United States Bankruptcy Court

CENTRAL DISTRICT OF CALIFORNIA

Judicial Practices Survey

January 2012

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QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART I. Calendaring Hearings

1. Does the judge schedule particular types of matters for certain days or times?

a. Always	X	X	X			X								X		X	X	X			X	X	X	X	X		X
b. Usually				X	X		X	X					X		X				X								
c. Sometimes																											
d. Never																											

Question #1 Detailed Responses:

Judge Kwan: Judge Kwan has regular law and motion days for shorter hearings (15 minutes or less), and parties may contact courtroom deputy to set longer hearings on other days (more than 15 minutes).

Judge Russell: Law and Motions (Monday at 2 pm, Tuesday at 10 am and 2 pm; Trials – Wednesday 10 am)

Judge Bluebond: Exceptions may be requested from the judge's calendar clerk.

2. Does the judge allow hearings to be set by parties and attorneys using a "self-calendaring" system (in which a range of dates are available for selection without having a date personally from the courtroom deputy)?

a. Always	X		X															X									X
b. Usually		X		X	X	X	X	X					X	X	X	X	X		X		X	X	X	X	X		
c. Sometimes																											
d. Never																											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #2 Detailed Responses:

Judge Kwan: Self-calendaring should be used for matters which can be heard in 15 minutes or less; when in doubt, contact the courtroom deputy.

Judge Riblet: For certain sorts of hearings.

Judge Robles: Most motions heard on standard notice may be self calendared. Any exceptions, e.g. motions for reconsideration, are identified in self calendaring procedure on the CACB website.

Judge Russell: Motion for Reliefs From Automatic Stay UD's and Real Property

Judge Bluebond and Judge P. Carroll: There are, however, certain types of matters that may never be self-calendared. See instructions for specifics.

3. If so, what time limit does the judge set for hearings noticed on the self-calendaring system?

	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
a. 15 minutes or less	X	X					X	X					X	X	X	X	X	X	X		X	X	X	X	X		
b. 30 minutes or less																											
c. 45 minutes or less																											
d. One hour or less																											
e. Greater than one hour																											
f. The judge has no time limit			X	X		X																					
g. Other (please specify)					X																						X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #3 Other Responses:

Judge Neiter: Usually limited to 15 minutes or less on Tuesday or Thursday mornings, but on other days they can self calendar longer matters but those days are limited to 4 matters per 1/2 day. Then I have matters that can only be calendared upon prior approval from the courtroom deputy.

Judge Riblet: 10 minutes or less.

4. May parties and attorney contact the judge's team to request the Court to specially set a date and time for a longer hearing?

a. Always	X	X	X		X		X	X						X	X	X	X		X		X	X	X	X	X		
b. Usually													X					X									X
c. Sometimes				X		X																					
d. Never																											

Question #4 Detailed Responses:

Judge Kwan: Contacting the team regarding longer hearings is encouraged.

Judge Robles: I've checked with my clerks. They can't recall this ever happening, but it is possible.

5. Where are the daily calendars of the judge's hearings posted? (Check all that apply.)

a. Tentative ruling tab on Court's website	X	X	X	X	X	X	X						X	X	X	X	X	X	X		X	X	X	X	X		
b. On the judge's bulletin board outside the courtroom	X	X	X	X	X	X	X	X					X		X	X	X	X	X		X	X	X	X	X		
c. Counsel tables in the courtroom	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X		X	X	X	X	X		X
d. The calendars are not posted																											
e. Other (please specify)																											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

6. Local Bankruptcy Rule 3007-1(a) contemplates that objections to multiple claims may be handled at the same hearing. Does the judge set a limit on calendar on how many claims objections in a case may be considered at a single hearing?

a. 1-10		X																									
b. 11-20					X																			X			
c. 21-30																											
d. Greater than 30							X												X								
e. No limit is set				X											X	X					X		X				
f. Other (please specify)	X		X			X		X					X	X			X	X				X			X		X

Question #6 Other Responses:

Judge Kwan: Hearings on multiple objections exceeding 10 claims should be cleared through the courtroom deputy.

Judge Riblet: Any number greater than 30 must be set specially.

Judge Wallace: Hearings on multiple objections exceeding 10 claims should be cleared through the courtroom deputy.

Judge Robles and Judge P. Carroll: Generally, no limit. But if exceptionally numerous (i.e. more than 50) they will be bunched for hearing and separately calendared.

Judge Bauer: Omnibus objections require calling chambers or courtroom deputy.

Judge Russell: Depends on type of claims. Tax Claims (set no more than 2 at time); Duplicate: 20 claims, Employee claims: 10 claims

Judge Bluebond and Judge Ahart: Only limit is the 15-minute self-calendaring requirement. If the hearing will last longer due to the number of objections, movant should contact the judge's calendar clerk.

Judge Kaufman: 10 or under may be set using self-calendar. More than that requires prior approval.

Judge Johnson: Hearings regarding no more than 20 claim objections may be self-calendared. Contact the courtroom deputy to calendar more than 20 claim objections.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART II. Format of Papers Presented to the Court

1. Does the judge or the judge's staff reject and return papers e-filed which do not comply with Local Bankruptcy Rules 5005-1 and 5005-4 and the Court Manual?

a. Always					X																	X	X				
b. Usually														X													
c. Sometimes		X	X	X		X							X		X	X	X		X		X				X		
d. Never	X						X	X										X						X			X

Question #1 Detailed Responses:

Judge Kwan: Papers requiring extensive staff time to fix will be rejected.

2. If the judge or the judge's staff reject and return papers, how is counsel or a party notified of the rejection?

a. By telephone call		X		X	X	X	X	X					X	X	X			X				X			X		
b. By mailed notice of deficiency				X									X	X							X	X		X	X		
c. By email notice		X	X	X	X	X	X						X	X	X	X		X			X		X	X	X		X
d. Other (please specify)	X							X																			

Question #2 Other Responses:

Judge Russell: Judge instructs us on what to tell attorney(s), by phone call

Judge Bluebond: Papers, other than orders, will be rejected only if the case to which they relate is closed and no motion to reopen has been filed. The party attempting to file such papers will be notified of the rejection at the filing window, if it is a manual filing, or via email, if it was an electronic filing.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
3. Does the judge or the judge's staff reject and return papers manually filed which do not comply with Local Bankruptcy Rule 5005-1 and the court manual?																											
a. Always					X																						
b. Usually														X							X	X	X				
c. Sometimes	X	X	X	X		X							X				X		X						X		
d. Never							X	X							X	X		X						X			X

Question #3 Detailed Responses:

Judge Kwan: Papers requiring extensive staff time to fix will be rejected.

PART III. Tentative Rulings

1. When does the judge issue tentative rulings?																											
a. The day before the hearing	X	X	X	X	X	X							X		X			X	X				X	X	X		
b. Just before the hearing																								X	X		
c. At the hearing	X		X																					X	X		
d. The judge does not issue tentative rulings								X																			X
e. Other (please specify)				X			X							X		X	X		X		X	X		X			

Question #1 Other Responses:

Judge Saltzman: Generally two days before the hearing.
Judge Donovan: Sometimes earlier, sometimes at the hearing.
Judge Wallace: At least 24-48 hours prior to the scheduled hearing.
Judge Smith: Typically the day before the hearing, but may occur just before the hearing.
Judge Clarkson: 2-3 days before hearings

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #1 Other Responses (continued):

Judge Jury: I issue written tentative on only a select few types of matters
Judge Johnson: One or more days prior to the hearing.
Judge Zurzolo: At least 2 court days prior
Judge Kaufman: Usually the day before the hearing, if one will be issued
Judge Mund: Generally 2 days before the hearing.

2. How are tentative rulings made known to the parties? (Check all that apply.)

a. Posted on the Court's website	X	X	X	X	X	X	X						X	X	X	X	X	X	X		X	X	X	X	X		
b. Posted on the daily calendar outside or at the courtroom	X	X	X	X	X	X	X						X	X	X	X	X	X	X		X	X	X	X	X		
c. By the judge at the hearing	X	X		X	X								X				X		X		X	X			X		
d. Other (please specify)			X					X											X			X		X			

Question #2 Other Responses:

Judge Wallace: On counsel tables in the courtroom.
Judge Smith: Counsel tables in courtroom
Judge Russell: Non applicable
Judge P. Carroll: At the hearing if not previously posted
Judge Jury: By judge at hearing means orally

3. If the tentative rulings are posted on the Court's website, does the judge update tentative rulings?

a. Always																											
b. Usually																X					X			X	X		
c. Sometimes	X		X	X	X	X	X						X	X	X		X	X				X	X				
d. Never		X																	X								

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #3 Detailed Responses:

Judge Kwan: Parties should recheck tentative rulings before hearing.

Judge Russell: Non applicable

4. If the judge issues tentative rulings in advance of the hearing, may the parties submit without an appearance?

a. Always														X				X									
b. Usually			X	X	X	X	X						X		X	X	X				X		X	X	X		
c. Sometimes		X																	X			X					
d. Never																											

Question #4 Detailed Responses:

Judge Saltzman and Judge P. Carroll: Only if the tentative ruling indicates “no appearance necessary.”

Judge Albert: Parties should call unless “no appearance” is indicated.

Judge Wallace: Unless tentative rulings state appearances required.

Judge Robles: Except when the tentative is "hearing required." Also, if one party appears and raises an issue that I believe may call for reconsideration of the tentative, the matter may be continued.

Judge Russell: Non applicable

Judge Bluebond: Only if the tentative ruling says that appearances are waived or not required.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

5. If the parties may submit on the Court's tentative ruling without an appearance, must they notify the calendar clerk before the hearing that they are doing so, or may they simply not appear without notice?

a. May simply not appear		X		X	X		X						X	X	X	X	X	X	X		X						
b. Must call first and at least leave a message on voicemail						X																			X		
c. Must call first and speak with the calendar clerk																							X				
d. Other (please specify)	X		X					X														X		X	X		

Question #5 Other Responses:

Judge Kwan: In practice, Judge Kwan generally assumes a nonappearing party submits on a favorable tentative ruling and adopts the tentative unless there is an appearance in opposition.

Judge Wallace: May simply not appear, if tentative ruling states no appearance is necessary.

Judge Smith: If appearances were waived, may simply not appear. If not waived, should call and leave a message

Judge Russell: Non applicable

Judge Bluebond: Not applicable

Judge P. Carroll: May simply not appear if it is a "Final Ruling" marked "No appearance is necessary." Where "appearances are required," parties must advise clerk that parties agree with tentative ruling.

PART IV. Emergency Matters and Applications for Orders Shortening Time for Hearing

1. Does the judge allow hearings on an emergency basis (less than 48 hours notice)?

a. Always																											
b. Usually			X																X		X		X		X		
c. Sometimes	X	X		X	X	X	X	X					X	X	X	X	X	X				X		X			X
d. Never																											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #1 Detailed Responses:

Judge Kwan: Granting emergency hearings depends on good cause shown and the Court's calendar.
Judge Albert: Depends on showing of cause.
Judge Donovan: Very rarely
Judge Russell: Judge reviews each motion on a case by case basis
Judge P. Carroll: If the matter is a true emergency

2. If so, who is the point of contact for arranging for consideration of emergency motions?

a. Judge's courtroom deputy		X															X		X								
b. Judge's law clerk	X		X	X	X	X	X						X	X	X	X						X	X	X			
c. Both																		X			X				X		X
d. Other (please specify)								X																			

Question #2 Other Responses:

Judge Russell: Courtroom Deputy

3. Does the judge calendar a hearing on an emergency motion prior to receipt and review of the moving papers?

a. Always																											
b. Usually			X		X														X		X			X			
c. Sometimes	X			X		X	X							X	X	X		X							X		
d. Never		X						X					X				X					X	X				X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #3 Detailed Responses:

Judge Kwan: If the need is urgent enough, such request may be granted.

