

United States Bankruptcy Court
CENTRAL DISTRICT OF CALIFORNIA



Judicial Practices Survey

Revised March 2018

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QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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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		x		x
b. Usually	x		x		x				x	x		x			x					x		x		x		
c. Sometimes																										
d. Never																										

Question #1 Detailed Responses:

Judge Barash: Please see our self-calendaring procedure, which is posted on the Court website.

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

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 2pm, Tuesday at 10 am and 2pm; Trials - Wednesday 10am).

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 calendar clerk)?

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

Question #2 Detailed Responses:

Judge Barash: Please see our self-calendaring procedure, which is posted on the Court website.

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

Judge Brand: For certain matters identified in the Judge's self-calendaring procedures.

Judge Klein: Most matters can be self calendared. Certain matters that potentially will require more time to prepare and more courtroom time, such as motions for summary judgment or to dismiss, cannot be self calendared.

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.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Judge Robles: Except that some motions, e.g. motions for reconsideration cannot be self-calendared. These types of motions are identified in the judge's procedures section of the Court's website.

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

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

a. 15 minutes or less	x	x	x	x	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 limit						x										x			x				x			
g. Other (please specify)										x								x								

Question #3 Detailed Responses:

Judge Barash: Please see our self-calendaring procedure, which is posted on the Court website.

Judge Riblet: 10 minutes of 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		x	x	x
b. Usually	x			x					x								x								
c. Sometimes					x																	x			
d. Never																									

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Question #4 Detailed Responses:

Judge Barash: Please see our self-scheduling procedure, which is posted on the Court website.

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	x	x	x
b. On the judge's bulletin board outside courtroom	x	x	x	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	x	x	x
d. The Calendars are not posted																									
e. Other (please specify)																									

6. Local Bankruptcy Rule 3007-1(d) 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																									
b. 11-20					x				x										x						
c. 21-30												x													
d. Greater than 30										x								x				x	x		
e. No limit is set	x	x				x	x	x		x										x					
f. Other (please specify)			x	x	x						x		x	x		x	x				x				

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Question #6 Detailed 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.

Judge Bason: Same as Judges Bluebond and Ahart (only limit is 15-minute self-calendaring requirement).

PART II. FORMAT OF PAPERS PRESENTED TO THE COURT

7. 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				
b. Usually				X					X								X		X			X			
c. Sometimes	X				X					X	X	X		X	X	X						X			X
d. Never		X	X	X		X			X								X		X				X		

Question #7 Detailed Responses:

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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8. If the judge or the judge's staff reject and return a proposed form of an 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	
b. By mailed notice of deficiency						x				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	x	x	x	x
d. Other (please specify)			x						x				x									x			

Question #8 Detailed Responses:

Judge Barash: Occasionally, the Court staff also may call. But typically rejected orders are returned with an explanation by email.

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.

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

9. 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																									
b. Usually									x				x					x			x		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 #9 Detailed Responses:

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART III. TENTATIVE RULINGS**10. 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	x	x	x			
b. Just before the hearing							x			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		x

Question #10 Detailed Responses:

Judge Bason: Generally 48 hours before the hearing (counting only business days).

Judge Clarkson: 2-3 days before hearings.

Judge Donovan: Sometimes earlier, sometimes at the hearing.

Judge Houle: Generally the day before the hearing but may be posted as late as just before the hearing.

Judge Johnson: One or more days prior to the hearing.

Judge Jury: I issue written tentatives on only a select few types of matters.

Judge Kaufman: Usually the day before the hearing, if one will be issued.

Judge Mund: Generally 2 days before the hearing.

Judge Saltzman: Generally two days before the hearing.

Judge Smith: Typically the day before the hearing, but may occur just before the hearing.

Judge Wallace: At least 24-48 hours prior to the scheduled hearing.

Judge Zurzolo: At least 2 court days prior.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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11. 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	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	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 #11 Detailed Responses:

Judge Carroll: At the hearing if not previously posted.

Judge Jury: By judge at hearing means orally.

Judge Russell: Non applicable.

Judge Smith: Counsel tables in courtroom.

Judge Wallace: On counsel tables in the courtroom.

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

a. Always				x																					
b. Usually						x	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			x								x					x		x							

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Question #12 Detailed Responses:

Judge Bason: Once a tentative ruling is posted, the parties need not check for any updates unless the tentative ruling instructs the parties to do so.

Judge Kwan: Parties should recheck tentative rulings before hearing.

Judge Russell: Non applicable.

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

2014: If the judge issues tentative rulings in advance of the hearing, may the parties submit without an appearance?																										
a. Always				x															x					x		
b. Usually	x				x	x	x	x			x		x		x	x	x				x	x	x		x	x
c. Sometimes									x	x		x		x				x								
d. Never		x	x														x									

Question #13 Detailed Responses:

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

Judge Barash: Only if the posted tentative ruling indicates a waiver of appearances.

Judge Bason: Only if (a) the tentative ruling indicates "appearances are not required" and (b) no party has provided notice of an intent to contest the tentative ruling.

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

Judge Brand: Only if the tentative ruling provides that appearances are waived.

Judge Houle: Only if the tentative ruling indicates that appearances are waived.

Judge Robles: Except when the tentative is "hearing required." Also, if one party appears and raises an issue which the judge believes may call for reconsideration of the tentative, the matter may be continued. This admonition is incorporated into the judge's tentatives.

Judge Russell: Non applicable.

Judge Saltzman: Only if the tentative ruling indicates "no appearance necessary."

Judge Wallace: Unless tentative rulings state appearances required.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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14. 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	x		x	x	x	x
b. Must call first and at least leave a message on voicemail						x											x		x							
c. Must first call and speak with the calendar clerk																					x					
d. Other (please specify)		x	x				x			x				x			x									
e. May simply not appear																										

Question #14 Detailed Responses:

Judge Barash: Again, they may simply not appear ONLY if a posted tentative indicates that appearances are waived.

Judge Bluebond: Non applicable.

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 Russell: Non applicable.

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

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART IV. EMERGENCY MATTERS AND APPLICATIONS FOR ORDERS SHORTENING TIME FOR HEARING**15. Does the judge allow hearings on an emergency basis (less than 48 hours notice)?**

a. Always															X					X					
b. Usually											X					X		X			X				
c. Sometimes	X	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 Albert: Depends on showing of cause.

Judge Carroll: If the matter is a true emergency.

Judge Donovan: Very rarely.

Judge Klein: If there is sufficient evidence that there is an emergency.

Judge Kwan: Granting emergency hearings depends on good cause shown and the court's calendar.

Judge Russell: Judge reviews each motion on a case by case basis.

16. 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	X	X	
c. Both				X						X		X				X	X	X							
d. Other (please specify)			X						X																

Question #16 Detailed Responses:

Judge Russell: Courtroom Deputy.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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17. 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							
c. Sometimes		x		x	x	x		x	x	x	x		x			x						x	x	x	
d. Never	x		x										x	x			x		x	x	x				x

Question #17 Detailed Responses:

Judge Barash: The court will routinely set emergency first-day hearings in chapter 11 cases before all moving papers have been filed. Other emergencies are considered on a case-by-case basis. Typically, a request for an emergency hearing will be most effective if the emergency motion has been filed before the request is made.

Judge Bason: Conceivably some emergencies would require an exception, but I don't recall any such emergency.

Judge Donovan: Rarely.

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

18. 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	x	x			x	x
b. Usually	x								x				x			x					x	x	x		
c. Sometimes				x																					
d. Never																									

Question #18 Detailed Responses:

Judge Kwan: Delivery should be made if possible.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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19. 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	x	x	x	x
b. Delivery to Clerk's office intake window																	x								
c. Email of PDF file to chambers									x		x				x										
d. Fax to chambers											x				x										
e. Other (please specify)									x						x										

Question #19 Detailed Responses:

Judge Barash: A phone call advising the judge's law clerk that emergency papers are in the judge's box will ensure they are promptly received and routed to the judge. In emergencies, the court can accommodate delivery by email to chambers, with the approval of one of the judge's law clerks.

