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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

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In re:  
GOVERNMENT SHUTDOWN

**GENERAL ORDER RE: CHAPTER 13  
CASES BEFORE JUDGE KLEIN AND  
JUDGE BASON**

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During the anticipated next phase of the partial shutdown of the federal judiciary, this Court's employees, including both chambers staff and Clerk's Office staff, will not be permitted to work on matters except emergencies that "imminently threaten the safety of human life or the protection of property." 31 U.S.C. § 1342 (the "Anti-Deficiency Act") (emphasis added). This next phase of the partial shutdown will be announced on the Court's website, and in this order it is referred to as Phase 2 ("Phase 2"). In addition, due to the partial shutdown within other branches of the federal government (the "Non-Judiciary Shutdown"), certain parties in interest such as the Internal Revenue Service ("IRS") and the United States Trustee ("UST") (collectively, the "Federal Government Parties") are unable to appear and be heard on chapter 13 matters.

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Based on the foregoing, the undersigned Bankruptcy Judges have provisionally determined that all matters on their "chapter 13 days" (the "Chapter 13 Matters") must be continued. The deadlines for objections and replies will apply as if there were no

1 continuance except for objections and replies by the Federal Government Parties. The  
2 specific procedures are set forth below.

3 **(1) JURISDICTION AND AUTHORITY**

4 This order is issued pursuant to this Court's jurisdiction and authority to interpret  
5 the Anti-Deficiency Act and manage its own calendar and procedures, including for  
6 purposes of securing "the just, speedy, and inexpensive determination" of matters  
7 before this Court, to the extent possible during and after Phase 2. See generally 28  
8 U.S.C. § 157(b)(2)(A), (L) & (O); 28 U.S.C. § 1334; 31 U.S.C. § 1342; 11 U.S.C.  
9 § 102(1) & 105; Rule 9029(b) (Fed. R. Bankr. P.) (procedure when no controlling law);  
10 LBR 1001-1(d)&(e) (authority to waive and supplement local rules).

11 **(2) BACKGROUND OF CURRENT CHAPTER 13 PROCEDURES**

12 An actual hearing normally is required to consider confirmation of chapter 13  
13 plans or motions to dismiss for failure to make chapter 13 plan payments, failure to turn  
14 over tax refunds, etc. ("Chapter 13 Trustee's MTD"). LBR 3015-1(d)&(q)(3),  
15 9013-1(o)(2)(H). By long-standing arrangement between this Court and the Chapter 13  
16 Trustee ("Trustee"), the Trustee manages the confirmation hearing calendar and the  
17 Chapter 13 Trustee's MTD calendar (collectively, the "Trustee Calendar"), all subject to  
18 this Court's ultimate authority to manage that calendar.

19 Other Chapter 13 matters may be self-calendared for a hearing (the  
20 "Miscellaneous Calendar"), again subject to this Court's ultimate authority to manage  
21 that calendar. The Miscellaneous Calendar includes matters such as claim objections,  
22 or motions to avoid junior liens on a debtor's principal residence. The Trustee Calendar  
23 and the Miscellaneous Calendar are heard on the same day ("Chapter 13 Day").

24 On Chapter 13 Day, the Chapter 13 Trustee posts on her website, and outside  
25 the courtroom, her recommendations regarding the Trustee Calendar: e.g., to confirm  
26 the plan, to hear arguments if the confirmation is contested, to continue the matter, or to  
27 dismiss the case (with or without a bar to being a debtor in a future bankruptcy case). If  
28 the matter is set for argument, or if any parties wish to be heard in opposition to the

1 Trustee's recommendations, that party must appear at the hearing and the Court issues  
2 its ruling orally.

3 **(3) PHASE 2 PROCEDURES**

4 **(a) Continuances**

5 For Trustee Confirmation and MTD Calendars, during the pendency of Phase 2  
6 and for 28 days after the end of Phase 2, all matters are hereby automatically continued  
7 to the next regularly scheduled Trustee Calendar. The Trustee is directed to reflect  
8 such Phase 2 continuances on the calendar that she posts on her website on the day  
9 before Chapter 13 Days.

10 If any party in interest wishes to object to an automatic continuance, no later than  
11 14 days before the Trustee Calendar, that party must file and serve on the Trustee, the  
12 Court, and any other party who has filed papers in connection with the matter, a written  
13 "Objection To Phase 2 Continuance." The Objection To Phase 2 Continuance must  
14 address why a continuance would "imminently threaten the safety of human life or the  
15 protection of property" (31 U.S.C. § 1342) and must be supported by admissible  
16 evidence. The objecting party also must lodge a proposed order setting the matter for a  
17 hearing on the Trustee Calendar. This Court will then determine whether to issue the  
18 proposed order setting the matter for hearing, or take such other action as this Court  
19 deems proper.<sup>1</sup>

20 For Miscellaneous Calendars, parties are directed to review the posted tentative  
21 rulings. If the tentative ruling provides for a continuance due to Phase 2, and a party in  
22 interest objects to the continuance, then that party must follow the usual procedures for  
23 contesting tentative rulings (*e.g.*, notifying other parties of the intent to contest the  
24 tentative ruling) and lodge a proposed order setting the matter for hearing.

