

LBR 9001-1. DEFINITIONS

- (a) **Definition of Terms.** As used in these rules, the following words and phrases are defined as follows:
- (1) “**Appellate Court**” means the bankruptcy appellate panel or the district court exercising its appellate jurisdiction pursuant to 28 U.S.C. § 158.
 - (2) “**Application**” means a request for judicial action that must be sought by application rather than motion under the FRBP.
 - (3) “**Attorney**” or “**Counsel**” includes attorney, proctor, advocate, solicitor, counsel, or counselor.
 - (4) “**Bankruptcy Appellate Panel**” means the United States Bankruptcy Appellate Panel of the Ninth Circuit.
 - (5) “**Bankruptcy Code**” or “**Code**” means title 11 of the United States Code.
 - (6) “**Brief**” includes briefs, memoranda, points and authorities, and other written argument or compilations of authorities.
 - (7) “**Case**” means a bankruptcy case commenced by the filing of a petition pursuant to 11 U.S.C. §§ 301, 302, 303, or 1504.
 - (8) “**Clerk**” means the clerk of the United States Bankruptcy Court for the Central District of California and deputy clerks. Other clerks may be specified in the text.
 - (9) “**CM/ECF**” means the court’s Case Management/Electronic Case Files System.
 - (10) “**CM/ECF Procedures**” means the administrative procedures for filing, signing, and verifying documents using the Case Management/Electronic Case Files (CM/ECF) system as authorized and approved by LBR 5005-4. The instructions for registration and procedures for use of CM/ECF are posted on the court’s website at the CM/ECF home page and contained in the [Court Manual](#).
 - (11) “**CM/ECF User**” means a person or entity registered to use the court’s Case Management/Electronic Case Files system.
 - (12) “**Court**” means the United States Bankruptcy Court of the Central District of California or the district court when exercising its original bankruptcy jurisdiction pursuant to 28 U.S.C. § 1334, including the judge to whom a case or proceeding is assigned.

- (13) “**Court Manual**” means the procedural manual maintained and updated periodically by the clerk that includes: General Court Information; Filing Information and Procedures; CM/ECF Procedures; LOU Procedures; Other Court Technology; and Clerk’s Forms. The [Court Manual](#) is available on the court’s website www.cacb.uscourts.gov.
- (14) “**Courtroom Deputy**” means a deputy clerk assigned to the courtroom of a judge of the court.
- (15) “**Court’s Website**” means www.cacb.uscourts.gov.
- (16) “**Declaration**” means any declaration under penalty of perjury executed in conformance with 28 U.S.C. § 1746 and any properly executed affidavit.
- (17) “**Defendant**” means a party against whom a claim for relief is made by complaint, counterclaim, or cross-claim.
- (18) “**District Court**” means the United States District Court for the Central District of California.
- (19) “**Document**” includes all pleadings, motions, affidavits, declarations, briefs, points and authorities, and all other documents presented for filing or lodging, excluding exhibits submitted during a hearing or trial.
- (20) “**F.R.App.P.**” means the Federal Rules of Appellate Procedure.
- (21) “**FRBP**” means the Federal Rules of Bankruptcy Procedure.
- (22) “**F.R.Civ.P.**” means the Federal Rules of Civil Procedure.
- (23) “**F.R.Evid.**” means the Federal Rules of Evidence.
- (24) “**File**” means the delivery, including electronically via CM/ECF, to and acceptance by the clerk, courtroom deputy, the court, or other person authorized by the court of a document that will be noted in the docket.
- (25) “**Judge**” means a bankruptcy judge, district court judge, or other judicial officer in a case or proceeding assigned to the court.
- (26) “**Local Civil Rules**” means the Local Civil Rules of the United States District Court for the Central District of California, including Chapter IV, Local Rules of the District Court Governing Bankruptcy Appeals, Cases and Proceedings; and such other rules and general orders adopted by the district court concerning cases or proceedings filed or pending in the bankruptcy court.
- (27) “**Lodge**” means to deliver, including electronically via LOU, to the clerk, courtroom deputy, the court, or other person authorized by the court a document

that is tendered to the court but is not approved for filing, such as a proposed form of order, a transcript of a deposition or other recorded examination, or an exhibit register.

- (28) **“LOU”** means the court’s Lodged Order Upload program.
- (29) **“LOU Procedures”** means the procedures for LOU posted on the court’s website at the CM/ECF home page and contained in the [Court Manual](#).
- (30) **“Motion”** includes all motions, applications, objections to claims that are not adversary proceedings, or other requests made for judicial action except by complaint, counterclaim, or cross-claim.
- (31) **“Movant”** means an entity requesting an order other than by way of complaint, counterclaim, or cross-claim.
- (32) **“NEF”** means a Notice of Electronic Filing transmitted by the CM/ECF electronic transmission program to persons or entities registered with the court for electronic delivery of filed documents.
- (33) **“Ninth Circuit”** means the United States Court of Appeals for the Ninth Circuit.
- (34) **“Notice of Entry”** means a docket entry or other document that provides notice to appropriate persons or entities that an order or judgment has been entered, including a Notice of Electronic Filing, a BNC Certificate of Notice, or other Proof of Service or Certificate of Mailing.
- (35) **“Petitioner”** means a party who files a voluntary or involuntary petition to commence a bankruptcy case.
- (36) **“Petition Packages”** are packages of basic information and forms required to file a voluntary chapter 7, chapter 11, or chapter 13 bankruptcy case in the Central District of California. [Petition packages](#) are available on the court’s website at www.cacb.uscourts.gov.
- (37) **“Plaintiff”** means a party claiming affirmative relief by complaint, counterclaim, or cross-claim.
- (38) **“Proceeding”** includes motions, adversary proceedings, contested matters, and other matters presented to the court. It does not include a “case” as defined above.
- (39) **“Proof of Service”** means a document certifying that a person or entity who filed or lodged a document with the court (A) served other appropriate persons or entities with a copy of the document filed or lodged, and (B) identified appropriate persons who will be served via NEF by the court’s CM/ECF electronic transmission program.

- (40) “**Respondent**” means an entity responding to a request for an order other than by way of complaint, counterclaim, or cross-complaint.
- (41) “**United States attorney**” means the United States attorney for the Central District of California, and any assistant United States attorney, employee, or designee of the United States attorney.
- (42) “**United States trustee**” means the United States trustee for Region 16, and any assistant United States trustee, employee, or designee of the United States trustee.

