LOCAL BANKRUPTCY RULES
(Unabridged Edition)

EFFECTIVE OCTOBER 17, 2005
(*see notes on following page for revisions*)

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

Edward R. Roybal Federal Building
255 East Temple Street
Los Angeles, California 90012
(213) 894-3118

Local Bankruptcy Rules and Forms
Revisions Effective October 17, 2005

With the approval of General Order 05-02, the Central District of California Bankruptcy Court adopted the Interim Bankruptcy Rules, which are necessary to implement the numerous changes mandated by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. General Order 05-02 also addresses inconsistencies between the Interim Bankruptcy Rules and the Local Bankruptcy Rules and is available on the Court's web site <www.cacb.uscourts.gov> under *Notices & Orders*.

Also effective October 17, 2005, the Bankruptcy Court revised Local Bankruptcy Rule 1006-1 *Application for Payment of Filing Fees in Installments and/or Waiver of Filing Fee,* and added or revised a number forms as outlined below.

Form #	Local Bankruptcy Rule Form Title
F 3015-1.8 *(New)*	*Declaration RE Payment of Domestic Support Obligations (Preconfirmation)*
F 3015-1.9 *(New)*	*Declaration RE Tax Returns (Preconfirmation)*
F 3015-1.10 *(New)*	*Declaration Setting Forth Post Petition, Preconfirmation Payments on: 1. Leases of Personal Property; 2. Purchase Money Security Liens in Personal Property*
F 4001-1.1 *(New)*	WITHDRAWN
F 4001-1.2 *(New)*	*Debtor's Further Certification of Cure of Monetary Default Underlying Judgment for Possession of Residential Property and Proof of Deposit (11 U.S.C. § 362(l)(2))*
F 4001-1.3 *(New)*	*Lessor's Objection to Debtor's Certification and/or Debtor's Further Certification Concerning Residential Property and Notice of Hearing (11 U.S.C. § 362(l)(3)(A))*
F 4001-1.4 *(New)*	*Lessor's Certification of* *(1) Prepetition Eviction Action Seeking Possession of Residential Property Based on Debtor's Prepetition Endangerment of Property or Illegal Use of a Controlled Substance, or* *(2) Endangerment of the Property or Illegal Use of a Controlled Substance within the Last 30 Days (11 U.S.C. § 362(b)(23))*
F 4001-1.5 *(New)*	Debtor's Objection to Lessor's Certification and Notice of Hearing (11 U.S.C. *§ 362(m)(2)(A) and (B))*
F 4001-1M.IS *(New)*	Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Form #	Local Bankruptcy Rule Form Title
F 4001-1M.IS *(New)*	Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate
F 4001-1M.RP *(Revised)*	Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (Real Property)
F 4001-1M.TCS *(New)*	Trustee's Notice of Motion and Motion for Order Continuing the Automatic Stay Under 11 § 362 U.S.C.(h)(2), for Adequate Protection and for Delivery of Personal Property in Individual Case
F 4001-1M.TS *(New)*	Notice of Motion and Motion in Individual Case for Order Confirming Termination of Stay Under 11 U.S.C. §362(j) or that No Stay is in Effect Under 11 U.S.C. § 362(c)(4)(A)(ii)
F 4001-1M.UD *(Revised)*	*Notice of Motion and Motion for Relief from the Automatic Stay or for Order Confirming that the Automatic Stay Does Not Apply Under 11 U.S.C. § 362(l)*
F 4001-1O.DENY *(Revised)*	Order Denying Motion for Relief From the Automatic Stay Under 11 U.S.C. § 362
F 4001-1O.IS *(New)*	Order Granting Motion for Order Imposing a Stay or Continuing the Automatic Stay
F 4001-1O.RP *(Revised)*	*Order Granting Motion for Relief From the Automatic Stay Under 11 U.S.C. § 362 (Real Property)*
F 4001-1O.TCS (*New*)	*Order Granting Trustee's Motion for Order Continuing the Automatic Stay, for Adequate Protection and for Delivery of Personal Property in Individual Case*
F 4008-1.1 *(Revised)*	*Reaffirmation Agreement*
F 4008-1.2 *(Revised)*	*Notice of Hearing RE: Reaffirmation Agreement*
F 4008-1.3 *(Revised)*	*Order Disapproving Reaffirmation Agreement with Notice of Entry*
F 4008-1.4 *(Revised)*	*Order Approving Reaffirmation Agreement with Notice of Entry*

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GLOSSARY

In the Central District Local Bankruptcy Rules (LBR), the terms below are defined as follows:

Appellate Court:	The bankruptcy appellate panel or the district court exercising its appellate jurisdiction pursuant to 28 U.S.C. § 158.
Application:	Papers should be captioned applications only where the F.R.B.P. rules expressly provide that a request for judicial action shall be made by application. (See *Motion.*)
Attorney or Counsel:	Includes attorney, proctor, advocate, solicitor, counsel, or counselor.
Bankruptcy Code:	Title 11 of the United States Code.
Brief:	Includes briefs, memoranda, points and authorities, and other written argument or compilations of authorities.
Case:	A bankruptcy case commenced by the filing of a petition pursuant to 11 U.S.C. §§ 301, 302, 303, or 304.
Clerk:	The clerk of the bankruptcy court for the Central District of California and deputy clerks. Different clerks will be specified in the text.
Court:	The bankruptcy court of the Central District of California or the district court when exercising its original bankruptcy jurisdiction pursuant to 11 U.S.C. § 1334 including the judge to whom the case or proceeding is assigned.
Court Days:	Any day, excluding Saturdays, Sundays, and federal legal holidays.
Courtroom Deputy:	A deputy clerk assigned to the courtroom of a judge of the court.
Declaration:	Any declaration under penalty of perjury executed in conformance with 28 U.S.C. § l746 and any properly executed affidavit.
Defendant:	Any party against whom a claim for relief is made by complaint, counterclaim, or cross-claim.
District Court:	The United States District Court for the Central District of California.
F.R.App.P.:	The *Federal Rules of Appellate Procedure*.

F.R.B.P.:	The *Federal Rules of Bankruptcy Procedure* as adopted by the Supreme Court of the United States.
F.R.Civ.P.:	The *Federal Rules of Civil Procedure*.
F.R.Evid.:	The *Federal Rules of Evidence*.
File:	The delivery to and acceptance by the clerk, courtroom deputy, the court, or other person authorized by the court of a document which will be noted in the docket.
Judge:	Bankruptcy judge, district court judge, or other judicial officer in a case or proceeding assigned to the court.
Lodge:	To deliver to the clerk, courtroom deputy, the court, or other person authorized by the court a document which is tendered to the court but is not approved for filing, such as a proposed form of order.
Motion:	All motions, applications, or other requests made for judicial action except by complaint, counterclaim, or cross-claim.
Movant:	Any entity requesting an order other than by way of complaint, counterclaim or cross-claim.
Papers:	All pleadings, motions, affidavits, declarations, briefs, points and authorities, and all other papers and documents presented for filing or lodging excluding exhibits submitted during a hearing or trial.
Plaintiff:	Any party claiming affirmative relief by complaint, counterclaim, or cross-claim.
Proceeding:	Motions, adversary proceedings, contested matters and other matters presented to the court. It does not include the case as defined above.
Respondent:	Any entity responding to a request for an order other than by way of complaint, counterclaim, or cross-complaint.
United States Trustee Notices and Guides:	The *United States Trustee Chapter 11 Notices and Guides* and the *Notice of Requirements for Debtors In Possession in Chapter 11 Cases*.

LOCAL BANKRUPTCY RULE 1001-1

SHORT TITLE, APPLICABILITY AND RULES OF CONSTRUCTION

(a) SHORT TITLE

These Rules may be cited as the "Local Bankruptcy Rules" (or "L.B.R.").

(b) APPLICABILITY

These 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 Bankruptcy Court for the Central District of California and in the United States District Court for the Central District of California when the district court is exercising its original bankruptcy jurisdiction pursuant to 28 U.S.C. § 1334. The Local Bankruptcy Rules shall apply therein in lieu of the Local Rules of the District Court and shall be applied uniformly throughout this district unless otherwise ordered by the court in a particular matter.

(c) APPLICABILITY OF RULES TO PERSONS APPEARING WITHOUT COUNSEL

Persons appearing who are not represented by counsel are bound by these Rules, and any reference in these Rules to "attorney" or "counsel" applies to parties who are not represented by counsel unless the context otherwise requires.

(d) RULES OF CONSTRUCTION

(1) Gender; Plurals. Wherever applicable, each gender includes the other gender and the singular includes the plural.

(2) Terms Not Otherwise Defined. Terms used in the Local Bankruptcy Rules that are not defined will have the meanings provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure (F.R.B.P.) or the Local Bankruptcy Rules glossary.

Court's Comment

1998 Revision

Title. Changed from *SHORT TITLE, APPLICABILITY AND DEFINITIONS* to *SHORT TITLE, APPLICABILITY AND RULES OF CONSTRUCTION*.

Paragraph (b) APPLICABILITY. Deleted *or its appellate bankruptcy jurisdiction pursuant to 28 U.S.C. § 158* which followed *exercising its original bankruptcy jurisdiction pursuant to 28 U.S.C. § 1334* since the district court shall be promulgating its own bankruptcy appellate rules.

Paragraph (c) APPLICABILITY OF RULES TO PERSONS APPEARING WITHOUT COUNSEL. *Persons appearing pro se* changed to *persons appearing who are not represented by counsel* for clarity.

Former paragraph (d) DEFINITIONS. Removed from the Local Rules at the recommendation of the Ninth Circuit Local Bankruptcy Rules Review Committee, which found some of the terms repetitious of 11 U.S.C. § 101 and F.R.B.P. 9001. This section is now contained in the Glossary section at the beginning of these Rules.

Paragraph (d) RULES OF CONSTRUCTION. Former paragraph (5).

Paragraph (d)(2) Terms Not Otherwise Defined. Amended to reference the Local Rules Glossary and provide the full title of the Federal Rules of Bankruptcy Procedure.

Former paragraph (e)(3) References to Rules and Statutes. Deleted as unnecessary pursuant to the recommendation of the Ninth Circuit Local Bankruptcy Rules Review Committee.

LOCAL BANKRUPTCY RULE 1002-1

FORM OF PAPERS FILED WITH COURT

(a) SIGNATURE OF COUNSEL

(1) In General. All attorneys shall comply with F.R.B.P. 9011(a). The name of the person signing a paper shall be clearly typed below the signature line.

(2) State Bar and Fax Numbers. The voluntary petition filed pursuant to 11 U.S.C. §§ 301 and 302 by an attorney on behalf of any party shall contain the attorney's state bar identification number and fax number in the attorney name block. On all subsequent pleadings and on all other papers filed with the court, the attorney's state bar identification number shall appear, together with the attorney's name, address, telephone number, and fax number in the upper left-hand corner of the first page of such papers.

(b) COMPLIANCE

(1) Filing Requirements. All papers delivered for filing to the clerk shall be accepted if accompanied by any required fee or signature, except as provided in Local Bankruptcy Rule 1006-1 (Payment of Filing Fees in Installments), and Local Bankruptcy Rule 1002-1(g)(2).

(2) Certificate of Substantial Compliance. If a modified version of an Official Bankruptcy Form or a court-approved form is used, then such paper shall include a certificate that the form contains the same substance as the Official Bankruptcy Form or court-approved form, as applicable.

(c) MANDATORY FORMS

All court forms which are designated "Mandatory" must be filed with the exact language provided in the form. Modification of the text of the form may not be made in the original text but must be added as an attachment so that any modification of the standard language of the form is obvious.

(d) PAPERS PRESENTED TO THE COURT - FORM AND FORMAT

This Local Bankruptcy Rule shall apply unless otherwise expressly provided elsewhere in the Local Bankruptcy Rules or a court-approved form is used.

(1) Legibility. All papers shall be typewritten or printed if prepared by hand, or prepared by a photocopying or other duplicating process that will produce clear and permanent copies equally legible to printing, in black or dark blue ink. The typeface shall not be smaller than 10 point.

(2) Paper. The original of all papers shall be submitted on opaque, unglazed, white paper of standard quality not less than 13-pound weight. The paper shall be 8½ x 11 inches, numbered on the left margin with not more than 28 lines per page. The lines on each page shall be numbered consecutively. Line 1 shall begin at least l inch below the top edge of the paper. Only 1 side of the paper shall be used, unless otherwise provided.

(3) Pagination. All papers shall be numbered consecutively at the bottom of each page, including any attached exhibits.

(4) Original - Copies - Telecopies. The original of a paper shall be labeled as the original and, except for exhibits, shall consist entirely of the original pages, except that a telecopy of all or part of a paper (or copy of such telecopy) may be filed and served instead of the original of the paper, provided that the telecopy meets the legibility requirement set forth in paragraph (d)(1) above. The original of any telecopied document, including the original signature of the attorney, party, or declarant, shall be maintained by the filing party until the conclusion of the case, including any applicable appeal period, subject to being produced upon reasonable notice. All copies must be marked "COPY."

(5) Interlineation. No interlineation shall be allowed on a paper unless they are noted by the clerk or the judge by marginal initials at the time of the filing.

(6) Pre-Punching and Backing of Papers. All papers presented for filing or lodging shall be pre-punched with 2 normal-size holes (approximately ¼-inch diameter), centered 2¾ inches apart, ½ to ⅝ inches from the top edge of the document. The original of all papers shall be firmly bound with 1 staple in the upper left-hand corner, when possible, and backed, except that the following papers do not require backing:

(A) Proofs of claim.

(B) Single-page documents (including two-sided forms) filed by a trustee in a case, the standing chapter 13 trustee, or the United States trustee, provided that these single-page documents are printed or photocopied on colored paper.

(C) The Adversary Proceeding Sheet required by Local Bankruptcy Rule 7003-1.

(D) The Master Mailing List required by Local Bankruptcy Rule 1007-2.

The backing must be even with the top of the paper and not folded over the top edge. The backing shall extend not more than 1 inch below the pages bound and the short title of the document shall be typed in the lower right-hand corner. Copies of papers required to be filed or lodged need not be backed. The courtesy copy for the judge may, but need not, be backed.

(7) Spacing. Except as provided herein, the typing or printing on papers shall be double-spaced, including citations. Footnotes may be single-spaced. Real property descriptions may be single-spaced. Quotations from cited cases or other authorities shall be clearly indented not less than 5 spaces or more than 20 spaces and may be single-spaced if the quotation is 50 or more words.

(8) Title Page. The first page of all papers presented shall include:

(A) The name, California State Bar Number (if any), office address (or residence address if no office is maintained), which address shall include the street address in addition to any post office box, the telephone number and fax number, if any, of the attorney presenting the paper shall be placed commencing with line 1 at the left margin. If none, so state. Immediately beneath, the party on whose behalf the paper is presented shall be identified. All this information shall be single-spaced.

(B) The space between lines 1 and 7 to the right of the center of the page shall be left blank for use by the clerk.

(C) The title of the court, including the division, shall be centered on or below line 8.

(D) The names of the parties shall be placed below the title of the court and to the left of center and single-spaced. If the parties are too numerous, the names may be continued on the second or successive pages in the same space. In all papers after the initial pleadings, only the names of the first-named party on each side need appear.

(E) The bankruptcy case number shall be placed to the right of the center of the page immediately opposite the names of the parties on the first page. Immediately below the case number shall appear the chapter number of the case. Immediately below the case number and chapter number shall appear the adversary number (if such has been assigned). On the first page immediately below the adversary or reference number or the caption, there shall be a concise title of the document (e.g., Notice of Motion for Summary Judgment, Complaint To Determine Dischargeability of Debt). Where possible, the proponent's name should be included in the title of the document (e.g., Creditor ABC's Motion to Dismiss). Immediately below the title, the time, date and place of the hearing on the matter to which the paper is addressed shall appear or, if appropriate, that no hearing is required or that a hearing will be scheduled by the court. All information required in this paragraph (E) shall always appear on the first page of the paper.

(9) Mandatory Relief From Stay Forms and Adversary Proceeding Captions. Motions for relief from stay shall be made using those forms designated for mandatory use in the F 4001-1 series of the court-approved forms. These mandatory forms are subject to future revisions upon general order of the court.

See also Local Bankruptcy Rule 9013-1(a)(5): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), GENERAL REQUIREMENTS, Motions for Relief From Automatic Stay.

Complaints and all other papers filed in adversary proceedings shall bear "double captions" in substantially the following format:

In re ABC,	)	Case No. _____
	)	
Debtor.	)	Chapter _____
_____	)	
	)	
YXZ Co.,	)	Adv. No. _____
Plaintiff,	)	
	)	
	)	COMPLAINT TO DETERMINE
	)	NONDISCHARGEABILITY OF DEBT
vs.	)	
	)	
ABC,	)	
Defendant.	)	(Hearing date to be set by summons)

(10) Captions for Cases Designated as Small Business Cases (F.R.B.P. 1020). All pleadings and other papers filed in a case that has been designated a small business case under F.R.B.P. 1020 shall bear a legend stating that the case is subject to F.R.B.P. 1020. The legend shall appear to the right of the caption immediately below the case number, in substantially the following format:

	)	Case No. _____
In re ABC,	)	
	)	Chapter _____
Debtor.	)	
	)	SMALL BUSINESS CASE UNDER
	)	F.R.B.P. 1020
_____	)	

(11) Pre-Printed Forms. The provisions of this Local Bankruptcy Rule shall not prevent the use of printed forms provided by the clerk, the United States trustee, the Administrative Office of the United States Courts, or otherwise approved for use pursuant to Local Bankruptcy Rule 9009-1. The use of approved forms is encouraged whenever possible. All forms must be printed on 1 side of the paper only. Two-sided forms will not be accepted, except single page forms submitted by chapter 7, 12, or 13 trustees or the United States trustee, and court-approved forms for summons and subpoena.

(12) Tabs. Each declaration, exhibit, or other attachment to a paper shall be separately tabbed on the original and all copies filed with the court.

(e) COPIES

(1) In General. All papers shall be filed with 1 complete, clear, and legible copy for use by the judge which copies may, but need not be backed.

(2) Petitions, Lists, Schedules, and Statements. The number of papers required to be filed by F.R.B.P. 1002 and 1007 shall be as follows:

(A) Chapters 7, 12, and 13: An original and 4 copies shall be filed.

(B) Chapters 9 and 11: An original and 7 copies shall be filed.

(3) Conformed Copies. Copies filed with the court shall be conformed to the original, including either photocopies of fully executed signature pages, or unsigned signature pages that bear a fax-stamped signature or a notation that the original was signed. Conformed copies shall be identical to the original in content, pagination, additions, deletions, interlineations, attachments, exhibits, and tabs.

(4) Request for Court Conformed Copy. A maximum of 3 copies will be conformed by the clerk's office to show filing or lodging. Copies to be conformed by the clerk's office may consist of either the entire paper or only the first page of the filed paper. The clerk's office is not responsible for verifying that any copy presented for conforming is a true and correct copy. If the party presenting a paper requests the clerk to return a conformed copy by United States Mail, an extra copy shall be submitted by the party for that purpose, accompanied by a postage-paid, self-addressed envelope.

(f) EXHIBITS TO PAPERS

(1) Exhibits Attached to Papers. Unless the physical nature of the exhibit makes it impracticable, an exhibit shall be securely fastened to the paper to which it relates. The exhibit shall be so attached that it will be easily readable without detaching the exhibit from the principal paper.

(2) Numbering. Unless compliance is impracticable, exhibits shall be identified at the bottom of each page, consecutively to the principal paper. For example, if the pleading contains 5 pages and 3 exhibits of 5 pages each are attached, the pages would be numbered 1 through 20 consecutively. The exhibit identification shall be placed immediately above or below the page number on each page of the exhibit; exhibits shall be tabbed in sequential order on both the original and copy filed with the court. Whenever feasible, exhibits of plaintiffs or movants shall be marked with numbers, and exhibits of defendants or respondents shall be marked with letters.

(3) Size of Paper. Exhibits shall not exceed 8½ x 11 inches in size whenever practicable. Larger exhibits shall be folded in such a manner as not to exceed 8½ x 11 inches. An exhibit smaller than 8½ x 11 inches shall be attached to an 8½ x 11 inch sheet.

(g) PETITIONS

(1) Debtor's Address. In all petitions filed pursuant to 11 U.S.C. §§ 301, 302, 303, or 304, the debtor's actual street address shall be used, in addition to any post office box addresses.

(2) Incomplete Petitions. Even though F.R.B.P. 1007 allows a voluntary petition to be filed without complete schedules and statement of financial affairs, the papers filed with the petition shall include at least the following:

(A) Petition (Official Form 1 or 5).

(B) List of Creditors Holding 20 Largest Unsecured Claims (Official Form 4) (chapter 11 cases only).

(C) Master Mailing List (in format required by Local Bankruptcy Rule 1007-2).

Unless extended by court order, the rest of the required papers shall be filed within 15 days, except the Statement of Intention which shall be filed within 30 days of filing of petition. If the required papers are not timely filed, chapter 7 and 13 cases are subject to being dismissed without further notice or hearing, while chapter 11 cases may be the subject of an order to show cause to dismiss the case. In addition, the dismissal order in individual cases may provide that the dismissal is pursuant to 11 U.S.C. § 109(g)(1), which would bar the debtor from filing another bankruptcy petition for a period of 180 days. Motions for extension of time to file schedules and other papers shall comply with Local Bankruptcy Rule 1007-1, and shall be supported by admissible evidence demonstrating cause for the requested extension.

The papers to complete the filing include the following:

(i) Schedules (Official Form 6)

(ii) Statement of Financial Affairs (Official Form 7)

(iii) Disclosure of Attorney Fees

(iv) Disclosure of Compensation of Bankruptcy Petition Preparer

(v) Statement of Intention (Official Form 8) (chapter 7 cases only)

(vi) Court-approved electronic format as required by Local Bankruptcy Rule 1007-2(c)

(vii) Exhibit "A" to Petition filing under chapter 11 (if debtor is a corporation) (Official Form B1)

(viii) A copy of a corporate resolution authorizing the filing (if debtor is a corporation)

(ix) Statement of Previously Filed or Related Cases with Unsworn Declaration [in format required by Local Bankruptcy Rule 1015-2(b)(2)]

(x) Notice of Available Chapters (except in chapter 9 and 11 cases)

(xi) Statement Regarding Assistance of Non-Attorney with Respect to the Filing of Bankruptcy Case (for petitions of persons not represented by counsel)

(xii) Declaration Re Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 2090-1 (if applicable)

(xiii) Venue Disclosure Form for Corporations Filing Chapter 11 (form VEN-C) (if debtor is a corporation) or Venue Disclosure Form for Partnerships Filing Chapter 11 (form VEN-P) (if debtor is a partnership) (chapter 11 cases only)

Even if certain of the schedules or statements of Official Forms 6 and 7 are not applicable to a debtor's particular situation, they shall still be filed with either the notation "None" marked thereon or the applicable box checked indicating that there is nothing to report for that particular schedule or statement.

(3) Effect of Failure to Provide Required Information. If the petition fails to specify the chapter under which relief is being sought, the case will be deemed to have been filed under chapter 7. If the petition fails to specify whether it is a consumer or business case, it will be presumed to be a consumer case. 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.

(4) Joint Petitions. Individuals filing jointly shall present appropriate evidence of their married status at the § 341(a) meeting, such as a copy of the marriage license.

(h) CITATIONS

(1) Acts of Congress. All citations to Acts of Congress shall include a parallel citation to the United States Code by title and section.

(2) Regulations. All citations to federal regulations shall include a citation to the Code of Federal Regulations by title and section, and the date of promulgation of the regulation.

(3) Cases. Initial citation of any United States Supreme Court cases shall include citations to the Supreme Court Reporter. The Federal Reporter, Federal Supplement or Federal Rules Decisions citations shall be used where available. Initial state court citations shall include both the official reports and any regional reporter published by West Publishing Company. California parallel citations may be limited to the official reports and California Reporter. Citation to bankruptcy cases shall be to West's Bankruptcy Reporter, where available. Where a citation to the above-named reporters is not available, the party citing the case shall provide the court with an unmarked copy of the case.

(i) POINTS AND AUTHORITIES - BRIEFS

(1) Length. No brief shall exceed 35 pages in length, excluding indices and exhibits, unless permitted by order of the court.

(2) Appendices. Appendices shall not include any matters which properly belong in the body of the brief.

(3) Table of Contents and Table of Authorities. Any brief exceeding 10 pages in length, excluding exhibits, shall be accompanied by an indexed table of contents setting forth the headings and subheadings contained in the body thereof, and by an indexed table of the cases, statutes, rules, and other authorities cited.

(j) STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING

Oral stipulations affecting the progress of a case or proceeding will be enforceable by the court if made and approved in open court. Written stipulations affecting the progress of the case or proceeding shall be filed with the court in the form provided by Local Bankruptcy Rule 9021-1, and will not be effective until an order thereon is entered.

See also Local Bankruptcy Rule 9013-1(a)(10): MOTIONS, GENERAL REQUIREMENTS, Continuation by Stipulation (Automatic Stay); Local Bankruptcy Rule 9021-1(a)(2): ORDERS AND JUDGMENTS, PREPARATION, LODGING AND SIGNING OF DOCUMENTS, Order Upon Stipulation; and Local Bankruptcy Rule 1002-1(j): FORM OF PAPERS FILED WITH COURT, STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING.

Court's Comment

2004 Revision

Paragraph (c) Adversary Proceeding Sheet. Was moved and renumbered as Local Bankruptcy Rule 7003-1.

Paragraph (c) Mandatory Forms. New Paragraph.

Paragraph (d)(6)(C) - *paragraph (c) of this Rule* changed to *Local Bankruptcy Rule 7003-1*.

Paragraph (h) Pleadings In Adversary Proceedings. Was moved and renumbered as Local Bankruptcy Rule 7001-1.

Paragraph (j) Stipulations Regarding Progress of Case or Proceeding. Local Bankruptcy Rule 1002-1 cite changed from subsection *(k)* to subsection *(j)* to reflect re-lettering of the Rule.

2003 Revision

Paragraph (d)(9) Mandatory Relief From Stay Forms and Adversary Proceeding Captions. *350* changed to *F 4001-1* to reflect renumbering of the mandatory Relief From Stay forms.

Paragraph (g)(2) - *Emergency ("Face Sheet") Petitions* changed to *Incomplete Petitions*. A number of documents previously required at the time of filing of a petition are now required within 15 days of filing of a petition. These documents are now paragraphs (g)(2)(vii through xiii) and include: Exhibit "A"; a copy of a corporate resolution authorizing the filing; Statement of Previously Filed or Related Cases with Unsworn Declaration; Notice of Available Chapters; Statement Regarding Assistance of Non-Attorney with Respect to the Filing of Bankruptcy Case; Declaration Re Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 2090-1 (if applicable); and Venue Disclosure Form for Corporations Filing Chapter 11 or Venue Disclosure Form for Partnerships Filing Chapter 11.

Paragraph (g)(2)(vi) - *Computer readable diskette* changed to *court-approved electronic format* to comply with Local Bankruptcy Rule 1007-2(c).

2001 Revision

Paragraph (e)(2)(B) - *in all chapter 9 and 11 cases* deleted as redundant.

Paragraph (g)(2)(B) was amended for consistency with "Exhibit A" (Official Form B1). Added *filing under chapter 11*. Reference to Official Form 1 was revised to Official Form B1, correcting a typographical error.

1998 Revision

Paragraph (a)(2) State Bar and Fax Numbers. Location of state bar number amended for consistency with the revised Voluntary Petition Form B1 (Rev. 12/94). Amended to provide for inclusion of attorney's fax number. Replaced *such other papers as the clerk may require* with *all other papers filed with the court* in the second sentence.

Paragraph (b)(1) Filing Requirements. Amended for consistency with F.R.B.P. 5005 and Local Bankruptcy Rules 1006-1 and 1002-1(g)(2).

Paragraph (b)(2) Certificate of Substantial Compliance. Added *or a court-approved form* and *or court-approved form, as applicable*.

Paragraph (c) ADVERSARY PROCEEDING COVER SHEET. Changed from Bankruptcy Cover Sheet to be consistent with the title of the form; requirement of parties' and attorneys' addresses and telephone numbers added.

Paragraph (d) PAPERS PRESENTED TO THE COURT - FORM AND FORMAT. *This Local Bankruptcy Rule shall apply unless otherwise expressly provided elsewhere in the Local Bankruptcy Rules or a court-approved form is used* moved from paragraph (d)(2), with the addition of *or a court-approved form is used*.

Paragraph (d)(1) Legibility. *10 point* replaced pica size and 10 cps designation.

Paragraph (d)(2) Paper. First sentence of former Local Rule 103(4)(b) moved to beginning of Paragraph (d). *Unless otherwise provided* added to end of last sentence. The sentence on page number was broken into two separate sentences.

Paragraph (d)(4) Original - Copies - Telecopies. *Telecopies* added to heading. Former Local Bankruptcy Rule modified to conform to Rule 3.2 of Chapter I, Local Civil Rules, of the district court. Lowercase *"copy"* in last sentence changed to uppercase.

Paragraph (d)(6)(C). *Cover Sheet* changed to *Adversary Proceeding Sheet* for consistency with Paragraph (c) of this Local Bankruptcy Rule.

New paragraph (d)(6)(D) added.

Paragraph (d)(8) Title Page:

(i) Amended to require the fax number.
(iii) Amended to include the division as well as the title of the court.
(iv) *Shall appear* in the last line changed to *need appear* to make the listing of only the names of the first-named parties optional rather than mandatory.
(v) *Except in Bankruptcy Act cases* deleted from the end of the second sentence as no longer applicable. *Docket number* deleted from the beginning of the first sentence. *Docket number* replaced by *case number* in the second and third sentences. *Reference number* deleted from the end of the third sentence.

Paragraph (d)(9) Mandatory Relief From Stay Forms and Adversary Proceeding Captions. Paragraph title changed from *Double Captions: Relief From Stay Motions and Adversary Proceedings*. First sentence of former Local Bankruptcy Rule and accompanying caption deleted, and two new initial sentences added. Cross-reference to Local Bankruptcy Rule 9013-1(a)(5) added. The paragraph referring to assignment of a reference number for chapter 11 cases deleted as no longer applicable.

Paragraph (d)(10) Captions for Cases Designated as Small Business Cases (F.R.B.P. 1020). New paragraph added to conform to the 1994 Bankruptcy Reform Act and F.R.B.P. 1020.

Paragraph (d)(11) Pre-Printed Forms. Paragraph renumbered. *Notice of motion for relief from stay* deleted.

Paragraph (d)(12) Tabs. Paragraph renumbered.

Paragraph (e)(1) In General. In the first sentence, *one clear, conformed and legible copy* modified to *one complete, clear, and legible copy*.

Paragraph (e)(2)(A) Chapters 7, 12, and 13. The first line only retained, with the number of copies changed from 3 to 4 to conform to current clerk's office practice. The remainder of the Rule deleted at the direction of the Ninth Circuit Local Bankruptcy Rules Review Committee as being administrative in nature and thus unnecessary for inclusion in the Local Bankruptcy Rules.

Paragraph (e)(2)(B) Chapters 9 and 11. Part of the first line only retained with the number of copies changed from 6 to 7 to conform to current clerk's office practice. The remainder of the Rule deleted at the direction of the Ninth Circuit Local Bankruptcy Rules Review Committee as being administrative in nature and thus unnecessary for inclusion in the Local Bankruptcy Rules.

Paragraph (e)(3) Conformed Copies. Deleted *and* from the last sentence, and added *attachments, exhibits, and tabs* to the end of the last sentence.

Paragraph (g)(1) Debtor's Address. *Must* changed to *shall*.

Paragraph (g)(2) Emergency ("Face Sheet") Petitions. *Must* changed to *shall at least* in first paragraph; subsection numbering changed from Arabic to Roman.

Paragraph (g)(2)(G). Amended to add *or Bankruptcy Petition Preparer* after *Non-Attorney* to conform to new 11 U.S.C. 110; *pro se* changed to *persons not represented by counsel* for consistency with Local Bankruptcy Rule 1001-1.

Paragraph (g)(2)(I). Declaration Re Limited Scope of Appearance added to conform to Local Bankruptcy Rule 2090-1(a)(3).

Paragraph (g)(2)(J) added pursuant to General Order 97-02.

First line of first paragraph under (g)(2)(J) amended to add *except the Statement of Intention which shall be filed within 30 days of filing of petition* to conform to 11 U.S.C. § 521(2)(A); *must* changed to *shall* in second to last line. Added *if applicable* to the end of the sentence. Deleted *such motions are rarely granted* from the end of the explanatory paragraph.

In the following paragraph, list of papers to complete the filing expanded to include *4. Disclosure of Bankruptcy Petition Preparer* to conform to the 1994 Bankruptcy Reform Act; item 6. (formerly 5.) changed from *computer readable tape* to *computer readable diskette*; new Rule added after the list of items to require certain forms to be filed even if not applicable to conform with requirements of Official Forms 6 and 7.

Paragraph (g)(4) Joint Petitions. *Must* changed to *shall*.

Paragraph (h)(2)(D). *Attached to the motion or stipulation as required* changed to *lodged and served in accordance with subsection (h)(2)(A) above* in first sentence; *and filing* added to second sentence.

Paragraph (i)(3) Cases. *Parallel* and *United States Reports* in first sentence deleted as inapplicable; *Bankruptcy Reporter citation* changed to *citation to the above-named reporters* in last sentence; *must* changed to *shall* in last sentence.

Paragraph (k) STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING. *REGARDING PROGRESS OF CASE OR PROCEEDING* added to heading. *Approved by the judge* in the last line changed to *an order thereon is entered*. Cross-references to Local Bankruptcy Rules 9013-1(a)(10), 9021-1(a)(2), and 9071-1 added.

Paragraph (12) of former Local Bankruptcy Rule 103 deleted.

LOCAL BANKRUPTCY RULE 1002-2

PENALTIES

(a) VIOLATION OF RULE

The violation of, or failure to conform to, the Local Bankruptcy Rules or F.R.B.P. shall subject the offending party or counsel to such penalties, including monetary sanctions or the imposition of costs and attorneys' fees payable to opposing counsel, as the court may deem appropriate.

(b) FAILURE TO APPEAR OR PREPARE

Unless otherwise ordered by the court, failure of counsel for any party to take any of the following steps may be deemed an abandonment or failure to prosecute or defend diligently by the defaulting party:

(1) Complete the necessary preparation for pre-trial;

(2) Appear at pre-trial or status conference;

(3) Be prepared for trial on the date set; or

(4) Appear at any hearing where service of notice of the hearing has been given or waived.

See also Local Bankruptcy Rule 2090-1(g)(3): ATTORNEYS, PERSONS APPEARING WITHOUT COUNSEL, Compliance with Rules; Local Bankruptcy Rule 9011-1: PENALTIES FOR UNNECESSARY OR UNWARRANTED MOTIONS; and Local Bankruptcy Rule 9019-1(c): STIPULATIONS AND SETTLEMENTS, FAILURE TO COMPLY - SANCTIONS.

Court's Comment

1998 Revision

Paragraph (a) VIOLATION OF RULE. *Payable* added between *fees* and *to*.

Paragraph (b) FAILURE TO APPEAR OR PREPARE. Last paragraph after (b)(4) pertaining to entry of judgment against the defaulting party deleted as unnecessary.

Cross-references to Local Bankruptcy Rules 2090-1(g)(3); 9011-1 and 9019-1(c) added.

LOCAL BANKRUPTCY RULE 1002-3

PROCEDURE IN ABSENCE OF RULE

(a) Matters not specifically covered by these Local Bankruptcy Rules may be determined, if possible, by parallel or analogy to the F.R.Civ.P., the F.R.B.P., or the District Court Rules.

(b) If no parallel or analogy can be found in the F.R.Civ.P., the F.R.B.P., or the District Court Rules, the procedure shall conform to practice in courts of equity of the United States.

(c) If no parallel or analogy exists, then the court may proceed in any lawful manner not inconsistent with these Local Bankruptcy Rules and the F.R.B.P.

Court's Comment

1998 Revision

Paragraph (b). *Or the District Court Rules* added after F.R.B.P. for consistency with paragraph (a).

LOCAL BANKRUPTCY RULE 1002-4

BANKRUPTCY PETITION PREPARERS

(a) MOTION TO DISALLOW AND ORDER TURNOVER TO TRUSTEE OF EXCESSIVE FEE (11 U.S.C. § 110(h))

(1) Motion by Party in Interest.

(A) The debtor, a creditor, the trustee, or the United States trustee may file a motion that the Court Disallow and Order Turnover of Excessive Fee Paid to Bankruptcy Petition Preparer (11 U.S.C. § 110(h)). The motion shall be filed at the same time notice is given and the motion shall comply with Local Bankruptcy Rule 9013-1(g)(1). The motion shall be accompanied by a declaration under penalty of perjury or a request for judicial notice and copies of any documentary evidence that supports the motion. The moving party shall serve on the bankruptcy petition preparer, the debtor, the trustee and the United States trustee, a Notice of Motion that the Bankruptcy Court Order Turnover of Excessive Fee (11 U.S.C. § 110(h)), a copy of the motion, and all supporting evidence. Service may be made personally or by first class mail.

(B) If the 15-day response period established by Local Bankruptcy Rule 9013-1(g)(1) expires without the filing of any response, the moving party shall promptly lodge a proposed order. At the same time as the proposed order is lodged (and preferably rubber-banded or clipped to the order), the moving party shall also file a declaration attesting that no response was received by the moving party, to which declaration shall be appended (as exhibits) copies of the motion, notice and proof of service of the notice and motion. These papers shall be accompanied by the necessary copies of the notice of entry for the order, together with the requisite addressed, stamped envelopes. The notices of entry shall provide for the service on the debtor, any trustee, the bankruptcy petition preparer, the United States trustee and counsel for any of the foregoing.

(C) If a timely response and request for hearing is filed and served, the moving party shall schedule and give not less than 11 days notice of a hearing to those responding and to the United States trustee. Movant shall act within 20 days from the date of service of the response to obtain a hearing date and give notice of it, or the court may deny the motion without prejudice, without further notice or hearing. Briefs generally are not required for this motion. The court may decide in its discretion to dispense with oral argument, in which case the courtroom deputy will attempt to give the parties notice of the court's intention to do so at least 24 hours prior to the hearing date.

(2) Motion by Court.

(A) The court on its own motion may serve by first class mail a Notice of Intent to Order that Bankruptcy Petition Preparer Turn Over Excessive Fee Paid By or On Behalf of Debtor (11 U.S.C. § 110(h)). The notice of intent will include a notice that the bankruptcy petition preparer has 20 days to file and serve a written opposition.

(B) The bankruptcy petition preparer has 20 days from the date of mailing of the motion to file with the court and serve on the debtor, the trustee and the United States trustee, a written opposition to the issuance of a turnover order. If no timely opposition is received from the bankruptcy petition preparer, the court will review the facts before it and will determine whether a turnover order should be made and will enter an order on that determination.

(C) If a timely opposition by the bankruptcy petition preparer is received, the judge will determine whether to hold a hearing. If a hearing is set, the court shall give notice thereof.

(3) Turnover Order. If a turnover order is entered, the turnover shall be made within 30 days of the service of the turnover order and the bankruptcy petition preparer shall file with the court a Declaration of Compliance by Bankruptcy Petition Preparer as to Turnover Order (11 U.S.C. § 110(h)). The declaration shall be filed within 30 days of the service of the turnover order. Failure to turn over within 30 days of the service of the turnover order and to file the declaration as specified in this paragraph will lead to imposition of a $500 fine (11 U.S.C. § 110(h)(4)) without further notice to the bankruptcy petition preparer.

(b) DETERMINATION OF WHETHER A FINE SHALL BE IMPOSED

(1) Motion by Party in Interest.

(A) The debtor, a creditor, the trustee or the United States trustee may file a Motion that the Court Impose a Fine (11 U.S.C. § 110(b)-(g)). The motion shall be filed at the same time as notice is given. The motion shall be

accompanied by a declaration under penalty of perjury or a request for judicial notice and copies of any documentary evidence supporting the motion. The moving party shall serve on the bankruptcy petition preparer, the debtor, the trustee, and the United States trustee, a Notice of Motion that the Bankruptcy Court Impose a Fine (11 U.S.C. § 110(b)-(g)), a copy of the motion, and all supporting evidence. Service may be made personally or by first class mail.

(B) If the 15-day response period provided by Local Bankruptcy Rule 9013-1(g)(1) expires without the filing of any response, the moving party shall promptly lodge a proposed order. At the same time as the proposed order is lodged (and preferably rubber-banded or clipped to the order), the moving party also shall file a declaration attesting that no response was served upon the moving party, to which declaration shall be appended (as exhibits) copies of the motion, notice and proof of service of the notice and motion. These papers shall be accompanied by the necessary copies of the notice of entry for the order, together with the requisite addressed, stamped envelopes. The notices of entry shall provide for the service on the debtor, any trustee, the bankruptcy petition preparer, the United States trustee and counsel for any of the foregoing.

(C) If a timely response and request for hearing is filed and served, the moving party shall schedule and give not less than 11 days' notice of a hearing to those responding and to the United States trustee. Movant must act within 20 days from the date of service of the response to obtain a hearing date and give notice of it or the court may deny the motion without prejudice, without further notice or hearing. Briefs generally are not required for this motion. The court may decide in its discretion to dispense with oral argument, in which case the courtroom deputy will attempt to give the parties notice of the court's intention to do so at least 24 hours prior to the hearing date.

(2) Motion by Court.

(A) The court on its own motion may serve by first class mail a Notice of Intent to Impose a Fine (11 U.S.C. § 110(b)-(g)). The Notice of Intent will include a notice that the bankruptcy petition preparer has 20 days to file and serve a written opposition.

(B) Bankruptcy petition preparer has 20 days from the date of mailing of the motion to file with the court and serve on the debtor, the trustee and the United States trustee a written opposition to the imposition of a fine. If no timely objection is received from the bankruptcy petition preparer, the court will review the facts before it and will determine whether a fine should be imposed and will enter an order on that determination.

(C) If an opposition by the bankruptcy petition preparer is timely received, the judge will determine whether to hold a hearing. If a hearing is set, the court shall give notice thereof.

(c) DAMAGE AWARDS TO DEBTORS (11 U.S.C. § 110(h))

(1) The debtor, the trustee or a creditor may file a Motion that the Bankruptcy Court Certify to the District Court that the Preparer Engaged in Conduct for Which Damages Should be Awarded Under 11 U.S.C. § 110(h) ("Certification Motion"). The parties shall follow the same procedures as set forth in Section (b)(1) above. This motion may also be combined with a Motion to Impose a Fine.

(2) If the court issues its order on the Certification Motion, the moving party shall obtain a transcript of the hearing (if any) and a copy of the record from the bankruptcy court and will file a Motion for Penalty Order (11 U.S.C. § 110(i)) in the district court attaching to the Motion all documents required by District Court General Order 96-3.

(3) An order of the bankruptcy court denying the Certification Motion is a final order and subject to review by appeal.

(d) INJUNCTIONS AS TO PREPARERS (11 U.S.C. § 110(j))

A party who seeks an injunction against the preparer as set forth in § 110(j) shall file an adversary proceeding in conformance with the rules governing adversary proceedings. The adversary proceeding shall be filed as a miscellaneous action in the name of the preparer rather than under the case designation of a debtor for which the preparer provided services.

(e) USE OF COURT APPROVED FORMS

To the extent that there are forms approved by the court for use in motions under 11 U.S.C. § 110, these shall be used by all parties unless otherwise ordered by the court.

Court's Comment

2002 Revision

Paragraph (a)(1)(A). Reference to Local Bankruptcy Rule 9013-1 has been modified to reflect its renumbering.

Paragraph (b)(1)(B). Reference to Local Bankruptcy Rule 9013-1 has been modified to reflect its renumbering.

1998 Revision

This new Rule was added pursuant to The Bankruptcy Reform Act of 1994 (Pub.L.103-394, Oct. 22, 1994), 11 U.S.C. § 110 and Amended General Order 95-03.

The changes from Amended General Order 95-03 are as follows:

The introductory paragraph has been deleted.

Paragraph (a)(1)(B) (Gen.Ord. I.A.2.). *20* day response period changed to *15* to conform to Local Bankruptcy Rule 9013-1(g)(1). *Served upon* replaced by *received by* in second sentence.

Paragraph (a)(2)(A) (Gen.Ord. I.B.1.). *Objection* in last line changed to *opposition*.

Paragraph (a)(2)(C) (Gen. Ord. I.B.2.) *Whether to enter a turnover order without hearing, or whether no turnover order will be entered* deleted from first sentence. Last sentence of General Order rewritten as new last sentence of subparagraph.

Paragraph (b)(1)(B) (Gen.Ord.II.A.2.). *20* day response period changed to *15* to conform to Local Bankruptcy Rule 9013-1(g).

Paragraph (b)(2)(A) (Gen.Ord.II.B.1.). *Objection* in last line changed to *opposition*.

Paragraph (b)(2)(C). The last sentence was reworded for length.

Paragraph (d). *Will* changed to *shall* in the last sentence.

