UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

LOCAL RULES

including technical amendments
and General Orders

Jacob Weinberger United States Courthouse
325 West "F" Street
San Diego, California 92101-6991

www.casb.uscourts.gov

April 28, 1996
[Revised 5/8/06]

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE	)	
	)	BANKRUPTCY GENERAL ORDER
PROMULGATION OF	)	NO. 96-2
BANKRUPTCY LOCAL RULES	)	
	)	
	)	

Whereas, the period for public comment on the revised Local Rules occurred from August 3, 1995 through October 2, 1995, and

Pursuant to Bankruptcy Rule 9029 and General Order No. 352 of the United States District Court, delegating bankruptcy local rule promulgation to the Bankruptcy Court,

IT IS HEREBY ORDERED that the attached Local Rules of the United States Bankruptcy Court, Southern District of California, are adopted by the Court and shall become effective as to all cases filed or pending on or after April 28, 1996.

DATED: 23 APR 96

/s/ Louise DeCarl Adler
Louise DeCarl Adler, Chief Judge
United States Bankruptcy Court

/s/ James W. Meyers
James W. Meyers, Judge
United States Bankruptcy Court

/s/ John J. Hargrove
John J. Hargrove, Judge
United States Bankruptcy Court

/s/ Peter W. Bowie
Peter W. Bowie, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re	)	AMENDED
	)	BANKRUPTCY GENERAL ORDER
PROVISIONS FOR	)	
ELECTRONIC CASE FILING	)	NO. 162
	)	
	)	

Federal Rule of Civil Procedure 83 and Federal Rule of Bankruptcy Procedure 5005(a)(2), 9011, 9029, and Local Bankruptcy Rule 9004, authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and papers by electronic means; and

A proposal for *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* (Local Form CSD 1800) and an *Electronic Filing Participant Guide* (collectively, the "Electronic Filing Procedures") have been reviewed by the court;

IT IS ORDERED that:

1. The *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* and the *Electronic Filing Participant Guide* establishing administrative procedures for signing, filing, and verifying documents by electronic means in this court, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers (collectively the "Electronic Filing Procedures") are hereby approved by the court.

2. The electronic filing of a petition, pleading, motion or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Fed. R. Bankr. P. 9011 and Local Bankruptcy Rule 9004-3(b). The signature of the debtor(s) authorizing the electronic filing of the bankruptcy case shall be accomplished by filing an executed *DECLARATION RE: ELECTRONIC FILING, Local Form CSD 1801*, within 15 days of the electronic filing of the petition.

3. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.

4. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm.

5. The electronic filing of a pleading or other paper in accordance with the Electronic Filing Procedures shall constitute entry of that pleading or other paper on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

6. The Office of the Clerk shall enter all orders, decrees, judgments, and proceedings of the court in accordance with the Electronic Filing Procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the clerk under Fed. R. Bankr. P. 9021.

7.a. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.

b. The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with sub-paragraph (c) below.

c. If the recipient of notice or service is a registered participant in the Electronic Filing System, service by electronic means of the Notice of Electronic Filing shall be the equivalent of service of the pleadings or other paper by first class mail, postage prepaid.

8. Participation in the Electronic Filing System by receipt of a password from the Court, shall constitute a request for service and notice electronically pursuant to Fed. R. Bankr. P. 9036. Participants in the Electronic Filing System, by receiving a password from the court, agree to receive notice and service by electronic means.

9. The original of this order shall be filed both in accordance with the Electronic Filing Procedures and conventionally with the Clerk of the Court.

~~10. Until further order, the provisions of this order shall apply only to chapter 7 cases (including adversary proceedings and contested matters in chapter 7) filed on or after the effective date of this order. Amendments to this order may be entered from time to time in keeping with the needs of the court.~~

~~11.~~ 10. This AMENDED order shall take effect NUNC PRO TUNC to March 31, 1999.