Judge Donovan: Rarely

4. For emergency motions or hearings on shortened time, does the judge require delivery of the judge's copy of the moving or responding papers to chambers?

a. Always	X	X	X		X	X	X	X							X	X	X		X		X			X			X
b. Usually				X									X	X				X				X	X		X		
c. Sometimes																											
d. Never																											

Question #4 Detailed Responses:

Judge Kwan: Delivery should be made if possible

5. If so, how is such delivery required?

a. Delivery to courtesy (judge's) copy box	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X		X	X	X	X	X		
b. Delivery to Clerk's office intake window																											X
c. Email of PDF file to chambers			X																X								
d. Fax to chambers			X																X								
e. Other (please specify)			X																								

Question #5 Other Responses:

Judge P. Carroll: Whichever is the quickest and most practical method of service, given the size and complexity of the motion.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

6. Does the judge act on emergency motions without requiring notice to any party whatsoever?

a. Always																											
b. Usually																											
c. Sometimes			X	X			X						X	X	X	X		X	X				X		X		
d. Never	X	X			X	X		X									X				X	X					X

Question #6 Detailed Responses:

Judge Saltzman: In accordance with LBR 9075-1
Judge Kwan: Generally, no notice relief is disfavored and requires heavy evidentiary showing to proceeding.
Judge Albert: Would require of exigent circumstances
Judge Donovan: Rarely
Judge Smith: Rarely. There may be special circumstances warranting immediate relief (eg TRO).
Judge Bauer: Very rarely, but it can happen (for example, where it appears that assets will disappear if notice is given).
Judge Russell: Rarely
Judge Jury: Only if notice would prejudice the outcome – i.e. conceal an asset

7. Does the judge require declarants to be present in court on emergency motions?

a. Always								X																			
b. Usually																											
c. Sometimes	X	X	X	X	X		X						X	X	X	X		X			X	X	X		X		X
d. Never						X											X		X					X			

Question #7 Detailed Responses:

Judge Zurzolo: Rarely
Judge Donovan: Rarely

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

8. Does the judge require some notice to another party before granting an application for order shortening time for hearing?

a. Always		X	X			X		X									X	X			X	X					X
b. Usually				X											X								X				
c. Sometimes													X	X		X			X						X		
d. Never					X		X																	X			

Question #8 Detailed Responses:

Judge Saltzman: In accordance with LBR 9075-1

Judge Bluebond: Papers must be served on other parties in interest.

9. Does the judge grant orders shortening time for hearings (other than emergency matters) upon a showing of good cause?

a. Always					X								X										X		X		
b. Usually		X	X	X										X	X	X	X	X	X		X	X		X			
c. Sometimes	X					X	X																				X
d. Never								X																			

Question #9 Detailed Responses:

Judge Donovan: Assuming the motion appears to be meritorious on a prima facie basis

Judge Russell: Rarely

10. Does the judge require declarants to be present in court at hearings on shortened time?

a. Always								X																			
b. Usually																											
c. Sometimes	X	X		X	X		X							X	X	X		X			X	X	X		X		X
d. Never			X			X							X				X		X					X			

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #10 Detailed Responses:

Judge Zurzolo: Rarely

11. Does the judge routinely grant orders shortening time for hearing on the following matters? (Check all that apply.)

a. Relief from stay motion in residential unlawful detainer cases	X	X			X	X		X					X		X	X	X	X	X		X						
b. Chapter 11 first day motions, including cash collateral hearings	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X		X		X	X	X		X
c. Sales of property				X	X	X												X	X		X				X		
d. Applications for temporary restraining orders		X	X	X	X	X	X	X							X	X		X	X		X		X	X	X		X
e. Other matters (please specify)				X														X	X			X	X	X			

Question #11 Other Responses:

Judge Saltzman: Motions for relief from stay where multiple filings; motions to continue or impose the stay (these are noted in the court's self-calendaring procedures)

Judge Albert: There are no absolutes. Everything is a function of the circumstances and demonstration of need.

Judge Donovan: Yes, but not always, to impose or continue the stay.

Judge Wallace: Not routinely, but on a case-by-case basis.

Judge Smith: Extension of stay per 362(c)(3)

Judge Bauer: Very fact specific. Granted on a case-by-case basis.

Judge Jury: Impose or continue the stay

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART V. At the Hearing

1. Telephonic appearances are generally allowed by the judge:

a. Always			X			X																					
b. Usually	X	X		X	X								X	X	X	X	X	X			X	X	X	X	X		
c. Sometimes							X												X								
d. Never								X																			X

Question #1 Detailed Responses:

Judge Riblet: Almost never.
Judge Donovan: But generally not the debtor in C11 cases
Judge Wallace: But parties do so at their own risk.
Judge Russell: Case by case basis
Judge Jury: Never to argue a contested matter unless out of state or area

2. If the judge allows telephonic appearances, how are telephonic appearance procedures made available to the requesting party?

a. Under the judges' instructions/ procedures area of the Court's website	X	X	X	X	X	X	X						X	X	X	X	X	X	X		X	X	X	X	X		
b. From chambers				X		X													X		X	X			X		
c. From courtroom deputy		X		X	X	X		X											X		X	X					
d. Other (please specify)																											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

3. Does the judge consider priority requests from counsel at the time of calendar call?

a. Always							X	X										X			X	X		X			
b. Usually	X	X		X		X							X	X	X	X			X				X		X		
c. Sometimes			X		X												X										
d. Never																											

Question #3 Detailed Responses:

Judge Kwan: Parties requesting priority must demonstrate good cause.
Judge Albert: Counsel should be prepared to explain, if asked
Judge Riblet: Rarely
Judge Donovan: If convenient and not abusive
Judge Smith: “Consider” doesn’t mean the request will be granted.

4. Does the judge hear stipulations and uncontested matters and requests for continuances before hearing contested matters?

a. Always								X																			
b. Usually																X											
c. Sometimes	X	X	X	X		X	X						X	X	X		X		X		X	X	X	X	X		X
d. Never					X													X									

Question #4 Detailed Responses:

Judge Saltzman: Generally we go in order of calendar number.
Judge Albert: Reliefs of stay are handled this way and most Chapter 13 motions as well
Judge Riblet: It depends on the calendar
Judge Wallace: But usually in chapter 13 cases.
Judge P. Carroll: Matters resolved or continued by stipulation may be taken off calendar prior to hearing by calling the judge’s law clerk.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

5. Does the judge grant requests by counsel to arrange for expedited entry of an order?

a. Always																											
b. Usually	X	X	X	X											X			X	X		X		X	X	X		X
c. Sometimes					X	X	X	X					X	X		X	X					X					
d. Never																											

Question #5 Detailed Responses:

Judge Saltzman: As long as there's a reason.
Judge Kwan: Expedited entry must be requested and requires a showing of good cause.
Judge Riblet: If the order is presented at the hearing and entry is necessary, usually for a sale to close
Judge Wallace: An exception may be made in a case that is truly an emergency.
Judge Smith: Based on good cause shown.
Judge P. Carroll: Orders are usually entered within 48 hours after lodged onto LOU

6. Does the judge sign orders on the bench at the conclusion of a hearing?

a. Always																											
b. Usually																											
c. Sometimes	X	X		X	X			X					X	X			X		X				X	X			
d. Never			X			X	X								X	X		X			X	X			X		

Question #6 Detailed Responses:

Judge Riblet: I sign paper orders at the hearing at the time the matter is heard, not at the conclusion of the hearing
Judge Donovan: Rarely
Judge Wallace: An exception may be made in a case that is truly an emergency.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART VI. Processing Orders

1. What proposed orders does the judge require to be submitted by LOU (Lodged Order Upload)? (Check all that apply.)

a. Relief from stay orders			X	X	X	X	X	X					X		X	X	X	X			X	X	X		X		
b. Orders for dismissal			X	X	X	X		X							X	X	X	X			X	X	X		X		
c. None are required to be submitted by LOU		X											X	X					X								X
d. Other (please specify)	X		X	X	X			X										X			X	X	X	X	X		

Question #1 Other Responses:

Judge Kwan: All orders must be submitted on LOU, unless excepted from the LBRs.
Judge Neiter: All orders are to be submitted in LOU.
Judge Albert: Virtually everything is required in LOU if counsel files more than 5 bk matters annually
Judge Donovan: All registered e-filers should submit their orders via LOU
Judge Wallace: Mostly all orders.
Judge Smith: LOU is preferred, but not required
Judge Bauer: All orders should be uploaded through LOU as required by the LBRs.
Judge Russell: Mostly all orders
Judge Clarkson: All orders
Judge P. Carroll: All orders, if lodging party is registered with CM/ECF.
Judge Bluebond: Judge encourages all orders to be uploaded through LOU but does not require this.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
2. Does the judge or the judge's staff ever prepare orders after hearings?																											
a. Always																											X
b. Usually			X																								
c. Sometimes		X		X	X	X	X	X					X	X	X	X	X	X	X		X	X	X	X	X		
d. Never																											

Question #2 Detailed Responses:

Judge Riblet: Reaffirmations and relief from stay only. Also after trial when the prevailing party is *pro se*

Judge Bauer: But, because of our workload, we REALLY need the parties to submit their own orders.

Judge Bluebond: Court always prepares orders on stay motions and reaffirmation agreements.

3. If a large number of parties are entitled to receive notice of entry of an order signed by the judge, what procedure does the judge use to accomplish service of notices of entry of that order? (Check all that apply.)																											
a. Bankruptcy Noticing Center	X			X	X	X	X						X		X	X			X		X	X	X		X		
b. Instructs the party submitting to serve notice				X	X	X	X	X					X	X	X	X	X	X	X		X	X	X	X	X		
c. Instructs the party submitting to provide copies to the Court								X					X						X		X						
d. Other (please specify)			X																				X				X

Question #3 Other Responses:

Judge Albert: NEF list

Judge Riblet: I haven't a clue how that is accomplished

Judge P. Carroll: Submitting party must serve all interested parties who are not served via courts mailing list.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

4. If a written objection to the form of a proposed order is filed, does the judge: (check all that apply)

a. Give the party that lodged the order an opportunity to file a written response to the objection before ruling on the objection	X	X	X	X		X		X							X	X	X		X		X	X	X	X	X		X
b. Schedule a hearing on the objection		X			X			X									X		X		X	X	X	X	X		
c. Arrange for any procedure other than a hearing (e.g., informal telephone conference) to enable the parties to present their views concerning the form of the proposed order					X														X		X				X		
d. Other (please specify)				X	X		X						X	X		X		X	X			X		X	X		

Question #4 Other Responses:

Judge Kwan: Determinations of what procedures to use are made on a case-by-case basis.
Judge Neiter: Sometimes I enter an order which I believe is correct.
Judge Donovan: Judge reviews the opposition and proposed orders then signs the appropriate order.
Judge Smith: Consider objection when reviewing order. Scheduling of hearings is rare.
Judge Bauer: Done on a case-by-case basis.
Judge Ahart: Usually the objection is resolved without a hearing.
Judge Jury: Not all of the above on the same order—depends
Judge Zurzolo: Usually the objection is resolved without a hearing.
Judge Kaufman: Usually will rule without having received a response to the objection or scheduling a hearing.
Judge Wallace: Done on a case-by-case basis.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

5. Does the judge expressly limit the notice of entry of orders regarding motions that were noticed under FRBP 2002 to parties actually filing responses to the motion?

a. Always							X						X								X						
b. Usually								X																	X		
c. Sometimes	X			X		X									X	X		X	X			X					X
d. Never		X	X		X									X			X						X	X			

Question #5 Detailed Responses:

Judge Russell: Chapter 11 cases, Attorney files motion to limit notice for judge to approve

6. How long must counsel or parties wait before contacting the staff regarding the status of a lodged order?

a. 1-3 days																											
b. 4-7 days			X												X		X										
c. Greater than a week		X		X			X	X					X	X		X		X			X	X		X			
d. The judge does not allow counsel or parties to contact Court staff regarding the status of lodged orders																											
e. Other (please specify)	X				X	X													X				X		X		X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #6 Other Responses:

Judge Kwan: Unless there are exigent circumstances, given the volume of orders, parties should generally wait two weeks before contacting staff regarding status of orders.

Judge Neiter: No specific rule

Judge Albert: Two weeks

Judge Riblet: I have no idea how long parties wait before contacting staff. No time limit set.