(b) **Terms Not Otherwise Defined.** A term not defined in this rule will have the meaning provided in the Bankruptcy Code or the FRBP.

LBR 9004-1. FORM OF DOCUMENTS FILED OR LODGED WITH COURT

(a) **General.**

- (1) Unless otherwise expressly provided by these rules, a document filed or lodged with the court and any exhibit thereto must comply with the form and format requirements contained in the [Court Manual](#).
- (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 9009-1. FORMS

(a) **Official Forms.** Official Forms are prescribed by the Judicial Conference of the United States for use in all bankruptcy courts, and may be used in any case or proceeding filed in this court.

- (1) **Petition Packages and Case Commencement Documents.** Official Forms that must or may be filed as case commencement documents are listed in [Petition Packages](#) and in the [Court Manual](#), and are available on the court’s website.
- (2) **Forms Used After Case Commencement.** Official Forms that must or may be filed after a case is commenced are available on the court’s website.

(b) Court-approved Forms.

- (1) Availability. In addition to Official Forms, additional court-approved forms must or may be used in cases and proceedings and are available on the court's website.
- (2) Mandatory or Optional Use. A court-mandated form is a court-approved form designated as "mandatory." Unless specifically designated as a mandatory form or unless otherwise specifically ordered, a court-approved form provided in these rules is optional and is provided for the convenience of the parties.
- (3) Names of Forms.
 - (A) Forms Related to a Specific LBR. Forms that relate to a specific LBR contain a name in the footer of the form that begins with an "F", followed by a number that matches the related LBR, then a shorthand reference to the purpose of the form. For example, F 4001-1.RFS.RP.MOTION.
 - (B) Forms Not Related to a Specific LBR. Forms that do not relate to a specific LBR contain a name in the footer of the form that begins with an "F", followed by 9009-1, then a shorthand reference to the purpose of the form. For example, F 9009-1.
- (4) Mandatory Language.
 - (A) No Alteration or Deletion. Regardless of whether a court-approved form is mandatory or optional, no language or provisions may be altered or deleted from a form, whether a form is filed or lodged.
 - (B) Additional Language. Language or provisions necessary to complete a form may be provided in relevant sections of a form or attached as a clearly marked supplement to a form.

- (c) **Certificate of Substantial Compliance.** If a modified version of an Official Form or a court-approved form is used, then such document must include a certificate that the form contains the same substance as the Official Form or court-approved form, as applicable.

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 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.** The signature of an electronic filer of a document (Filer) need not be a holographic signature if the Filer complies with the court's procedures for electronic filing. The electronic filing or lodging of a document by a Filer through the CM/ECF, ePOC, LOU or other 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 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 Court Manual, an electronically-filed document shall include in the signature block an "/s/" followed by the name of the Filer; provided, however, that failure to do so will not invalidate the signature deemed made by the Filer.
- (2) **Employee of Filer.** 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.
- (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, the Filer 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 must make the executed original available for review upon request of the court or other parties.

LBR 9011-2. PERSONS APPEARING WITHOUT COUNSEL

- (a) **Corporation, Partnership, Unincorporated Association, or Trust.** A corporation, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust may not file a petition or otherwise appear without counsel in any case or proceeding, except that it may file a proof of claim, file

or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized representative of the entity.

- (b) **Individuals.** Any individual who is not represented by an attorney authorized to practice in this court must appear at each hearing or status conference, either in person or, when permitted by the judge, by telephone or video, unless that appearance is excused by the court as permitted by FRBP 1004.1.
- (c) **Minors or Incompetents.** A non-attorney guardian for a minor or an incompetent person must be represented by counsel. Local Civil Rule 17-1 of the district court is incorporated herein by reference.
- (d) **Compliance with Rules.** Any person appearing without counsel must comply with the F.R.Civ.P., F.R.Evid., F.R.App.P., FRBP, and these rules. The failure to comply may be grounds for dismissal, conversion, appointment of a trustee or an examiner, judgment by default, or other appropriate sanctions.

LBR 9011-3. SANCTIONS

- (a) **Violation of Rules.** The violation of, or failure to conform to, the FRBP or these rules may subject the offending party or counsel to penalties, including monetary sanctions, the imposition of costs and attorneys' fees payable to opposing counsel, and/or dismissal of the case or proceeding.
- (b) **Failure to Appear or Prepare.** Unless otherwise ordered by the court, the failure of counsel for any party to take any of the following steps may be deemed an abandonment or failure to prosecute or defend diligently by the defaulting party:
 - (1) Complete the necessary preparation for pretrial;
 - (2) Appear at pretrial or status conference;
 - (3) Be prepared for trial on the date set; or
 - (4) Appear at any hearing where service of notice of the hearing has been given or waived.
- (c) **Penalties for an Unnecessary or Unwarranted Motion or Opposition.** The presentation to the court of an unnecessary motion and the unwarranted opposition to a motion, which unduly delays the course of an action or proceeding, or failure to comply fully with these rules, subjects the offender and attorney at the discretion of the court to appropriate discipline, including the imposition of costs and the award of attorneys' fees to opposing counsel, payment of 1 day's jury fees of the panel, if one has been called for the trial, and such other sanctions, including denial of the motion or dismissal of the proceeding, as may appear proper to the court under the circumstances.

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 shortened notice pursuant to LBR 9075-1, the notice must specify the deadline for responses set by the court in the order approving the shortened notice.
- (3) Motion. There must be served and filed with the motion and as a part thereof:
 - (A) Duly authenticated copies of all photographs and documentary evidence that the moving party intends to submit in support of the motion, in addition to the declarations required or permitted by FRBP 9006(d); and
 - (B) 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.
- (4) 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.
- (5) 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; (B) 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; (C) 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 Motions, Responses to Motions, or 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.
- (1) 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. When the court intends to take such testimony, it will give the parties 2 days notice of its intention, if possible, or may grant such a continuance as it may deem appropriate.
 - (2) 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.
 - (3) In lieu of oral testimony, a declaration under penalty of perjury will be received into evidence.
 - (4) 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 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 to dispense with oral argument on any motion, the clerk will attempt to give counsel and self-represented parties notice of the court's intention to do so at least 24 hours before the hearing date and time. 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 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 LBR 9074-1.

