

**LBR 1016-1. DEATH OR INCOMPETENCY OF DEBTOR**

When the death or incompetency of a debtor has occurred, an order continuing administration of a case under chapter 11, 12 or 13 of the Code requires a motion that meets the standard of FRBP 1016 and complies with LBR 9013-1.

**LBR 2002-1. NOTICE TO AND SERVICE UPON CREDITORS AND OTHER INTERESTED PARTIES**

**(a) Request to Designate Address for Authorized Agent Pursuant to FRBP 2002(g).**

- (1) Title. The title in the caption of the request must be “Request to Designate Address for Authorized Agent Pursuant to FRBP 2002(g).”
- (2) Contents. A person or entity filing a request for notices to be served on an authorized agent pursuant to FRBP 2002(g) must include in the request for notice: (A) name of the person or entity requesting notice; (B) mailing address, including street address for overnight delivery or personal service; (C) telephone number; (D) facsimile number; (E) email address; (F) name of the person or entity whom the authorized agent represents; and (G) whether or not the authorized agent is a registered CM/ECF user.
- (3) Consent to Electronic Notice and Service. Subject to the provisions of LBR 9036-1, if an authorized agent is a registered CM/ECF user, the agent is deemed to consent to receive electronic notice and service from the clerk and parties in interest in the case or proceeding.

**(b) Request for Notice Despite Order Limiting Notice to Committees.**

- (1) Contents. A person or entity filing a request for notices served pursuant to FRBP 2002 must include in the request for notice: (A) name of the person or entity requesting notice; (B) mailing address, including street address for overnight delivery or personal service; (C) telephone number; (D) facsimile number; (E) email address; (F) name of the person or entity represented, if any; (G) a statement that the requesting party is a creditor and/or equity security holder of the debtor and notice is requested on the basis of the court having limited notice to a committee; and (H) a statement that the request is limited to notices required to be provided under FRBP 2002(a)(2), (a)(3), and (a)(6) and does not include any moving or responsive or reply documents, any evidence, or any proposed orders or entered orders.
- (2) Consent to Electronic Notice. Subject to the provisions of LBR 9036-1, a creditor or equity security holder of the debtor filing a request for notice under subsection (b)(1) of this rule is deemed to consent to receive electronic notice from the clerk and parties in interest in the case or proceeding.

**(c) Mailing List in Chapter 9 and 11 Cases.** In chapter 9 and 11 cases only, the debtor in possession or trustee must maintain a current mailing list of entities who have served a request for notice pursuant to FRBP 2002 and must promptly furnish a copy of that list upon the request of any creditor or other interested party.

**(d) Notice of Address in a Specific Case.** Pursuant to 11 U.S.C. § 342(e), a creditor may file a Notice of Address to be Used in Specific Case using the court-approved form.

(e) **Request to be Added to Courtesy NEF.**

- (1) Filing. Any person or entity registered as a CM/ECF User may file a Request to be Added to Courtesy NEF in any case or proceeding, using the court-approved form.
- (2) Consent to Electronic Notice and Service. Subject to the provisions of LBR 9036-1, a person or entity who files a Request to be Added to Courtesy NEF consents to electronic notice and service from the clerk and parties in interest in the case or proceeding.
- (3) No Duty. The filing of a Request to be Added to Courtesy NEF does not create a duty on the clerk or any party in interest to provide notice or service of any document.

(f) **Notice of Hearing on Chapter 15 Petition for Recognition.** To comply with FRBP 2002(q), at the same time a petition for recognition of foreign proceeding is filed, the foreign representative must: (1) submit to the clerk the mandatory LBR form Order and Notice Setting Hearing on Chapter 15 Petition for Recognition, and (2) serve the Order and Notice Setting Hearing on Chapter 15 Petition for Recognition promptly after it is issued/docketed by the clerk.

### **LBR 2015-3. PRECONFIRMATION REQUIREMENTS FOR SUBCHAPTER V DEBTORS, DEBTORS IN POSSESSION, AND TRUSTEES**

(a) **Applicability.** This LBR only applies to cases proceeding under subchapter V of chapter 11 of the Bankruptcy Code.

(b) **Subchapter V Status Report.** Unless otherwise ordered by the court, not later than 14 days before the date of the first-scheduled status conference, the debtor must:

(1) Meet and confer with the Subchapter V Trustee and any creditor asserting a secured claim regarding assurances that any allowed fees and expenses of the trustee will be paid, including any initial or monthly retainer and any proposed carve out from the collateral securing the creditor's claim;

(2) File a completed Subchapter V Status Report, local form F 2015-3.1.SUBV.STATUS.RPT, executed by both the debtor and the debtor's counsel, if any, which must include, in the section addressing any additional information the debtor wishes to disclose to the court, any request by the trustee for any retainer or other assurances of payment, and the position of the debtor and of any secured creditor as to such retainer or other assurances; and

(3) Serve a copy of the Subchapter V Status Report on the trustee, the United States trustee, and all parties in interest.

(c) **Monthly Operating Reports.** The debtor must file with the Court timely subchapter V monthly operating reports ("MORs") on the appropriate Official Form (Official Form B 425C) required by section 308 of the Bankruptcy Code and in accordance with the timing requirements of FRBP 2015(a)(6). If the debtor is removed as debtor in possession, the obligation to file MORs shall be the obligation of the subchapter V trustee in possession, unless the Court orders otherwise. LBR 2090-1.

(d) **Complete Inventory.** Upon written motion pursuant to LBR 9013-1, filed by a party in interest, including the subchapter V trustee, the Court may direct the debtor to file a complete physical inventory of the debtor's property as of the date (1) the petition was filed, or (2) the case was converted to chapter 11, subchapter V.

(e) **Subchapter V Trustee's Estimate of Fees and Expenses.** Unless otherwise ordered by the court, not later than 14 days before the deadline to file any proposed plan, the Subchapter V Trustee must:

(1) file a completed Notice of Subchapter V Trustee's Estimated Fees and Expenses for Purposes of Plan Confirmation, local form **F 2015-3.2.SUBV.TRUSTEE.FEE.EST**; and

(2) serve a copy of the Subchapter V Trustee's Estimated Fees and Expenses on the debtor, counsel for the debtor, and the United States trustee.

## **LBR 2016-1. COMPENSATION OF PROFESSIONAL PERSONS**

### **(a) Interim Fee Applications.**

- (1) Form of Fee Application. An application for interim fees incurred or costs advanced by an attorney, accountant or other professional person, and a trustee or examiner must contain the following:
  - (A) A brief narrative history and report concerning the status of the case, including the following:
    - (i) Chapter 11. Applicant must describe the general operations of the debtor, stating whether the business of the debtor, if any, is being operated at a profit or loss, whether the business has sufficient operating cash flow, whether a plan has been filed, and if not, the prospects for reorganization and the anticipated date for the filing of a plan.
    - (ii) Chapter 7. Applicant must report the status of administration of the estate, discussing the actions taken to liquidate property of the estate, the property remaining to be administered, the reasons the estate is not in a position to be closed, and whether it is feasible to pay an interim dividend to creditors.
    - (iii) All Cases. Applicant must disclose the amount of money on hand in the estate and the estimated amount of other accrued expenses of administration. At the hearing on an application for interim fees, the applicant should be prepared to supplement the application by declaration or by testimony to inform the court of the current financial status of the debtor's estate.
    - (iv) Multiple Fee Applications. If more than 1 application for interim fees in a case is noticed for hearing at the same date and time, the narrative history provided in one of the applications may be incorporated by reference into the other interim fee applications to be heard contemporaneously by the court.
    - (v) Exception. A fee application submitted by an auctioneer, real estate broker, or appraiser does not have to comply with subsection (a)(1)(A) of this rule, except that auctioneers, unless otherwise ordered by the court, must file the report required by FRBP 6004(f) prior to receiving final compensation.
  - (B) The date of entry of the order approving the employment of the individual or firm for whom payment of fees or expenses is sought, and the date of the last fee application for the professional.
  - (C) A listing of the amount of fees and expenses previously requested, those approved by the court, and how much has been received.

