

SELF-CALENDARING INSTRUCTIONS FOR JUDGE ERNEST M. ROBLES

**Courtroom Location:
255 East Temple Street, Courtroom 1568, 15th Floor
Los Angeles, CA 90012**

Judge Ernest M. Robles allows parties to self-calendar hearing dates and times for matters in accordance with the following rules. The self-calendar system is designed to allow parties to schedule hearing dates for matters heard on regular notice without having to contact the calendar clerk to obtain a hearing date. Matters that do not require hearings may be filed in accordance with L.B.R. 9013-1(o)(1).

All calendar dates are subject to periodic revision.

I. **Matters that May Be Self-Calendared**

In general, matters that require a hearing of less than 15 minutes may be self-calendared. Additionally, any of the following matters may be self-calendared:

1. Motions for relief from stay (regular notice)
2. Motions for relief from stay (shortened notice)

Judge Robles allows certain motions for relief from stay scheduled on 7 days notice to be self-calendared. These motions are limited to the following:

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

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

3. Disclosure statements
4. Employment applications
5. Fee applications in Chapter 7 and Chapter 11 cases
6. Motions to sell property under 11 U.S.C. § 363(b)(1)
7. Motions for summary judgment
8. Objections to claims (20 or fewer)
9. Miscellaneous: Any motion in a Chapter 7 & 11, or 13 case or adversary proceeding that is not included in the list of matters that may not be self-calendared.

II. **Matters that May Not Be Self-Calendared**

The following matters may not be self-calendared:

1. Applications for order shortening time
2. Matters to be heard on shortened time
3. Matters to be heard on ex parte basis
4. Emergency motions
5. Reaffirmation agreements
6. Initial status conferences in adversary proceedings
7. Pre-trial conferences
8. Mass objections to claims (more than 20 objections for a single hearing)
9. Motions pursuant to FRBP 9023 and/or 9024.

III. **Motions for Relief From Stay on 7 Day Notice**

Judge Robles allows certain motions for relief from stay scheduled on 7 day notice to be self-calendared. These motions are limited to the following:

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

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

Notice & Service: All motions for relief from stay calendared on 7 day notice must be filed with the court and served on all parties entitled to receive notice of the motion by such means as to ensure that the moving papers and notice of hearing are actually received no later than 2 days prior to the hearing date.

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

- A. File the motion with the court no later than 7 days prior to the hearing;
- B. Serve the motion and supporting documents by
 - (1). posting or personal service on debtor,
 - (2). overnight mail debtor's counsel, if any,
 - (3). regular mail to any other parties entitled to notice, no later than 7 days prior to the hearing.

VI. **Instructions for Self-Calendaring for Los Angeles Matters**

For matters that may be self-calendared on Judge Robles' regular Los Angeles calendar, please follow the steps outlined below:

Step 1: Identify available dates and times for the type of matter that you want to calendar by referring to the monthly calendars attached to these instructions, infra, and available on the court's website at www.cacb.uscourts.gov. On the website, from the court's homepage, click the Judges tab, then select Self-Calendaring.

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

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

Step 2: Prepare a notice of hearing for the date and time that you have selected. If your motion is for relief from stay, you must provide notice in accordance with L.B.R. 9013-1(d)(2) and L.B.R. 4001-1(c) (Local Forms Series 4001).

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

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

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

V. **Telephone Appearances**

Any party who wishes to appear by telephone must contact Court Call by telephone at 866-582-6878, ext. 188 no later than one hour before the hearing.

VI. Location of Hearings

Hearings must be noticed with the Los Angeles Division address: 255 East Temple Street, Los Angeles, CA 90012, Courtroom 1568, 15th Floor.

VII. Second Call Requests

In order to request a second call for a hearing, please telephone Judge Robles' chambers at 213-894-1522 prior to the hearing time. As a general policy, Judge Robles will try to accommodate late parties when possible. Please note, however, that the court may proceed with a hearing even if the party requesting second call has not yet arrived. Therefore, parties should schedule sufficient travel time in order to arrive promptly for all hearings.

VIII. Tentative Rulings and Final Rulings

Tentative Rulings: Judge Robles regularly posts tentative rulings in advance of hearings. Tentative rulings may be viewed through the court's website at www.cacb.uscourts.gov. On the court's homepage, under Calendar Information, click on the Tentative Rulings link and select Judge Ernest Robles. Next, double-click on a specific date to view the available tentative rulings.

To submit on a tentative ruling, please call Judge Robles' law clerks at (213) 894-1522. If a party submits on a tentative ruling, there is no need to appear at the hearing. **Please note, however, that tentative rulings are subject to change as a result either of argument presented at the hearing or of further reconsideration by the court.**

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

IX. Relief from Stay Motions Settled by Stipulation

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

Step 1: Obtain all necessary signatures on the Adequate Protection Attachment pages of the appropriate F 4001-1 form order.

Step 2: File via CM/ECF the Adequate Protection Attachment pages with signatures, accompanied by a pleading cover sheet titled: “Stipulation for Adequate Protection re Section 362 Stay.”

