

## **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.

## **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 (Application for Payment of Filing Fees in Installments and/or Waiver of Filing Fee), 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 submitted for filing shall be typewritten, legibly printed if prepared by hand, computer generated, 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. With the exception of bankruptcy forms, the typeface shall not be smaller than 12 point. Required typefaces are Ariel, Courier, Times, Helvetica, Geneva or Letter Gothic. Font sizes smaller than 12 point, may not be legible after imaging and shall not be used.
- (2) Paper. The original of all papers shall be submitted on white, letter size (8 ½ x 11 inches), opaque, unglazed, paper of medium weight not less than 20-pound weight capable of producing a good quality image when scanned using the court's equipment and software. Coated paper, glossy paper, oversized paper (larger than 8 ½ x 11 inches), lightweight paper (less than 20-pound weight), bond paper, card stock, and onion skin may cause paper jams when scanned and shall not be used. The paper shall be 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 1 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 filed in paper format 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 filed 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) Assembly of Papers for Filing. Original papers and copies filed in paper format shall be assembled into separate sets and shall comply with the following guidelines:
  - (A) Original multi-page documents shall not be hole punched or bound by staples, prong fasteners or standard metal or plastic paper clips that puncture the paper. Original multi-page documents shall be bound at the top left corner with binder clips or clamps. Copies of multi-page documents may be fastened with staples.
  - (B) As a general rule, the clerk's office will conform and return one copy of a document to the filing party. If more than one copy of the document is needed, fasten the copies together with a binder clip. **DO NOT** attach copies to original documents.

- (C) All papers presented for filing shall be flat and unfolded for scanning.
  - (D) Documents shall not be “blue-backed” or otherwise bound. Transcripts shall be unbound and fastened with binder clips prior to filing.
- (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, fax number, and e-mail address, 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. Case numbers shall be consistent with the following example: 1:05-12345-MT, with the first number being the location of the division in which the case was filed (e.g., San Fernando Valley: 1, Los Angeles: 2, Riverside: 6, Santa Ana: 8, Santa Barbara: 9), the two numbers after the semi colon representing the last two digits of the year in which the case was filed, and the third set of numbers following the first dash representing the 5 digit unique case number followed by the initials of the U.S. Bankruptcy Judge assigned to the case. 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). When a document contains multiple pleadings (for example, an answer to a complaint and a counterclaim or cross claim), all pleadings contained in the document must be listed in the caption. 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.
- (12) Separator Sheets. Each declaration, exhibit, or other attachment to a paper shall be separated by a separator sheet printed on white, letter size (8½ x 11 inches), unglazed, opaque, paper of medium weight.

**(e) COPIES**

The following requirements shall only apply to papers that are filed in paper format:

- (1) Chamber’s/Courtesy Copy. A paper copy of any document filed at the court, either electronically or in paper format, must be marked “Chamber’s Copy” and delivered immediately (in person or by mail) to the Intake area of the divisional office to which the relevant case or proceeding has been assigned in accordance with applicable Local Bankruptcy Rules. If filed electronically, all chamber’s copies must be accompanied by a copy of the Notice of Electronic Filing (NEF), confirming the filing of the original document. In addition, pursuant to some particular Local Bankruptcy Rules, some documents require a courtesy copy to be delivered directly to chambers. This requirement is not affected by electronic filing. Therefore, some documents may require two copies to be delivered to the court. A courtesy copy must be clearly marked as “Courtesy Copy” and if electronically filed, must include a copy of the CM/ECF receipt (NEF).
- (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 1 copy shall be filed.
- (B) Chapters 9 and 11: An original and 3 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 bound to the paper to which it relates with binder clips or clamps.
- (2) Numbering. 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 in sequential order on both the original and copy filed with the court separated by separator sheets marked with the exhibit letter or number in accordance with paragraph (d)(12) above. 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 be on standard letter size (8½ x 11 inches) opaque, unglazed paper. The filing party is responsible for reducing larger size documents to the standard letter size and for copying smaller size documents on standard letter size sheets of paper. Two-sided exhibits shall be photocopied and filed with text printed on one side of each page.

**(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. Although Interim F.R.B.P. 1007 allows a voluntary petition to be filed without complete lists, schedules, statements, and other required documents, the following papers shall be filed with the petition:
  - (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 (List of creditors) complying with Local Bankruptcy Rule 1007-2
  - (D) Statement of Social Security Number(s) (Official Form 21) (Required if the debtor is an individual)

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.

The papers required to complete the filing include the following:

- (i) Schedules A through J (Official Form 6)
- (ii) Statement of Financial Affairs (Official Form 7)
- (iii) Copies of all advices (pay stubs) or other evidence of payment received by the debtor from any employer within 60 days before the filing of the petition. (Required if debtor is an individual.) If the debtor(s) was self-employed or unemployed during the 60 days prior to the filing of the petition, the debtor(s) should certify this fact and use the optional form Debtor's Certification of Employment Income Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv) to do so. This form can also be used to attach payment advices (pay stubs).
- (iv) Statement of Current Monthly Income and Means Test Calculation (Official Form 22A) (Required if the debtor is an individual with primarily consumer debts) (chapter 7 cases)
- (v) Statement of Current Monthly Income and Disposable Income Calculation (Official Form 22C) (chapter 13 cases)