Judge Robles: No set time limit.

Judge Jury: I have never addressed this issue. Sometimes parties call.

Judge Bluebond: Judge does not have any rules on this subject.

Judge Riblet: Rarely

Judge Albert: The vast majority of motions are decided on declarations without live testimony. If the matter is complicated and heavily contested, appearance is needed. Occasionally live testimony or at least cross examination is taken on complicated and heavily contested matters.

7. If there are deficiencies in proposed orders, does the judge or the judge's staff contact counsel and parties to notify them of the deficiencies and provide an opportunity to correct the deficiencies before return and rejection?

a. Always						X																					
b. Usually	X				X										X	X			X		X				X		
c. Sometimes		X		X				X					X	X				X				X	X	X			
d. Never			X				X																				X

Question #7 Detailed Responses:

Judge Riblet: If I can easily fix the order I will. Otherwise it is just returned with explanation of deficiency

Judge Smith: Minor deficiencies will be corrected by Judge's staff without rejection. If they cannot be corrected, the order is usually rejected.

Judge Ahart: No comment

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

8. Does the judge or the judge's staff reject and return proposed orders which: (check all that apply)

a. Do not have a complete or service list?	X	X	X	X	X	X	X	X					X	X	X	X			X		X	X	X	X	X		X
b. Do not use the Central District form entry of order and service list?	X		X	X	X	X	X	X					X	X							X	X	X		X		X
c. Other (please specify)			X	X			X	X										X					X		X		

Question #8 Detailed Responses:

Judge Kwan: Orders requiring extensive staff time to fix will be rejected.
Judge Albert: Noncompliance with LBRs
Judge Donovan: Failure to comply with LBRs.
Judge Bauer: We return and reject orders when they are beyond repair or counsel has a habit of submitting bad orders and they've been warned over and over.
Judge Russell: Courtroom Deputy calls party to upload new order through LOU system
Judge P. Carroll: Do not comply with the Court Manual or the LBRs.
Judge Zurzolo: Noncompliant w/ LOU procedures

9. If the judge or the judge's staff reject and return a proposed form of order, how is counsel or a party notified of the rejection? (Check all that apply.)

a. By telephone call	X	X		X		X							X	X				X	X		X	X	X		X		
b. By mailed notice of deficiency				X									X								X	X	X	X	X		
c. By email	X	X	X	X	X	X	X						X	X	X	X	X	X	X		X		X	X	X		X
d. Other (please specify)			X	X																		X			X		X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #9 Other Responses

Judge Kwan: Usually by email unless unavailable by email.
Judge Riblet: By email if it is a LOU order. I don't know what the Clerk's Office does about paper orders
Judge Donovan: Usually via LOU notification.
Judge Wallace: LOU notification
Judge P. Carroll: By email via the LOU system

10. Does the judge permit attorneys and parties to communicate with the law clerk regarding rejected proposed orders?

a. Always	X				X									X	X	X					X	X	X				
b. Usually				X		X												X						X	X		
c. Sometimes		X	X				X																				
d. Never								X					X				X		X								X

Question #10 Detailed Responses

Judge Riblet: Law clerks are not in the loop about rejected orders.
Judge Robles: Only if the communication regards procedural matters.
Judge Jury: I have a JA

PART VII. Judge's Copies of Filed Documents

1. Does the judge impose sanctions for failure to serve a judge's copy of filed documents pursuant to Local Bankruptcy Rule 5005-2(d) and the Court Manual?

a. Always																											
b. Usually				X																					X		X
c. Sometimes	X					X							X	X							X		X				
d. Never		X	X		X		X	X							X	X	X	X	X			X		X			

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #1 Detailed Responses:

Judge Kwan: Hearings will be generally continued until compliance.
Judge Albert: Sanctions so far have been rare but the Court is considering changing this
Judge Riblet: $100 per violation
Judge Robles: Sanctions are considered on a case-by-case basis.
Judge Smith: Will consider doing so for repeat violators
Judge P. Carroll: But there is always a first time.

2. Are tabs for exhibits required on the judge's copy of filed documents?

a. Always	X		X	X		X	X							X	X	X	X				X	X	X	X	X		
b. Usually		X						X										X	X								X
c. Sometimes					X																						
d. Never													X														

Question #2 Detailed Responses:

Judge Neiter: Hard to enforce
Judge Riblet: $100 per violation
Judge Wallace: As required by LBR 5005-2(d).
Judge Robles: Tabs are required for LAM motions and trial/evidentiary hearing exhibits.
Judge Russell: We do not reject
Judge P. Carroll: As required by LBR 5005-2(d)(1).

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART VIII. Communications with Judge's Staff

1. Does the judge permit attorneys and parties to communicate with the judge's courtroom deputy regarding: (check all that apply):

a. Scheduling matters	X	X	X	X	X			X					X	X	X	X	X	X	X		X	X	X	X	X		X
b. Status of stipulations and orders				X	X			X					X	X	X	X		X	X		X		X	X	X		
c. Case status					X			X							X	X		X	X		X	X		X			
d. Other (please specify)						X	X															X			X		X

Question #1 Other Responses:

Judge Kwan: Given heavy workload of judge's staff, parties should be respectful of staff's time.

Judge Riblet: I have no idea about what other matters lawyers call, whether allowed or not.

Judge Zurzolo: I don't "permit;" I advise

2. Does the judge permit attorneys and parties to communicate with the judge's law clerk regarding: (check all that apply)

a. Scheduling matters	X		X	X		X	X						X	X	X	X		X	X		X	X	X	X			
b. Status of stipulations and orders	X		X	X	X	X	X						X	X	X	X		X	X		X	X	X	X	X		
c. Case status			X	X										X	X	X		X	X		X	X	X				
d. Other (please specify)					X			X																	X		X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #2 Other Responses:

Judge Kwan: Given heavy workload of law clerk, parties should be respectful of law clerk's time.
Judge Neiter: Emergency motions and motions on shortened notice.
Judge Riblet: Communications about shortened notice requirements, hearing waivers
Judge Russell: NO

PART IX. *Sua Sponte* Orders

1. Does the judge enter any of the following types of orders *sua sponte*: (check all that apply)

	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
a. Orders requiring parties to participate in mediation	X		X		X	X	X							X	X			X			X				X		
b. Orders to show cause re dismissal	X	X	X	X	X	X	X						X	X	X	X	X	X	X		X	X	X	X	X		X
c. Orders establishing trial procedures	X	X	X			X	X	X					X	X	X			X			X	X			X		
d. Orders setting a claims bar date in Chapter 11 cases	X		X				X														X	X	X	X	X		
e. Orders establishing deadlines for filing plans and/or disclosure statements	X		X	X	X		X	X													X	X	X	X	X		X
f. Other (please specify)						X																					

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART X. Status Reports and Conferences

1. Does the judge require use of the Central District form status report under Local Bankruptcy Rule 7016-1?

a. Always	X	X	X	X	X	X		X									X						X		X		X
b. Usually														X	X	X		X	X		X			X			
c. Sometimes													X														
d. Never							X															X					

Question #1 Detailed Responses:

Judge Wallace: Form is optional.

Judge Smith: The form is strongly preferred.

2. If so, is the Central District form status report mandatory for subsequent status conferences after the initial status conference setting a pretrial schedule?

a. Always	X		X	X	X	X															X		X				
b. Usually		X						X						X				X	X					X	X		
c. Sometimes													X				X										X
d. Never															X	X						X					

Question #2 Detailed Responses:

Judge Kwan: Whether form report is used, Judge Kwan expects parties to report what they have done since last status conference, what their plan is to resolve the case, and whether they have met to discuss settlement.

Judge Russell: Status reports are due for every status conference

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

3. Does the judge impose sanctions for failure to file the status conference report as required by Local Bankruptcy Rule 7016-1 at each status conference?

a. Always						X		X																X			
b. Usually	X																				X		X		X		
c. Sometimes		X		X			X						X	X					X			X					X
d. Never			X		X										X	X		X									

Question #3 Detailed Responses:

Judge Kwan: Parties are expected to file a written status report in advance of the status conference as required by LBR 7016-1.
Judge Bauer: But I'm working on being stricter.
Judge Russell: Attorney(s) receive initial notice at time summons issued of sanction procedures
Judge P. Carroll: But there is always a first time.
Judge Jury: No telephonic appearance allowed, not monetary sanction

4. Does the judge impose sanctions of any kind to enforce the preparation of the status conference report?

a. Always																								X			
b. Usually	X					X		X													X				X		
c. Sometimes		X		X			X						X	X	X	X			X			X	X				X
d. Never			X		X													X									

Question #4 Detailed Responses:

Judge Riblet: Sanctions are imposed on a second violation
Judge Bauer: But it's a great idea.
Judge Jury and Judge P. Carroll: Same as 3 above

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

5. What procedures for continuances of status conferences does the judge allow? (Check all that apply.)

a. By telephone			X	X												X		X	X		X						
b. By telephone followed by written stipulation				X		X								X		X		X	X		X			X	X		
c. Written stipulation	X	X	X	X	X		X	X					X	X	X	X	X	X	X		X	X	X	X	X		X
d. Appearance only							X						X											X			
e. The judge does not allow continuances of status conferences																											
f. Other (please specify)																						X			X		X

Question #5 Other Responses:

Judge Kwan: Continuances of status conferences require a showing of good cause in writing.
Judge Riblet: Written stipulation subject to court approval. It is not automatic
Judge Wallace: Appearance / telephonic appearance at hearings.

6. Does the judge impose sanctions for non-compliance with Local Bankruptcy Rule 7026-1 requiring an early meeting of counsel?

a. Always																					X						
b. Usually			X																				X		X		
c. Sometimes	X	X		X		X	X	X					X						X								
d. Never					X										X	X		X				X		X			X

Question #6 Detailed Responses:

Judge Russell: Case by case basis
Judge P. Carroll: As permitted by FRBP 7037
Judge Jury: If making them meet is a sanction, then yes

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #6 Detailed Responses (continued):

Judge Kaufman: Not to date but may do so if the appropriate occasion arises.

7. Who prepares the scheduling order after a status conference where the judge sets a pretrial schedule?

a. Counsel for plaintiff/movant	X			X	X	X	X	X					X	X	X	X	X	X	X		X	X	X	X	X		X
b. Other counsel if *pro se* plaintiff/movant	X			X	X		X						X	X	X				X						X		
c. Court			X	X	X		X							X								X					
d. Other (please specify)		X																									X

Question #7 Other Responses:

Judge E. Carroll: Scheduling order is issued along with the summons.

Judge Riblet: Scheduling order is usually not required. It is announced at the status conference.

8. Does the judge require the use of the Central District form scheduling order?

a. Always			X			X		X																			
b. Usually				X															X		X		X	X			
c. Sometimes													X					X							X		
d. Never	X				X		X							X	X	X						X					X

Question #8 Detailed Responses:

Judge Kwan: The form scheduling order is preferred.

Judge Wallace: Form is optional.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART XI. Relief from Stay Motions

1. The Central District form orders for relief from the automatic stay are mandatory. For which types of property does the judge allow a variance with the use of such form orders? (Check all that apply)

a. Residential real property																											
b. Non-residential real property																											
c. Other types of property, including automobiles																											
d. Judge does not allow any variance	X	X	X	X			X						X	X	X	X	X	X	X		X	X	X	X	X		X
e. Other (please specify)			X		X	X		X															X				

Question #1 Other Responses:

Judge Neiter: The type of property does not govern the type of order used. It depends on the circumstances and whether a party appeared in *pro se*.

Judge Albert: Parties are encouraged to make liberal use of attachments.

Judge Robles: Generally, parties must use form notice of motion and motion. Variances will be allowed in exceptional circumstances. Changes from the form must be made clear.

Judge Russell: Depends on situation or case

Judge P. Carroll: Text of order may be modified as permitted by LBR 9009-1(c).