Step 3: Lodge the entire F 4001-10 order, including the unsigned Adequate Protection Attachment pages.

Step 4: When lodging the proposed order via LOU, link the proposed order to the motion, not to the stipulation.

X. Questions / Contact Information

If you have a question regarding the procedures for obtaining a hearing, please telephone Judge Robles’ calendar clerk at (213) 894-4843.

MANDATORY USE OF L.O.U. FOR ALL ORDERS

Effective June 10, 2010

Hon. Ernest Robles

USBC Central District of California - Los Angeles Division

These guidelines apply only to parties represented by counsel and non-attorney professionals - i.e., Appraisers, Accountants, Realtors, etc. If you do not have an attorney, you are allowed to lodge your order at the Intake window located at 255 East Temple Street, Room 940, Los Angeles, CA 90012.

All proposed orders are to be lodged electronically on all cases and adversary proceedings using the court's Lodged Order Upload (LOU) program which is accessible via CM/ECF.

In order to file documents electronically for the United States Bankruptcy Court for the Central District of California, attorneys (and limited access filers) must register online at www.cacb.uscourts.gov and either provide proof of proficiency in ECF or complete an online training course. If you have further questions, please contact the ECF Help Desk by calling (213) 894-2365 or via email at ECF_Support@cacb.uscourts.gov. The ECF Help Desk is available Monday through Friday 9:00 a.m. - 4:00 p.m. (excluding Federal Holidays).

The guidelines will add certainty to the process and minimize costs/delay by:

- 1) Utilizing electronic processes of filing documents ("CM/ECF"), Lodged Order Upload ("LOU"), and service by Notice of Electronic Filing ("NEF");
- 2) Clarifying the "Service List for Entered Order"; and
- 3) Eliminating the need to provide envelopes and copies of orders.

A. Check Tentative Rulings

Judge Robles posts tentative rulings one court day prior to hearings.

Check to see if the motion will be granted without a hearing.

Go to **www.cacb.uscourts.gov**.

The Tentative Rulings link is on the bottom left-hand corner of page one.

B. Lodge Proposed Orders via LOU

All parties represented by counsel and non-attorney professionals - i.e., Appraisers, Accountants, Realtors, etc must lodge orders via LOU. NO exceptions.

C. When Should a Proposed Order be Lodged?

Lodged via LOU - Proposed orders must be lodged via LOU after tentative rulings are posted; if a tentative ruling is not posted, lodge the proposed order after the hearing.

Lodged at Intake Window – Only **pro per debtors** are allowed to lodge proposed orders after the hearing. *Paper orders lodged by non-pro per debtors will be returned unsigned.*

D. Preparing Proof of Service of Proposed Order

1. Proposed Orders on Unopposed Motions - There is no obligation to serve a proposed form of order on any person, entity, or attorney *who did not file an opposition to the motion. This includes a case trustee or the United States trustee.*

2. Proposed Orders on Opposed Motions - Pursuant to LBR 9021-1(b)(4) and 9021-1(b)(3)(A), a proposed order must be served only upon any person, entity, or attorney who filed an opposition to the motion. *There is no obligation to serve the proposed order on any other person or entity.*

E. Prepare Service List for Entered Order

METHOD OF SERVICE

1. Served Electronically by the Court - List the names and email addresses *only* of attorneys who are listed in CM/ECF on the Electronic Mail Notice List to receive an email notice. *The U.S. trustee and case trustee will always be in this category.* (See the Court Manual for help in determining who receives electronic service.)

2. Served via U.S. Mail by the Court - list the names and mailing addresses of persons, entities, and/or attorneys listed in CM/ECF under Manual Notice List. *The debtor will always be in this category. DO NOT* list any of the same people being served electronically. **DO NOT** list anyone who is not one of the **Parties who will be served by the Court.** (See the Court Manual for help in determining who receives manual - U.S. Mail - service.)

3. Service by Movant - If Movant desires to serve a copy of the entered order on persons or entities not listed in **Parties who will be served by the Court**, Movant may do so. Movant must then file a Declaration re proof of service listing the parties' names addresses and method of service. Under this category, Movant can list other lien holders, co-borrowers, or persons/entities they want to serve.

F. Copies of Proposed Order; Envelopes

All Section 362 Orders are served electronically by the Court via NEF to case trustees, the United States trustee, and to attorneys who are on the Electronic Mail Notice List for the particular bankruptcy case.

All Section 362 Orders are served by the Bankruptcy Noticing Center (“BNC”) in Herndon, Virginia via U.S. Mail to debtor and to persons or entities that are on the Manual Notice List for the particular bankruptcy case.

NOTICING. Orders that are uploaded via LOU, and then subsequently entered via the Court’s Calendar and Order Generation program (“CIAO!”), will generate either an electronic or manual notice from the Bankruptcy Noticing Center (BNC) upon entry in the court’s Case Management (CM) system. ***For more information on orders noticed through BNC, please refer to section 4-6 of the Court Manual.***