LOCAL BANKRUPTCY RULE 1002-5

DISCLOSURE OF CORPORATE RELATIONSHIPS

Any nongovernmental corporate debtor in a case or any nongovernmental corporate entity in an adversary proceeding or a contested matter in this court shall file a statement identifying all its parent corporations and listing any publicly held company that owns 10% or more of the party's stock. Any such entity shall file the statement with its initial pleading filed in the court and shall supplement the statement within a reasonable time of any change in the information.

Court's Comment

2000 Revision

New Rule.

LOCAL BANKRUPTCY RULE 1006-1

APPLICATION FOR PAYMENT OF FILING FEES IN INSTALLMENTS AND/OR WAIVER OF FILING FEE

(a) APPLICATIONS SEEKING PERMISSION TO PAY IN INSTALLMENTS OR WAIVER OF FILING FEE

(1) An individual chapter 7 debtor who is unable to pay the full filing fee for a voluntary petition may apply for a waiver of the filing fee and/or may apply for permission to pay the filing fee in installments. An individual debtor under any chapter of the Bankruptcy Code who is unable to pay the full filing fee for a voluntary petition may apply for permission to pay the filing fee in installments. Any such applications shall be on forms prescribed by the Court and shall be presented for filing with the petition. The applicant also shall present personal identification in the form of a valid California driver's license, California identification card, or other similar form of identification satisfactory to the clerk.

(2) The applicant may be required to personally appear before a designated judge to present the application(s) and proposed order(s) on the same day as the filing of the petition or at a later date and time that the designated judge may select for a hearing. The applicant shall provide sworn testimony regarding the basis for the application(s) and circumstances of the bankruptcy filing. The applicant's failure to appear and testify at the prescribed time and place may result in denial of the application(s) and dismissal of the bankruptcy case.

(3) Unless the designated judge orders otherwise, compliance with the notice and service requirements of Local Bankruptcy Rule 9013-1 is not required.

(b) TERMS AND CONDITIONS OF ORDERS FOR PERMISSION TO PAY IN INSTALLMENTS

(1) An order authorizing payment of filing fees in installments shall fix the number of installments and the amount and due date of each installment. The number of installments shall not exceed 4. The final installment shall be 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 date of the filing of the petition.

(2) The debtor's failure to pay any installment when due may result in dismissal of the case after notice and hearing.

Court's Comment

2005

Paragraph (a) added a procedure for an application to waive the filing fee for a voluntary petition, and revised the procedure for an application to pay the voluntary petition filing fee in installments.

Paragraph (c) was deleted to reflect changes in procedures.

1998 Revision

Amended to conform to actual practice.

LOCAL BANKRUPTCY RULE 1007-1

EXTENSION OF TIME TO FILE SCHEDULES AND STATEMENTS OF AFFAIRS

Motions to extend time to file lists of creditors and equity security holders, or to file schedules and statements of financial affairs, shall comply with F.R.B.P. 1007. The motion shall be accompanied by evidence supporting the extension of time and by court-conformed copies of all papers filed with the petition. In cases with more than 100 creditors, the Master Mailing List need not be attached. Failure to attach copies of the petition and other papers may result in denial of the motion for extension.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 111(7)(e). *200* creditors changed to *100* creditors. *Should be* changed to *shall* in the second sentence. *Evidence supporting the extension of time and by* added to the second sentence. Last two sentences of former Local Bankruptcy Rule deleted.

LOCAL BANKRUPTCY RULE 1007-2

MAILING LIST OR MATRIX

(a) GENERAL REQUIREMENTS

The debtor shall file concurrently with the petition a Master Mailing List of the names, mailing addresses and zip codes of all creditors listed on Schedules D, E, and F. The Master Mailing List shall be prepared in accordance with instructions and specifications promulgated by the clerk.

See also Local Bankruptcy Rule 2002-2: NOTICE TO UNITED STATES OR FEDERAL AGENCIES.

(b) PARTNERSHIPS AND CORPORATIONS

If the debtor is a partnership or corporation, the Master Mailing List also shall include the names and addresses of all general partners or senior corporate officers. Either as part of the Master Mailing List or as a separate "Equity Holders Mailing List," there also shall be provided a listing of all limited partners, shareholders, or other equity holders. The Equity Holders Mailing List shall comply with the format requirements of paragraph (a) above.

(c) REQUIRED ELECTRONIC FORMAT FOR CASES WITH MORE THAN 100 CREDITORS OR EQUITY HOLDERS

Unless otherwise ordered, for all cases with more than 100 entities that hold either claims or interests, the debtor, or such other person as the court may order, shall provide the clerk with the Master Mailing List, in a court-approved electronic format. The clerk shall provide to the public regularly updated notices of the technical requirements for compliance with this Rule on the court's web site. Failure to submit the required information in a timely manner may subject the case to dismissal. A "hard copy" printed version of the Master Mailing List, also shall be filed according to instructions and requirements promulgated by the clerk. Filing of a hard copy of the Master Mailing List is not required for petitions filed via the court's electronic filing system.

See also Local Bankruptcy Rule 1002-1(g)(2): FORM OF PAPERS FILED WITH COURT, PETITIONS, Incomplete Petitions.

(d) DEBTOR'S OBLIGATION TO ASSURE ACCURACY

It shall be the responsibility of the debtor or such other person as the court may order to ensure that the Master Mailing List, Equity Holders' Mailing List, and the electronic file containing the Master Mailing List and Equity Holder's Mailing List are complete and correct. The Master Mailing List shall be accompanied by a declaration by the debtor or debtor's counsel attesting to the completeness and correctness of the list. If the Master Mailing List 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 declaration shall also 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. The clerk's office shall not be required to compare the names and addresses shown on the Master Mailing List with those on the petition. The clerk's office may use either the hard copies of the mailing lists or information submitted in electronic format for noticing creditors.

(e) WHO SHALL BE LISTED

All parties required to be included in the schedules shall also be listed on the Master Mailing List in order to receive official notice of the bankruptcy.

Court's Comment

2003 Revision

All references to *computer-readable diskette* were revised to *court-approved electronic format* to accommodate changes in technology.

Paragraph (c) was revised to strike the requirement that the petitioner shall indicate on the face of the petition or conversion order, under the debtor's name, a statement that the case contains more than 100 entities that hold either claims or interests.

Paragraph (c) REQUIRED ELECTRONIC FORMAT FOR CASES WITH MORE THAN 100 CREDITORS OR EQUITY HOLDERS. *Emergency ("Face Sheet") Petitions* changed to *Incomplete Petitions*.

1998 Revision

Former Local Rule 105(6).

This Rule was amended to conform to General Order 94-06, with the following changes: All references to *PC Computer Readable Diskette* changed to Personal Computer Readable Diskette; paragraph (e) retained from former Local Bankruptcy Rule 105(6)(f).

Paragraph (a). Cross-reference to Local Bankruptcy Rule 2002-2 added.

Paragraph (c). *Unless otherwise ordered,* was added to the beginning of the sentence, allowing for the removal of paragraph (d) of former Local Bankruptcy Rule. Paragraph substantially rewritten to conform to General Order 94-06. Cross-reference to Local Bankruptcy Rule 1002-1(g)(2) added.

Paragraphs (e) and (f) of former Local Bankruptcy Rule renumbered as (d) and (e), respectively.

LOCAL BANKRUPTCY RULE 1015-2

RELATED CASES

(a) DEFINITION OF RELATED CASES

Cases shall be deemed "related cases" for purposes of this Local Bankruptcy Rule 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 or ex-spouses;

(3) Are "affiliates," as defined in 11 U.S.C. § 101(2), except that § 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).

(b) DISCLOSURE OF RELATED CASES

(1) A petition commencing a case shall be accompanied by Official Form F 1015-2.1, "Statement of Related Cases."

(2) Official Form F 1015-2.1 shall be executed by the petitioner under penalty of perjury and shall disclose, to the petitioner's best knowledge, information and belief:

(A) Whether any related case(s) was filed or has been pending at any time.

(B) The name of the debtor in related case(s).

(C) The case number of related case(s).

(D) The district and division in which related case(s) is or was pending.

(E) The judge(s) to whom related case(s) was assigned.

(F) The current status of the related case(s).

(G) The manner in which the cases are related.

(H) Any real property included in "Schedule A - Real Property" that was filed with any prior proceeding.

(3) The failure fully and truthfully to provide all information required by Official Form F 1015-2.1 may subject the petitioner and its attorney to appropriate sanctions, including without limitation conversion, the appointment of a trustee or the dismissal of the case with prejudice.

(4) Unless otherwise ordered by the court, any petition (including emergency) that is not accompanied by Official Form F 1015-2.1 shall be deemed deficient.

See also Local Bankruptcy Rule 1073-1: REASSIGNMENT OF CASES.

Court's Comment

2003 Revision

Paragraph (a) was revised to delete the six-year time limitation from the Rule and to define a "related case" as a bankruptcy case filed or pending at any time before the filing of the new petition.

Paragraph (b)(2)(A) was revised to replace *is pending* with *was filed*.

Paragraph (b) was also revised to replace the term *Rule 1015-2 Statement* with *Official Form F 1015-2.1, "Statement of Related Cases,"* with the adoption of Official Form F 1015-2.1 as an official Local Bankruptcy Rule Form.

1998 Revision

Former Local Rule 104(4).

Paragraph (a)(3). Added *except that § 101(2)(B) shall not apply* pursuant to General Order 97-02.

Paragraph (b)(2)(h). Added to conform to Statement of Related Cases Form, revised 6/95.

Paragraph (b)(3). Changed the structure of the sentence to improve readability.

Paragraph (b)(4) (former (4)(b)(iv)). Amended to reflect current deficiency policy.

Cross-reference to Local Bankruptcy Rule 1073-1 added.

LOCAL BANKRUPTCY RULE 1017-1

CONVERSION

(a) CONVERSIONS UPON DEBTOR'S FIRST REQUEST

Unless the case has previously been converted, a debtor's motion to convert a case under 11 U.S.C. §§ 706(a) or 1112(a) does not require notice and a hearing. Such motions shall comply with subparagraph (b) below and shall be served on the United States trustee in accordance with Local Bankruptcy Rule 2002-2(a). Notice of an order, if any, converting a case to another chapter shall be given by the clerk to all creditors and interested parties and to the United States trustee.

(b) ADDITIONAL FEES ON CONVERSION OF A CASE

Any notice or motion for conversion of a case shall be accompanied by payment of the additional filing fee, if any, required for cases under the chapter to which the moving party seeks conversion. If a conversion to chapter 11 is denied, the conversion fee will be reimbursed 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 shall be attached to the request for reimbursement. If a conversion to chapter 7 is denied, there will be no refund of the filing fee paid when the motion was filed.

Court's Comment

1998 Revision

Paragraph (a) CONVERSIONS UPON DEBTOR'S FIRST REQUEST. Former Local Bankruptcy Rule 111(7)(b). The first sentence retained; new second sentence added; *if any* added to the third sentence; last sentence of former Local Bankruptcy Rule deleted.

Paragraph (b) ADDITIONAL FEES ON CONVERSION OF A CASE. Former Local Rule 111(16). Paragraph retitled. *Motion to convert* changed to *notice or motion for conversion of* in the first sentence; *motion to convert* changed to *conversion* in the second sentence; *motion* changed to *conversion* in the last sentence.

LOCAL BANKRUPTCY RULE 1017-2

DENIAL OR DISMISSAL FOR WANT OF PROSECUTION

(a) DISMISSAL FOR FAILURE TO FILE SCHEDULES OR STATEMENT OF AFFAIRS

If a chapter 7 petition is filed without the schedules or statement of affairs required by F.R.B.P. 1007, an order to show cause may issue, providing notice to the debtor that the case will be automatically dismissed without further notice or hearing if the required schedules and statement, or a request for extension of time within which to file the required papers, are not filed within 15 days.

(b) DISMISSAL FOR FAILURE TO APPEAR AT SECTION 341(a) MEETING OF CREDITORS

If a chapter 7 debtor fails to appear at the initial section 341(a) meeting of creditors and any continuance thereof, the trustee shall notify the court which shall dismiss the debtor's case with a 180-day prohibition of filing another bankruptcy case. In the event of a joint case in which 1 debtor appears at the section 341(a) meeting of creditors and 1 debtor does not appear, the 180-day prohibition shall apply only to the non-appearing debtor.

(c) DISMISSAL OF PROCEEDINGS - GROUNDS AND EFFECT

Proceedings which have been pending for an unreasonable period of time without any action having been taken therein may be dismissed for want of prosecution upon notice and opportunity to request a hearing.

(d) DENIAL OR DISMISSAL FOR FAILURE TO APPEAR

If a party fails to appear at the noticed hearing of a motion or proceeding, the court may make such orders in regard to the failure as are just, including denial or dismissal of the matter for want of prosecution. Unless the court provides otherwise, any denial or dismissal pursuant to this Local Bankruptcy Rule shall be without prejudice.

(e) REINSTATEMENT - SANCTIONS

If any proceeding dismissed pursuant to this Local Bankruptcy Rule is reinstated, the court may impose such sanctions as it deems just and reasonable.

(f) REFILING OF DISMISSED PROCEEDING

If any proceeding dismissed pursuant to this Local Bankruptcy Rule is refiled as a new matter or proceeding, the party filing the later action shall comply with the requirements of Local Bankruptcy Rule 1015-2.

(g) NOTICE OF DISMISSAL

The clerk shall provide notice of entry of any order dismissing a proceeding under this Rule to all parties to that proceeding.

See also Local Bankruptcy Rule 9013-1(b): MOTIONS, DISMISSAL OR SUSPENSION OF CASE.

Court's Comment

2001 Revision

Paragraph (b). This paragraph was revised to correct a typographical error: *or any continuance* changed to *and any continuance*.

2000 Revision

Paragraph (b). **DISMISSAL FOR FAILURE TO APPEAR AT SECTION 341(a) MEETING OF CREDITORS** paragraph added incorporating General Order 93-01.

1998 Revision

Paragraph (f). *Attorney* changed to *party*.

Paragraph (g). An *adversary proceeding* changed to a *proceeding*.

Cross-reference to Local Bankruptcy Rule 9013-1(b) added.

LOCAL BANKRUPTCY RULE 1071-1

DIVISIONS - PLACE OF FILING

(a) FILING OF PETITION

Unless otherwise ordered by the court, petitions commencing cases in this district shall be filed as follows:

(1) If an individual, in the "applicable division" as described below;

(2) If a corporation or partnership, in the "applicable division" where the debtor's principal offices, officers, and books and records are located, 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;

(3) The applicable division shall be determined by the debtor's street address in the county and/or zip code areas designated by the clerk from time to time, and which may be obtained from the clerk's office or by consulting the *Desk Reference Manual*.

(b) FILING OF PAPERS OTHER THAN PETITIONS

All papers other than petitions shall 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.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 104(3).

Paragraph (a) FILING OF PETITION. Amended pursuant to General Order 97-02, with the addition of *and which may be obtained from the clerk's office or by consulting the Desk Reference Manual* at the end of paragraph (a)(3).

Paragraph (b) (former (3)(b)(ii)). In the first line, *office of the clerk designated for the division* changed to *divisional office of the clerk*.

LOCAL BANKRUPTCY RULE 1073-1

REASSIGNMENT OF CASES

(a) MOTIONS FOR REASSIGNMENT OR CONSOLIDATION

Motions by parties in interest for reassignment or consolidation of related bankruptcy cases or adversary proceedings shall be made to the judge to whom the low-numbered case is assigned. Such motions may be filed using the procedure set forth in Local Bankruptcy Rule 9013-1(g)(1) on notice to the debtor, the trustee, the official creditors' committee (or if no committee has been appointed, to the 20 largest unsecured creditors), the attorneys of any of the foregoing, the United States trustee, any other named parties if the motion seeks transfer of an adversary proceeding, and any parties that have requested special notice. A copy of the motion shall be lodged directly with the chambers of the higher-numbered judge.

(b) ORDER OF REASSIGNMENT

Any order providing for the reassignment of a related case pursuant to Local Bankruptcy Rule 1015-2 shall be titled "Order of Reassignment Pursuant to Local Bankruptcy Rule 1015-2," shall be promptly filed with the clerk and shall be entered by the clerk on the docket. Notice of such order shall be given to all parties who are entitled to notice of the order for relief pursuant to F.R.B.P. 2002(d)(1) and (f)(1).

See also Local Bankruptcy Rule 1015-2: RELATED CASES.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 104(4)(d)(v) and (vi).

Paragraphs (a)(1) and (2); (b)(1)-(3); and (d)(3) and (4) transferred to the bankruptcy court's *Desk Reference Manual* pursuant to the Ninth Circuit Local Bankruptcy Rules Review Committee's recommendation in its Final Report that these paragraphs be rescinded as being administrative in nature.

Paragraph (a) (former (4)(d)(v)). In the first line, *to request reassignment* replaced with *for reassignment*. New last sentence added.

Paragraph (b) (former (4)(d)(vi)). In first line, *assignment* changed to *reassignment*.

Cross-reference to Local Bankruptcy Rule 1015-2 added.

LOCAL BANKRUPTCY RULE 2002-2

NOTICE TO UNITED STATES OR FEDERAL AGENCIES

(a) UNITED STATES TRUSTEE

(1) Copies of Papers. Unless otherwise directed, copies of all papers filed in all cases and proceedings under chapters 7, 9, and 11 shall be served upon the United States trustee. In chapter 13 cases, only notices of conversion or motions to convert the case to another chapter shall be served on the United States trustee. Proofs of claim or copies thereof shall not be served on the United States trustee.

(2) Matters Requiring Pre-Filing Review by United States Trustee. The following matters shall be submitted to the United States trustee for review and comment prior to filing with the court:

(A) Motions to extend time to file the papers required by F.R.B.P. 1007 in chapter 11 cases.

(B) Stipulations for appointment of a chapter 11 trustee or examiner or any other person or entity to be given possession, control or operation of any of the debtor's property outside of the ordinary course of business.

To obtain the statement of position of the United States trustee, the moving party or applicant shall serve the motion or application, proposed order, and proof of service, together with a self-addressed stamped envelope, on the United States trustee. The United States trustee shall review the motion and proposed order and, no later than 15 days from the date of service, if personally served, and 20 days from the date of service, if served by mail, serve upon the moving party or applicant a statement of position, if any, with respect to the motion. Upon the receipt of the statement of position, the moving party or applicant may proceed to file the papers with the court. In the event the statement of position is not timely served by the United States trustee, the moving party or applicant may proceed to file the papers with the court accompanied by a declaration regarding the attempt to obtain the statement of position of the United States trustee.

(3) Notice of Emergency Motions and Hearings Held on Shortened Notice. Telephonic notice of emergency motions or hearings held on shortened notice shall be given to the United States trustee if the United States trustee would otherwise be entitled to notice of the type of motion or hearing.

(4) Place of Service. The Office of the United States Trustee shall be included in the Master Mailing List. Papers shall be served on the Office of the United States Trustee at addresses made available on the Central District's web site <*www.cacb.uscourts.gov*> and in the clerk's office at all Central District divisions.

(b) UNITED STATES ATTORNEY

The United States Attorney for this district has waived notice under F.R.B.P. 2002(j). If the United States Attorney requires notice in a case or proceeding, she or he shall file with the court and serve the debtor, the United States trustee, any trustee, and the representatives of any committee appointed in a case with a request for special notice.

(c) INTERNAL REVENUE SERVICE

(1) Except with respect to contested matters or adversary proceedings (where service shall comply with the requirements of F.R.B.P. 7004 and Local Bankruptcy Rule 2002-2(c)(2)), or as otherwise ordered by the court, all notices to the United States Internal Revenue Service shall be sent to addresses made available on the Central District's web site <*www.cacb.uscourts.gov*> and in the clerk's office at all Central District divisions.

(2) In all contested matters and adversary proceedings involving the Internal Revenue Service, the United States, the Attorney General in Washington, D.C., and the United States Attorney in Los Angeles shall be served at addresses made available on the Central District's web site <*www.cacb.uscourts.gov*> and in the clerk's office at all Central District divisions.

See also Local Bankruptcy Rule 7004-1: ISSUANCE AND SERVICE OF PROCESS AND NOTICE, and Local Bankruptcy Rule 9013-1(a)(2): MOTIONS, GENERAL REQUIREMENTS, Motion Days.

Court's Comment

2004 Revision

Paragraph (a)(2)(A) eliminated to conform with the revision to Local Bankruptcy Rule 2014-1.

Paragraph (2)(B) renumbered to (2)(A).

Paragraph (2)(C) renumbered to (2)(B).

2001 Revision

Paragraph (a)(4) UNITED STATES TRUSTEE PLACE OF SERVICE. This section was amended to refer parties needing addresses for the Office of the United States Trustee *to addresses made available on the Central District's web site <www.cacb.uscourts.gov> and at all Central District divisions* . . . rather than to a list provided within the Local Bankruptcy Rules.

Paragraph (c)(1) INTERNAL REVENUE SERVICE. This section was amended to refer parties needing addresses for the Internal Revenue Service: . . . ~~as follows:~~ *to addresses made available on the Central District's web site <www.cacb.uscourts.gov> and at all Central District divisions* . . . rather than to a list provided within the Local Bankruptcy Rules. The addresses that followed were deleted.

Paragraph (c)(2). In contested matters involving service addresses for the Internal Revenue Service, the United States, the Attorney General in Washington, D.C., and the United States Attorney in Los Angeles, this section was amended to state that these agencies: . . . *shall be served at* ~~the following addresses:~~ *addresses made available on the Central District's web site <www.cacb.uscourts.gov> and at all Central District divisions.* The addresses that followed were deleted.

2000 Revision

Paragraphs (a)(4)(A), (B), and (C) were amended to reflect changes of address for the United States trustee's offices in Los Angeles, Santa Ana, and Riverside (July 2000).

Paragraphs (c)(1)(A), (B), (C), (D), and (E) were amended to reflect changes of address for the Internal Revenue Service in Los Angeles, Laguna Niguel, San Jose, San Bernardino, and San Diego. (July 2000)

Paragraph (c)(2) was amended to reflect a change of address for the United States Attorney's office. (July 2000)

1998 Revision

Former Local Rule 105(5).

Paragraph (a)(1) Copies of Papers. (former (5)(a)(i)). *Unless otherwise directed,* added to beginning of first sentence. *Must* changed to *shall* in last sentence. Chapter 12 reference deleted. New last sentence added.

Paragraph (a)(2) Matters Requiring Pre-Filing Review by United States Trustee (former (5)(a)(ii)). *Must* changed to *shall* in first sentence. Last paragraph deleted, and new last paragraph added.

Paragraph (a)(2)(A) (former (5)(a)(ii)(A)). Reference to *Local Bankruptcy Rule 2014-1(b)(1) Applications for Employment* added.

Paragraph (a)(4) Place of Service (former (5)(a)(iv)). *Should* changed to *shall* in two places to make service on the Office of the United States Trustee mandatory.

Paragraph (a)(4)(A). *San Fernando Valley* added to heading.

Paragraph (a)(4)(C). *San Bernardino* changed to *Riverside*. Address changed.

Paragraph (b) UNITED STATES ATTORNEY. The Attorney General in Washington, D.C. has not waived notice. Also, language directing the U. S. Attorney to file *with the court* was added for clarity.

Paragraph (c)(1)(A) To the IRS Los Angeles District Office (former (5)(c)(i)). *IRS* and *District* added to heading. Modified to provide for separate mailing and hand delivery addresses for chapter 13 bankruptcy cases and other bankruptcy cases (including chapters 7 and 11).

Paragraph (c)(1)(B) To the IRS Southern California (Laguna Niguel) District Office (former (5)(c)(ii)). *IRS Southern California* and *District* added to heading. Mailing and hand delivery addresses modified.

Paragraph (c)(1)(C) To the IRS San Jose District Office (former (5)(c)(iii)). *IRS* and *District* added to heading. Modified to provide for separate mailing and hand delivery addresses for chapter 12 and 13 bankruptcy cases and other bankruptcy cases (including chapters 7 and 11).

Paragraph (c)(2). New Rule added to provide service requirements for contested and adversary matters. The Attorney General in Washington, D.C. has not waived notice.

Cross-references to Local Bankruptcy Rules 7004-1 and 9013-1(a)(2) added.

LOCAL BANKRUPTCY RULE 2004-1

MOTIONS FOR EXAMINATIONS UNDER F.R.B.P. 2004

Motions for examination under F.R.B.P. 2004 shall be served on the debtor, the trustee (if any), the United States trustee, and the examinee. The motion shall also state the place of residence and the place of employment of the party whose examination is requested, if known. The motion shall state why the examination cannot proceed under F.R.B.P. 7030 or 9014. Unless otherwise ordered by the court, no hearing is required. Not less than 21 days notice of the examination shall be provided, calculated from the date of service or the date of filing of the motion unless otherwise ordered by the court.

Motions for protective orders shall be filed and served not less than 11 days before the date of the examination, and set for hearing not less than 2 court days before the scheduled examination, unless an order shortening time is granted by the court. The parties may stipulate, or the court may order, that the examination be postponed so that the motion for protective order can be heard on regular notice under Local Bankruptcy Rule 9013-1(a). The court may require compliance with Local Bankruptcy Rule 9075-1(a).

After the court approves a Rule 2004 examination of a third party, that party shall be properly served with a subpoena as required by F.R.B.P. 9016 and F.R.Civ.P. 45. The party whose examination is requested may file a motion for protective order if grounds exist under F.R.B.P. 7026 and F.R.Civ.P. 26(c). Such a motion may be heard on shortened notice under Local Bankruptcy Rule 9075-1(b) if necessary.

For any dispute that may arise under Local Bankruptcy Rule 2004-1, the parties shall comply with Local Bankruptcy Rule 9013-1(c).

See also Local Bankruptcy Rule 9013-1(c): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), DISCOVERY.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 111(7)(c). *debtor and trustee (if any)* replaced by *debtor, the trustee (if any),* in the first sentence; *the United States trustee and the examinee* added at the end of the first sentence; *must* changed to *shall* and *application* changed to *motion* in last sentence of the first paragraph; *for cause shown* deleted from the last sentence of the first paragraph; *must* changed to *shall* in first line of third paragraph. New last paragraph added.

LOCAL BANKRUPTCY RULE 2010-1

BONDS OR UNDERTAKINGS

(a) BONDS, UNDERTAKINGS, STIPULATIONS OF SECURITY-APPROVAL, SURETIES, QUALIFICATION

(1) Approval. The clerk is authorized to approve on behalf of the court all bonds, undertakings and stipulations of security given in the form and amount prescribed by statute, order of court or stipulation of counsel, which comply with the requirements of this Local Bankruptcy Rule and contain a certificate by an attorney, as set forth below, except where the approval of a judge is specifically required by law. With respect to all bonds of trustees required pursuant to § 322 of the Code, the United States trustee shall set the amount of the bonds and approve the sufficiency of the surety, and such bonds are not covered by the terms of this Local Bankruptcy Rule.

(2) Third-Party Sureties. No bond or undertaking requiring third-party sureties shall be approved unless it bears the names and addresses of sufficient third-party sureties and is accompanied by a declaration stating that:

(A) The surety is a resident of the State of California.

(B) The surety owns real property within the State of California.

(C) The surety is worth the amount specified in the bond or undertaking, over and above just debts and liabilities.

(D) The property is not exempt from execution. If specifically approved by the court, real property in any other state of the United States may be part of the surety's undertaking.

(3) Terms and Conditions for Corporate Sureties. Before any corporate surety bond or undertaking is accepted by the clerk, the corporate surety shall have on file with the district court clerk or the clerk a duly authenticated copy of a power of attorney appointing the agent executing the bond or undertaking. The appointment shall be in a form to permit recording in the State of California.

(4) Ineligible Persons. No clerk, deputy clerk, marshal, magistrate judge, attorney, or other officer of this court will be accepted as surety upon any bond or undertaking in any action or proceeding in this court.

(5) Cash in Lieu of Bond. Cash may be deposited with the clerk in lieu of any bond or undertaking requiring a personal or corporate surety. Such cash deposit shall be subject to all of the provisions of this Local Bankruptcy Rule, F.R.B.P. and the F.R.Civ.P. applicable to bonds and undertakings.

(b) CERTIFICATE BY ATTORNEY

A bond or undertaking presented to the clerk for acceptance shall be accompanied by a certificate by the attorney for the presenting party in substantially the following form:

> "This bond (or undertaking) has been examined pursuant to Local Bankruptcy Rule 2010-1 and is recommended for approval. It (is)(is not) required by law to be approved by a judge.
>
> _____ _____"
> Date Attorney

A certificate by an attorney made pursuant to this Local Bankruptcy Rule certifies to the court that:

(1) The attorney has carefully examined the document.

(2) The attorney knows the content of the document.

(3) The attorney knows the purpose for which the document is executed.

(4) In the attorney's opinion, the document is in due form.

(5) The attorney believes the declarations of qualification by the surety are true.

(6) The attorney has determined whether the document is required by law to be approved by a judge.

(c) APPROVAL OF JUDGE

If a bond or undertaking is required by law to be approved by a judge, it shall be presented to the judge with the attorney's certificate required by this Local Bankruptcy Rule before it is filed by the clerk.

(d) CONSENT TO SUMMARY ADJUDICATION OF OBLIGATION

A bond or undertaking presented for filing shall contain the consent and agreement for the surety that in case of default or contumacy on the part of the principal or surety, the court may upon 10 days notice proceed summarily and render a judgment in accordance with the obligation undertaken and issue a writ of execution upon that judgment.

An indemnitee or party in interest seeking a judgment on a bond or undertaking shall proceed by Motion for Summary Adjudication of Obligation and Execution. Service of the motion on personal sureties shall be made pursuant to F.R.Civ.P. 5(b). Service shall be made on a corporate surety as provided in 6 U.S.C. § 7.

Court's Comment

1998 Revision

Paragraph (a)(1). Former Local Bankruptcy Rule 116(1)(i). *Local Bankruptcy Rule 135* changed to *this Local Bankruptcy Rule* in first sentence. New last sentence added.

The remainder of the Rule is from former Local Bankruptcy Rule 135.

Paragraph (a)(4). *Magistrate, Judge* changed to *magistrate judge*.

Paragraph (b). CERTIFICATE BY ATTORNEY. "presented *by* the clerk" changed to "presented *to* the clerk" in the first line.

LOCAL BANKRUPTCY RULE 2014-1

EMPLOYMENT OF DEBTOR AND PROFESSIONAL PERSONS

(a) EMPLOYMENT OF DEBTOR'S PRINCIPALS OR INSIDERS IN CHAPTER 11 CASES

No compensation or other remuneration shall be paid from the assets of the estate to a debtor's owners, partners, officers, directors, shareholders, and relatives of insiders as defined by 11 U.S.C. § 101(31), from the time of the filing of the petition until the confirmation of a plan unless the debtor serves a "Notice of Insider Compensation." The debtor must serve the notice on the United States trustee, the creditors' committee or the 20 largest creditors if no committee has been appointed, and any secured creditors that claim an interest in cash collateral and provide proof of service to the United States trustee. If no objection is received within 15 days, such compensation may be paid from the estate. If an objection is received within the 15-day notice period, the debtor shall set the matter for hearing and serve a Notice of Hearing, indicating the date and time of the hearing, upon the objecting party and the United States trustee on not less than 20 days notice. The original Notice of Hearing, along with true and correct copies of the Notice of Insider Compensation and the objection, shall be filed with the court. If the proposal is to increase the amount of compensation or other remuneration, no such increase will be effective until 30 days after service of the notice. The notice provision and objection procedure as set forth above also applies to increasing insider compensation requests.

(b) EMPLOYMENT OF PROFESSIONAL PERSONS

(1) Applications for Employment. An application seeking approval of employment of a professional person pursuant to 11 U.S.C. §§ 327, 1103(a), or 1114 must comply with the requirements of F.R.B.P. 2014 and be filed with the court. Such application must be accompanied by a declaration of the person to be employed establishing disinterestedness or disclosing the nature of any interest held by such person. The United States trustee must be served with a copy of the application and supporting declaration not later than the day it is filed with the court. No hearing shall be required unless requested by the United States trustee, a party in interest, or otherwise ordered by the court.

A timely application for employment is a prerequisite to compensation from the estate; therefore, an application for the employment of counsel for a debtor in possession should be filed as promptly as possible after the commencement of the case and an application for employment of any other professional person should be filed as promptly as possible after such person has been engaged. Substitution of attorneys must also comply with Local Bankruptcy Rule 2090-1(f). If a chapter 7 trustee seeks to retain himself or herself, or his or her own firm as a professional, the application must specify the reasons therefor in compliance with 11 U.S.C. § 327(d).

(2) Notice of Application.

(A) Notice of an application by the debtor (if such application is required), debtor in possession, or trustee, to retain a professional person must be filed and served on the United States trustee, the official committee of unsecured creditors, its counsel, the debtor (if a trustee has been appointed), and all parties who have requested special notice. If no creditor's committee has been formed, notice shall be given to the 20 largest unsecured creditors.

(B) Notice of an application by a committee to retain a professional person must be filed and served on the United States trustee, debtor or debtor in possession and the trustee (if appointed), and their counsel.

(C) The notice must be filed and served not later than the day the application is filed with the court.

(3) Content of Notice. The notice shall:

(A) State the identity of the professional and the purpose and scope for which it is being employed.

(B) Describe the arrangements for compensation, including but not limited to, the hourly rate of each professional to render services, source of the fees, the source and amount of any retainer, the date on which it was paid, and any provision regarding replenishment thereof.

(C) Provide a name, address and telephone number of the person who will provide a copy of the application upon request.

(D) Advise the recipient that any response and request for hearing, in the form required by Local Bankruptcy Rule 9013-1(a)(7), must be filed and served on the applicant (and counsel, if any) and the United States trustee not later than 15 days from the date of service of the notice.

(4) No Response and Request for Hearing. If the response period expires without the filing of any response and request for hearing, the applicant must promptly lodge a proposed order. **At the same time as the proposed order is lodged (and preferably rubber-banded or clipped to the order)**, the applicant must also file a declaration attesting that no response and request for hearing was served upon the applicant, to which declaration shall be appended (as exhibits) copies of the application, notice and proof of service of the notice. The proposed order and declaration need only be served on the United States trustee. No other service before filing and lodging is required. These papers shall be accompanied by the necessary copies of the notice of entry for the order, together with the requisite addressed, stamped envelopes. The notices of entry shall provide for service on the debtor, any trustee, any committee appointed in the case, the United States trustee, counsel for any of the foregoing, and any parties that had requested special notice.

(5) Response and Request for Hearing Filed. If a timely response and request for hearing is filed and served, the applicant, within 20 days from the date of service of a response and request for hearing, must schedule and give not less than 11 days notice of a hearing to those responding and to the United States trustee. If the applicant fails to obtain a hearing date, the court may deny the application without prejudice, without further notice or hearing.

Court's Comment

2004 Revision

Paragraph (a) was revised to clarify the procedure for service of a "Notice of Insider Compensation," add a requirement for service of the notice on any secured creditors claiming an interest in cash collateral, and to delete the reference to *United States Trustee Notices and Guides*.

Paragraph (b) was revised to eliminate the bifurcated procedure for the employment of professional persons. Under the revised rule, all employment applications must be filed with the court. An order authorizing employment may be granted on 15 days notice to the United States Trustee, creditors and other parties in interest, absent a response and request for hearing. If a response and request for hearing is filed, the applicant bears the burden of scheduling and giving not less than 11 days notice of the hearing.

1998 Revision

Paragraph (a) Employment of Debtor's Principals or Insiders in Chapter 11 Cases. Paragraph amended to reflect actual practice.

Paragraph (b)(1) Applications for Employment. In the first sentence of the first subparagraph, *orders approving* inserted after *All applications for*. *And the applicable United States Trustee Notices and Guides* added to the end of the first sentence. The last two sentences of the first subparagraph and the entire second subparagraph -- former Local Bankruptcy Rule 111(7)(d) -- added after changing *The original of applications* to *An original application* and *must* to *shall* in the first sentence of the former Local Bankruptcy Rule. In the first sentence of the third subparagraph, *therefore* inserted between *estate* and *an application,* and *and an application for employment of any other professional person should be filed as promptly as possible after such person has been engaged* inserted after *case*. In the second sentence of the third subparagraph, *must* changed to *shall*. Last sentence of former Local Bankruptcy Rule 141(2)(a) deleted.

Paragraph (b)(2) Notice of Application. First paragraph. In the first sentence, *the debtor (if a trustee has been appointed)* inserted after *its counsel*. In the third sentence, *debtor or* inserted before *debtor in possession*, and *or trustee* changed to *and the trustee (if appointed)*. In the fourth sentence, *must* changed to *shall*.

Second paragraph. New subsection (B) added; former subsections (ii) and (iii) renumbered (C) and (D) respectively; *must* changed to *shall* in new subsection (D).

Paragraph (b)(3) Review by the United States Trustee. *U. S. Trustee Guidelines* was replaced with *United States Trustee Notices and Guides* in the second sentence.

LOCAL BANKRUPTCY RULE 2015-2

REQUIREMENTS OF CHAPTER 11 DEBTOR IN POSSESSION OR CHAPTER 11 TRUSTEE

(a) REPORTS BEFORE CONFIRMATION OF PLAN

The debtor, the debtor in possession, or chapter 11 trustee shall provide the United States trustee with reports covering financial, management, operational and such other information as the United States trustee requests in writing as necessary to properly supervise the administration of a chapter 11 case pursuant to the United States Trustee Notices and Guides. Timely compliance with the reasonable requirements of the United States trustee is mandatory. The United States trustee may, at any time during the pendency of a case, add or delete requirements where such modifications are necessary or appropriate.

(b) DUTY TO COMPLY WITH UNITED STATES TRUSTEE NOTICES AND GUIDES

A debtor in possession or chapter 11 trustee shall comply with the reasonable requirements of the United States trustee with respect to form, maintenance of records, and reporting requirements as set forth in the United States Trustee Notices and Guides.

(c) DUTIES UPON CONVERSION TO CHAPTER 7

Upon entry of an order converting a case to one under chapter 7, the debtor in possession or chapter 11 trustee, if any, shall, in addition to complying with those duties set forth in F.R.B.P. 1019:

(1) Secure, preserve and refrain from disposing of property of the estate.

(2) Contact the chapter 7 trustee and arrange to deliver property of the estate and all books and records to the trustee or the trustee's designated agent.

(3) Within 5 days after entry of said order, file and serve upon the United States trustee and the chapter 7 trustee, a verified schedule of all property of the estate as of the conversion date.

Court's Comment

1998 Revision

Paragraph (a) REPORTS BEFORE CONFIRMATION OF PLAN. *The debtor* was added to the beginning of the first sentence. *U. S. Trustee Guidelines* was replaced with *United States Trustee Notices and Guides* in the first sentence.

Paragraph (b) DUTY TO COMPLY WITH UNITED STATES TRUSTEE NOTICES AND GUIDES. Paragraph title changed. *All disbursements of an estate shall satisfy* changed to *A debtor in possession or chapter 11 trustee shall comply with*; *U. S. Trustee Guidelines* was replaced with *United States Trustee Notices and Guides*.

Paragraph (c) DUTIES UPON CONVERSION TO CHAPTER 7. In first line, *in addition to complying with those duties set forth in F.R.B.P. 1019* added to clarify the procedure after conversion to a chapter 7 case.

LOCAL BANKRUPTCY RULE 2016-1

COMPENSATION OF PROFESSIONAL PERSONS

(a) INTERIM FEES FOR PROFESSIONAL PERSONS

(1) Form of Fee Applications. All applications for interim fees filed by attorneys, accountants, other professionals, and trustees or examiners shall contain the following:

(A) A brief narrative history of the present posture of the case. In chapter 11 cases, the information furnished shall describe the general operations of the debtor and whether the business of the debtor, if any, is being operated at a profit or loss, cash flow, whether a plan has been filed, and if not, what are the prospects for reorganization and when it is anticipated that a plan will be filed. In chapter 7 cases, the application shall contain a report of the administration of the case including the disposition of property of the estate, what property remains to be disposed of, why the estate is not in a position to be closed, and whether it is feasible to pay an interim dividend to creditors. In both chapter 7 and chapter 11 cases, the application should show the amount of money on hand in the estate and the estimated amount of other accrued expenses of administration. At the hearing on applications for interim fees, the applicant should supplement the application by declaration or by testimony to inform the court of the current financial status of the debtor's estate.

Fee applications submitted by auctioneers, real estate brokers or appraisers do not have to comply with this subparagraph, except that auctioneers, unless otherwise ordered by the court, must file the report required by F.R.B.P. 6004(f) prior to receiving final compensation. For all other applications, when more than 1 application is noticed for the same hearing, they may incorporate by reference the narrative history furnished in one of the other contemporaneous applications.

(B) The date of entry of the order of the court approving the employment of the individual or firm for whom payment of fees or expenses is sought and the date of the last fee application for the professional.

(C) A listing of the amount of fees and expenses previously requested, those approved by the court, and how much has been received.

(D) A brief narrative statement of the services rendered and the time expended during the period covered by the fee application.

(E) A detailed listing of all time spent by the professional on matters for which compensation is sought, including the following:

(i) Date service was rendered.
(ii) Description of service. It is not sufficient to merely state "Research," "Telephone Call," "Court Appearance," etc. Reference shall be made to the particular persons, motions, discrete tasks performed and other matters related to such service. Summaries that list a number of services under only 1 time period will generally not be satisfactory.
(iii) Amount of time spent. Summaries are not adequate. Time spent is to be accounted for in tenths of an hour and is generally to be broken down in detail by the specific task performed. Lumping services together generally is not satisfactory.
(iv) Designation of the particular person who rendered the service. If more than 1 person's services are included in the application, specify which person performed each item of service.

(F) An application that seeks reimbursement of expenses shall include a summary listing of all expenses by category (i.e., long distance telephone, copy costs, messenger and computer research). As to unusual or costly expense items, as to each such item, the application shall state:

(i) Date the expense was incurred.
(ii) Description of the expense.
(iii) Amount of the expense.
(iv) Explanation of the expense.

(G) The application shall contain a listing of the hourly rates charged by each person whose services forms a basis for the fees requested in the application. The application shall contain a summary indicating for each attorney by name:

(i) The hourly rate and the periods each rate was in effect.
(ii) Total hours in this application for which compensation is sought.
(iii) Total fee due in this application.

(H) A description of the professional education and experience of each of the individuals rendering services, including identification of the professional school attended, year of graduation, year admitted to practice, publications or other achievements, and explanation of any specialized background or expertise in bankruptcy-related matters.

(I) If the hourly rate has changed during the period covered by the application, the application shall specify which rate applies to which hours.

(J) A separately filed declaration from the client indicating that the client has reviewed the fee application and has no objection to it. If the client refuses to provide such a declaration, the professional shall file a declaration describing the steps that were taken to obtain such declaration from the client, and the client's response thereto.

(2) Notice of Interim Fee Applications and Hearing. In all cases where the employment of more than one set of professionals has been authorized (e.g., attorneys and accountants for debtor in possession or creditors' committee counsel), the first professionals seeking approval of interim fees shall serve a notice of the intended hearing on other professionals which shall set the hearing date at least 45 days in advance and shall include the following language in the notice of application:

> "Other professional persons retained pursuant to court approval may also seek approval of interim fees at this hearing, provided that they file and serve their applications in a timely manner. Unless otherwise ordered by the court, hearings on interim fee applications will not be scheduled less than 120 days apart."

Not less than 24 days notice shall be given by the applicant or by the debtor in possession or trustee to all parties entitled to notice under F.R.B.P. 2002. The notice shall specify the identity of the professionals requesting fees, the period covered by the interim application, the specific amounts requested for fees and reimbursement of expenses, the date, time and place of the hearing, and the deadline for opposition papers. In addition to the notice, copies of the complete application, together with all supporting papers, shall be served on the debtor, the debtor in possession, the trustee (if any), the official creditors committee (if any), counsel for any of the foregoing, and the United States trustee. Copies of the complete application shall also be promptly furnished upon specific request to any other party in interest.

(b) FINAL FEE APPLICATIONS

(1) Who Must File. All professional persons must file final fee applications.

(2) Contents. Motions for final fee awards shall contain all information required of interim fee applications under Local Bankruptcy Rule 2016-1(a).

(3) When Filed; Notice Required in Chapter 11 Cases. In chapter 11 cases, unless otherwise ordered by the court, final fee applications shall be filed and set for hearing as promptly as possible after confirmation of a plan and noticed pursuant to Local Bankruptcy Rule 2016-1(a)(2).

(4) When Filed; Notice Required in Chapter 7 Cases.

(A) The chapter 7 trustee shall give at least 30 days written notice of his or her intent to file a final report and account to the attorney for the debtor; the trustee's attorney and accountant, if any; and any other entity entitled to claim payment payable as an administrative expense of the estate.

(B) Any professional person seeking such compensation shall file and serve on the trustee an Application for Payment of Fees within 21 days of the date of the mailing of the trustee's notice. Failure timely to file such an application may be deemed a waiver of any compensation.

(C) Final fee applications shall be set for hearing with the chapter 7 trustee's final report. Notice of the final fee application shall be given by the chapter 7 trustee as part of the notice of the hearing on the trustee's final report. No separate notice by the applicant is required.

Any opposition or other responsive paper shall be served and filed at least 14 days prior to the hearing.