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28 <sup>1</sup> If Phase 2 goes into effect less than 14 days before the Trustee Calendar, there will be no right to object  
to the initial Phase 2 continuance. Any party seeking to avoid additional automatic continuances must file  
an objection no later than 14 days before the next Trustee Calendar, as set forth above.

1           **(b) Opposition and reply papers**

2           A continuance of any matter on a Trustee Calendar or a Miscellaneous Matter  
3 based on Phase 2 will not extend the deadline for objections or replies, except for  
4 Federal Government Parties. LBR 9013-1(m)(4).<sup>2</sup>

5           **(c) Trustee's declarations of non-opposition, and lodging proposed orders**

6           The following procedures are adopted to minimize the backlog of matters that  
7 otherwise would occur on the Trustee Calendar after Phase 2 is over. In lieu of a  
8 hearing, this Court will issue orders based on declarations of non-opposition, after the  
9 period for any objection or reply by Federal Government Parties has expired.

10           **(i) Uncontested confirmation**

11           If the Trustee would have listed a matter on the Trustee Calendar as an  
12 uncontested confirmation matter (but for the Phase 2 continuance), the Trustee is  
13 authorized and directed to file a declaration stating that the Trustee: (A) has no  
14 objections to confirmation of the debtor's proposed chapter 13 plan, (B) has not  
15 received any written objections to confirmation, (C) has reviewed the docket and has  
16 not found any objections to confirmation, or has found that all such objections have  
17 been withdrawn and (D) recommends confirmation of the plan (a "Confirmation  
18 Declaration"). The Trustee is directed to file her Confirmation Declaration seven days  
19 after the date when the hearing would have been held.

20           Approximately 21 days after the latter of (i) the conclusion of Phase 2 and  
21 resumption of normal Court operations and (ii) the conclusion of the Non-Judiciary  
22 Shutdown and resumption of normal operations of Federal Government Parties, this  
23 Court will issue an order (a "Resumption Of Operations Order") authorizing and  
24 directing the Trustee to lodge batch proposed confirmation orders, and to file a notice of  
25 lodgment, in all cases in which the Trustee has filed a Confirmation Declaration. If the  
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27 <sup>2</sup> To the extent that any continuance is based on matters other than Phase 2, this Court's usual  
28 procedures will apply. For example, if a matter is continued based on a stipulation and order for a  
continuance, then the deadlines for any opposition and reply papers will be continued as usual (unless  
the order expressly states otherwise).

1 Trustee has filed a Confirmation Declaration in any matter in which Federal Government  
2 Parties have additional time to object under the foregoing procedures, then the  
3 responsibility will be on the Federal Government Parties (A) to file and serve any  
4 objection to confirmation and (B) to object to the lodged confirmation order according to  
5 the usual procedures, including notifying chambers of the objection to the lodged order.

6 If there is any objection to confirmation by Federal Government Parties pursuant  
7 to the foregoing procedures, this Court will address that objection (*i.e.*, set the matter for  
8 hearing, or take such other action as this Court deems appropriate). If there is no such  
9 objection, the batch proposed confirmation orders will be processed pursuant to the  
10 usual procedures. In other words, chapter 13 plans that would have been confirmed at  
11 an actual hearing (but for the Phase 2 continuance of that hearing) will be confirmed  
12 after the end of Phase 2.

13 **(ii) Dismissal (with or without a bar)**

14 If the Trustee would have listed a matter on the Trustee Calendar as a case to be  
15 dismissed or dismissed with a bar (but for the Phase 2 continuance), the Trustee is  
16 authorized and directed to file a declaration stating: (A) that the Trustee recommends  
17 dismissal of the debtor's chapter 13 case, with or without a bar, (B) the reasons for that  
18 recommendation (which may be incorporated by reference to an attached copy of any  
19 written motion to dismiss or objection to confirmation), and (C) whether any written  
20 opposition to dismissal has been received by the Trustee or filed on the docket (a  
21 "Dismissal Declaration"). The Trustee is directed to file her Dismissal Declaration seven  
22 days after the date when the hearing would have been held.

23 This Court contemplates that the Resumption Of Operations Order will authorize  
24 and direct the Trustee to lodge batch dismissal orders in all cases in which the Trustee  
25 has filed a Dismissal Declaration. If the Trustee has filed a Dismissal Declaration in any  
26 matter in which the debtor or Federal Government Parties have additional time to object  
27 under the foregoing procedures, the debtor or the Federal Government Parties will be  
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1 responsible to: (A) file and serve their objection to dismissal and (B) notify chambers of  
2 their objection.

3 If there is any objection to dismissal pursuant to the foregoing procedures, this  
4 Court will address the objection (*i.e.*, set the matter for hearing or take such other action  
5 as this Court deems appropriate). If there is no such objection, the batch proposed  
6 dismissal orders will be processed pursuant to the usual procedures. In other words,  
7 chapter 13 cases that would have been dismissed at an actual hearing (but for the  
8 Phase 2 continuance of that hearing) will be dismissed after the end of Phase 2.

9 It is SO ORDERED.

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20 Date: January 24, 2019

By: \_\_\_\_\_  
Sandra R. Klein  
United States Bankruptcy Court Judge

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23 Date: January 24, 2019

By: \_\_\_\_\_  
Neil W. Bason  
United States Bankruptcy Court Judge