- (vi) Statement of Current Monthly Income (Official Form 22B) (Required if the debtor is an individual) (chapter 11 cases)
- (vii) Summary of Schedules (file complete set of schedules - any that do not apply, state “none” or check box indicating “none”)
- (viii) Statistical Summary of Certain Liabilities (28 U.S.C. § 159) (Individual Debtors Only)
- (ix) Declaration Concerning Debtor’s Schedules
- (x) Verification of Creditor Mailing List. [Local Bankruptcy Rule 1007-2(d)]
- (xi) Disclosure of Attorney Fees
- (xii) Disclosure of Compensation of Bankruptcy Petition Preparer
- (xiii) Statement of Intention (Official Form 8) (chapter 7 cases only)
- (xiv) Exhibit “A” to Petition filing under chapter 11 (if debtor is a corporation) (Official Form B1)
- (xv) Exhibit “C” to Voluntary Petition (if Exhibit “C” “yes” box is checked on page two of the Voluntary Petition)
- (xvi) A copy of a corporate resolution authorizing the filing (if debtor is a corporation)
- (xvii) Statement of Previously Filed or Related Cases with Unsworn Declaration [in format required by Local Bankruptcy Rule 1015-2(b)(2)]
- (xviii) Notice of Available Chapters (except in chapter 9 and 11 cases)
- (xix) Statement Regarding Assistance of Non-Attorney with Respect to the Filing of Bankruptcy Case (for petitions of persons not represented by counsel)
- (xx) Declaration Re Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 2090-1 (if applicable)
- (xxi) 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)

- (xxii) List of Equity Security Holders - (chapter 11 reorganization cases)
- (xxiii) Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement.
- (xxiv) Copy of certificate of credit counseling as required by §521(b)(1), § 109(h)(1), F.R.B.P. 1007(b)(3) and any debt repayment plan developed through a credit counseling agency, or a motion for determination by the court.
- (xxv) Chapter 13 plan (chapter 13 cases)
- (xxvi) Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (11 U.S.C. § 110), if applicable (Official Form 19A) (Included on page 3 of the Voluntary Petition, Official Form 1)
- (xxvii) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer, if applicable (Official Form 19B)
- (xxviii) Corporate ownership statement as specified in F.R.B.P. 1007(a)(1) (required for corporations that are not a governmental unit)

Even if certain of the schedules or statements of Official Forms 6 and 7 do not apply 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.

If all the information required in this paragraph (g) is not timely filed and no motion for an order extending the time to file the required documents has been timely filed, the case may be dismissed. However, if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all the documents listed in items (i) through (v) above as required under 11 U.S.C. §521(a)(1) within 45 days after the date of the filing of the petition, in accordance with 11 U.S.C. §521(i)(1) and §521(i)(3), and subject to 11 U.S.C. §521(i)(4), the case shall be automatically dismissed effective on the 46<sup>th</sup> day after the date of the filing, unless otherwise ordered by the court. Motions for extension of time to file lists, 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.

- (3) Redaction of Personal Identifiers. Pursuant to policies adopted by the Judicial Conference of the United States, a debtor must refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all lists, schedules and statements filed with the court, unless ordered by the court to do otherwise:

- (A) Social Security Numbers. If disclosure of a social security number is required, only the last four digits of that number should be used. [This does not apply to Official Form 21, Statement of Social Security Number(s)].
- (B) Names of Minor Children. If disclosure of the identity of any minor child is required, only the initials of that child should be used.
- (C) Dates of Birth. If disclosure of an individual's date of birth is required by any statement or schedule, only the year should be used.
- (D) Financial Account Numbers. If disclosure of any financial account number is required, only the last four digits of that number should be used.

The responsibility for redacting these personal identifiers rests solely with the debtor and debtor's counsel. The court will not review documents for compliance with this rule.

- (4) Effect of Failure to Specify Chapter Under Which Relief is Being Sought. 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.
- (5) 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, 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.
- (4) Unpublished Opinions. If a party cites an unpublished judicial opinion, order, judgment, or other written disposition, the party must file and serve a copy of that opinion, order, judgment, or disposition with the brief or other paper in which it is 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); and Local Bankruptcy Rule 9021-1(a)(2): ORDERS AND JUDGMENTS, PREPARATION, LODGING AND SIGNING OF DOCUMENTS, Order Upon Stipulation.*

## 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.***

**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.

**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.

**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.

**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.

**LOCAL BANKRUPTCY RULE 1007-1**

**EXTENSION OF TIME TO FILE SCHEDULES,  
STATEMENTS, AND OTHER DOCUMENTS**

Motions to extend time to file lists of creditors and equity security holders, or to file schedules, statements, and other documents, shall comply with F.R.B.P. 1007. The motion shall be accompanied by evidence supporting the extension of time.

**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.

## **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.*

**LOCAL BANKRUPTCY RULE 1017-1****CONVERSION****(a) CONVERSIONS UPON DEBTOR'S REQUEST**

- (1) A debtor's notice of conversion under 11 U.S.C. §§ 1208(a) or 1307(a), together with a proposed order thereon, must be filed and served on the standing trustee and United States trustee. No hearing is required for conversion.
- (2) A debtor must request conversion under 11 U.S.C. § 1112(a) by motion filed and served as required by F.R.B.P. 9013, but the motion does not require a hearing.
- (3) A debtor must request conversion under 11 U.S.C. § 706(a) to a case under chapter 11, 12 or 13 by motion which, unless otherwise ordered by the court, may be granted only after notice of opportunity to request a hearing to the trustee, attorney for the trustee (if any), United States trustee, and parties in interest, as provided in Local Bankruptcy Rule 9013-1(g).
- (4) If the case is converted, the clerk will give notice of the order converting the case to another chapter to all creditors and interested parties and to the United States trustee.

**(b) ADDITIONAL FEES ON CONVERSION OF A CASE**

A notice of conversion or motion for conversion, as the case may be, must be accompanied by payment of the filing fee, if any, required for conversion of the case to the chapter for which conversion is sought. If a conversion to chapter 11 is denied, the filing fee paid when the motion was filed 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 must 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.

**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*

## **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.

**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.*