

JUDGE VICTORIA S. KAUFMAN'S
STATUS CONFERENCE INSTRUCTIONS

1. A copy of these instructions must be attached to the copy of the complaint served upon each party, and the proof of service must state that these instructions, as well as a copy of the summons and complaint, were served.
2. Plaintiff must serve, with the summons and complaint, a notice in compliance with Local Bankruptcy Rule 7026-1(a)(1). Plaintiff must also file proof of service of the notice with proof of service of the summons and complaint as required by Local Bankruptcy Rule 7026-1(a)(2).
3. Rule 26(f) Meeting. Parties must meet and confer under Rule 26(f) of the Federal Rules of Civil Procedure ("Rule 26(f) Meeting") at least 21 days before the status conference date indicated in the summons unless all defendants default.

The parties are jointly responsible for scheduling and attending the Rule 26(f) Meeting. During the Rule 26(f) Meeting, the parties must:

- A. Discuss the nature and basis of their claims and defenses, as well as the possibilities for a prompt settlement or resolution of the case;
- B. Make or arrange for the initial disclosures required by Rule 26(a)(1); and
- C. Develop a proposed discovery plan.

The parties are directed to approach a Rule 26(f) Meeting cooperatively and in good faith. The discussion of claims and defenses must be substantive and meaningful.

4. Rule 26(a)(1) Initial Disclosures. Under Rule 26(a)(1), a party must, without waiting for a pending discovery request, provide to other parties:
 - A. The name and, if known, the address, and telephone number of each individual likely to have discoverable information along with the subjects of that discoverable information that the disclosing party may use to support its claims or defenses, unless the use of this discoverable information would be solely for impeachment;
 - B. A copy of all documents, electronically stored information, and tangible things the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use of these documents, electronically stored information, and tangible things would be solely for impeachment. (If copies of the above are unavailable, you must provide a description by category and location of such documents, electronically stored information, and tangible things);
 - C. A calculation of all damages claimed by the disclosing party. Under Rule 34, the disclosing party must also make available for inspection and copying all documents and evidentiary materials on which each calculation is based,

which includes but is not limited to materials relating to the nature and extent of injuries suffered, unless such documents and evidentiary materials are privileged or protected from disclosure;

- D. Under Rule 34, the disclosing party must make available for inspection and copying any insurance agreements where an insurance business is or may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

F.R.Civ.P. 26(a)(1)(A). Rule 26(a)(1) requires a party to make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully completed its investigation of the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures. F.R.Civ.P. 26(a)(1)(E).

5. Pursuant to Local Bankruptcy Rule 7016-1(a)(2), all parties must file a Joint Status Report at least fourteen (14) days before the date set for each status conference. The Joint Status Report should be in a form substantially similar to Exhibit A attached hereto, *i.e.*, Local Form 7016-1.STATUS.REPORT. Failure to file such a Joint Status Report may result in the imposition of monetary sanctions and/or the status conference being continued and parties being ordered to redo the status report to conform to Exhibit A. If cooperation in the filing of a Joint Status Report cannot reasonably be obtained, each appearing party must file a Unilateral Status Report and Declaration which comply with Local Bankruptcy Rule 7016-1(a)(3).
6. If a response to the complaint is not timely filed:
- A. The plaintiff should file a request for entry of default by the clerk. The plaintiff also may request entry of a default judgment by filing and serving (if necessary) an appropriate motion; see Fed. R. Bankr. P. 7055 and Local Bankruptcy Rule 7055-1(b);

AND

- B. No later than seven (7) days prior to the status conference, each appearing party must file a Unilateral Status Report (completing Sections A-E of Exhibit A attached hereto) as required by Local Bankruptcy Rule 7016-1(a)(3).
7. Any party claiming a right to trial by jury must make a timely demand as set forth in Local Bankruptcy Rule 9015-2. If the parties dispute whether a party has a right to a jury trial, they must file points and authorities in support of their positions. Any party who contends that he/she/it has a right to a jury trial must file and serve a memorandum of points and authorities and evidence in support of his/her/its position no less than fourteen (14) days before the status conference. Any response must be filed at least seven (7) days before the status conference. **If a party does not timely file and serve his/her/its papers, that failure may be deemed a consent to whatever determination the Court makes.**

