

Judicial Practice Guide: 20 Common Situations

Judge **Scott C. Clarkson** – June 2025

# 1	Does the Judge's Staff Communicate by email with Attorneys?
<p>The Judge's Staff may communicate with you by email in the following ways:</p> <p>Notice to Filer -- You may receive an NEF from court staff with "Notice to Filer" instructions that pertain to a document that was filed.</p> <p>Response to Court Appearance Registration Email– You will receive an email from court staff acknowledging that you registered for a court hearing and, if relevant, asking for more information.</p> <p>Response to Request for a Hearing on Less Than Regular Notice: LBR 9075-1(a)(b) -- Follow the instructions provided in LBR 9075-1 and then contact Chambers at (714) 338-5460. Then, make your request as appropriate pursuant to the LBR and the instructions. No email communication will be accepted or responded to by Chambers for this purpose.</p>	

# 2	Court Hearings --- Appearances, Clients, Decorum
<p>Appearance instructions are found on the Phone/Video Appearances tab of Judge Clarkson's section of the website. The information is also provided in tentative rulings for matters requiring appearance. Your client has the option to appear to listen only. If your client's presence is required, the court will notify you.</p>	

# 3	What to Find in a Tentative Ruling
<p>Section 3-05 of The Central Guide describes what may be found in a tentative ruling, and where to find the link to tentative rulings for any judge which is also provided here: Hearings: POSTED CALENDARS and TENTATIVE RULINGS: Free Access Central District of California United States Bankruptcy Court</p>	

# 4	Does Judge Clarkson Follow All the Local Bankruptcy Rules?
<p>The term, "Local Local Rules" is frequently used to describe when a judge varies from a procedure called for by the Local Bankruptcy Rules, the Local Bankruptcy Rules Forms, and in The Central Guide (former Court Manual) (collectively, the "Central District Procedures").</p> <p>However, "Judicial Variance" is the accurate term for when a judge varies from Central District Procedures by (1) waiving compliance with a LBR or a requirement to use a LBR form, (2) REPLACING a LBR procedure or REPLACING a LBR form with a different form, or (3) by ADDING requirements or forms to those called for by the LBR and LBR forms. The accurate name for these modifications is "Judicial Variance".</p> <p>Except as set forth herein, Judge Clarkson generally follows all LBRs.</p>	

# 5	Delivering a Judge's Copy of a Document that has been filed.
<p>Section 3-02 of The Central Guide links to the LBRs pertaining to judge's copies and guidance on how to assemble and deliver a judge's copy may be found here: Chambers: DELIVER a JUDGE'S COPY Central District of California United States Bankruptcy Court</p>	

# 6	Schedule a Hearing only on a day allowed
<p>Every judge has "Self-Calendaring" instructions on their webpage. Judge Clarkson's calendar of dates and calendaring instructions with the specific days and times that Judge Clarkson hears particular matters may be found on the website. ONLY use the day and time appropriate to your calendar matter. No exceptions. If you are unsure regarding which day, time and date to select, please contact the courtroom deputy, Nickie Bolte, for assistance: (714) 338-5378.</p> <p>Note that certain matters may not be self-calendared as indicated on Judge Clarkson's dates and calendaring instructions found on the website.</p>	

# 7	Does Judge Clarkson Allow Digital Signatures that are Explained in LBR 9011-1?
<p>Section 9011-1 of The Central Guide at Signature Requirements; Types of Signatures Allowed; NEW Software-Generated Signatures Central District of California United States Bankruptcy Court contains authorization, features and explanations of the court's policy regarding software-generated signatures of clients and opposing counsel when a document is to be filed electronically via CM/ECF.</p> <p>Judge Clarkson follows the signature procedure stated within Section 9011-1 of The Central Guide.</p>	

# 8	It is very rare to grant an "Ex Parte" Motion.
<p>Sometimes parties use the term "ex parte" when they believe the court should enter an order quickly or hold a hearing right away. "Ex Parte" means "without notice." It is very rare to obtain a court order without notice. Nearly all motions require some form of notice. See section 2-05 of The Central Guide at: Hearings: LBR 9013-1(d): REGULAR NOTICE (7, 14, 21, 30 or 42 days of notice) Central District of California United States Bankruptcy Court</p> <ol style="list-style-type: none"> (1) Some motions may be determined without a hearing, See. LBR 9013-1(p)-(q) and Section 2-09 of The Central Guide found at: Hearings: LBR 9013-1(p)-(q): NO HEARING UNLESS JUDGE REQUIRES Central District of California United States Bankruptcy Court. (2) Some motions can be heard on more than 48 hours – but less than regular notice – if the standard for shortened notice is met. See section 2-06 of The Central Guide. Hearings: LBR 9075-1(b): SHORTENED NOTICE (Fewer Than 21 Days) Central District of California United States Bankruptcy Court (3) Other motions can be heard within 48 hours if the standard for an emergency hearing is met. See section 2-07 of The Central Guide. Hearings: LBR 9075-1(a): EMERGENCIES (48 Hours of Notice) Central District of California United States Bankruptcy Court 	