- (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 [Court Manual](#), 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 8003-1(d)(3)]
 - (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)]
- (4) 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)]

LBR 9013-2. BRIEFS AND MEMORANDA OF LAW

(a) Trial Briefs.

- (1) Unless otherwise ordered by the court, at least 7 days before trial is scheduled to commence, each counsel may file and serve a trial brief which may contain:
 - (A) A concise statement of the facts of the case;
 - (B) All admissions and stipulations;
 - (C) A short summary of the points of law involved, citing authorities in support thereof; and

(D) Any anticipated evidentiary problems.

(2) In appropriate cases, the court may require submission of trial briefs.

(b) Form of Briefs.

(1) Length. A brief must not exceed 35 pages in length, unless otherwise ordered by the court on motion filed and served pursuant to LBR 9013-1(p).

(2) Appendices. Appendices must not include any matters that properly belong in the body of the brief.

(3) Table of Contents and Table of Authorities. Any brief exceeding 10 pages in length, excluding exhibits, must be accompanied by an indexed table of contents setting forth the headings and subheadings contained in the body thereof and by an indexed table of the cases, statutes, rules, and other authorities cited.

(4) Unpublished Opinions. If a party cites an unpublished judicial opinion, order, judgment, or other written disposition, the party must file and serve a copy of that opinion, order, judgment, or disposition with the brief or other document in which it is cited.

(c) Citations.

(1) Acts of Congress. A citation to an Act of Congress must include a parallel citation to the United States Code by title and section, if codified.

(2) Regulations. A citation to a federal regulation must include a citation to the Code of Federal Regulations by title and section and the date of promulgation of the regulation.

(3) Cases.

(A) Federal. The initial citation of a United States Supreme Court case must be to the United States Reports. A citation to the Federal Reporter, Federal Supplement, or Federal Rules Decisions must be used where available.

(B) State. The initial citation to a state court decision must include both the official report and any regional reporter published by West Publishing Company. California parallel citations may be limited to the official reports and California Reporter.

(C) Bankruptcy. A bankruptcy case citation must be to West's Bankruptcy Reporter, where available.

(D) Unreported Decisions. Where a citation to the above-named reporters is not available, the party citing the case must provide the court with an unmarked, complete copy of the decision.

- (E) Citation Form. A case citation must include the name and district or circuit of the issuing court and the year of the decision.
- (4) Internal Page Citation. A case citation must include a further citation to the page where the proposition of law is found.

LBR 9013-3. PROOF OF SERVICE

- (a) **Duty to Serve Documents**. Whenever in these rules the duty to serve a document is indicated by terms such as “must serve”, “must be served”, “need be served”, “must contain proof of service”, “give written notice”, or similar term, a party’s duty to serve a document may be accomplished via NEF if the recipient is a registered CM/ECF User. Exceptions are indicated in LBR 2002-2(a)(3) for the United States trustee and in LBR 9036-1.
- (b) **Mandatory Court Form**. Proof of service must be made by executing court-mandated form [F 9013-3.1.PROOF.SERVICE](#), providing the exact title of the document being served, the methods of service for each person or entity served, the date upon which the proof of service was executed, and the signature of the person who performed the service and identified appropriate persons who will be served via NEF by the court’s CM/ECF electronic transmission program.
- (c) **Attach to Document to be Filed**. The proof of service must be attached as the last page of the document to be filed. If a supplemental proof of service is required, the supplemental proof of service must contain a complete caption page formatted in accordance with the instructions set forth in the Court Manual.
- (d) **Explicitly Indicate the Method of Service and How Person or Entity is Related to the Case**. When preparing a proof of service, it must be explicitly indicated how each person who is listed on the proof of service is related to the case or adversary proceeding.
 - (1) Designation of Relation to Case. Examples of how a person or entity is related to a case include but are not limited to: debtor, trustee, designated creditor, attorney for designated party, agent for service of process, judge, United States trustee, etc.
 - (2) Methods of Service. The following methods of service are available:
 - (A) Service via Notice of Electronic Filing. List email addresses of CM/ECF Users who are related to the motion or other proceeding described in the document being filed, and who will be served via NEF. Explicitly indicate how each person or entity is related to the case. For example:

ATTORNEY FOR TRUSTEE: Harold Smith, hsmith@smithlaw.com

ATTORNEY FOR DEBTOR: Harold Jones, hjones@joneslaw.com

UNITED STATES TRUSTEE: ustpreion16.la.ecf@usdoj.gov

TRUSTEE: Mary Wilson, trustee@trustee.com

- (B) Service by U.S. Mail. List the exact street address of each person or entity served, and if the service was by certified mail, so indicate. Explicitly indicate how each person or entity is related to the case. For example:

CREDITOR:

Neighborhood Equipment Rental
Attn: Officer or Managing/General Agent
2531 15th Street, Anytown, CA 54321

National Bank of ABC
Attention: President
456 Service Street, Suite 100, Anytown, CA 99991
Via Certified Mail

DEBTOR

Jane Doe
123 Western Avenue, #8, Anytown, CA 54321

AGENT FOR SERVICE OF PROCESS:

John Agent
456 Service Street, Suite 100, Anytown, CA 54321

- (C) Service by Overnight Mail. List the exact street address of the person or entity served, and identify the company performing the overnight mail service. Explicitly indicate how each person or entity is related to the case. For example:

PRESIDING JUDGE'S COPY

Bankruptcy Judge Joan Williams
Courthouse, Suite 987
231 Courthouse Lane, Anytown, CA 91234
Via overnight mail with Fedex
Tracking number: 1234567

- (D) Service by Email. List the email address of the person or entity who has consented to service by email. Explicitly indicate how each person or entity is related to the case. For example:

ATTORNEY FOR DEBTOR'S PRINCIPALS

George Block
gblock123@zweb.com

- (E) Service by Facsimile. List the telephone number of the party who has consented to serve by facsimile. A document exceeding a total of 15 pages must not be served by facsimile unless expressly authorized by the party

receiving the transmission or by court order. Explicitly indicate how each person or entity is related to the case. For example:

ATTORNEY FOR DEBTOR'S PRINCIPALS

George Block, (800) 999-9999

- (F) Personal Service. List the date and exact address at which the party was served. Explicitly indicate how each person or entity is related to the case. For example:

