

Information regarding Judge Alberts' calendaring and telephonic appearances

Judge Alberts **does not** have self-calendaring for any matters other than hearings on Motions for Relief from the Automatic Stay. In order to obtain a calendar date or to ask a question regarding calendaring, you must speak directly with his calendar clerk, Susan Kent, at 714-338-5366. Please note that Judge Alberts' calendar is divided into long cause and short cause weeks. Any matter which will take less than 10 minutes of court time may be placed on the short cause calendar.

For hearings on Motions for Relief from the Automatic Stay, 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 posted in the Judge's courtroom or on the Court's website (www.cacb.uscourts.gov) or by calling the Court's general information number (714) 338-5300 and selecting the menu options necessary to direct you to calendaring information for Judge Alberts.
- **PLEASE NOTE: Calendar dates are subject to periodic revision**, so please verify that you are referring to a *current version* of the Judge's monthly calendar.
- STEP 2:** Prepare a notice of hearing for the date and time that you have selected. You must provide notice in the same form as outlined by Local Bankruptcy Rule 9013-1(1)(e) (Local Forms series 350).
- **PLEASE NOTE:** By choosing a date for a relief from stay hearing that is greater than 30 days from the date you file your motion, you

are deemed to have waived the time limits of Bankruptcy Code Section 362(e).

STEP 3: Give sufficient notice of all matters to all parties entitled to receive such notice pursuant to applicable provisions of the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure. Schedule hearing dates accordingly. Moving parties may refer to Local Bankruptcy Rule 9013-1(a)(6) regarding service of the notice of the hearing and Local Bankruptcy Rule 9013-1(a)(13) regarding evidence supporting the motion.

STEP 4: File and serve your moving papers in a timely manner! Refer to the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure for applicable filing and service deadlines. If proof of service is insufficient, the moving party's motion may be continued or denied. Be sure with the filed papers, to provide a courtesy copy of all papers for the Judge with the time and date of the scheduled hearing placed underneath the title of the pleading.

STEP 5: If the date you have selected is unavailable because you have given insufficient notice, the date and time are already fully booked or for any other reason, the Calendar Clerk will contact you to arrange an alternative date. **The Court reserves the right reschedule any hearing.** You will be notified promptly if your hearing has been re-set.

We strongly urge attorneys to proceed under LBR 9013-1(7) where appropriate. In addition, telephonic appearances are allowed and encouraged. However, in order to appear telephonically, the following criteria must be met:

1. All parties must be represented by counsel and agree to the telephonic appearance.
2. The matter must not be an evidentiary hearing.
3. No telephonic appearances will be allowed on generally noticed motions.

To schedule a telephonic appearance on upcoming calendar matters, please call Judge Alberts' chambers at 714-338-5420.