

STATUS CONFERENCE PROCEDURES

Updated 2/4/2011

A thorough, written status report, filed 14 days in advance, is required before each chapter 11 status conference and adversary status conference, unless one of the following is true:

1. The matter is an adversary proceeding and, prior to the date scheduled for the status conference, the parties have filed and the Court has entered an order approving a stipulation that resolves all issues raised by the adversary proceeding and provides either for dismissal of the action in its entirety or the entry of judgment in the action;

2. The matter is an adversary proceeding, defaults have been entered as against all defendants, and the plaintiff has filed and served a motion for default judgment prior to the date scheduled for the status conference;

3. The parties have filed and, prior to the date scheduled for the status conference, the Court has entered an order approving, a stipulation continuing the status conference to a later date (in which case a written status report must be filed not less than 10 court days in advance of the continued status conference date); or

4. The Court has expressly relieved the parties of the obligation to file a written status report.

In adversary proceedings, use of the court-approved forms is strongly recommended.

Please note also that, pursuant to Local Bankruptcy rule 7016-1(a)(3), if a defendant has not responded to the complaint or fails to cooperate in the preparation of a joint status report, the plaintiff is required to file a unilateral status report not less than 7 days before the date scheduled for the status conference, which report should include a declaration setting forth the attempts made by the plaintiff to contact or obtain the cooperation of the defendant in the preparation of a joint status report.

Unless one of the four exceptions outlined above applies, Judge Wallace expects parties to file full and complete status reports in a timely manner. Parties that fail to do so may be subject to sanction as may be warranted under the circumstances or allowed under Local Bankruptcy Rule 7016-1(f). Failure to appear for a status conference in an adversary proceeding may result in dismissal of the adversary proceeding for failure to prosecute, entry of judgment against the defaulting party either with respect to a specific issue or as to the entire proceeding, or such other sanctions as may be warranted under the circumstances or allowed under Local Bankruptcy Rule 7016-1(f).

Failure to Timely File Required Status Reports – Counsel/Parties Must Appear in Santa Ana

All required status reports in adversary proceedings and chapter 11 cases must be filed timely. Please carefully review all Central District Local Bankruptcy rules and all orders arising in adversary proceedings and chapter 11 cases for the timing, content and service of such status reports.

Any counsel or party required to file and serve a status report by a date certain pursuant to the Local Bankruptcy rules or by order of the Court, but fails to do so, must physically appear for hearing in Courtroom 6C at the United States Bankruptcy Court – Ronald Reagan Federal Building and Courthouse, 411 West Fourth Street, Santa Ana, CA 92701.

NOTE: Attorneys who timely file such a status report have the option to appear in either
(a) Courtroom 6C at the United States Bankruptcy Court, Central district of California – Ronald Reagan Federal Building and Courthouse, 411 West Fourth Street, Santa Ana 92701, or
(b) Video Courtroom 225 at the United States Bankruptcy Court, Central District of California - 3420 – 12th Street, Riverside, CA 92501.