

## SELF-CALENDARING PROCEDURE FOR THE HONORABLE VICTORIA S. KAUFMAN

Judge Kaufman has a self-scheduling system that allows parties to obtain and schedule their own hearing dates for most matters being heard on regular notice without having to contact the Courtroom Deputy to obtain a date. Matters that do not require hearings may be filed in accordance with Local Bankruptcy Rule 9013-1(o). Please refer to the appropriate Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules regarding the filing and service of motions.

### I. Matters that may be self-scheduled on regular notice.<sup>1</sup>

Parties may select their own hearing dates **if the matter to be heard will not take more than 15 minutes** and the matter falls within one of the following categories:

- A. Motions for relief from stay;
- B. Motions to extend the automatic stay under 11 U.S.C. § 362(c)(3)(B);
- C. Motions to impose the automatic stay under 11 U.S.C. § 362(c)(4)(B);
- D. Motions to confirm that no automatic stay is in effect under 11 U.S.C. § 362(c)(4)(A)(ii);
- E. Motions to confirm that the automatic stay has been terminated under 11 U.S.C. § 362(j);
- F. Trustee's motions under 11 U.S.C. § 362(h)(2);
- G. Motions to convert or dismiss under 11 U.S.C. § 1112;
- H. Objections to claims (10 or less);
- I. Fee Applications;
- J. Employment applications; or
- K. Any motion in a chapter 7, 11 or 13 case or an adversary proceeding **not identified in section III below as being ineligible for self-scheduling.**

### II. Matters that may be self-scheduled on shortened notice.

Parties may select their own hearing dates on shortened notice if they follow the procedure detailed below, **a Judge's Copy of the motion is timely served** and the matter falls within one of the following categories:

#### A. Motions for relief from automatic stay involving

1. *Post*-petition transfers of real property to the debtor; or
2. *Pre*-petition transfers to the debtor--
  - a. Either within 90 days of the debtor's petition date, or
  - b. Involving a fractionalized interest in real property.

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<sup>1</sup> All statutory references to Title 11 pertain to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 which applies to all cases filed on or after October 17, 2005. For cases filed prior to October 17, 2005, please refer to the old Bankruptcy Code.

These matters may be calendared on shortened time without prior Court approval *provided, however*, that:

- (1) the motion is filed with the Court and served on all parties entitled to receive notice of the motion by such means so as to ensure that the moving papers and notice of hearing are *actually received* not later than five (5) **court** days prior to the date of the hearing;
- (2) any motion filed pursuant to this rule must indicate that a written response must be served and filed one (1) **court** day prior to the date of the hearing; and
- (3) the movant's proof of service must be filed no later than two (2) **court** days prior to the date of the hearing.

**B. Motions for relief from automatic stay that *do not meet the requirements of section A above, but involve residential unlawful detainer actions in all chapters WHERE JUDGMENT FOR POSSESSION HAS BEEN GRANTED PRE-PETITION.***

Such motions may be calendared on shortened time without prior Court approval *provided, however*, that:

- (1) the motion is filed with the Court and served on all parties entitled to receive notice of the motion 14 days prior to the date of the hearing;
- (2) any motion filed pursuant to this rule must indicate that a written response must be served and filed two (2) **court** days prior to the date of the hearing; and
- (3) the movant's proof of service must be filed no later than two (2) **court** days prior to the date of the hearing.

**C. Motions continuing the stay under 11 U.S.C. § 362(c)(3).**

**Such motions must be *filed and scheduled* for hearing within 30 days of the filing date of the new bankruptcy case ("Petition Date"). These matters may be calendared on shortened time without prior Court approval *provided, however*, that:**

- (1) the motion is filed with the Court and served on all parties entitled to receive notice of the motion, including any creditor that may be affected and its attorney, if known, not later than fourteen (14) days prior to the date of the hearing;
- (2) any motion filed pursuant to this rule must indicate that a written response must be served and filed with the Court not later than two (2) **court** days prior to the date of the hearing; and
- (3) the movant's proof of service must be filed no later than two (2) **court** days prior to the date of the hearing.

***IF THIS PROCEDURE WILL NOT PROVIDE SUFFICIENT TIME TO HAVE THE MOTION HEARD WITHIN 30 DAYS OF THE PETITION DATE, THEN PARTIES MUST TIMELY FILE AN APPLICATION FOR ORDER SHORTENING TIME TO OBTAIN A HEARING WITHIN THE 30 DAYS.***

**D. Motions imposing an automatic stay under 11 U.S.C. § 362(c)(4).**

**Such motions must be filed within 30 days of the filing date of the new bankruptcy case. These matters may be calendared on shortened time without prior Court approval provided, however, that:**

- (1) the motion is filed with the Court and served on all parties entitled to receive notice of the motion, including any creditor that may be affected and its attorney, if known, not later than fourteen (14) days prior to the date of the hearing;
- (2) any motion filed pursuant to this rule must indicate that a written response must be served and filed with the Court not later than two (2) **court** days prior to the date of the hearing; and
- (3) the movant's proof of service must be filed no later than two (2) **court** days prior to the date of the hearing.

If this procedure will unduly delay the relief which is being sought, *i.e.* imposition of the stay, then parties must file an application for order shortening time to obtain a hearing date on less than 14 days notice.

**PLEASE NOTE:** for a motion for relief from automatic stay involving a transfer of property to the debtor [II.A.1. or 2., above], **in order to obtain relief under 11 U.S.C. § 362(d)(4)**, the original borrower(s) under the promissory note at issue and any other parties holding title to the transferred property must timely receive the moving papers and notice of the hearing.