/s/ Louise DeCarl Adler
LOUISE DeCARL ADLER
Chief Judge, U.S. Bankruptcy Court

/s/ James W. Meyers
JAMES W. MEYERS
Judge, U.S. Bankruptcy Court

/s/ John J. Hargrove
JOHN J. HARGROVE
Judge, U.S. Bankruptcy Court

/s/ Peter W. Bowie
PETER W. BOWIE
Judge, U.S. Bankruptcy Court

TABLE OF CONTENTS

RULE 1001. TITLE; SCOPE OF RULES; DEFINITIONS. 1
1001-1. TITLE AND CITATION 1
1001-2. SCOPE AND EFFECTIVE DATE OF RULES 1
Compliance with Rules 1
1001-3. ADOPTION OF CERTAIN LOCAL RULES OF THE UNITED STATES DISTRICT COURT 1
1001-4. DEFINITIONS 1
1001-5. SANCTIONS FOR NON-COMPLIANCE 2

RULE 1002. COMMENCEMENT OF CASE. 2
1002-1. PERSONS APPEARING WITHOUT AN ATTORNEY 2
Corporations and Unincorporated Associations . 2
Individuals 2

RULE 1006. FILING FEE AND SPECIAL CHARGES. 2
1006-1. METHOD OF PAYMENT 2
1006-2. WAIVER OF FILING FEE 2
1006-~~2~~3. APPROVAL OF INSTALLMENT FEES 3
1006-~~3~~4. DISHONORED CHECKS 3
1006-~~4~~5. SCHEDULE OF FEES AND SPECIAL CHARGES 3

RULE 1007. SPECIAL REQUIREMENTS FOR LISTS AND SCHEDULES OF LIABILITIES AND EQUITY SECURITY HOLDERS. 3
1007-1. SPECIAL REQUIREMENTS FOR MAILING ADDRESSES . . 3
1007-2. ASSEMBLY OF PAPERS FOR FILING; NUMBER OF COPIES 3
Assembly of Papers 3
Number of Copies 5
Deferred Filing of Statements, Lists and Schedules 6
1007-3. EXTENSION OF TIME; REQUIRED NOTICE 6
1007-4. REQUIRED NOTICE WHEN SCHEDULES ARE FILED AFTER THE DATE THE PETITION IS FILED 6
1007-5. COMPLETION OF PERSONAL FINANCIAL MANAGEMENT COURSE 6
1007-6. PAYMENT ADVICES 7
1007-~~5~~7. CONSUMER DEBTS SECURED BY PROPERTY OF THE ESTATE 7

RULE 1009. AMENDMENT OF LISTS AND SCHEDULES; FILING FEES; NOTICE; PROOF OF SERVICE. 7
1009-1. APPLICABILITY OF RULE 7
1009-2. AMENDMENT; NOTICE 7
1009-3. NUMBER OF COPIES 7
1009-4. SPECIAL REQUIREMENTS FOR MAILING ADDRESSES . . 8

RULE 1014. MOTION TO CHANGE VENUE. 8

RULE 1015. JOINT ADMINISTRATION OF CASES. 8
1015-1. JOINT PETITIONS 8
1015-2. RELATED CASES 8
Notice of Related Cases 8
Cases Deemed Related 8
Assignment to Judges 9

RULE 1017. MOTION FOR DISMISSAL OR CONVERSION OF CASE. . . . 9
1017-1. REQUIRED NOTICE 9
1017-2. MOTION BY DEBTOR TO DISMISS OR CONVERT CASE; NOTICE TO UNITED STATES TRUSTEE AND TRUSTEE . 9
Chapter 7 or 11 Case 9
Motion to Convert 9
Service on Chapter 7 or 11 Trustee . . . 10
Chapter 13 Case 10
Requests for Dismissal 10
Notice of Conversion 10
Special Requirements 10
Number of Copies 10
Service on Chapter 13 Trustee 11
Proof of Service 11

RULE 1019. DUTY OF DEBTOR-IN-POSSESSION OR TRUSTEE TO FILE REPORTS IN CHAPTER 11 OR 12 CASE CONVERTED TO CHAPTER 7. 11
1019-1. REQUIRED REPORTS 11
1019-2. PROOF OF SERVICE 11

RULE 2002. NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS, AND THE UNITED STATES. 11
2002-1. APPLICABILITY OF RULE; NOTICES TO ALL CREDITORS AND PARTIES IN INTEREST 11
Applicability of Rule 11
10-Day Notice (Motion to Extend Automatic Stay) 11
30-Day Notice (Motion to Impose Automatic Stay). 12
28-Day Notice 12
39-Day Notice (Disclosure Statements and Plan Confirmations) 12
Notice by Chapter 7 Trustee 12
Notice of § 341(a) Meeting by Chapter 11 or 12 Debtor 12
Notice to Creditors 12
Notice to Equity Security Holders 12
Filing of Papers with Clerk 12
2002-2. NOTICES OF INTENDED ACTION 12
2002-3. NOTICES OF HEARING 14
2002-4. NOTICING PROCEDURE; MAILING LISTS 15
Service of Motion and Notice 15
Service of Notice 15
Listing the United States as a Creditor; Notice to the United States 16
Mailing List 16