- (D) A brief narrative statement of the services rendered and the time expended during the period covered by the application.
- (E) Unless employment has been approved on a fixed fee, percentage fee, or contingent fee basis, the application must contain a detailed listing of all time spent by the professional on matters for which compensation is sought, including the following:
  - (i) Date Service was Rendered;
  - (ii) Description of Service. It is not sufficient to merely state “Research,” “Telephone Call,” “Court Appearance,” *etc.* Applicant must refer to the particular person, motion, discrete task performed, and other matters related to such service. A summary that lists a number of services under only 1 time period is not satisfactory;
  - (iii) Amount of Time Spent. A summary is not adequate. Time spent must be accounted for in tenths of an hour and broken down in detail by the specific task performed. Lumping of services is not satisfactory; and
  - (iv) Identification of Person who Rendered Service. If more than 1 person’s services are included in the application, applicant must identify the person who performed each item of service.
- (F) An application that seeks reimbursement of actual and necessary expenses must include a summary listing of all expenses by category (*i.e.*, long distance telephone, photocopy costs, facsimile charges, travel, messenger and computer research). As to each unusual or costly expense item, the application must state:
  - (i) The date the expense was incurred;
  - (ii) A description of the expense;
  - (iii) The amount of the expense; and
  - (iv) An explanation of the expense.
- (G) Unless employment has been approved on a fixed fee, percentage fee, or contingent fee basis, the application must contain a listing of the hourly rates charged by each person whose services form a basis for the fees requested in the application. The application must contain a summary indicating for each attorney by name:
  - (i) The hourly rate and the periods each rate was in effect;
  - (ii) The total hours in the application for which compensation is sought; and

(iii) The total fee requested in the application.

- (H) A description of the professional education and experience of each of the individuals rendering services, including identification of the professional school attended, year of graduation, year admitted to practice, publications or other achievements, and explanation of any specialized background or expertise in bankruptcy-related matters.
- (I) If the hourly rate changed during the period covered by the application, the application must specify the rate that applies to the particular hours for which compensation is sought.
- (J) A separately filed declaration from the client indicating that the client has reviewed the fee application and has no objection to it. If the client refuses to provide such a declaration, the professional must file a declaration describing the steps that were taken to obtain the client's declaration and the client's response thereto.
- (K) A statement that the applicant has reviewed the requirements of this rule and that the application complies with this rule.

(2) Notice of Interim Fee Application and Hearing.

- (A) In all cases where the employment of more than one professional person has been authorized by the court, a professional person who files an application for interim fees must give other professional persons employed in the case not less than 45 days notice of the date and time of the hearing. The notice of hearing must further state:

“Other professional persons retained pursuant to court approval may also seek approval of interim fees at this hearing, provided that they file and serve their applications in a timely manner. Unless otherwise ordered by the court, hearings on interim fee applications will not be scheduled less than 120 days apart.”

- (B) Applicant must serve not less than 21 days notice of the hearing on the debtor or debtor in possession, the trustee (if any), the creditors' committee or the 20 largest unsecured creditors if no committee has been appointed, any other committee appointed in the case, counsel for any of the foregoing, the United States trustee, and any other party in interest entitled to notice under FRBP 2002. The notice must identify the professional person requesting fees, the period covered by the interim application, the specific amounts requested for fees and reimbursement of expenses, the date, time and place of the hearing, and the deadline for filing and serving a written opposition.
- (C) In addition to the notice, a copy of the application, together with all supporting documents, must be served on the debtor or debtor in possession, the trustee

(if any), any committee appointed in the case, counsel for any of the foregoing, and the United States trustee. A copy of the complete application must also be promptly furnished upon specific request to any other party in interest.

- (3) Objections. Any opposition or other responsive document by the United States trustee or other party in interest must be served and filed at least 14 days prior to the hearing in the form required by LBR 9013-1(f).

- (b) **Motions to Approve Compensation Procedures in Chapter 11 Cases, Including Monthly Draw-down and Contingency or Success Fee Agreements.** A professional person employed in a chapter 11 case may request approval for and modifications of draw-down procedures and an order allowing payment of interim compensation more frequently than once every 120 days.

- (c) **Final Fee Application.**

- (1) Who Must File. The trustee, if any, and each professional person employed in the case must file a final fee application.
- (2) Contents. An application for allowance and payment of final fees and expenses must contain the information required of an interim fee application under LBR 2016-1(a)(1).
- (3) When Filed; Notice Required in Chapter 11 Cases.
  - (A) Unless otherwise ordered by the court, a final fee application by the trustee, if any, and each professional person employed in a chapter 11 case must be filed and set for hearing as promptly as possible after confirmation of a plan.
  - (B) A final fee application must cover all of the services performed in the case, not just the last period for which fees are sought, and must seek approval of all prior interim fee awards.
  - (C) Applicant must serve not less than 21 days notice of the hearing on the debtor or debtor in possession, the trustee (if any), any committee appointed in the case, counsel for any of the foregoing, the United States trustee, and any other party in interest entitled to notice under FRBP 2002. The notice must identify the person or entity requesting a final allowance of fees and expenses, the period covered by the final application, the specific amounts requested for fees and reimbursement of expenses, the date, time and place of the hearing, and the deadline for filing and serving a written opposition.
  - (D) In addition to the notice, a copy of the application, together with all



supporting documents, must be served on the debtor or debtor in possession, the trustee (if any), any committee appointed in the case, counsel for any of the foregoing, and the United States trustee. A copy of the complete application must also be promptly furnished upon specific request to any other party in interest.

(4) When Filed; Notice Required in Chapter 7 Cases.

- (A) A chapter 7 trustee must give at least 30 days written notice of intent to file a final report and account to the attorney for the debtor, the trustee's attorney and accountant, if any, and any other entity entitled to claim payment payable as an administrative expense of the estate.
  - (B) A professional person seeking compensation must file and serve an application for allowance and payment of final fees and expenses on the trustee within 21 days of the date of the mailing of the trustee's notice. The failure to timely to file an application may be deemed a waiver of compensation.
  - (C) All final fee applications by professional persons must be set for hearing with the chapter 7 trustee's final application for allowance and payment of fees and expenses. Notice of a final fee application must be given by the chapter 7 trustee as part of the notice of the hearing on the trustee's request for compensation. A separate notice by the applicant is not required.
  - (5) Objections. Any opposition or other responsive document by the United States trustee or other party in interest must be served and filed at least 14 days prior to the hearing in the form required by LBR 9013-1(f).
- (d) **Fee Examiner.** The court may, either on its own motion or on the motion of a party in interest, with or without a hearing, exercise its discretion to appoint a fee examiner to review fee applications and make recommendations to the court for approval.
- (e) **Subchapter V Trustee Compensation.** At any status conference the court may rule on any request of the Subchapter V Trustee to order a retainer or any other proposed assurance that the trustee will be paid any allowed fees and expenses. The trustee is not required to make that request in any separate document if it is included in the debtor's status report; but the trustee may file a separate application for an order establishing a retainer or other assurances of payment, which must be served on the debtor, any creditors asserting a secured claim, the United States Trustee, and any other persons the court may require. In ordering any retainer or other assurances of payment, the court may consider (i) the risk that the case will be converted or dismissed, (ii) whether the estate has unencumbered assets from which to pay the trustee, (iii) the amount of work that the trustee must or should undertake, and (iv) any other relevant facts and circumstances. Any retainer remains property of the bankruptcy estate and must be held by the trustee and not be disbursed unless otherwise ordered by the court. Nothing in this paragraph should be interpreted to excuse the debtor from the need to file a motion to approve the use of any cash collateral.