Court's Comment

2000 Revision

Paragraph (a)(2). Notice of Interim Fee Applications and Hearing. *Twenty (20)* days changed to *24* days in the first line of the third paragraph.

Paragraph (b)(4). When Filed; Notice Required in Chapter 7 Cases. *Eleven (11) calendar* days changed to *14 days* and *(not excluding Saturdays, Sundays, and legal holidays)* was deleted from the last line of the third paragraph.

1998 Revision

Paragraph (a)(1). Form of Fee Applications. The remainder of the first sentence after *following* deleted.

Paragraph (a)(1)(A). In fourth sentence, *or* changed to *and* between *chapter 7* and *chapter 11*. *Except that auctioneers, unless otherwise ordered by the court, must file the report required by F.R.B.P. 6004(f) prior to receiving final compensation* added to the end of the first sentence of the second subparagraph.

Paragraph (a)(1)(E)(ii). Description of service. *Must* changed to *shall* in second sentence.

Paragraph (a)(1)(F). *Must* changed to *shall* in second sentence.

Paragraph (a)(1)(G). *Must* changed to *shall* in second sentence.

Paragraph (a)(1)(I). *Must* changed to *shall*.

New paragraph (a)(1)(J) added.

Paragraph (a)(2) Notice of Interim Fee Applications and Hearing. *Must* changed to *shall* in first paragraph and in last line of third paragraph. *And* deleted, and *and the deadline for opposition papers* added, to the third to last sentence of the last paragraph. The words *(if any)* were added after the official creditors committee reference in the second to last sentence of the last paragraph.

Paragraph (b)(2) Contents. Deleted *the following: (i)* and *(ii) A request for approval of all prior interim fee awards; and (iii) A request for payment of any amounts previously allowed but unpaid pursuant to Local Bankruptcy Rule 141(3)*.

Paragraph (b)(3) When Filed: Notice Required in Chapter 11 Cases. *Must* changed to *shall*; *and noticed pursuant to Local Bankruptcy Rule 2016-1(a)(2)* added after *plan*.

Paragraph (b)(4)(A) *Professional person* changed to *entity*; *compensation* changed to *payment*.

Paragraph (b)(4)(C) *Clerk* changed to *chapter 7 trustee* in second sentence.

LOCAL BANKRUPTCY RULE 2016-2

COMPENSATION AND TRUSTEE REIMBURSEMENT PROCEDURES IN CHAPTER 7 ASSET CASES

(a) APPLICABILITY

Except as provided herein, this Rule applies in all chapter 7 asset cases in all divisions of the court and supersedes any previous general order. Nothing in this Rule shall preclude the trustee from seeking court approval to disburse estate funds by way of a noticed motion filed and served pursuant to Local Bankruptcy Rule 9013-1.

(b) AUTHORIZATION TO USE ESTATE FUNDS UP TO $750 TO PAY CERTAIN EXPENSES

During the course of a case, a trustee may disburse up to $750 from estate funds to pay the following actual and necessary expenses of the estate without further authority from the court (the "Authorized Allocation"):

(1) Actual cost of noticing, postage, copying
(2) Costs to advertise sale
(3) Computer charges
(4) Long distance telephone
(5) Postage
(6) Moving or storage of estate assets
(7) Teletransmission
(8) Travel charges for trustee (includes lodging, meals, mileage and parking)
(9) Bank charges for research or copies
(10) Court reporting fees
(11) Delivery of documents
(12) Expedited mail
(13) Filing and process serving
(14) Notary fees
(15) Recording fees
(16) Deposition/transcript fees
(17) Witness fees
(18) Locate and move assets

(19) Prepare litigation support documents
(20) Insurance
(21) Locksmith
(22) Rent
(23) Security services
(24) Utilities
(25) Taxes payable pursuant to 11 U.S.C. § 503(b)(1)(B), but not preconversion taxes

(c) BOND PREMIUMS

In addition to payments that may be made from the Authorized Allocation (up to $750), the trustee may pay bond premiums required by 11 U.S.C. § 322(a) in the ordinary course of the trustee's administration of an estate.

(d) EXPENSES FOR THE PREPARATION OF TAX RETURNS

The trustee may apply by a single application to employ and to pay a tax preparer a flat fee (not to exceed $750 unless the court orders otherwise) for preparation of tax returns for the estate. If the court grants such application, the trustee may pay the flat fee so ordered without further application or order. This amount shall be in addition to payments that may be made from the Authorized Allocation (up to $750).

(e) EMERGENCY EXPENSES

The trustee may exceed the Authorized Allocation to pay emergency expenses, without prior court approval, to protect assets of the estate that might otherwise be lost or destroyed. Emergency expenses are limited to:

(1) Charges for storage of the debtor's records to prevent the destruction of those records and related necessary cartage costs
(2) Insurance premiums to prevent liability to the estate
(3) Locksmith charges to secure the debtor's real property or business
(4) Security services to safeguard the debtor's real or personal property

If the trustee disburses more than the Authorized Allocation (up to $750) to pay emergency expenses and other expenses for which the Authorized Allocation may be used, the trustee must file and serve a cash disbursement motion, as described in paragraph (g) below, within 5 court days after such expenses are paid.

(f) PROCEDURES FOR EMPLOYMENT OF PARAPROFESSIONALS AND PAYMENT OF THEIR FEES AND EXPENSES

A trustee must obtain court approval to employ and to pay a paraprofessional. The term "paraprofessional" includes all persons or entities other than "professionals" who perform services at the trustee's request and who will seek payment for services and expenses

directly from the bankruptcy estate including, without limitation, an agent, a field representative, an adjuster and a tax preparer.

(1) Employment. A trustee may seek court approval to employ a paraprofessional by filing an employment application using Local Bankruptcy Rules Form F 2016-2.1. The court's approval of the employment of any paraprofessional is not a judicial determination as to whether services of the paraprofessional constitute "trustee services." A nonexclusive list of services that the court deems "trustee services" that are included in the statutory limitation on a trustee's compensation pursuant to 11 U.S.C. § 326(a) includes:

(A) Review schedules
(B) Acceptance and qualification as a trustee
(C) Routine investigation regarding location and status of assets
(D) Initial contact with lessors, secured creditors, ABC, etc., if same can be accomplished from office
(E) Turnover or inspection of documents, such as bank documents
(F) UCC search review
(G) Recruiting and contracting with appraisers, brokers, professionals
(H) Mail forwarding notices
(I) Routine collection of accounts receivable
(J) Letters regarding compliance with Local Bankruptcy Rule 2015-1
(K) Conduct 11 U.S.C. § 341(a) examination
(L) Routine objection to exemption
(M) Routine motions to dismiss
(N) 11 U.S.C. § 707(b) referral to United States trustee
(O) Routine documentation of notice of sale, abandonment, compromise, etc.
(P) Appear at hearings of routine motions
(Q) Review and execute certificate of sale, deed, or other transfer documents
(R) Preparation and filing of notification of asset case
(S) Prepare and file cash disbursement motions and necessary attachments
(T) Prepare exhibits to operating reports
(U) Prepare quarterly bond reports
(V) Prepare 180-day status reports
(W) Routine claims review and objection
(X) Prepare and file final report and account and related orders
(Y) Prepare motion to abandon or destroy books and records
(Z) Prepare and file F.R.B.P. 3011 report
(AA) Prepare and file notice and motion to abandon assets and related orders
(BB) Attend sales
(CC) Monitor litigation
(DD) Answer routine creditor correspondence and phone calls
(EE) Prepare and file application to employ paraprofessionals
(FF) Review and comment on professional fee applications

(GG) Participate in audits
(HH) Answer United States trustee questions
(II) Close and open bank accounts
(JJ) Verify proposed disbursements
(KK) Post receipts and disbursements
(LL) Prepare detail and calculation for payment of dividend
(MM) Prepare dividend checks
(NN) Organize and research bills
(OO) Prepare and sign checks for the trustee's signature
(PP) Prepare internal cash summary sheets
(QQ) Reconcile bank accounts
(RR) Prepare and make deposits
(SS) Additional routine work necessary for administration of the estate

(2) Reimbursement of Fees and Expenses. A trustee may pay a paraprofessional only upon specific order of the court. If the paraprofessional or trustee contends that the paraprofessional's services are not "trustee services," the trustee or the paraprofessional must present evidence to support that contention. Absent adequate proof, the court may find that the services of the paraprofessional are "trustee services" subject to the limitation on compensation under 11 U.S.C. § 326(a). If a trustee refuses or neglects to file a fee application for the paraprofessional, the paraprofessional may file a separate fee application pursuant to 11 U.S.C. § 330. In addition to fulfilling the requirements of 11 U.S.C. § 330, F.R.B.P. 2014, and the Local Bankruptcy Rules, the paraprofessional's fee application must include: (i) a declaration explaining why a separate fee application is necessary; and (ii) evidence establishing which services are "trustee services" and which are not. The paraprofessional must serve any separate fee application by first class mail on the trustee, debtor, debtor's counsel, if any, the United States trustee, and all professionals and other paraprofessionals employed in the case and must give notice of the application to all creditors.

(g) CASH DISBURSEMENT MOTION

(1) Filing and Service. If the trustee wishes to pay expenses not authorized by this Rule from estate funds, the trustee must file a cash disbursement motion pursuant to Local Bankruptcy Rule 9013-1(g) to obtain court approval of payments for emergency expenses and all other expenses he or she deems necessary for effective administration of the case. The cash disbursement motion must be in substantially the same form as Local Bankruptcy Rules Form F 2016-2.2. The trustee must serve the cash disbursement motion by first class mail on the debtor, debtor's counsel, if any, the United States trustee, holders of the 20 largest unsecured claims, and all those who have served the trustee with requests for special notice. Any objections to the cash disbursement motion must be filed and served on the trustee and trustee's counsel, if any, within 10 days from the date the cash disbursement motion is served. The trustee must file the cash disbursement motion with the court within 15 days

after service of the motion. If the trustee receives no opposition, he or she must include a declaration to that effect. If the trustee receives opposition, he or she must set the matter for hearing and give written notice of the date, time and place of the hearing by first class mail to the objecting party, debtor, debtor's counsel, if any, and the United States trustee. The trustee may seek an expedited hearing pursuant to Local Bankruptcy Rule 9075-1.

(2) Hearing. The court may set a hearing on a cash disbursement motion regardless of whether an objection is made. However, if the court does not advise the trustee of a hearing on the motion within 7 court days after the motion is filed, the trustee may disburse funds from the estate to pay the expenses referred to in the motion to the extent he or she deems it necessary, pending an order of the court. If, thereafter, the trustee receives notice that the court has issued an order in which the cash disbursement motion has been disapproved in whole or in part, or that the court has set a hearing, the trustee must stop paying the expenses dealt with in the motion or otherwise comply with the provisions of the order. The trustee may file a motion for reconsideration pursuant to Local Bankruptcy Rule 9013-1(d).

(3) Personal Liability and Disclosure. Except as provided in this Rule, a trustee who makes a disbursement without prior court approval may be personally liable to the estate for the amount of the disbursement. All disbursements made by the trustee pursuant to this Rule must be disclosed in the trustee's final report and in all applications for fees/costs by the trustee and by paraprofessionals employed in the case by the trustee.

(h) CHAPTER 7 OPERATING CASES

A trustee may operate the business of a chapter 7 debtor and pay any actual and necessary expenses from the Authorized Allocation (up to $750) without a court order for the first 30 days from the date of the trustee's appointment. If a trustee wishes to continue operating the debtor's business beyond the 30 days, he or she must file and serve a motion under 11 U.S.C. § 721 before the 30-day period expires. In addition to the requirements of 11 U.S.C. § 721, the trustee's motion must include evidence justifying operation of the business and state the approximate length of time the trustee intends to operate the business. The trustee may seek approval to operate the business for no more than 1 year at a time. The court may hold a hearing on the trustee's motion after the expiration of the 30-day period, but the trustee may not disburse estate funds other than the Authorized Allocation (up to $750) after the 30-day period except upon specific order of the court. The issuance of an operating order does not relieve the trustee of the need to obtain a cash disbursement order(s) unless, and to the extent that the operating order expressly approves specific expenditures from the estate.

Court's Comment

2003 Revision

Paragraph f(1)(EE) - *professionals and* deleted.

2000 Revision

New Rule incorporating General Order 00-01, Compensation and Trustee Reimbursement Proceedings in Chapter 7 Asset Cases.

LOCAL BANKRUPTCY RULE 2072-1

NOTICE TO OTHER COURTS

(a) NOTICE OF BANKRUPTCY PETITION

Notice of the filing of a bankruptcy petition in this district shall be given by the debtor or debtor's counsel to any federal or state court in which the debtor is party to pending litigation or other proceeding. Notice shall be given, at the earliest possible date, to the judge to whom the matter is assigned, the clerk of the court where the matter is pending, all counsel of record in the matter, and all parties to the action not represented by counsel.

(b) EFFECT OF NOT GIVING NOTICE

Failure to give the notice required by subdivision (a) of this rule may constitute cause for annulment of the stay imposed by 11 U.S.C. §§ 362, 922, 1201, or 1301, or may result in the imposition of sanctions or other relief.

Court's Comment

2003 Revision

New Rule.

LOCAL BANKRUPTCY RULE 2090-1

ATTORNEYS

(a) APPEARANCE BEFORE THE COURT

(1) By Attorney. Except as set forth in this Rule, appearance before the court on behalf of a person or entity may be made only by an attorney admitted to the bar of, or permitted to practice before, the district court. Attorneys appearing before the court are required to have read the F.R.B.P. and the Local Bankruptcy Rules in their entirety.

(2) Scope of Appearance. An attorney may appear before the court in a case:

(A) Only for such matters as concern the administration of the case;

(B) Only for 1 or more proceedings in the case; or

(C) For the case and all proceedings in the case.

In chapter 9, 11, 12, and 13 cases, the attorney for the debtor is presumed to appear for the case and all proceedings in the case, unless otherwise ordered by the court.

(3) Disclosure of Scope of Appearance in Chapter 7 Cases. In a chapter 7 case, the attorney for the debtor shall file a statement disclosing the scope of the attorney's appearance on the date of the entry of the Order for Relief, or, if the attorney has not been employed by such date, then no later than the date of the first appearance made by the attorney.

(4) Form of Statement. The statement required by Local Bankruptcy Rule 2090-1(a)(3) shall be on a form approved by the court and shall be signed by the debtor.

(b) PRO HAC VICE APPEARANCE

(1) Permission for Pro Hac Vice Appearance. Any person who is not otherwise eligible for admission to practice before the court, but who is a member in good standing of, and eligible to practice before, the bar of any United States court, or of the highest

court of any state, territory, or insular possession of the United States, who is of good moral character, and who has been retained to appear before the court, may, upon written application and at the discretion of the court, be permitted to appear and participate pro hac vice in a particular case or in a particular proceeding in a case.

(2) Disqualification from Pro Hac Vice Appearance. Unless authorized by the Constitution of the United States or Act of Congress, an applicant is not eligible for permission to practice pro hac vice if the applicant:

(A) Resides in California; or

(B) Is regularly employed in California; or

(C) Is regularly engaged in business, professional, or other similar activities in California.

(3) Designation of Local Counsel. A person applying to appear pro hac vice is required to designate an attorney who is a member of the bar of the court and who maintains an office within this district as local counsel with whom the court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers may be served, unless otherwise ordered by the court.

(4) Designation of Co-Counsel. A judge to whom a case is assigned may, in the exercise of discretion, require the designation of an attorney who is a member of the bar of the court and who maintains an office within this district as co-counsel with authority to act as attorney of record for all purposes.

(5) Obtaining Permission for Pro Hac Vice Appearance. Each applicant for permission to appear pro hac vice shall present to the clerk a written application on or conforming to court-approved form F 2090-1.2 (Application of Non-Resident Attorney to Appear in a Specific Case) and containing the following:

(A) The applicant's name, residence and office address.

(B) The courts to which the applicant has been admitted to practice and the respective dates of admission.

(C) A statement by the applicant of the good standing to practice before the courts to which the movant has been admitted.

(D) Whether the applicant has been disciplined by any court or administrative body, and if disciplinary proceedings are pending, the details of such proceeding, and whether the applicant resigned while disciplinary proceedings were pending.

(E) Whether in the 3 years preceding the application, the applicant has filed for permission to practice pro hac vice before any court within the state of California, together with the court, title and number of each such proceeding and the disposition of each such application.

(F) A certificate that the applicant has read the Local Bankruptcy Rules, the F.R.B.P., the F.R.Civ.P., and the F.R.Evid., in their entirety.

(G) The designation required by Local Bankruptcy Rule 2090-1(b)(3) or 2090-1(b)(4) including the office address, telephone number and written consent of the designee.

No notice or hearing is required on such applications.

(c) ATTORNEYS FOR THE UNITED STATES

Any person who is not eligible for admission under Local Bankruptcy Rule 2090-1(b), or Local Rules 83-2.2.1 or 83-2.3 of the district court, who is employed within the state and who is a member in good standing of and eligible to practice before the bar of any United States court, or of the highest court of any state, territory or insular possession of the United States, and who is of good moral character, may be granted leave of court to practice in the court in any matter for which such person is employed or retained by the United States or its agencies.

(d) PROFESSIONAL CORPORATIONS AND UNINCORPORATED LAW FIRMS; IN-HOUSE ATTORNEYS

(1) Appearance. Other than pro se appearances on behalf of the attorney or his or her professional corporation or law firm, no appearance may be made on behalf of another party by and no pleadings or other documents may be signed in the name of any professional law corporation or unincorporated law firm (both hereinafter referred to as "law firm") except by an attorney admitted to the bar of or permitted to practice before the court.

(2) Form of Appearance.

(A) A law firm shall appear in the following form of designation or its equivalent:

John Smith (state bar number)
Smith and Jones
Address
Telephone Number
Fax Number (if any)
Attorneys for Plaintiff

(B) An in-house attorney shall appear in the following form of designation or its equivalent:

John Smith (state bar number)
Name of corporation or business entity
Address
Telephone Number
Fax Number (if any)
Attorneys for _____

(e) AVAILABLE PROCEDURES TO ENFORCE STANDARDS OF PROFESSIONAL CONDUCT

Any attorney who appears for any purpose submits to the discipline of the court with respect to conduct of the case or proceeding and shall be subject to the standards of professional conduct as set forth in Local Rule 83-3.1.2 of the District Court Local Rules. A process of attorney discipline in the bankruptcy court is set forth in General Order 96-05 as Appendix II. An alternative process of attorney discipline is available as set forth in District Court Local Rule 83-3.

(f) WITHDRAWAL AND SUBSTITUTION OF ATTORNEYS

(1) In General. Except as otherwise provided in Local Bankruptcy Rules 2090-1(f)(2) and 3015-1 governing chapter 13 cases, whenever an attorney has appeared on behalf of an entity in any matter concerning the administration of the case, in one or more proceedings, or both: (A) the attorney may not withdraw; and (B) the entity may not thereafter appear without counsel or by a different attorney prior to approval by the court of a motion considered after notice and a hearing.

(2) Consensual Substitutions of Counsel. If the entity on whose behalf an attorney has appeared in any matter concerning the administration of the case, in one or more proceedings, or both, desires to substitute a different attorney in place of its former attorney, or a previously unrepresented entity desires to employ an attorney, no order shall be required, except under subsection (5) of this Rule. Notice of Substitution of Attorney shall be filed and served on those persons entitled to notice as specified in Local Bankruptcy Rule 2090-1(f)(3). Substitution of counsel shall not result in a continuance of any matter, except upon a noticed motion for continuance pursuant to Local Bankruptcy Rule 9013-1(f).

(3) Extent of Notice.

(A) Case. If the attorney to be substituted out or the attorney seeking to withdraw has appeared on behalf of an entity in any matter concerning the administration of the case, notice of the proposed substitution or the motion for leave to withdraw shall be given to the debtor, the United States trustee, any trustee, any committee which may have been appointed pursuant to the Bankruptcy Code, and any entity who has requested special notice.

(B) Proceedings. If the attorney to be substituted out or the attorney seeking to withdraw has appeared on behalf of an entity only in one or more proceedings, notice of the proposed substitution or the motion for leave to withdraw shall be given to the debtor, parties who have been named or who have appeared in such proceeding(s), and the United States trustee.

(C) Cases and Proceedings. If the attorney to be substituted out or the attorney seeking to withdraw has appeared on behalf of an entity both in the case and one or more proceedings, notice of the proposed substitution or the motion for leave to withdraw shall be given to all entities entitled to notice under both (f)(3)(A) and (B) of this Local Bankruptcy Rule.

(4) Required Disclosures.

(A) Consequences of Withdrawal. An attorney moving for leave to withdraw from representation of a corporation, partnership or other unincorporated association, concurrently or prior to filing any such motion, shall give notice to the corporation or unincorporated association of the consequences of its inability to appear without counsel including the possibility that a default judgment may be entered against it in pending proceedings; or, if the client is a debtor, its chapter 11 case may be converted to chapter 7, a chapter 11 trustee may be appointed, or its case may be dismissed.

(B) Delays. Unless good cause is shown and the ends of justice require, no substitution or withdrawal will be allowed that will cause unreasonable delay in prosecution of the case or proceeding to completion.

(5) Required Approval for Employment. If approval is requested for employment pursuant to 11 U.S.C. § 327 or § 1103, a new attorney shall also comply with F.R.B.P. 2014 and the United States Trustee Notices and Guides, and may not be appointed merely by a Notice of Substitution of Attorney and Order thereon.

(g) PERSONS APPEARING WITHOUT COUNSEL

(1) Corporation, Partnership, or Unincorporated Association. A corporation, partnership or unincorporated association may not file a petition or otherwise appear without counsel in any case or proceeding, except that it may file a proof of claim, file or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized officer or agent of the corporation, or an authorized member or agent of the unincorporated association.

(2) Individuals. Any person representing himself or herself without an attorney shall appear personally for such purpose. The representation may not be delegated to any other person, including a spouse, parent or other relative, nor to any other party. A non-attorney guardian for a minor or an incompetent person shall be represented by counsel.

(3) Compliance with Rules. Any person appearing without counsel shall comply with the Local Bankruptcy Rules, the F.R.Civ.P., F.R.Evid., F.R.App.P., and F.R.B.P. Failure to comply may be grounds for dismissal, conversion, appointment of a trustee or an examiner, judgment by default, or other appropriate sanctions.

(h) LAW STUDENT CERTIFICATION FOR PRACTICE IN BANKRUPTCY COURTS

Law students may be certified for practice in the bankruptcy court if they meet the requirements of the Student Practice Rule of the district court except that:

(1) They do not have to have completed courses in criminal law and criminal procedure.

(2) They only have to have completed one-third (rather than one-half) of the legal studies required for graduation.

(3) They shall have taken or be taking concurrently appropriate courses in bankruptcy law.

An eligible law student shall also have knowledge of and be familiar with the F.R.Civ.P., F.R.B.P., F.R.Evid., the Rules of Professional Conduct of the State Bar of California, and the Local Bankruptcy Rules.

(i) MINORS OR INCOMPETENTS

District Court Local Rule 83-5 is incorporated by reference.

Court's Comment

2001 Revision

Paragraph (e) Title of paragraph changed to *AVAILABLE PROCEDURES TO ENFORCE STANDARDS OF PROFESSIONAL CONDUCT*. New final sentence added: *An alternative process of attorney discipline is available as set forth in District Court Local Rule 83-3.*

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

2000 Revision

Paragraph (e). JURISDICTION OF COURT TO ENFORCE STANDARDS OF PROFESSIONAL CONDUCT. In the first line, *Local Rule 2.5 of the District Court.* replaced with *Local Rule 1.2 of Chapter VII of the District Court Local Rules*. New final sentence added: *A process of attorney discipline in the Bankruptcy Court is set forth in General Order 96-05 as Appendix II.*

1998 Revision

Rule 102:

Paragraph (a)(1) By Attorney. *Below* was changed to *in this Rule* in the first sentence.

Paragraph (a)(4) Form of Statement. *Such* was changed to *a* and *as is* was struck following *form*.

Paragraph (b)(1) Permission for Pro Hac Vice Appearance. Title amended to add *For* between *Permission* and *Pro Hac Vice*; *motion* changed to *application* in first sentence; second paragraph pertaining to permission to appear pro hac vice in the district court deleted as no longer applicable pursuant to the District Court General Order No. 96-6.

Paragraph (b)(2) Disqualification from Pro Hac Vice Appearance. *A movant* changed to *an applicant*, and *the movant* changed to *the applicant*.

Paragraph (b)(3) Designation of Local Counsel. *The* was replaced with *A* to start the paragraph; *moving* changed to *applying*.

Paragraph (b)(5) Obtaining Permission for Pro Hac Vice Appearance. *Movant* changed to *applicant*, and *motion* changed to *application on or conforming to court-approved form F 2090-1.2 (Application of Non-Resident Attorney to Appear in a Specific Case) and*, in first sentence. *Movant* changed to *applicant* in subparagraphs (A) through (F). *Motions* changed to *applications* in last sentence.

Paragraph (d). *IN-HOUSE ATTORNEYS* added to paragraph title.

Paragraph (d)(2) Form of Appearance. In subsection (A), state bar number, address, telephone, and fax number added to the requirements for appearance by a law firm. New subsection (B) added.

Paragraph (f)(1) In General. *Pro se* changed to *without counsel*.

Paragraph (f)(2) Consensual Substitutions of Counsel. *Except under subsection (5) of this Rule* was appended to the end of the first sentence.

Paragraph (f)(5) Required Approval for Employment. *In all situations where the attorney who is withdrawing or being substituted out was required to be approved for* was replaced with *If approval is requested for*. *U. S. Trustee Guidelines* was replaced with *United States Trustee Notices and Guides*.

Paragraph (g) PERSONS APPEARING WITHOUT AN ATTORNEY, PRO SE LITIGANTS. The title changed to *PERSONS APPEARING WITHOUT COUNSEL*.

Paragraph (g)(1) Corporation, Partnership or Unincorporated Association. *Pro se* changed to *without counsel*.

Paragraph (g)(2) Individuals. *Must* changed to *shall* in first sentence; *other* inserted before *relative* in second sentence; A *non-attorney guardian for a minor or an incompetent person must be represented by counsel* added as last sentence to conform to District Court Local Rules.

Paragraph (g)(3) Compliance with Rules. *Must* changed to *shall* in first sentence; *will be required to* replaced with *shall*.

Former paragraph (h) RESTRICTIONS ON EX PARTE COMMUNICATIONS. Deleted as inconsistent with the F.R.B.P.

Paragraph (h) LAW STUDENT CERTIFICATION FOR PRACTICE IN BANKRUPTCY COURTS (former paragraph (i)). *Mus*t changed to *shall* in (3) and in last paragraph; the *California Rules of Professional Conduct* changed to the Rules of Professional Conduct of the State Bar of California in the last paragraph; *Rules of this Court* changed to *the Local Bankruptcy Rules* in the last paragraph.

Rule 132:

MINORS OR INCOMPETENTS incorporated in this Rule as paragraph (i).

LOCAL BANKRUPTCY RULE 3001-1

NOTICES OF CLAIMS BAR DATES IN CHAPTER 11 CASES

In all chapter 11 cases where the court orders a bar date for the filing of claims, the debtor in possession or the chapter 11 trustee shall serve notice of the claims bar date on all creditors and on other parties entitled to notice. The following language shall be used in the notice:

NOTICE OF CLAIMS DEADLINE

The Bankruptcy Court has set a deadline of _____, 20____ for creditors of and holders of ownership interests in the above-referenced debtor to file proofs of claim against or proofs of interest in the debtor's estate.

The exceptions to this deadline for filing proofs of claim or interest are: (1) claims arising from rejection of executory contracts or unexpired leases, (2) claims of governmental units, and (3) claims arising as the result of transfer avoidance pursuant to chapter 5 of the Bankruptcy Code.

For claims arising from rejection of executory contracts or unexpired leases pursuant to 11 U.S.C. § 365, the last day to file a proof of claim is (a) 30 days after the date of entry of the order authorizing the rejection, or (b) **[repeat the bar date set for all other claims here]**, whichever is later.

For claims of "governmental units," as that term is defined in 11 U.S.C. § 101(27), proofs of claim are timely filed if filed: (a) before 180 days after the date of the Order for Relief in this case, or (b) by **[repeat the bar date set for all other claims here]**, whichever is later. 11 U.S.C. § 502(b)(9).

For claims arising from the avoidance of a transfer under chapter 5 of the Bankruptcy Code, the last day to file a proof of claim is 30 days after the entry of judgment avoiding the transfer, or (b) **[repeat the bar date set for all other claims here]**, whichever is later.

If you are listed on the Schedules of Assets and Liabilities of [debtor] and your claim or interest is not scheduled as disputed, contingent, unliquidated or unknown, your claim or interest is deemed filed in the amount set forth in the schedules, and the

filing of a proof of claim or interest is unnecessary if you agree that the amount scheduled is correct and that the category in which your claim or interest is scheduled (secured, unsecured, preferred stock, common stock, etc.) is correct. 11 U.S.C. § 1111(a).

If your claim or interest is not listed on the schedules or is scheduled as disputed, contingent, unliquidated or unknown, or you disagree with the amount or description scheduled for your claim or interest, you must file a proof of claim or interest.

Failure of a creditor or interest holder to file timely a proof of claim or interest on or before the deadline may result in disallowance of the claim or interest or subordination under the terms of a plan of reorganization without further notice or hearing. 11 U.S.C. § 502(b)(9). Creditors and interest holders may wish to consult an attorney to protect their rights.

Court's Comment

2000 Revision

Paragraph 1. Added to the end of the first line is *and on other parties entitled to notice*.

Paragraph 2. Changed the first line from *Pursuant to court order, the United States Bankruptcy Court for the Central District of California* to *The Bankruptcy Court* and the year *19____* changed to *20____*. Other additions to the first line are: *and holders of ownership interests in* added after *creditors*; *proofs of* added after *file*; and *or proofs of interest in* added after *against*.

Paragraph 3. Changed to paragraph 9. New paragraph 3 added.

Paragraph 4. Added.

Paragraph 5. Added.

Paragraph 6. Added.

Paragraph 7. Added.

Paragraph 8. Added.

Paragraph 9. Revised former paragraph 3. Additions/changes to line 1 of paragraph 9 include: *or interest holder* added after *creditor*; *timely* moved from before *file* to after *file*; hyphens removed from *proof-of-claim*; *or interest* added after *claim*; *will* replaced by *may* before *result;* underline under *disallowance* deleted; *or interest* added before *or subordination;* and *unless the creditor files a motion to allow a late filed claim on the basis that the failure to file was the result of excusable neglect.* deleted following *hearing*. Addition to the second line is *and interest holder*s placed after *Creditors*.

1998 Revision

New Rule.

LOCAL BANKRUPTCY RULE 3007-1

OBJECTIONS TO CLAIMS

(a) OBJECTIONS

(1) Objections to claims are "contested matters" under F.R.B.P. 9014 and must comply with the requirements of Local Bankruptcy Rule 9013-1(a)-(f), except (a)(6)(A)-(B).

(2) A claim objection shall be served on the claimant at the address disclosed by the claimant in its proof of claim and at such other addresses and upon such parties as may be required by F.R.B.P. 7004 and other applicable rules.

(3) If a claim objection is joined with a demand for relief of a kind specified in F.R.B.P. 7001, it becomes an adversary proceeding subject to Local Bankruptcy Rule 7004-1, *et. seq*.

(4) A claim objection must include the number, if any, assigned to the disputed claim on the court's claims register.

(b) HEARINGS

(1) A claim objection must be set for hearing on notice of not less than 30 days.

(2) The court, in its discretion, may treat the initial hearing as a status conference if it determines that the claim objection involves disputed fact issues or will require substantial time for presentation of evidence or argument.

(c) EVIDENCE REQUIRED

(1) Objections must be supported by admissible evidence sufficient to overcome the presumption of validity imposed by F.R.B.P. 3001(f).

(2) (A) Claims Must Be Attached. Authenticated copies of claims objected to shall be attached.

(B) Declaration Required. The objector's authenticating declaration shall state that each copy of a claim attached is a true and complete copy of the claim on file with the court, or, if applicable, of the informal claim to which objection is made.

(C) Attachments Required. Each copy of a claim shall be complete, with all attachments.

(D) Unavailable Proofs of Claim. If the complete proof of claim is not readily available from the court file, the objector may formally request a copy from the holder of the claim by serving the creditor with a Notice of Request for Copy of Claim. All such requests shall advise the holder of the claim that failure to supply a complete copy of the proof of claim, including all attached documentation, within 30 days of the notice may constitute grounds for objection to the claim based on inadequate documentation. If an objection is filed on this basis, it shall be accompanied by a declaration providing evidence that the proof of claim was not readily available from the court file, or otherwise.

(3) Late Claims. If objections are asserted that claims were filed after the bar date, the objection shall include the following:

(A) The bar date order, if any;

(B) A conformed copy of the notice of bar date; and

(C) Proof of service of the notice of bar date.

(d) MULTIPLE OBJECTIONS ON A SINGLE CALENDAR

(1) Objections shall be grouped by type. For example:

(A) Duplicate claims (NOTE: Complete copies of both claims must be attached);

(B) Claims filed after bar date;

(C) Claims based on a writing, where no writing is attached to the claims;

(D) Claims asserting a security interest, where no evidence of perfection is attached to the claims; or

(E) Claims based on writing, where the documents attached to the claims are insufficient to establish prima facie evidence of the existence of the claim.

(2) (A) If more than 10 objections in a case are noticed for hearing on a single calendar, the objector shall prepare and furnish to the appropriate courtroom deputy (i) a non-returnable, computer-readable 3.5-inch diskette containing a calendar sheet for the hearing, and (ii) a printed version of the calendar sheet.

(B) The diskette shall comply with the specifications promulgated by the clerk, which shall be set forth in the then-current *Desk Reference Manual* (which can be found on the Court's web site). The printed version of the calendar sheet also shall conform to the official local form as promulgated by the clerk's office and as set forth in the then-current *Desk Reference Manual*, and shall be submitted concurrently with the diskette at the time of the filing of the objection.

(3) The calendar sheet shall be organized by type of objection and shall specify for each claim, in claim number sequence,

(A) The claims docket number;

(B) The claimant's name;

(C) The amount of the claim;

(D) The basis for the objection; and

(E) The objector's requested ruling, as appropriate, such as, "allow claim in the sum of $_____ only," or "allow claim only as a general, non-priority, unsecured claim."

(4) Calendar numbers shall correspond to claims docket numbers. DO NOT CREATE A NEW, UNNECESSARY SET OF NUMBERS FOR CALENDAR IDENTIFICATION PURPOSES.

(5) Tabs. Documents supporting each objection shall be tabbed by claim docket number.

Court's Comment

2004 Revision

Paragraph (a)(1) *except (a)(6)(A)-(B)* was added to correct a conflict between the service and notice of hearing provisions of Local Bankruptcy Rule 3007-1(b)(1) and Local Bankruptcy Rule 9013-1(a)(6)(A)-(B).

Paragraph (a)(4) New Paragraph.

2003 Revision

A new paragraph (a) was added to clarify that objections to claims are contested matters subject to the requirements for motions under Local Bankruptcy Rule 9013-1(a)-(f). A new paragraph (b) was added to define notice requirements for hearings on claims objections and to allow a hearing to become a status conference, if necessary. Evidentiary support required for an objection was clarified in paragraph (c)(1).

2001 Revision

This Rule has been revised to clarify the court's requirements for objections to claims filed pursuant to F.R.B.P. 3007 and to provide guidance to parties who wish to set 10 or more objections to claims in a case for hearing on a single date. The revisions emphasize (1) the need for supporting evidence; (2) the type of evidence required; (3) the requirement for organization of the objections by type of objection; (4) calendaring procedures; and (5) the necessity for tabbing exhibits to correspond to claim docket numbers.

1998 Revision

Former Rule 111(15)(a), (b), (c).

Paragraph (a) EVIDENCE REQUIRED. *And shall be accompanied by a copy of the proof of claim objected to, with all attachments* added to the end of the first sentence. *All copies of proofs of claim shall be authenticated by declaration* added as a new second sentence. Deleted *and the file-stamped first page of the proof of claim showing the date of filing* as redundant. Deleted *For objections to claims based on claimant's alleged failure to submit necessary documentation of the claim, a copy of the entire proof of claim with all attachments is required, and shall be authenticated by declaration* as redundant.

Paragraph (b) MULTIPLE OBJECTIONS IN SINGLE NOTICE. Rewritten for clarity.

Paragraph (c) MULTIPLE OBJECTIONS TO BE HEARD ON ONE CALENDAR. Added *organized by type of objection and* and *in order of claim number, or alphabetical order* to the first paragraph. Amended to incorporate clerk's office procedure re: submission of objection to claims calendar on computer disk.

Paragraph (c)(3). Deleted *and*.

Paragraph (c)(4). Added *The basis for the objection* and redesignated *(If different from the total amount of the claim) the portion of the claim subject to the objection* as new (c)(5).

LOCAL BANKRUPTCY RULE 3011-1

PROCEDURE FOR OBTAINING ORDERS RELEASING UNCLAIMED FUNDS

(a) FORM OF MOTION REQUIRED

A request for an order releasing unclaimed funds pursuant to 28 U.S.C. § 2042 shall be made by written motion in compliance with Local Bankruptcy Rule 9013-1, either using the court-approved form "Motion for Order Releasing Unclaimed Funds," or containing all of the information and supported by all of the evidence required by the court-approved form. Failure to comply with this requirement may result in the motion being denied without hearing under Local Bankruptcy Rule 9013-1(a).

(b) NOTICE REQUIRED

A motion for an order releasing unclaimed funds shall be served on at least the following parties:

(1) United States Attorney for the Central District of California;

(2) United States trustee for the Central District of California;

(3) Any trustee (and the trustee's counsel, if any) appointed in the case;

(4) The debtor, debtor in possession, reorganized debtor, or other fiduciary appointed to supervise the distribution of funds and assets of the estate (and their counsel, if any); and

(5) If movant is not the original creditor or an employee thereof, on the original creditor, addressed to the attention of the managing officer or person of that creditor, if applicable, and upon the creditor's counsel, if any.

Failure to serve such a motion on the required parties shall result in its denial.

Court's Comment

1998 Revision

Paragraph (a) FORM OF MOTION REQUIRED. *Must* changed to *shall* in the first sentence.

Paragraph (b) NOTICE REQUIRED. *Must* changed to *shall* in the first line. The first sentence was changed from plural to singular.

LOCAL BANKRUPTCY RULE 3015-1

PROCEDURES REGARDING CHAPTER 13 CASES

(a) APPLICABILITY

Except as provided herein, this Rule relates to chapter 13 cases in all divisions of the bankruptcy court and supersedes any previous orders in conflict with the provisions hereof. The definitions set forth in the Local Bankruptcy Rules effective July 1, 1998, and any amendments thereafter, apply to all terms used in this Rule. To the extent that this Rule conflicts with any other provisions of the Local Bankruptcy Rules, the provisions of this Rule shall prevail. In all other respects, the Local Bankruptcy Rules shall apply in all chapter 13 cases.

(b) FILING AND SERVICE OF PETITIONS, PLANS, PROOFS OF CLAIM, AND OTHER FORMS

(1) Filing of Petition. As required by Local Bankruptcy Rule 1002-1(e), an original and 4 copies of the petition, plan, schedules and statement of financial affairs shall be filed with the court, along with 2 copies of a master mailing list.

If the chapter 13 schedules, statement and plan are not filed with the petition, the clerk shall thereupon issue an order notifying the debtor that, if the plan, schedules and statement are not filed within 15 days, the case shall be dismissed at that time with a 180-day bar to refiling, unless the court grants a motion to extend time filed within said 15 days.

(2) Time Extension. A motion for extension of time must be accompanied by a declaration showing specific cause for an extension of time, the amount of additional time requested, the date the petition was filed, and a proof of service evidencing that the motion and declaration were served on the chapter 13 trustee. The court may consider the motion without a hearing. If any schedule, the statement or the plan is not filed within the initial 15 days or within such additional time as the court may allow in response to a timely motion for extension of time, the court shall dismiss the case with a 180-day bar to refiling.

(3) Notice Service. The debtor or debtor's attorney shall serve a notice of the plan confirmation hearing, along with a copy of the chapter 13 plan, on all creditors and the chapter 13 trustee at least 33 days before the date first set for the § 341(a) meeting of creditors. A proof of service shall be filed with the court and served on the chapter 13 trustee at least 10 days prior to the date first set for the meeting of creditors.

(4) Forms. The chapter 13 petition, schedules and statement of financial affairs and proofs of claim must be prepared as prescribed by the appropriate official form, as required by F.R.B.P. 1007(b)(1). All other chapter 13 papers filed by the debtor or debtor's attorney must be submitted on applicable Central District court-approved forms, or be prepared in the same format. These forms include, but are not limited to the following:

- Chapter 13 Plan
- Notice of § 341(a) Meeting and Hearing on Confirmation of Chapter 13 Plan with Copy of Chapter 13 Plan
- Order Confirming Plan
- Memorandum of Receipts and Disbursements
- Statement of Attorney Pursuant to F.R.B.P. 2016(b) and Order Thereon
- Motion to Modify/Suspend Plan Payments, Trustee's Comments, and Order Thereon
- Debtor's Application for Voluntary Dismissal of Chapter 13 with Proof of Service and Order Thereon
- Debtor's Conversion of Chapter 13 Case to Chapter 7 and Proof of Service

If the debtor does not use a court-approved form, the debtor or debtor's attorney shall include a statement under penalty of perjury that the document contains all of the language of the approved form, or that specifies each respect in which it differs (apart from filling in blanks). No chapter 13 papers shall be served on the United States trustee, except as provided in sections (j) and (q) herein and when the United States trustee serves as a chapter 13 trustee. The court-approved forms can be obtained from the clerk's office or downloaded from the court's web site <*www.cacb.uscourts.gov*>.

(5) Proof of Claim. Each proof of claim shall be in conformity with F.R.B.P 3002 and shall be served on the debtor's attorney, or on the debtor if the debtor is not represented by counsel, and on the chapter 13 trustee. Each proof of claim shall include a proof of service.

(c) MEETING OF CREDITORS - § 341(a)

(1) Notice Service. Notice of the § 341(a) meeting of creditors and initial confirmation hearing date along with a proof of claim form shall be served on all creditors by the court at least 33 days before the date first set for the § 341(a) meeting of creditors.

(2) Evidence of Income. The debtor shall provide evidence of current income (pay stubs, tax return or other equivalent documentation) to the chapter 13 trustee at least 8 days before the § 341(a) meeting of creditors. If income from third party contributors will be used to fund the plan, the debtor shall also provide evidence (declarations and pay stubs or other appropriate evidence) of the commitment and ability of the third party to make payments. Failure to provide this evidence timely may result in dismissal of the case, including but not limited to dismissal with a 180-day bar to refiling pursuant to 11 U.S.C. § 109(g) if the court finds willful failure to comply with an order of the court.

(3) Attendance Requirement. The debtor and debtor's attorney shall attend the § 341(a) meeting of creditors. Unless otherwise ordered by the court, if the debtor does not appear, the case will be dismissed without further notice, and the court may impose a 180-day bar against refiling pursuant to 11 U.S.C. § 109(g) without further notice. If the case is a joint case, both debtors shall appear. If the debtor(s) fails to comply with this provision, the trustee shall prepare and lodge an order of dismissal with the court.

(4) Required Reports. If the debtor is operating a business, the debtor shall submit to the chapter 13 trustee, at least 8 days before the § 341(a) meeting of creditors, the following reports required to investigate the acts, conduct, assets, liabilities, and financial condition of the debtor, the operation of the debtor's business, and the feasibility of such business:

(A) Projection of average monthly income and expenses for the next 12 months;

(B) Evidence of appropriate business insurance;

(C) Inventory of goods as well as a list of business furniture and equipment as of the date of the filing of the petition;

(D) Monthly income and expense statements for at least the 6 months preceding the date of the filing of the petition, or for such shorter time if the business has been in operation for less than the requisite 6 months, signed by the debtor under penalty of perjury, including a statement regarding incurred and unpaid expenses;

(E) Tax returns for at least 5 years or since the start of the business, whichever period is shorter; and

(F) The trustee may request additional evidence, including but not limited to bank statements, canceled checks, contracts, or any other evidence to support the ability to fund the proposed plan.

If the chapter 13 trustee desires the foregoing information to be presented in a particular format, such format shall be made readily available to the public.

Failure to submit timely reports required above may result in dismissal of the case, with or without a 180-day bar to refiling pursuant to 11 U.S.C. § 109(g), if the court finds willful failure to comply with an order of the court.

(d) CONFIRMATION HEARING

The debtor's attorney or the debtor, if not represented by counsel, shall appear at the confirmation hearing unless specifically excused by court order or by the trustee prior to the confirmation hearing in conformance with procedures of the judge to whom the case is assigned.

(1) Varied Calendaring and Appearance Procedures. The judges of this district do not have a uniform policy governing calendaring and appearance at a confirmation hearing. Some judges allow confirmation to take place as early as the date of the § 341(a) meeting and without court appearance by any party if there are no timely objections to confirmation or all such objections have been resolved. Some judges require a hearing on all plan confirmations but excuse appearances by the debtor and his or her attorney if there are no timely objections to confirmation or all such objections have been resolved. Some judges require a hearing on all plan confirmations and appearance by the debtor and his or her attorney, regardless of whether there are unresolved objections to confirmation.