RULE 2004. EXAMINATION OF AN ENTITY. 16
2004-1. NOTICE 16
Attorney's Duty to Stipulate 16
Form 16
Order for Examination 16
Emergency Motion 17

RULE 2014. EMPLOYMENT OF PROFESSIONALS. 17
2014-1. APPLICATION TO EMPLOY PROFESSIONAL 17
Counsel for Chapter 11 and 12 Debtors . . . 17
Other Professionals 17
Disclosure Statement 17
Notice to and Statement of United States Trustee 17
2014-2. CONTRACT FOR EMPLOYMENT OF AGENTS AND BROKERS 17

RULE 2015. DUTY TO KEEP RECORDS AND MAKE REPORTS. 18
2015-1. DUTY TO MAKE REPORTS 18
2015-2. PAYMENT OF ROUTINE EXPENSES 18

RULE 2016. COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES. 18
2016-1. CASE WITH MULTIPLE PROFESSIONALS 18
2016-2. APPLICATION FOR ALLOWANCE OF COMPENSATION AND EXPENSES FOR PROFESSIONAL PERSONS 18
2016-3. FINAL FEE APPLICATIONS 19
2016-4. ORDERS FOR COMPENSATION 19

RULE 3002. CLAIMS BAR DATE IN CHAPTER 7 CASES; DUTY OF CHAPTER 7 TRUSTEE; SERVICE OF CHAPTER 13 CLAIM. . . . 20
3002-1. DUTY OF CHAPTER 7 TRUSTEE 20
3002-2. SERVICE OF CHAPTER 13 CLAIM 20

RULE 3003. CLAIMS BAR DATE IN CHAPTER 11 CASES. 20
3003-1. CLAIMS BAR DATE 20
3003-2. NOTICE 20
3003-3. ORDER 20

RULE 3007. OBJECTION TO CLAIM. 20
3007-1. DUTIES OF CHAPTER 13 DEBTOR 20
3007-2. OBJECTION TO ALLOWANCE OF CLAIM 21
Content of Objection 21
Service 21
Providing Copy of Claim 21

RULE 3013. CLASSIFICATION OF CLAIMS IN CHAPTER 13 CASES. . 21
3013-1. OBJECTION TO CLASSIFICATION BY CREDITOR . . . 21

RULE 3015. CHAPTER 13 PLAN; EXTENSIONS; MODIFICATION OF OR OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLANS. . . 21
3015-1. APPLICABILITY OF RULE 21
3015-2. DISMISSAL BY CHAPTER 12 OR 13 TRUSTEE 21
3015-3. EXTENSION OF TIME FOR FILING 22
3015-4. FORM OF OBJECTION TO CHAPTER 13 PLAN 22
3015-5. TIME FOR FILING OBJECTION TO CHAPTER 13 PLAN 22
3015-6. DUTY TO CONFER 22
3015-7. MODIFICATION OF CHAPTER 13 PLAN 22
3015-8. CONFIRMATION HEARING 23
Hearing on Confirmation of Plan 23
Notice of Hearing 23

Notification of Courtroom Deputy of Matters to be Dismissed 23
3015-9. REPLY TO OBJECTIONS 23
3015-10. ORDER CONFIRMING PLAN; DUTY OF DEBTOR'S ATTORNEY 24

RULE 3017. MODIFICATION OF OR OBJECTIONS TO DISCLOSURE STATEMENT AND CHAPTER 11 OR 12 PLAN. 24
3017-1. DOCUMENTATION OF MODIFICATIONS; DUTY OF PROPONENT 24

RULE 3018. ACCEPTANCE OR REJECTION OF CHAPTER 11 PLAN. . . . 24
3018-1. RETURN OF ACCEPTANCES AND REJECTIONS 24
3018-2. SUMMARY OF CLAIMS AND ACCEPTANCES AND REJECTIONS 25