PRESIDING JUDGE'S COPY - Delivered 1/4/14

Bankruptcy Judge Walter Williams

Courthouse, Suite 987

231 Courthouse Lane, Anytown, CA 91234

LBR 9013-4. NEW TRIAL OR HEARING ON CONTESTED MATTERS

- (a) Grounds. The grounds for a motion for a new trial, a new hearing in a contested matter, or amendment of judgment pursuant to FRBP 9023 or F.R.Civ.P. 59(a) include, but are not necessarily limited to, the following:

- (1) Irregularity in the proceedings of the court, adverse party, or jury;
- (2) Any order of the court or abuse of discretion by which the party was prevented from receiving a fair trial;
- (3) Misconduct by the jury;
- (4) Accident or surprise that could not have been guarded against by the exercise of ordinary prudence;
- (5) Newly discovered evidence material to the interest of the party making the application that could not with reasonable diligence have been discovered and produced at trial;
- (6) Excessive or inadequate damages appearing to have been determined under the influence of passion or prejudice;
- (7) Insufficiency of the evidence to justify the verdict or other decision; and
- (8) Errors of law occurring at the trial.

- (b) Procedure.

- (1) Error of Law. If the ground for the motion is error of law occurring at the trial, the error or errors relied upon must be stated specifically.

- (2) **Insufficiency of Evidence.** If the ground for the motion is the insufficiency of the evidence, the motion must specify with particularity wherein the evidence is claimed to be insufficient.
- (3) **Newly Discovered Evidence.** If the ground for the motion is newly discovered evidence, the motion must be supported by declarations by the party, or the agent of the party having personal knowledge of the facts, showing:
 - (A) When the evidence was first discovered;
 - (B) Why it could not with reasonable diligence have been produced at trial or the original hearing on a motion;
 - (C) What attempts were made to discover and present the evidence at trial or the original hearing on a motion;
 - (D) If the evidence is oral testimony, the nature of the testimony and the willingness of the witness to so testify; and
 - (E) If the evidence is documentary, the documents or duly authenticated copies thereof, or satisfactory evidence of their contents where the documents are not then available.
- (c) **Documents, Transcripts, Evidence.** The motion will be determined based upon:
 - (1) The documents on file;
 - (2) The recorder's transcript or digital recording; and
 - (3) Declarations, if the ground is other than error of law or insufficiency of the evidence and the facts or circumstances relied on do not otherwise appear in the records of the court.
- (d) **Declarations – Time for Filing.** Declarations in support of a motion for a new trial must be filed and served concurrently with the motion unless the court fixes a different time.
- (e) **Hearing.** The motion for a new trial must be set for hearing as provided in LBR 9013-1(d).

LBR 9015-1. JURY TRIALS

- (a) **Number of Jurors.** If a trial of the proceeding or matter is to be before a jury, the jury must consist of not less than 6 members.

(b) Instructions.

- (1) Proposed jury instructions must be in writing, and must be filed and served at least 7 days before trial is scheduled to begin. Each requested jury instruction must:
 - (A) Be set forth in full on a separate page;
 - (B) Embrace only one subject or principle of law; and
 - (C) Not repeat a principle of law contained in any other request.
- (2) The identity of the party requesting the jury instructions must be disclosed on a cover page only and must not be disclosed on the proposed instructions.
- (3) The authority or source of each proposed instruction must be set forth on a separate page or document and must not be disclosed on the proposed instruction.

(c) Objections to Instructions.

- (1) Objections to proposed instructions must be filed and served on or before the first day of trial unless the court permits oral objections.
- (2) Written objections must be numbered and must specify distinctly the objectionable matter in the proposed instruction. Each objection must be accompanied by citation of authority.
- (3) Where applicable, the objecting party must submit an alternative instruction covering the subject or principle of law. The alternative instruction must be set forth on a separate document. The identity of the requesting party or the authority or source of the proposed instruction must not be disclosed on the alternative instruction.

(d) Special Verdicts and Interrogatories.

- (1) Any request for a special verdict or a general verdict accompanied by answers to interrogatories must be filed and served at least 7 days before trial is scheduled to commence.
- (2) Special verdicts and interrogatories must conform to the requirements of F.R.Civ.P. 49, and must not bear any identification of the party presenting the form. Identification must be made only on a separate page appended to the front of the special verdict and interrogatory form.

LBR 9015-2. DEMAND FOR JURY TRIAL**(a) Right to Trial by Jury.**

- (1) A party claiming a right to trial by jury must make a demand as specified in subsection (b) of this rule.
- (2) Nothing contained in this rule shall be deemed to create or imply a right to a jury trial where no such right exists under applicable law.

(b) Demand.

- (1) Time and Form of Demand. A party must demand a trial by jury in accordance with F.R.Civ.P. 38(b).
- (2) Statement of Consent. A demand must include a statement that the party does or does not consent to a jury trial conducted by the bankruptcy court. Within 14 days of the service of the demand and statement of consent or non-consent, all other parties must file and serve a statement of consent or non-consent to a jury trial conducted by the bankruptcy court.
- (3) Specification of Issues. In the demand a party may specify the issues which the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If a party has demanded trial by jury for only some of the issues, any other party within 14 days after service of the demand or such lesser time as the court may order may serve a demand for trial by jury of any other or all of the issues of fact in the action.
- (4) Determination by Court. On motion or on its own initiative the court may determine whether there is a right to trial by jury of the issues for which a jury trial is demanded or whether a demand for trial by jury in a proceeding on a contested petition must be granted.
- (5) Cover Sheet Insufficient. Any notation on Official Form 1040, Adversary Proceeding Cover Sheet, filed under LBR 7003-1 concerning whether a jury trial is, or is not, demanded does not constitute a demand for jury trial sufficient to comply with F.R.Civ.P. 38(b) or this rule.

(c) Withdrawal of Demand. A demand for trial by jury made in accordance with this rule may not be withdrawn without the consent of the parties.

(d) Waiver.

- (1) The failure of a party to file and serve a demand in accordance with this rule, and to file it as required by FRBP 5005, constitutes a waiver of trial by jury.

(2) Notwithstanding the failure of a party to demand a jury when such a demand might have been made of right, the court on its own initiative may order a trial by jury of any or all issues.

(e) Trial by the Court.

(1) Subject to the provisions of subsection (d)(2) of this rule, an issue not demanded for trial by jury will be tried by the court.

