

Judge Robles's Judicial Variance Statement

Judge Robles enforces the Local Bankruptcy Rules and the procedures set forth in the Central Guide, subject to the following clarifications and exceptions:

LBR 6004-1 (Sale, Use, or Lease of Estate Property)

For general information regarding procedures that apply to auctions of estate property in cases before Judge Robles, parties should consult *Guidelines for § 363 Sales*, available at <https://www.cacb.uscourts.gov/judges/honorable-ernest-m-robles> under the **Instructions/Procedures** tab. The *Guidelines for § 363 Sales* are intended only as a supplement to the Local Bankruptcy Rules, Federal Rules of Bankruptcy Procedure, and Bankruptcy Code, and do not attempt to reiterate, restate, or vary the Code or Federal and Local Rules in any respect.

LBR 7016-1 (Initial Status Conference in an Adversary Proceeding)

Concurrently with the issuance of a Summons, Judge Robles issues a Scheduling Order setting forth litigation deadlines. Parties seeking a modification of the dates set forth in the Scheduling Order should present such request in the Joint Status Report filed in connection with the initial Status Conference.

LBR 7016-1 (Pretrial Conference and Pretrial Stipulation)

Additional Procedures Governing the Preparation of the Joint Pretrial Stipulation and the Conduct of the Pretrial Conference

Judge Robles imposes requirements beyond those set forth in the Local Bankruptcy Rules with respect to Pretrial Conferences and the preparation of a Joint Pretrial Stipulation. These additional requirements are specified in the Scheduling Order issued by the Court in connection with the initial case Status Conference, and are as follows:

- 1) By no later than thirty days prior to the Pretrial Conference, the parties must exchange copies of all exhibits which each party intends to introduce into evidence (other than exhibits to be used solely for impeachment or rebuttal).
- 2) When preparing the Pretrial Stipulation, all parties shall stipulate to the admissibility of exhibits whenever possible. In the event any party cannot stipulate to the admissibility of an exhibit, that party must file a Motion in Limine which clearly identifies each exhibit alleged to be inadmissible and/or prejudicial. The moving party must set the Motion in Limine for hearing at the same time as the Pretrial Conference; notice and service of the Motion shall be governed by LBR 9013-1. The Motion in Limine must contain a statement of the specific prejudice that will be suffered by the moving party if the Motion is not granted. The Motion must be supported by a memorandum of points and authorities containing citations to the applicable Federal Rules of Evidence, relevant caselaw, and other legal authority. Blanket or boilerplate evidentiary objections not accompanied by detailed supporting argument are prohibited, will be summarily overruled, and may subject the moving party to sanctions.
- 3) The failure of a party to file a Motion in Limine complying with the requirements of ¶ 2 shall be deemed a waiver of any objections to the admissibility of an exhibit.

- 4) Motions in Limine seeking to exclude testimony to be offered by any witness shall comply with the requirements set forth in ¶ 2, and shall be filed by the deadline specified in ¶ 2. The failure of a party to file a Motion in Limine shall be deemed a waiver of any objections to the admissibility of a witness's testimony.

Manner of Submission of the Proposed Joint Pretrial Stipulation

The proposed Joint Pretrial Stipulation must be submitted to the Court through the Lodged Order Upload (LOU) system. Submission via LOU allows the Court to edit the Joint Pretrial Stipulation, if necessary.

LBR 9013-1(b) (Motion Calendar)

Matters Which May be Self-Calendared

Any motion may be self-calendared, except for the following motions which may **not** be self-calendared:

- 1) Applications for order shortening time
- 2) Matters to be heard on shortened time
- 3) Matters to be heard on ex parte basis
- 4) Emergency motions
- 5) Reaffirmation agreements
- 6) Initial status conferences in adversary proceedings
- 7) Pre-trial conferences
- 8) Mass objections to claims (more than 20 objections for a single hearing)
- 9) Motions pursuant to FRBP 9023 and/or 9024.

Motions for Relief from Stay on Shortened Notice

Judge Robles allows certain motions for relief from stay scheduled on shortened notice to be self-calendared. A minimum of 7 days' notice of the motion must be provided. These motions are limited to the following:

- 1) Residential unlawful detainer actions;
- 2) Post-petition transfers of real property to the debtor; or
- 3) Pre-petition transfers to the debtor either (a) within 90 days of the petition date or (b) involving a fractional interest in real property.

If the motion for relief from stay does not fall within one of these enumerated categories and the movant wishes to have it heard on shortened time, then the movant must apply for an order shortening time or proceed on an emergency basis pursuant to Local Bankruptcy Rule 9075-1 and may not self-calendar the motion.

Notice & Service: All motions for relief from stay calendared on at least 7 days' notice must be filed with the court and served on all parties entitled to receive notice of the motion by such means as to ensure that the moving papers and notice of hearing are actually received no later than 2 days prior to the hearing date.

Residential Unlawful Detainer Actions: With respect to residential unlawful detainer motions for relief from stay self-calendared under this procedure, the movant must:

- 1) File the motion with the court no later than 7 days prior to the hearing;
- 2) No later than 7 days prior to the hearing, serve the motion and supporting documents by:
 - a) posting or personal service on the debtor;
 - b) overnight mail to the debtor's counsel, if any; and
 - c) regular mail to any other parties entitled to notice.

LBR 9013-1(j) (Appearance at Hearings)

On the day prior to the hearing, Judge Robles posts a tentative ruling specifying whether appearances are required. Parties are generally **not** required to appear if they submit on the Court's tentative ruling, as set forth in the following instructions which are issued in connection with the majority of Judge Robles's tentative rulings:

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact the Judge's Law Clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

The Court notes that sometimes parties do not comply with the obligation to notify opposing counsel if they intend to contest the tentative ruling. In addition, self-represented parties are not always aware of the tentative ruling. Therefore, even if a party submits on the tentative ruling, it may be advisable for that party to appear in an abundance of caution.

LBR 9021-1 (Orders and Judgments)

The Court's tentative ruling will specify which party is required to prepare a proposed order.

Judgment Debtor Examinations

Judge Robles's policy is to direct that judgment debtor examinations take place out of court, at the offices of the judgment creditor's counsel. Nothing within California's Enforcement of Judgments law prohibits a judgment debtor examination from taking place out of court. As a leading treatise notes, "[a]n examination of a judgment debtor ... is the postjudgment equivalent of a deposition." Alan M. Ahart, *California Practice Guide: Enforcing Judgments and Debts* (June 2019 update), at § 6G-1.a.

The standard form of order that Judge Robles issues in connection with judgment debtor examinations is available at <https://www.cacb.uscourts.gov/judges/honorable-ernest-m-robles> under the **Instructions/Procedures** tab.