

## PRE-STATUS CONFERENCE INSTRUCTIONS

1. Pursuant to Local Bankruptcy Rule 7016-1(a)(2), all parties shall file a Joint Status Report at least fourteen (14) days before the date set for each Status Conference. The Joint Status Report shall conform to **Exhibit "A"** attached to these instructions. Use of the form attached as **Exhibit "A"** is mandatory. Failure to use the form in **Exhibit "A"** may result in the imposition of monetary sanctions and/or the status conference being continued and parties being ordered to redo the status report to conform to **Exhibit "A"**.
2. A copy of these instructions shall be attached to every copy of the complaint served upon a party, and the affidavit of service must state that these instructions as well as a copy of the summons and complaint and, if applicable, a copy of the Debtor Assistance Program Notice was served.
3. If no response to the complaint is timely filed, (1) plaintiff should file a request for entry of default by the clerk and a default judgment hearing date will be set at the Status Conference (the party should be prepared to propose an appropriate date to Judge Zurzolo based on Judge Zurzolo's self-calendaring procedure) and (2) no later than ten (10) days prior to the Status Conference plaintiff must file a Unilateral Status Report (completing Sections A, B and C of **Exhibit "A"**) and a declaration setting forth the attempts made by plaintiff to contact or obtain the cooperation of the defendant as required by LBR7016-1(a). For self calendaring dates, visit the Court's website at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov) :
  - \* Click "**Information**"
  - \* Under "**Judges**", click "**Zurzolo, V.**"
  - \* Click "**Forms/Instructions/Procedures/Self-Calendaring**"
  - \* Under **Self Calendaring**, click "**Hearing Calendar for 2006**" and/or "**Instructions and Key for Self-Calendar**"
4. During the Status Conference, it will be decided whether a pre-trial order should be required or a pre-trial conference should be set.
5. During the Status Conference, the Court shall set a trial or a pre-trial conference. The parties should be prepared to state whether they will agree to try the adversary proceeding by declaration in lieu of oral testimony.
6. If one or more parties dispute whether the adversary proceeding is core within the meaning of 28 U.S.C. § 157(b), the party/parties disputing that the proceeding is core shall file and serve a memorandum of points and authorities and evidence in support of their positions fourteen (14) court days before the Status Conference. Any reply must be filed at least seven (7) court days before the Status Conference. The Court will resolve this dispute at the Status Conference. If any party fails to comply timely with these instructions, that failure shall be deemed a consent to a determination that the proceeding is core within the meaning of 28 U.S.C. § 157(b).

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7. If one or more parties dispute the jurisdiction of this Court, the party/parties disputing jurisdiction shall file and serve a memorandum of points and authorities and evidence in support of their positions at least fourteen (14) court days prior to the Status Conference. Any response shall be filed and served no later than seven (7) court days prior to the Status Conference. The Court will resolve this dispute at the Status Conference. If the objecting party does not timely file and serve its papers, that failure shall be deemed a consent to whatever determination the Court makes.

8. If one or more parties dispute whether a party has a right to a jury trial, the disputing party/parties shall file and serve a memorandum of points and authorities and evidence in support of their positions at least fourteen (14) court days prior to the Status Conference. Any response shall be filed and served no later than seven (7) court days prior to the Status Conference. The Court will resolve this dispute at the Status Conference. If the objecting party does not timely file and serve its papers, that failure shall be deemed a consent to whatever determination the Court makes.

9. Please take note that extensions of time to respond to a pleading are ineffective by stipulation of the parties absent court approval. Requests to extend the response deadline to a date within five (5) days of the hearing date will likely be denied unless the hearing date is continued to a date which permits the Court adequate time to review and consider the pleadings.

10. Please also take note that requests to continue a hearing will not be granted unless adequate cause for the continuance is stated in the request. Merely discussing settlement is inadequate cause and unless a settlement is reached prior to the hearing date, the parties must comply with all applicable filing deadlines. If the parties have settled, a hearing may be continued to allow for execution and filing of the written settlement if (1) the request for continuance contains a copy of the settlement or a substantial recitation of its terms and (2) the request for a continuance is filed at least two (2) court days prior to the hearing date. Generally, if a Respondent/Defendant is not represented by an attorney, an appearance by the Respondent/Defendant will be required.

VINCENT P. ZURZOLO  
United States Bankruptcy Judge

# EXHIBIT "A"

## UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA

**In re**

**BK. No. LA**  
**Adv. No. LA**

**Chapter**

**Debtor(s).**

☐ **JOINT STATUS REPORT**  
☐ **UNILATERAL STATUS REPORT**  
**FOR ADVERSARY PROCEEDING**

**LOCAL BANKRUPTCY RULE 7016-1(a)(2)**

**Plaintiff(s),**

**v.**

**DATE:**  
**TIME:**  
**PLACE:**

**Defendant(s).**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE \_\_\_\_\_. In accordance with Local Bankruptcy Rule ("LBR") 7016-1(a)(2), the party/parties submit the following ☐ JOINT STATUS REPORT or ☐ UNILATERAL STATUS REPORT:

**A. SERVICE/SUMMONS:**

1. Have all parties been served? ☐ YES ☐ NO
2. Has Plaintiff filed a declaration of service stating that the Pre-Status Conference Instructions, summons,

complaint and, if applicable, Debtor Assistance Program Notice was served? ☐ YES ☐ NO

If yes, go on. If no, why not? Please explain:

**B. RESPONSIVE PLEADINGS:**

1. Did all defendants timely file a plain answer (i.e. no counterclaims) to the complaint? ☐ YES ☐ NO

If yes, go to Section D. If no responsive pleading was filed proceed to Section C, otherwise continue.