(2) Where a demand for trial by jury has been made in accordance with this rule, the parties or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the record, may consent to trial by the court sitting without a jury.

(f) Advisory Jury and Trial by Consent. In all actions not triable of right by jury, the court on motion or on its own initiative may try any issue with an advisory jury or, except in actions against the United States when a statute of the United States provides for trial without a jury, the court, with the consent of both parties, may order a trial with a jury whose verdict has the same effect as if trial by jury had been a matter of right.

(g) Pretrial Procedure Where Jury Trial Requested. Where a jury is demanded, all pretrial proceedings, through approval and entry of the pretrial order, will be conducted by the bankruptcy judge.

(h) Motion for Withdrawal of Reference.

(1) Within 7 days of the entry of the pretrial order, any party may file and serve a motion to the district court to withdraw reference pursuant to LBR 5011-1.

(2) The failure of any party to file and serve a motion to withdraw reference within the 7-day time period constitutes consent by all parties to the jury trial being presided over by the bankruptcy judge.

(3) Nothing in this rule precludes an earlier motion to withdraw reference on the grounds set forth in 28 U.S.C. § 157(d).

LBR 9019-1. SETTLEMENTS

(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 9020-1. ORDER TO SHOW CAUSE BY APPEARING AND FILING WRITTEN EXPLANATION WHY PARTY SHOULD NOT BE HELD IN CONTEMPT

- (a) **General.** Unless otherwise ordered by the court, contempt proceedings are initiated by filing a motion that conforms with LBR 9013-1 and a lodged order to show cause. Cause must be shown by filing a written explanation why the party should not be held in contempt and by appearing at the hearing.

- (b) **Motion.** The motion must be served on the responding party which shall have 7 days to object to the issuance of the order.

(c) **Proposed Order to Explain in Writing and Appear at Hearing**

- (1) The proposed order must clearly apprise the party to whom it is to be directed that such party must show cause by filing a written explanation, if there is an explanation, why that party should not be held in contempt for the allegedly contemptuous conduct and by appearing at the hearing.

- (2) In the proposed order:

(A) The allegedly contemptuous conduct must be clearly identified and not just by reference to the content of the motion.

(B) The possible sanctions and grounds for sanctions must be clearly identified.

- (3) The proposed order must have blank spaces in which the court may fill in the date, time, and location of the hearing, and the dates by which the written explanation must be filed and served.

(d) **Hearing on Issuance of Order to Show Cause Why Party Should Not be Held in Contempt.**

- (1) If a written explanation is not timely filed and a judge's copy served, the court may conclude that there is no objection to issuance of the order to show cause.

- (2) No hearing on the motion for issuance of the order to show cause will be held unless the court so orders.

- (3) If the motion for order to show cause is granted without a hearing, the court will issue and forward to the moving party the order to show cause setting the date and time of the hearing on why the party should not be held in contempt.
- (e) **Service of Order to Show Cause Why the Party Should Not be Held in Contempt.**
- (1) Unless the court orders otherwise in the order to show cause, the moving party must serve the issued order to show cause on the respondent not later than 21 days before the date set for the hearing.
- (2) Personal service of the issued order to show cause is required on any entity not previously subject to the personal jurisdiction of the court.
- (3) All other entities may be served either personally or by mail in accordance with FRBP 7004.
- (f) **Hearing on Merits of Order to Show Cause Why Party Should Not be Held in Contempt.** At the hearing, the court may treat as true any uncontroverted facts established by declaration and limit testimony to controverted facts only.

LBR 9021-1. ORDERS AND JUDGMENTS

- (a) **General.** A proposed order or judgment (collectively, order) must be lodged either in paper form or electronically via LOU in accordance with the LOU Procedures contained in the Court Manual and these rules. Unless required as a court-mandated form order pursuant to LBR 9009-1 or otherwise ordered by the court, an order must not contain any attached agreement or other exhibit. If an order approves a motion that is based in whole or part upon an agreement or other exhibit, the order must refer to the docket number and/or title of the document in which the agreement or exhibit is found. Nothing in this rule prevents a prevailing party from serving a copy of an entered order along with a copy of an agreement or other exhibit referred to in the order.
- (b) **Preparation, Lodging, and Signing of Orders.**
- (1) **Form of Proposed Order.** A proposed order must be set forth in a separately captioned document complying with LBRs 9004-1 and 9009-1 and the Court Manual.
- (A) **Who Must Prepare.** Unless the court otherwise directs, a proposed order must be prepared by the attorney for the prevailing party.
- (B) **When Due if a Hearing was Scheduled.** If not presented at the hearing, a proposed order must be served and lodged with the clerk within 7 days of the granting thereof. Except as provided in LBR 7056-1(b)(2) and LBR 7016-1(b)(3) or if the presiding judge has posted a tentative ruling authorizing the submission of a proposed order, a proposed order must not be lodged prior to the hearing or trial of the underlying matter.

- (C) Failure to Timely Lodge Order. If the prevailing party fails to serve and lodge a proposed order within the allotted time, then any other party present at the hearing may lodge and serve a proposed order. All other parties shall have 7 days within which to file and serve an objection in compliance with subsection (b)(3) of this rule. If no party submits a proposed order, the court may prepare and enter such order as it deems appropriate, including an order to appear and file written explanation as to why the motion or proceeding should not be dismissed without prejudice for failure to prosecute, and to appear at the hearing.
 - (D) Copies and Envelopes. Copies of the proposed order and mailing envelopes must not be provided to the court unless required in the [Court Manual](#).
- (2) Order upon Stipulation. Except as provided in LBR 3015-1(r)(3) and LBR 4001-1(b)(2)(B), a proposed order approving a written stipulation must refer to the title of the stipulation and be contained in a separate document prepared and lodged upon the filing of the stipulation with the court. A proposed order lodged electronically must be prepared and uploaded in accordance with the LOU Procedures.
- (3) Proposed Order when Opposition to Motion was Filed.
- (A) Service of Proposed Order on Contesting Party. Pursuant to the Notice of Lodgment Procedures set forth in the [Court Manual](#), the attorney who has the duty to prepare any order required by this rule must serve a copy of the proposed order on counsel, or party if filed without counsel, who filed an opposition or other objection to the relief requested, either before or on the same day that the order is lodged with the court and must file a proof of service with the order. Alternatively, the attorney preparing the order may present it to opposing counsel for approval as to form before the order is lodged, in which case opposing counsel must immediately (within 24 hours) approve or disapprove the form of order and return it to counsel who prepared it. A signature line of opposing counsel with the words “approved as to form” or, alternatively, “not approved, objection to follow” or something similar may be used for this purpose. The signature of opposing counsel indicating that an opposition is forthcoming does not excuse compliance with subsection (3)(B) below.
 - (B) Separate Objection to Proposed Order. If an objection to the form of a lodged order is to be filed, the opposing party must immediately (within 2 court days) upon receipt of the form of the proposed order contact the judge’s clerk in chambers of the judge presiding in the matter by telephone, unless the judge’s procedure indicates otherwise, to notify the presiding judge that an opposition will be filed. A voicemail detailing the matter, calendar number and date of the hearing, and the nature of the opposition, left with the judge’s clerk may suffice as compliance with this duty. Opposing counsel must, within 7 days after service of a copy of a proposed

