LBR 2002-1. NOTICE TO AND SERVICE UPON CREDITORS AND OTHER INTERESTED PARTIES

(a) Request to Designate Address for Authorized Agent Pursuant to FRBP 2002(g).

(1) Title. The title in the caption of the request must be "Request to Designate Address for Authorized Agent Pursuant to FRBP 2002(g)."

(2) Contents. A person or entity filing a request for notices to be served on an authorized agent pursuant to FRBP 2002(g) must include in the request for notice: (A) name of the person or entity requesting notice; (B) mailing address, including street address for overnight delivery or personal service; (C) telephone number; (D) facsimile number; (E) email address; (F) name of the person or entity whom the authorized agent represents; and (G) whether or not the authorized agent is a registered CM/ECF user.

(3) Consent to Electronic Notice and Service. Subject to the provisions of LBR 9036-1, if an authorized agent is a registered CM/ECF user, the agent is deemed to consent to receive electronic notice and service from the clerk and parties in interest in the case or proceeding.

(b) Request for Notice Despite Order Limiting Notice to Committees.

(1) Contents. A person or entity filing a request for notices served pursuant to FRBP 2002 must include in the request for notice: (A) name of the person or entity requesting notice; (B) mailing address, including street address for overnight delivery or personal service; (C) telephone number; (D) facsimile number; (E) email address; (F) name of the person or entity represented, if any; (G) a statement that the requesting party is a creditor and/or equity security holder of the debtor and notice is requested on the basis of the court having limited notice to a committee; and (H) a statement that the request is limited to notices required to be provided under FRBP 2002(a)(2), (a)(3), and (a)(6) and does not include any moving or responsive or reply documents, any evidence, or any proposed orders or entered orders.

(2) Consent to Electronic Notice. Subject to the provisions of LBR 9036-1, a creditor or equity security holder of the debtor filing a request for notice under subsection (b)(1) of this rule is deemed to consent to receive electronic notice from the clerk and parties in interest in the case or proceeding.

(c) Mailing List in Chapter 9 and 11 Cases. In chapter 9 and 11 cases only, the debtor in possession or trustee must maintain a current mailing list of entities who have served a request for notice pursuant to FRBP 2002 and must promptly furnish a copy of that list upon the request of any creditor or other interested party.

(d) Notice of Address in a Specific Case. Pursuant to 11 U.S.C. § 342(e), a creditor may file a Notice of Address to be Used in Specific Case using the court-approved form.

(e) Request to be Added to Courtesy NEF.

(1) Filing. Any person or entity registered as a CM/ECF User may file a Request to be Added to Courtesy NEF in any case or proceeding, using the court-approved form.

(2) Consent to Electronic Notice and Service. Subject to the provisions of LBR 9036-1, a person or entity who files a Request to be Added to Courtesy NEF consents to electronic notice and service from the clerk and parties in interest in the case or proceeding.

(3) No Duty. The filing of a Request to be Added to Courtesy NEF does not create a duty on the clerk or any party in interest to provide notice or service of any document.

LBR 2002-2. NOTICE TO AND SERVICE UPON THE UNITED STATES OR FEDERAL AGENCIES

(a) United States Trustee.

(1) Duty to Provide Notice to and Service Upon the United States trustee. Pursuant to FRBP 2002(k), FRBP 9034 and these rules, and unless otherwise directed, a copy of any document filed by a person or entity in a bankruptcy case or adversary proceeding under chapters 7, 9, or 11 must be served upon the United States trustee. In chapter 12 or 13 cases, only a notice of conversion or motion to convert the case to another chapter must be served upon the United States trustee. Proofs of claim or copies thereof must not be served upon the United States trustee.

(2) Consent to Electronic Notice and Service of Documents Filed with the Court. Notwithstanding subsection (a)(1) of this rule, and except as provided in subsection (a)(3) of this rule, the United States trustee consents to electronic notice and service of any document filed in a bankruptcy case or adversary proceeding.

(A) Electronic Notice. The electronic transmission to the United States trustee of an NEF or a notice through the Bankruptcy Noticing Center constitutes notice to the United States trustee of a document filed in a bankruptcy case or adversary proceeding, including notice of entry of an order or judgment, whether it is the duty of the clerk or another person or entity to give such notice. A proof of service prepared and filed pursuant to LBR 9013-3 must state that the United States trustee will be served electronically by the court.

(B) Electronic Service. The electronic transmission to the United States trustee of an NEF regarding a document filed in a bankruptcy case or adversary proceeding, which is required to be served on the United States trustee pursuant to FRBP 2002(k), FRBP 9022, FRBP 9034 or these rules, constitutes service of the document on the United States trustee. A proof of service prepared and filed pursuant to LBR 9013-3 must state that the United States trustee will be served electronically by the court.

(3) Exceptions to Electronic Notice and Service. Notwithstanding the foregoing and in addition to the exceptions to electronic notice and service set forth in LBR 9036-1(a)(2), the following documents must be served on the United States trustee non-electronically:

(A) A document exceeding 50 pages in length, including exhibits;

(B) A motion to be heard on an emergency basis pursuant to LBR 9075-1(a) or on shortened notice pursuant to LBR 9075-1(b), and any response thereto;

(C) Any document filed within 7 days of the date of the hearing;

(D) Proposed orders or judgments if required to be served on the United States trustee under LBR 9021-1(b);

(E) Complaints served upon the United States trustee as a defendant. Persons and entities must comply with FRBP 7004(b)(10) when the United States trustee is named in an adversary proceeding as a party, whether or not the United States trustee is a trustee in the case; and

(F) Any document served upon the United States trustee and/or any of the United States trustee's staff in their capacity as individuals. The service of any such document must be made in compliance with Rule 4 of the F.R.Civ.P. and with any and all other applicable rules of civil, bankruptcy and/or appellate procedure.

(4) Telephonic Notice of Hearing Set on an Emergency Basis or Shortened Notice. Telephonic notice of a hearing set on an emergency basis or hearing set on shortened notice basis pursuant to LBR 9075-1 must be given to the United States trustee if the United States trustee would otherwise be entitled to notice of the type of motion or hearing.

(5) Place of Service for Non-electronic Notice or Service. For documents for which the United States trustee has not consented to electronic notice and service, the United States trustee must be served non-electronically at the applicable mailing address listed in the Register of Federal and State Governmental Unit Addresses contained in the Court Manual.

(b) **United States Attorney.** The United States attorney for this district has waived notice under FRBP 2002(j). If notice is required in a case or proceeding, the United States attorney must file a request for notice with the court and serve the debtor, debtor's attorney (if any), the United States trustee, any trustee, and the representatives of any committee appointed in a case.