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

20. 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	x	x	x	
d. Never		x	x		x	x	x		x				x				x	x	x	x					x

Question #20 Detailed Responses:

Judge Albert: Would require of exigent circumstances.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Judge Barash: The judge has never done so, but will not rule out the possibility that an emergency is presented that necessitates such action. Generally, as a matter of Due Process, the judge will not grant emergency relief without notice to affected parties.

Judge Bason: Same as Judge Saltzman: in accordance with LBR 9075-1.

Judge Bauer: Very rarely, but it can happen (for example, where it appears that assets will disappear if notice is given).

Judge Donovan: rarely

Judge Jury: Only if notice would prejudice the outcome - i.e. conceal an asset.

Judge Kwan: Generally, no notice relief is disfavored and requires heavy evidentiary showing to proceeding.

Judge Russell: Rarely.

Judge Saltzman: In accordance with LBR 9075-1.

Judge Smith: Rarely. There may be special circumstances warranting immediate relief (eg TRO).

Judge Yun: Only exception might be a TRO.

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

a. Always			x		x																				
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	x					x													x

Question #21 Detailed Responses:

Judge Barash: Because emergency motions are, by definition, time-sensitive, there is little or no opportunity to continue the hearing to enable uncertain or disputed factual issues to be examined at a later date. Accordingly, parties seeking relief on an emergency basis are well-advised to bring their declarants to the emergency hearing.

22. 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		x		x						x	x			
c. Sometimes	x							x				x				x		x					x		
d. Never		x					x												x					x	

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Question #22 Detailed Responses:

Judge Bason: Same as Judge Saltzman: in accordance with LBR 9075-1.

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

Judge Saltzman: In accordance with LBR 9075-1

23. 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	x				
b. Usually				x			x	x	x	x	x	x		x				x	x			x	x		x	
c. Sometimes		x				x												x						x		
d. Never			x		x																					

Question #23 Detailed Responses:

Judge Barash: Yes, but there must be good cause.

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

Judge Russell: Rarely

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

a. Always			x		x																				
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	x					x													x

Question #24 Detailed Responses:

Judge Barash: Because shortened-time hearings are, by definition, time-sensitive, there may be little or no opportunity to continue the hearing to enable uncertain or disputed factual issues to be examined at a later date. Accordingly, parties seeking relief on a shortened-time basis are well-advised to bring their declarants to a shortened-time hearing.

Judge Zurzolo: Rarely.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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25. 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	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	x	x	x
c. Sales of property					x	x			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	x	x		x	
e. Other matters (please specify)				x	x		x				x		x								x	x			

Question #25 Detailed Responses:

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

Judge Barash: The judge will entertain requests on shortened time for the establishment of sale procedures and even for a sale itself, if good cause is shown. The judge, however, would not describe this as a "routine" request or practice.

Judge Bason: See posted procedures (e.g., motions under 362(c)(3) or (4)).

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Judge Donovan: Yes, but not always, to impose or continue the stay.

Judge Jury: Impose or continue the stay.

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-scheduling procedures).

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

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

PART V. AT THE HEARING

26. 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	x	x	x	x
c. Sometimes												x							x					x	
d. Never			x														x								

Question #26 Detailed Responses:

Judge Barash: Please see the judge's posted procedures for exceptions.

Judge Bason: See posted telephonic appearance procedures.

Judge Brand: For certain matters as provided in the Judge's procedures on the Court website.

Judge Donovan: But generally not the debtor in chapter 11 cases.

Judge Jury: Never to argue a contested matter unless out of state or area.

Judge Klein: Rarely. Only if counsel/party is out of the district or there are other extenuating circumstances.

Judge Riblet: Almost never.

Judge Russell: Case by case basis.

Judge Wallace: But parties do so at their own risk.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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27. If the judge allows telephonic appearances, how are telephonic appearance procedures made available to the requesting party?**(Check all that apply.)**

a. Under the judge's 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	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)																									

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

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

Question #28 Detailed Responses:

Judge Albert: Counsel should be prepared to explain, if asked.

Judge Bason: Notify court recorder of priority request at check-in (before calendar call).

Judge Donovan: If convenient and not abusive.

Judge Kwan: Parties requesting priority must demonstrate good cause.

Judge Riblet: Rarely.

Judge Smith: "Consider" doesn't mean the request will be granted.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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

a. Always			x												x										
b. Usually							x	x				x						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 #29 Detailed Responses:

Judge Albert: Reliefs of stay are handled this way and most Chapter 13 motions as well.

Judge Bason: Same as Judge Saltzman: generally we go in order of calendar number.

Judge Carroll: Matters resolved or continued by stipulation may be taken off calendar prior to hearing by calling the judges law clerk.

Judge Riblet: It depends on the calendar.

Judge Saltzman: Generally we go in order of calendar number.

Judge Wallace: But usually in chapter 13 cases.

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

a. Always															x										
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			x	x	x
d. Never													x												

Question #30 Detailed Responses:

Judge Bason: Orders usually are processed very quickly, so requests to expedite should be made rarely.

Judge Carroll: Orders are usually entered within 48 hours after lodged onto LOU.

Judge Klein: If there is a valid reason for the request. So far, we have not had any LOU orders pending for more than 2-3 days since the date the order was uploaded. So, it has not been an issue.

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 Saltzman: As long as there's a reason.

Judge Smith: Based on good cause shown.

Judge Wallace: An exception may be made in a case that is truly an emergency.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

31. 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	x		x
d. Never				x		x		x					x	x	x	x	x	x	x	x				x		

Question #31 Detailed Responses:

Judge Bason: I made an exception once for a *pro se* litigant who had difficulty with LOU.

Judge Donovan: Rarely.

Judge Riblet: I sign paper orders at the hearing at the time the matter is heard, not at the conclusion of the hearing.

Judge Wallace: An exception may be made in a case that is truly an emergency.

PART VI. PROCESSING ORDERS**32. 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		x	x		x	x
b. Orders for dismissal			x	x		x		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		
d. Other (please specify)		x	x	x			x			x	x			x	x			x	x	x		x	x			

Question #32 Detailed Responses:

Judge Albert: virtually everything is required in LOU if counsel files more than 5 bankruptcy matters annually.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Judge Barash: Most orders should be lodged through LOU. The judge will entertain signing a paper order in court if the relief is time-sensitive.

Judge Bason: All orders.

Judge Bauer: All orders should be uploaded through LOU as required by the local rules.

Judge Bluebond: Judges encourages all orders to be uploaded through LOU but does not require this.

Judge Carroll: All orders, if lodging party is registered with CM/ECF.

Judge Clarkson: All orders.

Judge Donovan: All registered e-filers should submit their orders via LOU.

Judge Houle: All orders must be submitted by LOU, unless excused per LBRs.

Judge Klein: All orders must be submitted on LOU, unless excepted from the LBRs.

Judge Kwan: All orders must be submitted on LOU, unless excepted from the LBRs.

Judge Russell: Mostly all orders.

Judge Smith: LOU is preferred, but not required.

Judge Wallace: Mostly all orders.

Judge Yun: Order granting motion for summary judgment.

33. 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	X	X	X	X
d. Never		X																		X					

Question #33 Detailed Responses:

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.

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

34. 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	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	x	x	x	x
c. Instructs the party submitting to provide copies to the court	x		x		x						x			x				x							
d. Other (please specify)														x	x		x				x				

Question #34 Detailed Responses:

Judge Albert: NEF list.

Judge Bason: Generally submitting party must serve notice, but depends on the type of notice, potential for abuse, cost, etc.

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

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

35. 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	x	x				x
b. Schedule a hearing on the objection			x		x	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		x		x							
d. Other (please specify)	x			x		x			x		x			x		x						x	x	x	

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #35 Detailed Responses:

Judge Ahart: Usually the objection is resolved without a hearing.

Judge Barash: The judge's approach depends on the circumstances presented.

Judge Bason: If the objection appears to warrant further proceedings, then a telephonic conference is usually scheduled.