order prepared under this rule, file and serve a written objection to the form of the order, setting forth the grounds therefor. Opposing counsel must attach as exhibits to the objection (i) a copy of the order that is the subject of the objection and (ii) a copy of the proposed alternative form of order. The proposed alternative form of order so labeled must be lodged with the objection. A judge's copy of the objection and proposed alternative form of order must be served on the judge in chambers in accordance with LBR 5005-2(d). The failure to immediately sign (within 2 court days) when offered the form of proposed order indicating that an objection will be filed, or failure to timely notify chambers that an objection will be forthcoming, or failure to file and serve a timely objection as required by this rule may, in the court's discretion, constitute a waiver of any defects in the form of the order.

- (C) Endorsement of Counsel. Unless the court otherwise directs, a proposed order will not be signed by the judge unless (i) opposing counsel has endorsed thereon an approval as to form; (ii) opposing counsel has stipulated thereto on the record at the hearing, or (iii) the time for objection to a form of order properly served has expired under subsection (b)(3)(B) of this rule. If it finds the ends of justice so requires, the court may conduct a hearing on the proper form of the order or decide any objection thereto without a hearing.
- (4) Proposed Orders on Unopposed Motions. Notwithstanding subsection (b)(3) of this rule, if no opposition was filed, no service or proof of service of the proposed order is required prior to lodging of the proposed order, and the non-opposing party will be deemed to have waived any objection to the form of the order. The court may sign a proposed order on an unopposed motion immediately upon its lodging with the clerk without waiting for the objection period of subsection (b)(3)(B) of this rule to expire.
- (5) Signing of Orders for Absent Judges. Except as otherwise provided by F.R.Civ.P. 63, application for any order on a case or proceeding must be made to the judge to whom the case is assigned. If the judge to whom the case or proceeding is assigned is not available and there is an emergency necessitating an order, the judge's courtroom deputy must be consulted to determine whether a judge of this court has been designated to handle matters in the absence of the assigned judge. If a designation has been made, the application must be presented to the designated judge. If no designation has been made, then the matter must be presented to the duty judge, if any, or in his or her absence, to any other judge in accordance with normal divisional practices. If no emergency exists, the application will be held by the assigned judge's courtroom deputy until the assigned judge is available. Any judge may sign an order for another judge.
- (6) Obtaining Certified Copies of Order. Payment for a certified copy of an order must be made to the cashier in the clerk's office. No checks will be accepted in the courtroom or by courtroom deputies. If a certified copy of a stipulated or

default order is desired, the order may either be presented in the courtroom together with a clerk's receipt showing prepayment of the certification fee, or the certified copy may be requested from the clerk's office after the order has been signed and entered.

(c) **Entry of Orders.**

- (1) **Timing of Taxation of Costs.** Entry of an order must not be delayed pending taxation of costs to be included therein pursuant to LBR 7054-1. A blank space must be left in the form of an order for insertion of costs by the clerk after they have been taxed.
- (2) **Calculation of Interest.** If interest is accruing or will accrue on any order, the party preparing the proposed form of order must indicate by memorandum attached thereto the applicable interest rate as computed under 28 U.S.C. § 1961(a) or 26 U.S.C. § 6621 and the amount of interest to be added for each day the document remains unsigned.
- (3) **By Stipulation with Entry of Order.** The court may withhold entry of an order to permit the parties to submit, either separately or jointly by stipulation, the computation of the amount of money to be awarded in accordance with the court's determination of the issues.
- (4) **Contested Computation.** If the parties do not stipulate to a computation as provided in this rule, any party may file and serve a computation claimed to be in accordance with the determination of the issues by the court. Within 7 days of service of the computation, an opposing party may file and serve an objection accompanied by an alternate computation. If no objection is filed within 7 days, the order may be entered in accordance with the original computation submitted.
- (5) **Hearing on Contested Computation.** If it finds the ends of justice so require, the court may place the matter on calendar for hearing provided there is at least 7 days notice to the parties. After hearing, the court will determine the correct amount on which the order will be entered. The hearing will be limited to a determination of the correct amount to be entered in the order and shall not constitute an opportunity for rehearing or reconsideration of the determination of other issues previously ruled on by the court.
- (6) **Effect of Stipulation to Amount of Costs.** A stipulation by the parties to the amount to be entered pursuant to the determination of the issues by the court will not be deemed to be a waiver of any rights of the parties to appeal or otherwise challenge the determination of such issues by the court.
- (7) **Delegation of Authority to Sign Designated Orders.** The court may delegate authority to the clerk to:
 - (A) Sign specified form orders involving ministerial matters; and

(B) Facsimile stamp specified orders consistent with oral rulings by the court.

- (d) **Duty of Clerk as to an Order Directing an Action by an Official of the United States.** When an order is entered by the court directing any officer of the United States to perform any act, unless such officer is present in court when the order is made, the clerk must forthwith transmit a copy of the order to the officer ordered to perform the act.
- (e) **Amended or Corrected Orders.**
- (1) If an error or omission in the form of an entered or lodged order is discovered, a party in interest may request amendment or correction of the order by filing and serving a motion under LBR 9013-1(d) or (o).
 - (2) The motion must set forth specifically the changes requested in the form of the order and reasons such changes are necessary and appropriate. A copy of the proposed amended order must be attached as an exhibit to the motion when filed and served.
 - (3) The amended order must state in its caption the date of entry of the original order and, if applicable, the date, time, and place of the original hearing.
 - (4) If the motion is filed and served pursuant to LBR 9013-1(o), the proposed amended order itself must be lodged at the same time as the required declaration establishing that no timely objection was served.