## **LBR 2090-1. ATTORNEYS – ADMISSION TO PRACTICE**

### **(a) Appearance by Attorneys Admitted to Practice Before the District Court.**

- (1) Attorney. An attorney admitted to practice before the district court may practice before the bankruptcy court. An attorney who is not admitted to the bar of, or permitted to practice before, the district court may not appear before the court on behalf of a person or entity, except as provided by this rule. Attorneys appearing before the court must have read the FRBP, F.R.Civ.P., F.R.Evid., and these rules in their entirety.
- (2) Scope of Appearance in Chapter 9, 11, 12, and 13 Cases.  
In chapter 9, 11, 12, and 13 cases, the attorney for the debtor is presumed to appear for the case and all proceedings in the case, unless otherwise ordered by the court or as provided for in LBR 3015-1(v).
- (3) Scope of Appearance in Individual Chapter 7 Cases. Nothing in these rules shall be construed as prohibiting a limited scope of appearance in a chapter 7 case so long as the applicable Rules of Professional Conduct and ethics rules are followed and the attorney for the debtor, in addition to preparing the petition and schedules, provides the following services:
  - (A) advises the debtor about the possibility of any additional proceedings related to or arising from the underlying bankruptcy case, including any adversary proceeding, motion or other contested matter initiated by a creditor, trustee or party in interest; and
  - (B) appears with the debtor at the initial § 341(a) meeting of creditors or arranges for an attorney knowledgeable about all pertinent information in the case to appear with the debtor at such meeting.
- (4) Disclosure of Compensation. Where the attorney and the debtor agree to legal services for less than all aspects of the bankruptcy case, the scope of the services agreed to must be listed in, as applicable, LBR form [F 2090-1.CH7.ATTY.COMP.DISCLSR](#) and [F 2016-1.4.ATTY.COMP.DISCLSR](#).
- (5) Communications with the Debtor in Limited Scope Chapter 7 Cases. Subject to the prohibition on any act to collect a claim and other stayed acts under 11 U.S.C. § 362(a), any communication, including any proposed reaffirmation agreement, must be sent to both the debtor and the debtor's attorney, even if it appears that the communication is beyond the scope of the attorney's limited appearance in the case.

### **(b) Pro Hac Vice Appearance.**

- (1) Permission for Pro Hac Vice Appearance by Non-Resident Attorney. Any person who is not otherwise eligible for admission to practice before the court, but who is a

member in good standing of, and eligible to practice before, the bar of any United States court, or of the highest court of any state, territory, or insular possession of the United States, who is of good moral character, and who has been retained to appear before the court, may, upon written application and at the discretion of the court, be permitted to appear and participate pro hac vice by non-resident attorney in a particular case or in a particular proceeding in a case. **Only one application and fee are required per case, even if the party to be represented is involved in both a case and a proceeding, in multiple proceedings within that case, or in cases that are jointly administered or substantively consolidated.**

- (2) Disqualification from Pro Hac Vice Appearance. Unless authorized by the Constitution of the United States or Act of Congress, a non-resident attorney is not eligible for permission to appear pro hac vice if the applicant:
  - (A) Resides in California; or
  - (B) Is regularly employed in California; or
  - (C) Is regularly engaged in business, professional, or other similar activities in California.
- (3) Designation of Local Counsel. A non-resident attorney applying to appear pro hac vice must designate an attorney who is a member of the bar of the court and who maintains an office within this district as local counsel with whom the court and opposing counsel may readily communicate regarding the conduct of the case and upon whom documents may be served, unless otherwise ordered by the court.
- (4) Designation of Co-counsel. A judge to whom a case is assigned may, in the exercise of discretion, require the designation of an attorney who is a member of the bar of the court and who maintains an office within this district as co-counsel with authority to act as attorney of record for all purposes.
- (5) Obtaining Permission for Pro Hac Vice Appearance. A non-resident attorney seeking permission to appear pro hac vice must present to the clerk:
  - (A) Proof of payment of the fee required by the district court; and
  - (B) A written application on or conforming to court-approved form [F 2090-1.2.APP.NONRES.ATTY](#), Application for Non-Resident Attorney to Appear in a Specific Case, disclosing the following:
    - (i) The applicant's name, and office or residence address;
    - (ii) The courts to which the applicant has been admitted to practice and the respective dates of admission;

- (iii) A statement by the applicant of the good standing to practice before the courts to which the applicant has been admitted;
  - (iv) Whether the applicant has been disciplined by any court or administrative body, and if disciplinary proceedings are pending, the details of such proceedings, and whether the applicant resigned while disciplinary proceedings were pending;
  - (v) Whether in the 3 years preceding the application, the applicant has filed for permission to practice pro hac vice before any court within the state of California, together with the court, title and number of each such proceeding, and the disposition of each such application;
  - (vi) A certificate that the applicant has read the FRBP, the F.R.Civ.P., the F.R.Evid., and these rules in their entirety; and
  - (vii) The designation required by LBR 2090-1(b)(3) or LBR 2090-1(b)(4) including the office address, telephone number, and written consent of the designee.
- (6) No Notice and Hearing. An application by a non-resident attorney for permission to appear pro hac vice does not require notice or a hearing, pursuant to LBR 9013-1(q).
- (c) **Attorneys for the United States.** Any person who is not eligible for admission under LBR 2090-1(b), or Local Civil Rules, who is employed within California and who is a member in good standing of and eligible to practice before the bar of any United States court, or of the highest court of any state, territory or insular possession of the United States, and who is of good moral character, may be granted leave of court to practice in the court in any matter for which such person is employed or retained by the United States or its agencies.
- (d) **Professional Corporations, Unincorporated Law Firms, and In-house Attorneys.**
- (1) Appearance. A professional law corporation or unincorporated law firm (collectively, “law firm”) may not make an appearance on behalf of a party nor may pleadings or other documents be signed in the name of the law firm except by an attorney admitted to the bar of or permitted to practice before the court. This rule does not apply to appearances by the attorney on behalf of the attorney or on behalf of the attorney’s law firm.
- (2) Form of Appearance.
- (A) A law firm must appear in the following form of designation or its equivalent:

John Smith (state bar number)  
Smith and Jones  
Address

Telephone Number  
Fax Number (if any)  
Email Address (if any)  
Attorneys for \_\_\_\_\_

- (B) An in-house attorney must appear in the following form of designation or its equivalent:

John Smith (state bar number)  
Name of corporation or business entity  
Address  
Telephone Number  
Fax Number (if any)  
Email Address (if any)  
Attorneys for \_\_\_\_\_

- (C) Except as provided in LBR 1002-1(b) and LBR 2002-1(a), the disclosure of an email address by an attorney in the form of designation is optional.

- (e) **Law Student Certification for Practice in Bankruptcy Court.** A law student may be certified for practice in the bankruptcy court if the student meets the requirements of Local Civil Rule 83-4 for appearances in civil cases, except that the student need only complete one-third (rather than one-half) of the legal studies required for graduation. The law student also must have:

- (1) Taken or be taking concurrently a course in bankruptcy law; and
- (2) Knowledge of and familiarity with the F.R.Civ.P., FRBP, F.R.Evid., the Rules of Professional Conduct of the State Bar of California, and these rules.