Judge Bauer: Done on a case-by-case basis.

Judge Donovan: Judge reviews the opposition and proposed orders then signs the appropriate order.

Judge Jury: Not all of the above on the same order – depends.

Judge Kaufman: Usually will rule without having received a response to the objection or scheduling a hearing.

Judge Kwan: Determinations of what procedures to use is made on a case-by-case basis.

Judge Smith: Consider objection when reviewing order. Scheduling of hearings is rare.

Judge Wallace: Done on a case-by-case basis.

Judge Zurzolo: Usually the objection is resolved without a hearing.

36. 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									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																			x					
e. Other (please specify)		x			x	x				x		x		x		x	x		x		x			

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #36 Detailed Responses:

Judge Albert: Two weeks.

Judge Barash: Our chambers endeavors to process orders promptly. Where a party that has lodged an order has a specific concern regarding timing of the entry of an order, the party may contact the court staff.

Judge Bason: 14 days, except for emergencies (but orders usually are processed very quickly).

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

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

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

Judge Robles: The judge has no set time limit.

Judge Saltzman: No specific time limit.

37. 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							
c. Sometimes			x	x			x	x		x	x		x		x				x	x	x	x			
d. Never					x				x					x			x		x				x	x	

Question #37 Detailed Responses:

Judge Ahart: No comment.

Judge Barash: Depending on the circumstances, the judge and his staff may reject the order for resubmission, or simply make the necessary changes.

Judge Bason: The email notice of rejection provides an explanation and opportunity to correct deficiencies.

Judge Brand: Orders are rejected with statement of reason for rejection. The order may be resubmitted.

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.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

38. 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	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	x	x	x	x	X	
c. Other (please specify)			x	x					x	x				x	x	x			x	x	x	x		x	

Question #38 Detailed Responses:

Judge Albert: Noncompliance with LBRs.

Judge Barash: The judge's staff will reject and return any order that does not conform with existing rules in the Local Rules and Court Manual.

Judge Bason: See revised procedures in LBR 9021-1(b)(3)(A) and Court Manual section 4.2.

Judge Bauer: We return and reject orders when they are beyond repair of counsel has a habit of submitted bad orders they've been warned over and over.

Judge Carroll: Do not comply with the Court Manual or the Local Rules.

Judge Donovan: Failure to comply with LBRs.

Judge Houle: Do not otherwise comply with Court Manual or LBRs.

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

Judge Russell: Courtroom Deputy calls party to upload new order through LOU system.

Judge Yun: Any errors or formatting issues that take more than 1 minute to fix.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

39. 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	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	x	x	x	X	
d. Other (please specify)									x					x		x	x	x					x			

Question #39 Detailed Responses:

Judge Barash: Most rejections are by email.

Judge Carroll: By email via the LOU system.

Judge Donovan: Usually via email.

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 Wallace: LOU notification.

40. 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			x		x				
c. Sometimes									x					x	x				x					x	
d. Never	x		x								x						x							x	

Question #40 Detailed Responses:

Judge Barash: If an attorney or party does not understand why an order was rejected and seeks further guidance, the individual may contact the law clerk. However, an individual may not contact a law clerk to argue for reconsideration or revision of any order; that may be done in a filed writing.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Judge Bason: Same as Judge Robles: Only if the communication regards procedural matters.

Judge Riblet: Law clerks are not in the loop about rejected orders.

Judge Robles and Judge Klein: Only if the communication regards procedural matters.

PART VII. JUDGE'S COPIES OF FILED DOCUMENTS

41. 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	x	x		x		
d. Never			x	x	x		x	x	x		x	x	x	x	x	x								x	x

Question #41 Detailed Responses:

Judge Albert: Sanctions so far have been rare but the court is considering changing this

Judge Barash: Generally, the judge has not imposed sanctions for failure to provide a courtesy copy. HOWEVER, failure to do so may result in the judge not being aware of your pleading and reading it as part of his preparation.

Judge Carroll: But there is always a first time.

Judge Houle: Not yet but may in the future.

Judge Kwan: Hearings will be generally continued until compliance.

Judge Riblet: Sanctions are considered on a case-by-case basis.

Judge Robles: The judge leaves himself the option of imposing sanctions, but he has not to date.

Judge Smith: Will consider doing so for repeat violators

Judge Yun: A matter will be taken off calendar if a judge's copy is not provided.

42. 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	x	x	x	x	x	x
b. Usually			x	x							x						x								
c. Sometimes																									
d. Never	x												x												

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #42 Detailed Responses:

Judge Carroll: As required by LBR 5005-2(d)(1).

Judge Riblet: \$100 per violation.

Judge Robles: Tabs are required for LAM motions and trial/evidentiary hearing exhibits.

Judge Russell: We do not reject.

Judge Wallace: Per LBR 5005-2(d).

PART VIII. COMMUNICATIONS WITH JUDGE'S STAFF**43. 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	x		x
b. Status of stipulations and orders	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							
d. Other (please specify)						x							x	x		x	x							x	

Question #43 Detailed Responses:

Judge Bason: Apart from scheduling, communication with the Calendar Clerk should be rare.

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.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

44. 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		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	x	x	x	x	
c. Case status				x	x			X			x	x	x		x			x			x	x	x		
d. Other (please specify)			x											x		x	x								

Question #44 Detailed Responses:

Judge Bason: See posted procedures re when it is permissible to contact chambers staff.

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

Judge Riblet: Communications about shortened notice requirements, hearing waivers.

Judge Russell: NO.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

PART IX. *SUA SPONTE* ORDERS**45. Does the judge enter any of the following types of orders *sua sponte*: (check all that apply)**

a. Orders requiring parties to participate in mediation		x		x	x	x			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	x	x	x	x
c. Orders establishing trial procedures	x	x	x	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		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		x	x		X	
f. Other (please specify)					x				x					x											

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #45 Detailed Responses:

Judge Barash: The judge does not regularly enter most of these orders *sua sponte*, but may elect to do so at any time.

Judge Bason: Considering (a) trial procedures and (b) Stern v. Marshall deadlines. Note that bar date order includes 11 USC 503(b)(9) procedures.

PART X. STATUS REPORTS AND CONFERENCES**46. 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	x			x
b. Usually				x			x	x		x	x	x	x		x			x					x		
c. Sometimes	x																								
d. Never													x											x	

Question #46 Detailed Responses:

Judge Saltzman: For the initial status report. May deviate for subsequent reports.

Judge Smith: The form is strongly preferred.

Judge Wallace: Form is optional.

47. 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	x			
b. Usually			x	x			x		x	x	x	x			x		x						x		
c. Sometimes	x				x												x								x
d. Never								x					x	x										x	

Question #47 Detailed Responses:

Judge Barash: Unless the judge orders otherwise.

Judge Brand: It is required unless the Judge specifically excuses compliance.

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

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

48. 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		x			x				
c. Sometimes	x				x					x	x		x				x		x	x		x	x	x	
d. Never				x				x				x		x	x										x

Question #48 Detailed Responses:

Judge Bason: Same as Judge Carroll: There is always a first time.

Judge Bauer: But I'm working on being stricter.

Judge Carroll: But there is always a first time.

Judge Jury: No telephonic appearance allowed, not monetary sanction.

Judge Klein: It would depend on the facts of the case.

Judge Kwan: Parties are expected to file a written status report in advance of the status conference as required by LBR 7016-1.

Judge Russell: Attorney(s) receive initial notice at time summons issued of sanction procedures.

49. 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		x							
c. Sometimes	x				x			x		x	x	x	x				x		x	x	x	x	x	x	
d. Never				x										x	x										x

Question #49 Detailed Responses:

Judge Bason: Same as Chief Judge Carroll: There is always a first time.

Chief Judge Carroll: There is always a first time.

Judge Bauer: But, it's a great idea.

Judge Jury: There is always a first time.

Judge Riblet: Sanctions are imposed on a second violation.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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

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

Question #50 Detailed Responses:

Judge Kwan: Continuances of status conferences require a showing of good cause.

Judge Riblet: Written stipulation subject to court approval. It is not automatic.