(c) **Internal Revenue Service.**

(1) General Notice Matters. Except with respect to contested matters or adversary proceedings (where service must comply with the requirements of FRBP 7004 and LBR 2002-2(c)(2)), or as otherwise ordered by the court, the United States Internal Revenue Service must be served at the address listed in the Register of Federal and State Governmental Unit Addresses contained in the Court Manual.

(2) Adversary Proceedings and Contested Matters. In all contested matters and adversary proceedings involving the United States Internal Revenue Service, the United States, the Attorney General in Washington, D.C., and the United States attorney in Los Angeles must be served at addresses listed in the Register of Federal and State Governmental Unit Addresses contained in the Court Manual.

LBR 2004-1. MOTIONS FOR EXAMINATION UNDER FRBP 2004

(a) **Conference Required.** Prior to filing a motion for examination or for production of documents under FRBP 2004, the moving party must attempt to confer (in person or telephonically) with the entity to be examined, or its counsel, to arrange for a mutually agreeable date, time, place, and scope of an examination or production.

(b) **Motion.** A motion for examination under FRBP 2004 must be filed stating the name, place of residence, and the place of employment of the entity to be examined, if known. The motion must include a declaration of counsel stating whether the required conference was held and the efforts made to obtain an agreeable date, time, place, and scope of an examination or production. The motion must also explain why the examination cannot proceed under FRBP 7030 or 9014.

(c) **Notice and Service.** The motion must be served on the debtor, debtor's attorney (if any), the trustee (if any), the United States trustee, and the entity to be examined. Not less than 21 days notice of the examination must be provided, calculated from the date of service of the motion, unless otherwise ordered by the court.

(d) **Order**. Unless otherwise ordered by the court, a motion for examination will be ruled on without a hearing pursuant to LBR 9013-1(p).

(e) **Subpoena.** If the court approves a Rule 2004 examination of an entity other than the debtor, the attendance of the entity for examination and for the production of documents must be compelled by subpoena issued, and served pursuant to FRBP 9016 and F.R.Civ.P. 45.

(f) **Protective Order.** The party whose examination is requested may file a motion for protective order if grounds exist under FRBP 7026 and F.R.Civ.P. 26(c). A motion for protective order must be filed and served not less than 14 days before the date of the examination, and set for hearing not less than 2 days before the scheduled examination, unless an order setting hearing on shortened notice is granted by the court pursuant to LBR 9075-1. The parties may stipulate, or the court may order, that the examination be postponed so that the motion for protective order can be heard on regular notice under LBR 9013-1(d).

(g) **Disputes.** The parties must seek to resolve any dispute arising under this rule in accordance with LBR 7026-1(c).

LBR 2010-1. BONDS OR UNDERTAKINGS

(a) **Bonds, Undertakings, Approval, Third-party Sureties, Security, and Qualification.**

(1) Approval. The clerk is authorized to approve on behalf of the court all bonds, undertakings, and stipulations of security given in the form and amount prescribed by statute, order of the court, or stipulation of counsel, which comply with the requirements of this rule and contain a certificate by an attorney, as set forth below, except where the approval of a judge is specifically required by law.

(2) Third-party Sureties. No bond or undertaking requiring third-party sureties will be approved unless it bears the names and addresses of sufficient third-party sureties and is accompanied by a declaration by the surety stating that:

(A) The surety is a resident of the State of California;

(B) The surety who intends to deed real property as security owns the real property within the State of California;

(C) The security posted by the surety is worth the amount specified in the bond or undertaking, over and above just debts and liabilities; and

(D) The property, real or personal, which is to be conveyed as security is not exempt from execution and prejudgment attachment.

If specifically approved by the court, real property in any other state of the United States may be part of the surety's undertaking.

(3) Terms and Conditions for Corporate Sureties. Before any corporate surety bond or undertaking is accepted by the clerk, the corporate surety must have on file with the district court clerk or the clerk a duly authenticated copy of a power of attorney appointing the agent executing the bond or undertaking. The appointment must be in a form to permit recording in the State of California.

(4) Ineligible Persons. No clerk, deputy clerk, marshal, magistrate judge, bankruptcy judge, district judge, attorney, or other officer of this court will be accepted as surety upon any bond or undertaking in any action or proceeding in this court.

(5) Cash in Lieu of Bond. Cash may be deposited with the clerk in lieu of any bond or undertaking requiring a personal or corporate surety. A cash deposit in lieu of a bond is subject to all of the provisions of this rule, LBR 7067-1, the FRBP and the F.R.Civ.P. applicable to bonds and undertakings.

(b) **Certificate by Attorney.** A bond or undertaking presented to the clerk for acceptance must be accompanied by a certificate by the attorney for the presenting party in substantially the following form:

> "This bond (or undertaking) has been examined pursuant to LBR 2010-1 and is recommended for approval. It (is)(is not) required by law to be approved by a judge.
>
> _____ _____"
> Date Attorney

The attorney's certificate pursuant to this rule certifies to the court that:

(1) The attorney has carefully examined the bond or undertaking;

(2) The attorney knows the content of the bond or undertaking;

(3) The attorney knows the purpose for which the bond or undertaking is executed;

(4) In the attorney's opinion, the bond or undertaking is in due form;

(5) The attorney believes the declarations of qualification by the surety are true; and

(6) The attorney has determined whether the bond or undertaking is required by law to be approved by a judge.

(c) **Approval of Judge**. If a bond or undertaking is required by law to be approved by a judge, it must be presented to the judge with the attorney's certificate required by this rule before it is filed by the clerk, and may be approved without a hearing pursuant to LBR 9013-1(q).

(d) **Consent to Summary Adjudication of Obligation**.

(1) A bond or undertaking presented for filing must contain the consent and agreement for the surety that in case of default or contumacy on the part of the principal or surety, the court may upon 14 days notice filed and served pursuant to LBR 9013-1(d) or (o), proceed summarily and render a judgment in accordance with the obligation undertaken and issue a writ of execution upon that judgment in compliance with LBR 7064-1(a).

(2) An indemnitee or party in interest seeking a judgment on a bond or undertaking must proceed by Motion for Summary Adjudication of Obligation and Execution. The motion must be served on a personal surety in the manner provided in F.R.Civ.P. 5(b). A corporate surety must be served in accordance with 31 U.S.C. § 9306.

(e) **Bonds of Trustees**. A bond required by a trustee under 11 U.S.C. § 322 is exempt from this rule. The United States trustee must set the amount of such bond and approve the sufficiency of the surety.

LBR 2014-1. EMPLOYMENT OF DEBTOR'S PRINCIPALS IN CHAPTER 11 CASES, AND PROFESSIONAL PERSONS

(a) **Employment of Debtor's Principals or Insiders in Chapter 11 Cases**.