## **LBR 6007-1. ABANDONMENT OF PROPERTY OF THE ESTATE**

~~(a) **Notice of Intent to Abandon.** A trustee or debtor in possession who desires to abandon property of the estate may seek to do so by a notice of intent to abandon, without the necessity for filing a motion to abandon.~~

~~(b) **Motion to Compel Abandonment.** An order compelling the case trustee or debtor in possession to abandon property of the estate may be obtained upon motion of a party in interest after notice of opportunity to request a hearing pursuant to LBR 9013-1(e).~~

~~(c) **Notice.**~~

~~(1) **Content.** Notice of either an intent to abandon or motion to compel abandonment must (a) describe the property to be abandoned, including the address of the property, if applicable; (b) state the basis upon which the party seeking abandonment concludes that the property is burdensome to the estate or that it is of inconsequential value or benefit to the estate; and (c) state that any objection and request for hearing must be filed and served not more than 14 days after service of the notice, unless the notice specifies a longer period or unless otherwise ordered by the court.~~

~~(2) **Parties to Be Served.** The notice must be served on those listed in FRBP 6007(a)~~

**(d a) Absence of Objection and Request for Hearing on Notice of Intent to Abandon.**

(1) When a notice of proposed abandonment is filed per FRBP 6007(a) and served per LBR 9013-1(o), if no timely objection and request for hearing is filed and served, the property is deemed abandoned without further order of the court.

(2) If an entity desires an order of the court authorizing or directing, and confirming, the case trustee's or debtor in possession's abandonment of the property, and the notice of proposed abandonment was supported by a declaration that addresses the elements of 11 U.S.C. § 554, that entity may lodge a proposed form of order with the court in accordance with the procedure set forth in LBR 9013-1(o)(3).

**(e b) Objection and Request for Hearing on Notice of Intent to Abandon.** If a timely objection and request for hearing is filed and served, the party requesting the abandonment must, within 14 days from the date of service of such objection, file a reply under LBR 9013-1(g) and a notice of hearing pursuant to LBR 9013-1(c) and set obtain a hearing date and furnish not less than 14 on at least 14 days notice of the hearing to each objecting party and to the United States trustee.

**LBR 7030-2. TRANSCRIPTS OF ADDITIONAL ORAL EXAMINATIONS**

- (a) **FRBP 2004 Examination.** All provisions of LBR 7030-1 for deposition transcripts apply to transcripts of testimony given at an examination conducted pursuant to FRBP 2004.
- (b) **Meeting of Creditors or Equity Security Holders.** The provisions of LBR 7030-1(b)-(c) for deposition transcripts apply to a transcript of testimony given at a meeting of creditors or equity security holders recorded in compliance with FRBP 2003.

**LBR 9004-1. FORM OF DOCUMENTS FILED OR LODGED WITH COURT, ~~OR SERVED~~**

**(a) General.**

(1) Unless otherwise expressly provided by these rules, a document filed or lodged with the court, ~~or served~~, and any exhibit thereto must comply with the form and format requirements contained in ~~the Court Manual~~. **The Central Guide.**

(2) This rule does not prevent the use of Official Forms or court-approved forms in accordance with LBR 9009-1.

**(b) Signature of Person.**

(1) General. The name of the person signing a document must be printed clearly below the signature line.

(2) Facsimile or Electronically Produced Signature. Unless otherwise provided in a case, the clerk may accept documents for filing that bear a facsimile or electronically produced signature as the equivalent of an original signature, provided the filing party and clerk comply strictly with the court's electronic filing procedures described in LBR 5005-4 for the safeguarding of documents with original signatures.



## **LBR 9011-1. SIGNATURES**

- (a) **Holographic Signatures.** Except as provided below, every signature on a filed document must be handwritten in ink (holographic). If the document is to be filed electronically then the filer must scan the signature page and insert it into the electronic (.pdf) version of the document filed with the court. Nothing in this local rule precludes the filing of a signature page that has been transmitted to the filer by facsimile or .pdf, provided that the filer promptly obtains the document bearing the signer's original holographic signature and complies with LBR 9011-1(d) below. Under no circumstances may a reproduction of the same holographic signature be used on multiple pages or in multiple documents. Each page that bears the signature of a person must actually have been signed by the person whose signature appears on such page.
- (b) **Electronic Signatures.** A holographic signature is not required only in the following circumstances:
- (1) **Filer's "/s/" Signature.** The signature of ~~an electronic filer of a person who electronically files, lodges, or submits (Files)~~ a document (Filer) need not be a holographic signature if the Filer complies with the court's procedures for electronic Filing. The electronic ~~F~~iling ~~or lodging~~ of a document by a Filer through the CM/ECF, ePOC, LOU, eSR, EDB, or other court sponsored electronic programs system, constitutes a signature on that document by such Filer and shall subject the Filer to the same consequences as if the Filer had signed such document by hand, including sanctions under FRBP 9011 and liability for perjury. When a password is required to electronically File file or lodge a document, the Filer whose password is used to effectuate such Filing shall be deemed to be a Filer of the document. If required by ~~The Central Guide~~ LBR 5005-4(a), an electronically-filed document shall include in the signature block an "/s/" followed by the name of the Filer, so as to provide clear notice of who has signed the document; provided, however, that failure to do so will not invalidate the signature deemed made by the Filer.
- (2) **Employee of Filer: "/s/" Signature on Proof of Service.** The signature of an employee of a court-authorized Filer, or an employee of the same law firm or other organization as the court-authorized Filer, on a proof of service or certificate of service need not be a holographic signature. The employee may sign a proof of service or certificate of service by typing an "/s/" followed by the employee's name on the signature line where such signature is required. The employee placing such "/s/" signature on the proof of service or certificate of service, and the Filer whose password is used to File such document, will be subject to the same consequences as if the employee had actually signed the document and the Filer had filed the document, including sanctions under FRBP 9011 and penalties for perjury.

- (3) **Approved Bankruptcy Notice Provider: “/s/” Signature on Proof of Service.** The signature on a proof of service filed by a bankruptcy case trustee or a government agency (e.g., the Office of the United States Trustee) need not be a holographic signature if (i) it is made by an entity that has been approved by the Administrative Office of United State Courts to give notice to creditors and (ii) it is signed using an “/s/” signature or the equivalent by an employee of such entity who is duly authorized by such entity to sign the proof of service.
- (4) **Software Generated Signature.** This paragraph (4) governs any graphical signature created by software (e.g., DocuSign) (Software Generated Signature). Software Generated Signatures are not permitted for (i) bankruptcy petitioners on any bankruptcy petition, (ii) individual debtors on the Statement About Your Social Security Numbers, (iii) debtors on the Declaration About an Individual Debtor’s Schedules (Form 106Dec) or Declaration Under Penalty of Perjury for Non-Individual Debtors (Form 202), and (iv) all debtors on statements and schedules required to be filed to comply with a debtor’s duties under 11 U.S.C. §521(a). Any other signatures may be Software Generated Signatures provided that the following requirements are met:

**(A) Software Must Have Robust Safeguards.** The software that generates the signature (e.g., DocuSign) must include:

- (i) authentication requirements (e.g., the document can only be signed using a link sent to the signer’s email account, and an image of the signer's government ID must be captured by the software provider during the process of signing up for use of the software);
- (ii) encryption of each Software Generated Signature;
- (iii) secure storage of data (e.g., encryption);
- (iv) a strong audit trail (including records of when the document was sent, viewed, printed, and signed, the machine identification (ID) of the user’s computer, and the Internet Protocol (IP) address); and
- (v) an option for the person who is electronically signing the document to download the document that contains their Software Generated Signature, to retain it for the signer’s records.