RULE 3020. ESTIMATING DEPOSIT IN CHAPTER 11 CASE. 25
3020-1. ADMINISTRATIVE EXPENSES PAYABLE TO COURT . . . 25
3020-2. SCHEDULE OF ESTIMATED EXPENSES 25

RULE 4001. RELIEF FROM AUTOMATIC STAY; JOINDER OF PARTIES IN INTEREST; USE OF CASH COLLATERAL. 26
4001-1. APPLICABILITY OF RULE AND ASSIGNMENT OF IDENTIFICATION NUMBER TO RELIEF FROM STAY MOTIONS 26
Applicability of Rule 26
Assignment of Identification Number to Motions for Relief from Stay 26
4001-2. CONTENT OF MOTION FOR RELIEF FROM STAY; SERVICE 26
4001-3. TIME FOR FILING OBJECTIONS TO MOTION; DUTY OF OBJECTING PARTY TO GIVE NOTICE 27
4001-4. CONTENT OF DECLARATION IN OPPOSITION TO MOTION 28
4001-5. CONTENT OF ORDER 28
Noncontested Motion 28
Contested Motion 28
Stipulated Motion 28
4001-6. SERVICE OF ORDER 28
4001-7. POINTS AND AUTHORITIES 29
4001-8. CONTENT OF NOTICE; EX PARTE RELIEF 29
4001-9. DUTY TO CONFER 29

RULE 4002. DUTIES AND COMPENSATION OF DEBTOR. 29
4002-1. SAFEKEEPING OF BOOKS AND RECORDS 29
Safekeeping of Books and Records 29
Turnover of Books and Records 29
Limitation of Disposition 29
4002-2. COMPENSATION OF DEBTOR AND INSIDERS 30
Compensation 30
Ex Parte Interim Orders 30
Statement of United States Trustee 30
4002-3. PAYMENT OF SPECIAL ASSESSMENTS FOR NOTICES MAILED AND PROOFS OF CLAIM PROCESSED BY CLERK 30
4002-4. DEPOSIT OF FUNDS WITH CHAPTER 12 TRUSTEE . . . 31

RULE 4003. OBJECTIONS TO CLAIM OF EXEMPTION. 31
4003-1. PROCEDURE 31

RULE 4007. MOTION FOR EXTENSION OF TIME FOR FILING COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY OF A DEBT. . . . 31
4007-1. PROCEDURE 31

RULE 4008. REAFFIRMATION AGREEMENTS ~~FOR UNREPRESENTED DEBTORS~~ 31
4008-1. PROCEDURE 31

RULE 5005. FACSIMILE FILINGS. 31
5005-1. METHOD OF FILING 31
5005-2. WHEN FILED 32
5005-3. FORM, PAPER, LEGIBILITY 32
5005-4. ORIGINAL SIGNATURE 32
5005-5. TRANSMISSION RECORD 32

RULE 5010. MOTION TO REOPEN A CASE. 33
5010-1. MOTION; NOTICE 33
5010-2. ORDER; FEE 33

RULE 5011. WITHDRAWAL OF REFERENCE; ABSTENTION. 33
5011-1. WITHDRAWAL OF REFERENCE 33
5011-2. ABSTENTION 34

RULE 6004. USE, SALE OR LEASE OF PROPERTY NOT IN THE ORDINARY COURSE OF BUSINESS. 34
6004-1. REQUIRED NOTICE 34
6004-2. PUBLICATION OF NOTICE 34
6004-3. REPORT OF SALE 34
Sale of Real Property 35
Service of Report 35
6004-4. APPOINTMENT OF A CONSUMER PRIVACY OMBUDSMAN . 35

RULE 6005. APPOINTMENT OF AUCTIONEERS. 35
6005-1. CONTENT OF APPLICATION AND ORDER 35
Auctioneer 35
Additional Requirements 35
6005-2. STATEMENT OF UNITED STATES TRUSTEE 36
6005-3. DUTY OF AUCTIONEER 36
6005-4. PAYMENT OF COMPENSATION 36

RULE 6007. ABANDONMENT OR DISPOSITION OF PROPERTY. 36
6007-1. APPLICABILITY OF RULE 36
6007-2. NOTICE REQUIREMENTS 36
Voluntary Abandonment 36
Property with Total Value of Less than $2,500 36
Property with Total Value of $2,500 or More 37
Motion by Party in Interest 37
6007-3. PROCEDURE FOLLOWING NOTICE OF ABANDONMENT . . 37
Voluntary Abandonment 37
Personal Property 37