(1) Notice of Setting/Increasing Insider Compensation. No compensation or other remuneration may be paid from the assets of the estate to a debtor's owners, partners, officers, directors, shareholders, or relatives of insiders as defined by 11 U.S.C. § 101(31), from the time of the filing of the petition until the confirmation of a plan nor may approved compensation be increased unless the debtor serves a Notice of Setting/Increasing Insider Compensation ("Notice") in accordance with procedures adopted by the United States trustee pursuant to this rule.

(2) Service of Notice. The debtor must: (A) serve the Notice on the United States trustee, the creditors' committee or the 20 largest creditors if no committee has been appointed, any other committee appointed in the case, counsel for any of the foregoing, and any secured creditor that claims an interest in cash collateral, and (B) provide proof of service to the United States trustee. As a non-filed document, the Notice does not result in the generation and delivery of an NEF, and therefore consent to electronic service via NEF on the United States trustee and other CM/ECF Users is not applicable to the Notice.

(3) Payment of Insider Compensation. An insider may receive compensation or other remuneration from the estate if no objection is received within 14 days after service of the Notice. An insider may receive an increase in the amount of insider compensation or other remuneration previously approved if no objection is received within 30 days after service of the Notice.

(4) Objection and Notice of Hearing. If an objection is timely received, the debtor must set the matter for hearing. The debtor must file a true and correct copy of the Notice, objection, and the original notice of hearing. The debtor must serve not less than 21 days notice of the date and time of the hearing on the objecting party and the United States trustee.

(b) Employment of Professional Persons.

(1) Application for Employment.

(A) An application seeking approval of employment of a professional person pursuant to 11 U.S.C. §§ 327, 328, 1103(a), or 1114 must comply with the requirements of FRBP 2014 and 6003(a) and be filed with the court. The application must specify unambiguously whether the professional seeks compensation pursuant to 11 U.S.C. § 328 or 11 U.S.C. § 330.

(B) The application must be accompanied by a declaration of the person to be employed establishing disinterestedness or disclosing the nature of any interest held by such person.

(C) The application must contain proof of service upon the United States trustee, and may be served and ruled on pursuant to LBR 9013-1(o).

(D) A chapter 7 trustee who seeks authorization to act as attorney or accountant for the estate, or to employ the trustee's firm in such capacity, must explain why such employment is in the best interests of the estate.

(E) A timely application for employment is a prerequisite to compensation from the estate. Therefore, an application for the employment of counsel for a debtor in possession should be filed as promptly as possible after the commencement of the case, and an application for employment of any other professional person should be filed as promptly as possible after such person has been engaged.

(F) The substitution of an attorney must also comply with LBR 2091-1(b).

(2) Notice of Application.

(A) Notice of an application by the debtor (if such application is required), debtor in possession or trustee to retain a professional person must be filed and served, in accordance with LBR 2002-2(a) and LBR 9036-1, on the United States trustee, the debtor (if a trustee has been appointed), the creditors' committee or the 20 largest unsecured creditors if no committee has been appointed, any other committee appointed in the case, counsel for any of the foregoing, and any other party in interest entitled to notice under FRBP 2002.

(B) Notice of an application by a committee to retain a professional person must be filed and served, in accordance with LBR 2002-2(a) and LBR 9036-1, on the United States trustee, debtor or debtor in possession, the trustee (if appointed), and their counsel.

(C) The notice must be filed and served not later than the day the application is filed with the court.

(3) Content of Notice. The notice must:

(A) State the identity of the professional and the purpose and scope for which the professional is being employed;

(B) State whether the professional seeks compensation pursuant to 11 U.S.C. § 328 or 11 U.S.C. § 330;

(C) Describe the arrangements for compensation, including the hourly rate of each professional to render services, source of the fees, the source and amount of any retainer, the date on which it was paid, and any provision regarding replenishment thereof;

(D) Provide a name, address, and telephone number of the person who will provide a copy of the application upon request; and

(E) Advise the recipient that any response and request for hearing, in the form required by LBR 9013-1(f), must be filed and served on the applicant (and counsel, if any), and the United States trustee not later than 14 days from the date of service of the notice.

(4) No Response and Request for Hearing. If the response period expires without the filing and service of a response and request for hearing, the applicant must promptly comply with LBR 9013-1(o)(3).

(5) Response and Request for Hearing Filed. If a timely response and request for hearing is filed with the court and served upon the applicant and the United States trustee, the applicant must comply with LBR 9013-1(o)(4).

LBR 2015-2. REQUIREMENTS FOR CHAPTER 11 DEBTORS IN POSSESSION OR CHAPTER 11 TRUSTEES

(a) Reports Before Confirmation of Plan.

(1) The debtor, the debtor in possession, or chapter 11 trustee must timely provide the United States trustee with financial, management and operational reports, and such other information requested by the United States trustee pursuant to the Guidelines and Requirements for Chapter 11 Debtors in Possession as necessary to properly supervise the administration of a chapter 11 case.

(2) The United States trustee may, at any time during the pendency of a case, add or delete requirements where such modifications are necessary or appropriate.

(b) Interim Statements and Operating Reports.

(1) The debtor in possession or chapter 11 trustee must file with the court a copy of each monthly interim statement and operating report submitted to the United States trustee from the date the chapter 11 case is commenced until the date a plan

is confirmed or the case is dismissed or converted to another chapter under title 11.

(2) Each interim statement and operating report must be filed on the date that such documents are submitted to the United States trustee, but not later than the 15th day of the month following expiration of the month which is the subject of the statement or report.

(c) **Duties Upon Conversion to Chapter 7.** Upon entry of an order converting a case to one under chapter 7, the debtor in possession or chapter 11 trustee, if any, must, in addition to complying with those duties set forth in FRBP 1019:

(1) Secure, preserve and refrain from disposing of property of the estate;

(2) Contact the chapter 7 trustee and arrange to deliver property of the estate and all books and records to the trustee or the trustee's designated agent; and

(3) Within 7 days after entry of the conversion order, file and serve upon the United States trustee and the chapter 7 trustee, a verified schedule of all property of the estate as of the conversion date.

LBR 2016-1. COMPENSATION OF PROFESSIONAL PERSONS

(a) **Interim Fee Applications.**

(1) Form of Fee Application. An application for interim fees incurred or costs advanced by an attorney, accountant or other professional person, and a trustee or examiner must contain the following:

(A) A brief narrative history and report concerning the status of the case, including the following:

(i) Chapter 11. Applicant must describe the general operations of the debtor, stating whether the business of the debtor, if any, is being operated at a profit or loss, whether the business has sufficient operating cash flow, whether a plan has been filed, and if not, the prospects for reorganization and the anticipated date for the filing of a plan.