Judge Wallace: Appearance / telephonic appearance at hearings.

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

a. Always															X			X								
b. Usually									X							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						X			X

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #51 Detailed Responses:

Judge Bason: Same as Judge Jury: If making them meet is a sanction, then yes.

Judge Carroll: As permitted by FRBP 7037.

Judge Jury: If making them meet is a sanction, then yes.

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

Judge Russell: Case-by-case basis.

52. Who prepares the scheduling order after a status conference where the judge sets a pretrial schedule? (Check all that apply.)

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

Question #52 Detailed Responses:

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

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

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

Question #53 Detailed Responses:

Judge Kwan: The form scheduling order is preferred.

Judge Wallace: Form is optional.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART XI. RELIEF FROM STAY MOTIONS

54. 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 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	x	x	X	x
e. Other (please specify)			x			x								x	x						x				

Question #54 Detailed Responses:

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

Judge Bason: Per LBR 9009-1, changes must be very explicit/redlined. Noncompliance may result in sanctions.

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

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.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

55. 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		x
e. Other (please specify)			x		x									x	x						x			x	

Question #55 Detailed Responses:

Judge Albert: It might arise that a relief of stay involves a complicated or unusual situation.

Judge Bason: Per LBR 9009-1, changes must be very explicit/redlined. Noncompliance may result in sanctions.

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

Judge Robles: See above.

Judge Russell: Depends on case.

Judge Zurzolo: Same question as #54.

56. 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	x	x				x	
d. Never	x			x		x	x	x	x	x		x	x	x							x	x	x		x

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #56 Detailed Responses:

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 Carroll: Only in Chapter 11 cases.

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

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 Wallace: Not usually in routine motions.

57. 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										x										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

Question #57 Detailed Responses:

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 Barash: Unless the court has waived appearances in advance.

Judge Bason: Unless tentative ruling requires appearances.

Judge Brand: Parties should check tentative ruling to see if appearance has been waived.

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

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

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

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

58. 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	
d. Never		x	x	x	x	x	x		x	x	x	x	x	x	x	x	x	x	x	x		x	x		x

Question #58 Detailed Responses:

Judge Albert: Compelling showing is required.

Judge Bason: Conceivably such relief could be warranted in rare circumstances.

Judge Kaufman: The Court may do so if justified.

Judge Smith: Rarely. Only under extremely extraordinary circumstances. This circumstance has not presented in more than 15 years.

Judge Wallace: Due process consideration.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

59. 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	x	x	x	x		x
b. A prior adequate protection order		x	x		x			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	x	x		x	x
d. Other conduct constituting bad faith			x	x	x			x	x	x	x	x	x		x				x		x	x		x	x
e. A Chapter 13 confirmation already scheduled																									
f. None of the above																									
g. Other (please specify)					x								x	x	x	x					x				

Question #59 Detailed Responses:

Judge Ahart: Refer to the LBR.

Judge Albert: Any circumstance showing imminent danger to premises may suffice. However, "I'm not getting rent" is generally insufficient.

Judge Bason: See posted procedures.

Judge 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 to the unlawful detainer of residential real property pursuant to

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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 Kwan: Exigent circumstances may warrant shortened notice, but nonpayment of rent by itself is generally insufficient cause.

Judge Smith: vandalism; spoilage of property.

Judge Wallace: Apps. for order shortening time are disfavored and seldom granted unless truly extenuating circumstances are present.

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

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	x
d. Never				x			x										x								

Question #60 Detailed Responses:

Judge Albert: As in #59 above.

Judge Barash: If good cause is shown.

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

Judge Smith: See response to #59.

Judge Wallace: On case-by-case basis.

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

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

Question #61 Detailed Responses:

Judge Barash: Please see the judge's calendaring procedures.

Judge Bason: See my posted procedures.

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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."

62. 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		x	x	x	x

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

a. Always		x	x				x		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				x																					

Question #63 Detailed Responses:

Judge Barash: The judge's expectation is that all declarants will be present at the final hearing unless ordered otherwise.

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

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

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.

64. 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		
d. 75-100%	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x	x

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

65. 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																				
d. 75-100%	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

66. 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%												X														
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	X	X	X			X

Question #66 Detailed Responses:

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

67. 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	X		X		X	
d. Never		X						X						X	X									X		

Question #67 Detailed Responses:

Judge Albert: Showing of need for special relief is required.

Judge Bason: A legal and factual basis must be established for any extraordinary relief different from 11 USC 362(d)(4). That is almost never established.

Judge Bluebond and Judge Carroll: Only extraordinary relief granted is under section 362(d)(4).

Judge Kwan: Depends on showing of good cause.

Judge Riblet: Based upon facts of the case

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Judge Russell: Need evidence to support request.

Judge Smith: Upon showing of multiple filings or bad faith.

Judge Wallace: If there is a finding of bad faith.

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

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

Question #68 Detailed Responses:

Judge Albert: Showing of circumstances justifying this relief is required.

Judge Barash: Any party requesting this relief should address the Gasprom factors.

Judge Bason: Only for specified events with proper evidence - I do not issue blanket annulment with respect to whatever unspecified acts movant might have taken.

Judge Klein: It depends on the specific facts of each case.

Judge Kwan: Depends on showing of good cause.

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 Russell: Need evidence to support request.

Judge Wallace: If facts warrant granting such requests.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

PART XII. MOTIONS PRACTICE**69. 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	x	x
d. Never		x	x				x	x		x		x	x	x			x		x	x	x				

Question #69 Detailed Responses:

Judge Albert: 'Rarely' is perhaps more accurate.

Judge Carroll: I consider them.

Judge Donovan: Rarely.

Judge Riblet: Almost never. Unusual circumstances may justify an oral motion.

Judge Russell: Rarely- Depends on motion.

Judge Smith: Rarely.

70. 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		x			
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 #70 Detailed Responses:

Judge Bason: Generally if the allegations are not contested then evidentiary objections are waived. In addition, offers of proof often are sufficient.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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

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

Question #71 Detailed Responses:

Judge Bason: Often unnecessary, and may be prejudicial to permit testimony without advance notice.

Judge Robles: Declarations are required. If I have to take evidence, the judge will have the witness sworn and allow testimony.

Judge Russell: Rarely- depends on case.

Judge Smith: Rarely.

72. 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			X	X	X	
d. Never	X	X				X		X						X	X		X			X	X				X

Question #72 Detailed Responses:

Judge Barash: If testimony is necessary on a routine motion, the court will generally continue the hearing to a later date but may elect not to do so if the subject declarant is present.

Judge Bason: Almost never. Any testimony should be per advance notice to parties in interest and the Court, and generally should not be self-calendared.

Judge Donovan: Rarely.

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

Judge Russell: Rarely- depends on case.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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

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

Question #73 Detailed Responses:

Judge Barash: Because emergency motions and shortened-time motions are, by definition, time-sensitive, there is little or no opportunity to continue the hearing to enable uncertain or disputed factual issues to be examined at a later date.

Accordingly, parties seeking relief on an emergency or shortened-time basis are well-advised to bring their declarants to the hearing.

Judge Bason: Rarely. Case-by-case basis.

74. 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	x			x		x
d. Never	x	x		x		x	x	x		x	x	x	x		x	x				x			x	x	

Question #74 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 Barash: If testimony is necessary on a routine motion, the court will generally continue the hearing. The court does not require declarants to be present on such motions unless the parties have stipulated or the court has entered an order to the contrary.

Judge Riblet: Rarely.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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75. Does the judge consider written evidentiary objections if not made in a separate document?

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
d. Never		x							x						x		x		x				x		

Question #75 Detailed Responses:

Judge Barash: The judge generally requires timely-filed written evidentiary objections, but will consider exceptions for good cause shown.

Judge Donovan: Rarely.

Judge Riblet: Rarely.

Judge Zurzolo: Rarely.

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

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

Question #76 Detailed Responses:

Judge Albert: But this conceivably could arise.

Judge Bason: Oral testimony is arranged in advance, at an initial hearing or status conference or, rarely, in tentative rulings.

