

SELF-CALENDARING INSTRUCTIONS FOR JUDGE ERNEST M. ROBLES

RIVERSIDE DIVISION CASES

Riverside Motions for Relief from Stay in Chapter 7 and Chapter 13 Cases

Judge Ernest M. Robles will preside over motions for relief from stay in Chapter 7 and Chapter 13 cases filed in the Riverside Division of the U.S. Bankruptcy Court for the Central District of California on or after May 1, 2008, that are assigned to Judge Peter H. Carroll and Judge Meredith A. Jury. The following instructions apply only to Judge Robles' Riverside Division calendar. If you would like to self-calendar a hearing for Judge Robles' regular Los Angeles Division calendar, please refer to the separate self-calendar instructions for Los Angeles cases.

Judge Ernest M. Robles allows parties to self-calendar hearing dates and times for matters in accordance with the following rules. The self-calendar system is designed to allow parties to schedule hearing dates for matters heard on regular notice without having to contact the calendar clerk to obtain a hearing date.

All calendar dates are subject to periodic revision.

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I. Matters that May Be Self-Calendar

1. Motions for relief from stay (regular notice):

As a general rule, all Riverside motions for relief from stay in Chapter 7 and Chapter 13 cases may be self-calendar if the matter will be heard on regular notice.

2. Motions for relief from stay (shortened notice)

Judge Robles allows certain motions for relief from stay scheduled on *five-court-day* notice to be self-calendar. These motions are limited to the following:

1. Residential unlawful detainer actions;
2. Post-petition transfers of real property to the debtor; and
3. Pre-petition transfers to the debtor either (a) within 90 days of the petition date or (b) involving a fractional interest in real property.

For further instructions regarding these motions, please see Section III, infra.

II. Matters that May Not Be Self-Calendar

1. Motions for relief from stay (shortened notice) (except as discussed in Sections I(2) and III)
2. Motions for relief from stay (emergency basis)

III. Motions for Relief From Stay on Five-Court-Day Notice

Judge Robles allows certain motions for relief from stay scheduled on *five-court-day* notice to be self-calendar. These motions are limited to the following:

1. Residential unlawful detainer actions;
2. Post-petition transfers of real property to the debtor; and
3. Pre-petition transfers to the debtor either (a) within 90 days of the petition date or (b) involving a fractional interest in real property.

If the motion for relief from stay does not fall within one of these enumerated categories and the movant wishes to have it heard on shortened time, then the movant must apply for an order shortening time or proceed on an emergency basis pursuant to L.B.R. 9075-1 and may not self-calendar the motion.

Notice & Service: All motions for relief from stay calendared on five-court-day notice must be filed with the court and served on all parties entitled to receive notice of the motion by such means as to ensure that the moving papers and notice of hearing are actually received no later than five court days prior to the hearing date. In addition, the movant must give telephonic notice to all parties entitled to receive notice of the motion not later than five court days prior to the hearing date.

Residential Unlawful Detainer Actions: With respect to residential unlawful detainer motions for relief from stay self-calendared under this procedure, the movant must:

1. File the motion with the court no later than five court days prior to the hearing;
2. Serve the motion and supporting documents by posting or personal service on debtor, debtor's counsel, if any, and any other parties entitled to notice no later than five court days prior to the hearing; and
3. Give telephonic notice of the date, time, and place of the hearing to the debtor, debtor's counsel, if any, and any other parties entitled to notice no later than five court days prior to the hearing.

IV. Instructions for Self-Calendaring for Riverside Relief from Stay Hearings

For Riverside motions for relief from stay that may be self-calendared, please follow the steps outlined below:

Step 1: Identify available dates and times for the type of matter that you want to calendar by referring to the monthly calendars attached to these instructions, *infra*, and available on the court's website at www.cacb.uscourts.gov. On the website, go to the court's homepage and click on the following menu options: Information → Judges → Robles, E. (LA) → Forms/Instructions/Procedures/Self-Calendaring → Self-Calendar (Riverside).

The court's color-coordinated calendar indicates which matters may be heard on which dates and at which times.

Note: Calendar dates are subject to periodic revision. Please verify that you are referring to a current version of Judge Robles' monthly calendar.

Step 2: Prepare a notice of hearing for the date and time that you have selected in accordance with L.B.R. 9013-1(a)(5) (Local Forms Series 4001).

Step 3: Give sufficient notice to all parties entitled to receive notice under the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules. Movants should refer to L.B.R. 9013-1(a)(6) for applicable deadlines and L.B.R. 9013-1(a)(13) for evidentiary requirements.

Step 4: File and serve all moving papers in a timely manner. Refer to the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules for the applicable filing and service deadlines. Please note that if proof of service is insufficient, the motion may be continued or denied.

Step 5: If the date you have selected is unavailable, the calendar clerk will contact you to arrange a different date.

V. Telephonic Appearances & Location of Hearings

Judge Robles will hear Riverside Division motions for relief from stay by telephonic conference unless there are special circumstances that require a video hearing. In order to appear by telephone, parties should contact Court Call by telephone at (866) 582-6878 or by email at courtconference@courtcall.com at least two days prior to the hearing date. Parties using video conferencing are to appear at the Riverside Division Courthouse at 3420 Twelfth Street, Courtroom 301, Riverside, CA 92501.