(ii) Chapter 7. Applicant must report the status of administration of the estate, discussing the actions taken to liquidate property of the estate, the property remaining to be administered, the reasons the estate is not in a position to be closed, and whether it is feasible to pay an interim dividend to creditors.

(iii) All Cases. Applicant must disclose the amount of money on hand in the estate and the estimated amount of other accrued expenses of administration. At the hearing on an application for interim fees, the

applicant should be prepared to supplement the application by declaration or by testimony to inform the court of the current financial status of the debtor's estate.

(iv) Multiple Fee Applications. If more than 1 application for interim fees in a case is noticed for hearing at the same date and time, the narrative history provided in one of the applications may be incorporated by reference into the other interim fee applications to be heard contemporaneously by the court.

(v) Exception. A fee application submitted by an auctioneer, real estate broker, or appraiser does not have to comply with subsection (a)(1)(A) of this rule, except that auctioneers, unless otherwise ordered by the court, must file the report required by FRBP 6004(f) prior to receiving final compensation.

(B) The date of entry of the order approving the employment of the individual or firm for whom payment of fees or expenses is sought, and the date of the last fee application for the professional.

(C) A listing of the amount of fees and expenses previously requested, those approved by the court, and how much has been received.

(D) A brief narrative statement of the services rendered and the time expended during the period covered by the application.

(E) Unless employment has been approved on a fixed fee, percentage fee, or contingent fee basis, the application must contain a detailed listing of all time spent by the professional on matters for which compensation is sought, including the following:

(i) Date Service was Rendered;

(ii) Description of Service. It is not sufficient to merely state "Research," "Telephone Call," "Court Appearance," *etc.* Applicant must refer to the particular person, motion, discrete task performed, and other matters related to such service. A summary that lists a number of services under only 1 time period is not satisfactory;

(iii) Amount of Time Spent. A summary is not adequate. Time spent must be accounted for in tenths of an hour and broken down in detail by the specific task performed. Lumping of services is not satisfactory; and

(iv) Identification of Person who Rendered Service. If more than 1 person's services are included in the application, applicant must identify the person who performed each item of service.

(F) An application that seeks reimbursement of actual and necessary expenses must include a summary listing of all expenses by category (*i.e*., long distance telephone, photocopy costs, facsimile charges, travel, messenger and computer research). As to each unusual or costly expense item, the application must state:

(i) The date the expense was incurred;

(ii) A description of the expense;

(iii) The amount of the expense; and

(iv) An explanation of the expense.

(G) Unless employment has been approved on a fixed fee, percentage fee, or contingent fee basis, the application must contain a listing of the hourly rates charged by each person whose services form a basis for the fees requested in the application. The application must contain a summary indicating for each attorney by name:

(i) The hourly rate and the periods each rate was in effect;

(ii) The total hours in the application for which compensation is sought; and

(iii) The total fee requested in the application.

(H) A description of the professional education and experience of each of the individuals rendering services, including identification of the professional school attended, year of graduation, year admitted to practice, publications or other achievements, and explanation of any specialized background or expertise in bankruptcy-related matters.

(I) If the hourly rate changed during the period covered by the application, the application must specify the rate that applies to the particular hours for which compensation is sought.

(J) A separately filed declaration from the client indicating that the client has reviewed the fee application and has no objection to it. If the client refuses to provide such a declaration, the professional must file a declaration describing the steps that were taken to obtain the client's declaration and the client's response thereto.

(K) A statement that the applicant has reviewed the requirements of this rule and that the application complies with this rule.

(2) Notice of Interim Fee Application and Hearing.

(A) In all cases where the employment of more than one professional person has been authorized by the court, a professional person who files an application for interim fees must give other professional persons employed in the case not less than 45 days notice of the date and time of the hearing. The notice of hearing must further state:

> "Other professional persons retained pursuant to court approval may also seek approval of interim fees at this hearing, provided that they file and serve their applications in a timely manner. Unless otherwise ordered by the court, hearings on interim fee applications will not be scheduled less than 120 days apart."

(B) Applicant must serve not less than 21 days notice of the hearing on the debtor or debtor in possession, the trustee (if any), the creditors' committee or the 20 largest unsecured creditors if no committee has been appointed, any other committee appointed in the case, counsel for any of the foregoing, the United States trustee, and any other party in interest entitled to notice under FRBP 2002. The notice must identify the professional person requesting fees, the period covered by the interim application, the specific amounts requested for fees and reimbursement of expenses, the date, time and place of the hearing, and the deadline for filing and serving a written opposition.

(C) In addition to the notice, a copy of the application, together with all supporting documents, must be served on the debtor or debtor in possession, the trustee (if any), any committee appointed in the case, counsel for any of the foregoing, and the United States trustee. A copy of the complete application must also be promptly furnished upon specific request to any other party in interest.

(3) Objections. Any opposition or other responsive document by the United States trustee or other party in interest must be served and filed at least 14 days prior to the hearing in the form required by LBR 9013-1(f).

(b) Motions to Approve Compensation Procedures in Chapter 11 Cases, Including Monthly Draw-down and Contingency or Success Fee Agreements. A professional person employed in a chapter 11 case may request approval for and modifications of draw-down procedures and an order allowing payment of interim compensation more frequently than once every 120 days.

(c) Final Fee Application.

(1) Who Must File. The trustee, if any, and each professional person employed in the case must file a final fee application.

(2) Contents. An application for allowance and payment of final fees and expenses must contain the information required of an interim fee application under LBR 2016-1(a)(1).

(3) When Filed; Notice Required in Chapter 11 Cases.

(A) Unless otherwise ordered by the court, a final fee application by the trustee, if any, and each professional person employed in a chapter 11 case must be filed and set for hearing as promptly as possible after confirmation of a plan.

(B) A final fee application must cover all of the services performed in the case, not just the last period for which fees are sought, and must seek approval of all prior interim fee awards.

(C) Applicant must serve not less than 21 days notice of the hearing on the debtor or debtor in possession, the trustee (if any), any committee appointed in the case, counsel for any of the foregoing, the United States trustee, and any other party in interest entitled to notice under FRBP 2002. The notice must identify the person or entity requesting a final allowance of fees and expenses, the period covered by the final application, the specific amounts requested for fees and reimbursement of expenses, the date, time and place of the hearing, and the deadline for filing and serving a written opposition.

(D) In addition to the notice, a copy of the application, together with all supporting documents, must be served on the debtor or debtor in possession, the trustee (if any), any committee appointed in the case, counsel for any of the foregoing, and the United States trustee. A copy of the complete application must also be promptly furnished upon specific request to any other party in interest.

(4) When Filed; Notice Required in Chapter 7 Cases.