Judge Klein: So far, I have not done so.

Judge Zurzolo: Rarely.

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

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Question #77 Detailed Responses:

Judge Barash: If testimony is necessary on a routine motion, the court will generally continue the hearing to a later date but may elect not to do so if the subject declarant is present.

Judge Bason: Very rarely.

Judge Donovan: Rarely.

Judge Smith: Rarely.

78. Local Bankruptcy Rule 9013-1(g) 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	
d. Never	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	X	x	x	x	x	x	x	x		x

Question #78 Detailed Responses:

Judge Zurzolo: Once.

79. 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						X				X	
d. Never	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Question #79 Detailed Responses:

Judge Barash: The judge generally requires a movant to produce evidence sufficient to demonstrate a *prima facie* entitlement to relief, regardless of any lack of opposition. The court gives particular scrutiny in this regard to motions to avoid liens.

Judge Bason: Lack of opposition generally waives evidentiary objections, but the Court has discretion to deny the motion.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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

a. Always																									
b. Usually														x	x		x					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					x	x						

Question #80 Detailed Responses:

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

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

Judge Saltzman: ...and the movant has or hasn't sustained its burden.

Judge Wallace: Failure to prosecute when appearances are required.

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Question #81 Detailed Responses:

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 Barash: Depends on the circumstances. The court will consider why the opposing party did not file an opposition and whether the opposing party has at least a colorable position. The judge may simply treat the opposing party's failure to timely file a response as consent to the relief.

Judge Bason: Same as Chief Judge Carroll: Listen to the arguments and continue the hearing if necessary to give the movant a chance to respond.

Judge Bauer: Depends on the facts.

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.)

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

Judge Houle: Depending upon the circumstances.

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

Judge Riblet: Appearances are never waived.

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 Russell: Never has happened.

Judge Saltzman: Grant or deny the motion per the tentative.

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

Judge Yun: Sometimes continue but mostly grant the motion anyway if no opposition was filed.

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

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Question #82 Detailed Responses:

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

Judge Bason: The only motions on which I have waived oral arguments are motions for reconsideration.

Judge Jury: I never waive if contested.

Judge Klein: I will almost always allow oral argument on a motion.

Judge Kwan: I will usually hear oral argument on contested motions, but have decided on rare occasions that oral argument would not be helpful and dispensed with oral argument, making a ruling on the papers only.

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.

83. 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	x		x
b. Telephone counsel and parties									x	x						x	x	x						x		
c. Other (please specify)			x			x		x		x	x			x							x					

Question #83 Detailed Responses:

Judge Barash: Notice may be given either way.

Judge Bason: Depends on circumstances. Motions for reconsideration generally are either set for hearing or denied without a hearing by written order.

Judge Houle: Not applicable.

Judge Klein: Not applicable.

Judge Mund: Issue order.

Judge Robles: Not applicable.

Judge Russell: Not applicable.

Judge Yun: Not applicable.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

84. Does the judge permit joinder in a motion?

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

Question #84 Detailed Responses:

Judge Barash: Depends on the circumstances.

Judge Bason: I permit joinders and treat them as separate motions on shortened time, with rare exceptions (e.g., I may deny if new issues are raised at last minute and continuing the hearing would be unduly prejudicial to the movant).

Judge Carroll: But little weight is given to such a paper.

Judge Klein: Not applicable.

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.

85. 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		x	x	x			x	
d. Never													x		x		x		x				x		

Question #85 Detailed Responses:

Judge Barash: Depends on the circumstances.

Judge Bason: Unless unduly prejudicial.

Judge Robles: Not applicable.

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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

a. Always																									
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				X					X		X		X	X				X	

Question #86 Detailed Responses:

Judge Barash: Depends on the circumstances.

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

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

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

Question #87 Detailed Responses:

Judge Barash: Depends on the circumstances.

Judge Carroll: Less weight is given to a joinder without points and authorities.

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

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

Question #88 Detailed Responses:

Judge Barash: Depends on the circumstances.

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.

Judge Klein: Party must file a written withdrawal.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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89. 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	x	x	
d. Never			x	x	x	x	x	x	x		x	x	x	x	x		x	x	x		x				x

Question #89 Detailed Responses:

Judge Barash: No, but the judge may require further information before granting leave to withdraw the motion.

Judge Bason: But there is always a first time.

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

Judge Houle: If a timely opposition had been filed.

90. 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				x	x				
d. Never				x	x	x	x	x	x	x	x	x	x	x	x		x	x	x			x	x	x	x

Question #90 Detailed Responses:

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

Judge Bason: But there is always a first time.

Judge Riblet: Rarely.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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91. 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	
c. Sometimes	x		x	x	x	x		x		x	x			x		x			x	x	x	x			x
d. Never								x							x		x						x		

Question #91 Detailed Responses:

Judge Donovan: Rarely.

Judge Riblet: Rarely.

92. 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	x	x					x
b. 4-7 days		x		x	x		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 #92 Detailed Responses:

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

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 Russell: Usually 7 to 10 days.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

93. 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		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			x		x						x

Question #93 Detailed Responses:

Judge Bason: I do not police the docket for such motions. Eventually I may issue an OSC re dismissal or other relief for lack of prosecution.

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

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

PART XIII. PROOF OF SERVICE REQUIREMENTS

94. 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		x		
c. Sometimes		x	x	x	x	x	x			x	x		x	x	x	x	x			x		x		x	x
d. Never																			x						

Question #94 Detailed Responses:

Judge Barash: Depends on the circumstances.

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

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

Judge Robles: The judge will usually continue the motion rather than deny it.

Judge Russell: Rarely- depends on case.

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 Klein: Continue hearing for proper service.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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

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		x						x	x		x	
d. Never																			x						x

Question #95 Detailed Responses:

Judge Barash: Depends on the circumstances.

Judge Riblet: And to reserve with contemporaneous proof of service.

96. 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																			x						
b. Usually							x		x																
c. Sometimes	x		x	x	x				x	x	x				x	x		x		x	x	x			x
d. Never						x		x				x	x	x			x						x	x	

Question #96 Detailed Responses:

Judge Barash: Depends on the circumstances.

Judge Bason: I may raise it at the hearing.

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

97. 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																	x					
b. Usually		x			x		x				x					x		x							
c. Sometimes	x			x		x				x	x		x		x						x	x	x	x	
d. Never									x				x				x		x						x

Question #97 Detailed Responses:

Judge Barash: Depends on the circumstances.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART XIV. CONTINUANCES**98. 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	x		
c. Sometimes	x	x	x				x		x	x	x		x			x	x			x			x	x	x
d. Never					x																				

Question #98 Detailed Responses:

Judge Barash: The court prefers the filing of a motion or stipulation whenever possible. If a continuance request is buried in an opposition, the judge is not likely to consider it.

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

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

99. Does the judge permit stipulated or unopposed oral requests for continuances?

a. Always											x				x										
b. Usually		x		x	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 #99 Detailed Responses:

Judge Barash: The court prefers that such requests be set forth in a written stipulation or short motion in enough time to take the matter off calendar (which spares the court preparation time and saves the parties money). That's not always possible and the judge will consider requests in court, but again these are not preferred.

Judge Bason: Not for trials.

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

Judge Klein: Stipulated requests - always yes; unopposed requests, assuming the opponent has been served.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART XV. DISCOVERY DISPUTES**100. 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	X	X		X	X	X	X			

Question #100 Detailed Responses:

Judge Barash: The judge makes himself available for informal discovery teleconferences, if the parties already have met and conferred but are unable to resolve their disputes. Sometimes these enable the parties to resolve the logjam. But if a litigant requires a formal ruling, compliance with 7026-1(c) is required.

Judge Bason: Telephonic hearings, including during depositions, are encouraged but should not be abused.

Judge Donovan: Rarely.

Judge Riblet: Rarely.

Judge Wallace: LBR 7026-1(c)(1).