Real Property 37
Proof of Service 37
Contested Abandonment 37

RULE 7003. COMMENCEMENT OF ADVERSARY PROCEEDING; ADDITIONAL REQUIREMENTS. 37
7003-1. COMMENCEMENT OF ADVERSARY PROCEEDINGS 37
Documents Required to Commence an Adversary Proceeding 37
Assignment 37
Notice of Related Case 38
7003-2. JURY TRIAL 38

RULE 7004. PROCESS ISSUANCE AND SERVICE. 38
7004-1. SERVICE OF PROCESS 38
Presentation of Summons for Issuance 38
Alias Summons 38

RULE 7005. SERVICE OF PLEADINGS. 39
7005-1. SERVICE OF PLEADINGS OTHER THAN PROCESS . . . 39

RULE 7012. ANSWER. 39
7012-1. CONTENT 39

RULE 7016. PRE-TRIAL PROCEDURES. 39
7016-1. APPLICABILITY OF RULE 39
7016-2. EARLY CONFERENCE OF COUNSEL 39
Time of Early Conference 39
Purpose of Conference 40
Documents 40
Discovery 40
Other Evidence 40
List of Witnesses 40
Settlement 40
Certificate of Compliance and Notice of Hearing for Pre-trial Status Conference . . 40
7016-3. SETTING AND NOTICE 40
7016-4. DISCUSSION OF MEDIATION ALTERNATIVES 41
7016-5. STATUS CONFERENCE 41
7016-6. MEDIATION PANEL PROCEDURES 41
Lists of Mediators. 41
Voluntary Mediation Panel 41
Attorney Qualifications 41
Non-Attorney Qualifications 42
Compensated Mediation Panel 42
Lists of Eligible Mediators 43
Assignment to Mediation 43
Mediation Procedure 44
Time and Place 44
Submission of Completed Case Questionnaires 44
Attendance and Preparation Required 44
Mediation Compensation 44
Parties to be Available 45
Failure to Attend 45

Proceedings Privileged 45
Duty of Counsel 45
Duty of Mediator 45
Procedure upon Completion of Mediation Session 46
7016-7. PREPARATION FOR FINAL PRE-TRIAL CONFERENCE . 46
Meetings of Counsel 46
Exchanges between Counsel 46
Content of Exhibits Exchanged 46
Failure to Display and/or Exchange Exhibits or Lists 47
7016-8. CONDUCT OF THE FINAL PRE-TRIAL CONFERENCE . . 47
7016-9. PRE-TRIAL ORDER 47
Responsibility of Plaintiff's Counsel . . . 47
Format 47
Abandoned Issues 47
Unresolved Issues of Fact and Law 47
Exhibits 47
Objections to Exhibits 48
Witnesses 48
7016-10. TRIAL COUNSEL TO BE PRESENT 48
7016-11. SANCTIONS; PRE-TRIAL 48
7016-12. PREPARATION FOR TRIAL 48
7016-13. RETURN OF EXHIBITS 49

RULE 7019. MOTION TO CHANGE VENUE IN ADVERSARY PROCEEDING. 49

RULE 7022. INTERPLEADER ACTIONS; DEPOSITS INTO INTEREST BEARING ACCOUNTS; DISBURSEMENTS. 49
7022-1. DEPOSIT OF REGISTRY FUNDS; CONTENT OF ORDER . 49
7022-2. DISBURSEMENTS OF REGISTRY FUND; CONTENT OF ORDER 50

RULE 7026. DISCOVERY. 50
7026-1. APPLICABILITY OF RULE 50
7026-2. CONFERENCE REQUIRED 50
7026-3. CERTIFICATE OF COMPLIANCE 50
7026-4. PROTECTIVE ORDER 51

RULE 7030. DEPOSITIONS. 51
7030-1. APPLICABILITY OF RULE 51
7030-2. ATTORNEYS DUTY TO STIPULATE 51
7030-3. MATERIALS 51
7030-4. TRANSCRIPT COST 51
7030-5. COURT COPY 51
7030-6. FILING 51

RULE 7033. INTERROGATORIES TO PARTIES. 52
7033-1. APPLICABILITY OF RULE 52
7033-2. MOTION FOR LEAVE TO SERVE ADDITIONAL INTERROGATORIES 52
7033-3. ANSWERS OR OBJECTIONS TO INTERROGATORIES . . 52
7033-4. FILING 52