(A) A chapter 7 trustee must give at least 30 days written notice of intent to file a final report and account to the attorney for the debtor, the trustee's attorney and accountant, if any, and any other entity entitled to claim payment payable as an administrative expense of the estate.

(B) A professional person seeking compensation must file and serve an application for allowance and payment of final fees and expenses on the trustee within 21 days of the date of the mailing of the trustee's notice. The failure to timely to file an application may be deemed a waiver of compensation.

(C) All final fee applications by professional persons must be set for hearing with the chapter 7 trustee's final application for allowance and payment of fees and expenses. Notice of a final fee application must be given by the chapter 7 trustee as part of the notice of the hearing on the trustee's request for compensation. A separate notice by the applicant is not required.

(5) Objections. Any opposition or other responsive document by the United States trustee or other party in interest must be served and filed at least 14 days prior to the hearing in the form required by LBR 9013-1(f).

(d) **Fee Examiner.** The court may, either on its own motion or on the motion of a party in interest, with or without a hearing, exercise its discretion to appoint a fee examiner to review fee applications and make recommendations to the court for approval.

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

(a) **No Order Required: Payment of Expenses, Up to $1,000, that are Inherent in the Appointment of a Chapter 7 Trustee.** During the course of a chapter 7 case, a trustee may disburse up to $1,000 from estate funds to pay the following actual and necessary expenses of the estate without further authorization from the court (the "Authorized Allocation"):

(1) Actual cost of noticing, postage, copying;
(2) Computer charges;
(3) Long distance telephone;
(4) Postage;
(5) Moving or storage of estate assets;
(6) Teletransmission;
(7) Travel charges for trustee (includes lodging, meals, mileage and parking);
(8) Bank charges for research or copies;
(9) Court reporting fees;
(10) Delivery of documents;
(11) Expedited mail;
(12) Filing and process serving;
(13) Notary fees;
(14) Recording fees;
(15) Deposition/transcript fees;
(16) Witness fees;
(17) Locate and move assets;
(18) Prepare litigation support documents;
(19) Locksmith;
(20) Security services; and
(21) Utilities.

(b) **Order Required: Payment of Expenses, Up to $5,000, After Limited Notice and Opportunity to Request a Hearing.** If a trustee determines that it is necessary or appropriate to pay actual and necessary administrative expenses of the estate using estate funds, and such expenses do not exceed $5,000, the trustee must file a notice of the trustee's intent to pay such obligations using form F 2016-2.3.NOTICE.TRUSTEE.DISBURSE. After the waiting period set forth below, if there is no opposition or request for a hearing, the trustee must lodge a proposed order

authorizing such payment pursuant to LBR 9013-1(o)(3). The trustee is not required to serve the notice on any party or the court, other than the debtor and counsel for the debtor.

Any party that objects to the payment of the administrative expenses as set forth in the trustee's notice must file a response and request for hearing within 14 days after the date of filing of the notice, and serve the response on the trustee and the trustee's counsel, if any. Upon receipt of a response and request for hearing, the trustee must follow the procedures set forth in LBR 9013-1(o)(4) to set the matter for hearing.

Pursuant to the procedure set forth above, a trustee may disburse up to $5,000 from estate funds to pay the following actual and necessary administrative expenses of the estate (the "Administrative Allocation"):

(1) Costs to advertise sale;
(2) Insurance;
(3) Rent;
(4) Obligations to taxing agencies arising under 11 U.S.C. § 507(a)(2), provided the estate is and is likely to remain administratively solvent; and
(5) Obligations to taxing agencies arising under 11 U.S.C. § 503(b)(1)(B), but not preconversion tax obligations.

(c) **No Order Required: Bond Premiums.** In addition to payments that may be made from the Authorized Allocation and/or the Administrative Allocation, the trustee may pay bond premiums required by 11 U.S.C. § 322(a) during the ordinary course of the trustee's administration of an estate.

(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 $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.

(e) **Emergency Expenses.** The trustee may exceed the Authorized Allocation and/or the Administrative Allocation to pay emergency expenses, without prior court approval, to protect assets of the estate that might otherwise be lost or destroyed. Emergency expenses are limited to:

(1) Charges for storage of the debtor's records to prevent the destruction of those records and related necessary cartage costs;
(2) Insurance premiums to prevent liability to the estate;
(3) Locksmith charges to secure the debtor's real property or business; and
(4) Security services to safeguard the debtor's real or personal property.

If the trustee disburses more than the Authorized Allocation and/or the Administrative Allocation to pay emergency expenses and other expenses for which the Authorized Allocation and/or the Administrative Allocation may be used, the trustee must file and

serve a cash disbursements motion, as described in subsection (g) of this rule, within 7 days after such expenses are paid.

(f) **Procedures for Employment of Paraprofessionals and Payment of Paraprofessional Fees and Expenses.** A trustee must obtain court approval to employ and to pay a paraprofessional.

(1) Definition. The term "paraprofessional" includes all persons or entities other than "professionals" who perform services at the trustee's request and seek payment for services and expenses directly from the bankruptcy estate, including an agent, a field representative, an adjuster, and a tax preparer.

(2) Employment. A trustee may seek court approval to employ a paraprofessional by filing an employment application using court-approved form F 2016-2.1.APP.TRUSTEE.EMPLOY. The court's approval of the employment of any paraprofessional is not a judicial determination as to whether services of the paraprofessional constitute "trustee services." The following is a nonexclusive list of services that the court deems "trustee services" subject to the limitation on compensation contained in 11 U.S.C. § 326(a):

(A) Review schedules;
(B) Acceptance and qualification as a trustee;
(C) Routine investigation regarding location and status of assets;
(D) Initial contact with lessors, secured creditors, assignee for benefit creditors, *etc*., if same can be accomplished from office;
(E) Turnover or inspection of documents, such as bank documents;
(F) UCC search review;
(G) Recruit and contract appraisers, brokers, and professionals;
(H) Mail forwarding notices;
(I) Routine collection of accounts receivable;
(J) Letters regarding compliance with LBR 2016-1;
(K) Conduct 11 U.S.C. § 341(a) examinations;
(L) Routine objections to exemption;
(M) Routine motions to dismiss;
(N) 11 U.S.C. § 707(b) referral to United States trustee;
(O) Routine documentation of notices of sale, abandonment, compromise, *etc*.;
(P) Appear at hearings on routine motions;
(Q) Review and execute certificates of sale, deed, or other transfer documents;
(R) Prepare and file notifications of asset case;
(S) Prepare and file cash disbursements motions and necessary attachments;
(T) Prepare exhibits to operating reports;
(U) Prepare quarterly bond reports;
(V) Prepare trustee's interim reports;
(W) Routine claims review and objection;
(X) Prepare and file final reports and accounts and related orders;
(Y) Prepare motions to abandon or destroy books and records;
(Z) Prepare and file FRBP 3011 reports;
(AA) Prepare and file notices and motions to abandon assets and related orders;

(BB) Attend sales;
(CC) Monitor litigation;
(DD) Answer routine creditor correspondence and phone calls;
(EE) Prepare and file applications to employ paraprofessionals;
(FF) Review and comment on professional fee applications;
(GG) Participate in audits;
(HH) Answer United States trustee questions;
(II) Close and open bank accounts;
(JJ) Verify proposed disbursements;
(KK) Post receipts and disbursements;
(LL) Prepare details and calculations for payment of dividend;
(MM) Prepare dividend checks;
(NN) Organize and research bills;
(OO) Prepare checks for the trustee's signature;
(PP) Prepare internal cash summary sheets;
(QQ) Reconcile bank accounts;
(RR) Prepare and make deposits; and
(SS) Additional routine work necessary for administration of the estate.