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

2. The Central District form motions for relief from the automatic stay are mandatory. For which types of property does the judge allow a variance with the use of such form motions? (Check all that apply.)

a. Residential real property																											
b. Non-residential real property																											
c. Other types of property, including automobiles																											
d. Judge does not allow any variance	X	X	X	X	X								X	X	X	X	X	X	X		X	X	X	X	X		X
e. Other (please specify)			X			X	X	X															X				

Question #2 Other Responses:

Judge Albert: It might arise that a relief of stay involves a complicated or unusual situation.
Judge Russell: Depends on case
Judge P. Carroll: Text of motion may be modified as permitted by LBR 9009-1(c).
Judge Zurzolo: Same question as #1

3. The mandatory Central District form motions for relief from the automatic stay permit optional memoranda of points and authorities. Does the judge prefer points and authorities in routine motions for relief from stay?

a. Always																											
b. Usually								X																			
c. Sometimes	X		X				X												X		X				X		X
d. Never		X		X	X	X							X	X	X	X	X	X				X	X	X			

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #3 Detailed Responses:

Judge Kwan: Points and authorities are not expected for routine stay relief motions.

Judge Albert: The key word above is "routine." If counsel believes the case is for any reason unique such that points and authorities would be illuminating, these are encouraged

Judge Wallace: Not usually in routine motions for relief from stay.

Judge Robles: Points and authorities in “routine” motions are rarely helpful and usually cite old cases from prior canned briefs. Thus, they are highly discouraged.

Judge P. Carroll: Only in Ch. 11 cases.

4. Does the judge require appearances of counsel at a hearing on a motion for relief from stay where no written opposition is filed?

a. Always	X							X											X								X
b. Usually																											
c. Sometimes		X		X		X	X						X	X	X	X	X	X			X	X	X	X	X		
d. Never			X		X																						

Question #4 Detailed Responses:

Judge Kwan: Unless otherwise indicated, appearance of party is optional if the tentative ruling is in that party's favor.

Judge Albert: Normally the tentative will excuse appearance. However, counsel may wish to appear by telephone since it is not infrequent that *pro se* debtors will appear at the hearing, and rarely this results in a departure from the tentative.

Judge Robles: Unless otherwise stated in the tentative ruling, appearance is not required.

Judge Smith: Appearance might be required to address particular concerns, e.g. re service, special extraordinary relief requests, etc.

Judge Kaufman: Court will issue tentative ruling indicating if appearances are waived.

5. Does the judge grant true *ex parte* (without any prior notice) relief from stay in unlawful detainer cases?

a. Always																											
b. Usually																											
c. Sometimes							X						X			X							X				
d. Never	X	X	X	X	X	X		X						X	X		X	X	X		X	X			X		X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #5 Detailed Responses:

Judge Albert: Compelling showing is required.
Judge Wallace: Due process consideration.
Judge Smith: Rarely. Only under extremely extraordinary circumstances. This circumstance has not presented in more than 15 years.
Judge Kaufman: The Court may do so if justified.

6. Does the judge permit shortened notice on motions for relief from stay where there is proof of any of the following (check all that apply)?

a. A prior unlawful detainer judgment	X	X		X	X	X		X					X	X	X	X		X	X		X		X				X
b. A prior adequate protection order	X	X		X	X			X							X	X			X		X						X
c. Multiple bankruptcy filings		X			X		X	X					X	X	X	X		X	X		X		X				
d. Other conduct constituting bad faith		X			X		X	X						X	X	X		X	X		X		X				
e. A Chapter 13 confirmation already scheduled																											
f. None of the above																									X		
g. Other (please specify)			X														X					X	X	X			

Question #6 Other Responses:

Judge Albert: Any circumstance showing imminent danger to premises may suffice. However, "I'm not getting rent" is generally insufficient.
Judge Wallace: Apps. for order shortening time are disfavored and seldom granted unless truly extenuating circumstances are present.
Judge Smith: Vandalism; spoilation of property
Judge P. Carroll: All of the above, but depending on the facts of the particular case.
Judge Johnson: Please review Judge Johnson's self-calendaring instructions which permit hearings on shortened notice (without the need for filing an application for an order shortening time) for the following five types of automatic stay motions: motions to continue the stay pursuant to 11 U.S.C. § 362(c)(3), motions to impose the stay pursuant to 11 U.S.C. § 362(c)(4), motions for relief from stay with respect

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #6 Other Responses (continued):

Judge Johnson (continued): to the unlawful detainer of residential real property pursuant to 11 U.S.C. § 362(d), motions to confirm that no stay is in effect pursuant to 11 U.S.C. § 362(c)(4)(A)(ii) and motions for relief from stay which seek relief pursuant to 11 U.S.C. § 362(d)(4).

Judge Ahart: Refer to the LBR.

7. Does the judge hear relief from stay motions on shortened notice in non-residential unlawful detainer cases?

a. Always					X																						
b. Usually						X							X														
c. Sometimes	X	X	X	X			X	X						X	X	X	X	X	X		X	X	X		X		
d. Never																								X			X

Question #7 Detailed Responses:

Judge Kwan: Generally no unless good cause is shown to warrant expedited relief.

Judge Albert: As in #6 above

Judge Wallace: On case-by-case basis.

Judge Smith: See response to #6

8. Does the judge have special procedures for handling residential relief from stay motions?

a. Always	X			X		X																					
b. Usually													X														
c. Sometimes																	X										
d. Never		X	X		X		X	X						X	X			X	X		X	X	X	X	X		X

Question #8 Detailed Responses:

Judge Bluebond: See judge's instructions. Parties may be able to self-calendar hearing on shortened notice.

Judge Zurzolo: As of September 1, 2011 I discontinued use of my procedure called “Procedures, Notice, and Order Authorizing Repossession of Premises without a Hearing.”

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

9. Does the judge require declarants to be present in court for preliminary hearings on motions for relief from the automatic stay?

a. Always								X																			
b. Usually																											
c. Sometimes																							X				
d. Never	X	X	X	X	X	X	X						X	X	X	X	X	X	X		X	X		X	X		X

10. Does the judge require declarants to be present in court for final (evidentiary) hearings on motions from relief from the automatic stay?

a. Always	X	X	X		X			X							X									X			X
b. Usually							X									X	X								X		
c. Sometimes				X		X							X	X				X	X		X	X	X				
d. Never																											

Question #10 Detailed Responses:

Judge Robles: Unless the hearing is continued to allow the submission of additional evidence, motions for relief from the automatic stay are resolved at the initial hearing.

Judge P. Carroll: But I have had only one such hearing in 9 years.

Judge Jury: If it is a evidentiary hearing, which is rare on stay relief except in chapter 11's

11. What percentage of the judge's hearings on motions for relief from stay are resolved at the preliminary hearing without any testimony?

a. 0-24%																											
b. 25-49%																											
c. 50-74%					X									X													
d. 75-100%	X	X	X	X		X	X	X					X		X	X	X	X	X		X	X	X	X	X		X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

12. What percentage of the judge's preliminary hearings on motions for relief from stay are completed within 30 days of filing of the motion?

a. 0-24%																											
b. 25-49%																											
c. 50-74%					X	X																					
d. 75-100%	X	X	X	X			X	X					X	X	X	X	X	X	X		X	X	X	X	X		X

13. What percentage of the judge's final hearings on motions for relief from stay are completed within 60 days of filing of the motion?

a. 0-24%																											
b. 25-49%							X																				
c. 50-74%														X											X		
d. 75-100%	X	X	X	X	X	X		X					X		X		X	X	X		X	X	X	X			X

Question #13 Detailed Responses:

Judge Kwan: Depends on court's and parties' calendars and need for discovery and other pretrial proceedings.

14. Will the judge award prospective relief from stay effective for 180 days in future bankruptcy cases filed by the debtor?

a. Always																											
b. Usually					X																						
c. Sometimes				X		X		X					X	X	X	X	X	X	X		X	X	X	X	X		X
d. Never	X	X	X				X																				

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #14 Detailed Responses:

Judge Kwan: Depends on showing of good cause.
Judge Albert: Showing of need for special relief is required.
Judge Riblet: Based upon facts of the case
Judge Wallace: If there is a finding of bad faith
Judge Smith: Upon showing of multiple filings or bad faith
Judge Russell: Need evidence to support request
Judge Bluebond and Judge P. Carroll: Only extraordinary relief granted is under section 362(d)(4).

15. Does the judge grant requests for retroactive annulment of the automatic stay?

a. Always																											
b. Usually			X	X																							
c. Sometimes	X	X			X	X	X	X					X	X	X	X	X	X	X		X	X	X	X	X		X
d. Never																											

Question #15 Detailed Responses:

Judge Kwan: Depends on showing of good cause.
Judge Albert: Showing of circumstances justifying this relief is required.
Judge Riblet: Only when timing of the filing and BNC notice demonstrates that there was no effective notice to the creditor prior to the post petition event
Judge Wallace: If facts warrant granting such requests.
Judge Russell: Need evidence to support request

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
PART XII. Motions Practice																											
1. Does the judge consider oral motions other than during trial?																											
a. Always			X																								
b. Usually																											
c. Sometimes				X	X	X	X						X	X	X		X	X			X				X		
d. Never	X	X														X			X			X	X				

Question #1 Detailed Responses:

Judge Neiter: Bar Date
Judge Albert: 'Rarely' is perhaps more accurate
Judge Riblet: Almost never. Unusual circumstances may justify an oral motion
Judge Smith: Rarely
Judge Russell: Rarely- Depends on motion
Judge P. Carroll: I rarely grant them.
Judge Donovan: Rarely.

2. Does the judge deny a motion solely because it is not supported by declarations or other admissible evidence where there are factual issues involved in the motion?																											
a. Always			X	X	X			X																			
b. Usually	X					X							X			X		X	X		X			X	X		X
c. Sometimes		X					X							X	X		X					X	X				
d. Never																											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

3. Does the judge allow oral testimony on emergency motions (such as initial motions for use of cash collateral)?

a. Always																											
b. Usually																											
c. Sometimes		X	X	X	X		X	X					X	X	X	X	X	X	X		X	X	X		X		X
d. Never	X					X																					

Question #3 Detailed Responses:

Judge Robles: Declarations are required. Oral testimony is rarely necessary or permitted.

Judge Smith: Rarely

Judge Russell: Rarely- depends on case

4. Does the judge allow oral testimony on routine motions?

a. Always																											
b. Usually																						X					
c. Sometimes				X	X	X	X	X						X	X	X		X	X		X				X		
d. Never	X	X	X										X				X						X	X			X

Question #4 Detailed Responses:

Judge Riblet: Almost never without a specially set evidentiary hearing. An exception would be for a proposed purchser to testify about good faith when there is no or insufficient documentary evidence.

Judge Donovan: Rarely

Judge Russell: Rarely- depends on case

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

5. Does the judge require declarants to be present in court on emergency motions or hearings on shortened time?

a. Always								X																			
b. Usually																											X
c. Sometimes	X	X	X	X	X	X	X						X	X	X			X			X	X	X		X		
d. Never																X	X		X					X			

6. Does the judge require declarants to be present in court on regularly scheduled motions?

a. Always								X																			
b. Usually																							X				
c. Sometimes				X													X				X	X			X		X
d. Never	X	X	X		X	X	X						X	X	X	X		X	X					X			

Question #6 Detailed Responses:

Judge Albert: The vast majority of motions are decided on declarations without live testimony. If the matter is complicated and heavily contested, appearance is needed. Occasionally live testimony or at least cross examination is taken on complicated and heavily contested matters.