101. 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								
c. Sometimes						X		X		X	X		X	X		X		X				X		X	X
d. Never	X	X	X	X	X			X	X			X			X				X	X	X		X		

Question #101 Detailed Responses:

Judge Bason: A letter may be excused (e.g., during a deposition) but the parties must meet and confer in good faith before involving the Court.

Judge Donovan: Rarely.

Judge Kwan: Requires a showing of good cause.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

102. 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				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 #102 Detailed Responses:

Judge Donovan: Almost always.

103. 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	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	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								x			

Question #103 Detailed Responses:

Judge Bason: Same as Judge Bauer: Depends on the circumstances.

Judge Bauer: Depends on the circumstances.

Judge Donovan: Written stipulation.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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104. 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				x																					
b. Usually														x			x								
c. Sometimes	x	x	x			x		x		x	x	x	x			x		x		x		x	x		x
d. Never					x		x		x	x					x				x		x			x	

Question #104 Detailed Responses:

Judge Barash: The judge does not excuse this requirement if any party seeks a formal ruling from the court.

Judge Donovan: Rarely.

Judge Kwan: Requires a showing of good cause.

Judge Russell: Rarely- depends on case.

105. 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	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 #105 Detailed Responses:

Judge Bluebond: By the deadline that the Court establishes for the filing of pretrial motions.

Judge Zurzolo: Motions deadline in adversary proceedings.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART XVI. CONVERSION AND RULE 2004 MOTIONS**106. 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			x			
b. Usually	x	x	x		x	x		x		x	x	x						x				x		x	x	x
c. Sometimes																										
d. Never																					x					

107. Does the judge allow true *ex parte* relief (without notice to the opposing party) when issuing temporary restraining orders?

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				x				x					x			x

Question #107 Detailed Responses:

Judge Albert: Showing of need is required.

Judge Barash: The judge has not done so but will not rule out the possibility in an extraordinary circumstance for cause shown.

Judge Bason: Only per the applicable rules (e.g., strong evidence that notice risks spoliation).

Judge Bluebond: It is conceivable that I might do this in an appropriate case, but it would have to be an extraordinary fact pattern.

Judge Jury: Only if irreparable harm will occur if notice is given.

Judge Kwan: Requires a showing of good cause.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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108. If not, what notice does the judge require? (Check all that apply.)

a. Telephonic notice		x	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	x				x			
c. Email notice			x		x				x	x	x		x	x		x		x				x			
d. Personal service			x	x	x	x		x		x	x	x	x	x		x	x	x				x			x
e. Other (please specify)	x	x							x						X		x				x	x			

Question #108 Detailed 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 Bason: Depends on circumstances.

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

Judge Donovan: Best available means.

Judge Riblet: Usually first class mail will do.

109. 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								
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	x	
d. Never								x																	

Question #109 Detailed Responses:

Judge Bluebond: Unless there's an objection.

Judge Brand: Not applicable.

Judge Carroll and Judge Klein: If properly noticed under LBR 1017-1(a)(3), and no response filed.

Judge Kwan: Generally requires compliance with negative notice requirements of LBR 9013-1(o).

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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110. 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	x	x		x	x	
c. Sometimes					x																				
d. Never																									

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

a. Always												x													
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			x	x	x	x
d. Never																									

Question #111 Detailed Responses:

Judge Kwan: Requires a showing of good cause.

112. 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																			x						
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	x
d. Never											x											x			

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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113. 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					x	x				x	
b. Usually			x			x		x				x	x			x		x								
c. Sometimes						x				x	x	x		x								x				x
d. Never		x															x						x	x		

Question #113 Detailed Responses:

Judge Barash: The judge thinks the procedures of 7026-1(c) are very helpful, particularly in sorting out issues regarding written discovery.

Judge Bason: Usually I will hold a telephonic status conference on the discovery dispute before any papers are filed.

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

PART XVII. EMPLOYMENT APPLICATIONS

114. 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		x	x		
d. Never			x	x	x	x			x			x	x		x		x		x			x				x

Question #114 Detailed Responses:

Judge Bason: Occasionally I have my own questions or concerns.

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.

Judge Donovan: But I might.

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

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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115. 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											x										
b. Usually	x	x	x		x		x	x	x		x	x	x	x		x		x	X	x	x	x	x	x	x
c. Sometimes						X				x															
d. Never																	x								

116. 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	x	x	
b. Usually	x		x			x			x		x		x				x	x							x
c. Sometimes				x	x					x						x									
d. Never								x																	

Question #116 Detailed Responses:

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

117. 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		x	x	x			
d. Never		x	x	x		x			x			x	x		x	x	x	x		x			x		x

Question #117 Detailed Responses:

Judge Bason: If I have a concern, I will either set a hearing or reject a proposed employment order with a note that the applicant can set a hearing per applicable procedures.

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

Judge Riblet: Rarely.

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

Judge Saltzman: If service is deficient.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART XVIII. SANCTIONS**118. 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		x	x		x	x	
d. Never				x		x						x					x		x			x			x

Question #118 Detailed Responses:

Judge Donovan: But I might.

Judge Houle: Rarely.

Judge Jury: Rare and only on noticed hearing.

Judge Klein: The issue has not yet occurred.

Judge Riblet: Rarely.

Judge Robles: I prefer Rule 9011 to be invoked by the parties.

Judge Wallace: Only in rare instances.

119. 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	
b. Aggrieved counsel																x	x			x				
c. Clerk of the Court	x					x															x			
d. Other (please specify)					x	x			x	x	x		x	x		x		x						x

Question #119 Detailed Responses:

Judge Barash: Depends on the circumstances.

Judge Bason: Usually the aggrieved party but the statutes and caselaw sometimes make that impossible or inappropriate.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Judge Houle: Any of the above, as appropriate.

Judge Jury: Depends on who brought the motion.

Judge Kwan: Depending on circumstances, could be any one of the above.

Judge Mund: Depends on the circumstances.

Judge Robles: Depends on the basis for the sanction.

Judge Saltzman: To the clerk of the court, or payment of opposing party's fees and costs.

Judge Wallace: On a case-by-case basis.

120. 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		X													
d. Never	X	X	X	X		X		X	X		X				X	X		X	X	X	X	X	X	X	X

Question #120 Detailed Responses:

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

Judge Bason: Same as 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.

Judge Brand: Not applicable.

Judge Robles: Usually not.

Judge Zurzolo: A hearing is not required, but a hearing is set to allow debtors to receive.

121. 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	X			X	
c. Sometimes			X		X			X	X	X	X		X			X						X	X		
d. Never																									X

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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Question #121 Detailed Responses:

Judge Bason: Same as Judge Bluebond: If the motion is well taken.

Judge Bluebond: If the motion is well-taken.

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.

122. 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	x	x	x	x			x
d. Never																	x							x		

Question #122 Detailed Responses:

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

Judge Donovan: Rarely.

Judge Riblet: Rarely.

Judge Zurzolo: Rarely.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART XIX. CHAPTER 11 PROCEDURES**123. Does the Judge hear Local Bk. 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
b. On order shortening time per LBR 9075-1	x														x		x					x			
c. Other (please specify)			x		x	x				x				x		x				x	x			x	

Question #123 Detailed Responses:

Judge Albert: Counsel may call chambers after petition and request scheduling, to be followed by declarations and moving papers.

Judge Bason: Contacting chambers in advance to arrange a hearing is advised. See posted procedures and follow LBR 9075-1.

Judge Kwan: Depending on circumstances, could be either of the above.

Judge Russell: Parties have to file emergency motions.

124. 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	x		x	
b. Usually	x	x		x			x			x			x		x											
c. Sometimes											x						x						x			
d. Never																			x						x	

Question #124 Detailed Responses:

Judge Bason: See posted form of case status report.

Judge Donovan: With rare exception.

Judge Smith: Unless specifically advised not to.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

125. 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				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 #125 Detailed Responses:

Judge Bason: By the order setting the initial case status conference.

Judge Bluebond: The order setting the initial status conference explains what must be in the report.

Judge Brand: Court issues an order and schedules a case management conference at case commencement.

Judge Carroll: By the order of the court setting the initial status conference in the case.