(3) Reimbursement of Fees and Expenses. A trustee may pay a paraprofessional only upon specific order of the court.

(A) If the paraprofessional or trustee contends that the paraprofessional's services are not "trustee services," the trustee or paraprofessional must present evidence to support that contention. Absent adequate proof, the court may find that the services of the paraprofessional are "trustee services" subject to the limitation on compensation under 11 U.S.C. § 326(a).

(B) If a trustee refuses or neglects to file a fee application for the paraprofessional, the paraprofessional may file a separate fee application pursuant to 11 U.S.C. § 330. In addition to fulfilling the requirements of 11 U.S.C. § 330, FRBP 2014 and these rules, the paraprofessional's fee application must include: (i) a declaration explaining why a separate fee application is necessary; and (ii) evidence establishing which services are "trustee services" and which are not. The paraprofessional must serve any separate fee application on the trustee, debtor, debtor's counsel (if any), the United States trustee, and all professionals and other paraprofessionals employed in the case, and must give notice of the application to all creditors.

(g) Cash Disbursements Motion.

(1) Filing and Service. If the trustee wishes to pay expenses not authorized by this rule from estate funds, the trustee must file a cash disbursements motion to obtain court approval of payments for emergency expenses and all other expenses the trustee deems necessary for effective administration of the case. The cash disbursements motion must be in substantially the same form as court-approved form F 2016-2.2.MOTION.TRUSTEE.DISBURSE and may be brought under LBR 9013-1(o). The trustee must serve the motion on the debtor, debtor's

counsel (if any), the United States trustee, holders of the 20 largest unsecured claims, and any other party in interest entitled to notice under FRBP 2002. If a timely objection is filed, the trustee must comply with LBR 9013-1(o)(4).

(2) Hearing. The court may set a hearing on a cash disbursements motion regardless of whether an objection is filed. However, if the court does not advise the trustee of a hearing on the motion within 7 days after the motion is filed, the trustee may disburse funds from the estate to pay the expenses referred to in the motion to the extent the trustee deems it necessary, pending an order of the court. If, thereafter, the trustee receives notice that the court has issued an order in which the cash disbursements motion has been disapproved in whole or in part, or that the court has set a hearing, the trustee must stop paying the expenses for which authorization was sought in the motion or otherwise comply with the provisions of the order. The trustee may file a motion for reconsideration pursuant to LBR 9013-4.

(3) Personal Liability and Disclosure. Except as provided in this rule, a trustee who makes a disbursement without prior court approval may be personally liable to the estate for the amount of the disbursement. All disbursements made by the trustee pursuant to this rule must be disclosed in the trustee's final report and in all applications for fees or costs by the trustee and by paraprofessionals employed in the case by the trustee.

(h) **Nonexclusive Remedy.** Nothing in this rule precludes the trustee from seeking court approval to disburse estate funds by way of a noticed motion filed and served pursuant to LBR 9013-1(d).

LBR 2070-1. CHAPTER 7 OPERATING CASES

(a) **Periods Not Exceeding 30 Days.** For a period not exceeding 30 days from the date of the trustee's appointment, a trustee may operate the business of a chapter 7 debtor and pay any actual and necessary expenses from the Authorized Allocation permitted under LBR 2016-2(a) without a court order.

(b) **Periods Exceeding 30 Days.** To operate the business beyond such 30-day period, the trustee must, prior to expiration of the 30-day period, file and serve a motion for authorization to operate the debtor's business under 11 U.S.C. § 721. The motion must state the approximate length of time the trustee intends to operate the business and be supported by evidence that justifies operation of the business and satisfies the requirements of 11 U.S.C. § 721.

(c) **Authorization Not to Exceed 1 Year.** The trustee may seek approval to operate the debtor's business for a period not exceeding 1 year.

(d) **Disbursement of Estate Funds Pending Authorization.** The court may hold a hearing on the trustee's motion after the expiration of the 30-day period, but the trustee may not disburse estate funds other than the Authorized Allocation after the 30-day period except upon specific order of the court.

(e) **Effect of Order.** An order authorizing the trustee to operate the debtor's business does not excuse the trustee from obtaining appropriate authorization for cash disbursements under LBR 2016-2(f), except to the extent that the operating order expressly approves specific expenditures from the estate.

LBR 2072-1. NOTICE TO OTHER COURTS

(a) **Notice of Bankruptcy Petition**. Notice of the filing of a bankruptcy petition in this district must be given by the debtor or debtor's counsel, at the earliest possible date, to:

(1) The clerk of any federal or state court in which the debtor is a party to pending litigation or other proceedings; and

(2) The federal or state judge to whom the matter is assigned, all counsel of record in the matter, and to all parties to the action not represented by counsel.

(b) **Effect of Not Giving Notice.** The failure to give the notice required by subsection (a) of this rule may constitute cause for annulment of the stay imposed by 11 U.S.C. §§ 362, 922, 1201, or 1301, or may result in the imposition of sanctions or other relief.