Judge Riblet: Rarely

Judge Donovan: Rarely

7. Does the judge consider written evidentiary objections if not made in a separate document?

a. Always																											
b. Usually															X	X		X					X				
c. Sometimes				X		X	X	X					X				X		X		X	X		X	X		
d. Never	X	X	X		X									X													

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #7 Detailed Responses:

Judge Riblet: Rarely
Judge Donovan: Rarely
Judge Zurzolo: Rarely

8. Does the judge ever notify counsel of an intent to take oral testimony?

a. Always								X																X			
b. Usually					X																	X			X		
c. Sometimes	X		X	X		X	X						X	X	X	X		X	X		X						
d. Never		X															X						X				X

Question #8 Detailed Responses:

Judge Albert: But this conceivably could arise.
Judge Zurzolo: Rarely

9. Does the judge permit oral testimony without prior request?

a. Always																											
b. Usually						X																					
c. Sometimes				X	X								X	X	X	X		X	X		X		X		X		X
d. Never	X	X	X				X	X									X					X					

Question #9 Detailed Responses:

Judge Donovan: Rarely
Judge Smith: Rarely

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

10. Local Bankruptcy Rule 9013-1(f) requires that a responding party to any motion shall file opposition papers or a written statement that the motion will not be opposed. Does the judge impose sanctions for a party's failure to file a statement of non-opposition?

a. Always																											
b. Usually																											
c. Sometimes							X																		X		
d. Never	X	X	X	X	X	X		X					X	X	X	X	X	X	X		X	X	X	X			X

Question #10 Detailed Responses:

Judge Zurzolo: Once

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

11. Does the judge grant motions simply on the basis that no opposition has been filed, even where movant has not sustained its burden of proof?

a. Always																											
b. Usually																											X
c. Sometimes							X																X				
d. Never	X	X	X	X	X	X		X					X	X	X	X	X	X	X		X	X		X	X		

12. Does the judge grant or deny a motion simply on the basis that a party that filed an opposition fails to appear at the hearing?

a. Always																											
b. Usually			X	X										X													X
c. Sometimes							X	X								X	X	X				X	X	X	X		
d. Never		X			X	X							X		X				X		X						

Question #12 Detailed Responses:

Judge Albert: Normally, appearance is expected unless excused in the tentative.

Judge Wallace: Failure to prosecute when appearances are required.

Judge Bluebond: Court will treat the opposition as having been waived, but the lack of opposition itself is not a sufficient basis for the Court to grant the motion.

Judge P. Carroll: Assuming the movant has established a prima facie case for the relief requested.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK	WJ	RR

13. If the judge has consented to waiver of a personal appearance on an uncontested matter, but an opposing party appears to argue the merits of the motion, what does the judge do?

a. Continue the hearing					X		X						X		X	X			X		X		X		X		
b. Take argument on the merits							X						X			X					X						
c. Deny the appearing party to argue on the merits			X				X																				
d. Other (please specify)	X	X		X		X		X						X				X				X	X	X			X

Question #13 Other Responses:

Judge E. Carroll: Listen to the argument and continue the hearing if necessary to give the movant a chance to respond.

Judge Albert: It depends on the circumstances. If a viable defense is offered with a reasonable explanation of why nothing was filed in writing the Court might continue the matter.

Judge Riblet: Appearances are never waived

Judge Donovan: I generally listen to self-represented debtors, briefly, to determine if further hearing is necessary

Judge Wallace: Occasionally, but not always, the Court will continue the hearing.

Judge Robles: I may continue if the appearing party presents substantive and well-taken arguments against the tentative not previously presented. Otherwise, the tentative will become the order.

Judge Smith: If the opposing party raises meritorious arguments warranting further hearing, the hearing will be continued and the non appearing party will be notified

Judge Bauer: Depends on the facts.

Judge Russell: Never has happened

Judge Kaufman: Court will take argument and if it decides not to grant the motion at that time, will continue the hearing.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #13 Other Responses (continued):

Judge Bluebond: This doesn't happen, as the Court does not waive appearances where there is any opposition. (I do not waive appearances on motions for relief from stay precisely because someone may show up even if no written opposition was filed. The prospect of this occurring is the reason that I don't waive appearances.)

14. Does the judge give advance notice of a *sua sponte* waiver of oral arguments on motions?

a. Always	X		X	X										X		X		X									
b. Usually													X		X		X										
c. Sometimes					X																X	X			X		
d. Never		X				X	X	X											X				X	X			

Question #14 Detailed Responses:

Judge Albert: The Court normally allows oral argument even in the most obvious of cases.

Judge Riblet: It doesn't happen. The only time appearances are waived is when a hearing is vacated in connection with a trustee's final report to which there has been no opposition and with which I have no quarrel

Judge Robles: I always permit oral argument in contested matters or if the tentative denies an unopposed motion.

Judge Jury: I never waive if contested.

15. If so, how is notice given? (Check all that apply.)

a. Issue tentative ruling	X		X	X	X								X	X	X	X	X	X			X	X	X		X		
b. Telephone counsel and parties														X							X				X		X
c. Other (please specify)						X		X								X											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #15 Other Responses:

Judge Robles: Not applicable
Judge Russell: Non applicable
Judge Mund: Issue order

16. Does the judge permit joinder in a motion?

a. Always	X		X			X									X	X					X			X			
b. Usually		X		X	X									X									X				
c. Sometimes								X					X				X	X	X			X			X		
d. Never							X																				

Question #16 Detailed Responses:

Judge Riblet: Not at the last minute. And if the moving party withdraws its motion the joinder dies with the motion.
Judge Robles: I will generally permit joinder. However, last minute submissions may be disregarded.
Judge P. Carroll: But little weight is given to such a paper.

17. If so, does the judge permit joinder if it is filed less than 14 days before the hearing?

a. Always															X	X											
b. Usually		X												X										X			
c. Sometimes	X			X	X			X					X				X	X	X		X		X		X		
d. Never			X				X															X					X

Question #17 Detailed Responses:

Judge Wallace: LBR 9013-1-(f) Deadline to file: not later than 14 days before hearing.
Judge Robles: Not applicable

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

18. Does the judge permit joinder if it is made orally at the hearing?

a. Always																											
b. Usually		X												X													
c. Sometimes	X			X									X		X	X	X	X	X		X	X	X	X	X		
d. Never			X		X	X	X	X																			X

Question #18 Detailed Responses:

Judge Robles: The party seeking to intervene must provide some notice to the Court and other parties to the motion.

19. Does the judge consider a joinder that is not supported by its own points and authorities?

a. Always															X	X											
b. Usually	X	X	X	X	X	X								X										X			
c. Sometimes								X					X				X	X	X		X	X	X		X		X
d. Never							X																				

Question #19 Detailed Responses:

Judge P. Carroll: I consider it, but usually give little weight to a joinder without points and authorities.

20. Does the judge permit a party to withdraw a motion at the time of the hearing?

a. Always			X		X									X				X						X			
b. Usually		X				X		X							X	X			X		X		X		X		X
c. Sometimes	X			X									X				X					X					
d. Never							X																				

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #20 Detailed Responses:

Judge Kwan: Depends on whether other party opposes withdrawal.

Judge Zurzolo: "Withdrawal" of motions does not exist in my procedural universe; nor in the FRBP or LBR

21. Does the judge rule on the merits of a motion after the moving party has filed a notice of withdrawal of motion?

a. Always																											
b. Usually																											
c. Sometimes	X			X			X						X	X											X		
d. Never		X	X		X	X		X							X	X	X	X	X		X	X	X	X			X

Question #21 Detailed Responses:

Judge Donovan: I would if a timely opposition had been filed.

22. Does the judge sanction a party who withdraws a motion, but does so without notifying the Court at least two court days in advance of the hearing?

a. Always																											
b. Usually																											
c. Sometimes	X							X					X										X		X		
d. Never		X	X	X	X	X	X							X	X	X	X	X	X		X	X		X			

Question #22 Detailed Responses:

Judge Albert: This is a question of common courtesy. It does not cost much to at least telephone chambers.

Judge Riblet: Rarely

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

23. Does the judge allow expansive use of Local Bankruptcy Rule 9013-1 for motions heard on request for hearing other than those motions covering subjects specifically listed in the rule?

a. Always																											
b. Usually	X	X					X								X				X		X	X		X			
c. Sometimes				X		X		X					X			X	X	X					X		X		
d. Never			X		X									X													X

Question #23 Detailed Responses:

Judge Riblet: Rarely

Judge Donovan: Rarely

24. How long does it usually take to issue an order after the proposed order and declaration of lack of opposition have been submitted on a motion under Local Bankruptcy Rule 9013-1(o)?

a. 0-3 days			X										X			X	X		X		X						
b. 4-7 days	X	X					X								X			X				X	X	X			X
c. More than a week				X	X	X		X						X													
d. More than a month																											

Question #24 Detailed Responses:

Judge Kwan: Depends on the court's workload and calendar.

Judge Riblet: After a copy of the necessary declaration WITH NOTICE OF MOTION AND MOTION ATTACHED is received. There are lots of bare declarations

Judge Donovan: We wait for a judge's copy of the dec of non-opposition.

Judge Russell: Usually 7 to 10 days

Judge Zurzolo: Response based upon “issue an order” referring to “entered on the docket,” and “submitted” referring to “filed and a judge’s copy served.”

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

25. Does the judge deny motions under Local Bankruptcy Rule 9013-1(o) for failure to obtain a hearing date by the 14-day deadline required by Local Bankruptcy Rule 9013-1(o)(4) (once an objection is filed to the motion under Local Bankruptcy Rule 9013-1(o)(4))?

a. Always																											
b. Usually				X		X																					
c. Sometimes	X		X				X						X	X	X			X			X	X	X		X		
d. Never		X			X			X								X			X					X			X

Question #25 Detailed Responses:

Judge Jury: But of course the motion is not granted if not 9013-1(o) or set for hearing

Judge Bluebond: I'm more likely to set the matter for hearing myself.

PART XIII. Proof of Service Requirements

1. Does the judge deny motions for failure of the moving party to prepare and timely file a proof of service which complies with all of the requirements of Local Bankruptcy Rule 9013-3?

a. Always																											
b. Usually			X										X	X	X				X		X		X				
c. Sometimes	X			X	X	X	X	X								X	X	X				X		X	X		X
d. Never		X																									

Question #1 Detailed Responses:

Judge Neiter: Most of the time I will continue the hearing to enable the movant to give proper notice.

Judge Robles: I usually continue the motion rather than deny it.

Judge Smith: If a proper proof of service is provided at the hearing, the motion will not be denied for failure to timely file a proof of service

Judge Russell: Rarely—depends on case

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #1 Detailed Responses (continued):

Judge Bluebond: I may also continue the hearing to give movant an opportunity to fix service problem.

2. Does the judge continue motions to allow movant to provide proof of service?

a. Always		X			X											X											
b. Usually	X					X								X	X				X		X			X	X		X
c. Sometimes			X	X			X	X					X				X	X				X	X				
d. Never																											

Question #2 Detailed Responses:

Judge Riblet: And to reserve with contemporaneous proof of service

3. Does the judge deny motions for failure to identify on the proof of service the capacity in which parties have been served as required by Local Bankruptcy Rule 9013-3(a)(1)?

a. Always																											
b. Usually																								X			
c. Sometimes			X	X				X					X				X	X	X		X		X		X		
d. Never		X			X	X	X							X	X	X						X					X

Question #3 Detailed Responses:

Judge Bluebond: I am more likely to require the movant to file a supplemental declaration remedying the problem.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

4. Does the judge continue motions for failure to identify on the proof of service the capacity in which parties have been served as required by Local Bankruptcy Rule 7004-1(b)?

a. Always								X																			
b. Usually	X	X														X			X		X			X	X		
c. Sometimes			X	X		X	X						X	X	X			X					X				
d. Never					X												X					X					X

PART XIV. Continuances

1. Does the judge allow for continuances of motions other than by noticed motion or written stipulation pursuant to the requirements of Local Bankruptcy Rule 9013-1(m)?

a. Always			X																								
b. Usually				X	X	X									X	X		X	X		X		X				
c. Sometimes	X	X					X	X					X	X			X					X		X	X		X
d. Never																											

Question #1 Detailed Responses:

Judge Riblet: Often at 362 motions when the parties seek to continue to enter into an APO

Judge P. Carroll: However, the parties may not stipulate to continue a trial on the merits.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
2. Does the judge permit stipulated or unopposed oral requests for continuances?																											
a. Always			X		X														X								
b. Usually	X			X		X								X	X	X		X			X		X	X			
c. Sometimes		X					X	X					X				X					X			X		X
d. Never																											

Question #2 Detailed Responses:

Judge P. Carroll: However, the parties may not stipulate to continue a trial on the merits.

