

**SELF-CALENDARING PROCEDURES FOR  
JUDGE ERITHE A. SMITH**

The Honorable Erithe A. Smith has implemented a self-calendar system that allows parties to schedule hearing dates without obtaining prior approval from the courtroom deputy.

Please refer to the appropriate Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules for the Central District of California regarding time requirements for the service and filing of motions, applications and other requests for relief.

***PLEASE NOTE: A hearing for which the moving papers have not been timely filed will not be placed on the court's calendar and the courtroom deputy will contact you regarding an alternative date.***

If you need to place your hearing on second call, you must call Judge Smith's Chambers at (714) 338-5440 at least one hour prior to the time of the hearing. Failure to do so may result in the denial of your motion for failure to appear. Please also notify chambers of any settlements as soon as possible.

**I. MATTERS THAT MAY BE SELF-CALENDARED**

Parties may select their own hearing dates for the following:

- A. Motions for Relief from Stay (on regular notice)**
- B. Objections to Claims (2 or less)**
- C. Employment Applications**
- D. Any motion or application in a Chapter 7, 11 or 13 case or in an adversary proceeding NOT identified in category II as being ineligible for self-calendar.**

**II. MATTERS THAT MAY NOT BE SELF-CALENDARED**

- A. Matters Being Heard on Shortened Notice**
- B. Motions for Summary Judgment** – Judge Smith will not schedule more than one motion for summary judgment in any given week. If a party waits until just before the motion deadline date to schedule a hearing on a motion for summary judgment, it is likely the motion will not be heard on the desired date.
- C. Motions to Dismiss Under Fed. R. Civ. P. 12(b)(6)**
- D. Fee Applications**
- E. Matters Requiring More than 15 minutes of Hearing Time** - If a matter is

likely to require more than 15 minutes of hearing time (e.g., the matter is anticipated to be hotly contested), a party must obtain a hearing date from the courtroom deputy who will ensure that enough time is reserved for the matter. Any such matter that is self-calendared may be stopped after it exceeds 15 minutes at the hearing and continued to a later date.

- F. Clusters of Related Matters.** If a party wishes to group for a single hearing related matters that would ordinarily be set at different times under Judge Smith self-calendaring system, the party must contact the courtroom deputy to obtain a hearing date.
- G. Status Conferences and Pre-trial Conferences in Adversary Proceedings.** The initial status conference date will be set by the Clerk's Office at the time of issuance of the summons. All subsequent status conferences and pre-trial conferences are set by the court.
- H. Emergency Motions (including motions arising under any general order or local rule applying to Chapter 11 cases)**
- I. Reaffirmation Agreements.** Upon the filing of a reaffirmation agreement in a case in which the debtor is not represented by counsel, the courtroom deputy will schedule a hearing on the reaffirmation agreement. In a case in which the reaffirmation agreement is accompanied by a declaration from debtor's counsel in compliance with 11 U.S.C. § 524(c)(3), no hearing on the reaffirmation agreement is required.
- J. Chapter 7 Trustee's Final Report and Related Applications for Approval of Professional Fees and Expenses.**
- K. Objections to Claim (more than 2)**

### III. MOTIONS TO CONTINUE OR REIMPOSE STAY

Motions to continue or reimpose the stay under 362(c)(3) or (c)(4) **do not** require an application for order shortening time only if 14 days notice is given to all interested parties including the secured creditor. Please contact the courtroom deputy at 714-338-5360 for a hearing date.

### IV. PROCEDURE FOR USING THE SELF-CALENDARING SYSTEM

- 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](http://www.cacb.uscourts.gov))

**PLEASE 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 9013-1(d) (Local Forms series F 4001).

***PLEASE 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 Bankruptcy Code Section 362(e).

**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. Moving parties may refer to Local Bankruptcy Rule 9013-1(d).

**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. Be sure to deliver a courtesy copy of all papers to the Judge's chambers with the time and date of the scheduled hearing placed underneath the title of the pleading.

**STEP 5:** If the date you have selected is unavailable because you have given insufficient notice, the date and time are already fully booked or for any other reason, the courtroom deputy will contact you to arrange an alternative date. **The Court reserves the right to reschedule any hearing.** You will be notified promptly if your hearing has been re-set.

**STEP 6:** Lodge your proposed order through the Court's LOU system and file your Notice of Lodgment, if required, after the hearing has been held. **Do not lodge the proposed order prior to the hearing unless it is a joint pre-trial order or an order for summary judgment.** (You may, however, serve the proposed order on other parties, if you wish to afford them an opportunity to review the form of the order before the hearing.)

***PLEASE NOTE:*** If you attempt to self-calendar a matter that may not be self-calendared (see Section II above), the matter will not be placed on the court's calendar and the courtroom deputy will contact you regarding an alternative date. Such improper use of the self-calendaring system may significantly delay the scheduling of a hearing on the matter.

**UPDATED: January 28, 2019**