LBR 2081-1. CHAPTER 11 CASES

(a) **Motions Requiring Emergency or Expedited Relief.** Subject to FRBP 6003, the movant may request the following motions be set for hearing using the procedures set forth in LBR 9075-1:

(1) Motion to Limit Notice;

(2) Motion to Extend Time to File Schedules and Statement of Financial Affairs;

(3) Utility Motion Pursuant to 11 U.S.C. § 366;

(4) Motion to Establish Procedures for Handling Multiple Reclamation Claims;

(5) Request for Regularly Scheduled Hearing Dates. Upon request of a debtor, the court may establish a fixed date and time for hearing all motions and other matters in a chapter 11 case. Once ordered, the dates and time, and exceptions, if any, will be made available through the clerk's office and posted in advance on the court's website;

(6) Motion to Pay Prepetition Payroll and to Honor Prepetition Employment Procedures. The motion must be supported by evidence that establishes:

(A) The employees are still employed;

(B) The necessity for payment;

(C) The benefit of the procedures;

(D) The prospect of reorganization;

(E) Whether the employees are insiders;

(F) Whether the employees' claims are within the limits established by 11 U.S.C. § 507; and

(G) The payment will not render the estate administratively insolvent;

(7) Motion to Honor and Comply with Customer Obligations and Deposits. The motion must be supported by evidence that relief is essential to business operations and customer confidence or that the estate may suffer postpetition damages that would prejudice creditors, the reorganization, or the value of property of the estate;

(8) Motion to Pay Prepetition Taxes. The motion must be supported by evidence that establishes:

(A) The necessity for payment;

(B) The prospect of reorganization;

(C) The means to pay;

(D) That the taxes to be paid are entitled to priority pursuant to 11 U.S.C. § 507; and

(E) The payment will not render the estate administratively insolvent;

(9) Motion for Emergency Use of Cash Collateral, Debtor in Possession Financing, or Cash Management;

(10) Motion for Order Establishing Procedures for Sale of Estate's Assets;

(11) Appointment of a Patient Care Ombudsman Under 11 U.S.C. § 333; and

(12) Other Motions Where Special Circumstances Exist. The motion must be supported by evidence that exigent circumstances exist justifying an expedited hearing.

(b) **Prepackaged Plans.** A hearing on a motion for order confirming a chapter 11 plan upon which voting was conducted before commencement of the case pursuant to 11 U.S.C. §1126(b) must be scheduled, if practicable, no more than 30 days after the order for relief.

(c) **Severance Compensation or Employee Incentive Motions.**

(1) Notice. A motion for approval of a severance compensation package or employee

incentive program must be heard on regular notice pursuant to LBR 9013-1(d), absent exigent circumstances.

(2) Standard. The motion must state whether the employee is an insider. If so, the motion must state whether the insider has a bona fide job offer from another business at the same or greater rate of compensation and establish the elements of 11 U.S.C. § 503(c).

LBR 2081-2. CHAPTER 11 DEBTORS WHO ARE INDIVIDUALS

A chapter 11 debtor who is an individual may request that the court authorize use of LBR forms approved by the court for use solely by debtors who are individuals, and the debtor can consult the court's website to determine which judges mandate or otherwise authorize use of such forms.

LBR 2090-1. ATTORNEYS – ADMISSION TO PRACTICE

(a) Appearance By Attorneys Admitted to Practice Before the District Court.

(1) Attorney. An attorney admitted to practice before the district court may practice before the bankruptcy court. An attorney who is not admitted to the bar of, or permitted to practice before, the district court may not appear before the court on behalf of a person or entity, except as provided by this rule. Attorneys appearing before the court must have read the FRBP, F.R.Civ.P., F.R.Evid., and these rules in their entirety.

(2) Scope of Appearance in Chapter 9, 11, 12, and 13 Cases.
In chapter 9, 11, 12, and 13 cases, the attorney for the debtor is presumed to appear for the case and all proceedings in the case, unless otherwise ordered by the court or as provided for in LBR 3015-1(v).

(3) Scope of Appearance in Individual Chapter 7 Cases. Nothing in these rules shall be construed as prohibiting a limited scope of appearance in a chapter 7 case so long as the applicable Rules of Professional Conduct and ethics rules are followed and the attorney for the debtor, in addition to preparing the petition and schedules, provides the following services:

(A) advises the debtor about the possibility of any additional proceedings related to or arising from the underlying bankruptcy case, including any adversary proceeding, motion or other contested matter initiated by a creditor, trustee or party in interest; and

(B) appears with the debtor at the initial § 341(a) meeting of creditors or arranges for an attorney knowledgeable about all pertinent information in the case to appear with the debtor at such meeting.

(4) Disclosure of Compensation. Where the attorney and the debtor agree to legal services for less than all aspects of the bankruptcy case, the scope of the services

agreed to must be listed in, as applicable, LBR form F 2090-1.CH7.ATTY.COMP.DISCLSR and F 2016-1.4.ATTY.COMP.DISCLSR.

(5) Communications with the Debtor in Limited Scope Chapter 7 Cases. Subject to the prohibition on any act to collect a claim and other stayed acts under 11 U.S.C. § 362(a), any communication, including any proposed reaffirmation agreement, must be sent to both the debtor and the debtor's attorney, even if it appears that the communication is beyond the scope of the attorney's limited appearance in the case.

(b) Pro Hac Vice Appearance.

(1) Permission for Pro Hac Vice Appearance by Non-Resident Attorney. Any person who is not otherwise eligible for admission to practice before the court, but who is a member in good standing of, and eligible to practice before, the bar of any United States court, or of the highest court of any state, territory, or insular possession of the United States, who is of good moral character, and who has been retained to appear before the court, may, upon written application and at the discretion of the court, be permitted to appear and participate pro hac vice by non-resident attorney in a particular case or in a particular proceeding in a case.

(2) Disqualification from Pro Hac Vice Appearance. Unless authorized by the Constitution of the United States or Act of Congress, a non-resident attorney is not eligible for permission to appear pro hac vice if the applicant:

(A) Resides in California; or

(B) Is regularly employed in California; or

(C) Is regularly engaged in business, professional, or other similar activities in California.

(3) Designation of Local Counsel. A non-resident attorney applying to appear pro hac vice must designate an attorney who is a member of the bar of the court and who maintains an office within this district as local counsel with whom the court and opposing counsel may readily communicate regarding the conduct of the case and upon whom documents may be served, unless otherwise ordered by the court.

(4) Designation of Co-counsel. A judge to whom a case is assigned may, in the exercise of discretion, require the designation of an attorney who is a member of the bar of the court and who maintains an office within this district as co-counsel with authority to act as attorney of record for all purposes.

(5) Obtaining Permission for Pro Hac Vice Appearance. A non-resident attorney seeking permission to appear pro hac vice must present to the clerk:

(A) Proof of payment of the fee required by the district court; and

(B) A written application on or conforming to court-approved form F 2090-1.2.APP.NONRES.ATTY, Application for Non-Resident Attorney to Appear in a Specific Case, disclosing the following:

(i) The applicant's name, and office or residence address;

(ii) The courts to which the applicant has been admitted to practice and the respective dates of admission;

(iii) A statement by the applicant of the good standing to practice before the courts to which the applicant has been admitted;

(iv) Whether the applicant has been disciplined by any court or administrative body, and if disciplinary proceedings are pending, the details of such proceedings, and whether the applicant resigned while disciplinary proceedings were pending;

(v) Whether in the 3 years preceding the application, the applicant has filed for permission to practice pro hac vice before any court within the state of California, together with the court, title and number of each such proceeding, and the disposition of each such application;

(vi) A certificate that the applicant has read the FRBP, the F.R.Civ.P., the F.R.Evid., and these rules in their entirety; and

(vii) The designation required by LBR 2090-1(b)(3) or LBR 2090-1(b)(4) including the office address, telephone number, and written consent of the designee.