PART XV. Discovery Disputes

1. Does the judge hear discovery dispute motions without full compliance with the requirements of Local Bankruptcy Rule 7026-1(c)?																											
a. Always																											
b. Usually					X																						
c. Sometimes	X			X		X	X							X	X	X	X		X		X	X					
d. Never		X	X					X					X					X					X	X	X		

Question #1 Detailed Responses:

Judge Riblet: Rarely

Judge Donovan: Rarely

Judge Zurzolo: Rarely

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

2. Does the judge ever excuse compliance with Local Bankruptcy Rule 7026-1(c) requiring that a preliminary letter be sent?

a. Always																											
b. Usually					X																			X			X
c. Sometimes				X		X	X									X	X		X		X	X			X		
d. Never	X	X	X					X					X	X	X			X					X				

Question #2 Detailed Responses:

Judge Kwan: Requires a showing of good cause.
Judge Donovan: Rarely
Judge Zurzolo: Rarely

3. Does the judge mandate strict compliance with Local Bankruptcy Rule 7026-1(c) requiring that the parties to a discovery dispute to meet and confer?

a. Always	X		X		X			X										X						X	X		
b. Usually		X		X			X						X		X		X		X		X	X	X				X
c. Sometimes						X								X		X											
d. Never																											

Question #3 Detailed Responses:

Judge Donovan: Almost always

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
4. What type of "meet and confer" satisfies the judge? (Check all that apply.)																											
a. In person meeting	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X		X	X	X	X	X		
b. Telephonic conference	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X		X	X	X	X	X		X
c. Exchange of written correspondence	X	X		X	X	X		X					X	X	X	X		X			X	X	X	X			
d. Exchange of emails	X	X		X	X	X		X					X	X	X	X		X			X	X	X	X			
e. Other (please specify)				X														X									

Question #4 Other Responses:

Judge Donovan: Written stipulation

Judge Bauer: Depends on the circumstances.

5. Does the judge ever excuse compliance with Local Bankruptcy Rule 7026-1(c) requiring that the parties to a discovery dispute prepare and file a joint discovery dispute stipulation?																											
a. Always																											
b. Usually																											X
c. Sometimes	X	X		X	X	X		X					X	X	X	X	X	X	X		X	X			X		
d. Never			X				X																X	X			

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #5 Detailed Responses:

Judge Kwan: Requires a showing of good cause.
Judge Donovan: Rarely
Judge Russell: Rarely—depends on case

6. What is the deadline for setting a hearing on a discovery dispute motion?

a. Before discovery cutoff		X	X	X	X			X					X	X	X	X		X	X		X	X			X		X
b. At or before pretrial conference						X																	X	X			
c. At or before beginning of trial																											
d. Other (please specify)	X						X																				

Question #6 Other Responses:

Judge Bluebond: By the deadline that the Court establishes for the filing of pretrial motions.
Judge Zurzolo: Motions deadline in adversary proceedings

PART XVI. Conversion and Rule 2004 Motions

1. Does the judge require compliance with the procedures of Local Bankruptcy Rule 7065-1 with respect to motions for preliminary injunction?

a. Always		X	X	X	X										X			X			X	X		X	X		
b. Usually	X					X	X	X					X	X		X	X		X				X				X
c. Sometimes																											
d. Never																											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
2. Does the judge allow true ex parte relief (without notice to the opposing party) when issuing temporary restraining orders?																											
a. Always																											
b. Usually																											
c. Sometimes		X	X	X	X		X	X					X	X	X	X			X		X		X	X	X		
d. Never						X											X	X				X					X

Question #2 Detailed Responses:

Judge Kwan: Requires a showing of good cause.
Judge Albert: Showing of need is required
Judge Jury: Only if irreparable harm will occur if notice is given
Judge Bluebond: It is conceivable that I might do this in an appropriate case, but it would have to be an extraordinary fact pattern.

3. If not, what notice does the judge require?																											
a. Telephonic notice	X		X	X	X	X		X							X	X	X	X	X		X	X			X		
b. Faxed notice				X	X	X		X									X		X		X	X			X		X
c. Email notice				X	X			X									X		X		X	X			X		
d. Personal service				X	X	X		X							X	X	X	X	X		X	X			X		X
e. Other (please specify)	X		X	X																			X				X

Question #3 Other Responses:

Judge Albert: Normally notice of any of these methods is expected. Occasionally, upon showing of true emergency, notice might be dispensed with as necessary.
Judge Riblet: Usually first class mail will do.
Judge Donovan: Best available means

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #3 Other Responses (continued):

Judge Bluebond and Judge P. Carroll: In addition to telephonic notice, the Court will require service by fax, email, overnight or personal delivery.

4. Does the judge sign orders on initial motions to convert the case from Chapter 7 to Chapter 11, 12 or 13 or from Chapter 11 to Chapter 7 without hearing?

a. Always	X		X		X																						X
b. Usually				X		X							X		X						X	X	X				
c. Sometimes		X					X	X						X		X	X	X	X					X	X		
d. Never																											

Question #4 Detailed Responses:

Judge Kwan: Generally requires compliance with negative notice requirements of LBR 9013-1(o).
Judge P. Carroll: If properly noticed under LBR 1017-1(a)(3), and no response filed.
Judge Bluebond: Unless there's an objection.

5. Does the judge rule on motions under FRBP 2004 without a hearing?

a. Always	X		X	X	X												X	X	X					X			X
b. Usually		X				X	X	X					X	X	X	X					X	X	X		X		
c. Sometimes																											
d. Never																											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

6. Does the judge grant orders shortening time to hear motions for protective orders regarding a motion for FRBP 2004 examination?

a. Always																											
b. Usually								X					X		X	X			X		X		X	X			
c. Sometimes	X	X	X	X	X	X	X							X			X	X				X			X		X
d. Never																											

Question #6 Detailed Responses:

Judge Kwan: Requires a showing of good cause.

7. Does the judge order FRBP 2004 examinations be postponed so that a motion for protective order may be heard on regular 21-day notice?

a. Always																											
b. Usually			X		X			X													X	X	X				
c. Sometimes	X					X	X						X	X	X	X	X	X						X	X		X
d. Never		X		X															X								

8. Does the judge require compliance with the discovery dispute procedures of Local Bankruptcy Rule 7026-1(c) when a motion for protective order has been filed regarding a FRBP 2004 examination?

a. Always		X	X				X						X					X									
b. Usually								X							X						X	X		X	X		
c. Sometimes						X										X	X		X				X				
d. Never	X				X									X													X

Question #8 Detailed Responses:

Judge Donovan: I might. I've never seen it happen.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART XVII. Employment Applications

1. Does the judge order hearings on applications to employ professionals which have been first submitted to the United States Trustee for review if no objection has been filed?

a. Always																											
b. Usually																											
c. Sometimes	X	X					X						X	X	X	X					X	X	X	X	X		
d. Never			X	X	X	X		X									X	X	X								

Question #1 Detailed Responses:

Judge Riblet: Rarely. Only if I have a problem with employing the specific professional in the first place, or if I have a problem about the compensation scheme proposed

Judge Donovan: But I might.

Judge Wallace: However, this will rarely be the case.

Judge Robles: I do not require prior submission to the UST.

Judge Bluebond: This question is out of date. Applications to employ don't get submitted to the UST for review first. I will only have a hearing on an unopposed application if I have questions or concerns about it.

2. Does the judge approve applications to employ professionals without a hearing where the United States Trustee has indicated that it does not oppose the application? (Check all that apply.)

a. Always			X																								
b. Usually	X			X	X		X	X					X	X	X	X	X	X	X		X	X	X	X	X		
c. Sometimes		X				X																					
d. Never																											X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

3. Does the judge consider employment applications that have not been first submitted to the United States Trustee, but instead have been set on formal notice and hearing pursuant to Local Bankruptcy Rule 2014-1(b)(2)(A)?

a. Always	X	X	X	X	X		X							X		X			X				X	X			
b. Usually						X		X					X				X				X	X					X
c. Sometimes																		X							X		
d. Never															X												

Question #3 Detailed Responses:

Judge Wallace: LBR 2014-1(b)(1)(c).

4. Does the judge deny employment applications to which no objection has been filed without holding a hearing?

a. Always																											
b. Usually							X																				
c. Sometimes				X	X								X			X					X	X	X	X			
d. Never	X	X	X			X		X						X	X		X	X	X						X		

Question #4 Detailed Responses:

Judge Riblet: Rarely

Judge Robles: I usually require a hearing before denying an application even where there is no objection filed.

Judge Bluebond: If I am inclined to deny the application, I would set it for hearing.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART XVIII. Sanctions

1. Does the judge impose sanctions for filing unnecessary motions or unwarranted opposition pleadings?

a. Always																											
b. Usually																											
c. Sometimes	X	X	X				X	X					X	X		X			X		X	X	X	X	X		
d. Never				X	X	X									X			X									

Question #1 Detailed Responses:

Judge Riblet: Rarely
Judge Donovan: But I might.
Judge Wallace: Only in rare instances.
Judge Jury: Rare and only on noticed hearing

2. If sanctions are imposed, to whom does the judge usually order sanctions be paid?

a. Aggrieved party	X		X		X		X	X					X	X	X	X		X									
b. Aggrieved counsel																					X		X				X
c. Clerk of the Court				X									X											X			
d. Other (please specify)		X				X													X			X			X		

Question #2 Detailed Responses:

Judge E. Carroll: Depends on the circumstances.
Judge Kwan: Depending on circumstances, could be any one of the above.
Judge Wallace: On a case-by-case basis.
Judge Mund: Depends on the circumstances.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #2 Detailed Responses (continued):

Judge Robles: Depends on the basis for the sanction.

Judge Jury: Depends on who brought the motion

3. Does the judge require hearings on reaffirmation agreements if the party is represented by counsel and counsel has certified that the party has the ability to meet the obligations of the agreement, despite the presumption of undue hardship?

a. Always															X												
b. Usually																						X			X		
c. Sometimes		X																	X					X			
d. Never	X		X	X	X	X	X	X					X	X		X		X			X		X				X

Question #3 Detailed Responses:

Judge Albert: Perhaps "rarely" is a better answer.

Judge Robles: Usually not.

Judge Zurzolo: A hearing is not required, but a hearing is set to allow debtors to receive additional counseling from volunteer attorneys from the Debtor Assistance Project.

4. Does the judge issue order to show cause re contempt upon the filing of a motion by a party for contempt under Local Bankruptcy Rule 9020-1?

a. Always																											
b. Usually	X	X	X			X	X						X					X	X		X	X	X	X			X
c. Sometimes				X	X			X						X	X	X									X		
d. Never																											

Question #4 Detailed Responses:

Judge Kwan: Sometimes, the court will direct parties to give notice of motion and not issue order to show cause.

Judge Wallace: Unless otherwise ordered by the Court.

Judge Bluebond: If the motion is well-taken.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

5. Does the judge issue orders to show cause re contempt on the judge's own initiative under Local Bankruptcy Rule 9020-1 or Section 105(a) of the Bankruptcy Code?

a. Always																											
b. Usually						X	X																				
c. Sometimes	X	X	X	X	X			X					X		X	X	X	X	X		X	X	X	X	X		
d. Never														X													

Question #5 Detailed Responses:

Judge Albert: It hasn't happened yet but the appropriate circumstances might arise.
Judge Riblet: Rarely
Judge Donovan: Rarely
Judge Zurzolo: Rarely

PART XIX. Chapter 11 Procedures

1. Does the Judge hear Local Bankruptcy Rule 2081-1(a) Chapter 11 First Day Motions:

a. Per LBR 9075-1	X	X	X		X	X	X							X	X	X	X	X	X		X	X		X			
b. On order shortening time per LBR 9075-1				X									X														X
c. Other (please specify)								X															X		X		

Question #1 Other Responses:

Judge Kwan: Depending on circumstances, could be either of the above.
Judge Albert: Counsel may call chambers after petition and request scheduling, to be followed by declarations and moving papers.
Judge Russell: Parties have to file emergency motions

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

2. Does the judge require the filing of a status conference report in Chapter 11 cases?

a. Always		X	X	X	X	X	X	X							X	X					X		X		X		
b. Usually	X												X					X				X		X			
c. Sometimes														X					X								X
d. Never																											

Question #2 Detailed Responses:

Judge Smith: Unless specifically advised not to

Judge Donovan: With rare exceptions.

