

Judicial Variance Statement for Judge Sheri Bluebond

Bankruptcy Judge Bluebond enforces all provisions of the Local Bankruptcy Rules and requires the use of all mandatory court forms, subject to the following exceptions and additions:

1. LBR 3017-2(b)&(c)– Conditional Approval of Disclosure Statements

Judge Bluebond does not conditionally approve disclosure statements and, unless both solicitation and voting occurred prepetition, does not combine hearings on disclosure statements and plans. Requests for conditional approval of disclosure statements pursuant to LBR 3017-2(b) will be denied.

2. LBR 3020-1 – Chapter 11 Plan Confirmation

Unless Judge Bluebond expressly instructs a plan proponent to use a particular form of plan or disclosure statement, the use of a form plan or disclosure statement is not required. However, if a plan proponent elects to use a form plan or disclosure statement, the plan proponent should delete or cross-out any portions of the form that are not applicable to the case. Merely checking a box labeled “not applicable” is not sufficient.

3. LBR 4003-2 – Lien Avoidance

If the debtor or other party in interest believes that a lien should be bifurcated into secured and unsecured portions or that it may be avoided entirely due to the value of a piece of collateral, any party in interest may bring a motion to value the collateral pursuant to Federal Rule of Bankruptcy Procedure 3012 and obtain a valuation of the property. However, any lien avoidance that may be appropriate in light of the resulting valuation must be accomplished through confirmation of a plan of reorganization that provides for such avoidance.

4. LBR 5003-2(c) – Confidential Court Records

Notwithstanding the provisions of LBR 5003-2(c)(1), a party seeking permission to file documents under seal should *not* present the documents to be sealed along with the motion that seeks authority to file them under seal. To the contrary, **no documents should be presented to the Court for filing under seal unless and until the Court has granted a motion for authority to file documents under seal. Further, the motion for authority to file documents under seal should be filed electronically** and should include as an exhibit or a separately-filed appendix (also filed electronically) the documents that the party seeks to file under seal **with the confidential portions redacted**. The motion for authority to file under seal should describe, without disclosing the confidential information itself, the nature of the information that the party asserts is confidential and why the information should not be publically disclosed. **If and when the Court grants the motion for authority to file documents under seal, unredacted versions of the documents should be presented for filing under seal along with an entered copy of the order authorizing the sealed filing.**

5. LBR 7016-1(b)(3) –Pretrial Trial Order

Parties should not *file* a joint pretrial **stipulation**. Instead, they should **lodge** a proposed joint pretrial order that includes all of the information described in LBR 7016-1(b)(2) and should **file a notice of lodgment** of that order.

6. LBR 7055-1 -- Default

Motions for default judgment should be set for hearing and should include not only the information and supporting evidence set forth in LBR 7055-1, but also sufficient admissible evidence to establish all the elements of plaintiff's case in chief.

7. LBR 9013-1(j) – Appearance at Hearing

In most cases, Judge Bluebond issues tentative rulings 24 to 48 hours prior to the date scheduled for a hearing. These rulings are generally available via the Court's website and its Tentative Rulings mobile app and appear on the calendars posted outside the courtroom and placed on counsel tables inside the courtroom. Please note, however, that, notwithstanding the issuance of a tentative ruling, unless (a) Judge Bluebond's chambers or calendar clerk has confirmed that no appearance is necessary or (b) the tentative ruling itself states that no appearance is necessary, **appearances are required**.

A moving party's failure to attend the hearing on its own motion will result in denial of the motion for failure to prosecute and may result in the imposition of sanctions. An opposing party that fails to attend the hearing on a motion that it has opposed will be deemed to have withdrawn its opposition to the motion and to have consented to the relief requested therein.

8. LBR 9021-1(b)

Notwithstanding LBR 9021-1(b)(1)(B), which prohibits lodging an order prior to a hearing or trial, a party may, if it so desires, file and serve a notice of lodgment and lodge a proposed form of order before a hearing or trial. In the alternative, a party may wish to attach a proposed form of order as an exhibit to a motion, opposition or reply. If the prevailing party at a hearing or trial has elected to serve its proposed form of order in one of the foregoing ways in advance of the hearing or trial, any parties in attendance at the hearing must raise orally at the hearing or trial any objections that they may have to the form of order proposed by the prevailing party. If no objections are raised at or before the time of hearing or trial to the form of order proposed by the prevailing party, the court may deem any such objections to have been waived.

Although LBR 9021-1(b)(3)(B) gives an opposing party 7 days after service of a proposed form of order to object to the form thereof, Judge Bluebond may not wait 7 days before approving proposed orders for entry. Therefore, if you object to the form of a proposed order lodged after a hearing or trial, you must (1) call Judge Bluebond's chambers at 213-894-8980 within 24 hours after receipt of the notice of lodgment to notify chambers that you intend to object and (2) file and serve your objection, together with your alternate proposed form of order as required by LBR 9021-1(b)(3)(B), within such deadline as the court may establish for the filing of your objection. (If no one

answers the telephone when you call for this purpose, leave a detailed message that includes the following information: who you are; who you represent; the name and number of the case or adversary proceeding in which the order to which you plan to object was lodged; the date the order was lodged; the caption of the order; and a telephone number at which you may be reached.)

Notwithstanding the foregoing, if an objection to the form of a proposed order is filed after entry of an order but within 7 days after the lodging of a proposed order, and Judge Bluebond concludes that the objection is meritorious and that it would be inequitable to overrule the objection on procedural grounds for failure to comply with the preceding paragraph, Judge Bluebond may issue an amended or modified form of order to remedy any concerns raised by the objection that she deems meritorious.