Because of this variance in procedure, parties in interest are advised to contact the chapter 13 trustee assigned to the case.

(2) Trustee Prepares Order Confirming Plan. Unless otherwise ordered by the court, the trustee shall prepare and file the Order Confirming Plan ("Order"). The Order will state the amount of the debtor's attorney's fees and costs allowed by the court. An application for approval of fees may be combined with the F.R.B.P. Rule 2016(b) statement. Counsel may apply for additional fees if and when justified by the facts of the case.

(e) VEHICLES

The plan may provide that postpetition contractual payments on vehicles shall be made directly to the creditor. All such direct payments shall be made as they come due postpetition. The plan shall provide that arrearages will be paid through the chapter 13 trustee. If the plan changes the amount of payment or duration due to the fact that any portion of the claim is deemed unsecured, then all payments so provided must be paid through the chapter 13 trustee.

(f) SPOUSAL AND CHILD SUPPORT

The plan may provide for current payments of spousal and child support directly to the creditor. Arrearages shall be paid through the chapter 13 trustee unless specific cause is shown and supported by declaration.

(g) OBJECTIONS TO PLANS

Objections, if any, to the confirmation of the plan shall be in writing, supported by appropriate declarations or other admissible evidence, filed with the court and served on debtor's attorney, the debtor and the chapter 13 trustee not less than 8 days before the § 341(a) meeting of creditors. As required by Local Bankruptcy Rule 1002-1(d)(8)(E), any written objection shall state in the caption the date, time, and place of the § 341(a) meeting of creditors, and the date, time, and place of the confirmation hearing. However, the chapter 13 trustee may accept an oral objection to confirmation of the plan if said objection is made at the § 341(a) meeting of creditors. Failure to file either a written objection on a timely basis or to appear at the § 341(a) meeting to present the basis for the objection will be deemed a waiver of the objection.

Any creditor who objects to confirmation of the plan should attend both the § 341(a) meeting of creditors and the confirmation hearing if the objection is not resolved. If the objecting creditor does not appear at the confirmation hearing, the court may overrule the objection.

(h) AMENDMENTS TO PLANS PRIOR TO CONFIRMATION

(1) Filing and Service. If a debtor wishes the court to confirm a plan other than the plan originally filed with the court, an amended plan must be received by the chapter 13 trustee and filed with the court at least 8 days before the confirmation hearing. If the amended plan will adversely affect any creditors (for example, if it treats any creditor's claim less favorably than the previously filed plan), the amended plan must also be served on all such creditors at least 25 days before the confirmation hearing. Failure to comply with these requirements may result in continuance of the confirmation hearing or dismissal of the case.

The caption of all amended plans shall identify the pleading as an amended plan ("First Amended Plan," "Second Amended Plan," etc.) and shall state the date, time, and place of the confirmation hearing at which the debtor will seek confirmation.

(2) Amended Plan Payments. If the debtor has filed an amended plan prior to confirmation, the plan payments that come due after the date the amended plan is filed must be made in the amount stated in the amended plan, which may be higher or lower than the amount stated in the original plan. Where successive amended plans are filed, any plan payment that comes due must be made in the amount stated in the most recently filed amended plan.

(i) AMENDMENTS TO PLANS AT THE CONFIRMATION HEARING

Amendments to a plan which do not adversely affect creditors may be made at the confirmation hearing by interlineation in the confirmation order (prior review by the chapter 13 trustee is preferred).

(j) OBJECTIONS TO CLAIMS

Any objections to claims shall be filed with the court and served on the chapter 13 trustee and affected creditors. Objections to claims shall give notice of the date, time, and courtroom of hearing on the face of the objection and shall comply with Local Bankruptcy Rule 3007-1. Pending resolution, the chapter 13 trustee shall make payments on only the uncontroverted portion of claims subject to an objection, until such time as the court orders otherwise.

(k) PLAN PAYMENTS TO CHAPTER 13 TRUSTEE

(1) Plan Payment Procedure. Plan payments shall be due on the same day of each month beginning not later than 30 days after the petition is filed. If the case was converted from chapter 7, the first plan payment shall be due 30 days from the date of conversion. All plan payments that accrue before the § 341(a) meeting of creditors shall be tendered, in the form described in subsection (3) below, to the chapter 13 trustee or the trustee's representative at the § 341(a) meeting of creditors.

(2) Dismissal or Conversion for Non-Payment. If the debtor fails to make plan payments, the case may be dismissed or converted to a case under chapter 7. If the case is dismissed for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case, the court will impose a 180-day bar to refiling in accordance with 11 U.S.C. § 109(g).

(3) Form of Payment. Unless and until a payroll deduction order is effective, all plan payments shall be made by the debtor in the form of cashier's check, certified funds, or money order made payable to the "Chapter 13 Trustee" and mailed to the

chapter 13 trustee as instructed. The court may require plan payments through a payroll deduction order. If a payroll deduction order is not issued upon confirmation of a plan, the chapter 13 trustee is authorized to issue such an order and to serve it upon the debtor's employer, the debtor and the debtor's counsel whenever a plan payment is more than 20 days late.

(l) TRUSTEE'S FEES

The minimum trustee's fee for a chapter 13 that is not confirmed is $50. The minimum trustee's fee in a case where the plan is confirmed is $100.

(m) PAYMENTS ON MORTGAGES OR TRUST DEEDS

(1) Postpetition Payment Procedure. Until a plan is confirmed, a debtor shall pay in a timely manner directly to his or her secured creditors all payments that fall due postpetition on debt secured by Real Property, as defined below, and shall provide evidence of such payments on Official Form F 3015-1.4 in the manner set forth below.

(2) Scope of Rule. The term "Real Property" as used in this Rule includes both (i) commercial and residential real property and undeveloped land owned by the debtor and (ii) mobile and manufactured homes owned by the debtor and installed on a permanent foundation or used as a dwelling, but does not include any property that the debtor's filed plan specifically states will be surrendered.

(3) Determination of Due Date. With the exception of the payment due for the month in which the petition is filed (the "Filing Month Payment"), the due date of a payment for the purpose of this Rule is the last day that the payment may be made without a late charge or penalty. The due date of the Filing Month Payment shall be the date on which such payment first becomes due under the terms of the applicable promissory note. If that date falls on or before the petition date, the Filing Month Payment will be considered prepetition and need not be paid in order to comply with this Rule.

(4) Form of Payment. The payments required by paragraph (1) above shall be in the form of money order, cashier's check, wire transfer or other certified funds and shall have written on each item the debtor's name, the bankruptcy case number, and the appropriate loan number or credit account number.

(5) Evidence of Payment. On or before each of the following dates, the debtor shall file with the court and serve on the chapter 13 trustee and all secured creditors to whom the debtor is required to make payments under this Rule a declaration executed under penalty of perjury, on Official Form F 3015-1.4, evidencing that the debtor has made all of the payments required by paragraph (1) above: (i) the date scheduled for each

meeting of creditors under Bankruptcy Code § 341(a); and (ii) the date of each hearing to consider confirmation of a plan of reorganization in the case. Copies of all money orders, cashier's checks or other instruments used to make the payments shall be attached to the form.

(6) Submission of Declarations. The debtor shall bring a copy of an executed Official Form F 3015-1.4, together with a proof of service reflecting service of the form in accordance with this Rule, to the initial § 341(a) meeting of creditors. This Official Form F 3015-1.4 shall reflect all payments made between the date of the petition and the date of the initial § 341(a) meeting of creditors. Thereafter, the debtor shall bring an updated Official Form F 3015-1.4 to each continued § 341(a) meeting of creditors and each confirmation hearing, together with a proof of service reflecting service of the form in accordance with this Rule. Each updated Official Form F 3015-1.4 shall reflect, cumulatively, all payments made between the date of the petition and the date of the form. If the debtor owns more than one piece of Real Property, the debtor shall prepare and submit a separate Official Form F 3015-1.4 for each piece of Real Property.

(7) Failure to Make Postpetition Payments. Failure to make all of the payments required by paragraph (1) of this Rule in a timely manner will generally result in dismissal of the case, and the court may impose a 180-day bar against refiling pursuant to 11 U.S.C. § 109(g) without further notice. In determining whether a debtor has complied with this Rule at a confirmation hearing, the court will disregard payments as to which a late penalty has not yet accrued or which are due on the date of the confirmation hearing. Failure to submit Official Form F 3015-1.4 at each § 341(a) meeting of creditors and each confirmation hearing, with all required attachments, may result in dismissal of the case, and the court may impose a 180-day bar against refiling pursuant to 11 U.S.C. § 109(g) without further notice.

(n) MODIFICATION OF PLANS OR SUSPENSION OF PLAN PAYMENTS

Plan payments may be modified or suspended upon approval of the court. A motion to modify the plan or to suspend plan payments shall be made in accordance with sections (v) and (w) and must be submitted on court-approved form(s).

(o) TAX RETURNS

Each year a case is pending after the confirmation of a plan, the debtor shall provide: (1) a copy of his or her federal tax return, (2) any request for extension of the deadline for filing a return and (3) forms W-2 and 1099 to the chapter 13 trustee within 10 days after the return is filed with the Internal Revenue Service.

(p) SALE OR REFINANCING OF PROPERTY

Any sale or refinancing of the debtor's principal residence or other real property must be approved by the court. A motion for such approval may be made in accordance with section (v) herein. All such motions shall be submitted to the trustee for the trustee's comments before filing with the court.

(q) MOTIONS FOR DISMISSAL OR CONVERSION

(1) Non-Converted Case Dismissal. If the case has not been converted from another chapter, the debtor may seek dismissal of the case by filing a request to dismiss. If the case has been converted from another chapter, dismissal must be sought by motion. For all such requests or motions, notice shall be given to all creditors and the chapter 13 trustee. In addition, the request or motion shall disclose by a statement under penalty of perjury whether the debtor or the debtor's spouse has had any other bankruptcy cases pending within the previous 6 years, whether the present case has been converted from another chapter of the Bankruptcy Code, and whether any motion for relief from, annulment of, or conditioning of the automatic stay has been filed against the debtor in the present case. The motion shall comply with Local Bankruptcy Rule 9013-1(b).

(2) Debtor Conversion of Chapter 13 to Chapter 7. Pursuant to F.R.B.P. 1017, the conversion of a chapter 13 case to a case under chapter 7 shall be effective upon:

(A) The filing by the debtor with the clerk of the bankruptcy court of both a notice of conversion pursuant to 11 U.S.C. § 1307(a) and a proof of service evidencing that the notice of conversion was served upon the chapter 13 trustee, the United States trustee, and all creditors; and

(B) Payment of any fee required by 28 U.S.C. § 1930(b).

Any distributions of estate funds made by the chapter 13 trustee in the ordinary course of business for the benefit of the debtor's estate prior to receipt of notice of dismissal or conversion shall not be surcharged to the chapter 13 trustee.

(3) Debtor Conversion of Chapter 13 to Chapter 11. A motion by the debtor to convert a chapter 13 case to a case under chapter 11 shall be noticed for hearing.

(4) Interested Party Conversion of Chapter 13 to Chapter 7, 11, or 12. A motion by any other party in interest to convert a chapter 13 case to a case under chapter 7, 11, or 12 shall be noticed for hearing by the moving party. This notice shall be given to the debtor, debtor's attorney, all creditors, the chapter 13 trustee, and the United States trustee.

(5) Service of Order. When an order is required, the moving party shall transmit an original and one copy of the proposed order of dismissal or conversion to the court for entry and service on the chapter 13 trustee. Additional copies of the order plus notice of entry for all contesting parties must accompany the proposed order if notice of entry is required by F.R.B.P. 9022.

(r) MOTIONS FOR RELIEF FROM STAY

(1) Required Format and Information. Motions for relief from the automatic stay shall conform with the Local Bankruptcy Rules forms and shall comply with Local Bankruptcy Rule 9013-1.

(2) Default Motions.

(A) Preconfirmation Default. A motion for relief from stay based solely upon a preconfirmation payment default is premature until a late charge has accrued under the contract on the postpetition obligation that the creditor seeks to enforce. If no late charge is provided, the motion may be brought 10 days after the postpetition payment is due. A motion for relief from stay based on other grounds may be brought at any time.

(B) Postconfirmation Default. A motion for relief from stay based solely on postconfirmation payment default is premature until a late charge has accrued under the contract on the obligation that the creditor seeks to enforce. If no late charge is provided, the motion may be brought 10 days after payment is due.

(3) Stipulations. A stipulation for relief from stay or to modify the stay does not require the consent or signature of the chapter 13 trustee.

(4) Payments After Relief From Stay. If an order for relief from stay is granted, unless otherwise specified in the order, the chapter 13 trustee is relieved from making any further payments to the secured creditor that obtained such relief. The secured portion of that creditor's claim is deemed withdrawn upon entry of the order for relief, without prejudice to filing an amended unsecured claim for a deficiency when appropriate. The secured creditor that obtains relief from stay shall return to the chapter 13 trustee any payments the creditor receives from the chapter 13 trustee after entry of the order unless the stipulation or order provides otherwise.

(5) Shortened Notice Hearing. A hearing on a motion for relief from stay on shortened notice, pursuant to Local Bankruptcy Rule 9075-1(b), may be sought for cause.

(s) POSTCONFIRMATION ADEQUATE PROTECTION ORDERS

After confirmation of a plan, if the debtor and a secured creditor propose to modify the payments by the chapter 13 trustee to the secured creditor by way of an adequate protection/relief from stay agreement, the debtor or creditor shall file and serve a motion for an order approving the modification of the plan by said agreement pursuant to sections (v) and (w).

Notwithstanding court approval of an adequate protection/relief from stay agreement, the trustee shall continue to make payments and otherwise perform his or her duties in accordance with the plan as confirmed unless: (1) the debtor receives a separate court order approving a modification to the plan, or (2) the adequate protection/relief from stay agreement specifically modifies the treatment of the claim under the confirmed plan.

(t) ATTORNEY REPRESENTATION

(1) Scope of Employment. Local Bankruptcy Rule 2090-1 is modified in chapter 13 cases as follows: Any attorney who is retained to represent a debtor in a chapter 13 case is responsible for representing the debtor on all matters arising in the case, including relief from automatic stay, objections to claims, and adversary proceedings, until otherwise ordered by the court.

(2) Debtor Unavailable or Unopposed to Hearing. If an attorney for a debtor is unable to contact the debtor in connection with a proceeding (e.g., a motion for relief from stay), the attorney may file and serve a statement informing the court of this fact.

If a debtor does not oppose a proceeding, the attorney may file a statement so informing the court and need not appear at the hearing.

(u) ATTORNEY FEES

(1) Rights and Responsibilities Agreement. The court has adopted Official Form F 3015-1.7 entitled "Rights and Responsibilities Agreement Between Chapter 13 Debtors and Their Attorneys" (RARA). The use of the RARA in any case is optional. However, if the debtor's attorney elects to proceed under the RARA, the RARA form is mandatory. If the RARA form is signed by the attorney and the debtor, filed, and served on the responsible chapter 13 trustee in any case, the fees outlined therein may be approved without further detailed fee application or hearing, subject to the terms of both the RARA and the Guidelines for Allowance of Attorneys' Fees in Chapter 13 Cases (Guidelines) attached hereto as Appendix IV. The maximum fee allowable under the RARA and the Guidelines is:

$3,000 in a case in which the debtor is self-employed; or

$2,500 in all other cases.

(2) Duties of Debtors and their Attorneys if the RARA is Signed, Filed, and Served. The RARA sets forth the duties and obligations that must be performed by the debtors and their counsel, both before and after the case is filed and before and after confirmation of a plan, if the parties elect to use the RARA. The RARA also specifies the fees that the attorney will charge and the procedures for seeking and objecting to payment of fees. An attorney who elects to use the RARA may not charge more than the maximum fees outlined in paragraph (1) above for performing services described in bold face type in the RARA. If the attorney performs tasks on behalf of the debtor not set forth in bold face, the attorney may apply to the court for additional fees and costs, but such applications will be reviewed by both the chapter 13 trustee and the court.

Unless sought by noticed motion pursuant to Local Bankruptcy Rule 9013-1, applications for additional fees and costs shall be submitted to the chapter 13 trustee for comment before being filed with the court, and shall be supported by evidence of the nature, necessity, and reasonableness of the additional services rendered and expenses incurred. When additional fees are sought, the court may, in its discretion, require additional supporting information or require a hearing, even though no opposition is filed. In such application, the attorney shall disclose to the court any fees paid or costs reimbursed by the debtor and the source of those payments.

If the parties elect to utilize the RARA, the lists of duties and obligations set forth in the RARA may not be modified by the parties. Other portions of the RARA may be modified in the following respects only: (1) the attorneys' fees provided for in the RARA may be reduced; (2) the agreement may be supplemented to include any additional agreements that may exist between the parties concerning the fees and expenses that the attorney will charge for performing services required by the RARA that are not in bold face type.

(3) Debtor's Signature. The debtor's signature on the RARA certifies that the debtor has read, understands and agrees to the best of his or her ability to carry out the terms of the RARA, and has received a signed copy of the RARA.

(4) Attorney's Signature. The attorney's signature on the RARA certifies that before the case was filed the attorney personally met with, counseled, and explained to the debtor all matters set forth in the RARA and verified the number and status of any prior bankruptcy case(s) filed by the debtor or any related entity, as set forth in Local Bankruptcy Rule 1015-2. The RARA does not constitute the written fee agreement contemplated by the California Business and Professions Code.

(5) An Attorney May Elect to be Paid Other than Pursuant to the RARA and the Guidelines. At any time, whether or not a RARA is on file in any case, the debtor's attorney may elect to seek an allowance of fees and costs other than pursuant to the RARA and the Guidelines. In that event, the attorney shall file and serve an application for fees in accordance with 11 U.S.C. §§ 330 and 331, Rules 2016 and 2002 of the F.R.B.P. and Local Bankruptcy Rules 2016-1 and 3015-1, as well as the "Guide to Applications for Professional Compensation" issued by the United States Trustee for the Central District of California.

(6) Court Review of any Attorney's Fee. On its own motion or the motion of any party in interest, the court may order a hearing to review any attorney's fee agreement or payment, in accordance with 11 U.S.C. § 329 and Rule 2017 of the F.R.B.P.

(v) MOTIONS AND APPLICATIONS WITHOUT HEARING

In addition to the motions and applications specified in Local Bankruptcy Rule 9013-1(g), the following motions may be made on notice without a hearing pursuant to the requirements of that Rule:

(1) Applications for additional attorney's fees [subject to sections (u) and (w) herein];

(2) Motion for suspension of plan payments [subject to section (w)];

(3) Motions by the debtor or the trustee to modify a confirmed plan;

(4) Motions for approval of sale or refinancing of debtor's residence, if the entire equity therein is exempt from the claims of creditors; provided, however, notice is not required if the sale or refinance will pay off the plan and the plan allows 100% to the unsecured claims; and

(5) Trustee's motion to dismiss or modify the plan. Notwithstanding Local Bankruptcy Rule 9013-1(g), a party who responds to a trustee's motion to dismiss or a trustee's motion to modify the plan must obtain a hearing date from the court and give notice thereof with the response.

(w) SERVICE OF MOTIONS AND APPLICATIONS

All motions and applications must be served on the chapter 13 trustee, debtor, debtor's attorney and all creditors, with the following exceptions:

(1) Motions for relief from the automatic stay ***(See notice requirements in Local Bankruptcy Rule 9013-1(a)(5).)***;

(2) An application by debtor's counsel for additional fees and costs not exceeding $1,000 over and above the limits set forth in the RARA and Guidelines need be served only on the chapter 13 trustee and the debtor. All applications for additional fees and costs shall be submitted to the chapter 13 trustee for comment before filing with the court;

(3) All motions for modification or suspension of plan payments must be submitted to the chapter 13 trustee for comment prior to filing but need not be served on creditors if (i) the proposed modification does not have an adverse effect on the rights of creditors, or (ii) the proposed suspension, combined with any prior approved suspensions, does not exceed 90 days. All other motions for modification or suspension must be served on all creditors pursuant to Local Bankruptcy Rule 9013-1(g), in addition to being submitted to the chapter 13 trustee for comment;

(4) An objection to a claim need only be served on the chapter 13 trustee, the claimant and the claimant's attorney. Service on the claimant if the claimant is the United States or an agency of the United States shall be as provided in F.R.B.P. 7004(b)(4) and (5); and

(5) A trustee's motion to dismiss need be served only on the debtor and debtor's attorney.

Court's Comment

2003 Revision

Paragraph (r)(4) Payments After Relief From Stay. This paragraph was deleted in the 2002 revision and added back in this revision. Former paragraph (r)(4) Shortened Notice became (r)(5).

Paragraph (m)(5) Evidence of Payment. This paragraph was revised to eliminate the requirement that proof of payment to a secured lender in the form of a certificate of mailing from the United States Post Office, other statement, or receipt be attached as an exhibit to form F 3015-1.4.

Paragraph (w)(2) was revised to clarify the procedure for approval of additional fees and costs in an amount not exceeding $1,000.00 over the limits set forth in the *Rights And Responsibilities Agreement (RARA)* and *Guidelines*.

2002 Revision

In addition to significant renumbering, this Rule has been revised (i) to reflect that chapter 13 debtors are now required to make postpetition, preconfirmation mortgage payments directly to mortgage holders rather than to the chapter 13 trustee, (ii) to delete the 6 Month Rule, and (iii) to discuss the procedures to be followed by the parties if they choose to use the Rights and Responsibilities Agreement, Official Form 3015-1.7.

2001 Revision

Paragraph (v)(3) - amount changed from $500 to $1,000 to conform with F.R.B.P. 2002(a)(6) effective December 1, 2000.

2000 Revision

Title changed from CHAPTER 13 PLAN to PROCEDURES REGARDING CHAPTER 13 CASES. Former Appendix I was rewritten and became LBR 3015-1, PROCEDURES REGARDING CHAPTER 13 CASES.

LOCAL BANKRUPTCY RULE 3017-1

CHAPTER 11 DISCLOSURE STATEMENT FOR CASES OTHER THAN SMALL BUSINESS CASES

(a) NOTICE REQUIRED FOR DISCLOSURE STATEMENT HEARINGS

Hearings on approval of disclosure statements shall be set on not less than 36 days notice, unless the court, for good cause shown, prescribes a shorter period. Objections to disclosure statements shall be filed and served on proponents not less than 11 days before the hearing.

(b) FORM OF DISCLOSURE STATEMENT

Unless otherwise ordered, a disclosure statement may, but need not conform with court-approved Form F 3017-1, "Chapter 11 Disclosure Statement Form."

Court's Comment

2000 Revision

Paragraph (b). New *Form of Disclosure Statement* heading and paragraph added incorporating General Order 96-04, ORDER APPROVING CHAPTER 11 DISCLOSURE STATEMENT FORM AND CHAPTER 11 PLAN FORM.

1998 Revision

Former Local Bankruptcy Rule 142(1). Remainder of the Rule moved to Local Bankruptcy Rule 3020-1.

Must changed to *shall* in second sentence. *Court* deleted between *eleven (11)* and *days* in second sentence.

The word *statement* was added in both the Rule title and the paragraph title.

LOCAL BANKRUPTCY RULE 3017-2

COURT CONSIDERATION OF DISCLOSURE STATEMENT IN A SMALL BUSINESS CASE

(a) APPROVAL OF DISCLOSURE STATEMENT

(1) Fixing Dates. If any disclosure statement is conditionally approved pursuant to 11 U.S.C. § 1125(f), F.R.B.P. 3017(a), (b), (c), and (e) shall not apply, and the plan proponent shall submit an order consistent with F.R.B.P. 2002(b) and stating:

(A) A date by which the holders of claims and interests may accept or reject the plan.

(B) A date for filing objections to the disclosure statement.

(C) A date for final approval of the disclosure statement and confirmation of the plan consistent with Local Bankruptcy Rule 3017-1.

(2) Objections and Hearing on Final Approval. The debtor shall file and serve a notice of the dates set forth above, together with a copy of the disclosure statement and plan, on all creditors and the United States trustee. Final approval of the disclosure statement shall only be required when an objection has been filed and served. Any objection filed pursuant to subsection (a)(2) of this Local Bankruptcy Rule shall be filed and served on the debtor, debtor's counsel, any committee appointed under the Bankruptcy Code and any other entity as ordered by the court.

Court's Comment

1998 Revision

New Rule incorporating General Order 95-02 - Interim Local Bankruptcy Rule 2.

LOCAL BANKRUPTCY RULE 3018-1

FORM OF CHAPTER 11 PLAN

Unless otherwise ordered, a plan of reorganization submitted to the court may, but need not conform with court-approved Form F 3018-1, "Form of Chapter 11 Plan."

Court's Comment

2000 Revision

New Rule incorporating Amended General Order 96-04, ORDER APPROVING CHAPTER 11 DISCLOSURE STATEMENT FORM AND CHAPTER 11 PLAN FORM.

LOCAL BANKRUPTCY RULE 3020-1

CHAPTER 11 CONFIRMATION

(a) PAYMENT OF SPECIAL CHARGES

The proposed plan confirmation order shall be accompanied by proof of payment of any and all special charges due to the clerk's office. The amount of the charges to be paid may be obtained from the courtroom deputy of the judge hearing the case.

(b) POSTCONFIRMATION REQUIREMENTS

Unless otherwise provided in the plan, every order confirming a chapter 11 plan shall contain the following language:

> "Within 120 days of the entry of this order, _____ shall file a status report explaining what progress has been made toward consummation of the confirmed plan of reorganization. The initial report shall be served on the United States trustee, the 20 largest unsecured creditors, and those parties who have requested special notice. Further reports shall be filed every ___ days thereafter and served on the same entities, unless otherwise ordered by the court. [Optional depending on practices of particular judge: A postconfirmation status conference will be held on _____, 20__ at ___.m. in Courtroom _____.]

The Report shall include at least the following information:

(1) A schedule listing for each debt and each class of claims: the total amount required to be paid under the plan; the amount required to be paid as of the date of the report; the amount actually paid as of the date of the report; and the deficiency, if any, in required payments;

(2) A schedule of any and all postconfirmation tax liabilities that have accrued or come due and a detailed explanation of payments thereon;

(3) Debtor's projections as to its continuing ability to comply with the terms of the plan;

(4) An estimate of the date for plan consummation and application for final decree; and

(5) Any other pertinent information needed to explain the progress toward completion of the confirmed plan.

Reporting entities whose equity securities are registered under Section 12(b) of the Securities Exchange Act of 1934 may provide information from their latest 10Q or 10K filing with the S.E.C., if it is responsive to the requirements of this subsection.

[Unless otherwise provided in the plan] If the above-referenced case is converted to one under chapter 7, the property of the reorganized debtor shall be revested in the chapter 7 estate, except that, in individual cases, the postpetition income from personal services and proceeds thereof, and postconfirmation gifts or inheritances pursuant to 11 U.S.C. § 541(a)(5)(A) or (a)(6) shall not automatically revest in the chapter 7 estate."

(c) EFFECT OF FAILURE TO FILE POSTCONFIRMATION REPORTS

Failure to file timely the required reports shall constitute grounds for noticing the case for conversion to a case under chapter 7 or dismissal under 11 U.S.C. § 1112(b).

See also Local Bankruptcy Rule 1017-2: DENIAL OR DISMISSAL FOR WANT OF PROSECUTION.

(d) FINAL DECREE IN CHAPTER 11 CASE

After an estate is fully administered in a chapter 11 reorganization case, a party in interest may file a motion for a final decree without the need for a hearing in accordance with the requirements set forth in Local Bankruptcy Rule 9013-1, except that notice of such a motion shall be served upon all parties upon whom the plan was served.

Court's Comment

1998 Revision

Former Rule 142(2), (3), and (4).

Paragraph (a) PAYMENT OF SPECIAL CHARGES. First line changed from *The proposed order confirming plan* to *The proposed plan confirmation order*.

Paragraph (b) POSTCONFIRMATION REQUIREMENTS. *Must* changed to *shall* in the first and second paragraphs.

Cross-reference to Local Bankruptcy Rule 1017-2 added.

Paragraph (d) FINAL DECREE IN CHAPTER 11 CASE. New subsection.

LOCAL BANKRUPTCY RULE 4001-1

NOTICE OF MOTIONS FOR RELIEF FROM STAY

See Local Bankruptcy Rule 9013-1(a)(5): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS): § (a)(5) GENERAL REQUIREMENTS, Motions for Relief From Automatic Stay, and § (g)(1)(I)MOTIONS AND MATTERS NOT REQUIRING A HEARING, Matters That May Be Determined Upon Notice and Opportunity to Request Hearing, Motions to Approve Stipulations or Agreements Requiring Notice Pursuant to F.R.B.P. 4001(d) and so forth.

Court's Comment

1998 Revision

New Rule.

LOCAL BANKRUPTCY RULE 4001-2

CASH COLLATERAL STIPULATIONS

Every motion requesting the approval of a stipulation providing for the use of cash collateral (11 U.S.C. § 363(c)), or postpetition financing (11 U.S.C. § 364(c)), or both, shall be accompanied by court-approved form F 4001-2, "Statement Pursuant to Local Bankruptcy Rule 4001-2," or a statement consistent with court-approved form F 4001-2.

Court's Comment

1998 Revision

New Rule.

LOCAL BANKRUPTCY RULE 4003-1

LIEN AVOIDANCE

See Local Bankruptcy Rule 9013-1(i): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), FORM OF DEBTOR'S MOTIONS TO AVOID LIEN OR TRANSFER OF EXEMPT PROPERTY.

Court's Comment

1998 Revision

New Rule.

LOCAL BANKRUPTCY RULE 4008-1

HEARINGS ON REAFFIRMATION AGREEMENTS

Reaffirmation agreements and motions for approval of the same under 11 U.S.C. § 524 must be filed by the debtor or creditor within 60 days following the conclusion of the first meeting of creditors under 11 U.S.C. § 341(a), unless otherwise ordered by the court. Court approval is required under § 524(d) with respect to any reaffirmation agreement involving a debtor who was not represented by an attorney during the course of negotiating the reaffirmation agreement. If the debtor was not represented by an attorney, the clerk will set a hearing for approval of the reaffirmation agreement on the court's calendar and will give notice to the debtor and creditor of the date, time, and place of such hearing. The court will not approve a reaffirmation agreement unless a hearing is held at which the debtor appears in order to be questioned by the court. Unless otherwise ordered by a particular judge, court approval is not required in cases where the debtor was represented by an attorney during the negotiation of the reaffirmation agreement. The use of court-approved reaffirmation forms is mandatory.

Court's Comment

2002 Revision

Use of court-approved reaffirmation forms changed from optional to mandatory.

1998 Revision

Former Local Bankruptcy Rule 111(9). Rule substantially rewritten.

LOCAL BANKRUPTCY RULE 5003-2

RECORDS AND FILES; DISPOSITION OF EXHIBITS

(a) RECORDS AND FILES

(1) When Order Required. No records or objects belonging to the files of the court may be taken from the office or custody of the clerk except upon written order of the court.

(2) Form of Receipt. Any person removing records pursuant to this Local Bankruptcy Rule shall give the clerk a descriptive receipt containing the following:

(A) The name, address and telephone number of the person removing the records or objects.

(B) An itemized description of the records or objects removed.

(C) The date of removal.

(D) The place in which records or objects will be used or kept.

(E) The estimated date of return to the clerk of the records or objects.

(3) Exception for Court Staff. The provisions of this Rule shall not apply to a judge, members of a judge's staff, United States Magistrate Judge, court recorder, clerk, clerk's staff, or courtroom deputy requiring records or objects in the exercise of their official duty. Any court officer removing records or objects shall provide the clerk with a receipt indicating the information required above.

(b) DISPOSITION OF EXHIBITS

All models, diagrams, documents or other exhibits lodged with the clerk that are admitted into evidence or marked at trial shall be retained by the clerk until expiration of the time for appeal without any appeal having been taken, entry of a stipulation waiving or abandoning the right to appeal, final disposition of any appeal, or order of the court, whichever occurs first. The clerk shall thereafter return such exhibit (except contraband) to the person or persons to whom it belongs. If any exhibit is not withdrawn from the clerk's office within

30 days after the person or persons to whom it belongs are given written notice to claim it, the clerk may destroy the exhibit or otherwise dispose of it as the court may approve.

(c) REMOVAL OF CONTRABAND

Contraband of any kind coming into the possession of the clerk shall be turned over to an appropriate governmental agency which shall destroy or otherwise dispose of the contraband as provided by law. The agency shall give the clerk the receipt required by this Local Bankruptcy Rule.

(d) CONFIDENTIAL COURT RECORDS

(1) Filing Under Seal. No paper shall be filed under seal without prior approval by the court. If a filing under seal is requested, a written motion and a proposed order shall be presented to the judge along with the paper submitted for filing under seal. The original and judge's copy of the paper shall be sealed in separate envelopes with a copy of the title page attached to the front of each envelope. Copies to be conformed need not be placed in sealed envelopes. The preceding shall be subject to 11 U.S.C. § 107.

(2) Disclosure of Sealed Papers. No sealed or confidential record of the court maintained by the clerk shall be disclosed except upon written order of the court. A motion for disclosure of sealed or confidential court records shall be made to the court in writing and filed by the party seeking disclosure. The motion shall set forth with particularity the need for specific information in such records. The procedures of Local Bankruptcy Rule 9013-1 shall govern the hearing of any such motion.

Court's Comment

1998 Revision

Paragraph (a)(3) Exception for Court Staff. *Court reporter* deleted as court reporters are no longer used by the court; *or* between *clerk* and *clerk's staff* deleted. The word *Judge* was inserted after Magistrate.

Paragraph (b) DISPOSITION OF EXHIBITS. *Expiration of the time for appeal, or, where no appeal is taken* changed to *expiration of the time for appeal without any appeal having been taken* in the first sentence. *Final disposition of the appeal* changed to *final disposition of any appeal* in the first sentence.

Paragraph (c) REMOVAL OF CONTRABAND. *Returned* changed to *turned over* in the first sentence.

Paragraph (d) CONFIDENTIAL COURT RECORDS. *DISCLOSURE OF* deleted from paragraph title. New subparagraph (a) added.

Paragraph (d)(2) Disclosure of Sealed Papers. Paragraph heading added. *Sealed or* added to first sentence of former Local Bankruptcy Rule 137(4). *An application* changed to *a motion* in second sentence; *sealed or* added to second sentence; *by written petition to the court* changed to *to the court in writing and* in second sentence. *That petition* changed to *the motion* in third sentence. *Petition* changed to *motion* in fourth sentence.

LOCAL BANKRUPTCY RULE 5010-1

REOPENING CASES

A motion to reopen a closed bankruptcy case shall be filed with the clerk together with the appropriate filing fee, except that a trustee in a case may request that the fee may be charged to the estate. The motion shall be accompanied by appropriate declarations showing cause therefor. The motion shall be assigned to the judge to whom the case was last assigned, if still in office; otherwise, such request shall be assigned at random by the clerk to a judge to hear and rule upon the request. Notice shall be given to any former trustee in the case and the United States trustee.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 111(14). Heading changed from *MOTIONS TO REOPEN CASE. United States trustee's office* changed to *United States trustee*. Last sentence of former Local Bankruptcy Rule deleted.

LOCAL BANKRUPTCY RULE 5011-1

WITHDRAWAL OF REFERENCE

See Local Bankruptcy Rule 9013-1(h): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), WITHDRAWAL OF REFERENCE.

Court's Comment

1998 Revision

New Rule.

LOCAL BANKRUPTCY RULE 5073-1

PHOTOGRAPHY, RECORDING DEVICES, AND BROADCASTING

(a) PROHIBITION OF BROADCASTING, TELEVISION, PHOTOGRAPHY

Unless otherwise ordered by the court, between 7:00 a.m. and 7:00 p.m., Monday through Friday, and at all other times when the court is in session, the use of any forms, means or manner of radio or television broadcasting and the taking or making of photographs, motion pictures, video or sound recordings is prohibited in:

(1) Any and all courtrooms occupied by any judge.

(2) Any and all chambers assigned to any judge.

(3) Any and all areas used by the clerk and court staff.

(4) Any garage or parking facility reserved for the judges or their staff.

(5) All hallways and public areas adjacent to the above-specified locations.

(b) EXCEPTIONS

This Local Bankruptcy Rule does not prohibit:

(1) Recordings made by official court recorders in the performance of their official duties. No other use may be made of an official recording of a court proceeding without an express, written order of the court.

(2) The taking of photographs, when specifically authorized in writing, at ceremonial or non-judicial functions in the chambers of a judge of this court.

(3) The videotaping or other electronic recording of depositions for trial purposes, nor the preparation and perpetuation of testimony taken by or under the direction of a judge of this court, or a visiting judge. No part of such videotape or other electronic recording shall be used without an express, written order of the court.

(4) The possession of video or sound recording, photographic, radio or television broadcasting equipment. Any equipment taken into or through the areas enumerated in this Local Bankruptcy Rule is subject to such security regulations as may be adopted from time to time by the court.

(c) ENFORCEMENT OF RULE

The United States Marshal, the General Services Administration police, and the security force contracted for service by the court shall enforce the provisions of this Local Bankruptcy Rule. A violation of this Local Bankruptcy Rule shall constitute contempt of court.

Court's Comment

1998 Revision

Rule numbered and retitled in accordance with the Judicial Conference's Uniform Numbering System for Local Bankruptcy Rules.

Paragraph (b)(2). *In writing* added after *authorized* and *functions* deleted after *ceremonial* to conform to district court Local Rule 28.

Paragraph (b)(3). *Or a visiting judge* added at end of first sentence.

Paragraph (c). *In the United States Courthouse* replaced with *by the court* in the first sentence.

LOCAL BANKRUPTCY RULE 5075-1

MOTIONS FOR ADMINISTRATIVE ORDERS PURSUANT TO 28 U.S.C. § 156(c)

This Rule applies to motions by which a party in interest seeks an order from the bankruptcy court approving employment of persons or entities to perform certain duties of the clerk's office, the debtor, or the debtor in possession such as (1) processing proofs of claim and maintaining the claims register; (2) serving notices; (3) scanning documents; or (4) providing photocopies of documents filed in the case ("administrative orders").

All motions for administrative orders shall include a completed declaration on Local Bankruptcy Rules form F 5075-1.1 ["Declaration to be Filed with Motion Establishing Administrative Procedures Re 28 U.S.C. § 156(c)"] and the form "Mega Case Procedures Checklist." A courtesy copy of the motion, including the declaration and "Mega Case Procedures Checklist," shall also be provided to the clerk's office at the time the motion is filed. Movant's counsel must consult with the clerk's office in completing the checklist to the satisfaction of the clerk's office. Unless the judge to whom the case is assigned orders otherwise, any such motion which is not accompanied by the completed checklist may be denied by the court and any hearing thereon previously scheduled may be vacated.

Court's Comment

2003 Revision

New Rule.

LOCAL BANKRUPTCY RULE 6004-1

NOTICES OF INTENT NOT REQUIRING COURT ORDER PURSUANT TO 11 U.S.C. §§ 363(b)(1) AND 554 (OPTIONAL PROCEDURE)

(a) SCOPE OF RULE

This Local Bankruptcy Rule applies only to notices that the trustee intends to (1) sell, use or lease property of the estate under 11 U.S.C. § 363(b)(1), except for sales of all or substantially all of the debtor's assets; or (2) abandon property of the estate under 11 U.S.C. § 554.

(b) NOTICE REQUIRED

The trustee shall give not less than 15 days written notice by mail to such creditors and interested parties who are entitled to notice of the intention to (a) sell, use or lease property of the estate under 11 U.S.C. § 363(b)(1), except for sales of all or substantially all of the debtor's assets; or (b) abandon property of the estate under 11 U.S.C. § 554, unless the court for cause shown shortens the time or otherwise modifies or limits notice pursuant to a motion under Local Bankruptcy Rule 9075-1. The content of the notice must comply with F.R.B.P. 2002(c). The notice shall state that any objection or request for hearing must be filed and served not more than 15 days after service of the notice, unless the notice specifies a longer period or unless otherwise ordered by the court. If no objection and request for hearing is timely filed and served, the trustee may take the proposed action on the date specified in the notice of intent. However, no order shall be issued under this subsection.

(c) PROCEDURE UPON OBJECTION OR REQUEST FOR HEARING

If a timely objection and request for hearing is filed and served, the trustee shall, within 20 days from the date of service of such objection, contact the court and obtain and give notice of a hearing date to those entities objecting and to the United States trustee. The proceedings in such matters shall be governed by Local Bankruptcy Rule 9013-1(g)(3).

Court's Comment

2002 Revision

Paragraph (c). Reference to Local Bankruptcy Rule 9013-1 has been modified to reflect its renumbering.

2000 Revision

Local Bankruptcy Rule 9013-4 became Local Bankruptcy Rule 6004-1.

1998 Revision

Paragraph (b) NOTICE REQUIRED. In the first sentence: *20* changed to *15*; *particular matter* replaced by *intention to (a) sell, use or lease property of the estate under 11 U.S.C. § 363(b)(1), except for sales of all or substantially all of the debtor's assets; or (b) abandon property of the estate under 11 U.S.C. § 554*; and *an application* changed to *a motion*. New last sentence added.

LOCAL BANKRUPTCY RULE 6004-2

NOTICES OF SALE OF ESTATE PROPERTY

Whenever the debtor in possession or the trustee is required to give notice of a sale or of a motion to sell property of the estate pursuant to F.R.B.P. 6004 and 2002(c), an additional copy of such notice and a document entitled "Notice of Sale of Estate Property," in the form of F 6004-2, must be submitted to the clerk at the time of filing for purposes of publication.

Court's Comment

2000 Revision

New Rule.

Former Rule 118.1: *Notices of the Sale of Personal or Real Property*.

Title changed to *Notices of Sale of Estate Property* from *Notices of the Sale of Personal or Real Property*.

LOCAL BANKRUPTCY RULE 6007-1

ABANDONMENT

See Local Bankruptcy Rule 6004-1: NOTICES OF INTENT NOT REQUIRING COURT ORDER PURSUANT TO 11 U.S.C. §§ 363(b)(1) AND 554.

Court's Comment

1998 Revision

New Rule.

LOCAL BANKRUPTCY RULE 7001-1

PLEADINGS IN ADVERSARY PROCEEDINGS

(a) JURISDICTION ALLEGATIONS

In all adversary proceedings, the statements required by F.R.B.P. 7008(a) and 7012 shall be plainly stated in the first numbered paragraph of any paper.

(b) AMENDED PLEADINGS

(1) An original and 1 copy of the proposed amended pleading shall be lodged as a separate document and served with any notice of motion or stipulation to amend a pleading.

(2) Every amended pleading filed as a matter of right or allowed by order of court shall be complete, including exhibits. The amended pleading shall not incorporate by reference the prior superseded pleading.

(3) No pleading will be deemed amended until compliance with this Local Bankruptcy Rule and F.R.B.P. 7015 regarding amended pleadings is effected, unless otherwise ordered by the court.

(4) Unless otherwise ordered, an amended pleading allowed by order of the court shall be deemed served upon the parties who have previously appeared, on the date the motion to amend is granted or the stipulation therefor is approved, provided the proposed amended pleading was lodged and served in accordance with subsection (1) above. Otherwise, actual service and filing is required. Service of amended pleadings on a party who has not previously appeared shall be made as provided in Local Bankruptcy Rules 2002-2 and 7004-1.

Court Comment

2004 Revision

Local Bankruptcy Rule 1002-1(h) Pleadings in Adversary Proceedings. Was moved and renumbered as Local Bankruptcy Rule 7001-1.

LOCAL BANKRUPTCY RULE 7003-1

ADVERSARY PROCEEDING SHEET

All complaints presented to the clerk for filing shall be accompanied by an Adversary Proceeding Sheet (Form B104), completed and signed by the attorney or party presenting the complaint. The form shall contain the names, addresses and telephone numbers of the parties, and also their attorneys if known.

Court's Comment

2004 Revision

Local Bankruptcy Rule 1002-1(c) Adversary Proceeding Sheet. Was moved and renumbered as Local Bankruptcy Rule 7003-1.

LOCAL BANKRUPTCY RULE 7004-1

ISSUANCE AND SERVICE OF PROCESS AND NOTICE

(a) SERVICE OF SUMMONS

(1) Manner of Service. Service shall be made in the manner authorized in F.R.B.P. 7004. If any paper is served by mail, the mailing address shall include the zip code.

(2) Presentation for Issuance. The summons shall be prepared by the attorney upon forms supplied by the clerk. The summons shall be presented concurrently with the filing of a complaint or of an involuntary petition pursuant to 11 U.S.C. § 303.

(3) Exception - Statute of Limitations. If the statute of limitations applicable to any claim in a complaint will expire before the summons can be prepared and submitted, the complaint shall be accepted by the clerk for filing without a summons. The summons shall be presented for issuance within 2 days after the complaint is filed under this exception.

(4) Limitations on Service by Marshal. Except as otherwise provided by order of the court, or when required by the treaties or statutes of the United States, process shall not be presented to the United States Marshal for service. However, civil process on behalf of the United States government or an officer or agency thereof shall be made by the United States Marshal upon request by the government.

