

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, was 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. Counsel for the parties **MUST TIMELY MEET TO DISCUSS SETTLEMENT AND TO EXCHANGE DOCUMENTS, OTHER EVIDENCE AND LISTS OF WITNESSES AND PRELIMINARY DISCOVERY SCHEDULES AS PROVIDED IN FED. R. BANKR. P. 7026.**
 4. 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 7016-1.1. 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).
 5. 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).
 6. If the parties dispute whether the adversary proceeding is “core” within the meaning of 28 U.S.C. § 157(b), they must file points and authorities in support of their positions. Any party who contends that the proceeding is “non-core” 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.**
 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. **Counsel for each party and any party who does not have counsel must appear in person at the first status conference, unless JUDGE KAUFMAN has authorized appearance by telephone for the adversary proceeding at issue.** With respect to subsequent status conferences, counsel for each party and any party who does not have counsel may appear by telephone if they make timely arrangements to do so in accordance with Judge Kaufman's telephonic appearance procedures, which can be accessed by clicking "Information" on the upper left-hand corner of the Court's website at www.cacb.uscourts.gov. If a party has questions about these procedures or cannot locate them on the Court's website, the party may contact Judge Kaufman's Courtroom Deputy, Patty Garcia, at (818) 587-2850.
9. 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).
10. 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.
11. 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).
12. 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 1/5/11)

Attorney or Party Name, Address, Telephone & FAX Numbers and California State Bar Number	FOR COURT USE ONLY
Attorney for	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re:	
Debtor(s).	
Plaintiff(s).	CHAPTER: CASE NO.:
vs.	ADVERSARY NO.:
Defendant(s).	DATE: TIME: PLACE:

**JOINT STATUS REPORT
LOCAL BANKRUPTCY RULE 7016-1(a)(2)**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

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

A. PLEADINGS/SERVICE:

- | | | | | | |
|----|--|--------------------------|-----|--------------------------|----|
| 1. | Have all parties been served? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2. | Have all parties filed and served answers to the complaint/
counter-complaints/etc.? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 3. | Have all motions addressed to the pleadings been resolved? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 4. | Have counsel met and conferred in compliance with Local Bankruptcy
Rule 7026-1? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 5. | If your answer to any of the four preceding questions is anything <u>other</u> than an unqualified "YES," then please explain below (or on attached page): | | | | |

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In re Debtor(s).	CHAPTER: CASE NO.: ADVERSARY NO.:
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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 four (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

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In re Debtor(s).	CHAPTER: CASE NO.: ADVERSARY NO.:
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D. PRE-TRIAL CONFERENCE:

A pre-trial conference is usually conducted between a week to a month before trial, at which time a pre-trial order will be signed by the court. [See Local Bankruptcy Rule 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:

<u>Plaintiff</u>	<u>Defendant</u>
Pre-trial conference ___ (is)/ ___ (is not) requested. Reasons: _____ _____ _____	Pre-trial conference ___ (is)/ ___ (is not) requested. Reasons: _____ _____ _____

<u>Plaintiff</u>	<u>Defendant</u>
Pre-trial conference should be set <u>after</u> : (date) _____	Pre-trial conference should be set <u>after</u> : (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?

<u>Plaintiff</u>	<u>Defendant</u>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

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