

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

**Proposed Local Bankruptcy Rules for Public Comment**  
**June 10, 2016 through July 10, 2016**

Comments concerning the proposed amendments must be submitted by email to [bkcomments@cacb.uscourts.gov](mailto:bkcomments@cacb.uscourts.gov) and include the name, email address, and phone number of the person submitting the comment.

**LBR 1001-1(f) and LBR 9011-3(c) revised to address**  
***Pham BAP Opinion (CC-14-1342)***

**LBR 1001-1(f). Sanctions for Noncompliance with Rules.** The failure of counsel or of a party to comply with these Local Bankruptcy Rules, with the F.R.Civ.P. or the FRBP, or with any order of the court may be grounds for the imposition of sanctions pursuant to applicable law, including the Bankruptcy Code, the F.R.Civ.P., the FRBP, and the inherent powers of the Court.

**LBR 9011-3(c). Penalties for an Unnecessary or Unwarranted Motion or Opposition.** Pursuant to FRBP 9011, The presentation to the Court of an unnecessary motion and the unwarranted opposition to a motion, which unduly delays 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 LBRs which may otherwise not be subject to sanctions under either FRBP 9011 or F.R.Civ.P. 11.

## **LBR 1006-1(a) revised to track FRBP 1006**

### **LBR 1006-1. PETITION FILING FEES**

#### **(a) Payment of the Petition Filing Fee in Installments.**

- (1) Eligibility. Only an individual debtor who is unable to pay the full filing fee for a voluntary petition under chapter 7, 11, ~~12~~, or 13, may apply for permission to pay the filing fee in installments. A corporation, partnership, limited liability company, unincorporated association, trust, or other artificial entity must pay the filing fee in full at the time the petition is filed.

## **LBR 1007-1(a) revised to track FRBP 1007**

### **LBR 1007-1. LISTS, SCHEDULES, AND STATEMENTS**

#### **(a) Master Mailing List.**

- (1) General. A master mailing list must be filed with the voluntary petition in the format specified in the [Court Manual](#). Unless otherwise ordered, the master mailing list must include the name, mailing address, and zip code of each creditor listed on Schedules D, ~~and~~ E/F, ~~G~~, and ~~H~~.

## **LBR 2016-2(d) revised to increase tax preparer flat fee from \$750 to \$1,000**

### **LBR 2016-2. COMPENSATION AND TRUSTEE REIMBURSEMENT PROCEDURES IN CHAPTER 7 ASSET CASES**

- (d) Expenses for Preparation of Tax Returns. The trustee may, by a single application, seek authorization to employ and pay a tax preparer a flat fee (not to exceed ~~\$750~~ **\$1,000** unless the court orders otherwise) for preparation of tax returns for the estate. If the court grants such application, the trustee may pay the flat fee so ordered without further application or order. This amount is in addition to payments that may be made from the Authorized Allocation and/or the Administrative Allocation.

**LBR 3017-1(a) revised to reflect FRBP 2002(b)(1) change, from  
25 days to 28 days, for notice of deadline to object to  
disclosure statement (plus an additional 14 days pursuant to LBRs)**

**LBR 3017-1. CHAPTER 11 DISCLOSURE STATEMENT – APPROVAL IN CASE  
OTHER THAN SMALL BUSINESS CASE**

- (a) **Notice of Hearing on Motion for Approval of Disclosure Statement.** A hearing on a motion for approval of a disclosure statement must not be set on less than ~~36~~ 42 days notice, unless the court, for good cause shown, prescribes a shorter period.
- (b) **Objections to Disclosure Statement.** Objections to the adequacy of a disclosure statement must be filed and served on the proponent not less than 14 days before the hearing, unless otherwise ordered by the court.

**LBR 4001-1(c) revised to require additional service for motions  
requesting relief applicable in future cases**

**LBR 4001-1. STAY OF 11 U.S.C. § 362**

**(c) Motion for Relief from Automatic Stay.**

(1) Filing and Service. The motion, notice of hearing, and all supporting documents must be served by the moving party in the time and manner prescribed in LBR 9013-1(d) on the following parties:

(A) Residential Unlawful Detainer Motions. If the motion seeks relief from the stay to proceed with an unlawful detainer action involving a residential property with a month-to-month tenancy, tenancy at will, or a tenancy terminated by an unlawful detainer judgment, the movant must serve only the debtor and debtor's attorney (if any).

(B) Motions Requesting Relief Applicable in Future Cases, Including Under 11 U.S.C. § 362(d)(4). If a motion seeks relief from the stay applicable in future cases (sometimes called "in rem" or "ex parte" relief), the movant must serve the person(s) who executed the documents through which the movant asserts its interest in the property (sometimes referred to in the mortgage context as the "original borrower", and in the leasehold context, the "original lessee"), in addition to those persons and entities required by LBR 4001-1(c)(1)(C).

(~~C~~) Other Relief from Automatic Stay Motions. In all other cases, the movant must serve:

- (i) The debtor and debtor's attorney (if any);
- (ii) The trustee or interim trustee (if any);
- (iii) Any applicable codebtor where relief is sought from the codebtor stay under 11 U.S.C. §§ 1201 or 1301;
- (iv) If relief is sought as to property of the estate, the holder of a lien or encumbrance against the subject property that is known to the movant, scheduled by the debtor, or appears in the public record; and
- (v) Any other party entitled to notice under FRBP 4001.