(b) PROOF OF SERVICE

(1) Form. Proof of service may be made by declaration of the person accomplishing the service. That declaration shall include the following information:

(A) The day and manner of service.

(B) The person and/or entity served.

(C) The method of service employed (e.g., personal, mail, substituted, etc.).

(D) Identification of the papers served.

(E) The exact address (including zip code) at which service was made.

(F) The capacity in which the person or entity was served.

SAMPLE (illustrative, not exhaustive):

DEBTOR:
Jane Jones
123 Main St.
Any Town, CA 91234

ATTORNEY FOR TRUSTEE:
Harold Smith, Esq.
Smith & Smith
234 First St., Suite 100
Any Town, CA 91234

TWENTY LARGEST UNSECURED CREDITORS:
[The full names and addresses should be listed for each person or entity served in this category. If there are less than 20 unsecured creditors of the estate, the proof of service should indicate that all unsecured creditors were served.]

SPECIAL NOTICE LIST:
[The full names and addresses should be listed for each person or entity served in this category.]

(2) Service by Mail. Proof of service by mail may be by the declaration of the person mailing or causing the papers to be mailed.

(3) Personal Service. In addition to any other method authorized by law, proof of personal service may also be shown by declaration in the same manner as for mail that the declarant has caused the papers to be served by hand or shown by acknowledgment of service by the person receiving a copy thereof on the original of the copy served. The declarant shall be the attorney for the party, the person in charge of the attorney's office, or the party appearing without counsel.

(4) Service by Mail Equivalents. Proof of service by messenger or overnight courier may be made by the person causing such service.

(5) Service by Fax Machine. Proof of service by fax machine may be made by the person causing the paper to be transmitted. Such proof of service shall indicate the telephone number to which the paper was transmitted and the method of confirmation that the transmission was received. No paper exceeding a total of 15 pages shall be served by fax machine, except with the express prior consent of the party receiving the transmission, or by court order.

(6) Filing. Except for matters being heard on shortened notice and under Local Bankruptcy Rule 9075-1, proof of service shall be filed in the clerk's office no later than 5 days after service and the serving party shall bring a conformed copy to the hearing. If the proof or acknowledgment of service is attached to the original document, it shall be attached as the last page of the document.

(7) Failure to File. Failure to prepare or file the proof of service required by this Local Bankruptcy Rule does not affect the validity of the service. The court may at any time allow the proof of service to be amended or supplied unless to do so would result in material prejudice to the substantive rights of any party.

(c) REQUESTS FOR NOTICE

In chapter 9 and 11 cases only, the debtor in possession or trustee shall maintain a current mailing list of all entities who have served requests for notice served pursuant to F.R.B.P. 2002(i) and shall promptly furnish a copy of that list upon the request of any creditor or other interested party.

See also Local Bankruptcy Rule 2002-2: NOTICE TO UNITED STATES OR FEDERAL AGENCIES.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 105(1), (3), (4). 105(2) contained in 7064-1; (5) in 2002-2; (6) in 1007-2.

Title amended to include *ISSUANCE AND*.

Paragraph (b)(3), formerly (3)(c) Personal Service. *Pro se* in last line changed to *without* counsel. The first sentence was reordered for clarity. *That person* was changed to *The declarant* in the second sentence.

Paragraph (b)(4) Service by Mail Equivalents. *Hand delivery* changed to *messenger*. *The paper to be delivered to the entity delivering the paper of the overnight courier* was changed to *such service*.

Paragraph (b)(5) Service by Fax Machine. *Or by court order* appended to the end of the paragraph. This subsection may be further amended to incorporate by reference the proposed district court Local Rule concerning fax filing.

Paragraph (c) REQUESTS FOR NOTICE. Cross-reference to Local Bankruptcy Rule 2002-2 added.

LOCAL BANKRUPTCY RULE 7016-1

STATUS CONFERENCE, PRE-TRIAL, AND TRIAL PROCEDURE

The procedures required by this Rule modify and take the place of the procedures set forth in F.R.Civ.P. 16(b).

(a) STATUS CONFERENCE

In any adversary proceeding, the clerk shall issue summons and notice of the date and time of the status conference.

(1) Who Shall Appear. Each party appearing at any status conference shall be represented by either the attorney (or the party if without counsel) who is responsible for trying the case or the attorney who is responsible for preparing the case for trial.

(2) Contents of Joint Status Report. Unless otherwise ordered by the court, at least 14 days before the date set for each status conference, the parties are mutually required to file a Joint Status Report discussing the following:

(A) State of discovery, including a description of completed discovery and detailed schedule of all further discovery then contemplated.

(B) A discovery cut-off date.

(C) A schedule of then contemplated law and motion matters.

(D) Prospects for settlement.

(E) A proposed date for the pre-trial conference and/or the trial.

(F) Whether and when counsel have met and conferred in compliance with Local Bankruptcy Rule 7026-1.

(G) Any other issues affecting the status or management of the case.

(H) Whether the parties are interested in alternative dispute resolution.

If defendant has not responded to the complaint or fails to cooperate in the preparation of a joint status report, then plaintiff shall file a unilateral status report not less than 10 days before the date set for each status conference, unless otherwise ordered by the court. The unilateral status report shall contain a declaration setting forth the attempts made by plaintiff to contact or obtain the cooperation of the defendant.

(3) Scheduling Order. Unless otherwise ordered by the court, within 7 court days after the status conference, the plaintiff shall submit a Scheduling Order setting forth the following:

(A) Deadline to join other parties and to amend the pleadings;

(B) Deadline to complete discovery;

(C) Deadline to file joint pre-trial order and any pre-trial motions;

(D) Any dates set for further status conferences, a final pre-trial conference, and the trial;

(E) Any other appropriate matter; and

(F) Proof of service on all opposing counsel, or parties if parties are not represented by counsel.

(b) JOINT PRE-TRIAL ORDER

(1) When Required. In any adversary proceeding or contested matter, unless otherwise ordered by the court, attorneys for the parties shall prepare and file a written joint pre-trial order approved by counsel for all parties. Unless otherwise specified by the court, the joint pre-trial order shall be filed and served not less than 14 days before the date set for the trial or pre-trial conference, if one is ordered. Preparation and filing of the pre-trial order shall be the responsibility of the parties' counsel, and it shall be equally the responsibility of the parties themselves if the parties are not represented by counsel. All parties shall meet and confer at least 28 days before the date set for trial or pre-trial conference, if one is ordered, for the purpose of preparing the pre-trial order.

(2) Contents of Pre-Trial Order. Said order shall include the following statements in the following order:

(A) "The following facts are admitted and require no proof:" (Set forth a concise statement of each.)

(B) "The following issues of fact, and no others, remain to be litigated:" (Set forth a concise statement of each.)

(C) "The following issues of law, and no others, remain to be litigated:" (Set forth a concise statement of each.)

(D) "Attached is a list of exhibits intended to be offered at the trial by each party, other than exhibits to be used for impeachment only. The parties have exchanged copies of all exhibits." (Attach a list of exhibits in the sequence to be offered, with a description of each, sufficient for identification, and as to each state whether or not there is objection to its admissibility in evidence and the nature thereof.) If deposition testimony is to be offered as part of the evidence, the offering party shall comply with Local Bankruptcy Rule 7027-1(a).

(E) "The parties have exchanged a list of witnesses to be called at trial." The parties shall exchange a list of names and addresses of witnesses, including expert witnesses, to be called at trial other than those contemplated to be used for impeachment or rebuttal. The lists of witnesses shall be attached to the proposed joint pre-trial order and shall describe concisely the subject of their proposed testimony. If expert witnesses are to be called at trial, the parties shall exchange short narrative statements of the qualifications of the expert and the testimony expected to be elicited at trial. If reports of experts to be called at trial have been prepared, they shall be exchanged but shall not substitute for the narrative statement required.

(F) "Other matters that might affect the trial, such as anticipated motions in limine, motions to withdraw reference due to timely jury trial demand pursuant to Local Bankruptcy Rule 9015-2, or other pre-trial motions."

(G) "All discovery desired to be conducted has been completed."

(H) "The parties are ready for trial."

(I) "The estimated length of trial is _____."

(J) "The foregoing admissions have been made by the parties, and the parties have specified the foregoing issues of fact and law remaining to be litigated. Therefore, this order shall supersede the pleadings and govern the course of trial of this cause, unless modified to prevent manifest injustice."

(c) PLAINTIFF'S DUTY

It shall be the duty of plaintiff to prepare and sign a proposed joint pre-trial order and to serve it in such manner so that it will actually be received by the office of counsel for all other parties not later than 4:00 p.m. on the fifth court day prior to the last day for filing said proposed pre-trial order. The order as proposed by plaintiff shall be complete in all respects except for other parties' lists of exhibits and witnesses.

(d) DUTY OF PARTIES OTHER THAN PLAINTIFF

Within 3 court days following other parties' receipt of plaintiff's proposed order, it shall be the duty of each other party to take action as follows:

(1) Agreement With Form of Proposed Order. If plaintiff's proposed order is satisfactory, attach that party's list of exhibits and witnesses to the order, indicate approval of the proposed order by signature, file it with the clerk in time to be received within the time prescribed in paragraph (b)(1) of this Local Bankruptcy Rule, and serve all other parties with a completed copy of the order so filed; or

(2) Disagreement With Form of Proposed Order. If plaintiff's proposed order is unsatisfactory:

(A) Immediately meet with or telephone plaintiff in a good faith effort to achieve a joint proposed order; and

(B) If such effort is unsuccessful, prepare a separate proposed order and file it, together with plaintiff's order and a declaration of that party setting forth the efforts made to comply with subparagraph (A) immediately above. These shall be filed and served in such a manner that they will actually be received by the clerk and the plaintiff all within the time set forth in paragraph (b)(1) of this Local Bankruptcy Rule.

(e) NON-RECEIPT OF PROPOSED JOINT PRE-TRIAL ORDER

(1) If the plaintiff has complied with paragraph (c) above and does not receive a timely response from the other parties, it shall file and serve its unilateral pre-trial order at least 14 days before the trial or pre-trial conference, if one is ordered. At the same time, plaintiff shall file and serve a declaration asserting the failure of the other parties to respond.

(2) If parties other than plaintiff have not received plaintiff's proposed pre-trial order within the time limits set forth in paragraph (c) above, it shall be the duty of each such other party to prepare, file and serve at least 14 days prior to the trial or pre-trial conference, if one is ordered, a declaration attesting to plaintiff's failure to prepare and serve a proposed pre-trial order in a timely manner.

(f) SANCTIONS FOR FAILURE TO COMPLY WITH THIS RULE

If a status conference statement or a joint proposed pre-trial order have not been filed within the time set forth in paragraphs (a) or (e) above, the court may do any or all of the following:

(1) Continue the trial date, if no prejudice is involved to the party who is not at fault.

(2) Award monetary sanctions including attorneys' fees against the party at fault, payable to the party not at fault. Said sanctions shall be assessed against the party at fault and/or counsel, in the court's discretion.

(3) Award non-monetary sanctions against the party at fault. These may include the entry of a judgment of dismissal or the entry of an order striking the answer and entering a default.

(g) FAILURE TO APPEAR AT HEARING OR PREPARE FOR TRIAL

Failure of counsel for any party to appear before the court at status conference or pre-trial conference or to complete the necessary preparations therefor or to appear at or to be prepared for trial may be considered an abandonment or failure to prosecute or defend diligently, and judgment may be entered against the defaulting party either with respect to a specific issue or as to the entire proceeding.

Court's Comment

2001 Revision

Paragraph (b)(1) JOINT PRE-TRIAL ORDER. The number of days to file and serve a pre-trial order was changed from 14 court days to 14 days (calendar). The number of days all parties must meet and confer was changed from 21 to 28 days prior to the date set for trial or pre-trial conference.

Paragraph (e) NON-RECEIPT OF PROPOSED JOINT PRE-TRIAL ORDER. New paragraph (e)(1) was added stating: *If the plaintiff has complied with paragraph (c) above and does not receive a timely response from the other parties, it shall file and serve its unilateral pre-trial order at least 14 days before the trial or pre-trial. At the same time, plaintiff shall file and serve a declaration asserting the failure of the other parties to respond.*

Paragraph (e). The former first paragraph became (e)(2) with the following changes: the time for receipt by parties other than the plaintiff of a proposed pre-trial order was revised from *10* court days to *within the time limits set forth in paragraph (c) above*. If a pre-trial order is not served within the time limits set forth in paragraph (c) above, requirements for a declaration have been outlined.

1998 Revision

Paragraph (a)(1). *Pro se* changed to *without counsel* for consistency with other Rules.

Paragraph (a)(2). *Court* added between *ten* and *days* in the first sentence. Subsection (H) added pursuant to the mediation program. New last sentence added regarding declaration setting forth attempts made by plaintiff to contact or obtain the cooperation of defendant.

Paragraph (a)(3). *And* added to end of subsection (E); new subsection (F) added.

Paragraph (d). *To take action as follows:* added at end of first sentence.

Paragraph (d)(1). *To* deleted before *attach, indicate*, *file*, and *serve*.

Paragraph (d)(2)(A). *To* deleted before *meet*.

Paragraph (d)(2)(B). *To* deleted before *prepare*.

Paragraph (f). *Status conference statement or a* added to first sentence; *has* changed to *have*, and *paragraph (e)* changed to *paragraphs (a) or (e)*, in the first sentence.

LOCAL BANKRUPTCY RULE 7026-1

EARLY MEETING OF COUNSEL

In all proceedings governed by Part VII of the Federal Rules of Bankruptcy Procedure, the parties shall comply with all applicable provisions of the Federal Rules of Bankruptcy Procedure, including without limitation Federal Rule of Bankruptcy Procedure 7026, and this Local Bankruptcy Rule. The plaintiff shall serve with the summons and complaint a notice that compliance with Federal Rule of Bankruptcy Procedure 7026 and this Local Bankruptcy Rule is required. The plaintiff shall file a proof of service of this notice together with the proof of service of the summons and complaint.

Unless all defendants default, the parties shall conduct the meeting and exchange the information required by Federal Rule of Bankruptcy Procedure 7026 within the time limits set forth therein and shall prepare and file within 7 days after such meeting a Joint Status Report containing the information set forth in Local Bankruptcy Rule 7016-1(a)(2), which report shall serve as the written report of such meeting required by Federal Rule of Bankruptcy Procedure 7026.

Court's Comment

2001 Revision

This revised Rule is included to avoid confusion. F.R.Civ.P. 26 was amended effective December 1, 2000, so as to prevent any district from opting out of certain of its provisions. All sections of F.R.Civ.P. 26 made applicable by F.R.B.P. 7026 in adversary proceedings and contested matters shall be observed.

1998 Revision

Cross-reference to Local Bankruptcy Rule 9013-1(c) added.

LOCAL BANKRUPTCY RULE 7027-1

DEPOSITIONS, INTERROGATORIES, AND REQUESTS FOR ADMISSIONS

(a) DEPOSITIONS

(1) Custody of Original Transcript. The original transcript of a deposition shall, unless otherwise stipulated to on the record at the deposition, after signing and correction or waiver of the same, be sent to the attorney noticing the deposition. Upon request of any party intending to offer deposition evidence at a contested hearing or trial, a copy of the transcript shall be sent to that party for marking in compliance with subparagraph (2) of this Rule.

(2) Use of Deposition Evidence in Contested Hearing or Trial. Each party intending to offer any evidence by way of deposition testimony pursuant to F.R.Civ.P. Rule 32 and F.R.Evid. Rules 803 or 804 shall:

(A) Lodge the original deposition transcript and a copy pursuant to this Rule with the Clerk at least 10 days before the hearing or trial at which it is to be offered.

(B) Identify on the copy of the transcript the testimony the party intends to offer by bracketing in the margins the questions and answers that the party intends to offer at trial. The opposing party shall likewise countermark any testimony that it plans to offer. The parties shall agree between themselves on a separate color to be used by each party which shall be consistently used by that party for all depositions marked in the case.

(C) Mark objections to the proffered evidence of the other party in the margins of the deposition by briefly stating the ground for the objection.

(D) Serve and file notice of the portions of the deposition marked or countermarked by stating the pages and lines so marked, objections made and the grounds indicated therefor. Such notice shall be provided within five days after the party has marked and countermarked or objects to the deposition evidence.

In appropriate cases and when ordered by the Court, the parties shall jointly prepare a deposition summary to be used in lieu of question and answer reading of a deposition at trial.

(b) INTERROGATORIES AND REQUESTS FOR ADMISSIONS

No party shall, without leave of the court and for good cause shown, serve more than 25 interrogatories (including all subparts) on any other party. A motion for leave to serve additional interrogatories may be made pursuant to regularly noticed motion under Local Bankruptcy Rule 9013-1. Interrogatories and requests for admissions shall be numbered sequentially without repeating the numbers used on any prior set of interrogatories or requests for admissions propounded by that party. The party answering or objecting to interrogatories or requests for admissions shall quote each interrogatory or request in full immediately preceding the statement of any answer or objection thereto. The original of the interrogatories, requests for admissions or requests for the production of documents or to inspect tangible things shall be held by the attorney propounding the interrogatories or requests pending use pursuant to this Local Bankruptcy Rule or further order of the court.

(c) DISCOVERY DOCUMENTS - PROOF OF SERVICE - FILING

The following discovery documents and proofs of service thereof shall not be filed with the clerk until there is a proceeding in which the document or proof of service is in issue:

(1) Transcripts of depositions upon oral examination
(2) Transcripts of depositions upon written question
(3) Interrogatories
(4) Answers or objections to interrogatories
(5) Requests for the production of documents or to inspect tangible things
(6) Responses or objections to requests for the production of documents or to inspect tangible things
(7) Requests for admissions
(8) Responses or objections to requests for admission
(9) Notices of Deposition, unless filing is required in order to obtain issuance of a subpoena in another district
(10) Subpoena or Subpoena Duces Tecum

When required in a proceeding, only that part of the document which is in issue shall be filed. When filed, discovery documents shall be submitted with (and preferably rubber-banded to) a notice of filing that identifies the date, time and place of the hearing or trial in which it is to be offered. Requests for admission and interrogatories shall comply with the form requirement of Local Bankruptcy Rule 1002-1. Original transcripts of depositions, however, may be bound on the left side, and do <u>not</u> have to be hole-punched or backed. Original deposition transcripts will be treated as trial exhibits and will be delivered to the judge for the hearing or trial. Only an original of a deposition transcript is required, although

a copy should also be submitted if available. All such discovery documents shall be held by the attorney pending use pursuant to this Local Bankruptcy Rule for the period specified in Local Bankruptcy Rule 5003-2(b) for the retention of exhibits, unless otherwise ordered by the court.

(d) DISCOVERY DOCUMENTS - DISCLOSURE

Unless an applicable protective order otherwise provides, any entity may obtain copies of any discovery document described in paragraph (c) of this Local Bankruptcy Rule by making a written request therefor to the clerk and paying the reasonable cost of duplication. The clerk shall give notice of the request to all parties in the case or proceeding, and the party holding the original of the requested discovery document shall lodge the original or an authenticated copy with the clerk within 10 days after service of the clerk's notice. Promptly after duplication, the clerk shall return the original to the party who provided it.

Court's Comment

2001 Revision

Paragraph (a)(1) was revised so that a copy of the transcript instead of the original is sent to the party intending to offer deposition evidence at a contested hearing or trial.

Paragraph (a)(2) was replaced with former Local Bankruptcy Rule 120(1)(b) in its entirety with minor revision. Both the original deposition and a copy must be lodged with the clerk. Marking by the parties shall be made on the copy rather than the original. The revision is intended to clarify the procedure for using deposition evidence, and to make the procedure consistent with that of the district court.

1998 Revision

Paragraphs (a)(2)(B)-(D) deleted, although the court may order the marking of deposition transcripts as previously provided by these subsections.

Paragraph (b). *Thirty* interrogatories changed to *25* to conform to F.R.Civ.P.33(a); *An application* changed to *A motion*.

Paragraph (c). *Proof of service* in first line changed to *proofs of service*; *must* changed to *shall* in second and third sentences of last paragraph.

LOCAL BANKRUPTCY RULE 7052-1

FINDINGS OF FACT AND CONCLUSIONS OF LAW

(a) PREPARATION AND LODGING OF DOCUMENTS

In all cases where written findings of fact and conclusions of law are required under F.R.B.P. 7052 or 7065, or as otherwise required by the court, the attorney for the prevailing party shall within 7 court days of the date of the hearing at which the oral findings and conclusions were rendered, lodge proposed findings of fact and conclusions of law.

(b) PROPOSED FINDINGS

The proposed findings shall:

(1) Be in separately numbered paragraphs;

(2) Be in chronological order; and

(3) Not make reference to allegations contained in pleadings.

(c) CONCLUSIONS OF LAW

Conclusions of law shall follow the findings of fact, and:

(1) Shall be in separately numbered paragraphs; and

(2) May include brief citations of appropriate authority.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 116(1)(b)(i) and (ii).

Paragraph (b) PROPOSED FINDINGS. *Must* changed to *shall*.

LOCAL BANKRUPTCY RULE 7054-1

TAXATION OF COSTS AND AWARDING OF ATTORNEYS' FEES

(a) WHO MAY BE AWARDED COSTS

When costs are allowed by the F.R.B.P. or other applicable law, the court may award costs to the prevailing party. Counsel are advised to review 28 U.S.C. § 1927 regarding counsel's liability for excessive costs.

The prevailing party shall be defined as follows:

(1) Recovery on Complaint. The plaintiff is the prevailing party when it recovers on the entire complaint.

(2) Dismissal or Judgment in Favor of Defendant. The defendant is the prevailing party when the proceeding is terminated by court-ordered dismissal or judgment in favor of defendant on the entire complaint.

(3) Partial Recovery. Upon request of one or more of the parties, the court shall determine the prevailing party when there is a partial recovery or a recovery by more than one party.

(4) Voluntary Dismissal. Upon request of one or more of the parties, the court shall determine the prevailing party when the case or proceeding is voluntarily dismissed or otherwise voluntarily terminated.

(5) Offer of Judgment. If a party defending against a claim files under seal a written offer of judgment before trial and the judgment finally obtained by the offeree is not more favorable than the offer, the party offering the judgment is the prevailing party.

No costs shall be allowed unless a party qualifies as, or is determined by the court to be, the prevailing party under this Local Bankruptcy Rule.

(b) BILL OF COSTS

The prevailing party who is awarded costs shall have 30 days after entry of judgment to file and serve a Bill of Costs. Each item claimed shall be set forth separately in the Bill of Costs. The prevailing party, or the party's attorney or agent having knowledge of the facts shall file a declaration with the Bill of Costs. The declaration shall verify that:

(1) The items claimed as costs are correct;

(2) The costs have been necessarily incurred in the case;

(3) The services for which fees have been charged were actually and necessarily performed; and

(4) The costs have been paid or the obligation for payment has been incurred.

(c) ITEMS TAXABLE AS COSTS

The following items are taxable as costs:

(1) Filing Fees. The clerk's filing fees.

(2) Fees for Service of Process. Fees for service of process (whether served by the United States Marshal or in any other manner authorized by F.R.B.P. 7004).

(3) United States Marshal's Fees. Fees paid to the United States Marshal, including:

(A) Fees paid pursuant to 28 U.S.C. § 1921;

(B) Charges connected with caring for property attached, replevied, libeled, or held pending stay or execution; and

(C) The United States Marshal's commission on collections paid to creditors. That commission shall be 1% of the amount up to $l,000.00 and ½ of 1% on the amount in excess of $1,000, but not less than $2.50 for any collection.

(4) Clerk's Fees. Fees for certification of documents necessary for preparation for a hearing or trial.

(5) Transcripts and Tapes. The cost of the original and one copy of all or any part of a trial transcript, daily transcript or a transcript of matters occurring before or after trial, if requested by the court or prepared pursuant to stipulation. Cost of copies of recorder's tapes, if requested by the court or obtained pursuant to stipulation.

(6) Depositions. Costs incurred in connection with taking depositions, including:

(A) The cost of the original and one copy of all depositions taken for any purpose in connection with the case;

(B) The reasonable fees of the deposition reporter, the notary, and any other persons required to report or transcribe the deposition;

(C) Reasonable witness fees paid to a deponent, including fees actually paid to an expert witness deponent pursuant to F.R.Civ.P. 26(b)(4)(C);

(D) Reasonable fees paid to an interpreter when necessary to the taking of the deposition; and

(E) The cost of copying or reproducing exhibits used at the deposition and made a part of the deposition transcript.

(7) Witness Fees. Fees paid to witnesses, including:

(A) Per diem, mileage, subsistence and attendance fees as provided in 28 U.S.C. § 1821 paid to witnesses subpoenaed or actually attending the proceeding;

(B) Witness fees for a party if required to attend by opposing party; and

(C) Witness fees for officers and employees of a corporation if they are not parties in their individual capacities.

(8) Interpreter's and Translator's Fees. Fees paid to interpreters and translators, including:

(A) The salaries, fees, expenses and costs of an interpreter as provided by 28 U.S.C. §§ 1827 and 1828; and

(B) Fees for translation of documents received in evidence, used as part of the proceeding or when otherwise reasonably necessary to the preparation of the case.

(9) Docket Fees. Docket fees as provided by 28 U.S.C. § 1923.

(10) Certification, Exemplification and Reproduction of Documents. Document preparation costs, including:

(A) The cost of copies of an exhibit attached to a document necessarily filed and served;

(B) The cost of copies of documents admitted into evidence when the original is not available or the copy is substituted for the original at the request of an opposing party;

(C) Fees for an official certification of proof respecting the non-existence of a document or record;

(D) Patent Office charges for the patent file wrappers and prior art patents necessary to the prosecution or defense of a proceeding involving a patent;

(E) Notary fees incurred in notarizing a document when the cost of the document is taxable; and

(F) Fees for necessary certification or exemplification of any document.

(11) Premiums on Undertakings and Bonds. Premiums paid on undertakings, bonds, security stipulations, or substitutes therefor where required by law, court order, or where necessary to enable a party to secure a right granted in the proceeding.

(12) Other Costs. Upon order of the court, additional items, including the following, may be taxed as costs:

(A) Summaries, computations, polls, surveys, statistical comparisons, maps, charts, diagrams, and other visual aids reasonably necessary to assist the jury or the court in understanding the issues at the trial;

(B) Photographs, if admitted in evidence or attached to documents necessarily filed and served upon the opposing party; and

(C) The cost of models if ordered by the court in advance of or during trial.

(13) Removed Cases. Costs incurred in state court prior to removal which are recoverable under state statutes shall be recoverable by the prevailing party in this court.

(14) Costs on Appeal. Costs on appeal which are taxable in the bankruptcy court or district court shall be governed by F.R.App.P. 39(e). Such costs bill shall be filed within 15 days of the filing and spreading of the mandate of the court of appeals in the district court, or of the bankruptcy appellate panel or district court in the bankruptcy court.

See also Local Rules 54-1 through 54-12, inclusive, Local Civil Rules of the District Court.

(d) OBJECTIONS TO BILL OF COSTS

A party dissatisfied with the costs claimed may, within 5 court days after the service of a copy of the Bill of Costs, file and serve an objection to having the same taxed. The grounds for objection shall be specifically stated. The court may set a hearing or resolve the matter without a hearing.

(e) ENTRY OF COSTS; EXECUTION

If no objection to the Bill of Costs is timely filed or as soon as practicable after the order on the objection to the Bill of Costs becomes final, the clerk shall insert the amount into the blank left in the judgment for that purpose, and shall enter a similar notation on the docket sheet.
The clerk shall, upon request, issue a writ(s) of execution to recover either costs or attorneys' fees included in the judgment:

(1) Upon presentation of a certified copy of the final judgment in the bankruptcy court or in the district court; or

(2) Upon presentation of a mandate of the district court, bankruptcy appellate panel, or court of appeals to recover costs taxed by the appellate court.

(f) MOTION FOR ATTORNEYS' FEES

If not previously determined at trial or other hearing, any motion for attorneys' fees where such fees may be awarded shall be served and filed within 30 days after the entry of judgment or other final order, unless otherwise ordered by the court. Such motions and their disposition shall be governed by Local Bankruptcy Rule 9013-1.

Court's Comment

2001 Revision

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Revision

AND AWARDING OF ATTORNEYS' FEES added to title.

Paragraph (a) WHO MAY BE AWARDED COSTS. *Admonished* changed to *advised*.

Paragraph (a)(2) Dismissal or Judgment in Favor of Defendant. *On the entire complaint* added to end of paragraph.

Paragraph (a)(3) Partial Recovery. *Upon request of one or more of the parties,* added to beginning of the first paragraph.

Paragraph (a)(4) Voluntary Dismissal. *Upon request of one or more of the parties,* added to beginning of the paragraph.

Paragraph (b) BILL OF COSTS. *15 days* changed to *30 days* in the first line.

Paragraph (c)(12) Other Costs. *Additional items, including the following* added to first sentence. *and items* deleted after *following*.

Paragraph (c)(14) Costs on Appeal. *Which are* added before *taxable* in the first sentence. Cross-reference to Local Rule 16, Chapter I, Local Civil Rules, of the district court, added.

Paragraph (d) OBJECTIONS TO BILL OF COSTS. *The court may set a hearing or resolve the matter without a hearing* added as a new last sentence.

Paragraph (f) MOTION FOR ATTORNEYS' FEES. *Where such fees may be awarded* added between *attorneys' fees* and *shall be* in the first sentence.

LOCAL BANKRUPTCY RULE 7055-1

ENTRY OF DEFAULT

Any request for the clerk to enter default shall be accompanied by supporting declarations establishing the elements required by F.R.B.P. 7055 (F.R.Civ.P. 55(a)) and a proof of service on the defaulting parties.

Court's Comment

1998 Revision

Must changed to *shall*; parenthetical reference to F.R.Civ.P. 55(a) added.

LOCAL BANKRUPTCY RULE 7056-1

SUMMARY JUDGMENT

See Local Bankruptcy Rule 9013-1(e): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), SUMMARY JUDGMENT OR PARTIAL SUMMARY ADJUDICATION.

Court's Comment

1998 Revision

New Rule.

LOCAL BANKRUPTCY RULE 7064-1

SEIZURE OF PERSONS AND PROPERTY

(a) WRITS OR OTHER PROCESS

All writs or other process issued for the seizure of persons or property pursuant to F.R.Civ.P. 64, 69 and 70 shall be issued, attested, signed and sealed as required for writs issued out of this court. Any writ or other process for seizure in a civil action shall only be directed to, executed and returned by the United States Marshal or by a state or local law enforcement officer authorized by state law or a private person specially appointed by the court for that purpose pursuant to a motion and order. An order of court requiring entry upon private premises without notice shall only be executed by the United States Marshal, a state or local law enforcement officer, or a private person specially appointed by the court for that purpose pursuant to a motion and order. If a writ or other process is to be executed by a private person, the private person shall be accompanied by a United States Marshal or a state or local law enforcement officer, who shall be present upon the premises during the execution of the order.

Any eviction to be made pursuant to a Writ of Possession issued by the court pursuant to 11 U.S.C. § 365(d)(4) shall be made by a state or local law enforcement officer authorized by state law to execute such writs issued under state law unless otherwise ordered by the court.

(b) USE OF UNITED STATES MARSHAL

The court encourages the use of state remedies and officers wherever appropriate to enforce judgments or obtain available remedies. The United States Marshals Service is available to enforce federal judgments as necessary.

See also Local Bankruptcy Rule 7069-1: ENFORCEMENT OF JUDGMENT AND PROVISIONAL REMEDIES.

(c) FORMS

Unless the court has adopted its own form, the applicable form approved by the Judicial Council of California for use in California courts shall likewise be used in the court whenever a provisional remedy is sought or a judgment is enforced in accordance with state

law as provided in F.R.B.P. 7064 and 7069. The caption shall be modified to specify "United States Bankruptcy Court for the Central District of California," rather than the California courts. The form shall use 1 side of the page only, pursuant to Local Bankruptcy Rules 1002-1(d)(11) and 9009-1.

Court's Comment

1998 Revision

Paragraph (a) WRITS OR OTHER PROCESS. First paragraph taken from former Local Bankruptcy Rule 131; second paragraph taken from second paragraph of former Local Bankruptcy Rule 105(2). [First paragraph of Rule 105(2) deleted.] *Pursuant to a motion and order* added after *for that purpose* in the second and third sentences of the first paragraph. *Generally* deleted from first sentence of second paragraph.

Paragraph (b) USE OF UNITED STATES MARSHAL. Taken from former Local Bankruptcy Rule 116.1(3).

Cross-reference to Local Bankruptcy Rule 7069-1 added.

Paragraph (c) FORMS. Taken from former Local Bankruptcy Rule 116.1(1). *Must* changed to *shall* in last sentence.

LOCAL BANKRUPTCY RULE 7065-1

INJUNCTIONS

Temporary restraining orders and preliminary injunctions may only be sought as provisional remedies in pending adversary proceedings, not in the bankruptcy case itself. An adversary complaint must already be on file or be filed at the same time as the request for a temporary restraining order ("TRO") or preliminary injunction is made.

When a temporary restraining order is not sought, a preliminary injunction shall be sought by noticed motion and not by order to show cause. When a TRO is sought, a preliminary injunction shall be sought by order to show cause. If the TRO is granted without notice, the hearing on the order to show cause shall be set within 10 days after the entry of the TRO unless otherwise agreed by the parties. If the TRO is denied or granted after reasonable notice, the court may set the hearing on the order to show cause re preliminary injunction without regard to the notice of motion requirements set forth in Local Bankruptcy Rule 9013-1(a)(6)(B).

Court's Comment

1998 Revision

Former Local Rule 111(6).

First two sentences added. Parenthetical reference to *"TRO"* in first sentence of former Local Bankruptcy Rule 111(6) moved to follow *temporary restraining order* in new second sentence. *21 days' notice of motion requirement of the Local Bankruptcy Rules* changed to *notice of motion requirements set forth in Local Bankruptcy Rule 9013-1(a)(6)(B)* in the last sentence.

LOCAL BANKRUPTCY RULE 7067-1

DEPOSIT IN COURT

(a) DEPOSIT OF REGISTRY FUNDS; CONTENT OF ORDER

No money shall be sent to the court or the clerk for deposit into the court's registry without a court order. The order shall be prepared by the party seeking the order of deposit. The order shall be set forth in a separately captioned document complying with Local Bankruptcy Rule 1002-1. The order shall state the exact amount to be deposited; that the funds are to be deposited into an interest-bearing account; and that the funds will remain on deposit until further order of the court. Additionally, the order shall contain the following provision:

> "IT IS ORDERED that the clerk is directed to deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office, whenever such income becomes available for deduction in the investment so held and without further order of the court."

The funds shall be submitted to the clerk by check or money order made payable to "U. S. Bankruptcy Court" in the exact amount specified in the court order.

(b) NOTICE TO CLERK

Whenever the court orders that money deposited into court shall be deposited by the clerk in an interest-bearing account, the party seeking the order shall forthwith personally serve a copy of such order upon the clerk or chief deputy clerk. Failure of the party seeking an order of deposit to an interest-bearing account to serve the clerk or chief deputy with a copy of the order shall release the clerk from liability for loss of interest upon the money subject to the order of deposit.

(c) AUTHORIZED DEPOSITORIES

Unless otherwise ordered by the court, the clerk shall deposit money pursuant to an order of deposit in any institution that the Office of the United States Trustee has authorized for deposit of funds administered by debtors in possession or appointed trustees, subject to the same terms and conditions as for such funds. The clerk may also invest such money in United States Treasury bills.

(d) TIMING OF DEPOSIT

The clerk shall deposit the money pursuant to an order of deposit as soon as practicable following service of a copy of the order by the party seeking the order.

(e) FEES CHARGED ON REGISTRY FUNDS

All funds deposited on or after December 1, 1990 and invested as registry funds will be assessed a charge of 10% of the income earned. Fees may be deducted periodically without further order and will be subject to any subsequent exceptions or adjustments by the directive of the Administrative Office of the United States Courts.

(f) DISBURSEMENTS OF REGISTRY FUND; CONTENT OF ORDER

The clerk shall disburse funds on deposit in the registry of the court only pursuant to court order. The disbursement order shall contain a provision relieving the clerk from liability for loss of interest, if any, for early withdrawal of the funds. The order shall state the name and taxpayer identification number for each party who is to receive funds and the amount of percentage of the principal each is to receive. The order shall also state the percentage of the interest each party is to receive. Funds shall be disbursed only after the time for appeal of the related judgment or order has expired, or upon approval by the court of a written stipulation by all parties.

Court's Comment

1998 Revision

Paragraph (a) DEPOSIT OF REGISTRY FUNDS; CONTENT OF ORDER. New paragraph.

Paragraphs (1), (2), (3), and (4) of former Local Bankruptcy Rule 134 renumbered as paragraphs (b), (c), (d), and (e), respectively.

Paragraph (f) DISBURSEMENTS OF REGISTRY FUND; CONTENT OF ORDER. New paragraph.

LOCAL BANKRUPTCY RULE 7069-1

ENFORCEMENT OF JUDGMENT AND PROVISIONAL REMEDIES

(a) FORMS

Unless the court has adopted its own form, the applicable form approved by the Judicial Council of California for use in California courts shall be used in the court whenever a provisional remedy is sought or a judgment is enforced in accordance with state law as provided in F.R.B.P. 7064 and 7069. The caption shall be modified to specify "United States Bankruptcy Court for the Central District of California," rather than the California courts. The form shall use 1 side of the page only, pursuant to Local Bankruptcy Rules 1002-1(d)(11) and 9009-1.

(b) DISCOVERY IN AID OF ENFORCEMENT OF JUDGMENTS

With respect to a judgment of the bankruptcy court and as allowed by F.R.B.P. 7069, except to the extent that a federal statute applies, a judgment creditor may obtain discovery from any person to aid in enforcing a judgment in the manner provided by Rules 26-37 of the F.R.Civ.P. or in the manner provided by state law. A judgment creditor may not use F.R.B.P. 2004 to collect information to use to enforce a judgment.

(c) USE OF UNITED STATES MARSHAL

The court encourages the use of state remedies and officers wherever appropriate to enforce judgments or obtain available remedies. The United States Marshals Service is available to enforce federal judgments as necessary.

See also Local Bankruptcy Rule 7064-1: SEIZURE OF PERSONS AND PROPERTY.

Court's Comment

1998 Revision

Paragraph (a) FORMS. *Must* changed to *shall* in last sentence. *Likewise* deleted from first sentence.

Paragraph (b) DISCOVERY IN AID OF ENFORCEMENT OF JUDGMENTS. *With respect to a judgment of the Bankruptcy Court and* added to the beginning of the first sentence.

Reference to Local Bankruptcy Rule 7064-1, SEIZURE OF PERSONS AND PROPERTY, added.

LOCAL BANKRUPTCY RULE 8000-1

RULES APPLICABLE TO BANKRUPTCY APPEALS

(a) APPEALS TO DISTRICT COURT

All bankruptcy appeals before the district court shall be governed by Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

(b) APPEALS TO BANKRUPTCY APPELLATE PANEL

For the purposes of these Local Bankruptcy Rules, bankruptcy appellate panel shall mean the United States Bankruptcy Appellate Panel of the Ninth Circuit. The Rules of the Bankruptcy Appellate Panel apply to all bankruptcy appeals pending before the bankruptcy appellate panel.

Court's Comment

2001 Comment

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Comment

Amended to refer to the proposed district court Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, which follow:

CHAPTER VI

LOCAL RULES GOVERNING BANKRUPTCY APPEALS, CASES AND PROCEEDINGS

RULE 1: SCOPE OF RULES

1.1 SCOPE OF RULES

These rules govern procedure in appeals, withdrawals of reference and other matters

referred from the United States Bankruptcy Court to the United States District Court, Central District of California. When these rules provide for the making of a motion or application in the bankruptcy court, the procedure for making such motion or application shall be in accordance with the practice of the bankruptcy court.

1.2 RULES NOT TO AFFECT JURISDICTION

These rules shall not be construed to extend or limit the jurisdiction of the district court as established by law.

RULE 2: NOTICE OF APPEAL; HOW AND WHERE TAKEN

2.1.1 FOR CASES FILED IN THE BANKRUPTCY COURT ON OR BEFORE 10/22/94. *All appeals shall be referred immediately to the bankruptcy appellate panel unless a party to the appeal files a written objection with the clerk of the bankruptcy appellate panel within 21 days from the date of the filing of the notice of appeal. If such an objection is timely filed, the appeal shall be immediately transferred by the bankruptcy appellate panel to the district court.*

2.1.2 FOR CASES FILED IN THE BANKRUPTCY COURT AFTER 10/22/94

2.1.2.1 STATEMENT OF ELECTION BY APPELLANT*. All appeals shall be referred immediately to the bankruptcy appellate panel unless the Appellant files a separate statement of election to transfer appeal to the district court with the notice of appeal, in which case the notice of appeal shall be referred immediately to the district court.*

2.1.2.2 STATEMENT OF ELECTION BY OTHER PARTY*. If any other party wishes to have the appeal heard by the district court, that party must, within 30 days after service of the notice of appeal, file with the clerk of the bankruptcy appellate panel a written statement of election to transfer the appeal to the district court. If such a written statement of election is timely filed, the notice of appeal shall be referred immediately to the district court.*

2.2 FILING THE NOTICE OF APPEAL

An appeal permitted by law as of right from the bankruptcy court to the district court must be taken by filing a notice of appeal with the clerk of the bankruptcy court within the time allowed by Rule 8002 of the Federal Rules Of Bankruptcy Procedure (FRBP). At the time of filing, the appellant must furnish the bankruptcy clerk with sufficient copies of the notice of appeal to enable the bankruptcy clerk to comply promptly with the service requirement of FRBP 8004. Appeals by permission under 28 U.S.C. § 158(a) shall be taken in the manner prescribed by Rule 3. Certification as to interested parties and notice of related cases, as prescribed in Local Civil Rule 3, shall be filed by the appellant with the notice of appeal.

2.3 JOINT OR CONSOLIDATED APPEALS

If two or more persons are entitled to appeal from a judgment or order of the bankruptcy court and their interests are such as to make joint appeal practicable, they may file a joint notice of appeal, or may join in appeal after filing separate timely notices of appeal, and they may thereafter proceed on appeal as a single appellant. Appeals may be consolidated by order of the district court upon its own motion, upon motion of a party, or by stipulation of the parties to the multiple appeals.

2.4 CONTENT OF THE NOTICE OF APPEAL

A notice of appeal must designate the judgment, order, or part thereof from which the appeal is taken. A notice of appeal must also specify the party or parties taking the appeal by naming each appellant in either the caption or the body of the notice of appeal. An attorney representing more than one party may fulfill this requirement by describing those parties with such terms as "all plaintiffs," "the defendants," "the plaintiffs A, B, et al," or "all defendants except X." A notice of appeal filed by a party not represented by counsel may be filed only on behalf of the party signing the notice.

2.5 SERVING THE NOTICE OF APPEAL

Within three days after the filing of a notice of appeal, the clerk of the bankruptcy court shall serve upon all parties to the appeal a copy of the notice of appeal. The clerk of the bankruptcy court shall forthwith send a copy of the notice, a copy of the order or judgment from which the appeal is taken and a copy of the docket to the clerk of the district court. The bankruptcy clerk shall note in the file or on the docket the names of the parties to whom copies were mailed, with the date of mailing.

2.6 PAYMENT OF FEES

Upon the filing of any separate or joint notice of appeal from the bankruptcy court, the appellant shall pay to the clerk of the bankruptcy court such fees as are established by statute in addition to the docket fee prescribed by the Judicial Conference of the United States.

RULE 3: LEAVE TO APPEAL FROM INTERLOCUTORY ORDERS AND DECREES

3.1 MOTION FOR LEAVE TO APPEAL

Leave to appeal under 28 U.S.C. § 158(a) shall be sought by filing with the clerk of the bankruptcy court a motion for leave to appeal accompanied by a notice of appeal. The motion for leave and notice of appeal must be filed within the time provided in FRBP 8002 and must include proof of service.

3.2 CONTENT OF MOTION; OPPOSITION

A motion for leave shall include all elements required by FRBP 8003(a). Within ten days after service of a motion for leave, a responding party shall file with the clerk of the bankruptcy court an opposition to the motion or a notice of non-opposition.

3.3 LEAVE TO APPEAL GRANTED

If leave to appeal is granted, the clerk of the bankruptcy court shall notify counsel for appellant within five court days. All time limits set by the rules applicable to bankruptcy appeals shall run from the date of the notice of entry by the bankruptcy clerk of the order granting leave to appeal.

3.4 APPEAL IMPROPERLY TAKEN REGARDED AS A MOTION FOR LEAVE TO APPEAL

If a required motion for leave to appeal is not filed but a timely notice of appeal is filed, the notice of appeal shall be deemed a timely motion for leave to appeal. The district court may grant or deny leave to appeal or may direct the appellant to file a proper motion for leave to appeal.

RULE 4: THE RECORD ON APPEAL AND EXCERPTS OF RECORDS

4.1 COMPOSITION OF RECORD ON APPEAL

The original documents and exhibits filed in the bankruptcy court, the transcript of proceedings, if any, and a certified copy of the docket prepared by the clerk of the bankruptcy court shall constitute the record on appeal.