Judge Donovan: By my written order, required to be served by the debtor's attorney.

Judge Houle: By case management order issued by the Court.

Judge Jury: Stated orally in the courtroom only - otherwise, not required.

Judge Kaufman: The Court will issue an order and have that order served on the debtor and all creditors.

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

Judge Mund: By order.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Judge Riblet: There are no specific requirements.

Judge Robles: I will issue an OSC re status which will identify the requirements for response.

Judge Russell: Order given by judge in court.

Judge Saltzman: Notice of initial status conference.

Judge Smith: Order setting status conference that is issued by chambers.

Judge Tighe: By instructions in the status conference order.

Judge Wallace: By telephone call to the courtroom deputy or chambers.

Judge Yun: Court issues an order.

Judge Zurzolo: By order setting the conference.

126. 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		x	x	
d. Never				x	x		x		x		x						x		x	x		x			x

Question #126 Detailed Responses:

Judge Bluebond: Only on a continued hearing. Initial hearing will always be on at least 36 days' notice.

Judge Donovan: Always concerning the initial proposed disclosure statement. Seldom with succeeding iterations.

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 Zurzolo: Rarely.

127. Does the judge use a fast track procedure involving preliminary review and conditional approval of disclosure statements without 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	x	x	x	x			x	x

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #127 Detailed Responses:

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

Judge Barash: The judge does not currently do this.

Judge Bason: In many cases I have found that it is most efficient to hold an initial status conference followed by a combined hearing on the (standard forms of) plan and disclosure statement.

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

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

Question #128 Detailed Responses:

Judge Albert: For individual cases.

Judge Bason: Unless excused, the local and national forms are required per my posted procedures.

Judge Saltzman: For individual 11s, occasionally.

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

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

Question #129 Detailed Responses:

Judge Bason: The local and national forms generally have all the required language.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

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

a. On the court's website	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			

Question #130 Detailed Responses:

Judge Albert: Not applicable.

Judge Bason: If special language is required, that will be addressed at a status conference or hearing.

Judge Bluebond: Not applicable.

Judge Brand: Not applicable.

Judge Donovan: By written order or on the record at a hearing.

Judge Klein: Not applicable.

Judge Robles: Not applicable.

Judge Russell: Non applicable.

Judge Tighe: Not applicable.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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131. Does the judge approve amended, or amendments to, disclosure statements without full re-noticing or re-hearing to all parties?

a. Always												X													
b. Usually		X						X						X				X	X			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 #131 Detailed Responses:

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.

Judge Riblet: Depends on the extent and nature.

132. 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	X	X		X		X	
d. Never		X	X	X	X	X	X		X		X	X	X		X	X	X				X		X		X

Question #132 Detailed Responses:

Judge Barash: If the judge does so, the court will issue an explanation of its ruling to permit counsel to revise the disclosure statement (and plan).

133. Does the judge have a recommended form of Chapter 11 Plan?

a. Always	X					X	X					X		X					X					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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #133 Detailed Responses:

Judge Albert: Except in individual cases for which the optional form is suggested.

Judge Bason: See my posted procedures.

Judge Bauer: For individual cases.

Judge Houle: For individual cases.

Judge Saltzman: In individual 11s, the court form.

Judge Smith: The court approved form is preferred.

Judge Tighe: The Local Form.

134. If so, does the judge require its use?

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

Question #134 Detailed Responses:

Judge Bason: Unless explicitly excused in advance.

Judge Brand: Not applicable.

Judge Robles: Not applicable.

Judge Wallace: Not applicable.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

135. 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				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	x	x	x			

Question #135 Detailed Responses:

Judge Albert: Not applicable.

Judge Bason: In the order setting the initial case status conference.

Judge Bluebond: Not applicable.

Judge Brand: Not applicable.

Judge Donovan: By written order or on the record at the hearing.

Judge Kaufman: The Court will issue an order and have that order served on the debtor and all creditors.

Judge Robles: Not applicable.

Judge Saltzman: Inform parties at status conference.

Judge Smith: Status conference order.

Judge Tighe: Discussion at status conference early in case.

Judge Yun: Not applicable.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

136. 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						x												x						
b. Usually																								x	
c. Sometimes				x					x	x	x	x		x		x					x	x			
d. Never		x	x		x	x	x		x				x		x		x	x		x			x		x

Question #136 Detailed Responses:

Judge Albert: This likely would occur in an individual case.

Judge Bason: Any departure from the local or national forms must be authorized in advance.

Judge Donovan: Rarely.

Judge Kwan: Requires a showing of good cause and discussion at status conference under 11 U.S.C. 105.

137. 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			x	
b. Usually																								
c. Sometimes							x									x								
d. Never		x		x	x			x	x	x	x		x	x	x		x				x	x		x

Question #137 Detailed Responses:

Judge Bason: Points and authorities also are rarely necessary or useful.

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.

Judge Jury: That is what a disclosure statement is for.

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.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

138. 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		x	x	x	
b. Usually				x				x					x	x							x				
c. Sometimes												x			x										
d. Never																			x						x

Question #138 Detailed Responses:

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

Judge Bason: Usually an offer of proof is sufficient, but a competent witness generally must be present at the confirmation hearing.

139. 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		x	x	x	
b. Usually									x		x					x					x				
c. Sometimes			x	x									x	x	x										
d. Never																									x

PART XX. CHAPTER 13 PROCEDURES

140. 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	x	x	
b. Usually	x								x	x						x				x					
c. Sometimes																									
d. Never								x									x	x							x

Question #140 Detailed Responses:

Judge Bluebond: Not applicable.

Judge Clarkson: Not Applicable - No Chapter 13 Calendar.

Judge Russell: I do not handle chapter 13 cases.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

141. 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		x					
d. Never	x			x	x		x	x	X	x	x	x	x		x	x			x		x	x	x		

Question #141 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**142. 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	x	
b. Usually										x			x												
c. Sometimes															x										x
d. Never																									

Question #142 Detailed Responses:

Judge Bason: See my posted procedures under "default judgments."

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.

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

a. Always		x	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	x	x		x
d. Never																x										

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Question #143 Detailed Responses:

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 Bason: See my posted procedures under "default judgments."

Judge Donovan: Rarely.

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

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

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

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

Question #144 Detailed Responses:

Judge Bason: Usually 14 days. See my posted procedures under "default judgments."

Judge Carroll: No hearing required.

PART XXII. PRETRIAL CONFERENCES AND ORDERS**145. 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					x																				
c. Sometimes													x	x		x									
d. Never	x	x	x	x		x	x	x	x	x	x	x			x		x	x	x	x	x	x	x		x

Question #145 Detailed Responses:

Judge Bason: I am contemplating a pretrial order to address Stern v. Marshall and other issues.

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

146. 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																				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				

Question #146 Detailed Responses:

Judge Albert: Not applicable.

Judge Bason: If I create my own form of pretrial order, it will be posted on the website.

Judge Bluebond: Not applicable.

Judge Brand: Not applicable.

Judge Klein: Not applicable.

Judge Robles: Not applicable.

Judge Russell: Not applicable.

Judge Tighe: Not applicable.

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

Judge Yun: Not applicable.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

147. 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	
b. Usually	x			x										x											
c. Sometimes					x	x		x	x		x	x			x					x	x	x			
d. Never						x			x		x						x						x		x

Question #147 Detailed Responses:

Judge Albert: This is optional with the parties.

Judge Barash: No, but objections to the admission of anticipated exhibits generally must be asserted prior to trial, pursuant to the judge's adversary procedures, which are posted on the Court's website.

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

148. 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	x										
b. Usually											x														
c. Sometimes													x												
d. Never	x		x		x	x			x	x	x								x	x		x			

Question #148 Detailed Responses:

Judge Albert: Not applicable.

Judge Bason: Local form.

Judge Bluebond: Not applicable.

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

Judge Jury: Follow the local rule.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

149. 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			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 #149 Detailed Responses:

Judge Bason: By the time of a pretrial conference the parties should be fully prepared. Lack of preparation may result in sanctions.