**III. Matters that may NOT be self calendared:<sup>2</sup>**

- A. Applications for orders shortening time;
- B. Matters to be heard on shortened notice or on an ex parte basis;
- C. Emergency motions (including all such motions in chapter 11 cases);
- D. Motions subject to Local Bankruptcy Rule 9020-1 (*i.e.*, regarding contempt proceedings);
- E. Disclosure statements;<sup>3</sup>
- F. Mass objections to claims (more than 10 objections set for a single hearing);
- G. Motions for reconsideration;
- H. Motions for summary judgment;<sup>4</sup>

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<sup>2</sup> To obtain a hearing date for any matter on this list, please contact the Courtroom Deputy at (818) 587-2850.

<sup>3</sup> A hearing date will be provided only after the plan and disclosure statement have been filed and a Judge's Copy has been served on Judge Kaufman. Thereafter, movant must provide timely written notice of the date and time of the hearing as provided by the Court.

<sup>4</sup> A hearing date will be provided only after the motion for summary judgment has been filed and a Judge's Copy has been served on Judge Kaufman. Thereafter, movant must provide timely written notice of the date and time of the hearing as provided by the Court.

- I. Motions to dismiss in adversary proceedings;<sup>5</sup>
- J. Motions for judgment on the pleadings under FRCP Rule 12(c);<sup>6</sup>
- K. Motions to strike in adversary proceedings under FRCP Rule 12(f);<sup>7</sup>
- L. Motions for Default Judgments;
- M. Initial status conferences in adversary proceedings;
- N. Pre-trial conferences;
- O. Reaffirmation agreements;
- P. Clusters of related matters that would ordinarily be set for different hearing times; and
- Q. Any motion or matter that will take **more than 15 minutes**.

#### IV. Impact of Electronic Filing on Self-Calendaring Procedure.

Pleadings for a matter that is eligible for self-calendaring (as well as other pleadings) may be filed through the Court's CM/ECF system. However, **in order to maintain any hearing date which the party has selected for that matter in accordance with the self-calendaring system**, a paper "Judge's Copy" of the documents filed with the Court must be served on Judge Kaufman in chambers, located at Suite 354, 21041 Burbank Blvd., Woodland Hills, California 91367, in the manner and not later than the deadline set forth in the Court Manual available from the clerk and on the Court's website.

Any Judge's Copy of a document that was filed using the Court's CM/ECF system must: (i) conform to the requirements set forth in Local Bankruptcy Rules 5005-2, 9004-1, and Court Manual sections 2-5 and 3-5, including, but not limited to, the numbering of exhibits, as set forth in Court Manual section 2-5(d)(2); (ii) contain tabs for all exhibits and other declarations as set forth in Local Bankruptcy Rule 5005-2(d)(1) and Court Manual sections 2-5(d)(3) and 3-5(b); (iii) be marked "Judge's Copy"; and (iv) be accompanied by a copy of the CM/ECF receipt (also referred to as the NEF, Notice of Electronic Filing) confirming the filing of the original document through the Court's CM/ECF system. **If all required Judge's Copies are not properly formatted or are not served on the judge and received by Judge Kaufman's chambers, a matter may NOT go forward on the hearing date that has been selected using the self-calendaring procedure. In addition, if any party does not comply with her/his/its obligations under the Local Bankruptcy Rules regarding the format and service of a Judge's Copy, that party may be sanctioned by the Court.**

#### V. Procedures for Self Calendaring.

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<sup>5</sup> A hearing date will be provided only after the motion to dismiss has been filed and a Judge's Copy has been served on Judge Kaufman. Thereafter, movant must provide timely written notice of the date and time of the hearing as provided by the Court.

<sup>6</sup> A hearing date will be provided only after the motion for judgment on the pleadings has been filed and a Judge's Copy has been served on Judge Kaufman. Thereafter, movant must provide timely written notice of the date and time of the hearing as provided by the Court.

<sup>7</sup> A hearing date will be provided only after the motion to strike has been filed and a Judge's Copy has been served on Judge Kaufman. Thereafter, movant must provide timely written notice of the date and time of the hearing as provided by the Court.

For matters that may be self-calendared, please 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 Court’s website ([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) as follows:

- Under the “Judges” tab, click “Self Calendaring.”
- Under the “Self Calendaring” heading, click “Kaufman, V.”

**PLEASE NOTE that calendar dates are subject to periodic revisions so please verify that you are referring to a current version of Judge Kaufman’s monthly calendar.**

**STEP 2:** In accordance with Local Bankruptcy Rule 9013-1(c), you are required to 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 accordance with the Official Form (series 4001) as set forth under Local Bankruptcy Rule 4001-1(b)(1).

**PLEASE NOTE the following:**

By choosing a date for a relief from stay hearing that is more 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).

By choosing a date for a hearing on a motion to dismiss or convert under 11 U.S.C. § 1112 that is more 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).

By failing to serve timely a Judge’s Copy regarding an electronically filed motion for relief from stay or a motion to dismiss or convert under 11 U.S.C. § 1112, you are deemed to have waived the time limits of 11 U.S.C. § 362(e) or 11 U.S.C. § 1112(b)(3), as applicable.

**STEP 3:** Provide sufficient notice 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 Rules 9013-1(c)(2) and (d) regarding service of the notice of the hearing and Local Bankruptcy Rule 9013-1(i) regarding evidence supporting the motion.

**STEP 4:** File and serve your moving papers timely. 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 Judge’s Copy of all papers to Judge Kaufman’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 alternate date. **The Court reserves the right to reschedule any hearing.** Prior to the date of any scheduled hearing, you will be notified if your hearing has been re-set.