Hearings should be noticed with the Riverside Division address: 3420 Twelfth Street, Courtroom 301, Riverside, CA 92501.

VI. Chambers Copies

Parties filing Riverside motions for relief from stay via the court's CM/ECF system must deliver paper copies (either in person or by mail) to the intake area of the Riverside Division Courthouse at 3420 Twelfth Street, Room 125, Riverside, CA 92501-3819. All documents must conform with the form, service, and deadline requirements of the Local Bankruptcy Rules.

VII. Second Call Requests

Judge Robles does not accept second call requests on Riverside motions for relief from stay. Therefore, parties should schedule sufficient time in which to appear at the hearing by telephone.

VIII. Final Rulings / Dispositions Without Oral Argument

Judge Robles posts final rulings on motions for relief from stay if the court has received no opposition to the motion within the appropriate deadline. The failure of the debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by L.B.R. 9013-1(a)(7) will be considered as consent to the granting of the motion. L.B.R. 9013(a)(11). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). No appearance is necessary if the court has posted a final ruling. Please do not call chambers to submit on a final ruling. Final rulings are not subject to change.

IX. Deficient Motions Will Be Denied

Judge Robles requires movants to exercise care and precision when filing motions for relief from stay. In light of the high number of motions for relief from stay on the court's Riverside calendar and the resulting burden on the court, Judge Robles will deny all motions that contain significant errors, were not served on the appropriate parties at the correct addresses, are not supported by appropriate evidence, or are otherwise deficient. If a motion is deficient, Judge Robles will deny the motion outright and will not entertain a request for continuance at the hearing. The movant will be required to file a new motion and pay the appropriate filing fee.

Judge Robles will not consider late filed documents.

X. LOU Orders Required

Judge Robles accepts only LOU orders on Riverside motions for relief from stay. As a general rule, the court will not prepare orders on Riverside motions for relief from stay; the burden rests with the

movant to prepare a proposed order and submit the order via the LOU system. For more information about LOU, visit the court's webpage at www.cacb.uscourts.gov and click on the following menu options: Information → Lodged Order Update (L.O.U.).

XI. Motions Settled By Stipulation

Before lodging an F 4001-1 order in which the "Settled by Stipulation" box on page 1 is checked, the movant must first file via CM/ECF the signed Adequate Protection Attachment pages of the proposed order: (A) granting relief from the automatic stay (F 4001-10.PP or F 4001-10.RP); (B) imposing or continuing the stay (F 4001-10.IS); or (C) continuing the stay (F 4001-10.TCS). The process is:

- Step 1:* Obtain all necessary signatures on the Adequate Protection Attachment pages of the appropriate F 4001-1 form order.
- Step 2:* File via CM/ECF the Adequate Protection Attachment pages with signatures, accompanied by a pleading cover sheet titled: "Stipulation for Adequate Protection re Section 362 Stay."
- Step 3:* Lodge the entire F 4001-1 order, including the unsigned Adequate Protection Attachment pages.
- Step 4:* When lodging the proposed order via LOU, link the proposed order to the motion, not to the stipulation.

XII. Questions

If you have a question regarding the procedures for obtaining a hearing, please telephone Judge Robles' Riverside Division calendar clerk at (951) 774-1085.

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<p>September 2008</p> <p><i>RFS = Motion for Relief From Stay</i></p>						
	 <p>Labor Day</p>	<p>2</p> <p>DO NOT SET</p>	<p>3</p> <p>9:00</p> <p><i>Judge Meredith</i> <i>Jury's Ch 7 & Ch 13 RFS</i></p>	<p>4</p> <p>9:30</p> <p><i>Judge Peter</i> <i>Carroll's Ch 7 & Ch 13 RFS</i></p>	<p>5</p> <p>DO NOT SET</p>	<p>6</p>
7	<p>8</p> <p>DO NOT SET</p>	<p>9</p> <p>DO NOT SET</p>	<p>10</p> <p>9:00</p> <p><i>Judge Meredith</i> <i>Jury's Ch 7 & Ch 13 RFS</i></p>	<p>11</p> <p>9:30</p> <p><i>Judge Peter</i> <i>Carroll's Ch 7 & Ch 13 RFS</i></p>	<p>12</p> <p>DO NOT SET</p>	<p>13</p>
14	<p>15</p> <p>DO NOT SET</p>	<p>16</p> <p>DO NOT SET</p>	<p>17</p> <p>9:00</p> <p><i>Judge Meredith</i> <i>Jury's Ch 7 & Ch 13 RFS</i></p>	<p>18</p> <p>9:30</p> <p><i>Judge Peter</i> <i>Carroll's Ch 7 & Ch 13 RFS</i></p>	<p>19</p> <p>DO NOT SET</p>	<p>20</p>
21	<p>22</p> <p>DO NOT SET</p>	<p>23</p> <p>DO NOT SET</p>	<p>24</p> <p>9:00</p> <p><i>Judge Meredith</i> <i>Jury's Ch 7 & Ch 13 RFS</i></p>	<p>25</p> <p>9:30</p> <p><i>Judge Peter</i> <i>Carroll's Ch 7 & Ch 13 RFS</i></p>	<p>26</p> <p>DO NOT SET</p>	<p>27</p>
28	<p>29</p> <p>DO NOT SET</p>	<p>30</p> <p>DO NOT SET</p>				