3. If so, how are the requirements of a Chapter 11 status report for the judge made known to the public: (check all that apply)

a. On the Court's website					X								X					X			X	X	X				
b. By handout available outside the courtroom																											
c. By voicemail recording on the Court's telephone line																											
d. By telephone call to the calendar clerk																											
e. Other (please specify)	X	X	X	X	X	X	X	X						X	X	X			X			X		X	X		X

Question #3 Other Responses:

Judge E. Carroll: By a scheduling order issued at the time the petition is filed.

Judge Kwan: Status conference and case management order issued by the court.

Judge Neiter: Order setting status conference in chapter 11 cases.

Judge Riblet: There are no specific requirements

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #3 Other Responses (continued):

Judge Donovan: By my written order, required to be served by the debtor's attorney.
Judge Wallace: By telephone call to the Courtroom Deputy or Chambers.
Judge Tighe: By instructions in the status conference order
Judge Robles: I will issue an OSC re status which identifies the requirements for response.
Judge Smith: Order setting status conference that is issued by chambers
Judge Russell: Order given by judge in court
Judge P. Carroll: By the order of the court setting the initial status conference in the case.
Judge Jury: Stated orally in the courtroom only - otherwise, not required
Judge Bluebond: The order setting the initial status conference explains what must be in the report.
Judge Zurzolo: By order setting the conference
Judge Kaufman: The Court will issue an order and have that order served on the debtor and all creditors.
Judge Mund: By order

4. Does the judge allow less than 36 days notice of hearing on a disclosure statement?

a. Always																											
b. Usually						X																					
c. Sometimes	X		X				X	X					X	X	X	X					X	X	X		X		
d. Never		X		X	X													X	X					X			X

Question #4 Detailed Responses:

Judge Kwan: Depends on a showing of good cause.
Judge Riblet: On an initial disclosure statement. Maybe less on a revised document requiring a further hearing
Judge Wallace: The Court, for good cause shown, can prescribe a shorter period. LBR 3017-1(a).
Judge Bluebond: Only on a continued hearing. Initial hearing will always be on at least 36 days' notice.
Judge Zurzolo: Rarely
Judge Donovan: Always concerning the initial proposed disclosure statement. Seldom with succeeding iterations.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

5. Does the judge use a fast track procedure involving preliminary review and conditional approval of disclosure statements without a hearing?

a. Always																											
b. Usually																											
c. Sometimes			X	X			X	X							X	X							X				
d. Never	X	X			X	X							X	X				X	X		X	X		X	X		X

Question #5 Detailed Responses:

Judge Albert: In individual cases such a procedure might be requested.

6. Does the judge require use of the Central District form disclosure statement?

a. Always								X																			
b. Usually		X		X										X	X	X			X				X	X			
c. Sometimes					X													X			X	X			X		
d. Never	X		X			X	X						X														X

Question #6 Detailed Responses:

Judge Albert: For individual cases

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

7. Does the judge have any special language that must be included in disclosure statements?

a. Always							X						X														
b. Usually																											
c. Sometimes		X		X																							
d. Never	X		X		X	X		X						X	X	X		X	X		X	X	X	X	X		X

8. If so, how is such special language made known to the public: (check all that apply)

a. On the Court's website							X						X														
b. By handout available outside the courtroom																											
c. By voicemail recording on the Court's telephone line																											
d. By telephone call to the calendar clerk																											
e. Other (please specify)	X	X		X	X	X		X							X								X				

Question #8 Other Responses:

Judge E. Carroll: At a hearing on the disclosure statement.
Judge Neiter: N/A
Judge Albert: N/A
Judge Donovan: By written order or on the record at a hearing.
Judge Tighe: Not applicable

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #8 Other Responses (continued):

Judge Robles: Not applicable.
Judge Russell: Non applicable
Judge Bluebond: Not applicable

9. Does the judge approve amended, or amendments to, disclosure statements without full re-noticing or re-hearing to all parties?

a. Always																											
b. Usually	X	X	X	X	X									X		X											
c. Sometimes						X	X	X					X		X			X	X		X	X	X	X	X		X
d. Never																											

Question #9 Detailed Responses:

Judge Riblet: Depends on the extent and nature.
Judge Bauer: Depends on the facts.
Judge Bluebond: Notice may be limited to the parties that requested special notice, objected to prior disclosure statement or attended hearing on disclosure statement.

10. Does the judge deny approval of a disclosure statement without holding a hearing on the matter (other than under a "small business" or "fast track" procedure)?

a. Always																											
b. Usually																											
c. Sometimes				X			X						X								X						
d. Never	X	X	X		X	X		X						X	X	X		X	X			X	X	X	X		X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
11. Does the judge have a recommended form of Chapter 11 Plan?																											
a. Always							X						X			X								X			
b. Usually		X																	X								
c. Sometimes				X										X				X			X						
d. Never	X		X		X	X		X							X							X	X		X		X

Question #11 Detailed Responses:

Judge Albert: Except in individual cases for which the optional form is suggested
Judge Smith: The court approved form is preferred
Judge Bauer: For individual cases.

12. If so, does the judge require its use?																											
a. Always																											
b. Usually		X					X						X	X		X		X						X			
c. Sometimes				X															X		X						
d. Never	X				X	X																	X				

Question #12 Detailed Responses:

Judge Wallace: N/A
Judge Robles: Not applicable

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
13. If so, how is the judge's recommended form of Chapter 11 Plan made known to the public: (check all that apply)																											
a. On the Court's website							X						X		X	X		X	X		X			X			
b. By handout available outside the courtroom																											
c. By voicemail recording on the Court's telephone line																											
d. Other (please specify)	X			X	X	X								X	X								X	X			

Question #13 Other Responses:

Judge Neiter: N/A
Judge Albert: N/A
Judge Donovan: By written order or on the record at the hearing
Judge Tighe: Discussion at status conference early in case
Judge Robles: Not applicable
Judge Smith: Status conference order
Judge Bluebond: Not applicable

14. Does the judge allow the plan and disclosure statement be combined into a single document in Chapter 11 cases that are not small business Chapter 11 cases?																											
a. Always													X														
b. Usually							X									X											
c. Sometimes	X			X											X			X	X				X		X		
d. Never		X	X		X	X		X						X							X	X		X			

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #14 Detailed Responses:

Judge Kwan: Requires a showing of good cause and discussion at status conference under 11 U.S.C. 105.
Judge Albert: This likely would occur in an individual case.
Judge Donovan: Rarely

15. Does the judge require a motion for an order confirming a Chapter 11 plan?

a. Always					X	X	X	X					X			X	X				X		X				
b. Usually																											
c. Sometimes																								X	X		
d. Never	X	X	X	X										X	X			X	X								X

Question #15 Detailed Responses:

Judge Wallace: Not if the Court confirms the plan at a confirmation hearing. LBR 9013-1(o)(2)(H), unless otherwise ordered by the Court.
Judge Jury: That is what a disclosure statement is for.
Judge Bluebond: I require plan proponent to file a confirmation brief by a deadline that I set at the hearing on the disclosure statement, but I do not require that a motion be filed.

16. Does the judge require the plan proponent to submit admissible evidence for the plan confirmation hearing to prove the plan is confirmable?

a. Always	X	X	X	X		X	X	X					X	X			X				X			X	X		X
b. Usually					X										X	X		X				X	X				
c. Sometimes																			X								
d. Never																											

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #16 Detailed Responses

Judge Neiter: On selected issues

Judge Albert: The Court must have some basis for findings of the elements of section 1129a

17. Does the judge set status conferences, issue orders to show cause and otherwise monitor Chapter 11 cases postconfirmation?

a. Always	X	X		X	X	X	X						X	X	X	X					X			X			X
b. Usually																			X				X		X		
c. Sometimes			X					X										X				X					
d. Never																											

PART XX. Chapter 13 Procedures

1. Does the judge allow the Chapter 13 trustee to excuse the appearance of the debtor and debtor's counsel at the confirmation hearing where all confirmation issues have been resolved?

a. Always			X	X		X	X							X	X	X		X	X			X	X	X			
b. Usually													X												X		
c. Sometimes																											
d. Never																	X										X

Question #1 Detailed Responses:

Judge Neiter: I do not handle ch. 13 cases

Judge Russell: I do not handle chapter 13 cases

Judge Clarkson: Not Applicable - No Chapter 13 Calendar

Judge Bluebond: Not applicable

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

2. Does the judge require an adversary proceeding to avoid a junior lien?

a. Always						X	X	X									X										X
b. Usually																											
c. Sometimes																					X	X			X		
d. Never			X	X	X								X	X	X	X		X	X				X	X			

Question #2 Detailed Responses:

Judge Bluebond: Not applicable. In chapter 11 cases, debtor may bring a motion to value the collateral, but any lien-stripping occurs in/through the plan.

PART XXI. Default Judgment

1. Does the judge require admissible evidence in support of a motion for default judgment?

a. Always	X	X	X	X	X	X	X	X					X	X		X	X	X	X		X	X	X	X	X		X
b. Usually															X												
c. Sometimes																											
d. Never																											

Question #1 Detailed Responses:

Judge Kwan: Judge Kwan normally expects submission of declaration(s) to prove up the elements of each claim alleged in the complaint.

Judge Smith: Notice of opportunity for hearing required

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

2. Does the judge require a hearing on a motion for default judgment?

a. Always	X						X	X														X					X
b. Usually					X								X					X			X						
c. Sometimes				X		X								X	X	X	X		X				X	X	X		
d. Never		X	X																								

Question #2 Detailed Responses:

Judge Kwan: Judge Kwan will set hearings on defective default judgment motions.

Judge Albert: In most cases prove-up is be declaration submitted in chambers. Occasionally, on complicated or unusual matters, or where the showing is deficient, the court may schedule a hearing.

Judge Donovan: Rarely

Judge Jury: Rare; only if I have announced in court

3. If so, does the judge require 21 days notice of such a hearing?

a. Always	X				X		X	X					X					X				X		X			X
b. Usually						X									X	X			X		X				X		
c. Sometimes				X										X			X						X				
d. Never																											

Question #3 Detailed Responses:

Judge P. Carroll: No hearing required.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART XXII. Pretrial Conferences and Orders

1. Does the judge require a form of a pretrial stipulation and order different from the form described in Local Bankruptcy Rule 7016-1(b)(2)?

a. Always							X																				
b. Usually																											
c. Sometimes																						X			X		
d. Never	X	X	X	X	X	X		X					X	X	X	X		X	X		X		X	X			X

Question #1 Detailed Responses:

Judge Kwan: However, the default is the court form joint pretrial order, but parties can discuss varying the form as needed with the court.

2. If so, is the judge's particular form pretrial stipulation and order available to the public? (Check all that apply.)

a. On the Court's website							X																				
b. By handout made available outside the courtroom																											
c. By voicemail recording on the Court's telephone line																											
d. By telephone call to the calendar clerk																											
e. Other (please specify)	X				X	X		X							X							X	X				

Question #2 Other Responses:

Judge Neiter: N/A

Judge Albert: N/A

Judge Wallace: Required form will be announced at the status conference.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #2 Other Responses (continued):

Judge Tighe: N/A
Judge Robles: Not applicable
Judge Russell: Non applicable
Judge Bluebond: Not applicable.

3. Does the judge require that evidentiary objections to listed exhibits be made in the joint pretrial stipulation and order?

a. Always	X	X			X		X	X													X				X		
b. Usually													X					X									
c. Sometimes			X	X		X									X	X						X	X				
d. Never														X					X					X			

Question #3 Detailed Responses:

Judge Kwan: However, parties do not always comply with this requirement, and this is discussed at the pretrial conference
Judge Albert: This is optional with the parties

4. If the judge does not have a required form of pretrial order, does the judge have a suggested form of pretrial stipulation and order?

a. Always			X																								
b. Usually																			X								
c. Sometimes																						X					
d. Never				X	X	X		X					X														

Question #4 Detailed Responses:

Judge Albert: N/A
Judge Tighe: N/A
Judge Robles: Use the Central District form

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #4 Detailed Responses (continued):

Judge Russell: Use LBRs as guideline

Judge P. Carroll: One that contains the statements and information required by LBR 7016-1(b)(2).