All of the foregoing software requirements must meet or exceed industry best practices. The court will maintain a list of entities, available in The Central Guide, that have provided sufficient verification to the court of the safeguards listed above. The verification requirements may include a declaration by the software provider, an audit paid for by the software provider, or other methods of verification acceptable to the court. The court does not endorse nor recommend any provider of Software Generated Signatures. It is the software provider, not the Filer, who is responsible for verifying the safeguards listed above.

**(B) Oral Verification.** Each Filed document bearing one or more Software Generated Signatures must be accompanied by a declaration of an attorney admitted to practice in this district or authorized to appear pro hac vice pursuant to LBR 2090-1(b) – (e) as follows:

(i) “I declare, under penalties of perjury under the laws of the United States, that I have obtained oral verification from [name of person whose Software Generated Signature appears on the accompanying document] that they intended to sign this document electronically. [Signature of Attorney]”; or

(ii) an explanation why the attorney is not providing such a verification (e.g., that signer is represented by a different attorney, who has not provided their declaration regarding the signer’s oral verification in time to file the declaration with the Filed document).

For the avoidance of doubt, verification must be oral, and any written verification is insufficient even if it includes a purported holographic signature, so as to protect against persons who might have access to the hardware and software of the alleged signer and could use such access to create (A) false Software Generated Signatures and (B) false images of holographic signatures purporting to verify those electronic signatures.

**(C) Flattening.** No document containing any Software Generated Signature can be Filed without first being flattened, such as by printing the document to a PDF file.

**(D) Limitations.** The presiding judge may establish procedures regarding if and when the judge will accept any Software Generated Signature. The Clerk of Court may establish procedures for corrective docket entries or other remedies if there are any technical problems with one or more Software Generated Signatures in a document.

**(5) Jointly Signed Documents.** When a document such as a stipulation, joint report, or other document that will be Filed requires multiple signatures, any of the signatures may be Electronic Signatures if they comply with any of the preceding paragraphs of this LBR 9011-1(b). Multiple signature pages can be Filed within the same document or as separately Filed exhibits, all of which will be deemed to constitute a single integrated document.

(c) **Powers of Attorney Etc. Distinguished.** Nothing in this rule should be interpreted to prevent Filers from signing for non-Filers in the same manner that they could sign any paper document, such as “[non-Filer] by [Filer], per power of attorney,” or “[Filer] as authorized agent for [non- Filer]” or the like, if permitted by applicable law.

(d) **Retention of Original Signatures for Five Years.** Whenever a holographic signature is required, but a Software Generated Signature or facsimile/scanned PDF signature is provided in place of a holographic signature, the Filer the attorney of record for the signer (i) must also obtain such holographic signature before, or within fourteen (14) days after,

the document bearing the Software Generated Signature or facsimile/scanned PDF signature is filed, (ii) must maintain the executed original of any filed document for a period of five years after the closing of the case or adversary proceeding in which the document is filed, and (iii) must make the executed original available for review upon request of the court or other parties. If there is no attorney of record for the signer then the Filer must obtain and retain the holographic signature.

## **LBR 9013-1. MOTION PRACTICE AND CONTESTED MATTERS**

### **(a) Applicability.**

- (1) This rule applies to (A) all contested matters (FRBP 9014), including motions, whether filed in the bankruptcy case or an adversary proceeding, objections, applications, orders to show cause, (B) all requests for an order of the court under FRBP 9013, such as applications that can be presented without a hearing, and (C) all requests that may be directed to the Clerk, such as requests for the Clerk to enter a default.
- (2) This rule applies to objections to claims, except as provided in LBR 3007-1.
- (3) This rule applies to motions for summary judgment, except as provided in LBR 7056-1.
- (4) This rule does not apply to a motion to reject a collective bargaining agreement which is governed by 11 U.S.C. § 1113.
- (5) Hearings, notice, and service.
  - (A) General. Except as provided in this rule or by order of the court, hearings and notice are required for all motions, and are governed by subsection (d) of this rule.
  - (B) Motions and matters determined after notice of opportunity to request a hearing. Motions that will be decided without a hearing absent a proper request for a hearing, are governed by subsection (o) of this rule.
  - (C) Notice only motions. Motions that require service of a notice, but do not require a hearing are governed by subsection (p) of this rule.
  - (D) Motions that do not require either a hearing or additional service of a notice. Motions that do not require either a hearing or additional service of a notice are governed by subsection (q) of this rule.

### **(b) Motion Calendar.**

- (1) Each judge of the court maintains a motion calendar and instructions for self-setting hearings that are ~~available from the clerk and~~ posted on the court's website.
- (2) A party must self-set a motion for hearing at a date and time permitted on the judge's motion calendar in accordance with the judge's self-set calendaring instructions.
- (3) If a judge's calendar does not permit the self-setting of a hearing on a particular type of motion or the judge does not schedule a regular law and motion day, a hearing on the motion must be noticed only with the approval of the judge or courtroom deputy.

(c) **Form and Content of Motion and Notice.**

- (1) **Oral Motions.** Unless otherwise provided by rule or order of the court, an oral motion is not permitted except during trial.
- (2) **Notice of Motion.** Every motion must be accompanied by written notice of motion specifying briefly the relief requested in the motion and, if applicable, the date, time, and place of hearing. Except as set forth in LBR 7056-1 with regard to motions for summary judgment or partial summary adjudication, or as otherwise ordered, the notice of motion must advise the opposing party that LBR 9013-1(f) requires a written response to be filed and served at least 14 days before the hearing. If the motion is being heard on **an emergency basis or on** shortened notice pursuant to LBR 9075-1, the notice must specify the deadline for responses set by the court in the order approving the **hearing on shortened notice or communicated to the movant if the court authorized a hearing on an emergency basis.**
- (3) **Motion.** There must be served and filed with the motion and as a part thereof:
  - (**AB**) A written statement of all reasons in support thereof, together with a memorandum of the points and authorities upon which the moving party will rely. **Unless warranted by special circumstances of the motion, or otherwise ordered by the court, a memorandum of points and authorities is not required for applications to retain or compensate professionals, motions for relief from automatic stay, or motions to sell, use, lease, or abandon estate assets.**
  - (**B**) **Declarations required or permitted by FRBP 9014(d), FRBP 9017, and/or FRBP 9006(d), in which a declarant provides admissible testimony to support factual assertions made in the motion and/or authenticates exhibits included to support the motion; and**
  - (**C B**) **~~Duly authenticated~~ Copies of all ~~photographs and documentary evidence~~ **exhibits** that the moving party intends to ~~submit in support of~~ **support factual assertions made in** the motion. ~~, in addition to the declarations required or permitted by FRBP 9006(d);~~**
- a. **~~Exception. Unless warranted by special circumstances of the motion, or otherwise ordered by the court, a memorandum of points and authorities is not required for applications to retain or compensate professionals, motions for relief from automatic stay, or motions to sell, use, lease, or abandon estate assets.~~**
- (**45**) **Entering a Final Order.** In a motion filed in a contested matter pursuant to FRBP 9014, the moving party must raise in that motion any objection or challenge to the bankruptcy court's authority to enter a final order on the motion. The moving party must cite relevant authority and provide evidence in support of its position. The failure of the moving party to raise its objection or challenge in the motion will be deemed consent to the bankruptcy court's authority to enter a final order on the motion.

