

## **COURTROOM POLICIES AND PROCEDURES**

### **HONORABLE RONALD A. CLIFFORD III**

The following is a summary of general courtroom policies and procedures which will be observed by Judge Clifford. Such policies and procedures are intended as a supplement to and not a replacement for the provisions of the Bankruptcy Code ("Code"), the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), the Federal Rules of Civil Procedure ("Federal Rules") and the Local Rules for the Central District of California ("Local Rules"), all of which are applicable to practice before this Court. The following summary is not intended to cover all circumstances of matters before the Court and certain policies and procedures may be adjusted in certain cases where appropriate.

#### **I. MOTIONS IN GENERAL**

##### **A. Evidentiary Requirements:**

All motions and applications must be supported by declaration(s). Pleadings submitted without supporting declarations will likely be denied, even if no opposition is filed. In matters where an appraisal is submitted in support of a pleading, e.g., relief from stay matters, the appraisal must be authenticated by a declaration of the appraiser or the appraisal will not be considered.

##### **B. Motions without Hearings:**

With respect to all motions filed pursuant to Local Rule 9013-1(o) or otherwise not requiring a hearing absent an objection and request for a hearing, the moving party must file a declaration stating that no opposition to the motion has been served within the objection period. The order will not be signed and/or rejected absent such a declaration.

#### **II. SERVICE OF MOTIONS AND APPLICATIONS**

Service of all motions and applications must comply with the applicable Federal Rules, Bankruptcy Rules, and Local Rules. The movant must use the Court's creditor mailing matrix dated the date of service, which can be found on CM/ECF, and attach the same to the proof of service on all motions that require service on all creditors. Movant should not create or use their own creditor lists as a substitute for the Court's creditor mailing matrix. The order will not be signed and/or rejected if the Court's creditor mailing matrix is not attached.

#### **III. CHAPTER 13 CONFIRMATION HEARINGS**

Appearance attorneys are not permitted to appear at Chapter 13 confirmation hearings. Debtor's counsel of record must appear at the confirmation hearing.

#### IV. PRETRIAL CONFERENCES

The attorney responsible for litigating the trial must appear in person at the pretrial conference. Failure to appear at the pretrial conference may result in the imposition of sanctions and issuance of an order to show cause why the case should not be dismissed for failure to prosecute.

#### V. REAFFIRMATION HEARINGS

Debtor(s) must appear in person for reaffirmation hearings.

#### VI. JUDGMENT DEBTOR EXAMS

Judge Clifford strictly complies with Local Rule 7069-1. A party seeking an order to appear for examination must file the applicable form approved by the Judicial Council of California for use in California courts over the counter with the clerk's office. The moving party may select a non-hearing, business day for the examination. If approved, the parties shall appear in person at 1415 State Street, Courtroom 201, Santa Barbara, California 93101 at the day and time indicated on the order. The parties will be sworn in on the Court's record by the court recorder. The parties will then be released to conduct the examination outside of the courtroom. When the examination is concluded, the parties are excused without further order of the Court. If a continuance of the examination is necessary, please contact chambers for further instructions.

#### VII. SELF-CALENDARING

Judge Clifford utilizes the self-scheduling system for all hearings, with exceptions as noted in the self-scheduling instructions. Please go to the Court's website at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov) for self-scheduling instructions and/or to select a self-scheduling hearing date before Judge Clifford. If you should experience a problem, please contact Sonny Milano, Courtroom Deputy, directly at (213)894-1485. Please do not contact chambers for self-scheduling issues.

#### VIII. TENTATIVE RULINGS:

Judge Clifford generally issues tentative rulings regarding law and motion matters before 5 p.m. of the day prior to the beginning of the hearing day. Tentative rulings are posted on the court's website ([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) and on PACER. Tentative rulings may not be rendered on every matter.

#### IX. HEARINGS BY ZOOM AUDIO AND VIDEO

Hearing participants may view and listen to hearings before Judge Clifford using ZoomGov free of charge. Video and audio connection information for each hearing will be provided on Judge Clifford's publicly posted hearing calendar, which may be viewed online at: <http://ecf->

[ciao.cacb.uscourts.gov/CiaoPosted/?jid=RC](http://ciao.cacb.uscourts.gov/CiaoPosted/?jid=RC) and selecting “Judge Ronald A. Clifford III” from the tab on the left side of the page. Judge Clifford encourages all Zoom participants to appear via video. For litigants and their counsel, any appearance via ZoomGov using the video function must be done with the appearing party’s video on. Proper court attire is required of all parties appearing via ZoomGov. Any virtual backgrounds are to be of a solid color, without pictures, videos or scenes. No party may appear by ZoomGov from any place other than a quiet room in an office or home. Parties may not appear via ZoomGov from a vehicle of any kind, moving or not.

Regarding remote access to hearings, members of the public may **NOT** observe any hearing via Zoomgov video/audio. Members of the public may observe non-evidentiary hearings where no live testimony is being taken via Zoomgov telephone conference line **ONLY**. If members of the public attempt to observe hearings remotely in any manner other than over via Zoomgov telephone conference line, the Court will remove them from Zoomgov for the hearing(s). No members of the public will be permitted to observe, via telephone line or otherwise, trials, evidentiary hearings, hearings where live testimony will be taken, and hearings where sensitive information is being disseminated that may not be adequately safeguarded.

#### X. JUDGE OR COURTESY COPIES

Judge Clifford does not require judges’ copies.

#### XI. COURTROOM ETIQUETTE

Unless court is in session, please check in with the Court Recorder prior to your scheduled hearing. Do not approach or speak with the Court Recorder while a hearing is in progress. The use of electronic devices (e.g., pagers, cellular phones, and other devices subject to ring or buzz) in the courtroom are **strictly** prohibited.

“Second Call” - If you have a conflict which needs to be placed on "second call", please contact Judge Clifford’s Chambers at (805) 884-4860. If you are not present when your matter is called, and no communication has been received, your motion may be denied for failure to appear.

#### XII. CONTACT WITH CHAMBERS

Pursuant to Bankruptcy Rule 9003, chambers is unable to answer any legal questions, whether procedural or substantive, regarding specific cases. Any calls and/or voicemails regarding such will not be returned by chambers. All questions regarding the status of a case or general information regarding a case should be directed to the Clerk’s office at 855-460-9641. If you have questions regarding Judge Clifford’s telephonic/zoom appearance procedures or self-calendaring procedures, please refer to the Court’s website at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov) or contact the Courtroom Deputy at 213-894-1485. For all transcript requests, please call 805-884-4884.