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.

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.

150. 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	x	x	x	x	x	x	
d. Never				x				x			x	x	x												x

Question #150 Detailed Responses:

Judge Bauer: Haven't yet.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

151. 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			x						
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 #151 Detailed Responses:

Judge Bauer: Great idea.

Judge Bluebond: I may sign the other side's proposed form of pretrial order.

Judge Jury: Make them do it.

Judge Riblet: Rarely.

Judge Smith: Rarely.

152. 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	x	x		x					x			x		
c. Sometimes																						x		x	
d. Never																									x

Question #152 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 the judge agrees.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

153. 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		x						
b. Usually	x			x			x		x	x	x			x		x		x		x					
c. Sometimes								x				x	x								x		x	x	
d. Never																						x			x

Question #153 Detailed Responses:

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

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

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

Judge Riblet: Same as above.

Judge Robles: The judge believes that trials estimated at one day will in fact be a one day trial only if a pretrial order is in place.

XXIII. TRIAL PROCEDURES**154. 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	x		x	x	x	x	x	
b. No												x	x			x									x
c. Other (please specify)														x	x					x					

Question #154 Detailed Responses:

Judge Bason: Case-by-case basis.

Judge Wallace: Under review.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

155. If so, how are these procedures be obtained? (Check all that apply.)

a. On the court's website	x			x	x	x	x		x	x	x					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.		x	x									x	x	x			x					x			

Question #155 Detailed Responses:

Judge Bason: Any special procedures will be discussed at the pretrial conference.

Judge Bluebond: I issue an order that describes these procedures after the pretrial conference at the time I set the matter for trial.

Judge Donovan: By written order or on the record at a hearing.

Judge Riblet: By hand out at the time of the pretrial conference.

Judge Russell: Judge hands order re presentation of trial procedures.

Judge Tighe: Discussed at Pretrial conference.

Judge Wallace: Under review.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

156. When are trial dates set by the judge?

a. Status conference	x			x	x			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		X	x	
c. Other (please specify)						x				x					x		x						x	x		

Question #156 Detailed Responses:

Judge Barash: Depends on the circumstances.

Judge Bason: Usually at a status conference, and occasionally at the pretrial conference.

Judge Donovan: Either one, depending.

Judge Kaufman: Usually at the pretrial conference unless a pretrial conference is not requested or necessary.

Judge Kwan: Trials can be set at pre-discovery or post-discovery status conferences or at the pretrial conference.

Judge Robles: A scheduling order is issued when the summons is issued.

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

a. Always	x		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					x		x				x						x								

Question #157 Detailed Responses:

Judge Bason: Cost is a major consideration for relatively small disputes. Appraisers' disputes are usually heard based on the written appraisals subject to live cross-examination.

Judge Robles: The judge requires live testimony on direct and cross.

Judge Wallace: On a case-by-case basis.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

158. 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	x	x		x	x		
b. For witnesses who are acting only as custodian of records		x					x		x	x	x	x		x			x	x	x	x		x			
c. For unavailable witnesses		x					x		x	x		x		x				x	x	x		x			
d. Other (please specify)			x			x	x	x			x		x	x			x		x		x				

Question #158 Detailed Responses:

Judge Albert and Judge Klein: Declaration subject to live cross and re-direct is the norm. Upon showing of special circumstance, direct can be live.

Judge Bason: To save costs and where not unduly prejudicial.

Judge Brand: Not applicable.

Judge Jury: I will allow expert reports as direct examination.

Judge Mund: So long as witness available for cross-examination.

Judge Riblet: Other witnesses who must be present for cross examination.

Judge Robles: Live witnesses are required to be in the courtroom.

Judge Russell: Non applicable

Judge Wallace: On a case-by-case basis.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

159. 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			x						
b. Usually																									
c. Sometimes																									
d. Never		x	x	x	x	x	x		x	x	x	x			x		x	x			x	x	x		x

Question #159 Detailed Responses:

Judge Barash: Depends on the circumstances.

Judge Bason: The usual evidentiary rules apply.

Judge Donovan: Other than my trial setting order.

Judge Houle: Under review.

Judge Kwan: However, the declarations should address the elements of the claims at issue in this case.

Judge Wallace: Under review.

160. 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	x			x	
b. Usually																							x		
c. Sometimes										x															
d. Never		x				x			x		x	x	x	x				x	x			x			x

Question #160 Detailed Responses:

Judge Albert: Website.

Judge Bason: The deadlines for any declarations (and any responsive declarations or pleadings) are generally set when the trial is set.

Judge Bluebond: These procedures are set forth in the trial procedures order that I will issue when I set the matter for trial.

Judge Donovan: Other than my trial setting order.

Judge Houle: Under Review.

Judge Kaufman: The procedures will be set forth in an order issued by the Court.

Judge Kwan: The requirements are set forth in Judge Kwan's trial procedures posted online or available at the courtroom.

Judge Wallace: Under review.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

161. 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	x		x	
b. Usually				x			x		x	x				x	x								x		
c. Sometimes												x													x
d. Never								x			x	x		x											

Question #161 Detailed Responses:

Judge Bason: Parties are expected to stipulate into evidence all documents that are not reasonably subject to controversy.

Judge Houle: Under review.

Judge Wallace: Under review.

162. 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		x	x	
b. Usually																									
c. Sometimes										x					x								x		x
d. Never						x							x												

Question #162 Detailed Responses:

Judge Bason: If there are trial declarations, the deadline to exchange them will be set when the trial is set.

Judge Houle: Under review.

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

Judge Wallace: Under review.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

163. 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	x	x		x	x	
b. Usually									x													x			
c. Sometimes	x					x	x																		x
d. Never		x																							

Question #163 Detailed Responses:

Judge Bason: Parties should be prepared to discuss whether paperless procedures are appropriate.

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

Judge Tighe: Morning of trial.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

164. 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		x	x	x	x	x		x	
b. By handout available outside the courtroom					x	x	x									x		x							
c. By voicemail recording on the Court's telephone line																									
d. By telephone call to the calendar clerk										x								x							
e. The judge does not have special procedures	x							x			x												x		
f. Other (please specify)		x	x									x	x	x	x		x					x			

Question #164 Detailed Responses:

Judge Bason: Any special procedures can be discussed at the status conference or pretrial conference.

Judge Bluebond: My procedures are set forth in the trial procedures order I issue when I set the matter for trial.

Judge Carroll: By order setting trial date and procedures for conduct of trial.

Judge Donovan: By phone call with my law clerk.

Judge Riblet: By hand out at the pretrial conference.

Judge Russell: At pre-trial conference, judge discusses his procedures.

Judge Tighe: Discussed at Pretrial conference.

Judge Wallace: Under review.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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PART XXIV. SETTLEMENT AND MEDIATION**165. Does the judge *sua sponte* order parties to the court's Bankruptcy Mediation Program?**

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

Question #165 Detailed Responses:

Judge Bauer: When it's appropriate.

Judge Kwan: Before referring cases to mediation, Judge Kwan generally requests the parties' views.

Judge Wallace: Not yet.

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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166. 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													x						
b. Usually suggests settlement conferences	x				x			x	x		x	x	x		x		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				
e. Never uses settlement conferences																									
f. Other (please specify)									x		x														

Question #166 Detailed Responses:

Judge Barash: Rarely. The judge prefers mediation.

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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167. 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					x	x				x	
c. Suggests settlement conferences if likely to settle	x						x	x	x		x	x				x		x					x		
d. Rarely uses settlement conferences			x		x				x			x			x		x					x	x		
e. Never uses settlement conferences																									
f. Other (please specify)		x							x																

Question #168 Detailed Responses:

Judge Barash: Rarely. The judge prefers mediation.

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

QUESTIONS

AA	BB	BR	CB	DS	ER	ES	GM	JB	MB	MH	MJ	MT	MW	NB	PC	RK	RR	SC	SK	SY	TA	TD	VK	VZ	WJ
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168. 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								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	X	X						X

Question #169 Detailed Responses:

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

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

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.