# 9	What to put in your stipulation or motion to continue a hearing?
<p>Contacting chambers is not an effective method to obtain a continuance. When all parties agree to continue a hearing, Judge Clarkson follows LBR 9013-1(m)(2) and LBR 9071-1(a)(2), which requires that the parties file a stipulation to continue the hearing:</p> <ol style="list-style-type: none"> (1) The parties must state clearly the proposed new date or range of dates for a new hearing, and the reason for the proposed date. (2) The stipulation must contain good cause for not using the original hearing date: “We are discussing settlement” is not necessarily good cause, as the parties must show real progress towards settlement if that is the reason given. (3) The parties must lodge a proposed order. <p>When a party files a motion to continue, Judge Clarkson follows LBR 9013-1(m)(1), which requires that:</p> <ol style="list-style-type: none"> (1) The motion must be filed with a notice of motion under LBR 9013-1(p). (2) A motion must include a declaration under penalty of perjury; and (3) The motion must comply with the same standard for a stipulation to continue the hearing. 	

# 10	Submitting Exhibits as Evidence to a Motion or in a Trial
<p>In bankruptcy court, evidence is typically provided by written declaration instead of by oral testimony. Exhibits require authentication to be admissible. Testimony in a written declaration, made by a person who has personal knowledge and authority, is required to authenticate the contents of each exhibit.</p> <p>Section 9014(d)-(e) of The Central Guide describes how to submit exhibits as evidence to support a motion, an opposition, or a reply, as required by LBR 9013-1(c). CONTESTED MATTERS: Evidence Central District of California United States Bankruptcy Court</p> <p>When exhibits are to be used along with live testimony in an adversary proceeding trial or in a contested matter, parties should follow the instructions on Judge Clarkson’s webpage.</p>	

# 11	What to Put in An Order Granting a Motion
<p>Section 1-15 of The Central Guide provides guidance for lodging an order. See Orders: Judgments: Electronic LODGING: Attorneys: LOU Central District of California United States Bankruptcy Court</p> <p>Additional guidance:</p> <ol style="list-style-type: none"> (1) Link the order to the proper motion, stipulation, or other request for relief (2) In the caption, indicate the document being ruled on, such as “order granting/denying motion.” (3) Keep wording readable – long sentences with many conjunctions are difficult to follow. 	

# 12	Procedures for Settlements, Including Dismissal of a Dispute
<p>Sometimes a dispute gets settled and the moving party decides not to continue pursuing relief. In such case, the movant can file a notice of voluntary dismissal unless a stipulation is needed. See section 9013-1(k) of The Central Guide found at: Motions: Voluntary DISMISSAL or Stipulation to Dismiss Central District of California United States Bankruptcy Court</p> <p>FRBP 9019(a) provides that a trustee may settle a matter by filing a separate motion to approve a compromise. See LBR 9019-1, made effective on 10-21-2024, and Section 9019-1 of The Central Guide found at: Settlement; Compromise of Controversy; Motion Required; Notice on Related Adversary Proceeding Central District of California United States Bankruptcy Court</p> <p>LBR 9019-1 clarifies that:</p> <ol style="list-style-type: none"> 1. The proceeding to settle or compromise a dispute qualifies as a contested matter. 2. The motion to compromise must be filed on the docket of the main case, even if the compromise will settle part or all of an adversary proceeding. 3. The notice of motion and the motion to compromise must indicate whether the compromise settles all claims against all parties, or whether any parties or claims remain in the dispute. 4. If the compromise is within an adversary proceeding, a notice must also be filed in the adversary proceeding to indicate that a motion to compromise has been filed on the main case docket. 	

# 13	Procedures in Adversary Proceedings
<p>Judge Clarkson follows the procedures applicable to adversary proceedings found in the Local Rules, Bankruptcy Rules, and Federal Rules.</p>	

# 14	Procedures in Chapter 11 Cases - First Day Motions
<p>Judge Clarkson follows the procedures found in LBRs 2081-1 and 9075-1 applicable to First Day Motions.</p>	

# 15	Reserved

# 16	What if My Opponent Won't Cooperate in Legal Discovery?
<p>Judge Clarkson requires parties to comply with requirements of LBR 7026-1(c) when a discovery dispute arises. See section 7026-1(c) of The Central Guide for more explanation. DISCOVERY: Resolve Disputes about Discovery Process Central District of California United States Bankruptcy Court</p>	

# 17	Reserved

# 18	Reserved

# 19	Reserved

# 20	Court Mediation Program vs. Judicial Settlement Conferences
<p>The bankruptcy court mediation program was created in coordination with local bar associations to help parties involved in a in a bankruptcy case or adversary proceeding to resolve their disputes for free or at low cost. The mediation program is available to parties who voluntarily agree to participation in mediation or who are ordered to participate in mediation by a Judge within the Central District of California. The applicable procedures and forms may be found in section 1-14 of The Central Guide: MEDIATION Program: Alternate Dispute Resolution Central District of California United States Bankruptcy Court</p>	