(d) **Time Limits for Service and Filing of Motions.**

- (1) **Persons or Entities to be Served with the Notice and Motion.** Except for a motion under LBRs 2014-1(b), 2016-1(a)(2), 3015-1(w) and (x), 7026-1(c), and 9075-1,

and subject to LBR 2002-2(a) and FRBP 9034, a motion and notice thereof must be served upon the adverse party (by serving the adverse party's attorney of record, if any; or if the adverse party is the debtor, by serving the debtor and the debtor's attorney, if any; or the adverse party, if there is no attorney of record).

- (2) Deadline for Filing and Serving of Notice and/or Notice and Motion. The notice of motion and motion must be filed and served not later than 21 days before the hearing date designated in the notice except as set forth in: (A) LBR 7056-1 with regard to motions for summary judgment or partial summary adjudication; (A) LBRs 2014-1(b), 2016-1(a)(2), 3015-1(w) and (x), and 9013-1(o) with regard to motions and matters that require notice of opportunity to request a hearing; (B) LBR 3007-1 with regard to objections to claims; (D) LBR 6004-1(b) with regard to motions to establish sale procedures; and (E) LBR 9075-1 with regard to motions to be heard on an emergency or shortened notice basis. The court, for good cause, may prescribe a different time.
- (e) **Proof of Service.** Every document filed pursuant to this rule must be accompanied by a proof of service, completed in compliance with LBR 9013-3, that indicates the filed document was (1) served by the party filing the document, and/or (2) will be served via NEF on parties registered to receive service via NEF pursuant to LBR 9036-1.
- (f) **Opposition and Responses to Motions.**
  - (1) Deadline for Responses. Except as set forth in LBR 7056-1 (with regard to motions for summary judgment or partial summary adjudication), LBRs 2014-1(b), 2016-1(a)(2), 3015-1(w) and (x), and 9013-1(o) (with regard to motions and matters that may not require a hearing), and LBR 9075-1 (with regard to motions to be heard on an emergency or shortened notice basis or unless otherwise ordered by the court), each interested party opposing or responding to the motion must file and serve the response (Response) on the moving party and the United States trustee not later than 14 days before the date designated for hearing.
  - (2) Contents of Response. A Response must be a complete written statement of all reasons in opposition thereto or in support, declarations and copies of all evidence on which the responding party intends to rely, and any responding memorandum of points and authorities. The Response must advise the adverse party that any reply must be filed with the court and served on the responding party not later than 7 days prior to the hearing on the motion.
  - (3) Entering a Final Order. In a Response to a motion filed in a contested matter pursuant to FRBP 9014, the responding party must raise in that Response any objection or challenge to the bankruptcy court's authority to enter a final order on the underlying motion. The responding party must cite relevant authority and provide evidence in support of its position. The failure of the responding party to raise its objection or challenge in a Response will be deemed consent to the bankruptcy court's authority to enter a final order on the underlying motion.

- (g) **Reply Documents.** Except as set forth in LBR 7056-1 with regard to motions for summary judgment or partial summary adjudication, or unless otherwise ordered by the court, the moving party (or the opposing party in instances where a written statement in support of the motion has been filed) may file and serve a reply memorandum not later than 7 days before the date designated for hearing.
- (1) The reply memorandum and declarations or other evidence attached, must respond directly to the opposition documents.
  - (2) Service of reply documents is required only upon the United States trustee subject to FRBP 9034 and LBR 2002-2(a) and on persons or entities (or their attorneys, if any) who filed an opposition to a motion, and must be made by personal service, email, or by overnight mail delivery service. A judge's copy of the reply must be served on the judge in chambers in accordance with LBR 5005-2(d).
  - (3) Unless the court finds good cause, a reply document not filed or served in accordance with this rule will not be considered.
  - (4) New arguments or matters raised for the first time in reply documents will not be considered.
- (h) **Failure to File Required Documents.** Except as set forth in LBR 7056-1(g) with regard to motions for summary judgment, if a party does not timely file and serve documents, the court may deem this to be consent to the granting or denial of the motion, as the case may be.
- (i) **Evidence on a Motion, Responses to a Motion, or a Reply.** Factual contentions involved in any motion, opposition or other response to a motion, or reply, must be presented, heard, and determined upon declarations and other written evidence. The verification of a motion is not sufficient to constitute evidence on a motion, unless otherwise ordered by the court.
- ~~(24)~~ The court may, at its discretion, in addition to or in lieu of declaratory evidence, require or allow oral examination of any declarant or any other witness in accordance with FRBP 9017. Pursuant to FRBP 9014(e), when the court intends to take such oral testimony, it will give the parties 2 or more days of notice of its intention, if possible, or may grant such a continuance as it may deem appropriate, which may include setting a final hearing.
  - ~~(42)~~ An evidentiary objection may be deemed waived unless it is (A) set forth in a separate document; (B) cites the specific Federal Rule of Evidence upon which the objection is based; and (C) is filed with the response or reply.
  - ~~(13)~~ In lieu of oral testimony, a declaration under penalty of perjury will be received into evidence.
  - ~~(34)~~ Unless the court orders otherwise, a witness need not be present at the first hearing on a motion.
  - ~~(5)~~ If the court decides to hear oral testimony, the matter may be continued to another date for final hearing.



(j) **Appearance at Hearing.**

- (1) **Appearance is Mandatory.** Counsel for the moving and opposing parties, and the moving and opposing parties who are appearing without counsel, must ~~be present~~ **appear** at the hearing on the motion and must have such familiarity with the case as to permit informed discussion and argument of the motion. The failure of counsel or a self-represented party to appear, unless excused by the court in advance, may be deemed consent to a ruling on the motion adverse to that counsel's or self-represented party's position.
- (2) **Waiver of Personal Appearance.** With the consent of the court, counsel may waive ~~personal~~ appearance at the hearing. Counsel who have agreed to waive ~~personal~~ appearance must advise the courtroom deputy of such agreement by telephone message or letter which reaches the courtroom deputy by no later than noon on the third day preceding the hearing date. The courtroom deputy will advise the parties by no later than noon on the day preceding the hearing date as to whether the court has consented to the waiver of personal appearance.
- (3) **Oral Argument.** ~~If The court decides in its discretion~~ **may decide** to dispense with oral argument on any motion. ~~The court may also dispense with oral argument and waive appearance by tentative or final ruling posted on the court's web site the day before the hearing.~~
- (4) **Telephonic ~~Method of~~ Appearance at Hearing.** A party ~~who wishes to appear telephonically must consult the court's web site to determine whether a telephonic appearance on a particular matter is permissible and to review the judge's procedures for telephonic appearances.~~ **See comply with LBR 9074-1 to determine the method of appearance.**

(k) **Voluntary Dismissal or Stipulation to Dismiss a Motion.** In addition to compliance with FRBP 7041(a), a movant who seeks to notify the court that a voluntary dismissal or stipulation for dismissal of a motion has been filed, must not less than 3 days prior to the hearing date: (1) give telephonic notice thereof to opposing counsel and the courtroom deputy of the judge before whom the matter is pending; and (2) on the same day, serve a copy on the judge before whom the matter is pending and on the opposing counsel. An order may be required.

