

## **SELF-CALENDARING PROCEDURE FOR THE HONORABLE RICHARD M. NEITER**

The self- calendaring system is designed to allow counsel and parties to obtain and schedule dates for hearing matters on regular notice without having to contact a calendar clerk. Matters that do not require hearings may be filed in accordance with Local Bankruptcy Rule 9013-1(o). Please refer to the appropriate Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules regarding the filing and service of motions.

### **I. Matters that may be self-calendared.**

Parties may select their own hearing dates if the motion to be heard will not take more than 15 minutes and falls within one of the following categories. However, no matter shall be self-calendared during the fourth week of each month.

- A. Motions for Relief from the Automatic Stay under 11 U.S.C. § 362(d);**
- B. Motions to Extend the Automatic Stay under 11 U.S.C. § 362(c)(3)(B);**
- C. Motions to Impose the Automatic Stay under 11 U.S.C. § 362(c)(4)(B);**
- D. Motions to Confirm that No Automatic Stay is in Effect under 11 U.S.C. § 362(c)(4)(A)(ii);**
- E. Motions to Confirm that the Automatic Stay has been Terminated under 11 U.S.C. § 362 (j);**
- F. Trustee's Motions under 11 U.S.C. § 362(h)(2);**
- G. Motions to Convert or Dismiss under 11 U.S.C. § 1112;**
- H. Objections to Claims (20 or less);**
- I. Interim Fee Applications in chapter 7 and chapter 11 cases;**
- J. Any motion in a chapter 7 or 11 case or an adversary proceeding not identified in section II below as being ineligible for self-calendaring;**
- K. Motions for Relief from Stay involving:**
  - 1. Residential unlawful detainer actions where a judgment has been obtained; or
  - 2. *Post*-petition transfers of real property to the debtor**may be calendared on 10 court days' notice without prior Court approval in accordance with this procedure, provided, however, that the motion is filed with the Court and served on all parties entitled to receive notice of the motion by such means so as to ensure that the moving papers and notice of hearing are actually received not later than 10 court days prior to the date of the hearing. In addition, telephonic notice of the date, time and place of the hearing on the motion must be given to all parties entitled to receive notice of the motion not later than 10 court days prior to the hearing on the motion. Any motion filed pursuant to this rule shall indicate that a**

**response is due three court days before the hearing with a courtesy copy delivered to the Court's chambers.**

**II. Matters that may NOT be self calendared:<sup>1</sup>**

- A. Applications for Orders Shortening Time\*;
- B. Matters to be heard on shortened notice or on an ex parte basis\*;
- C. Emergency motions (including first day motions in chapter 11 cases)\*;
- D. Initial status conferences in adversary proceedings;
- E. Clusters of related matters that would ordinarily be set for different hearing times;
- F. Omnibus Objections to Claims (more than 20 objections set for a single hearing);
- G. Motions for Authority to Use/Restrict Use of Cash Collateral;
- H. Motions for Reconsideration;
- I. Motions for Summary Judgment;
- J. Pre-trial conferences;
- K. Reaffirmation Agreements;
- L. Lessor's objection(s) under 11 U.S.C. § 362(l)(3) to any Certification Filed by the Debtor under 11 U.S.C. §§ 362(l)(1) and/or 362(l)(2);
- M. Debtor's objection to Lessor's Certification under 11 U.S.C. § 362(m)(2)(B);
- N. Disclosure Statements and Plan Confirmation hearings;
- O. More than four (4) fee applications of a chapter 7 trustee and his professionals or professionals in a chapter 11 case that would be set on the same date; or
- O. Any motion that will take **more than 15 minutes**.

**III. Procedures for Self Calendaring.**

For matters that may be self-calendared, 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 calendar posted on the Court's website <<http://www.cacb.uscourts.gov/judges/self-calendaring/neiter-r>> or by calling the Bankruptcy Court's general information number at (213) 894-3118 and selecting the menu options necessary to direct you to the calendaring information for Judge Neiter.

**PLEASE NOTE that calendar dates are subject to periodic revisions. Verify that you are referring to a *current version* of the Judge's monthly calendar.**

**STEP 2:** When selecting a hearing date, refer to the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure for applicable filing and service deadlines.

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<sup>1</sup> For more information concerning procedures for obtaining hearings on matters on this list marked with an asterisk (\*), please contact Judge Neiter's law clerk at (213) 894-4080. For more information concerning procedures for obtaining hearings on any matter on this list not marked with an asterisk, please contact Judge Neiter's courtroom deputy at (213) 894-5860.

Movants are required to prepare a notice of hearing for the date and time selected that must be served with the motion to all parties requiring notice pursuant to the Federal Rules of Bankruptcy Procedure and this Court's Local Bankruptcy Rules. If proof of service is defective or service provides insufficient time, the moving party's motion may be continued or denied. File and serve moving papers timely.

**PLEASE NOTE the following:**

- (1) Motion for relief from the automatic stay: Movant must provide notice in accordance with the Official Form (series 4001). By choosing a date for a relief from stay hearing that is more than 30 days from the date you file your motion, Movant is deemed to have waived the time limits of 11 U.S.C. § 362(e).
- (2) Motion to dismiss or convert under 11 U.S.C. § 1112: By choosing a date for a hearing on a that is more than 30 days from the date of the filing of the motion, movant is deemed to have waived the time limits of 11 U.S.C. § 1112(b)(3).

**STEP 3:** Refer to the Court's Manual regarding procedure for electronically filing a pleading. To ensure that the Court set the motion you have filed for hearing on the date and time that you have selected, please review the Court's requirement regarding chamber copies pursuant to LBR 5005-2(d), the Court's Manual 3.5(c), and Judge Neiter's "Instructions re Chambers Copies of Pleadings Filed Electronically" under the Instructions/Procedures tab in the Court's website. Be sure to deliver a copy of all papers to the Court's chambers with the time and date of the scheduled hearing placed underneath the title of the pleading.

**STEP 4:** If the date you have selected is unavailable because you have given insufficient notice, the date and time are already fully booked or for any other reason, the Court's Courtroom Deputy will contact you to arrange an alternate date. **The Court reserves the right to reschedule any hearing.** Prior to the date of any scheduled hearing, you will be notified if your hearing has been re-set. Please serve the appropriate notice reflecting the correct hearing date.

**Deviating from the foregoing procedure may cause your motion not to be heard on the date and time selected and may cause the party filing the pleading to be sanctioned by the Court.**