Judge Jury: Follow the LBR

Judge Bluebond: Not applicable

5. Does the judge continue the pretrial conference if the parties are not ready with a proper pretrial order and there is no justifiable cause?

a. Always	X				X	X		X																	X		X
b. Usually													X		X	X		X	X				X	X			
c. Sometimes		X		X			X							X							X	X					
d. Never			X																								

Question #5 Detailed Responses:

Judge Kwan: Judge Kwan normally requires a proper joint pretrial order before proceeding with trial; however, in exceptional cases, usually involving self-represented parties or simple trials, the court will dispense with the pretrial order requirement.

Judge Bluebond: I may also impose sanctions, or, if only one party has not cooperated, I may sign a pretrial order in the form proposed by the other party.

6. Does the judge impose monetary sanctions of any kind to enforce compliance with Local Bankruptcy Rule 7016-1(f) regarding pretrial orders?

a. Always			X																								
b. Usually						X		X																X	X		
c. Sometimes	X	X		X			X						X	X							X		X				X
d. Never					X										X	X			X			X					

Question #6 Detailed Responses:

Judge Bauer: Haven't yet.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
7. Does the judge impose nonmonetary sanctions of any kind to enforce compliance with Local Bankruptcy Rule 7016-1(f) regarding pretrial orders?																											
a. Always			X																								
b. Usually																			X			X			X		
c. Sometimes	X	X		X	X		X						X	X	X	X					X		X				
d. Never						X		X																			

Question #7 Detailed Responses:

Judge Riblet: Rarely
Judge Smith: Rarely
Judge Bauer: Great idea.
Judge Jury: Make them do it
Judge Bluebond: I may sign the other side's proposed form of pretrial order.

8. Does the judge require joint pretrial orders for trials estimated to take more than one day?																											
a. Always	X	X	X		X	X		X										X			X	X	X		X		X
b. Usually													X	X	X	X			X					X			
c. Sometimes				X			X																				
d. Never																											

Question #8 Detailed Responses:

Judge Riblet: When there are counsel on both sides. Rarely if one side is *pro se*.
Judge Robles: Unless the parties believe that a pretrial is not necessary and I agree.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

9. Does the judge require joint pretrial orders for trials estimated to take one day or less?

a. Always	X	X	X			X		X														X					X
b. Usually					X								X					X			X			X	X		
c. Sometimes							X							X	X	X			X				X				
d. Never				X																							

Question #9 Detailed Responses:

Judge Kwan: Judge Kwan may dispense with the joint pretrial order requirement in short trials involving simple issues or self-represented parties.

Judge Albert: The Court believes that a joint pre-trial stipulation is valuable discipline irrespective of the length of the trial.

Judge Riblet: Same as above

Judge Robles: I believe that trials estimated at one day will conclude in one day only if a pretrial order is in place.

Judge P. Carroll: Unless *pro se* parties are involved

PART XXIII. Trial Procedures

1. Does the judge have mandatory trial procedures in addition to requirements under the Local Bankruptcy Rules?

a. Yes	X			X		X	X	X					X	X				X			X		X	X	X		X
b. No		X	X		X										X	X			X								
c. Other (please specify)																						X					

Question #1 Other Responses:

Judge Wallace: Under review.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
2. If so, how are these procedures obtained? (Check all that apply.)																											
a. On the Court's website				X		X	X						X	X				X			X		X	X	X		
b. By handout available outside the courtroom						X																		X	X		
c. By voicemail recording on the Court's telephone line																											
d. By telephone call to the calendar clerk																					X						
e. Other (please specify)	X			X	X			X							X							X					X

Question #2 Other Responses:

Judge Neiter: N/A
Judge Riblet: By hand out at the time of the pretrial conference
Judge Donovan: By written order or on the record at a hearing.
Judge Wallace: Under review.
Judge Tighe: Discussed at Pretrial conference
Judge Russell: Judge hands order re presentation of trial procedures
Judge Bluebond: I issue an order that describes these procedures after the pretrial conference at the time I set the matter for trial.

3. When are trial dates set by the judge?																											
a. Status conference		X	X	X			X						X			X		X	X		X	X			X		
b. Pretrial conference	X	X		X	X		X	X					X		X	X	X		X		X	X	X	X	X		X
c. Other (please specify)				X		X								X											X		

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #3 Other Responses:

Judge Kwan: Trials can be set at pre-discovery or post-discovery status conferences or at the pretrial conference.
Judge Donovan: Either one, depending
Judge Robles: A scheduling order is issued when the summons is issued.
Judge Kaufman: Usually at the pretrial conference unless a pretrial conference is not requested or necessary.

4. Does the judge require direct testimony from witnesses in party's control to be presented by declaration?

a. Always								X					X					X							X		
b. Usually	X		X											X									X	X			
c. Sometimes				X	X		X								X		X				X	X					
d. Never		X				X										X			X								X

Question #4 Detailed Responses:

Judge Wallace: On a case-by-case basis.
Judge Robles: I require live testimony on direct and cross.

5. If not required, under what circumstances does the judge permit direct testimony from witnesses in a party's control to be presented by declaration upon the request of the parties? (Check all that apply.)

a. Upon stipulation of the parties	X			X	X									X	X	X					X						X
b. For witnesses who are acting only as custodian of records	X			X	X										X	X			X		X						X
c. For unavailable witnesses	X			X	X										X	X					X						
d. Other (please specify)		X			X	X		X								X			X			X	X				X

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #5 Other Responses:

Judge E. Carroll: Never
Judge Neiter: For those witnesses that parties agree are not to be cross examined
Judge Albert: Declaration subject to live cross and re-direct is the norm. Upon showing of special circumstance, direct can be live.
Judge Riblet: Other witnesses who must be present for cross examination
Judge Wallace: On a case-by-case basis.
Judge Robles: Live witnesses are required to be in the courtroom.
Judge Russell: Non applicable
Judge Jury: I will allow expert reports as direct examination.
Judge Mund: So long as witness available for cross-examination

6. Does the judge have published procedures regarding the format of declarations when direct testimony is to be presented by declaration? (Check all that apply.)

a. Always			X					X										X									
b. Usually																											
c. Sometimes																											
d. Never	X			X	X	X	X						X	X	X	X			X		X		X	X	X		X

Question #6 Detailed Responses:

Judge Kwan: However, the declarations should address the elements of the claims at issue in this case.
Judge Donovan: Other than my trial setting order
Judge Wallace: Under review.
Judge P. Carroll: The procedures are set forth in the order setting the matter for trial.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

7. Does the judge have published procedures regarding the exchange of declarations in advance of trial? (Check all that apply.)

a. Always			X				X	X					X					X					X	X	X		X
b. Usually														X													
c. Sometimes																											
d. Never	X			X	X	X									X	X			X		X						

Question #7 Detailed Responses:

Judge Kwan: The requirements are set forth in Judge Kwan's trial procedures posted online or available at the courtroom
Judge Albert: Website
Judge Donovan: Other than my trial setting order
Judge Wallace: Under review.
Judge Bluebond: These procedures are set forth in the trial procedures order that I will issue when I set the matter for trial.
Judge Kaufman: The procdures will be set forth in an order issued by the Court.

8. Does the judge require parties to present written evidentiary objections to trial declarations and exhibits of the opposing party in advance of trial?

a. Always	X			X	X	X	X	X					X								X		X		X		X
b. Usually			X											X		X		X						X			
c. Sometimes															X		X										
d. Never																			X								

Question #8 Detailed Responses:

Judge Wallace: Under review.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

9. Does the judge require the exchange of trial declarations before trial?

a. Always	X		X		X		X	X					X	X	X	X		X	X		X		X	X	X		X
b. Usually																											
c. Sometimes				X																							
d. Never						X																					

Question #9 Detailed Responses:

Judge Wallace: Under review.

Judge Jury: In the rare situation they are allowed - i.e. experts - of course.

10. Does the judge require the submission of bench copies of the exhibits before trial?

a. Always			X		X	X	X	X						X	X			X	X		X	X	X		X		X
b. Usually				X																							
c. Sometimes													X			X	X							X			
d. Never	X	X																									

Question #10 Detailed Responses:

Judge Tighe: Morning of trial

Judge Jury: Always, if before means before I take the bench; never if it means any earlier time

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR
11. How are the judge's special procedures for presentation of exhibits in the judge's courtroom obtained? (Check all that apply.)																											
a. On the Court's website				X		X	X											X			X		X	X	X		
b. By handout available outside the courtroom						X															X			X	X		
c. By voicemail recording on the Court's telephone line																											
d. By telephone call to the calendar clerk																					X						
e. The judge does not have special procedures		X			X								X	X		X			X								
f. Other (please specify)	X		X	X				X							X							X					X

Question #11 Other Responses:

Judge Riblet: By handout at the pretrial conference
Judge Donovan: By phone call with my law clerk
Judge Wallace: Under review.
Judge Tighe: Discussed at Pretrial conference
Judge Russell: At pre-trial conference, judge discusses his procedures
Judge P. Carroll: By order setting trial date and procedures for conduct of trial.
Judge Bluebond: My procedures are set forth in the trial procedures order I issue when I set the matter for trial.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

PART XXIV. Settlement and Mediation

1. Does the judge *sua sponte* order parties to the court's Bankruptcy Mediation Program?

a. Always	X																										
b. Usually						X																					
c. Sometimes		X	X	X	X		X	X					X	X	X	X	X	X	X		X		X	X	X		
d. Never																						X					X

Question #1 Detailed Responses:

Judge Kwan: Before referring cases to mediation, Judge Kwan generally requests the parties' views.
Judge Wallace: Not yet.
Judge Bauer: When it's appropriate.

2. To what extent does the judge use settlement conferences to encourage disposition of adversary proceedings and contested matters?

a. Usually orders mandatory settlement conferences	X					X																					
b. Usually suggests settlement conferences		X			X		X						X	X	X	X			X						X		
c. Suggests settlement conferences if likely to settle				X									X			X					X	X		X			
d. Rarely uses settlement conferences			X					X										X					X				X
e. Never uses settlement conferences																											
f. Other (please specify)																			X								

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

Question #2 Other Responses:

Judge Jury: I assume "settlement conference" means or includes mediation

3. To what extent does the judge use settlement conferences to encourage disposition of Chapter 11 plan confirmation disputes?

a. Usually orders mandatory settlement conferences																											
b. Usually suggests settlement conferences						X	X											X				X					
c. Suggests settlement conferences if likely to settle													X	X		X			X		X			X	X		
d. Rarely uses settlement conferences		X	X	X				X							X								X				X
e. Never uses settlement conferences																											
f. Other (please specify)	X				X																						

Question #3 Other Responses:

Judge Neiter: Mediate disputes

Judge Bluebond: I sometimes order mediation where I think it might be helpful.

QUESTIONS	LA												SFV				RS/SA										ND
	BB	EC	PC	TD	RN	ER	VZ	BR					AA	VK	MT	GM	WJ	CB	MJ	DS	SC	MW	TA	ES	RK		RR

4. Would the judge act upon request as a settlement judge on the case assigned to him or her as the trial judge?

a. Always							X																				
b. Usually																											
c. Sometimes	X			X										X		X			X				X	X			
d. Never		X	X		X	X		X					X		X		X	X			X	X			X		X

Question #4 Detailed Responses:

Judge Neiter: I did it only once where facts were to be decided by jury and parties waived any conflict or impropriety.

Judge Albert: Only on select cases and only with complete written waivers.

Judge Donovan: But only under very special circumstances, subject to a written stipulation and an order setting forth the terms and conditions and after a full discussion on the record at the hearing.

Judge Smith: This is rare

Judge Bluebond: I would only do this if all parties are in agreement.