(l) **Motion Previously Denied.** Whenever any motion for an order or other relief has been made to the court and has been denied in whole or in part, or has been granted conditionally or on terms, and a subsequent motion is made for the same relief in whole or in part upon the same or any allegedly different state of facts, it is the continuing duty of each party and attorney seeking such relief to present to the judge to whom any subsequent motion is made, a declaration of a party or witness or certified statement of an attorney setting forth the material facts and circumstances surrounding each prior motion including:

- (1) The date of the prior motion;
- (2) The identity of the judge to whom the prior motion was made;

- (3) The ruling, decision or order on the prior motion;
- (4) The new or different facts and circumstances claimed to exist, which either did not exist or were not shown upon the prior motion; and
- (5) The new or different law or legal precedent claimed to exist, which either did not exist or were not shown upon the prior motion.

The failure to comply with the foregoing requirement is grounds for the court to set aside any order or ruling made on the subsequent motion and subjects the offending party or attorney to sanctions.

**(m) Continuance.**

**(1) Motion for Continuance.** Unless otherwise ordered, a motion for the continuance of a hearing under this rule must be filed as a separately captioned motion, and must be filed with the court and served upon all previously noticed parties by facsimile, email, personal service, or overnight mail at least 3 days before the date set for the hearing.

- (A) The motion must set forth in detail the reasons for the continuance, state whether any prior continuance has been granted, and be supported by the declaration of a competent witness attesting to the necessity for the continuance.
- (B) A proposed order for continuance must, in accordance with LBR 9021-1(b), be lodged with the court upon the filing of the motion.
- (C) Unless the motion for continuance is granted by the court at least 1 day before the hearing, the parties must appear at the hearing.

**(2) Stipulations for Continuances.** Parties stipulating to a continuance of a hearing under this rule must notify the courtroom deputy immediately of their agreement for a continuance. The stipulation is subject to approval by the court under subsection (m)(3) of this rule. Unless the continuance is approved by the court at least 1 day before the hearing, the parties must appear at the hearing. A stipulation for continuance must contain facts establishing cause for the requested continuance and be filed in accordance with LBR 9021-1(b)(2) and LBR 9071-1.

**(3) Court Approval.** A continuance (whether stipulated to by counsel or not) is not effective unless an order is entered approving the continuance, the clerk informs the parties that the court has authorized a continuance, or the continuance is granted in open court.

**(4) Extension of Time Due to Continuance of Hearing Date.** Unless an order for continuance states otherwise, a continuance of the hearing of a motion automatically extends the time for filing and serving opposing or responsive documents and reply documents.

- (n) **Discovery.** Unless otherwise ordered by the court, Fed.R.Civ.P. 26(a), (d) and (f), as incorporated into FRBP 7026 and LBR 7026-1, do not apply to contested matters under FRBP 9014 and this rule.

(o) **Motions and Matters Determined After Notice of Opportunity to Request Hearing.**

- (1) **Matters That May Be Determined Upon Notice of Opportunity to Request Hearing.** Except as to matters specifically noted in subsection (o)(2) below, and as otherwise ordered by the court, any matter that may be set for hearing in accordance with LBR 9013-1(d) may be determined upon notice of opportunity to request a hearing.

- (A) **Notice.** When the notice of opportunity for hearing procedure is used, the notice must:

- (i) Succinctly and sufficiently describe the nature of the relief sought and set forth the essential facts necessary for a party in interest to determine whether to file a response and request a hearing;
- (ii) State that LBR 9013-1(o)(1) requires that any response and request for hearing must be filed with the court and served on the movant and the United States trustee within 14 days after the date of service of the notice; and
- (iii) Be filed with the court and served by the moving party on all creditors and other parties in interest who are entitled to notice of the particular matter.

- (B) **Motion.** The motion and supporting documents must be filed with the notice, but must be served only on the United States trustee and those parties who are directly affected by the requested relief.

- (2) **Matters that May Not be Determined Upon Notice of Opportunity to Request Hearing.** Unless otherwise ordered by the court, the following matters may not be determined by the procedure set forth in subsection (o)(1) above:

- (A) Objections to claims;
- (B) Motions regarding the stay of 11 U.S.C. § 362;
- (C) Motions for summary judgment and partial summary adjudication;
- (D) Motions for approval of cash collateral stipulations;
- (E) Motions for approval of postpetition financing;
- (F) Motions for continuance;
- (G) Adequacy of chapter 11 disclosure statements;
- (H) Confirmation of plans in chapter 9, chapter 11, chapter 12, and chapter 13

cases;

- (I) Motions for orders establishing procedures for the sale of the estate's assets under LBR 6004-1(b);
- (J) Motions for recognition of a foreign proceeding as either a main or a nonmain proceeding;
- (K) Motions for the adoption of a chapter 15 administrative order;
- (L) Motions for the adoption of a cross-border protocol;
- (M) Motions to value collateral and avoid liens under 11 U.S.C. § 506 in chapter 11, 12, and 13 cases; and
- (N) Motions for issuance of a TRO or preliminary injunction.

(3) No Response and Request for Hearing. If the response period expires without the filing and service of any response and request for hearing, the moving party must do all of the following:

- (A) File Declaration of Service and Non-response. Promptly file a declaration attesting that: (i) no timely response and request for hearing was served upon the moving party; and (ii) that the declarant has checked the docket of the bankruptcy case or the adversary proceeding and no response and request for hearing was timely filed. A copy of the motion, notice, and proof of service of the notice and motion must be attached as exhibits to the declaration. No service is required prior to filing the declaration.
- (B) Lodge Proposed Order. Lodge a proposed order in accordance with LBR 9021-1 and [The Central Guide](#), except that the proposed order need not be served prior to lodging, except as otherwise required in these rules.
- (C) Deliver Copies to Court. Promptly deliver a judge's copy of the declaration as required by LBR 5005-2(d).

- (4) Response and Request for Hearing Filed. If a timely response and request for hearing is filed and served, within 14 days from the date of service of the response and request for hearing the moving party must schedule and give not less than 14 days notice of a hearing to those responding and to the United States trustee. If movant fails to obtain a hearing date, the court may deny the motion without prejudice, without further notice or hearing.
- (p) Motions and Matters Determined with Notice, but without a Hearing. The following motions may be determined without a hearing after notice provided in the corresponding LBR cited.
- (1) Debtors Application to Extend the Deadline to File Case Commencement Documents [LBR 1007-1(b), LBR 3015-1(b)(2)]
  - (2) Motion to Convert Case from Chapter 11 to one under another Chapter [LBR 1017-1(a)(3)]
  - (3) Motion for Examination under FRBP 2004 [LBR 2004-1(d)]
  - (4) Motion to Withdraw as Counsel [LBR 2091-1(a)]
  - (5) Application for Payment of Unclaimed Funds [LBR 3011-1(b)]
  - (6) Debtor's Application Confirming that Loan Modification Discussion Will Not Violate the Stay [LBR 4001-1(h)]
  - (7) Request for the Clerk to Issue Another Summons [LBR 7004-1(a)(2)]
  - (8) Bill of Costs [LBR 7054-1(e)]
  - (9) Request for the Clerk to Enter Default [LBR 7055-1(a)]
  - (10) Motion for Leave to Appeal from an Interlocutory Order [LBR 8001-1]
  - (11) Motion for Permission to File Trial Brief or Memoranda of Law Exceeding 35 Pages [LBR 9013-2(b)]
  - (12) Motion for Protective Order Pursuant to 11 U.S.C. § 107(c) and FRBP 9037 to Restrict Access to Documents Filed Containing Personal Identifiers [LBR 9037-1(a)]
  - (13) Application for Reinstatement of Privileges [LBR Appendix II, Reinstatement]
  - (14) Application to Have Opinion Removed from Website [LBR Appendix II, Motion to Have Opinion Removed From Website]
  - (15) Request for Assignment to Mediation Program [LBR Appendix III, Section 5.1]

(q) **Motions and Matters Determined without Additional Notice and without a Hearing.**

Unless otherwise ordered by the court, the following motions and matters may be determined without a hearing and without additional notice, because the parties requiring notice already receive notice via an NEF.