(6) No Notice and Hearing. An application by a non-resident attorney for permission to appear pro hac vice does not require notice or a hearing, pursuant to LBR 9013-1(q).

(c) **Attorneys for the United States.** Any person who is not eligible for admission under LBR 2090-1(b), or Local Civil Rules, who is employed within California and who is a member in good standing of and eligible to practice before the bar of any United States court, or of the highest court of any state, territory or insular possession of the United States, and who is of good moral character, may be granted leave of court to practice in the court in any matter for which such person is employed or retained by the United States or its agencies.

(d) **Professional Corporations, Unincorporated Law Firms, and In-house Attorneys.**

(1) Appearance. A professional law corporation or unincorporated law firm (collectively, "law firm") may not make an appearance on behalf of a party nor may pleadings or other documents be signed in the name of the law firm except by an attorney admitted to the bar of or permitted to practice before the court. This rule does not apply to appearances by the attorney on behalf of the attorney or on behalf of the attorney's law firm.

(2) Form of Appearance.

(A) A law firm must appear in the following form of designation or its equivalent:

John Smith (state bar number)
Smith and Jones
Address
Telephone Number
Fax Number (if any)
Email Address (if any)
Attorneys for _____

(B) An in-house attorney must appear in the following form of designation or its equivalent:

John Smith (state bar number)
Name of corporation or business entity
Address
Telephone Number
Fax Number (if any)
Email Address (if any)
Attorneys for _____

(C) Except as provided in LBR 1002-1(b) and LBR 2002-1(a), the disclosure of an email address by an attorney in the form of designation is optional.

(e) **Law Student Certification for Practice in Bankruptcy Court.** A law student may be certified for practice in the bankruptcy court if the student meets the requirements of Local Civil Rule 83-4 for appearances in civil cases, except that the student need only complete one-third (rather than one-half) of the legal studies required for graduation. The law student also must have:

(1) Taken or be taking concurrently a course in bankruptcy law; and

(2) Knowledge of and familiarity with the F.R.Civ.P., FRBP, F.R.Evid., the Rules of Professional Conduct of the State Bar of California, and these rules.

LBR 2090-2. ATTORNEYS – DISCIPLINE AND DISBARMENT

(a) **Standards of Conduct.** An attorney who appears for any purpose in this court is subject to the standards of professional conduct set forth in Local Civil Rule 83-3.

(b) **Disciplinary Authority of Court**. An attorney appearing in this court submits to the discipline of the court. If a judge has cause to believe that an attorney has engaged in unprofessional conduct, the judge may do one or more of the following:

(1) Initiate proceedings for civil or criminal contempt;

(2) Impose other appropriate sanctions;

(3) Refer the matter to the appropriate disciplinary authority of the state or jurisdiction in which the attorney is licensed to practice; or

(4) Refer the matter pursuant to the procedures set forth in Local Civil Rule 83-3 or General Order 96-05, Attorney Discipline Procedures in Bankruptcy Court.

LBR 2091-1. ATTORNEYS – WITHDRAWAL, SUBSTITUTION, AND CHANGE OF ADDRESS

(a) Motion for Withdrawal or Substitution. Except as provided in LBR 2091-1(b), leave of court pursuant to LBR 9013-1(p) is required for:

(1) An attorney who has appeared on behalf of an entity in any matter concerning the administration of the case, in one or more proceedings, or both, to withdraw as counsel; and

(2) An entity represented by counsel to appear without counsel or by a different attorney.

(b) Consensual Substitution of Counsel.

(1) A consensual substitution of attorneys may be filed and served to substitute counsel without leave of court where:

(A) An entity on whose behalf an attorney has appeared in any matter concerning the administration of the case, in one or more proceedings, or both, desires to substitute a different attorney in place of its former attorney; or

(B) A previously unrepresented entity desires to substitute an attorney employed to represent the entity.

(2) A substitution of attorney must be filed in substantially the same form as court-approved form F 2091-1.1.SUBSTITUTION.ATTY, Substitution of Attorney, and served on those persons entitled to notice under LBR 2091-1(c).

(3) An attorney's employment as a "professional person" under 11 U.S.C. §§ 327 or 1103 is not approved merely by the filing of a Substitution of Attorney and service of notice thereof. Approval of employment must be obtained in compliance with the requirements of the Bankruptcy Code, FRBP, and these rules.

(c) Notice.

(1) Case. An attorney seeking withdrawal or substitution who has appeared on behalf of an entity in any matter concerning the administration of the case must give

notice of the proposed substitution or motion for leave to withdraw to the debtor, the United States trustee, any case trustee, any committee appointed in the case, and counsel for any of the foregoing.

(2) Proceedings. An attorney seeking withdrawal or substitution who has appeared on behalf of an entity only in one or more proceedings must give notice of the proposed substitution or motion for leave to withdraw to the debtor, each party who has been named or who has appeared in such proceeding(s), and the United States trustee.

(3) Cases and Proceedings. An attorney seeking withdrawal or substitution who has appeared on behalf of an entity both in the case and one or more proceedings must give notice of the proposed substitution or motion for leave to withdraw to all entities entitled to notice under subsections (c)(1) and (2) of this rule.

(d) Corporation, Partnership, Unincorporated Association, or Trust. An attorney moving for leave to withdraw from representation of a corporation, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust, concurrently or prior to filing any such motion, must give notice to the client of the consequences of its inability to appear without counsel, including the possibility that a default judgment may be entered against it in pending proceedings; or, if the client is a chapter 11 debtor, that the case may be converted to chapter 7, a trustee may be appointed, or the case may be dismissed.

(e) Delay by Withdrawal or Substitution.

(1) A withdrawal or substitution of counsel will not result in a continuance of any matter, absent an order granting a motion for continuance after notice and a hearing pursuant to LBR 9013-1(m).

(2) Unless good cause is shown and the ends of justice require, no substitution or withdrawal will be allowed that will cause unreasonable delay in prosecution of the case or proceeding to completion.

(f) Change of Address.

(1) An attorney who changes office address must file and serve a notice of change of address to update the attorney's address in the court's electronic database.

(2) In the absence of a specific request to the contrary, a change of address will update the attorney's address in the court's electronic database and the mailing list in all open cases in which the attorney represents a debtor or other party in interest.

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