4.2 CERTIFICATE OF READINESS

Upon the filing of the transcripts in the bankruptcy court, or alternatively, when the bankruptcy court receives notice that no transcripts will be ordered, the clerk of the bankruptcy court shall transmit a Certificate of Readiness to the district court. The certificate shall attest that all documents which comprise the record are available to parties in the bankruptcy court clerk's office. The district court shall forthwith notify the parties of the date of filing the Certificate of Readiness and this date shall constitute the date of entry on the docket for purposes of FRBP 8007 and 8009.

4.3 RETENTION OF THE TRANSCRIPT AND CLERK'S RECORD

The transcript and record on appeal shall be retained by the clerk of the bankruptcy court for use by the parties in preparing their briefs until requested by the district court.

4.4 EXCERPTS OF RECORD

Excerpts of record shall be filed in accordance with FRBP 8009(b). A party filing excerpts of record shall file two (2) copies to be bound separately from the briefs. Each copy shall have a cover styled as described in Rule 32(a) of the Federal Rules of Appellate Procedure.

Pursuant to FRBP Rule 8009(b)(9), the excerpts of record shall include the transcripts necessary for adequate review in light of the standard of review to be applied to the issues before the district court. The court will only consider those portions of the transcript included in the excerpts of record.

4.5 TRANSMITTAL OF THE RECORD UPON REQUEST

The bankruptcy court shall transmit the record to the district court within ten (10) days of receiving a written request from the clerk of the district court.

RULE 5: BRIEFS

5.1 TIME FOR FILING, FORM AND NUMBER OF BRIEFS

Parties shall file an original and one copy of their briefs. Briefs shall be prepared and filed in accordance with FRBP 8009 and 8010, and Rule 32(a) of the Federal Rules of Appellate Procedure.

5.2 LENGTH OF BRIEFS

Except with permission of the district court, the appellant's and appellee's opening briefs shall not exceed 30 pages, and reply briefs shall not exceed 20 pages, exclusive of pages containing the table of contents, tables of citations, proof of service and any addendum containing statutes, rules, regulations or similar material.

5.3 BRIEFS IN CASES INVOLVING CROSS-APPEALS

If a cross-appeal is filed, the appellee's and appellant's briefs shall be prepared and filed in accordance with FRBP 8009 with respect to the appellee's cross-appeal.

5.4 BRIEFS IN CASES INVOLVING MULTIPLE APPELLANTS OR APPELLEES

In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, all parties are encouraged to join in a single brief to the greatest extent practicable.

5.5 CONSEQUENCE OF FAILURE TO FILE BRIEFS

If an appellant fails to file a brief within the time provided by these rules, the district court may dismiss the appeal on its own motion or upon motion of the appellee. If an appellee fails to file a brief, the appellee will not be heard at oral argument except by permission of the district court.

5.6 EXTENSIONS OF TIME FOR FILING BRIEFS

An application or motion for an extension of time for filing a brief shall be filed in the district court within the time limits prescribed by FRBP 8009 and shall be accompanied by a proof of service of the application or motion reflecting service on the other interested parties. The application or motion shall be accompanied by a declaration stating the date the brief is due, how many previous extensions have been granted, when the brief was first due, and whether any previous requests for extension of time have been denied. The declaration must also state the reason(s) why such an extension is necessary, the amount of additional time requested, and the position of the opponent(s) as to the proposed extension or why the moving party has been unable to obtain a statement of the opponent's position.

RULE 6: MOTIONS

6.1 WITHDRAWAL OF REFERENCE FROM THE BANKRUPTCY COURT

A Motion to withdraw the reference of a case or proceeding pending in the bankruptcy court shall be filed, with proof of service of the motion reflecting service on the other interested parties, with the clerk of the district court. Such a motion shall be made in accordance with FRBP 5011. Certification as to interested parties and notice of related cases, as prescribed in Local Civil Rule 3, shall be filed by the moving party with the motion to withdraw. A conformed copy of the motion to withdraw shall be delivered by the moving party to the bankruptcy judge presiding over the case or proceeding.

Opposition and reply papers to the motion to withdraw shall be filed in the district court in accordance with Local Civil Rule 7. Opposition papers shall include a certification as to interested parties as prescribed in Local Civil Rule 3.

6.2 EXTENSION OF TIME

All motions to extend time, except for the filing of briefs, shall be filed in the bankruptcy court. Motions to extend the time for the filing of briefs shall be made in accordance with Rule 5.6.

6.3 EMERGENCY MOTIONS

If a movant certifies that to avoid immediate irreparable harm relief is needed on an emergency basis, the motion shall be governed by FRBP 8011(d) and the following requirements:

6.3.1 *Before the filing of the motion, the movant shall make every practicable effort to notify and serve, using the quickest method available, both the clerk of the district court and opposing counsel.*

6.3.2 *Any motion under this Rule shall have "Emergency Motion" precede the title of the motion.*

6.3.3 *A certificate of counsel for the movant, entitled "Emergency Motion," shall follow the cover page and shall contain:*

6.3.3.1 *Facts showing the existence and nature of the claimed emergency;*

6.3.3.2 *The telephone numbers and office addresses of moving and opposing counsel;*

6.3.3.3 *When and how counsel for the other parties were notified and whether they have been served, or if not notified and served, why that was not done;*

6.3.3.4 *If the relief sought in the motion was available in the bankruptcy court, a statement as to whether all grounds presented in support of the motion brought before the district court were submitted to the bankruptcy court in accordance with FRBP 8011(d), and, if not, the reasons why.*

6.3.4 *An appendix to the emergency motion shall be served and filed with the motion and shall include the following:*

6.3.4.1 *A conformed copy of the notice of appeal;*

6.3.4.2 *A conformed copy of the judgment, order, or decree from which the appeal is taken;*

6.3.4.3 *If the motion is for a stay pending appeal, a copy of the bankruptcy court's order denying the movant a stay pending appeal or an affidavit by the movant stating that a stay had been denied.*

6.4 LEAVE TO APPEAL

Motions for leave to appeal shall be filed in accordance with Rule 3.

6.5 STAY PENDING APPEAL

Motions for stay pending appeal shall be filed in accordance with FRBP 8005.

6.6 WITHDRAWAL OF THE ELECTION TO THE DISTRICT COURT

Motions to withdraw the election for the bankruptcy appeal to be heard by the district court and to refer the matter to the bankruptcy appellate panel shall be filed in the district court in accordance with Local Civil Rule 7.

RULE 7: ORAL ARGUMENT

The judge assigned to the bankruptcy appeal shall determine whether oral argument will be permitted.

RULE 8: ENTRY OF JUDGMENT

Immediately upon entry of a judgment or order on the docket, the clerk of the district court shall send a notice of entry to each party to the appeal, the United States trustee, the bankruptcy judge, and the bankruptcy court. The district clerk shall note in the docket the names of the parties to whom copies were mailed, with the date of mailing.

Original documents and exhibits transmitted as the record on appeal shall be returned to the clerk of the bankruptcy court upon disposition of the bankruptcy appeal by the district court.

RULE 9: COSTS ON APPEAL

Costs for the bankruptcy appeal shall be taxed by the clerk of the district court in accordance with FRBP 8014 and Local Civil Rule 16.

RULE 10: VOLUNTARY DISMISSALS OF APPEALS

10.1 BEFORE THE CERTIFICATE OF READINESS IS FILED IN THE DISTRICT COURT

When an appeal is dismissed by the bankruptcy court in accordance with FRBP 8001(c)(1), the appellant shall promptly file a notice of the dismissal in the district court.

10.2 AFTER THE CERTIFICATE OF READINESS IS FILED IN THE DISTRICT COURT

When an appeal is dismissed by the district court in accordance with FRBP 8001(c)(2), the appellant shall promptly file a notice of the dismissal in the bankruptcy court.

RULE 11: PRO HAC VICE APPEARANCES

Attorneys who have been granted permission to appear pro hac vice by the bankruptcy court in accordance with Bankruptcy Court Local Rule 102(2) may proceed pro hac vice in all bankruptcy cases and proceedings subsequently filed in or referred to the district court.

LOCAL BANKRUPTCY RULE 8001-1

FILING OF NOTICE OF APPEAL

Filing of notices of appeal shall be governed by Rule 2.2 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

Court's Comment

2001 Revision

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Revision

See Court's Comment of Local Bankruptcy Rule 8000-1 for text of proposed District Court Rule 2.2 of Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, referred to herein.

LOCAL BANKRUPTCY RULE 8002-1

LEAVE TO APPEAL; INTERLOCUTORY ORDERS

(a) APPLICABILITY

This Local Bankruptcy Rule shall be applicable only to appeals referred to the bankruptcy appellate panel. Appeals referred to the district court shall be governed by Local Rule 3 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

(b) MOTION FOR LEAVE TO APPEAL

Leave to appeal under 28 U.S.C. § 158(a) shall be sought by filing a motion for leave with the clerk within the time provided by F.R.B.P. 8002 for filing a notice of appeal, with proof of service by the applicant in accordance with F.R.B.P. 8008(b).

(c) CONTENT OF MOTION; ANSWER

The motion shall include all elements required by F.R.B.P. 8003(a). Within 10 days after service of the motion, an adverse party may file an answer in opposition with the clerk.

(d) DISPOSITION

Unless a party to the appeal has filed with the clerk of the bankruptcy appellate panel a written objection to the disposition of the appeal by the bankruptcy appellate panel, the clerk shall transmit the motion for leave to appeal and any answer thereto to the clerk of the bankruptcy appellate panel as soon as all parties have filed answers or the time for filing an answer has expired. If such an objection is duly filed after the motion has been referred to the bankruptcy appellate panel but before it has been determined, then the motion shall be transferred to the district court for decision. The motion and answer shall be submitted without oral argument unless otherwise ordered.

(e) LEAVE TO APPEAL GRANTED OR DENIED; FILING OF RECORD

If leave to appeal is granted, the clerk shall notify counsel for appellant within 5 court days. The record shall be designated and transmitted and the appeal docketed in accordance with F.R.B.P. 8006 and 8007. The time fixed by those Rules for designating and transmitting the record and docketing the appeal shall run from the date of the notice by the clerk of entry of the order granting leave to appeal.

(f) APPEAL IMPROPERLY TAKEN REGARDED AS A MOTION FOR LEAVE TO APPEAL

If a timely notice of appeal is filed where the proper mode of proceeding is by a motion for leave to appeal under this Rule, the notice of appeal will be deemed a timely motion for leave to appeal. The appellate court may enter an order either granting or denying leave to appeal or directing that a motion for leave to appeal be filed. The motion shall be filed within 10 days of the entry of the appellate court's order, unless specified otherwise in the order.

Court's Comment

2001 Revision

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Revision

Former Local Rule 152. New paragraph (a) added to limit application to appeals referred to the bankruptcy appellate panel and to add reference to proposed Rule 3 of Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

Former paragraphs (a), (b), (c), (d), and (e) renumbered as paragraphs (b), (c), (d), (e), and (f), respectively.

Paragraph (d) DISPOSITION. First sentence rewritten for readability.

See Court's Comment for Local Bankruptcy Rule 8000-1 for text of proposed District Court Rule 3 of Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, referred to herein.

LOCAL BANKRUPTCY RULE 8003-1

FORM AND TIME OF CONSENT

Form and time of consent shall be governed by Rules 2.1.1 and 2.1.2 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

Court's Comment

2001 Revision

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Revision

See Court's Comment for Local Bankruptcy Rule 8000-1 for text of proposed District Court Rules 2.1.1 and 2.1.2 of Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, referred to herein.

LOCAL BANKRUPTCY RULE 8004-1

NOTICE OF REFERENCE TO APPELLATE COURT

(a) Within 3 days after the filing of a Notice of Appeal, the clerk shall serve upon all parties to the appeal a copy of the Notice of Appeal, Notice of Referral of Appeal, Transcript Order Form, Notice of Transcript, and a copy of the below-referenced applicable order:

(1) Amended Order Establishing and Continuing the Bankruptcy Appellate Panel of the Ninth Circuit (referencing appeals originating in bankruptcy cases filed on or before 10/22/94).

(2) Order Continuing Bankruptcy Appellate Panels of the Ninth Circuit (referencing appeals originating in bankruptcy cases filed after 10/22/94).

(b) A copy of the notice of appeal shall also be transmitted to the clerk of the bankruptcy appellate panel or clerk of the district court.

Court's Comment

1998 Revision

Former Local Rule 154. Rule amended to reflect actual practice and Order Continuing Bankruptcy Appellate Panels of the Ninth Circuit.

LOCAL BANKRUPTCY RULE 8005-1

BRIEFS IN APPEALS BEFORE DISTRICT COURT

Briefs in appeals before the district court shall be governed by Rule 5 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

Court's Comment

2001 Revision

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Revision

See Court's Comment for Local Bankruptcy Rule 8000-1 for text of proposed District Court Rule 5 of Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, referred to herein.

LOCAL BANKRUPTCY RULE 8006-1

COSTS ON APPEAL TO DISTRICT COURT

Costs on appeal to the district court shall be governed by Rule 54-6 of Chapter I, Local Civil Rules, of the district court.

Court's Comment

2001 Revision

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Revision

Former Local Rule 156 amended to refer to proposed Rule 16 of Chapter I, district court Local Civil Rules.

LOCAL BANKRUPTCY RULE 8007-1

EMERGENCY MOTIONS IN APPEALS TO DISTRICT COURT

Emergency motions in appeals to the district court shall be governed by Rule 6.3 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

Court's Comment

2001 Revision

Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Revision

See Court's Comment for Local Bankruptcy Rule 8000-1 for text of proposed District Court Rule 6.3 of Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, referred to herein.

LOCAL BANKRUPTCY RULE 9009-1

LOCAL PRACTICE AND CLERK'S FORMS

The court may approve pre-printed practice forms for use in this court. Approved forms are available in the clerk's office. Forms should be reproduced on 1 side of the paper only. Two-sided forms will not be accepted, except for single-page forms filed by the chapter 7, 12 or 13 trustees or the United States trustee, and court-approved forms for summons, notice of motion for relief from stay, and subpoena.

Proposed new forms or modifications to existing forms may be submitted by any interested party to the chief bankruptcy judge.

Court's Comment

1998 Revision

Paragraph 1. *Attached as Appendix IV to the Local Bankruptcy Rules and are* deleted from second line after *Approved forms*.

Paragraph 2. All text deleted after *chief bankruptcy judge*.

LOCAL BANKRUPTCY RULE 9011-1

PENALTIES FOR UNNECESSARY OR UNWARRANTED MOTIONS

Pursuant to F.R.B.P. 9011, the presentation to the court of unnecessary motions, and the unwarranted opposition to motions, which unduly delay the course of an action or proceeding, or failure to comply fully with these Rules, subjects the offender and attorney, at the discretion of the court, to appropriate discipline, including the imposition of costs and the award of attorneys' fees to opposing counsel, payment of 1 day's jury fees of the panel, if one has been called for the trial, and such other sanctions, including denial of the motion or dismissal of the proceeding, as may appear proper to the court under the circumstances. This section applies to violations of the Local Bankruptcy Rules which may otherwise not be subject to sanctions under either F.R.B.P. 9011 or F.R.Civ.P. 11.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 111(8). Deleted *through the court* in the first sentence; additional sanctions added after *opposing counsel* at the end of the first sentence; last sentence re application to violations not subject to F.R.B.P. 9011 or F.R.Civ.P. 11 added.

LOCAL BANKRUPTCY RULE 9013-1

MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS)

(a) GENERAL REQUIREMENTS

(1) Applicability. The provisions of this rule shall apply to motions, orders to show cause, and all other proceedings except a trial on the merits (all such being included within the term "motion" as used herein) unless otherwise ordered by the court as provided by statute, the F.R.Civ.P., the F.R.B.P. or the Local Bankruptcy Rules. This rule does not apply to Motions for Rejection of Collective Bargaining Agreements, which are governed by 11 U.S.C. § 1113.

(2) Motion Days. Unless the judge schedules a regular law and motion day, hearings on any motions may be noticed only with approval of the judge or courtroom deputy or with the judge's self-calendaring system, if any.

See also Local Bankruptcy Rule 2002-2: NOTICE TO UNITED STATES OR FEDERAL AGENCIES.

(3) Computation of Time. All times shall be computed in conformity with F.R.B.P. 9006(a). A party filing any document in support of, or in opposition to, any motion noticed for hearing as above provided, after the time for filing the same shall have expired, may be subject to the sanctions listed in Local Bankruptcy Rule 1002-2. Unless otherwise stated, the deadlines for filing oppositions, replies, responses or any other pleadings shall be calculated counting back from the date of the deadline, not including the actual deadline. If the deadline falls on a weekend or holiday, the filing shall be made on the previous court day.

(4) Filing; Date and Time for Hearing; Points and Authorities.

(A) Unless otherwise provided by rule or order of the court, no oral motions will be recognized except during trial.

(B) Every motion shall be accompanied by written notice of motion, specifying, if applicable, the date, time, and place of hearing.

(C) There shall be served and filed with the motion and as a part thereof:

(i) Duly authenticated copies of all photographs and documentary evidence which the moving party intends to submit in support of the motion, in addition to the declarations required or permitted by F.R.B.P. 9006(d); and

(ii) A brief, but complete, written statement of all reasons in support thereof, together with a memorandum of the points and authorities upon which the moving party will rely. Unless warranted by special circumstances of the motion, or otherwise ordered by the court, points and authorities are not usually required for applications to retain or compensate professionals or relief from automatic stay motions.

(5) Motions for Relief From Automatic Stay. Motions for relief from the automatic stay shall be made only by using those forms designated for mandatory use in the F 4001-1 series of the court-approved forms. Failure to use the mandatory forms may result in the denial of the motion or the imposition of monetary or other sanctions in the judge's discretion. The moving party shall serve notice of the motion and all supporting papers on the proper responding parties as set forth below.

(A) Residential Unlawful Detainer Motions. For motions for relief from stay to proceed with unlawful detainer actions involving residential properties with month-to-month tenancies, tenancies at will or tenancies terminated by unlawful detainer judgment ("unlawful detainer cases"), only the debtor needs to be named and only the debtor and debtor's attorney need to be served.

(B) Other Relief from Stay Motions. The debtor and debtor's attorney, if any, shall be served with all motions. In all cases in which a trustee has been appointed (except in residential unlawful detainer cases under subsection (a)(5)(A) above), the trustee or interim trustee shall be served as a responding party. Notice shall be given to other parties as required by F.R.B.P. 4001.

See also Local Bankruptcy Rule 1002-1(d)(9): FORM OF PAPERS FILED WITH COURT, PAPERS PRESENTED TO THE COURT - FORM AND FORMAT, Mandatory Relief From Stay Forms and Adversary Proceeding Captions.

(6) Time Limits for Service and Filing of Motions.

(A) Except for motions under Local Bankruptcy Rules 9013-1(c), 2016-1(a)(2), and 9075-1, any motion and notice thereof shall be served upon the adverse party (by serving that party's attorney of record, if any; or if the adverse party is the debtor, by serving the debtor and the debtor's attorney, if any; or the interested parties, if there is no attorney of record).

(B) Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, service of the notice of motion and motion shall be made by deposit in the mail, by express delivery or by personal service. If mailed, the notice of motion and motion shall be served not later than 24 days before the hearing date designated in the notice. If served by express delivery, the notice of motion and motion shall be served so that they are received not later than 21 days before the hearing date designated in the notice. If served personally, the notice of motion and motion shall be served not later than 21 days before the hearing date designated in the notice. The notice of motion and all moving papers in support thereof shall be filed with the court not less than 20 days prior to the hearing date for which the matter is noticed. The court, for good cause, may prescribe a different time.

(C) Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, or as otherwise ordered, the moving papers shall advise the opposing party that Local Bankruptcy Rule 9013-1(a)(7) requires a formal response at least 14 days before the hearing. If the motion is being heard on shortened notice pursuant to Local Bankruptcy Rule 9075-1, the notice shall specify the deadline for responses set by the court in approving the shortened notice.

(7) Opposition/Joinders/Responses to Motions. Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, or unless otherwise ordered by the court, each interested party opposing, joining, or responding to the motion shall file and serve not later than 14 days before the date designated for hearing either:

(A) A brief but complete written statement of all reasons in opposition thereto or in support or joinder thereof, and answering memorandum of points and authorities, declarations and copies of all photographs and documentary evidence on which the responding party intends to rely. The opposing papers shall advise the adverse party that any reply to the opposition shall be filed with the court and served on the opposing party not later than 7 calendar days (not excluding Saturdays, Sundays, and legal holidays) prior to the hearing on the motion; or

(B) A written statement that the motion will not be opposed.

(8) Reply Papers. Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, the moving party (or the opposing party in instances where a joinder has been filed) may file and serve a reply memorandum not later than 7 calendar days (not excluding Saturdays, Sundays and legal holidays) before the date designated for hearing.

The reply memorandum and declarations or other evidence attached, shall directly respond to the opposition papers. Service of reply papers on opposing parties shall be made by personal service or by overnight mail delivery service. A courtesy copy shall be delivered directly to the judge's chambers. Unless the court finds good cause, reply papers not filed or served as provided above will not be considered.

(9) Extension of Time Due to Continuance of Hearing Date. Unless an order for continuance shall specify otherwise, a continuance of the hearing of a motion automatically extends the time for filing and serving opposing papers and reply papers.

(10) Continuation By Stipulation (Automatic Stay). A stipulation by the moving party to continue a hearing under 11 U.S.C. § 362(d) to a later date shall be deemed a waiver of the applicable portions of § 362(e) until the conclusion of the hearing on such later date. Unless otherwise ordered, an order by the court to continue a hearing under § 362 to a later date shall be deemed to include an order continuing the stay in effect until the conclusion of the hearing on such later date.

See also Local Bankruptcy Rule 1002-1(j): FORM OF PAPERS FILED WITH COURT, STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING.

(11) Failure to File Required Papers. Papers not timely filed and served may be deemed by the court to be consent to the granting or denial of the motion, as the case may be.

(12) Proof of Service. Every paper filed pursuant to this Local Bankruptcy Rule shall be accompanied by a proof of service in the form specified in Local Bankruptcy Rule 7004-1(b).

(13) Evidence on Motions.

Factual contentions involved in any motion or opposition to a motion shall be presented, heard, and determined upon declarations and other written evidence. Verifications of motions are not sufficient to constitute evidence on a motion, unless otherwise ordered by the court.

(A) The court may, at its discretion, in addition to or in lieu of declaratory evidence, require or allow oral examination of any declarant or any other witness in accordance with F.R.B.P. 9017. When the court intends to take such testimony, it will give the parties 2 court days notice of its intention, if possible, or may grant such a continuance as it may deem appropriate.

(B) Evidentiary objections shall (i) be set forth in a separate document, (ii) cite the specific Federal Rule of Evidence upon which the objection is based, and (iii) be filed with the responsive or reply Papers or may be deemed waived.

(C) In lieu of oral testimony, declarations under penalty of perjury will be received into evidence.

(D) Unless the court orders otherwise, witnesses need not be present at the first hearing on the motion.

(E) If the court decides to hear oral testimony, the matter will be continued to another date for final hearing.

(14) Appearance at Hearing. Counsel for the moving party and for the opposing party shall be present on the hearing date and shall have such familiarity with the case as to permit informed discussion and argument of the motion. Failure of any counsel to appear, unless excused by the court in advance, may be deemed consent to a ruling upon the motion adverse to that counsel's position.

Counsel may with the consent of the court waive personal appearance at the hearing. Counsel who have agreed to waive personal appearance shall advise the courtroom deputy of such agreement by telephone message or letter which reaches the courtroom deputy by no later than noon on the third court day preceding the hearing date. The courtroom deputy shall advise the parties by no later than noon on the court day preceding the hearing date as to whether the court has consented to the waiver of personal appearance.

If the court decides in its discretion to dispense with oral argument on any motion, the courtroom deputy will attempt to give counsel notice of the court's intention to do so at least 24 hours prior to the hearing date and time.

(15) Telephonic Appearance at Hearing. Upon request of a party and with prior court approval, parties may appear telephonically. Such request shall be made to the courtroom deputy by telephone message no later than noon on the third court day preceding the hearing date. The courtroom deputy shall advise the requesting parties no later than noon on the court day preceding the hearing date as to whether the court has consented to telephonic appearance. If the court decides in its discretion to permit telephonic appearances, the courtroom deputy shall advise the parties of the court's procedure for appearing telephonically and shall assign responsibility for teleconferencing in other parties, if necessary.

(16) Notice of Withdrawal of Motion or Lack of Opposition. Any party who seeks either to withdraw a motion or to state its lack of opposition to a motion shall, not less than 2 court days in advance of any day fixed for the hearing, so notify by telephone: (A) opposing counsel, and (B) the courtroom deputy of the judge before whom the matter is pending and shall also file a notice thereof with the court. An order is not required. Motions for continuances are governed by Local Bankruptcy Rule 9013-1(f).

(b) DISMISSAL OR SUSPENSION OF CASE

A motion by the debtor to dismiss or suspend a case under 11 U.S.C. §§ 301 or 302 or a motion by creditors or the debtor to dismiss or suspend an involuntary case filed under 11 U.S.C. § 303 shall be supported by a declaration setting forth the reasons for the request for dismissal or suspension. The motion shall fully disclose any arrangement or agreement between the debtor and creditors or any other person in connection with the motion for dismissal or suspension.

The court may condition the dismissal upon payment of fees and expenses, including quarterly fees due the Office of the United States Trustee, as warranted.

See also Local Bankruptcy Rule 1017-2: DENIAL OR DISMISSAL FOR WANT OF PROSECUTION.

(c) DISCOVERY

For any dispute which may arise under F.R.B.P. 7026-7037 or F.R.B.P. 2004, counsel shall comply with all portions of this subsection of the Local Bankruptcy Rules unless excused from doing so by order of the court for good cause shown.

(1) Meeting of Counsel. Prior to the filing of any motion relating to discovery, counsel for the parties shall meet in person or by telephone in a good faith effort to resolve the discovery dispute. It shall be the responsibility of counsel for the moving party to arrange for the conference. Unless altered by agreement of the parties or by order of the court upon good cause shown, counsel for the opposing party shall meet with counsel for the moving party within 10 days of service upon counsel of a letter requesting such meeting and specifying the terms of the discovery order to be sought.

(2) Moving Papers. If counsel are unable to settle their differences, the party seeking discovery shall file and serve a notice of motion together with a written stipulation. This written stipulation shall be formulated by the parties and shall specify, separately and with particularity, each issue that remains to be determined at the hearing and the contentions and points and authorities of each party as to each issue. The stipulation shall be set forth in 1 document which shall contain all such issues in dispute and the contentions and points and authorities of each party. The stipulation shall not refer the court to other documents to describe the dispute. For example, if the sufficiency of an answer to an interrogatory is in issue, the stipulation shall contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions, separately stated. In the absence of such stipulation or a declaration of counsel of noncooperation by the opposing party, the court will not consider any discovery motion.

(3) Cooperation of Counsel - Sanctions. The failure of any counsel to cooperate in such procedures and to attend the meeting of counsel or to provide the moving party the information necessary to prepare the stipulation required by this Local Bankruptcy Rule within 7 days of the meeting of counsel shall result in the imposition of sanctions, including but not limited to the sanctions provided in Local Bankruptcy Rule 1002-2 and F.R.B.P. 7037.

(d) ORDERS PREVIOUSLY DENIED OR REFUSED

Whenever any motion for an order or other relief has been made to the court and has been denied in whole or in part, or has been granted conditionally or on terms, and a subsequent motion is made for the same relief in whole or in part upon the same or any allegedly different state of facts, it shall be the continuing duty of each party and attorney seeking such relief to present to the judge to whom any subsequent motion is made, a declaration of a party or witness or certified statement of an attorney setting forth the material facts and circumstances surrounding each prior instance including, inter alia:

(1) When and to what judge the motion was made;

(2) What ruling or decision or order was made thereon; and

(3) What new or different facts and circumstances are claimed to exist which did not exist, or were not shown, upon such prior motion.

For failure to comply with the foregoing requirements of this rule, any ruling or decision or order made on such subsequent instance may be set aside sua sponte or on ex parte motion, and the offending party or attorney may be subject to sanctions.

(e) SUMMARY JUDGMENT OR PARTIAL SUMMARY ADJUDICATION

A notice of motion and motion for summary judgment or partial summary adjudication pursuant to F.R.B.P. 7056 shall be served and filed no later than 35 calendar days prior to the date of the hearing on the motion. There shall be served and lodged with each motion for summary judgment or partial summary adjudication a proposed statement of uncontroverted facts and conclusions of law, and a separate proposed summary judgment. Such proposed statement shall state the material facts as to which the moving party contends there is no genuine issue and shall reference each fact to the evidence that supports it.

Any party who opposes the motion shall, not later than 21 calendar days before the hearing on the motion, serve and file a separate concise "statement of genuine issues" with responding papers setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated, and referencing each fact to the evidence which establishes the genuine issue to be litigated.

Any reply by the moving party shall be served and filed no later than 10 calendar days before the hearing on the motion.

In determining any motion for summary judgment or partial summary adjudication, the court may assume that the material facts as claimed and adequately supported by the moving party are admitted to exist without controversy except to the extent that such facts are (1) included in the "statement of genuine issues" and (2) controverted by declaration or other evidence filed in opposition to the motion.

(f) CONTINUANCES

(1) Motion for Continuance. Unless otherwise ordered, any motion for the continuance of any hearing shall be filed with the court and personally served upon all previously noticed parties at least 2 court days before the day set for the hearing. An order shortening time for hearing on the motion for continuance is not required if set for the same time as the original hearing. The motion shall set forth in detail the reasons therefor and shall state whether any continuance has been previously granted.

(2) Stipulations For Continuances. As soon as parties agree that a stipulation for the continuance of a hearing, pretrial conference, trial or other matter is to be submitted for approval of the court, they shall immediately notify the courtroom deputy of their agreement, which shall be subject to approval by the court as required in subparagraph (3) below. Unless the continuance is approved by the court at least 1 court day before the hearing, the parties shall appear.

(3) Court Approval. No continuance (whether stipulated to by counsel or not) shall be effective unless the court announces it in open court or approves it in writing or the court informs the parties that the judge has authorized a continuance.

(g) MOTIONS AND MATTERS NOT REQUIRING A HEARING

(1) Matters That May Be Determined Upon Notice and Opportunity to Request Hearing. (OPTIONAL PROCEDURE) Upon not less than 15 days notice to such creditors and interested parties who are entitled to notice of the particular matter, orders may be obtained on the following types of motions without a hearing unless one is specifically requested by filing and serving a written response that complies with Local Bankruptcy Rule 9013-1(a)(7) and request for hearing within 15 days of the date of service of the notice:

(A) Motions to use, sell or lease property under 11 U.S.C. § 363(b)(1), except for sale of all or substantially all of the debtor's assets.

(B) Motions to abandon property of the estate under 11 U.S.C. § 554, including motions to compel abandonment of property of the estate filed by individual debtors in chapter 7 cases who are seeking to refinance or sell exempt property.

(C) Motions to extend exclusivity period under 11 U.S.C. § 1121(d).

(D) Motions to assume executory contracts or leases under 11 U.S.C. § 365, if the other parties to the contract or lease stipulate to the assumption.

(E) Motions under 11 U.S.C. § 365 to reject executory contracts or leases, except collective bargaining agreements under 11 U.S.C. § 1113.

(F) Motions to avoid liens under 11 U.S.C. § 522(f).

(G) Applications to pay real estate broker's commissions in connection with sales of real property, or auctioneer's commissions in connection with sales of personal property.

(H) Motions to establish a deadline for filing of proofs of claim or interests, provided that the proposed bar date allows at least 60 days notice for filing claims.

(I) Motions to approve a stipulation or agreement requiring notice pursuant to F.R.B.P. 4001(d), including an agreement to modify or terminate the automatic stay or to provide adequate protection.

See also Local Bankruptcy Rule 4001-1: NOTICE OF MOTIONS FOR RELIEF FROM STAY and Local Bankruptcy Rule 4001-2: CASH COLLATERAL STIPULATIONS.

(J) Motions pursuant to Local Bankruptcy Rule 9021-1(e) to amend or correct an order previously entered by the court.

(K) Motions requesting reassignment or consolidation of related bankruptcy cases or adversary proceedings under Local Bankruptcy Rule 1073-1.

(L) Motions to approve compromise pursuant to F.R.B.P. 9019.

(M) Other motions. The court may determine other motions using this procedure provided that the motion specifies why this procedure is appropriate under 11 U.S.C. § 102(1)(B) given the facts of the case.

The moving papers shall advise the opposing party that Local Bankruptcy Rule 9013-1(g)(1) requires that any response and request for hearing shall be filed and served within 15 days of the date of the notice.

(2) No Response and Request for Hearing. If the response period expires without the filing of any response and request for hearing, the moving party shall promptly lodge a proposed order, unless none is required under the Bankruptcy Code and the requirements of Local Bankruptcy Rule 6004-1 are satisfied. **At the same time as the proposed order is lodged (and preferably rubber-banded or clipped to the order)**, the moving party shall also file a declaration attesting that no response and request for hearing was served upon the moving party, to which declaration shall be appended (as exhibits) copies of the motion, notice and proof of service of the notice and motion. The proposed order and declaration need only to be served on the United States trustee. No other service before filing and lodging is required. These papers shall be accompanied by the necessary copies of the notice of entry for the order, together with the requisite addressed, stamped envelopes. The notices of entry shall provide for service on the debtor, any trustee, any committee appointed in the case, the United States trustee, any party whose interest in real or personal property is directly affected by the motion, counsel for any of the foregoing, and any parties that had requested special notice.

(3) Response and Request for Hearing Filed. If a timely response and request for hearing is filed and served, the moving party shall schedule and give not less than 11 days notice of a hearing to those responding and to the United States trustee. Within 20 days from the date of service of a response and request for hearing, the movant shall contact the court and obtain and give notice of a hearing date. If movant fails to obtain a hearing date, the court may deny the motion without prejudice, without further notice or hearing.

(h) WITHDRAWAL OF REFERENCE

Motions for withdrawal of reference of a case or proceeding shall comply with Local Rule 6.1, Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

See also Local Bankruptcy Rule 9015-2(g): DEMAND FOR JURY TRIAL, MOTION FOR WITHDRAWAL OF REFERENCE.

(i) FORM OF DEBTOR'S MOTIONS TO AVOID LIEN OR TRANSFER OF EXEMPT PROPERTY

A proceeding by a debtor to avoid a lien or other transfer of property pursuant to 11 U.S.C. § 522(f) may be brought by motion pursuant to Local Bankruptcy Rules 9013-1(a), 9013-1(g) or 9075-1, as appropriate. The title of the motion shall identify the creditor whose

lien is to be avoided (e.g., Motion to Avoid Lien of XYZ Co. under 11 U.S.C. § 522(f)). Double captions shall not be used, nor will separate reference numbers be assigned. The motion shall be accompanied by a declaration or other competent evidence showing the loan, the balance remaining on the loan, the identification and fair market value of the property upon which the lien has attached, the value claimed exempt, the specific statutory authority for the claimed exemption, and the nature and amount of any other liens against the property. If the motion seeks to avoid a lien on real property, both the motion and the order shall set forth the legal description of the real property at issue. All other proceedings to avoid a lien except those under 11 U.S.C. § 522(f) shall be brought by adversary proceeding. A motion to sell free and clear of liens does not constitute a "proceeding to avoid a lien" within the meaning of this rule and may be brought by motion.

Court's Comment

2004 Revision

Paragraph (a)(10) Continuation by Stipulation (Automatic Stay). Local Bankruptcy Rule 1002-1 cite changed from subsection *(k)* to subsection *(j)* to reflect re-lettering of the Rule.

2003 Revision

Paragraph (a)(5) Motions for Relief From Automatic Stay. *350* changed to *F 4001-1* to reflect renumbering of the mandatory Relief From Stay forms.

Paragraph (g)(1)(L) was deleted, removing three claims objections that previously required a hearing on not less than 15 days notice, including claims filed after the bar date, claims improperly included on the claims register due to clerk's office error, and duplicate claims. Objections to claims require 30 days notice and opportunity for hearing under F.R.B.P. 3007. Subsequent paragraphs M and N were re-lettered.

2002 Revision

Paragraph (g) was separated into three subsections. The last sentence of LBR 9013-1(g) *Briefs are generally not required for these motions.* was deleted.

2001 Revision

Paragraph (a)(6)(A) was revised to resolve a conflict with Bankruptcy Rule 7004(b)(9).

Paragraph (a)(6)(B) Time Limits for Service and Filing of Motions. The first sentence was amended as follows: *Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication....* was added to the first sentence and notice service options were increased by the addition of *by express delivery* to the list of service options. The following sentence was added as the third sentence of this paragraph: *If served by express delivery, the notice of motion and motion shall be served so that they are received not later than 21 days before the hearing date designated in the notice.*

Paragraph(a)(6)(C) Time Limits for Service and Filing of Motions. The first sentence was amended as follows: *Except as* ~~otherwise ordered~~ *set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, or as otherwise ordered,...* was added to the first sentence.

Paragraph (a)(7) Opposition/Joinders/Responses to Motions. The first sentence was amended as follows: *Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication,....* was added to the first sentence.

Paragraph (a)(8) Reply Papers. The first sentence was amended as follows: *Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication,....* was added to the first sentence.

Paragraph (c)(2) - The last sentence *"The motion shall be heard no earlier than 10 days after the filing of the motion."* was deleted because it is contemplated that discovery motions will be heard on regular notice unless the moving party obtains an order shortening time.

Paragraph (c)(3) was struck because it is contemplated that the time requirements set forth in Local Bankruptcy Rule 9013-1(a)(6), (7), and (8) will apply with respect to discovery motions.

Paragraph (c)(4) was renumbered to become (c)(3).

Paragraph (e) SUMMARY JUDGMENT OR PARTIAL SUMMARY ADJUDICATION. The first sentence of the first paragraph was amended by the addition of the sentence: *A notice of motion and motion for summary judgment or partial summary adjudication pursuant to F.R.B.P. 7056 shall be served and filed no later than 35 calendar days prior to the date of the hearing on the motion.* The second sentence was revised by the deletion of *notice of motion and* and *pursuant to F.R.B.P. 7056*.

In the second paragraph, the days available for filing oppositions were changed from *7 calendar days* to *21 calendar days* before the motion hearing and *(not excluding Saturdays, Sundays, and legal holidays)* was deleted.

The following new third paragraph was added: Any reply by the moving party shall be served and filed no later than 10 calendar days before the hearing on the motion.

In the fourth paragraph, *or partial summary adjudication* was added after *summary judgment* in describing the motions to be determined and *are* was deleted from *are controverted....*

Paragraph (h) Withdrawal of Reference. Reference to Local Rules of the district court has been modified to reflect their renumbering, effective October 2001.

1998 Revision

Paragraphs (a) through (a)(4) from former Local Bankruptcy Rule 111(1)(a)-(c) and (e).

Paragraph (a)(1) Applicability. Reference to *Motions for Relief from the Automatic Stay or Co-debtor Stay* in last sentence of former Local Bankruptcy Rule 111(1)(a) deleted as no longer applicable.

Paragraph (a)(2) Motion Days. Reference to *judge's self-calendaring system* added to procedure for noticing of hearings. Cross-reference to Local Bankruptcy Rule 2002-2 added. *For any time* replaced by *only* in first sentence. Last sentence of former Local Bankruptcy Rule 111(1)(b) deleted as inconsistent with self-calendaring system.

Paragraph (a)(3) Computation of Time. Two sentences commencing with *Unless otherwise stated*, added at the end of the paragraph, to clarify filing time when deadlines fall on a weekend or holidays. *Should* changed to *shall* in the last two sentences of the paragraph.

Paragraph (a)(4) of former Local Bankruptcy Rule 111 deleted.

Paragraph (a)(4) Filing; Date and Time for Hearing; Points and Authorities. *Date and* and *Points and Authorities* added to title line; *and Content of Papers Filed* deleted from title line. The first two sentences of former Local Bankruptcy Rule (1)(e) numbered as (A) and (B), respectively; *if applicable* inserted after *specifying,* and *date* added in subsection (B). Subsections (C)(i) and (ii) -- former Local Bankruptcy Rule 112(3)(a)(i) and the first sentence of Local Bankruptcy Rule 112(3)(a)(ii) -- added here. Text beginning with *together with* and continuing through the remainder of subsection (C)(ii) added.

Paragraph (a)(5)(A) and (B) Motions for Relief From Automatic Stay. Former Local Bankruptcy Rule 112(1) (a) and (b). Paragraph title changed from NOTICE REQUIREMENTS. First sentence of former Local Bankruptcy Rule deleted, and new first and second sentences added. Cross-reference to Local Bankruptcy Rule 1002-1(d)(9) added.

Paragraph (a)(5)(B) Other Relief from Stay Motions. *In all cases* replaced by *with all motions*.

Paragraph (a)(6) Time Limits for Service and Filing of Motions. Former Local Bankruptcy Rule 111(1)(f).

Paragraph (a)(6)(A) *2016-1(a)(2), and 9075-1* added in first sentence; *if there is no attorney of record, then by serving the interested parties* changed to *or the interested parties, if there is no attorney of record* in the parenthetical; remainder of the first sentence after the parenthetical deleted. Remainder of first paragraph and second paragraph of former Local Bankruptcy Rule 111(1)(f) deleted.

Paragraph (a)(6)(B). New paragraph.

Paragraph (a)(6)(C) *Except as otherwise ordered,* added to the first sentence; *11 days* changed to *14 days* in first sentence; *unless the motion is being heard on shortened notice pursuant to Local Bankruptcy Rule 113, in which case the notice must* changed to *If the motion is being heard on shortened notice pursuant to Local Bankruptcy Rule 9075-1, the notice shall.*

Paragraph (a)(7) Opposition/Joinders/Responses to Motions. Former Local Bankruptcy Rule 111(1)(g). *Opposition/Joinders* added to the subsection heading; first sentence rewritten to include joinders and to change time period from 11 days to 14 days.

Paragraph (a)(7)(A). *4 court days* changed to *7 calendar days (not excluding Saturdays, Sundays, and legal holidays)* in last sentence.

Paragraph (a)(7)(B). The first sentence only retained.

Paragraph (a)(8) Reply Papers. Former Local Bankruptcy Rule 111(1)(h). First sentence of former Local Bankruptcy Rule 111(1)(h) rewritten as first 2 sentences of this paragraph; time period changed from 2 court days to 7 calendar days (not excluding Saturdays, Sundays, and legal holidays); *should* changed to *shall* in fourth sentence; *law clerk* changed to *chambers* in fourth sentence; all references to Santa Barbara deleted.

Paragraph (a)(9) Extension of Time Due to Continuance of Hearing Date. Former Local Bankruptcy Rule 111(1)(I). *The entry of an order continuing* replaced by *a continuance of*.

Paragraph (a)(10) Continuation By Stipulation (Automatic Stay). Former Local Bankruptcy Rule 112(5). Cross-reference added.

Paragraph (a)(11) Failure to File Required Papers. Former Local Bankruptcy Rule 111(1)(j).

Paragraph (a)(12) Proof of Service. New paragraph.

Paragraph (a)(13) Evidence on Motions. A combination of former Local Bankruptcy Rules 111(1)(k) and 112(3)(a)(b) and (c). In the last paragraph, *is not required if official forms are used* was added after *A statement of indebtedness*.

Paragraph (a)(14) Appearance at Hearing. Former Local Bankruptcy Rule 111(1)(l).

Paragraph (a)(15) Telephonic Appearance at Hearing. New rule.

Paragraph (a)(16) Notice of Withdrawal of Motion or Lack of Opposition. Former Local Bankruptcy Rule 111(1)(m). *by telephone* added after *notify* in first sentence; in (B) *and shall also file a notice thereof with the court. An Order is not required.* added after *pending* and before last sentence.

Paragraph (b) DISMISSAL OR SUSPENSION OF CASE. Former Local Bankruptcy Rule 111(2). Cross-reference to Local Bankruptcy Rule 1017-2 added.

Paragraph (c) DISCOVERY. Former Local Bankruptcy Rule 111(3). MOTIONS deleted after DISCOVERY.

Paragraph (c)(1) and (2): 11 days changed to 10 days.

Paragraph (e) SUMMARY JUDGMENT OR PARTIAL SUMMARY ADJUDICATION. Former Local Bankruptcy Rule 111(5). *FOR* deleted before *PARTIAL*. *11 days* changed to *7 calendar days (not excluding Saturdays, Sundays, and legal holidays)* in first sentence of second subparagraph.

Former Local Bankruptcy Rule 111(6) PRELIMINARY INJUNCTIONS moved to 7065-1.

Paragraph (f) CONTINUANCES. Former Local Bankruptcy Rule 114(1) (a), (b), and (d) with the following modifications: paragraph (b) - *must* changed to shall; (d) - *courtroom deputy* changed to *court* and *the requested continuance* changed to *a continuance*.

Paragraph (g) MOTIONS AND MATTERS NOT REQUIRING A HEARING. Former Local Bankruptcy Rule 111(7).

Paragraph (g)(1). Matters That May be Determined upon Notice and Opportunity to Request Hearing. *20 days* changed to *15* in two places.

