss the case upon the trustee's request for dismissal and certification that the debtor has failed to appear at two meetings of creditors.

- (c) **Notice of Dismissal.** The clerk will provide notice of an order dismissing a case under this rule to the debtor, debtor’s attorney (if any), United States trustee, and parties in interest.
  
- (d) **Reinstatement.**
  - (1) A case dismissed for the failure to timely file a required document or for failure to appear at the meeting of creditors may be reinstated on motion of the petitioner pursuant to FBRP 9024, provided that all required documents are filed, or on motion of another party.
  - (2) In the event a case is reinstated, the court may impose such sanctions as it deems just and reasonable.
  
- (e) **Refiling of Dismissed Case.** A petitioner who files a petition following the dismissal of a case must disclose the dismissed case pursuant to LBR 1015-2.
  
- (f) **Motion to Dismiss or Suspend Proceedings.**
  - (1) A motion by the debtor to dismiss a case filed under 11 U.S.C. §§ 301 or 302, a motion by creditors or the debtor to dismiss an involuntary case filed under 11 U.S.C. § 303, or a motion to suspend all proceedings under 11 U.S.C. § 305 must be supported by a declaration setting forth the reasons for the request for dismissal or suspension.
  - (2) The declaration in support of the motion must disclose any arrangement or agreement between the debtor and creditors or any other person in connection with the motion for dismissal or suspension.
  - (3) The court may condition the dismissal upon payment of fees and expenses, including fees due to the United States trustee.

**LBR 1071-1. DIVISIONS – PLACE OF FILING**

- (a) **Filing of Petition.** Unless otherwise ordered by the court, a petition commencing a case under the Bankruptcy Code must be filed with the Clerk of the United States Bankruptcy Court for the Central District of California in the “applicable division.”
  - (1) The “applicable division” is determined by the location of the debtor’s residence, principal offices, officers, and books and records, or where the majority of the debtor’s assets are located based on a book value determination as set forth on the debtor’s most current balance sheet.
  - (2) Information concerning the “applicable division” for the filing of the petition is contained in the Court Manual available from the clerk and on the court’s website.
  
- (b) **Petition Filed in Wrong Division.** If a petition is filed in the wrong division, the court may, on its own, transfer it to the appropriate division or retain the case.

- (c) **Filing of Papers Other Than a Petition.** Papers other than a petition must be filed only in the divisional office of the clerk to which the relevant case or proceeding has been assigned. However, the clerk may, by special waiver or upon order of the court, accept papers in any office of the clerk irrespective of division.

**LBR 1073-1. ASSIGNMENT OF CASES**

- (a) **New Petitions.** Unless otherwise ordered by the court, a new petition commencing a case must be assigned by the clerk according to a random draw so that neither the clerk, the parties, nor their attorneys is able to make a deliberate choice of a particular judge.
- (b) **Assignment or Reassignment of Related Cases and Proceedings.** The court will assign or reassign related cases or proceedings pursuant to the procedures established by the court's General Orders.
- (c) **Motion for Reassignment or Consolidation of Related Cases.**
- (1) A motion by a party in interest for reassignment or consolidation of related bankruptcy cases or adversary proceedings must be made to the judge to whom the low-numbered case is assigned.
  - (2) The motion must be filed and served in accordance with LBR 9013-1(o). Notice must be given to the debtor or debtor in possession, the trustee (if any), the creditors' committee or the 20 largest unsecured creditors if no committee has been appointed, any other committee appointed in the case, counsel for any of the foregoing, the United States trustee, and any other party in interest entitled to notice under FRBP 2002. Notice of a motion seeking the reassignment or consolidation of an adversary proceeding must be given to each party named in the adversary proceeding. A judge's copy of the motion must be served in chambers on the higher-numbered judge.
  - (3) An order reassigning a related case pursuant to LBR 1015-2 must be titled "Order of Reassignment Pursuant to LBR 1015-2," and must be promptly filed with the clerk and entered by the clerk on the docket. Notice of the order must be given to all parties who are entitled to notice of the order for relief pursuant to FRBP 2002(d)(1) and (f)(1), and to the judge to whom the high-numbered case is assigned.
- (d) **Reassignment of Cases or Proceedings Due to Recusal.**
- (1) The court will reassign a case or proceeding due to recusal pursuant to the procedures established by the court's General Orders.
  - (2) Upon recusal of an assigned judge of an entire case, an adversary proceeding, contested matter, or other single matter within a case, the recused case, proceeding or matter will be reassigned by the clerk to another judge by random draw.

- (e) **Assignment of Miscellaneous Matters.** Whenever action is required on a miscellaneous matter for which there is no bankruptcy case pending in this district, the clerk will assign the matter by random draw.
  
- (f) **Nonlimitation of Applicability.** A judge may assign any case or adversary proceeding to another judge.