LBR 9027-1. REMOVAL AND REMAND

- (a) **Notice of Removal.** A notice of removal must be filed with the clerk of the bankruptcy court pursuant to FRBP 9027 and simultaneously served on all other parties to the removed action, on any trustee appointed in the bankruptcy case, and on the United States trustee. The failure to promptly serve the notice of removal may result in extension of the time to respond under FRBP 9027(e)(3).
- (b) **Status Conference.**
- (1) Using the court-mandated form, the party filing a notice of removal must prepare a notice of status conference regarding removal of action, and present it to the clerk concurrently with the filing of a notice of removal.
 - (2) The clerk will set a status conference to be held not later than 45 days after the date that the clerk issues and files a notice of status conference, unless otherwise ordered by the court.
 - (3) The party who files a notice of removal must serve the notice of status conference on all other parties to the removed action, on any trustee appointed in the bankruptcy case, and on the United States trustee. Service must be completed no later than 14 days after the date the notice was issued and filed.

- (c) **Remand.** A motion for remand must be filed with the clerk of the bankruptcy court not later than 30 days after the date of filing of the notice of removal, and served under LBR 9013-1(d).
- (d) **Filing Copies of Docket and Filed Documents.**
 - (1) Unless otherwise ordered by the court, the party filing a notice of removal must file with the clerk:
 - (A) A copy of the docket of the removed action from the court where the removed litigation was pending; and
 - (B) A copy of every document on the docket, whether the document was filed by a party or entered by the court. The copies must be provided in chronological order according to the date the document was filed.
 - (2) All such documents must be filed not later than:
 - (A) 30 days after the date of filing of the notice of removal; or
 - (B) if a motion to remand is filed prior to expiration of such 30-day period, 14 days after entry of an order denying such motion to remand.
- (e) **Demand for Jury Trial.** Within 14 days after service of the notice of removal, a party must comply with LBR 9015-2 to preserve any right to a trial by jury.

LBR 9036-1. NOTICE AND SERVICE BY ELECTRONIC TRANSMISSION

- (a) **Service on Registered CM/ECF Users.**
 - (1) **NEF Constitutes Service.** Upon the addition of any document or item to a CM/ECF docket, whether electronically or non-electronically, an NEF is automatically generated by CM/ECF and sent electronically to all persons or entities that are CM/ECF Users and have consented to electronic service. Regardless of whether it is the duty of the court or of another person or entity to provide notice or service, service of the NEF constitutes notice and service pursuant to the F.R.Civ.P., FRBP, and these rules for all persons and entities that have consented to electronic service.
 - (2) **NEF Does Not Constitute Service.** Electronic transmission of an NEF does not constitute service or notice of the following documents that must be served non-electronically:
 - (A) Service of a summons and involuntary petition under FRBP 1010;
 - (B) Service upon the United States trustee of documents listed as exceptions under LBR 2002-2(a)(3);

- (C) Service of a proof of claim upon debtor's attorney under LBR 3015-1(b)(5);
 - (D) Service of a summons and complaint under FRBP 7004;
 - (E) Service of a subpoena under FRBP 9016; and
 - (F) Where conventional service is otherwise required under the F.R.Civ.P., FRBP, LBRs, or by court order.
- (b) **Service on non-CM/ECF Users.** A person or entity that is entitled to service of a document, but is not a CM/ECF User or is a CM/ECF User who has not consented to electronic service, must be served as otherwise provided by the F.R.Civ.P., FRBP, and these rules.
- (c) **Service on Debtors who Request DeBN.**
- (1) **Consent Limited to Service from the Bankruptcy Noticing Center.** A debtor who requests delivery by email of notices via the Debtor Electronic Bankruptcy Noticing (DeBN) program only consents to delivery of orders and notices delivered by the Bankruptcy Noticing Center.
 - (2) **Notice and Service from All Other Parties.** All other parties, including attorneys and trustees, must continue to serve debtors non-electronically using methods authorized under FRBP 7004 and 7005(b).

LBR 9037-1. REDACTION REQUESTS AND PROTECTIVE ORDERS REGARDING PERSONAL IDENTIFIERS

- (a) **Redaction from Filed Document.**
- (1) **Motion.** When a document has been filed containing a personal identifier, a party in interest may file a motion to block public access to the document, using the court-approved form or other language consistent with the court-approved form. The motion may be ruled upon without a hearing pursuant to LBR 9013-1(p). A closed case does not need to be reopened to file this motion.
 - (2) **Service.** The motion must contain proof of service by U.S. mail upon the debtor, debtor's counsel (if applicable), United States trustee, and the case trustee (if applicable).
 - (3) **Order.** An order must be lodged, using the court-approved form order or other language consistent with the court-approved form.
 - (4) **Filing of Redacted Document.** After entry of an order granting the motion, the movant must promptly file the redacted document.
- (b) **Redaction from Transcript.** Pursuant to the court's transcript redaction policy, a (1) Notice of Intent to Request Redaction, and (2) Transcript Redaction Request may be filed using court-approved forms.

LBR 9070-1. EXHIBITS**(a) Trial Exhibits.**

- (1) Identification. Unless otherwise ordered by the court, all exhibits to be offered into evidence at trial of an adversary proceeding or contested matter must be numbered and marked for identification with tags available from the clerk's office.
- (2) Numbering. Whenever feasible, exhibits of plaintiffs or movants must be marked with numbers, and 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.

(b) 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.

LBR 9071-1. STIPULATION**(a) General.**

- (1) Oral Stipulation. An oral stipulation will be enforceable by the court if made and approved in open court.
- (2) Written Stipulation. A written stipulation entered into pursuant to these rules must be filed with the court, but will not be effective until a separate order thereon is entered.
- (3) Order on Stipulation. An order on a stipulation must be prepared and lodged in accordance with LBR 9021-1(b)(2).

(b) Stipulation Requiring Notice under FRBP 4001(d) or 9019.

- (1) Unless otherwise ordered by the court, the notice requirement of FRBP 4001(d) or FRBP 9019 may be satisfied by either serving the motion on each of the entities specified in the applicable rule when it is filed or by serving on such entities a motion for approval of the proposed settlement stipulation pursuant to LBR 9013-1(o).
- (2) A stipulation requiring notice under either FRBP 4001(d) or FRBP 9019 requires approval by the court.