Paragraph (g)(1)(I). *Or* added between *automatic stay* and *to provide adequate protection*; text after *adequate protection* deleted. Cross-references to Local Bankruptcy Rules 4001-1 and 4001-2 added.

Paragraph (g)(1)(L). Cross-references to Local Bankruptcy Rule 3007 added.

Paragraph (g)(1)(M). New subsection added re motions to approve compromise pursuant to F.R.B.P. 9019.

Paragraph (g)(1)(N). *20 days* changed to *15* days.

Paragraph (7)(b) Conversions Upon Debtor's First Request. moved to 1017-1.

Paragraph (7)(c) Motions for Examination Under F.R.B.P. Rule 2004. moved to 2004-1.

Paragraph (7)(d) Applications to Retain Professionals. moved to 2014-1.

Paragraph (7)(e) Extension of Time to File Schedules and Statement of Affairs. moved to 1007-1.

Former Local Bankruptcy Rule 111(8) PENALTIES moved to 9011-1.

Former Local Bankruptcy Rule 111(9) HEARINGS ON REAFFIRMATION AGREEMENTS moved to 4008-1.

Paragraph (h) WITHDRAWAL OF REFERENCE. Former Local Bankruptcy Rule 111(10). *MOTIONS FOR* deleted from heading. Cross-reference to Local Bankruptcy Rule 9015-2(g) added. Rule amended to incorporate by reference proposed district court Local Rule 6.1, Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings.

Former Local Bankruptcy Rule 111(11) NOTICES OF REMOVAL moved to 9027-1.

Former Local Bankruptcy Rule 111(12) MOTIONS FOR ORDERS TO SHOW CAUSE FOR CONTEMPT moved to 9020-1.

Former Local Bankruptcy Rule 111(14) MOTIONS TO REOPEN CASE moved to 5010-1.

Former Local Bankruptcy Rule 111(15) OBJECTIONS TO CLAIMS moved to 3007-1.

Former Local Bankruptcy Rule 111(16) MOTIONS TO CONVERT CASE moved to 1017-1.

LOCAL BANKRUPTCY RULE 9013-2

TRIAL BRIEFS AND EXHIBITS

(a) TRIAL BRIEFS

Unless otherwise ordered by the court, at least 5 court days before trial is scheduled to commence, each counsel may file and serve a trial brief which may contain:

(1) A concise statement of the facts of the case;

(2) All admissions and stipulations;

(3) A short summary of the points of law involved, citing authorities in support thereof; and

(4) Any anticipated evidentiary problems.

In appropriate cases, the court may require submission of trial briefs.

(b) TRIAL EXHIBITS

Unless otherwise ordered by the court, all trial exhibits shall be numbered as set forth in Local Bankruptcy Rule 1002-1 and marked for identification with tags available from the clerk's office.

It shall be the responsibility of all parties presenting exhibits to tag the exhibits and prepare an "exhibit register" on the form available from the clerk's office prior to the hearing.

The tagged exhibits and completed "exhibit register" are to be turned over in the courtroom to the courtroom deputy or court recorder prior to the beginning of the hearing.

Each party shall bring sufficient copies of each exhibit for all counsel, the witness and the judge.

Court's Comment

1998 Revision

Rule unchanged. Rule numbered in accordance with the Judicial Conference's Uniform Numbering System for Local Bankruptcy Rules.

LOCAL BANKRUPTCY RULE 9015-1

JURY TRIALS

(a) NUMBER OF JURORS

If a trial of the proceeding or matter is to be before a jury, the jury shall consist of 6 members. The court may impanel such number of alternate jurors as it determines desirable.

(b) INSTRUCTIONS

Proposed jury instructions shall be in writing and shall be filed and served at least 5 court days before trial is scheduled to begin. Each requested jury instruction shall comply with the following:

(1) Be set forth in full on a separate page.

(2) Embrace only one subject or principle of law.

(3) Not repeat a principle of law contained in any other request.

The identity of the party requesting the jury instructions shall be set forth on a cover page only and shall not be disclosed on the proposed instructions. The authority or source of each proposed instruction shall be set forth on a separate page or document and shall not be disclosed on the proposed instruction.

(c) JURY TRIAL INSTRUCTIONS - OBJECTIONS

Objections to proposed instructions shall be filed and served on or before the first day of trial unless the court permits oral objections. Written objections shall be numbered and shall specify distinctly the objectionable matter in the proposed instruction. Each objection shall be accompanied by citation of authority. Where applicable, the objecting party shall submit an alternative instruction on a separate piece of paper. The alternative instruction shall cover the subject or principle of law and shall not disclose the identity of the requesting party or the authority or source of the proposed instruction.

(d) SPECIAL VERDICTS AND INTERROGATORIES

Any request for a special verdict or a general verdict accompanied by answers to interrogatories shall be filed and served at least 5 court days before trial is scheduled to commence. Special verdicts and interrogatories shall conform to the requirements of F.R.Civ.P. 49. Special verdicts and interrogatories shall not bear any identification of the party presenting the form. Identification shall be made only on a separate page appended to the front of the special verdict and interrogatory form.

Court's Comment

1998 Revision

Paragraph (b) INSTRUCTIONS. *Seven* changed to *5 court days*.

Paragraph (d) SPECIAL VERDICTS AND INTERROGATORIES. *Court* added to *5 days of service*.

LOCAL BANKRUPTCY RULE 9015-2

DEMAND FOR JURY TRIAL

(a) TRIAL BY JURY

A party claiming a right to trial by jury shall make a timely demand as specified in paragraph (b) below. The parties or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the record, may consent to trial by the court sitting without a jury.

(b) DEMAND

(1) Time; Form; Consent.

(A) Any party may demand a trial by jury of any issue triable by jury by filing and serving on the other parties a demand therefor in writing not later than 10 days after service of the last pleading directed to such issue. The demand may be endorsed on a pleading of the party.

(B) Such demand shall include a statement that the party does or does not consent to a jury trial conducted by the bankruptcy court. Within 10 days of the service of the demand and statement of consent or non-consent, all other parties shall file and serve a statement of consent or non-consent to a jury trial conducted by the bankruptcy court.

(2) Specification of Issues. In a demand a party may specify the issues which that party wishes so tried; otherwise that party shall be deemed to have demanded trial by jury of all the issues so triable. If a party has demanded trial by jury of only some of the issues, any other party within 10 days after service of the demand or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues.

(3) Determination by Court. On motion or on its own initiative the court may determine whether there is a right to trial by jury of the issues for which a jury trial is demanded or whether a demand for trial by jury in a proceeding on a contested petition shall be granted.

(4) Cover Sheet Insufficient. Marking the Adversary Proceeding Sheet (B.104) shall not be deemed a sufficient demand to comply with F.R.Civ.P. 38(b), or with this Local Bankruptcy Rule.

(c) WAIVER

The failure of a party to file and serve a demand as required by this Rule and to file it as required by F.R.B.P. 5005 constitutes a waiver of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties.

(d) TRIAL BY THE COURT

Issues not demanded for trial by jury shall be tried by the court. Notwithstanding the failure of a party to demand a jury when such a demand might have been made of right, the court on its own initiative may order a trial by jury of any or all issues.

(e) ADVISORY JURY AND TRIAL BY CONSENT

In all actions not triable of right by jury the court on motion or on its own initiative may try any issue with an advisory jury or, except in actions against the United States when a statute of the United States provides for trial without a jury, the court, with the consent of both parties, may order a trial with a jury whose verdict has the same effect as if trial by jury had been a matter of right.

(f) PRE-TRIAL PROCEDURE WHERE JURY TRIAL REQUESTED

Where a jury is demanded, all pre-trial proceedings, through approval and entry of the pre-trial order, shall be conducted by the bankruptcy judge.

(g) MOTION FOR WITHDRAWAL OF REFERENCE

Within 5 days of the entry of the pre-trial order, any party may file and serve a motion to the district court to withdraw reference pursuant to Local Bankruptcy Rule 9013-1(h). Failure of any party to file and serve a motion to withdraw reference within the 5-day time period shall be deemed to constitute consent by all parties to the jury trial being presided over by the bankruptcy judge. Nothing in this Local Bankruptcy Rule shall preclude an earlier motion to withdraw reference on the grounds set forth in 28 U.S.C. § 157(d).

(h) RIGHT TO JURY TRIAL

Nothing contained in this Local Bankruptcy Rule shall be deemed to create or imply a right to a jury trial where no such right exists under applicable laws.

Court's Comment

1998 Revision

Paragraph (a) TRIAL BY JURY. New first sentence added. *Issues triable of right by jury shall, if timely demanded, be by jury, unless* deleted from first sentence of former Local Bankruptcy Rule; *may* added between *record,* and *consent*.

Paragraph (b) DEMAND. Amended to conform to Interim Local Bankruptcy Rule 3 (General Order 95-02).

Paragraph (b)(1)(A). *Filing and* added to first sentence. *In accordance with Local Bankruptcy Rule 103(12)* deleted from first sentence.

Paragraph (b)(1)(B). Last sentence deleted.

Paragraph (b)(4). *Bankruptcy Cover Sheet* changed to *Adversary Proceeding Sheet* to conform to 1002-1(c).

Paragraph (c) WAIVER. *File and* added to first sentence.

Paragraph (g) MOTION FOR WITHDRAWAL OF REFERENCE. *30 days* changed to *5 days* pursuant to Local Bankruptcy Rule 9013-1(h). *Pursuant to Local Bankruptcy Rule 9013-1(h)* added to the first sentence. Second sentence of former Local Bankruptcy Rule 108(7) deleted.

LOCAL BANKRUPTCY RULE 9019-1

STIPULATIONS AND SETTLEMENTS

(a) GENERAL

Parties shall inform the courtroom deputy immediately by telephone or other expeditious means when a matter set for hearing has been settled out of court, and that a stipulation and order will be filed. If a fully executed, written stipulation resolving all issues as to all parties is filed at least 2 court days before a scheduled hearing and a courtesy copy is delivered to chambers, no appearance at the hearing will be necessary provided that the stipulation is accompanied by a notice and motion to approve compromise of controversy if required under F.R.B.P. 9019.

(b) STIPULATIONS REQUIRING NOTICE UNDER F.R.B.P. 4001(d)

F.R.B.P. 4001(d) applies in all chapter 9 and 11 cases and in chapter 7 cases in which a committee has been appointed. Unless otherwise ordered by the court, the notice requirement of F.R.B.P. 4001(d) or 9019 may be satisfied by either serving the motion on all of the entities specified in those Rules when it is filed, or by serving on all such entities a motion for approval of the proposed settlement stipulation pursuant to Local Bankruptcy Rule 9013-1(g)(1)(I). All such stipulations require approval by the court.

See also Local Bankruptcy Rule 4001-1: NOTICE OF MOTIONS FOR RELIEF FROM STAY.

(c) FAILURE TO COMPLY - SANCTIONS

Failure to comply with the provisions of this Local Bankruptcy Rule may subject counsel to the following sanctions pursuant to F.R.B.P. 9011:

(1) Payment of costs and attorneys' fees of an opposing party;

(2) Payment of 1 day's jury fees of the panel, if one has been called for the trial; and

(3) Such other sanctions, including denial of the motion or dismissal of the proceeding, as may appear proper to the court under the circumstances.

Court's Comment

1998 Revision

Former Local Bankruptcy Rule 114(2) and (3).

Paragraph (b) STIPULATIONS REQUIRING NOTICE UNDER F.R.B.P. 4001(d). Cross-reference added.

LOCAL BANKRUPTCY RULE 9020-1

ORDERS TO SHOW CAUSE RE CONTEMPT

Unless otherwise ordered by the court, contempt proceedings are initiated by filing a motion that conforms with Local Bankruptcy Rule 9013-1(a) and a proposed order to show cause re contempt. The motion shall be served on the responding party which shall have 5 court days to object to the issuance of the order to show cause. The proposed order shall clearly apprise the party to whom it is to be directed that such party shall show cause, if any there is, why that party should not be held in contempt for the allegedly contemptuous conduct. The allegedly contemptuous conduct shall also be clearly identified in the proposed order (not just by reference to the content of the motion). The proposed order must have blank spaces in which the court may fill in the date, time and location of the hearing and the dates by which a responsive pleading and reply thereto are due.

If the court receives no responsive pleadings to the motion for the order to show cause within the time allowed, it may conclude that there are no objections to the issuance of the order to show cause. No hearing on the motion for issuance of the order to show cause will be held unless the court so orders. If the motion for order to show cause is granted without a hearing, the court will issue and forward to the moving party the order to show cause setting the date and time of the contempt hearing. Unless the court orders otherwise in the order to show cause, the moving party shall serve the issued order to show cause on the respondent not later than 21 days before the date set for the hearing. Entities not previously subject to the personal jurisdiction of the court shall be personally served. All other persons may be personally served or may be served by mail in accordance with F.R.B.P. 7004. Any uncontroverted facts established by declaration may be treated as true. The court may limit testimony to controverted facts only.

Court's Comment

2002 Revision

Reference to F.R.B.P. 9020(b) was removed, and the text was revised to define more clearly the motion procedures.

1998 Revision

Former Local Bankruptcy Rule 111(12). *MOTIONS FOR* deleted from title. *Shall* changed to *may* in the second to the last sentence. *The court will hear testimony on* changed to *The court may limit testimony to* in the last sentence.

LOCAL BANKRUPTCY RULE 9021-1

ORDERS AND JUDGMENTS

(a) PREPARATION, LODGING, AND SIGNING OF DOCUMENTS

(1) Orders and Judgments. Except for orders incorporated with stipulations as allowed under subparagraph (a)(2) below, all orders or judgments shall be set forth in a separately captioned document complying with Local Bankruptcy Rule 1002-1, which shall include the notice of entry and the proof of service (if required). All proposed orders or judgments shall be accompanied by a proof of service, reflecting notice to the proper parties, except for orders submitted at the hearing.

(A) Who Shall Prepare. Unless the court otherwise directs, all orders and judgments shall be prepared by the attorney for the prevailing party.

(B) When Due. If not presented at the hearing, such orders and judgments shall be served and lodged with the clerk within 7 court days of the granting thereof. Except as provided for in Local Bankruptcy Rules 9013-1(e) and 7016-1(b)(1), in no case shall an order be lodged prior to the hearing on the underlying matter.

(C) Failure to Submit Timely Order or Judgment. If the prevailing party fails to serve and lodge a proposed order or judgment within the allotted time, then any other party present at the hearing may lodge and serve a proposed order. All other parties shall have 7 court days within which to file and serve an objection in compliance with Local Bankruptcy Rule 9021-1(a)(4). If no one submits a proposed order or judgment, the court may prepare and enter such order or judgment as it may deem appropriate, including an order to show cause why the motion or proceeding should not be dismissed without prejudice for failure to prosecute.

(D) Copies and Envelopes. Except for orders that are subject to Bankruptcy Noticing Center (BNC) noticing (e.g., an order dismissing the case), the original order or judgment shall be accompanied by copies and stamped, addressed envelopes for all parties entitled to notice of the entry of the order or judgment pursuant to F.R.B.P. 9022, or as the court directs. The party submitting the order shall submit a copy and stamped, self-addressed envelope for the return of a conformed copy.

(E) Notice of Entry of Order. Except for orders that are subject to BNC noticing (e.g., an order dismissing the case), proposed orders or judgments requiring notices of entry shall be accompanied by a separate notice of entry in the approved form for this district, to which shall be attached a mailing list of all parties, including the United States trustee, who are required by F.R.B.P. 9022 to be served with the order or judgment. The form of notice shall include the title of the order or judgment, and shall leave appropriate blanks for the clerk's office to insert the date of entry of the order or judgment and the date that the notice of entry and copy of the order or judgment were mailed by the clerk's office.

(2) Order Upon Stipulation. At the end of a stipulation of the parties to the granting of an order and following the signatures of counsel, the parties may provide a simple order in the form of the words, "IT IS SO ORDERED," a space for the date and a signature line for the judge appearing immediately below. A separate order may be submitted in lieu of this form where required by F.R.B.P. 9021.

(3) Service of Document. The attorney who has the duty to prepare any document required by this Local Bankruptcy Rule shall serve a copy on opposing counsel either before or on the same day that the document is lodged with the court and shall file a proof of service with the document. Alternatively, the attorney preparing the document may present it to opposing counsel for approval as to form before the document is lodged, in which case opposing counsel shall immediately approve or disapprove the form of order and return it to counsel who prepared it. Where an order or judgment is tendered at the hearing, the order or judgment may be filed without prior service on the opposition.

(4) Separate Objection. Opposing counsel may, within 7 court days after service of a copy of a document prepared pursuant to this Local Bankruptcy Rule, file and serve objections to the form of the document, setting forth the grounds thereof. A proposed alternative form of order so labeled, shall be lodged with the objections. A courtesy copy of the objection and proposed alternative form of order shall be delivered to chambers upon filing. The failure to file timely objections shall be deemed a waiver of any defects in the form of the document.

(5) Endorsement of Counsel. Except as provided herein with respect to unopposed orders, unless the court otherwise directs, no document governed by this Local Bankruptcy Rule will be signed by the judge unless either opposing counsel shall have endorsed thereon an approval as to form, or shall have stipulated thereto on the record at the hearing, or the time for objection to the form of the order has expired. If it finds the ends of justice so requires, the court may conduct a hearing on the proper form of the document, or decide the objections without a hearing.

(6) Unopposed Orders. Notwithstanding the preceding paragraphs, if no opposition has been made by a party or counsel at the hearing, the non-opposing party will be deemed to have waived any objection to the form of the order. The court may sign an unopposed order at the hearing or immediately upon its lodging with the clerk without waiting for the objection period to expire.

(7) Signing of Orders for Absent Judges. Except as otherwise provided by F.R.Civ.P. 63, application for any order on a case or proceeding shall be made to the judge to whom the case is assigned. If the judge to whom the case or proceeding is assigned is not available and there is an emergency necessitating an order, the judge's courtroom deputy shall be consulted to determine whether a judge of this court has been designated to handle matters in the absence of the assigned judge. If a designation has been made, the application shall be presented to the designated judge. If no designation has been made, then the matter shall be presented to the duty judge, or in his or her absence, to any other available judge. If no emergency exists, the application will be held by the assigned judge's courtroom deputy until the assigned judge is available. Any judge may sign an order for another judge.

(8) Obtaining Certified Copies of Order or Judgments. Payment for certified copies of orders or judgments shall be made to the cashier in the clerk's office. No checks will be accepted in the courtroom or by courtroom deputies. If a certified copy of a stipulated or default order is desired, the order or judgment may either be presented in the courtroom together with a clerk's receipt showing prepayment of the certification fee, or else the certified copy may be requested from the clerk's office after the order has been signed and entered.

(9) Relief From Stay Orders to Proceed in Another Forum. If the court grants an order to lift the automatic stay and to proceed in another forum, the prevailing party shall file a copy of that order in that forum.

(b) ENTRY OF JUDGMENTS AND ORDERS

(1) Timing of Taxation of Costs. Entry of judgment shall not be delayed pending taxation of costs to be included therein pursuant to Local Bankruptcy Rule 7054-1. A blank space shall be left in the form of judgment for insertion of costs by the clerk after they have been taxed.

(2) Calculation of Interest. If interest is accruing or will accrue on any judgment, decree or order, the party preparing the proposed form of judgment, decree or order shall indicate by memorandum attached thereto the applicable interest rate as computed under 28 U.S.C.§ 1961(a) or 26 U.S.C. § 6621 and the amount of interest to be added for each day the document remains unsigned.

(3) By Stipulation With Entry of Judgment. The court may withhold entry of judgment to permit the parties to submit, either separately or jointly by stipulation, the computation of the amount of money to be awarded in accordance with the court's determination of the issues.

(4) Contested Computation. If the parties do not stipulate to a computation as provided in this Local Bankruptcy Rule, any party may file and serve a computation claimed to be in accordance with the determination of the issues of the court. Within 5 court days of service of the computation, an opposing party may file and serve objections accompanied by an alternate computation. If no objection is filed within 5 court days, the judgment, decree or order will be entered in accordance with the computation already submitted.

(5) Hearing on Contested Computation. If it finds the ends of justice so require, the court may place the matter on calendar for hearing providing there is at least 5 court days notice to the parties. After hearing, the court will determine the correct amount on which judgment will be entered. The hearing will be limited to a determination of the correct amount to be entered in the judgment and shall not constitute an opportunity for rehearing or reconsideration of the determination of the issues previously made by the court.

(6) Effect of Stipulation to Amount of Costs. A stipulation by the parties to the amount to be entered pursuant to the determination of the issues by the court will not be deemed to be a waiver of any rights of the parties to appeal or otherwise attack the determination of such issues by the court.

(7) Delegation of Authority to Sign or Fax Stamp Designated Form Orders. The court may delegate authority to the clerk to:

(A) Sign specified form orders involving ministerial matters; and

(B) Fax stamp specified form orders consistent with oral rulings by the court.

(c) DUTY OF CLERK AS TO AN ORDER, JUDGMENT OR DECREE DIRECTING AN ACTION BY AN OFFICIAL OF THE UNITED STATES

When a judgment, order or decree is entered by the court directing any officer of the United States to perform any act, unless such officer is present in court when the order is made, the clerk shall forthwith transmit a copy of the judgment, order or decree to the officer ordered to perform the act.

(d) DEFAULT JUDGMENTS

(1) Court Approval Required. Judgment by default pursuant to F.R.B.P. 7055 may be entered by the clerk only upon a default judgment signed by the court.

(2) Form of Motion. When motion is made to the court for a default judgment, the application shall include the following:

(A) When and against what party the default was entered.

(B) Whether the defaulting party is an infant or incompetent person, and if so, whether that person is represented by a general guardian, committee, conservator or other representative.

(C) Whether the individual defendant in default is currently on active duty in the armed forces of the United States, based upon an appropriate declaration in compliance with the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 520). When the individual defendant is the debtor, the party seeking the default may rely upon the debtor's sworn statements contained in the statement of affairs, by following the appropriate procedure for requesting judicial notice of that document pursuant to F.R.Evid. 201.

(D) That notice has been served on the defaulting party, if required by F.R.Civ.P. 55(b)(2).

(3) Evidence of Amount of Damages. Unless otherwise ordered, if the amount claimed in a judgment by default is unliquidated, the movant shall submit evidence of the amount of damages by declarations in lieu of live testimony. Notice shall be given to the defaulting party of the amount requested. Any opposition to the amount of damages by the party against whom the judgment is sought shall be in writing and supported by competent evidence.

(4) Other Relief. Other proceedings necessary or appropriate to the entry of a judgment by default may be taken as provided in F.R.Civ.P. 55(b)(2).

(5) Schedule of Attorneys' Fees. When a promissory note, contract or applicable statute provides for the recovery of a reasonable attorney's fee, that fee for a default judgment shall be calculated according to the schedule set forth below:

Schedule of Attorneys' Fees on Default Judgments.

Amount of Judgment	Attorneys' Fees Award
$0.01 - $1,000	30% with a minimum of $250
$1,000.01 - $10,000	$300 plus 10% of the amount over $1,000
$10,000.01- $50,000	$1,200 plus 6% of the amount over $10,000
$50,000.01- $100,000	$3,600 plus 4% of the amount over $50,000
Over $100,000	$5,600 plus 2% of the amount over $100,000

This schedule shall be applied to the amount of the judgment, exclusive of costs. An attorney claiming a fee in excess of this schedule may file a written request at the time of entry of the default to have the attorney's fee fixed by the court. The court shall hear the request and render judgment for such fee as the court may deem reasonable.

(e) AMENDED OR CORRECTED ORDERS

If an error or omission in the form of an entered or lodged order is discovered, a party in interest may request amendment or correction of the order by filing and serving a motion under Local Bankruptcy Rule 9013-1(a) or 9013-1(g)(1)(J). The motion shall set forth specifically the changes requested in the form of the order and reasons such changes are necessary and appropriate.

A copy of the proposed amended order shall be attached as an exhibit to the motion when filed and served. The amended order shall state in its caption the date, time and place of the original hearing and the date of entry of the original order. If the motion uses the procedure provided in Local Bankruptcy Rule 9013-1(g)(1)(J), the proposed amended order itself should be lodged at the same time as the required declaration showing that no timely objection was served.

Court's Comment

1998 Revision

Title changed from Order, Judgments, Findings of Fact and Conclusions of Law.

Paragraph (a)(1) Orders and Judgments. Added *complying with Local Bankruptcy Rule 1002-1.*

Paragraph (a)(1)(B) When Due. Last sentence added, commencing with *Except as provided . . .*

Paragraph (a)(1)(D) Copies and Envelopes. Reference to BANS in first sentence changed to Bankruptcy Noticing Center (BNC) in first line; *must* changed to *shall* in second sentence; *as set forth in Appendix III hereto* changed to *pursuant to F.R.B.P. 9022, or as the court directs*; sentence commencing *Where the motion* . . . deleted.

Paragraph (a)(1)(E) Notice of Entry of Order. BANS changed to BNC in first sentence; sentence between the parenthetical phrase and *shall be accompanied* changed from *in addition to the copies and envelopes required in subparagraph (C) above, each proposed order or judgment* to *proposed orders or judgments requiring notices of entry; in the approved form for this District* added after notice of entry; *including the United States trustee* added after all parties; sentence after *judgment* and before the last sentence deleted.

Paragraph (1)(b) Findings of Fact and Conclusions of Law incorporated into Local Bankruptcy Rule 7052-1; paragraph (1)(I) Approval of Bonds, Undertakings and Stipulations of Security incorporated into Local Bankruptcy Rule 2010-1; paragraphs (1)(c) through (1)(j) renumbered accordingly.

Paragraph (a)(7) Signing of Orders for Absent Judges. *Any judge may sign an order for another judge* added to end of paragraph.

Paragraph (a)(9) Relief From Stay Orders to Proceed in Another Forum. New paragraph.

Former paragraph (4)(a) Entry of Default. Made into new rule Local Bankruptcy Rule 7055-1; paragraphs (4)(b) through (4)(f) renumbered accordingly.

LOCAL BANKRUPTCY RULE 9023-1

NEW TRIALS OR NEW HEARINGS IN CONTESTED MATTERS

(a) GROUNDS

The grounds for a motion for a new trial, a new hearing in a contested matter, or amendment of judgment pursuant to F.R.B.P. 9023 or F.R.Civ.P. 59(a) include, but are not necessarily limited to, the following:

(1) Irregularity in the proceedings of the court, jury or adverse party.

(2) Any order of the court or abuse of discretion by which the party was prevented from receiving a fair trial.

(3) Misconduct by the jury.

(4) Accident or surprise which could not have been guarded against by the exercise of ordinary prudence.

(5) Newly discovered evidence material to the interest of the party making the application which could not with reasonable diligence have been discovered and produced at trial.

(6) Excessive or inadequate damages appearing to have been determined under the influence of passion or prejudice.

(7) Insufficiency of the evidence to justify the verdict or other decision.

(8) Errors of law occurring at the trial.

(b) PROCEDURE

(1) Error of Law. If the ground for the motion is error of law occurring at the trial, the error or errors relied upon shall be specifically stated.

(2) Insufficiency of Evidence. If the ground for the motion is the insufficiency of the evidence, the motion shall specify with particularity wherein the evidence is claimed to be insufficient.

(3) Newly Discovered Evidence. If the ground for the motion is newly discovered evidence, the motion shall be supported by declarations by the party, or the agent of the party having personal knowledge of the facts, showing:

(A) When the evidence was first discovered;

(B) Why it could not with reasonable diligence have been produced at trial;

(C) What attempts were made to discover and present the evidence at trial;

(D) If the evidence is oral testimony, the nature of the testimony and the willingness of the witness to so testify; and

(E) If the evidence is documentary, the documents or duly authenticated copies thereof, or satisfactory evidence of their contents where the documents are not then available.

(4) Hearing. The motion shall be considered upon:

(A) The pleadings and papers on file;

(B) The recorder's transcript or tape; and

(C) Declarations, if the ground is other than error of law or insufficiency of the evidence and the facts or circumstances relied on do not otherwise appear in the file.

(5) Declarations - Time for Filing. Declarations in support of a motion for a new trial shall be filed concurrently with the motion unless the court fixes a different time.

(6) Calendaring of Motion. The motion for a new trial shall be noticed and heard (if required by the court) as provided in Local Bankruptcy Rule 9013-1.

See also Local Bankruptcy Rule 9013-1(d): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), ORDERS PREVIOUSLY DENIED OR REFUSED.

Court's Comment

1998 Revision

Reference to Local Bankruptcy Rule 9013-1(d) added.

LOCAL BANKRUPTCY RULE 9027-1

REMOVAL

(a) NOTICE

As provided in F.R.B.P. 9027(a), the party removing the case or cause of action should include a statement as to whether the proceeding is core or non-core.

(b) RESPONSE

As provided in F.R.B.P. 9027(e)(3), any response to the statement that the proceeding is core or non-core shall be filed not later than 10 days after the filing of the notice of removal.

(c) STATUS CONFERENCE

Upon the filing of a notice of removal pursuant to F.R.B.P. 9027, the clerk shall issue a notice of status conference before the judge to whom the case or proceeding has been assigned. The status conference shall be set not less than 45 days after the date that the notice of status conference is mailed, unless otherwise ordered by the court. Within 5 days of receipt, the removing party shall serve the notice of status conference on all other parties to the removed action, including any trustee appointed in the case.

Court's Comment

1998 Revision

Paragraphs (a) and (b). New Rules.

Paragraph (c). Former Local Bankruptcy Rule 111(11).

LOCAL BANKRUPTCY RULE 9071-1

STIPULATIONS

See Local Bankruptcy Rule 1002-1(j): FORM OF PAPERS FILED WITH COURT, STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING.

Court's Comment

2004 Revision

Local Bankruptcy Rule 1002-1 cite changed from subsection *(k)* to subsection *(j)* to reflect re-lettering of the Rule.

1998 Revision

New Rule.

Rule numbered in accordance with the Judicial Conference's Uniform Numbering System for Local Bankruptcy Rules.

LOCAL BANKRUPTCY RULE 9074-1

TELEPHONE CONFERENCES

See Local Bankruptcy Rule 9013-1(a)(15): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), GENERAL REQUIREMENTS, Telephonic Appearance at Hearing.

Court's Comment

1998 Revision

New Rule.

Rule numbered in accordance with the Judicial Conference's Uniform Numbering System for Local Bankruptcy Rules.

LOCAL BANKRUPTCY RULE 9075-1

EMERGENCY MOTIONS AND MOTIONS FOR ORDERS SHORTENING TIME

(a) EMERGENCY MOTIONS

Emergency motions are those rare matters requiring an order on less than 48 hours notice.

(1) Obtaining Hearing Date. Unless otherwise ordered by the court, a hearing date may be obtained by telephoning the chambers of the judge to whom the case is assigned or such member of the judge's staff as may be designated by the judge to schedule emergency motions.

(2) Filing the Moving Papers. Unless otherwise ordered by the court, the moving papers shall be filed at least 2 hours before the time set for hearing and a copy delivered directly to chambers. The motion shall be accompanied by declarations of competent witnesses under penalty of perjury that (i) justify the setting of a hearing on an emergency basis; and (ii) support the granting of the motion itself on the merits.

(3) Scope of Notice Required. Unless otherwise ordered by the court, immediately upon obtaining a hearing date and time, movant shall give telephonic notice of the emergency hearing to the parties to whom notice of the motion is required to be given by the F.R.B.P. or by these Local Bankruptcy Rules, as well as to any other party that is likely to be adversely affected by the granting of the motion.

(4) Service of the Moving Papers. Unless otherwise ordered by the court, movant shall serve the moving papers on the parties set forth in paragraph (a)(3) above no later than the time they are filed with the court. Such service shall be by fax or personal service.

(5) Proof of Notice To Be Presented at the Hearing. Movant shall present to the court at the time of the hearing (i) a declaration of the efforts to give telephonic notice to the parties set forth in paragraph (a)(3) above of the time and place of the hearing and the substance of the motion, and (ii) a proof of service of the moving papers.

(b) MOTIONS TO BE HEARD ON SHORTENED NOTICE

For good cause shown, a party may request a non-emergency motion be heard on notice shorter than would otherwise be required by these Local Bankruptcy Rules. Such a request shall be made by written motion for order shortening time for hearing.

(1) Obtaining Shortened Hearing Date. Unless otherwise ordered by the court, motions requesting an order shortening time shall be filed at the regular intake window of the clerk's office. They shall be accompanied by a memorandum stating the nature of the request and the name of counsel for the opposing party, if known, the reasons for seeking an order shortening time, and points and authorities in support thereof. All motions shall be accompanied by declarations of a competent witness under penalty of perjury that (i) justify the setting of a hearing on shortened notice and (ii) support the granting of the motion itself on the merits. Notice of the motion for order shortening time is not required. The motion for order shortening time will be determined ex parte by the court on the basis of the papers submitted with the motion, subject to the right of any party to object to the adequacy of notice pursuant to subparagraph (c) below.

Unless otherwise ordered by the court, all motions for orders shortening time shall also be accompanied by the substantive motion that is to be heard on shortened notice, together with all declarations and other required papers in support thereof.

(2) Form of Proposed Order Shortening Time. The proposed order shortening time shall be presented as a separate document. It shall specify the parties to whom notice is proposed to be given, the nature and timing of the proposed shortened notice, which shall not be less than 48 hours, and leave appropriate blanks for the court to insert the date and time of hearing, and the date for serving and filing opposition papers. Upon receipt of the motion for the order, the court shall promptly notify movant of the date and time set for hearing.

(3) Scope of Notice Required. Unless otherwise ordered by the court, concurrently with filing the motion for order shortening time and the underlying substantive motion, the moving party shall serve both the motion for order shortening time and the underlying substantive motion on the parties to whom notice of the substantive motion is required to be given by the F.R.B.P. or by these Local Bankruptcy Rules, as well as to any other party that is likely to be adversely affected by the granting of the substantive motion. Notice of the hearing shall be given to those required to be given notice by the F.R.B.P. or by these Local Bankruptcy Rules, or as ordered by the court. Such notice shall be by telephone, fax, personal service or such service as otherwise ordered by the court.

(4) Proof of Notice and Proof of Service. Proof of notice of the hearing and proof of service of the papers shall be filed 2 court days before the hearing, unless otherwise ordered by the court. It shall be the duty of the party that has obtained an order shortening time to:

(A) Telephonic Notice. Make a good faith effort to advise all other parties and their counsel if known, by telephone and confirming letter or by such other means as are reasonably calculated to give equally prompt notice of the date, time and substance of the motion being heard on shortened notice.

(B) Expected Attendance. Advise the court in writing of efforts to contact other parties and their counsel and whether any other counsel, after such efforts to advise parties and their counsel, has requested to be present at the time the motion is presented to the court.

(C) Delivery of Papers. Deliver copies of all moving papers to all parties as soon as is practicable. Unless otherwise ordered by the court, the papers required to be served shall also include the order shortening time for hearing, and a written notice of motion either on the applicable form designated for mandatory use in the F 4001-1 series of the court approved forms (for relief from stay motions under Local Bankruptcy Rule 9013-1(a)(5)), or that satisfies the requirements of Local Bankruptcy Rule 9013-1(a)(4) (for motions under that Rule). The copies that are served do not need to have been conformed by the court, but shall otherwise be identical in substance to the papers filed with the court.

(D) Declaration of Notice. Present a declaration of the efforts to communicate with opposing parties and their counsel or present to the court a declaration setting forth facts sufficient to show why the motion should be heard despite failure to contact opposing parties.

(c) OBJECTION TO TIMING OF HEARING

At the hearing on the substantive motion, any party may object to the adequacy of the notice provided and seek a continuance for good cause shown.

Court's Comment

2003 Revision

Paragraph (b)(4)(C) Delivery of Papers. *350* changed to *F 4001-1* to reflect renumbering of the mandatory Relief From Stay forms.

2002 Revision

The title was revised to reflect more accurately the content of the rule. As modified, the rule clarifies the procedures to be followed in filing emergency motions and motions for orders shortening time.

1998 Revision

Rule numbered in accordance with the Judicial Conference's Uniform Numbering System for Local Bankruptcy Rules.

APPLICATIONS changed to *MOTIONS* in title.

Paragraph (a) Obtaining Hearing Date. *Unless otherwise ordered by the court,* added to the beginning of the first line.

Paragraph (a)(2) Filing the Moving Papers. *Must* changed to *shall* in first and second sentences.

Paragraph (a)(3) Scope of Notice Required. *Must* changed to *shall* in first sentence. *(or the 20 largest unsecured creditors if no committee has been appointed)* added to the end of the first sentence.

Paragraph (a)(5) Proof of Notice to be Presented at the Hearing. *Must* changed to *shall*.

Paragraph (b) MOTIONS TO BE HEARD ON SHORTENED NOTICE. *Must* changed to *shall* and *application* changed to *motion* in the first paragraph.

Paragraph (b)(1) Obtaining Shortened Hearing Date. *Unless otherwise ordered by the court,* added to beginning of first sentence; *all applications* changed to *motions* in the first sentence; *applications* changed to *motions* in the third sentence; *application* changed to *motion* in the fourth and fifth sentences; and *applications* changed to *motions* in the second subparagraph.

Paragraph (b)(2) Form of Proposed Order Shortening Time. *Must* changed to *shall* in second sentence. Third sentence commencing *Upon receipt of the application...*deleted. Sentence commencing *Upon receipt of the motion...* added.

Paragraph (b)(3) Scope of Notice Required. Paragraph amended to expand service and notice requirements by the party.

Paragraph (b)(4) Proof of Notice and Proof of Service. *Must* changed to *shall* in first sentence.

APPENDIX I

LOCAL BANKRUPTCY RULES FORMS LIST

FORM NUMBER	FORM TITLE
F 1010-1	*Summons and Notice of Status Conference in an Involuntary Bankruptcy Case (Mandatory)*
F 1010-2	*Summons and Notice of Status Conference in Section 304 Case Ancillary to a Foreign Proceeding (Mandatory)*
F 1015-2.1	*Statement of Related Cases (Mandatory)*
F 1017-1.1	*Debtor's Motion to Convert Case under 11 U.S.C. § 706(a), 1112(a) or (d), 1208(a) or 1307(d) (Optional)*
F 1017-1.2	*Order on Debtor's Motion to Convert Case under 11 U.S.C. § 706(a), 1112(a) or (d), 1208(a) or 1307(d) (Optional)*
F 2014-1	*Statement of Disinterestedness of Professional Person Under F.R.B.P. 2014 (File with Application for Employment) (Optional)*
F 2016-1.1	*Notice of Hearing on Application for Payment of Interim or Final Fees and/or Expenses under 11 U.S.C. § 331 or 330 (Optional)*
F 2016-1.2	*Application for Payment Of: Interim Fees and/or Expenses (11 U.S.C. § 331) and Final Fees and/or Expenses (11 U.S.C. § 330) (Optional)*
F 2016-1.3	*Order on Application for Payment Of: Interim Fees and/or Expenses (11 U.S.C. § 331) or Final Fees and/or Expenses (11 U.S.C. § 330) (Optional)*
F 2016-2.1	*Trustee's Notice of Motion and Motion Under Local Bankruptcy Rule 2016-2 For: Authorization to Employ Paraprofessionals and/or Authorization to Pay Flat Fees Up To $_____ To Tax Preparer (Mandatory)*
F 2016-2.2	*Notice of Motion and Motion No._____ Under Local Bankruptcy Rule 2016-2 for Approval of Cash Disbursements by the Trustee; Opportunity to Request Hearing; Declaration of Trustee; and Order Thereon (Mandatory)*
F 2090-1.1	*Declaration Re: Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 2090-1 (Optional)*

FORM NUMBER	FORM TITLE
F 2090-1.2	*Application of Non-Resident Attorney to Appear in a Specific Case [Local Bankruptcy Rule 2090-1(b)] (Optional)*
F 2090-1.3	*Order on Application of Non-Resident Attorney to Appear in a Specific Case [Local Bankruptcy Rule 2090-1(b)] (Optional)*
F 2090-1.4	*Substitution of Attorney (Optional)*
F 3001.1	*Request for Issuance of Notice of Transfer of Claim under F.R.B.P. 3001(e) (Optional)*
F 3001.2	*Notice of Transfer of Claim Pursuant to F.R.B.P. 3001(e) (Optional)*
F 3007-1.1	*Order on Objection to Claims (Optional)*
F 3007-1.2	*Notice of Trustee's/Debtor in Possession's Request for a Copy of Proof of Claim (Optional)*
F 3011-1	*Motion for Order Releasing Unclaimed Funds (Optional)*
F 3015-1.1	*Chapter 13 Plan (Mandatory)*
F 3015-1.2	*Notice of Section 341(a) Meeting and Hearing on Confirmation of Chapter 13 Plan with Copy of Chapter 13 Plan (Mandatory)*
F 3015-1.3	*Debtor's Request to Convert Chapter 13 Case To One under Chapter 7 Pursuant to 11 U.S.C. § 1307(a) (Optional)*
F 3015.1-4	*Declaration Setting Forth Postpetition, Preconfirmation Deed of Trust Payments [Local Bankruptcy Rules 3015-1(m)] (Mandatory)*
F 3015-1.5	*Notice of Motion Under Local Bankruptcy Rules 3015-1(n) and 9013-1(g) to Modify Plan or Suspend Plan Payments (Mandatory)*
F 3015-1.6	*Motion Under Local Bankruptcy Rules 3015-1(n) and 9013-1(g) to Modify Plan or Suspend Plan Payments; Trustee's Comments; Order Thereon (Mandatory)*
F 3015-1.7	*Rights and Responsibilities Agreement Between Chapter 13 Debtors and Their Attorneys (Mandatory)*
F 3015-1.8	*Declaration RE Payment of Domestic Support Obligations (Preconfirmation) (Mandatory)*
F 3015-1.9	*Declaration RE Tax Returns (Preconfirmation) (Mandatory)*

FORM NUMBER	FORM TITLE
F 3015-1.10	*Declaration Setting Forth Post Petition, Preconfirmation Payments on: 1. Leases of Personal Property; 2. Purchase Money Security Liens in Personal Property (Mandatory)*
F 3017-1	*Chapter 11 Disclosure Statement*
F 3017-2	*Plan Ballot Summary (Optional)*
F 3018-1	*Chapter 11 Plan*
F 4001-1.1	*Debtor's Certification that Circumstances Exist Which Would Allow Cure of Monetary Default Underlying Judgment for Possession of Residential Property and Proof of Deposit (11 U.S.C. § 362(l)(1)) (Optional)*
F 4001-1.2	*Debtor's Further Certification of Cure of Monetary Default Underlying Judgment for Possession of Residential Property and Proof of Deposit (11 U.S.C. § 362(l)(2)) (Optional)*
F 4001-1.3	*Lessor's Objection to Debtor's Certification and/or Debtor's Further Certification Concerning Residential Property and Notice of Hearing (11 U.S.C. § 362(l)(3)(A)) (Optional)*
F 4001-1.4	*Lessor's Certification of* *(1) Prepetition Eviction Action Seeking Possession of Residential Property Based on Debtor's Prepetition Endangerment of Property or Illegal Use of a Controlled Substance, or* *(2) Endangerment of the Property or Illegal Use of a Controlled Substance within the Last 30 Days (11 U.S.C. § 362(b)(23)) (Optional)*
F 4001-1.5	*Debtor's Objection to Lessor's Certification and Notice of Hearing (11 U.S.C. § 362(m)(2)(A) and (B)) (Optional)*
F 4001-1.DEC	*Declaration of _____ RE: Default Under Adequate Protection Order; Request for Entry of Order Granting Relief From Stay (Mandatory)*
F 4001-1M.CUST	*Notice of Motion and Motion for (A) Relief From the Automatic Stay under 11 U.S.C. § 362 (Real Property); and (B) Relief from Turnover under 11 U.S.C. § 543 by Prepetition Receiver or Other Custodian (with supporting declarations) (Mandatory)*
F 4001-1M.ER	*Extraordinary Relief Attachment (Optional to the Judge)*
F 4001-1M.IS	*Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate (Mandatory)*

FORM NUMBER	FORM TITLE
F 4001-1M.NA	*Notice of Motion and Motion for Relief From the Automatic Stay under 11 U.S.C. § 362 (with supporting declarations) (Action in Non-Bankruptcy Forum) (Mandatory)*
F 4001-1M.PP	*Notice of Motion and Motion for Relief From the Automatic Stay under 11 U.S.C. § 362 (with supporting declarations) (Personal Property) (Mandatory)*
F 4001-1M.RP	*Notice of Motion and Motion for Relief From the Automatic Stay under 11 U.S.C. § 362 (with supporting declarations) (Real Property) (Mandatory)*
F 4001-1M.TCS	*Trustee's Notice of Motion and Motion for Order Continuing the Automatic Stay Under 11 § 362 U.S.C.(h)(2), for Adequate Protection and for Delivery of Personal Property in Individual Case (Mandatory)*
F 4001-1M.TS	*Notice of Motion and Motion in Individual Case for Order Confirming Termination of Stay Under 11 U.S.C. §362(j) or that No Stay is in Effect Under 11 U.S.C. § 362(c)(4)(A)(ii) (Mandatory)*
F 4001-1M.UD	*Notice of Motion and Motion for Relief From the Automatic Stay or for Order Confirming that the Automatic Stay Does Not Apply under 11 U.S.C. § 362(l) (with supporting declarations) (Unlawful Detainer) (Mandatory)*
F 4001-1M.13	*Declaration of Agent for Standing Trustee (Chapter 12 and 13 cases only; Attach to Stay Motion) (Mandatory)*
F 4001-1M.RES	*Response to Motion for Order to Terminate, Annul, Modify, or Condition the Automatic Stay under 11 U.S.C. § 362 and Declaration(s) in Support (Optional)*
F 4001-1O.CUST	*Order Granting Motion for (1) Relief From the Automatic Stay under 11 U.S.C. § 362, and (2) Relief from Turnover under 11 U.S.C. § 543 by Prepetition Receiver or Other Custodian (Mandatory)*
F 4001-1O.DENY	*Order Denying Motion for Relief From the Automatic Stay under 11 U.S.C. § 362 (Mandatory)*
F 4001-1O.ER	*Extraordinary Relief Attachment (Optional to the Judge)*
F 4001-1O.NA	*Order Granting Motion for Relief From the Automatic Stay under 11 U.S.C. § 362 (Action in Non-Bankruptcy Forum) (Mandatory)*
F 4001-1O.IS	*Order Granting Motion for Order Imposing a Stay or Continuing the Automatic Stay (Mandatory)*
F 4001-1O.PP	*Order Granting Motion for Relief From the Automatic Stay under 11 U.S.C. § 362 (Personal Property) (Mandatory)*

FORM NUMBER	FORM TITLE
F 4001-1O.RP	*Order Granting Motion for Relief From the Automatic Stay under 11 U.S.C. § 362 (Real Property) (Mandatory)*
F 4001-1O.UD	*Order Granting Motion for Relief From the Automatic Stay under 11 U.S.C. § 362 (Unlawful Detainer) (Mandatory)*
F 4001-1O.TCS	*Order Granting Trustee's Motion for Order Continuing the Automatic Stay, for Adequate Protection and for Delivery of Personal Property in Individual Case (Mandatory)*
F 4001-2	*Statement Pursuant to Local Bankruptcy Rule 4001-2 (Cash Collateral Stipulations) (Optional)*
F 4008-1.1	*Reaffirmation Agreement (Mandatory)*
F 4008-1.2	*Notice of Hearing Re: Reaffirmation Agreement (Mandatory)*
F 4008-1.3	*Order Disapproving Reaffirmation Agreement with Notice of Entry (Mandatory)*
F 4008-1.4	*Order Approving Reaffirmation Agreement with Notice of Entry (Mandatory)*
F 5075-1.1	*Declaration to be Filed with Motion Establishing Administrative Procedures RE 28 U.S.C. § 156(c) (Mandatory)*
F 6004-2	*Notice of Sale of Estate Property*
F 7004-1	*Summons and Notice of Status Conference (Mandatory)*
F 7016-1.1	*Joint Status Report - Local Bankruptcy Rule 7016-1(a)(2) (Optional)*
F 7016-1.1a	*Joint Status Report - Additional Party Attachment*
F 7016-1.2	*Status Conference and Scheduling Order Pursuant to Local Bankruptcy Rule 7016-1(a)(3) (Optional)*
F 7027-1	*Request for Disclosure of Discovery Documents under Local Bankruptcy Rule 7027-1(d) (Optional)*
F 9013-1.1	*Notice of Motion (Hearing Required) (Optional)*
F 9013-1.2	*Notice of Motion under Local Bankruptcy Rule 9013-1(g)(1) for: (Optional)*
F 9013-1.3	*Notice of Opposition and Request for a Hearing (Optional)*
F 9013-1.4	*Notice of Non-Opposition (Optional)*

FORM NUMBER	FORM TITLE
F 9013-1.5	*Notice of Motion and Motion to Avoid Lien under 11 U.S.C. § 522(f) (Real Property) (Optional)*
F 9013-1.6	*Order on Motion to Avoid Lien under 11 U.S.C. § 522(f) (Real Property) (Optional)*
F 9013-1.7	*Notice of Motion and Motion to Avoid Lien under 11 U.S.C. § 522(f) (Personal Property) (Optional)*
F 9013-1.8	*Order on Motion to Avoid Lien under 11 U.S.C. § 522(f) (Personal Property) (Optional)*
F 9013-1.9	*Declaration Re: Entry of Order Without Hearing Pursuant to Local Bankruptcy Rule 9013-1(g) (Optional)*
F 9021-1.1	*Notice of Entry of Judgment or Order and Certificate of Mailing (Optional)*
F 9021-1.2	*Request for Entry of Default under Local Bankruptcy Rule 9021-1 (Optional)*
F 9021-1.3	*Motion for Default Judgment under Local Bankruptcy Rule 9021-1 (Optional)*
F 9021-1.4	*Default Judgment (Without Prior Judgment) (Optional)*
F 9021-1.5	*Default Judgment (Based on Prior Judgment) (Optional)*
F 9075-1	*Order Shortening Time [Local Bankruptcy Rule 9075-1(b)](Optional)*

APPENDIX II

ATTORNEY DISCIPLINE PROCEDURES IN BANKRUPTCY COURT
(General Order No. 96-05)

(a) APPLICABILITY

This general order establishes a process for court wide discipline of attorneys in the bankruptcy court.