2. If any defendant's answer includes counterclaims, are any parties other than Plaintiff included as defendants to the claims? ☐ YES ☐ NO

3. If counterclaims have been filed, have all counterdefendants responded to the counterclaims?

☐ YES ☐ NO

If no, what is the response deadline to the countercomplaint?

4. Did any defendant file a 12(b) motion or other such responsive pleading? ☐ YES ☐ NO

If yes, please identify the responsive pleading(s) filed and the date(s) of the hearing(s) on the responsive pleading(s):

**C. DEFAULT**

1. If any defendant has not responded timely, has plaintiff requested entry of default? ☐ YES ☐ NO

If no, why not? Please explain:

2. If default has been requested, has it been entered? ☐ YES ☐ NO

If no, why not? Please explain:

3. If default has been entered has plaintiff scheduled a motion for default judgment? ☐ YES ☐ NO

If no, please explain why not and state a proposed date for a hearing on a motion for default judgment:

**D. FEDERAL RULE OF CIVIL PROCEDURE ("FRCP") 26(A), (F) AND LBR 7016-1(A)(2)**

**COMPLIANCE:**

1. The parties certify that they met and discussed the nature and basis of the claims and defenses.

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

2. The parties certify that they have exchanged documents.

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

3. The parties certify that they have exchanged witness lists.

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

4. The parties certify that they have exchanged other evidence as required by Rule 26(a)(1).

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

5. The parties certify that they have made the disclosures required by Rule 26(a)(1)(C) and (D) where applicable.

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

6. The parties certify that they have discussed settlement.

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

7. The parties certify that they have proposed a joint discovery plan.

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

8. If any party answered no to any of the prior six (6) questions, please explain the reason(s):

E. **DISCOVERY (FRCP 26(f)):**

**A Discovery Plan should be prepared and attached to this status report if it cannot be described below.**

1. Do the parties believe that changes should be made in the timing, form or requirement for disclosures under Rule 26(a)?

Plaintiff: ☐ YES ☐ NO

Defendant:

☐ YES ☐ NO

If any party answered yes, please explain the reason(s):

2. List the form(s) of discovery each party will propound.

Plaintiff:

Defendant:

3. Do the parties anticipate any unusual discovery issues?

Plaintiff:

☐ YES ☐ NO

Defendant:

☐ YES ☐ NO

If any party answered yes, please identify the issues and explain the reason(s) for them:

4. Date by which each party expects to complete their discovery efforts:

Plaintiff:

Defendant:

**F. SETTLEMENT:**

1. Do all parties request a judge to aid in settlement? If either party indicates "no", go to question 3.

Plaintiff

☐ YES ☐ NO

Defendant

☐ YES ☐ NO

2. Do all parties request the trial judge to aid in settlement? If yes and if applicable, please name the judge(s)

of this Court that the parties would like to participate in settlement efforts:

**PLAINTIFF** ☐ YES ☐ NO

**DEFENDANT** ☐ YES ☐ NO

(1)

(1)

(2)

(2)

(3)

(3)

3. Do all parties seek any other type of mediation, arbitration, etc.? If both indicate yes, list the types.

**PLAINTIFF** ☐ YES ☐ NO

**DEFENDANT** ☐ YES ☐ NO

(1)

(1)

(2)

(2)

1       **G.     PRE-TRIAL:**

2               In most adversary proceedings, it is necessary to prepare a joint pre-trial stipulation and appear at a pre-trial  
3 conference.

4               1. Date after which the pre-trial conference should be set:

5                       Plaintiff:

6                       Defendant:

7               2. Do you believe you can go directly to trial without a pre-trial stipulation and/or conference?

8                       Plaintiff: ☐ YES ☐ NO

9                       Defendant: ☐ YES ☐ NO

10                      If either party answered yes, please state why:

11       **H.     OTHER PROPOSED DEADLINES:**

12               1. Proposed date by which all motions except motions to exclude evidence or approve a settlement must be  
13 filed, set and heard:

14                       Plaintiff:

15                       Defendant:

16               2. Proposed deadline for amendment of pleadings and/or joinder of parties (any order permitting amendment or  
17 joinder must be entered by this date):

18                       Plaintiff:

19                       Defendant:

20               3. Are there any other deadlines which the parties wish the Court to set:

21                       Plaintiff: ☐ YES ☐ NO

22                       Defendant: ☐ YES ☐ NO

23                      If either party states yes, please identify the proposed subject and timing of the deadline:

I. **MISCELLANEOUS**

1. Do you dispute the jurisdiction of this Court?

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

2. Do you dispute any party's allegation regarding the core/non-core nature of the adversary proceeding?

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

3. Do you dispute the asserted claim of any party to the right to a jury trial?

Plaintiff: ☐ YES ☐ NO

Defendant: ☐ YES ☐ NO

4. If a party answered yes to any of the above three (3) questions, has the party answering yes prepared a memorandum of points and authorities and supporting evidence detailing their position, which memorandum is to be filed fourteen (14) days prior to the Status Conference? ☐ YES ☐ NO

5. Are there any other unusual issues of which the Court should be aware? ☐ YES ☐ NO

If yes, please explain:

Respectfully submitted,

DATED: FIRM NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

ATTORNEY FOR: \_\_\_\_\_

DATED: FIRM NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

ATTORNEY FOR: \_\_\_\_\_