LBR 9074-1. TELEPHONIC APPEARANCES AT COURT HEARINGS

A party who wishes to appear telephonically at a court hearing must consult the court's web site to determine whether a telephonic appearance on a particular matter is permissible and to obtain the judge's procedure for requesting and making a telephonic appearance.

LBR 9075-1. EMERGENCY MOTIONS AND APPLICATIONS FOR ORDERS SETTING HEARING ON SHORTENED NOTICE**(a) Emergency Motion.**

- (1) Scope of Rule. An emergency motion requiring an order on less than 48 hours notice must be obtained in accordance with this rule.
- (2) Obtaining Hearing Date and Time. Unless otherwise ordered by the court, a hearing date and time may be obtained by telephoning the chambers of the judge to whom the case is assigned or such member of the judge's staff as may be designated to schedule hearings on emergency motions.
 - (A) The contact information for the designated member of the judge's staff is available in Appendix H of the [Court Manual](#). Prior to telephoning chambers, the court's website should be consulted to determine whether the judge has additional procedures or instructions for obtaining a hearing on an emergency motion.
 - (B) The request for a hearing on less than 48 hours notice may be granted if the party shows cause why a hearing is needed within 48 hours, and why the court should set a hearing before the motion is filed and before a declaration has been filed setting forth the need for a hearing on less than 48 hours notice.
- (3) Court Ruling on Request for Hearing. The request for a hearing on less than 48 hours notice will be determined by the court on the basis of the telephonic communication, subject to the right of any party to object to the adequacy of notice pursuant to subsection (c) of this rule. The court will promptly notify the movant whether it approves or denies the movant's request.

- (4) Contents of Motion. The motion must: (A) state the relief requested, (B) comply with any other applicable provisions of these rules regarding the relief requested, and (C) be accompanied by the declaration of one or more competent witnesses under penalty of perjury that (i) justifies the setting of a hearing on less than 48 hours notice and (ii) supports the granting of the motion itself on the merits. A separate motion for an expedited hearing is not required under this rule.
- (5) Telephonic Notice. Unless otherwise ordered by the court, immediately upon obtaining a hearing date and time, movant must give telephonic notice of the emergency hearing and the substance of the motion to the parties to whom notice of the motion is required to be given under the FRBP and these rules, the United States trustee, and any other party that is likely to be adversely affected by the granting of the motion. Movant must also advise the parties by telephone whether the motion will be served by email, fax, or personal service.
- (6) Service of Motion. Unless otherwise ordered by the court, movant must serve the motion by email, fax, or personal service on the parties set forth in subsection (a)(5) not later than the time the motion is filed with the court.
- (7) Filing of Motion. Unless otherwise ordered by the court, the motion must be filed not later than 2 hours before the time set for the hearing and a judge's copy served on the judge in chambers in accordance with LBR 5005-2(d).
- (8) Response to Motion. Any response, written or oral, to the motion may be presented at the time of the hearing on the motion.
- (9) Proof of Notice to be Presented at the Hearing. At the time of the hearing, movant must present to the court and file (A) a declaration of the efforts made to give telephonic notice of the hearing and substance of the emergency motion to the parties set forth in subsection (a)(5) and (B) a proof of service of the motion.

(b) Order Setting Hearing on Shortened Notice

- (1) Scope of Rule. A party may request that a non-emergency motion be heard on notice shorter than would otherwise be required by these rules. Such a request must be made by written application consistent with court-approved form [F 9075-1.1.APP.SHORT.NOTICE](#), Application for Order Setting Hearing on Shortened Notice ("application"). The application may be granted for good cause shown in accordance with this rule.
- (2) Contents of Application. Unless otherwise ordered by the court, the application must:
 - (A) Describe the nature of the relief requested in the underlying motion, identify the parties affected by the relief requested in the motion, and state the reasons necessitating a hearing on shortened notice; and
 - (B) Be supported by the declaration of one or more competent witnesses under

penalty of perjury that justifies the setting of a hearing on shortened notice and establishes a prima facie basis for the granting of the underlying motion.

- (3) Filing of Application. An application must be filed with the clerk concurrently with the motion that is to be heard on shortened notice.
- (4) Service of Application. Unless otherwise ordered by the court, movant must serve the application and the motion on each of the parties to whom notice of the underlying motion is required to be given under the FRBP and these rules, the United States trustee, and any other party that is likely to be adversely affected by the granting of the underlying motion. A separate notice of the application is not required.
- (5) Proposed Order Setting Hearing on Shortened Notice. At the time the application and underlying motion are filed, movant must lodge a separate proposed order consistent with court-approved form [F 9075-1.1.ORDER.SHORT.NOTICE](#), Order Setting Hearing on Shortened Notice that (A) identifies the parties to whom notice is proposed to be given; (B) states the nature and timing of the proposed shortened notice, which must not be less than 48 hours; (C) states the means of service, *i.e.*, telephone, fax, email, personal service, or as ordered by the court; and (D) contains appropriate blanks for the court to insert the date and time of the hearing and the date for filing and serving the opposition.
- (6) Court Ruling on Application. The application will be determined by the court on the basis of the documents submitted with the application, subject to the right of any party to object to the adequacy of notice pursuant to subsection (c) of this rule. The court will promptly notify the movant of its decision on the application and, if granted, the date and time set for the hearing.
- (7) Notice of Hearing.
 - (A) If the application is granted, movant must serve the order setting the hearing on shortened notice on each of the parties to whom notice of the underlying motion is required to be served by the FRBP and these rules, the United States trustee, any other party that is likely to be adversely affected by the granting of the underlying motion, and as otherwise ordered by the court. Notice must be given by telephone, fax, email, personal service, or as ordered by the court.
 - (B) If the application is denied, movant may, unless otherwise ordered by the court, set the underlying motion for hearing on regular notice and serve notice of the hearing in accordance with LBR 9013-1(d).
- (8) Proof of Service. Proof of service of all required documents must be filed at least 2 days before the hearing, unless otherwise ordered by the court.
- (c) Objection to Timing of Hearing. At the hearing on the motion, any party may object to the adequacy of the notice provided and seek a continuance for good cause shown.