These procedures shall apply when any judge of this court wishes to challenge the right of an attorney to practice before this court or recommends the imposition of attorney discipline intended to apply in all bankruptcy cases in this court.

Nothing in this general order is intended to limit or restrict the authority of any judge to impose sanctions on any attorney in any case or cases assigned to that judge.

(1) Initiation of Disciplinary Proceedings. If a bankruptcy judge wishes to initiate disciplinary proceedings under this general order, the judge shall prepare and file with the Clerk of Court a written Statement of Cause setting forth the judge's basis for recommending discipline and a description of the discipline the referring judge believes is appropriate.

The clerk shall open a case file, assign a miscellaneous case number, initiate a docket for the file, select three bankruptcy judges of this district at random (excluding the judge who filed the Statement of Cause) to serve on the Hearing Panel (the "Panel") which will determine whether the attorney shall be disciplined and, if so, the type and extent of discipline. The most senior judge assigned to the Panel shall be the Presiding Judge. The clerk shall prepare a Designation of Hearing Panel and Presiding Judge which shall include a signature line for each of the designated judges. The signature of each judge shall certify his or her acceptance of assignment to the Panel. Should any judge decline to serve, the clerk shall select another judge to serve on the Panel, give written notice thereof to the other judges on the Panel and issue a Supplemental Designation of Hearing Panel, which shall contain a signature line for the newly appointed judge to accept the assignment.

Once the clerk has obtained the acceptance of three judges to serve on the Panel, the clerk shall prepare a Notice of Assignment of Hearing Panel, which the clerk will serve on the attorney named in the Statement of Cause ("the attorney") and on the

local Office of the United States Trustee, along with a copy of the Statement of Cause and a copy of this general order. The attorney may file a motion for recusal as to any of the judges assigned to the Panel within ten days of the service of the Notice of the Assignment of Hearing Panel and serve the motion on the Office of the United States Trustee. That motion may be heard by any judge other than the referring judge, any judge assigned to the Panel, or any judge who has declined to serve on the Panel. The assignment of the recusal motion to a judge shall be made at random by the clerk, who shall give notice of the recusal hearing to the attorney and to the Office of the United States Trustee at least 10 calendar days before the hearing date.

Once the period for bringing a recusal motion has terminated, or after disposition of any recusal motion, the Presiding Judge shall advise the clerk of the date, time, and place for the Disciplinary Hearing, whereupon the clerk shall prepare a Notice of Disciplinary Hearing and mail the notice to the attorney and to the Office of the United States Trustee at least 21 calendar days before the hearing date.

(2) Hearing Procedures. The attorney may appear at the Disciplinary Hearing with legal counsel and may present evidence:

(A) Refuting the statements contained in the Statement of Cause,

(B) Mitigating the discipline (i.e., that notwithstanding the validity of the statements in the Statement of Cause the attorney should not be disciplined), and

(C) Bearing on the type and extent of disciplinary action appropriate under the circumstances.

The Federal Rules of Evidence shall apply to the presentation of evidence at the Disciplinary Hearing, and an official record of the proceedings shall be maintained as though the Disciplinary Hearing were a contested matter as that term is defined in the Federal Rules of Bankruptcy Procedure. The United States Trustee for the district may appear at the hearing in person or by counsel and may participate in the presentation of evidence as though she or he were a party to the proceeding. If the United States Trustee wishes to appear at the hearing, she or he must file a Notice of Intent to Appear, setting forth the purposes for the appearance, and serve that notice on the attorney at least 11 days before the hearing. The Panel may disregard written statements or declarations of innocence or in mitigation of the attorney's conduct unless they are filed with the court with copies delivered promptly thereafter to the chambers of each member of the Panel at least five court days prior to the hearing. Written statements presented to the Panel for consideration as evidence may be disregarded by the Panel if the declarant is unavailable at the hearing for cross-examination and for examination by the Panel.

(3) Ruling. At the conclusion of the Disciplinary Hearing, the judges of the Panel will adjourn to a private session to consider the matter. The ruling of the Panel will be made by majority vote of the judges on the Panel. The Presiding Judge will assign to a judge in the majority the task of drafting the Panel's Memorandum of Decision setting forth the majority's decision and its reasons. Any member of the Panel may issue a concurring or dissenting opinion which will be made a part of the Memorandum of Decision.

If the Panel imposes discipline on an attorney, the Presiding Judge shall issue a Discipline Order based on the Panel's Memorandum of Decision. That order may provide for any appropriate discipline, including but not limited to revocation or suspension of the right to practice before all the judges of this court. The Discipline Order will become final 10 days after entry or, if a motion for rehearing is filed, 10 days after entry of an order denying the attorney's motion for rehearing. The same rule as to finality will apply to a new or revised Discipline Order, if one is issued by the Panel after rehearing.

The Discipline Order shall be sent by the clerk to the Clerk of the District Court. Should the Panel so order, a Discipline Order also may be transmitted by the clerk to the State Bar of California or published in designated periodicals, or both.

If an attorney's practice privileges have been revoked, modified, or suspended by final order of a Panel, the attorney may not appear before any of the judges of this court representing any other persons or entities except in compliance with the terms of the Discipline Order.

(4) Reinstatement. An attorney whose privileges have been revoked, modified, or suspended under this general order may apply to the Chief Judge of this court for reinstatement of privileges on the following schedule:

(A) If privileges were revoked without condition for an unlimited period of time, the attorney may apply for reinstatement after five years from the date the Discipline Order becomes final;

(B) If privileges were revoked or suspended with specified conditions precedent to reinstatement, the attorney may apply for reinstatement upon fulfillment of the conditions set forth in the Discipline Order; and

(C) If privileges were suspended for a specified period of time, the attorney may apply for reinstatement at the conclusion of the period of suspension or five years after the Discipline Order becomes final, whichever first occurs.

An Application for Reinstatement of Privileges must include a copy of the Discipline Order, proof that all conditions justifying reinstatement have been fulfilled, and proof

that the applicant is in good standing before the United States District Court for the Central District of California and is a member in good standing of the State Bar of California. If the attorney's privileges were revoked, or if the suspension was for a time in excess of five years and was without any conditions precedent to reinstatement, it shall be within the sole discretion of the Chief Judge whether to issue a reinstatement order. If the Chief Judge determines that the attorney is entitled to reinstatement of practice privileges, he or she may issue a Reinstatement Order. Upon entry of the Reinstatement Order, the attorney affected thereby shall be deemed eligible to practice before all the judges of this court except to the extent any judge of this court has issued an order, other than under this rule, denying that attorney the right to appear before that judge or to appear in a particular case.

Upon entry, the clerk shall transmit a copy to all judges of this court and to the attorney, the clerk of the District Court, and to the United States Trustee. In addition, if the Discipline Order was sent to the State Bar or published, the Clerk shall transmit the Reinstatement Order to the State Bar and publish it in the same publication, if possible. If the Chief Judge does not grant the Application for Reinstatement of Privileges, he or she shall issue an order denying the application together with a separate written statement of the reasons for his or her decision. That order will become final 10 days after entry.

If an attorney's Application for Reinstatement of Privileges is denied, he or she may reapply for reinstatement after one year from the date of entry of the order denying the previous application or within such other time or upon fulfillment of such conditions as may be set forth in the order denying reinstatement.

(5) Maintenance of Discipline Files. The clerk will place in the court's file for each disciplinary proceeding all documents referred to above and others received or issued by this court relating thereto, and notations thereof shall be entered on the docket for that proceeding. Those files shall be maintained in accordance with applicable law and rules for maintenance of miscellaneous files of this court and shall be available for review and copying by members of the public unless, by order of the Chief Judge or the Presiding Judge of the Panel to which the matter was assigned, access to the file is restricted or prohibited.

The clerk shall close a disciplinary file 30 days after entry of a dispositive order (for example, an Order Re Revocation of Privileges or a Reinstatement Order) in that proceeding unless within that time the clerk receives a Notice of Appeal of any order rendered in the proceeding or other information justifying maintenance of the file in an open status. The clerk shall reopen a disciplinary file upon the request of the attorney, for the convenience of the court, or upon order of any judge of this court, whereupon the clerk shall advise the Chief Judge accordingly. So long as any disciplinary files remain open, the clerk shall provide the Chief Judge a quarterly status report of all such open files to which will be attached copies of their dockets.

The Chief Judge may order any such files closed when he or she deems it appropriate, consistent with the provisions hereof and the status of any such matter.

(6) Appeals. All orders issued pursuant to this rule shall be appealable to the extent permitted by applicable law and rules of court.

APPENDIX III

ADOPTION OF MEDIATION PROGRAM FOR BANKRUPTCY CASES AND ADVERSARY PROCEEDINGS
(Second Amended General Order No. 95-01)

1.0 PURPOSE AND SCOPE

The United States Bankruptcy Court for the Central District of California (the "Court") recognizes that formal litigation of disputes in bankruptcy cases and adversary proceedings frequently imposes significant economic burdens on parties and often delays resolution of those disputes. The procedures established herein are intended primarily to provide litigants with the means to resolve their disputes more quickly, at less cost, and often without the stress and pressure of litigation.

The Court also notes that the volume of cases, contested matters and adversary proceedings filed in this district has placed substantial burdens upon counsel, litigants and the Court, all of which contribute to the delay in the resolution of disputed matters. A Court-authorized mediation program, in which litigants and counsel meet with a mediator, offers an opportunity for parties to settle legal disputes promptly, less expensively, and to their mutual satisfaction. The judges of the Court hereby adopt the Mediation Program for Bankruptcy Cases and Adversary Proceedings (the "Mediation Program") for these purposes.

It is the Court's intention that the Mediation Program shall operate in such a way as to allow the participants to take advantage of and utilize a wide variety of alternative dispute resolution methods. These methods may include, but are not limited to, mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be those that are appropriate and applicable as determined by the mediators and the parties, and will vary from matter to matter.

Nothing contained herein is intended to preclude other forms of dispute resolution with the consent of the parties.

2.0 CASES ELIGIBLE FOR ASSIGNMENT TO THE MEDIATION PROGRAM

Unless otherwise ordered by the judge handling the particular matter (the "Judge"), all controversies arising in an adversary proceeding, contested matter, or other dispute in a bankruptcy case are eligible for referral to the Mediation Program.

3.0 PANEL OF MEDIATORS

3.1 Selection

a. The Court shall establish and maintain a panel ("Panel") of qualified professionals who have volunteered and been chosen to serve as a mediator ("Mediator") for the possible resolution of matters referred to the Mediation Program. The Panel shall be comprised of both attorneys and non-attorneys.

b. Applicants shall submit an Application (in the form attached) (the "Application") to the judge appointed as the administrator of the Mediation Program (the "Mediation Program Administrator"), setting forth their qualifications as described in Paragraph 3.3 below.

c. The judges of the Court will select the Panel from the applications submitted to the Mediation Program Administrator. The judges will consider each applicant's training and experience in mediation or other alternative dispute resolution, if any, as well as the applicant's professional experience and location. Appointments may be limited to keep the Panel at an appropriate size and to ensure that the Panel is comprised of individuals who have broad based experience, superior skills, and qualifications from a variety of legal specialties and other professions.

3.2 **Term.** Mediators shall serve as members of the Panel for a term of three years unless the Mediator is advised otherwise by the Court or submits a written request to withdraw from the Panel to the Mediation Program Administrator. Reappointment will occur at the judges' discretion, and an application for reappointment is not required.

3.3 Qualifications

a. **Attorney Applicants.** An attorney applicant shall certify to the Court in the application that the applicant:

1. Is, and has been, a member in good standing of the bar of any state or of the District of Columbia for at least five (5) years;

2. Is a member in good standing of the federal courts for the Central District of California;

3. Has served as a principal attorney of record in at least three (3) bankruptcy cases (without regard to the party represented) from case commencement to conclusion or, if the case is still pending, to the date of the Application, or has served as the principal attorney of record for a party in interest in at least three (3) adversary proceedings or contested matters from commencement to conclusion or, if the case is still pending, to the date of the Application; and

4. Is willing to undertake to evaluate or mediate at least one matter each quarter of each year, subject only to unavailability due to conflicts, personal or professional commitments, or other matters which would make such service inappropriate.

b. **Non-Attorney Applicants.** A non-attorney applicant shall certify to the Court in the Application that the applicant has been a member in good standing of the applicant's particular profession for at least five (5) years, and shall submit a statement of professional qualifications, experience, training and other information demonstrating, in the applicant's opinion, why the applicant should be appointed to the Panel. Non-attorney applicants shall make the same certification required of attorney applicants contained in Paragraph 3.3.a.4.

3.4 Geographic Areas of Service. Applicants shall indicate on the Application all counties within the Central District in which they are willing to serve. Applicants must be willing to travel to all such counties to conduct Mediation Conferences.

4.0 ADMINISTRATION OF THE MEDIATION PROGRAM

The Chief Judge will appoint a judge of the Court to serve as the Mediation Program Administrator. The Mediation Program Administrator will be aided by assigned staff members of the Court, who will maintain and collect applications, maintain the roster of the Panel, track and compile results of the Mediation Program, and handle such other administrative duties as are necessary.

5.0 ASSIGNMENT OF MATTERS TO THE MEDIATION PROGRAM

5.1 Assignment by Request of Parties. A contested matter in a case, adversary proceeding, or other dispute (hereinafter collectively referred to as "Matter" or "Matters") may be assigned to the Mediation Program if requested in writing by the parties in the form attached as Official Forms 701 and 702.

5.2 Assignment by Judge. Matters may also be assigned by order of the Judge at a status conference or other hearing. While participation by the parties in the Mediation Program is generally intended to be voluntary, the Judge, acting *sua sponte* or on the request of a party, may designate specific Matters for inclusion in the Mediation Program. The Judge may do so over the objections of the parties. If a Matter is assigned to the Mediation Program by the Judge at a status conference or other hearing, the parties will be presented with an order assigning the Matter to the Mediation Program, and with a current roster of the Panel. The parties shall normally be given the opportunity to confer and to select a mutually acceptable Mediator and an Alternate Mediator from the Panel. If the parties cannot agree, or if the Judge deems selection by the Judge to be appropriate and necessary, the Judge shall select a Mediator and an Alternate Mediator from the Panel.

5.3 Assignment of Non-Panel Mediators. The Judge may, in his or her sole discretion, appoint individuals who are not members of the Panel as the Mediator and Alternate

Mediator at the request of the parties and for good cause shown.

5.4 **Use of Official Court Order Assigning Matter to Mediation Program.** The order appointing the Mediator and Alternate Mediator and assigning a Matter to the Mediation Program shall be in the form attached as Official Form 702 ("Mediation Order"). The original Mediation Order shall be docketed and retained in the case or adversary proceeding file and copies shall be mailed, by the party so designated by the Judge, to the Mediator, the Alternate Mediator, the Mediation Program Administrator, and to all other parties to the dispute.

5.5 **Existing Case Deadlines Not Affected by Assignment to Mediation.** Assignment to the Mediation Program shall not alter or affect any time limits, deadlines, scheduling matters or orders in the case, any adversary proceeding, contested matter or other proceeding, unless specifically ordered by the Judge.

5.6 **Disclosure of Conflicts of Interest.** No Mediator may serve in any Matter in violation of the standards regarding judicial disqualification set forth in 28 U.S.C. § 455.

a. **Disclosure by Attorney Mediators.** An attorney Mediator shall promptly determine all conflicts or potential conflicts in the manner prescribed by the California Rules of Professional Conduct and disclose same to all parties in writing. If the attorney Mediator's firm has represented one or more of the parties, the Mediator shall promptly disclose that circumstance to all parties in writing.

b. **Disclosure by Non-Attorney Mediators.** A non-attorney Mediator shall promptly determine all conflicts or potential conflicts in the same manner as a non-attorney would under the applicable rules pertaining to the non-attorney Mediator's profession and disclose same to all parties in writing. If the Mediator's firm has represented one or more of the parties, the Mediator shall promptly disclose that circumstance to all parties in writing.

c. **Report of Conflict Issue by Parties.** A party who believes that the assigned Mediator and/or the Alternate Mediator has a conflict of interest shall promptly bring the issue to the attention of the Mediator and/or the Alternate Mediator, as applicable, and shall disclose same to all parties in writing.

d. **Resolution of Conflict Issue by Judge.** If the Mediator and/or the Alternate Mediator does not withdraw from the assignment, the issue shall be brought to the attention of the Judge in writing by the Mediator, the Alternate Mediator, or any of the parties in the form attached as Official Form 704. The notice shall be filed with the Court, and copies of the notice shall be mailed to the Judge, all of the parties to the dispute, their counsel, if any, the Mediator, the Alternate Mediator, and the Mediation Program Administrator. The Judge will then take whatever action(s) he or she deems necessary and appropriate under the circumstances to resolve the conflict of interest issue.

6.0 CONFIDENTIALITY

6.1 In General. No written or oral communication made, or any document presented, by any party, attorney, Mediator, Alternate Mediator or other participant in connection with or during any Mediation Conference, including the written Mediation Conference statements referred to in Paragraph 7.8 below, may be disclosed to anyone not involved in the Mediation, nor may any such communication be used in any pending or future proceeding in this Court or any other court. All such communications and documents shall be subject to all of the protections afforded by FED. R. BANKR. P. 7068. Such communication(s) may be disclosed, however, if all participants in the Mediation, including the Mediator, agree in writing to such disclosure. In addition, nothing contained herein shall be construed to prohibit parties from entering into written agreements resolving some or all of the Matter(s), or entering into or filing procedural or factual stipulations based on suggestions or agreements made in connection with a Mediation Program conference ("Mediation Conference").

6.2 Non-Confidentiality of Otherwise Discoverable Evidence. Notwithstanding the foregoing, nothing herein shall require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of a Mediation Conference.

6.3 Written Confidentiality Agreement Required. The parties and the Mediator shall enter into a written confidentiality agreement in the form attached as Official Form 708.

6.4 Effect of Recorded Settlement Agreement on Confidentiality. An oral agreement reached in the course of a Mediation Conference is not made inadmissible or protected from disclosure if all of the following conditions are satisfied:

a. The oral agreement is recorded by a court reporter, tape recorder, or other reliable means of sound recording;

b. The terms of the oral agreement are recited on the record in the presence of the parties and the Mediator, and the parties express on the record that they agree to the terms recited;

c. The parties to the oral agreement expressly state on the record that the agreement is enforceable or binding or words to that effect; and

d. The recording is reduced to writing and the writing is signed by the parties and their counsel, if any, within 72 hours after it is recorded.

6.5 Effect of Written Settlement Agreement on Confidentiality. A written settlement agreement prepared in the course of a Mediation Conference is not made inadmissible or protected from disclosure if the agreement is signed by the settling parties and their counsel, if any, and either of the following conditions are satisfied:

a. The agreement provides that it is admissible or subject to disclosure, or words to that effect; or

b. The agreement provides that it is enforceable or binding or words to that effect.

6.6 Court Evaluation of Mediation Program Not Precluded by Confidentiality Provisions. Nothing contained herein shall be construed to prevent Mediators, parties, and their counsel, if any, from responding in absolute confidentiality to inquiries or surveys by persons authorized by the Court to evaluate the Mediation Program.

6.7 Confidentiality of Suggestions and Recommendations of Mediator. The Mediator shall have no obligation to make any written suggestions or recommendations but may, as a matter of discretion, provide counsel for the parties (or the parties, where proceeding in *pro per*), with a written settlement recommendation memorandum. No copy of any such memorandum shall be filed with the Court or made available, in whole or in part, directly or indirectly, to the Judge.

7.0 MEDIATION PROCEDURES

7.1 Selection of Mediator. Counsel for the parties (or the parties, where proceeding in *pro per*), are encouraged to contact the proposed Mediator and Alternate Mediator as soon as practicable (preferably before submitting the Mediation Order to the judge for approval, if possible) to determine the availability of the Mediator and Alternate Mediator to serve in the Matter.

7.2 Availability of Mediator. If the Mediator is **not** available to serve in the Matter, the Mediator shall notify the parties, the Alternate Mediator, and the Mediation Program Administrator of that unavailability by mail in the form attached as Official Form 703 as soon as possible, but no later than seven (7) calendar days from the date of receipt of notification of appointment. **Upon notification of the Mediator's unavailability to serve, the Alternate Mediator shall automatically serve as the Mediator without the necessity for further court order.**

7.3 Availability of Alternate Mediator. If the Alternate Mediator is **not** available to serve in the Matter, the Alternate Mediator shall notify the parties and the Mediation Program Administrator of that unavailability by mail in the form attached as Official Form 703 as soon as possible, but no later than seven (7) calendar days from the receipt of notification by the Mediator, pursuant to Paragraph 7.1 above, of the Mediator's unavailability to serve.

7.4 Selection of Successor Mediator.

a. By Parties. Within seven (7) calendar days of receipt of the Alternate Mediator's notification of unavailability, the parties shall choose a mutually acceptable Successor Mediator and Successor Alternate Mediator by mail in

the form attached as Official Form 702. (This is the same Official Form which is used to appoint the original Mediator and Alternate Mediator, as described in Paragraph 5.4 above. However, the word "Successor" **must** be inserted in the caption of the Mediation Order in front of the words "Mediator" and "Alternate Mediator"). The parties shall file such form with the Court and provide a courtesy copy to the Judge and the Mediation Program Administrator.

b. **By Judge.** If the parties are unable to agree on a choice of Successor Mediator and Successor Alternate Mediator, they shall notify the Judge and the Mediation Program Administrator of their inability to do so by mail in the form attached as Official Form 704. In that event, the Judge shall appoint the Successor Mediator and Successor Alternate Mediator.

c. **Use of Official Court Order Assigning Successor Mediator.** When the Successor Mediator and Successor Alternate Mediator have been chosen by the parties and/or appointed by the Judge, the Judge shall execute an order appointing the Successor Mediator and Successor Alternate Mediator in the form attached as Official Form 702. (This is the same Official Form which is used to appoint the original Mediator and Alternate Mediator, as described in Paragraph 5.4 above. However, the word "Successor" **must** be inserted in the caption of the Mediation Order in front of the words "Mediator" and "Alternate Mediator").

7.5 **Initial Telephonic Conference.** Promptly, but no later than fifteen (15) calendar days of receipt of notification of appointment, the Mediator shall conduct a telephonic conference with counsel for the parties (or the parties, where appearing in *pro per*) to discuss (1) fixing a convenient date and place for the Mediation Conference, (2) the procedures that will be followed during the Mediation Conference, (3) who shall attend the Mediation Conference on behalf of each party, (4) what material or exhibits should be provided to the Mediator before the Mediation Conference, and (5) any issues or maters that it would be especially helpful to have the parties address in their written Mediation Conference Statements.

7.6 **Mediation Conference Scheduling.** Also within fifteen (15) calendar days of receipt of notification of appointment, the Mediator shall give notice to the parties of the date, time and place for the Mediation Conference. The Mediation Conference shall commence no later than thirty (30) calendar days following the receipt of notification by the Mediator, and shall be held in a suitable neutral setting such as the office of the Mediator, or at a location convenient and agreeable to the parties and the Mediator.

a. **Continuance of Mediation Conference.** The date for the Mediation Conference may be continued for a period not to exceed thirty (30) calendar days upon written stipulation between the Mediator and the parties. The stipulation need not be filed with the Court but the parties must mail a copy of it to the Judge and the Mediation Program Administrator.

b. **Additional Continuance.** At the written request of the parties and for good cause shown, the Judge may, in his or her sole discretion, approve an additional continuance of the Mediation Conference beyond the period specified in Paragraph 7.6.a.

7.7 **Mandatory Service of Mediation Order Prior to Mediation Conference.** Prior to the Mediation Conference, the parties' counsel shall serve a copy of the Mediation Order on the Mediator, Alternate Mediator, Mediation Program Administrator, and all parties to the dispute.

7.8 **Mediation Conference Statements.** Each party shall submit a written Mediation Conference statement ("Mediation Statement") directly to the Mediator and to the parties to the Mediation Conference no less than five (5) court days prior to the date of the initial Mediation Conference, unless modified by the Mediator.

a. **Format.** Mediation Statements shall not exceed ten (10) pages, excluding exhibits and attachments. Mediation Statements shall comply with all of the requirements of Local Bankruptcy Rule 1002-1(d)(1), (2), (3) and (7), unless such compliance is excused by the Mediator.

b. **Confidentiality.** Mediation Statements shall be subject to all of the protections afforded by the confidentiality provisions contained herein and by FED. R. BANKR. P. 7068.

c. **Statements Not Filed with Court.** The Mediation Statements shall **not** be filed with the Court, and the Judge shall not have access to them. In addition, the phrase **"CONFIDENTIAL -- NOT TO BE FILED WITH THE COURT"** shall be typed on the first page of the Mediation Statements.

d. **Mandatory Contents.** Mediation Statements must:

1. Identify the person(s), in addition to counsel, who will attend the Mediation Conference as representative(s) of the party, who have authority to make decisions;

2. Describe briefly the substance of the dispute;

3. Address any legal or factual issue(s) that might appreciably reduce the scope of the dispute or contribute significantly to settlement;

4. Identify the discovery that could contribute most to preparing the parties for meaningful discussions;

5. Set forth the history of past settlement discussions, including disclosure of any prior and any presently outstanding offers and demands;

6. Make an estimate of the cost and time to be expended for further discovery, pretrial motions, expert witnesses and trial;

7. Indicate presently scheduled dates for further status conferences, pretrial conferences, trial, or otherwise; and

8. Attach copies of the document(s) from which the dispute has arisen (*e.g.*, contracts), or the document(s) whose availability would materially advance the purposes of the Mediation Conference.

e. **Recommended Additional Contents.** Parties may identify in the Mediation Statements the person(s) connected to a party opponent (including a representative of a party opponent's insurance carrier) whose presence at the Mediation Conference would substantially improve the prospects for making the session productive. The fact that a person has been so identified shall not, by itself, result in an order compelling that person to attend the Mediation Conference.

f. **Additional Mediation Statements for Mediator Only.** Each party may submit directly to the Mediator, for his or her eyes only, a separate confidential Mediation Statement describing any additional interests, considerations, or matters that the party would like the Mediator to understand before the Mediation Conference begins. Such Mediation Statements shall not exceed ten (10) pages, excluding exhibits and attachments, and shall comply with all of the requirements of Local Bankruptcy Rule 1002-1(d)(1), (2), (3), and (7) unless such compliance is excused by the Mediator.

7.9 Mandatory Attendance at Mediation Conference.

a. **By Counsel.** Counsel for each party who is primarily responsible for the Matter (or the party, where proceeding in *pro per*) shall personally attend the Mediation Conference and any adjourned session(s) of that conference, unless excused by the Mediator for cause. Counsel for each party shall come prepared to discuss all liability issues, all damage issues, and the position of the party relative to settlement, in detail and in good faith.

b. **By Parties.** All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall personally attend the Mediation Conference and any adjourned session(s) of that conference, unless excused by the Mediator for cause. Each party shall come prepared to discuss all liability issues, all damage issues, and the position of the party relative to settlement, in detail and in good faith.

c. **By Governmental Agencies.** A unit or an agency of government satisfies this attendance requirement if represented by a person who has, to the greatest extent feasible, authority to settle, and who is knowledgeable about the facts of the case, the governmental unit's position, and the procedures and policies under which the governmental unit decides whether to accept proposed settlements.

d. **Telephonic Appearance.** Any party or lawyer who is excused by the Mediator from appearing in person at the Mediation Conference may be required by the Mediator to participate by telephone. This decision is within the Mediator's sole discretion.

7.10 Consequences of Failure to Attend Mediation Conference and Other Violations of Mediation Program Procedures. Willful failure to attend the Mediation Conference and/or other violations of the Mediation Program procedures shall be reported to the Judge by the Mediator by written notice in the form attached as Official Form 705, and may result in the imposition of sanctions by the Judge. The Mediator's notice shall be filed with the Court and copies of the notice shall be mailed to the Judge, all of the parties to the dispute, their counsel, if any, and the Mediation Program Administrator. The Judge will then take whatever action(s) he or she deems necessary and appropriate under the circumstances to resolve the issue of such willful failure to attend the Mediation Conference and/or other violations of the Mediation Program procedures.

7.11 Conduct at the Mediation Conference. The Mediation Conference shall proceed informally. Rules of evidence shall not apply. There shall be no formal examination or cross-examination of witnesses. The Mediator may conduct continued Mediation Conferences after the initial session where necessary. As appropriate, the Mediator may:

a. Permit each party (through counsel or otherwise) to make an oral presentation of its position;

b. Help the parties identify areas of agreement and, where feasible, enter into stipulations;

c. Assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the Mediator that supports these assessments;

d. Assist the parties, through separate consultation or otherwise, in settling the dispute;

e. Estimate, where feasible, the likelihood of liability and the dollar range of damages;

f. Help the parties devise a plan for sharing the important information and/or conducting the key discovery that will assist them as expeditiously as possible to participate in meaningful settlement discussions or to posture the case for disposition by other means; and

g. Determine whether some form of follow up to the Mediation Conference would contribute to the case development process or to settlement.

7.12 Suggestions and Recommendations of Mediator. If the Mediator makes any oral or written suggestions as to the advisability of a change in any party's position with respect to settlement, the attorney for that party shall promptly transmit that suggestion to the client. The Mediator shall have no obligation to make an written comments or recommendations, but may, as a matter of discretion, provide the parties with a written settlement recommendation memorandum. No copy of any such memorandum shall be filed with the Court or made available in whole or in part directly or indirectly, to the Judge.

8.0 PROCEDURE UPON COMPLETION OF MEDIATION CONFERENCE

8.1 Upon the conclusion of the Mediation Conference, the following procedures shall be followed:

a. **If Matter Settled.** If the parties have reached an agreement regarding the disposition of the Matter, the parties, with the advice of the Mediator, shall determine who shall prepare the writing to dispose of the Matter. If necessary, the parties may, with the Mediator's consent, continue the Mediation Conference to a date convenient for all parties and the Mediator. Where required, they shall promptly submit a fully executed settlement stipulation to the Judge for approval, and shall mail a copy to the Mediation Program Administrator. The Judge will accommodate parties who desire to place any resolution of a Matter on the record during or following the Mediation Conference.

b. **Mediator's Certificate of Completion of Conference.** Within ten (10) calendar days of the Mediation Conference, the Mediator shall file with the Court and serve on the parties and the Mediation Program Administrator a certificate in the form attached as Official Form 706, which shows whether there has been compliance with the Mediation Conference requirements and whether or not a settlement has been reached. Regardless of the outcome of the Mediation Conference, the Mediator will **not** provide the Judge with any details of the substance of the Mediation Conference.

c. **Confidential Evaluation.** In order to assist the Mediation Program Administrator in compiling useful data to evaluate the Mediation Program and aid the Court in assessing the efforts of the members of the Panel, the Mediator shall provide a Mediation Conference Report to the Mediation Program Administrator in the form attached as Official Form 709. The Mediation Conference Report shall **not** be filed with the Court and the Judge shall not have access to it. In addition, the phrase **"CONFIDENTIAL -- NOT TO BE FILED WITH THE COURT"** shall be typed on the first page of the Mediation Conference Report.

9.0 *PRO BONO* AND COMPENSATED SERVICE OF MEDIATORS

9.1 **Mandatory *Pro Bono* Service.** The Mediator shall serve on a *pro bono* basis and shall not require compensation or reimbursement of expenses for the first full day of at least one Mediation Conference per quarter per year. If, at the conclusion of the first full day of the Mediation Conference, it is determined by the parties that additional time will be both necessary and productive in order to complete the Mediation Conference, then:

a. If the Mediator consents to continue to serve on a *pro bono* basis, the parties may agree to continue the Mediation Conference; or

b. If the Mediator does not consent to continue to serve on a *pro bono* basis, the Mediator's compensation shall be on such terms as are satisfactory to the Mediator and the parties, and shall be subject to the prior approval of the Judge if the estate is to be charged with such expense.

9.2 Compensated Service Upon Completion of Mandatory *Pro Bono* Service. After a Mediator has concluded at least one *pro bono* mediation for the particular quarter, nothing herein shall prohibit the Mediator and the parties from agreeing that the Mediator may be compensated for services rendered by the Mediator. The amount of such compensation and the terms governing the amount and payment shall be as agreed upon among the parties. If applicable, any party or parties to the mediation may apply to the Judge for authorization to compensate the Mediator from property of the estate. Nothing in this provision, however, shall require any party to compensate a Mediator other than as may be mutually agreed upon among the parties and the Mediator.

10.0 IMPLEMENTATION

10.1 The Mediation Program became effective on July 1, 1995.

10.2 Judge Barry Russell is appointed the Mediation Program Administrator.

APPENDIX IV

GUIDELINES FOR ALLOWANCE OF ATTORNEYS' FEES IN CHAPTER 13 CASES

THESE GUIDELINES GOVERN THE ALLOWANCE OF ATTORNEYS' FEES IN CHAPTER 13 CASES IN THIS DISTRICT.

AN ATTORNEY MAY RECEIVE AN ORDER APPROVING FEES UP TO THE AMOUNTS SET FORTH HEREIN WITHOUT FILING A DETAILED APPLICATION IF:

The attorney has filed with the court and served the chapter 13 trustee with the statement required pursuant to Rule 2016 of the Federal Rules of Bankruptcy Procedure and a fully executed copy of the "Rights and Responsibilities Agreement Between Chapter 13 Debtors and Their Attorneys," copies of which are available in the clerk's office and in the chapter 13 trustees' offices; and

No objection to the requested fees has been raised.

THE MAXIMUM FEE WHICH CAN BE APPROVED THROUGH THE PROCEDURE DESCRIBED HEREIN IS:

$3,000 in a case where the debtor is self-employed; or

$2,500 in all other cases;

IF AN ATTORNEY SEEKS ADDITIONAL FEES OR ELECTS TO BE PAID OTHER THAN PURSUANT TO THESE GUIDELINES:

The attorney shall file and serve an application for fees in accordance with 11 U.S.C. §§ 330 and 331, Rules 2016 and 2002 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules 2016-1 and 3015-1, as well as the "Guide To Applications For Professional Compensation" issued by the United States Trustee for the Central District of California.

In any event, on its own motion or the motion of any party in interest, the court may order a hearing to review any attorney's fee agreement or payment, in accordance with 11 U.S.C. § 329 and Rule 2017 of the Federal Rules of Bankruptcy Procedure.

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7027-1	**DEPOSITIONS, INTERROGATORIES, AND REQUESTS FOR ADMISSIONS**	**F.R.Civ.P.** 32. **F.R.Evid.** 803, 804. **LBR** 9013-1; 1002-1; 5003-2(b).
7052-1	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**	**F.R.B.P.** 7052; 7065.
7054-1	**TAXATION OF COSTS AND AWARDING OF ATTORNEYS' FEES**	28 **U.S.C.** §§ 1827, 1828, 1921, 1923, 1927. **F.R.App.P.** 39(e). **F.R.B.P.** 7004. **F.R.Civ.P.** 26(b)(4)(C). **D.C.L.R.** Chapter I Rules 54-1 through 54-12, inclusive. **LBR** 9013-1.
7055-1	**ENTRY OF DEFAULT**	**F.R.B.P.** 7055. **F.R.Civ.P.** 55(a).
7056-1	**SUMMARY JUDGMENT**	**LBR** 9013-1(e).
7064-1	**SEIZURE OF PERSONS AND PROPERTY**	11 **U.S.C.** § 365(d)(4). **F.R.B.P.** 7064, 7069. **F.R.Civ.P.** 64, 69, 70. **LBR** 7069-1.
7065-1	**INJUNCTIONS**	**LBR** 9013-1(a)(6)(B).
7067-1	**DEPOSIT IN COURT**	**LBR** 1002-1.
7069-1	**ENFORCEMENT OF JUDGMENT AND PROVISIONAL REMEDIES**	**F.R.B.P.** 2004; 7064; 7069. **F.R.Civ.P. Rules** 26-37. **LBR** 7064-1; 1002-1(d)(11); 9009-1.

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RULE NUMBER	TITLE	CROSS-REFERENCES
8000-1	**RULES APPLICABLE TO BANKRUPTCY APPEALS**	28 **U.S.C**. § 158(a). **F.R.App.P.** 32(a). **F.R.B.P.** 5011; 8001(c)(1), (c)(2); 8002; 8004; 8005; 8007; 8009(b), (b)(9); 8010; 8011(d); 8014. **D.C.L.R.** Chapter IV Rules 1 through 11. **LBR** 2090-1.
8001-1	**FILING OF NOTICE OF APPEAL**	**D.C.L.R.** Chapter IV Rule 2.2.
8002-1	**LEAVE TO APPEAL; INTERLOCUTORY ORDERS**	28 **U.S.C.** § 158(a). **F.R.B.P.** 8002; 8003(a); 8006; 8007; 8008(b). **D.C.L.R.** Chapter IV, Rule 3. **LBR** 8000-1.
8003-1	**FORM AND TIME OF CONSENT**	**D.C.L.R.** Chapter IV Rules 2.1.1, 2.1.2.
8004-1	**NOTICE OF REFERENCE TO APPELLATE COURT**	None
8005-1	**BRIEFS IN APPEALS BEFORE DISTRICT COURT**	**D.C.L.R.** Chapter IV Rule 5. **LBR** 8000-1.
8006-1	**COSTS ON APPEAL TO DISTRICT COURT**	**D.C.L.R.** Chapter I Rule 54-6.
8007-1	**EMERGENCY MOTIONS IN APPEALS TO DISTRICT COURT**	**D.C.L.R.** Chapter IV Rule 6.3. **LBR** 8000-1.
9009-1	**LOCAL PRACTICE AND CLERK'S FORMS**	None
9011-1	**PENALTIES FOR UNNECESSARY OR UNWARRANTED MOTIONS**	**F.R.B.P.** 9011. **F.R.Civ.P.** 11.
9013-1	**MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS)**	11 **U.S.C.** §§ 102(1)(B); 301; 302; 303; 362(d), (e); 363(b)(1); 365; 522(f); 554; 1113; 1121(d). **F.R.B.P.** 2004; 4001, 4001(d); 7026-7037; 7056; 9006(a), (d); 9017; 9019. **D.C.L.R.** Chapter IV Rule 6.1. **LBR** 1002-1(d)(9), (j); 1017-2; 2002-2; 3007-1; 4001-1; 4001-2; 9015-2(g); 1002-2; 9013-1(a), (a)(7), (c), (f), (g), (g)(1); 2016-1(a)(2); 8000-1; 9075-1; 7004-1(b); 9021-1(e); 1073-1; 6004-1; 9075-1.
9013-2	**TRIAL BRIEFS AND EXHIBITS**	**LBR** 1002-1.
9015-1	**JURY TRIALS**	**F.R.Civ.P.** 49.

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RULE NUMBER	TITLE	CROSS-REFERENCES
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9019-1	**STIPULATIONS AND SETTLEMENTS**	**F.R.B.P.** 4001(d); 9019. **LBR** 4001-1; 9013-1(g)(1)(I).
9020-1	**ORDERS TO SHOW CAUSE RE CONTEMPT**	**F.R.B.P.** 9020(b). **LBR** 9013-1(a).
9021-1	**ORDERS AND JUDGMENTS**	26 **U.S.C.** § 6621. 28 **U.S.C.** § 1961(a). 50 **U.S.C.** App. 520. **F.R.Evid.** 201. **F.R.B.P.** 7055, 9021, 9022. **F.R.Civ.P.** 55 (b)(2); 63. **LBR** 1002-1; 9013-1(a), (e), (g)(1)(G); 7016-1(b)(1); 9021-1(a)(4); 7054-1.
9023-1	**NEW TRIALS OR NEW HEARINGS IN CONTESTED MATTERS**	**F.R.B.P.** 9023. **F.R.Civ.P.** 59(a). **LBR** 9013-1(d).
9027-1	**REMOVAL**	**F.R.B.P.** 9027(a), (e)(3).
9071-1	**STIPULATIONS**	**LBR** 1002-1(j).
9074-1	**TELEPHONE CONFERENCES**	**LBR** 9013-1(a)(15).
9075-1	**EMERGENCY MOTIONS AND MOTIONS FOR ORDERS SHORTENING TIME**	11 **U.S.C.** § 363. **LBR** 9013-1(a)(4)(5).