

SELF-CALENDARING INSTRUCTIONS FOR JUDGE EDWARD K. BERNATAVICIUS

The self-calendar system is designed to allow both counsel and parties to schedule hearing dates for matters heard on regular notice, without having to contact the Courtroom Deputy to obtain a hearing date. Matters that do not require hearings may be filed in accordance with Local Bankruptcy Rule 9013-1(o)(1). All hearings will be held on the 3rd Floor of the United States Bankruptcy Courthouse, 3420 Twelfth Street, Courtroom 304, Riverside, CA 92501.

I. MATTERS THAT MAY NOT BE SELF-CALENDARED:

- A. Applications for Orders Shortening Time
- B. Matters heard on shortened notice, on an ex parte basis, or on an emergency basis (including chapter 11 first day motions)
- C. Disclosure Statements
- D. Status and Pre-Trial Conferences and Trials in Adversary Proceedings
- E. Clusters of Related Matters that would ordinarily be set for different hearing times
- F. Mass Objections to Claims (more than 20 objections set for a single hearing)
- G. Motions for temporary restraining orders or preliminary injunctions
- H. Motions for Reconsideration
- I. Motions to Dismiss Adversary Proceedings
- J. Motions for Summary Judgment
- K. Reaffirmation Agreements
- L. Matters that require more than 15 minutes for hearing.

Reaffirmation hearings will be scheduled by the court.

Chapter 13 confirmation hearings will be scheduled by the court.

To calendar any of the matters listed above, please contact the Courtroom Deputy at (951) 774-1098. For all matters listed above, other than chapter 11 first-day motions, the moving papers must be filed before calling the Courtroom Deputy for a hearing date.

II. MATTERS THAT MAY BE SELF-CALENDARED:

- A. Motions Regarding the Automatic Stay
- B. Motions to Convert or Dismiss under 11 U.S.C. § 1112
- C. Objections to Claims (20 or less)
- D. Fee Applications in Chapter 7 or 11 cases
- E. Employment Applications
- F. Motions to Value and Avoid Junior Liens (“LAM Motions”)
- G. Any motion in a Chapter 7, 11, 12, or 13 case or an Adversary Proceeding not identified in section I above as being ineligible for self-calendar.

NOTE: Before self-calendar please refer to Judge Bernatavicius’ calendar schedule for a list of available dates, which is posted on the self-calendar page for Judge Bernatavicius

on the court's website.

III. CERTAIN MOTIONS CONCERNING THE AUTOMATIC STAY MAY BE HEARD ON SHORTENED TIME WITHOUT A COURT ORDER:

The following categories of motions for relief from the automatic stay **do not** require an application for order shortening time:

- A. Residential unlawful detainer actions.
- B. *Post*-petition transfers of real property to the debtor.
- C. *Pre*-petition transfers to the debtor either within 30 days of the debtor's petition date or involving a fractionalized interest in real property.
- D. At least two prior bankruptcy filings affecting the subject property within six months of the petition date.

Motions calendared on shortened time in accordance with this procedure must be set for regular relief from stay dates and be filed with the court and served on all parties entitled to receive notice of the motion by such means as to ensure that the moving papers and notice of hearing are actually received not later than 5 court days prior to the date of the hearing. In addition, telephonic notice of the date, time, and place of the hearing on the motion must be given to all parties entitled to receive notice of the motion not later than 5 court days prior to the hearing on the motion. A declaration regarding service must be filed at least 3 days before the date scheduled for hearing.

Motions to *continue* or *impose the automatic stay* under 11 U.S.C. §§ 362(c)(3) or (c)(4) may be set on shortened time without a court order. Such motions must be set for regular relief from stay dates and be filed with the court and served on all parties entitled to receive notice of the motion by such means as to ensure that the moving papers and notice of hearing are actually received not later than 10 court days prior to the date of the hearing. In addition, telephonic notice of the date, time, and place of the hearing on the motion must be given to all parties entitled to receive notice of the motion not later than 10 court days prior to the hearing on the motion. A declaration regarding service must be filed at least 7 days before the date scheduled for hearing. Any opposition must be filed at least 7 days before the hearing.

If the court determines that a hearing is set using this procedure without meeting these requirements, the court may, among other relief, dismiss the motion with prejudice.

If a movant wishes to have a motion heard on shortened time and it is not in one of the above categories, the movant must apply for an order shortening time or utilize emergency motion procedures under LBR 9075-1.

IV. FOR MATTERS THAT MAY BE SELF-CALENDARED, FOLLOW THE STEPS OUTLINED BELOW:

STEP 1: Identify available dates and times for the type of matter that you want to calendar by referring to the monthly calendars posted in the Judge's courtroom or on the court's website (www.cacb.uscourts.gov).

NOTE: Calendar dates are subject to periodic revision, so please verify that you are referring to a *current version* of the Judge’s monthly calendar.

STEP 2: Prepare a notice of hearing for the date and time that you have selected. If your motion is for relief from stay, you must provide notice in the same form as outlined by Local Bankruptcy Rule 4001-1(b).

NOTE: By choosing a date for a relief from stay hearing that is greater than 30 days from the date you file your motion, you are deemed to have waived the time limits of 11 U.S.C. § 362(e).

NOTE: By choosing a date for a hearing on a motion to dismiss or convert under 11 U.S.C. § 1112 that is greater than 30 days from the date you file your motion, you are deemed to have waived the time limits of 11 U.S.C. § 1112(b)(3).

STEP 3: Give sufficient notice of all matters to all parties entitled to receive such notice pursuant to applicable provisions of the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure. Schedule hearing dates accordingly.

STEP 4: File and serve your moving papers in a timely manner. Refer to the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure for applicable filing and service deadlines. If proof of service is insufficient, the moving party’s motion may be continued or denied.

STEP 5: Check the case docket to confirm that the matter has been calendared. Confirmation that your matter has been calendared will appear on the case docket within a few business days. **The court reserves the right to reschedule any hearing.** If the date you have selected is unavailable for any reason, the Courtroom Deputy will contact you to arrange an alternative date or will notify you through a Notice to Filer entered on the case docket. You will be notified if your hearing has been re-set.

STEP 6: Counsel must follow Local Bankruptcy Rule 9021-1(b)(1)(B), which provides that “a proposed order must be served and lodged within 7 days of the granting thereof.” The proposed order must be lodged electronically through the Lodged Order Upload (LOU) program in accordance with the LOU Procedures contained in The Central Guide 1-15 posted on the court’s website. Except as provided by Local Bankruptcy Rule 9021-1(b)(1)(B), a proposed order must not be submitted or uploaded on LOU before the hearing.