8. Unless otherwise ordered by the Court, within seven (7) court days after the status conference, the plaintiff must submit a Scheduling Order which complies with Local Bankruptcy Rule 7016-1(a)(4).
9. Extensions of time to respond to a pleading are ineffective by stipulation of the parties unless approved by the Court. The Court is likely to deny requests to extend the response deadline to a date within five (5) days of the hearing date unless the hearing date is continued to a date which permits the Court adequate time to consider the pleadings. The Court will not grant a request to continue a hearing unless the request states adequate cause for the continuance.
10. Failure to comply with these instructions may subject the responsible party to a sanction of \$150, or such other sanctions as may be warranted under the circumstances or allowed under Local Bankruptcy Rule 7016-1(f).
11. Failure of counsel for any party to appear at a status conference may be considered an abandonment or failure to prosecute or defend diligently and may result in dismissal of the proceeding or judgment entered against the defaulting party without further hearing, or such other sanctions as may be warranted under the circumstances or allowed under Local Bankruptcy Rule 7016-1(g).

Hon. Victoria S. Kaufman
United States Bankruptcy Judge

(Revised 8/12/24)

EXHIBIT A

<div>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</div> <div><input type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:</div>		FOR COURT USE ONLY	
<div>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - _____ DIVISION</div>			
<div>In re:</div> <div>Debtor(s).</div>		<div>CASE NO.:</div> <div>ADVERSARY NO.:</div> <div>CHAPTER:</div>	
<div>Plaintiff(s).</div> <div>vs.</div> <div>Defendant(s).</div>		<div>JOINT STATUS REPORT [LBR 7016-1(a)(2)]</div> <div>DATE:</div> <div>TIME:</div> <div>COURTROOM:</div> <div>ADDRESS:</div>	

The parties submit the following JOINT STATUS REPORT in accordance with LBR 7016-1(a)(2):

A. PLEADINGS/SERVICE:

1. Have all parties been served with the complaint/counterclaim/cross-claim, etc. (Claims Documents)? ☐ Yes ☐ No
2. Have all parties filed and served answers to the Claims Documents? ☐ Yes ☐ No
3. Have all motions addressed to the Claims Documents been resolved? ☐ Yes ☐ No
4. Have counsel met and conferred in compliance with LBR 7026-1? ☐ Yes ☐ No

5. If your answer to any of the four preceding questions is anything other than an unqualified "YES," please explain below (*or on attached page*):

B. READINESS FOR TRIAL:

1. When will you be ready for trial in this case?
Plaintiff Defendant
2. If your answer to the above is more than 4 months after the summons issued in this case, give reasons for further delay.
Plaintiff Defendant
3. When do you expect to complete your discovery efforts?
Plaintiff Defendant
4. What additional discovery do you require to prepare for trial?
Plaintiff Defendant

C. TRIAL TIME:

1. What is your estimate of the time required to present your side of the case at trial (*including rebuttal stage if applicable*)?
Plaintiff Defendant
2. How many witnesses do you intend to call at trial (*including opposing parties*)?
Plaintiff Defendant

3. How many exhibits do you anticipate using at trial?

Plaintiff

Defendant

D. PRETRIAL CONFERENCE:

A pretrial conference is usually conducted between a week to a month before trial, at which time a pretrial order will be signed by the court. [See LBR 7016-1.] If you believe that a pre-trial conference is not necessary or appropriate in this case, please so note below, stating your reasons:

Plaintiff

Pretrial conference ☐ is ☐ is not requested
Reasons:

Defendant

Pretrial conference ☐ is ☐ is not requested
Reasons:

Plaintiff

Pretrial conference should be set after:
(date) _____

Defendant

Pretrial conference should be set after:
(date) _____

E. SETTLEMENT:

1. What is the status of settlement efforts?

2. Has this dispute been formally mediated? ☐ Yes ☐ No
If so, when?

3. Do you want this matter sent to mediation at this time?

Plaintiff

☐ Yes ☐ No

Defendant

☐ Yes ☐ No

F. FINAL JUDGMENT/ORDER:

Any party who contests the bankruptcy court's authority to enter a final judgment and/or order in this adversary proceeding must raise its objection below. Failure to select either box below may be deemed consent.

Plaintiff

☐ I do consent

☐ I do not consent

to the bankruptcy court's entry of a final judgment and/or order in this adversary proceeding.

Defendant

☐ I do consent

☐ I do not consent

to the bankruptcy court's entry of a final judgment and/or order in this adversary proceeding.

G. ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL: (Use additional page if necessary)

Respectfully submitted,

Date: _____

Printed name of law firm

Signature

Printed name

Attorney for: _____

Date: _____

Printed name of law firm

Signature

Printed name

Attorney for: _____

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **JOINT STATUS REPORT [LBR 7016-1(a)(2)]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.