- (1) Motion for Joint Administration of Case Pending in the Same Court [LBR 1015-1(b)]
- (2) Debtor's Notice of First Time Conversion from Chapter 12 or 13 to Chapter 7 [LBR 1017-1(a)(1), LBR 3015-1(q)(2)(A)]
- (3) Trustee's Request to Dismiss Chapter 7 Case for Failure to Appear at 341(a) Meeting of Creditors [LBR 1017-2(b)]
- (4) Debtor's Motion to Vacate an Order Dismissing a Bankruptcy Case, When Dismissal was Due to Failure to File a Required Document [LBR 1017-2(c)]
- (5) Creditor's Request to Designate an Address for Authorized Agent [LBR 2002-1(a), 11 U.S.C. § 342(g)(1), FRBP 2002(g)]
- (6) Creditor's Request for Notice Despite Order Limiting Notice to Committee [LBR 2002-1(b), FRBP 2002(i)]
- (7) Request for Approval of Bond or Undertaking [LBR 2010-1(c)]
- (8) Application by Non-Resident Attorney to Appear Pro Hac Vice [LBR 2090-1(b)]
- (9) Debtor or Trustee's Motion to Set Bar date for filing proof of Claim in a Chapter 11 Case [LBR 3003-1]
- (10) Debtor's Motion for Voluntary Dismissal of Chapter 13 Case that has not previously been converted [LBR 3015-1(q)(1)(A)]
- (11) Motion to Reopen Bankruptcy Case [LBR 5010-1(e)]
- (12) Application for Issuance of Writ of Execution or Possession [LBR 7054-1(h), 7064-1(c), 7069-1(a)]

(r) **Settlement of a Motion That Has Been Set for a Hearing**

- (1) **Notify the Court.** When a matter set for hearing has been settled prior to the hearing, the parties must immediately contact the presiding judge's courtroom deputy and file a notice of impending settlement in which the parties indicate that a stipulation regarding settlement will be filed and a proposed order approving the stipulation will be lodged.

- (2) Stipulation. If a written stipulation executed in compliance with LBR 9071-1 resolving all issues as to all parties is filed at least 2 days before a scheduled hearing and a judge's copy is delivered to chambers, no appearance at the hearing will be necessary, provided that the stipulation is accompanied by a notice and motion to approve compromise of controversy if required under FRBP 9019.
- (3) Failure to Comply – Sanctions. The failure to comply with the provisions of this rule may subject counsel to the imposition of sanctions under LBR 9011-3.

**LBR 9019-1. ~~SETTLEMENTS~~ COMPROMISE OF CONTROVERSY**

- (a) **Contested Matter.** When FRBP 9019 applies, a motion seeking relief under FRBP 9019 is a contested matter under FRBP 9014.
- (b) **Filing Motion on Bankruptcy Case Docket.** Due to the notice requirements of FRBP 2002(a)(3) and FRBP 9019(a), all motions seeking relief under FRBP 9019 must be filed on the docket of the bankruptcy case.
  - (1) **Caption.** The caption of the motion must be a caption of the bankruptcy case, not the caption of the adversary proceeding.
  - (2) **Adversary Proceeding Docket.** When a movant files a motion seeking relief under FRBP 9019 to settle one or more claims that are made in an adversary proceeding, the movant must also file, on the adversary docket, a notice that a motion under FRBP 9019 has been filed. The caption of the notice must include a reference to the docket entry of the filed motion.
- (c) **Provisions of Notice; Statement About Completeness.** Both the notice of motion filed on the docket of the bankruptcy case and any notice filed on an adversary docket must contain a clear, concise statement as to whether the proposed compromise settles all claims involving all parties to the dispute, or whether any claims or parties remain in the dispute.

**~~(a) — General.~~**

- ~~(1) Parties must inform the courtroom deputy immediately by telephone or other expeditious means when a matter set for hearing has been settled out of court and that a stipulation will be filed and a proposed order approving the stipulation will be lodged.~~
- ~~(2) If a written stipulation executed in compliance with LBR 9071-1 resolving all issues as to all parties is filed at least 2 days before a scheduled hearing and a judge's copy is delivered to chambers, no appearance at the hearing will be necessary, provided that the stipulation is accompanied by a notice and motion to approve compromise of controversy if required under FRBP 9019.~~

**~~(b) — Failure to Comply — Sanctions.~~** The failure to comply with the provisions of this rule may subject counsel to the imposition of sanctions under LBR 9011-3.



**LBR 9070-1. EXHIBITS USED AS EVIDENCE TO SUPPORT LIVE TESTIMONY**

(a) **Application.** This rule applies to exhibits to be offered as evidence when live testimony is given at trials in adversary proceedings or evidentiary hearings in contested matters.

(ba) **Trial Exhibits Filing; Lodging; Copies to Distribute.**

(1) **Filing.** If filing of an exhibit is required, the deadline is set by court order or found in instructions found on the presiding judge's webpage. The duty to file exhibits is with the party who presented or intends to present the exhibit at a trial or evidentiary hearing.

(21) **Identification.** Unless otherwise ordered by the court, **copies** of all exhibits to be offered into evidence at an **in-person** trial ~~of~~ **in** an adversary proceeding or **at an evidentiary hearing** in a contested matter must be numbered and marked for identification with tags available from the clerk's office **or in The Central Guide.**

(a) **Numberings.** Exhibits of plaintiffs or movants must be marked with numbers.

(b) **Letters.** Exhibits of defendants or respondents must be marked with letters.

(3) **Exhibit Register.** The parties presenting exhibits must tag the exhibits and prepare an exhibit register on the form available from the clerk's office prior to trial.

(4) **Lodging Exhibits.** Unless otherwise ordered by the court, the tagged exhibits and completed exhibit register must be delivered in the courtroom to the courtroom deputy or court recorder prior to the beginning of trial.

(5) **Copies.** Each party must bring sufficient copies of each exhibit for all counsel, the witness, and the judge.

(cb) **Retention and Disposition of Trial Exhibits.**

(1) All models, diagrams, documents, or other exhibits lodged with the clerk that are admitted into evidence or marked at trial will be retained by the clerk until expiration of the time for appeal without any appeal having been taken, entry of a stipulation waiving or abandoning the right to appeal, final disposition of any appeal, or order of the court, whichever occurs first.

(2) If any exhibit is not withdrawn from the clerk's office within 30 days after the person or persons to whom it belongs are given written notice to claim it, the clerk may destroy the exhibit or otherwise dispose of it as the court may approve.

(d) **Impeachment Exhibits.** Exhibits to be presented for impeachment purposes must be submitted according to instructions of the presiding judge. If such exhibits are submitted electronically but not filed, the method must comply with the court's electronic protocols. If such exhibits are to be filed after a trial or a hearing, they must be filed by the earlier of two days after the date on which they are ruled admissible or two days after a trial or hearing.

**LBR 9074-1. ~~TELEPHONIC~~—APPEARANCES AT COURT HEARINGS BY  
TELEPHONE, VIDEOCONFERENCE, OR IN PERSON**

A party who wishes to appear telephonically at a court hearing must consult the court's presiding judge's web site page or posted calendar to determine whether a telephonic it is permissible to appearance at on a particular matter hearing is permissible by telephone or videoconference instead of in person. See section 3-04 of The Central Guide, and to obtain the judge's procedure for requesting and making an telephonic appearance.