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.

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.

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(k): 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.

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.

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.

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.

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.

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.

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.

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.

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.

LOCAL BANKRUPTCY RULE 9071-1

STIPULATIONS

See Local Bankruptcy Rule 1002-1(k): FORM OF PAPERS FILED WITH COURT, STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING.

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.

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.