RULE 7034. TIMING OF REQUESTS FOR PRODUCTION OF DOCUMENTS. . 52
7034-1. APPLICABILITY OF RULE 52

RULE 7036. REQUESTS FOR ADMISSION. 52
7036-1. APPLICABILITY OF RULE 52
7036-2. RESPONSES OR OBJECTIONS TO REQUESTS FOR ADMISSION 53
7036-3. FILING 53

RULE 7040. ASSIGNMENT OF ADVERSARY PROCEEDINGF OR JURY TRIAL. 53
7040-1. PROCEDURE 53
Applicability 53
Demand for Jury Trial 53
7040-2. CONSENT TO JURY TRIAL 53
7040-3. SIX-PERSON JURIES 53
7040-4. EXAMINATION OF JURORS 53
7040-5. FILING, SERVICE AND FORM OF PROPOSED INSTRUCTIONS 54
7040-6. ASSESSMENT OF JURY COSTS 54

RULE 7041. DISMISSAL OF ADVERSARY PROCEEDING. 54
7041-1. VOLUNTARY OR STIPULATED DISMISSALS 54
7041-2. DISMISSAL FOR WANT OF PROSECUTION 54
7041-3. DISMISSAL OF RELATED TITLE 11 CASE 55
7041-4. VOLUNTARY OR STIPULATED DISMISSAL OF OBJECTIONS TO DISCHARGE OF THE DEBTOR 55
Procedure 55
Content of Motion or Stipulation 55
Intervention by the United States Trustee or Trustee 55

RULE 7054. FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDERS AND JUDGMENTS. 55
7054-1. APPLICABILITY OF RULE 55
7054-2. DUTY OF PREVAILING PARTY 56
7054-3. PROCEDURES FOR SUBMISSION OF ORDERS AFTER HEARING 56
Procedure by Consent 56
Procedure by Lodgment - Contested Order or Judgment 56
Notice of Lodgment 56
Names and Addresses of Opposing Parties . . . 57
Objections to Lodged Documents 57
7054-4. INTEREST ON JUDGMENT 57
Rate of Interest 57
Publication of Interest Rate 57
7054-5. COSTS 57

RULE 7055. DEFAULT. 58
7055-1. REQUIRED FORM FOR REQUEST TO ENTER DEFAULT . . 58
7055-2. FORM OF JUDGMENT 58

RULE 7065. TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION. 58
7065-1. REQUIREMENTS 58

RULE 7069. ENFORCEMENT OF JUDGMENTS. 59
7069-1. FORM 59
7069-2. DISCOVERY IN AID OF ENFORCEMENT OF JUDGMENTS 59
7069-3. USE OF UNITED STATES MARSHAL 59
7069-4. REGISTRATION OF JUDGMENTS 59

RULE 9004. GENERAL REQUIREMENTS OF FORM. 60
9004-1. APPLICABILITY OF RULE 60
9004-2. ATTORNEY IDENTIFICATION AND SIGNATURE 60
State Bar Membership Number 60
Responsibility of Lead Attorney 60
9004-3. PAPERS PRESENTED TO THE COURT - FORM AND FORMAT 60
Legibility 60
Signatures 60
Paper Size 60
Title Page 61
Continuation Pages 61
Pagination 62
Stipulations 62
Signature Line for Judge 62
Exhibits Attached to Papers 62
Papers to be Pre-Punched 63
Submitting Papers for Filing 63
Copies 63
Required Number of Copies 63
Return of Court Conformed Copy 64
9004-4. CAPTION AND TITLE OF PAPERS FILED 64
Required Caption 64
Responsibility of Attorney to Provide Proper Case Name and Number 64

RULE 9006. TIME FOR MOTIONS AND OBJECTIONS; LENGTH OF BRIEFS; PROOF OF SERVICE. 65
9006-1. TIME FOR MOTIONS AND OPPOSITION 65
Service of Motion 65
Notice of Hearing 65
Opposition 65
Joinders 65
Motion Days 65
Extending and Shortening Time 65
9006-2. LENGTH OF BRIEF IN SUPPORT OF OR IN OPPOSITION TO MOTION 65
9006-3. PROOF OF SERVICE 65

RULE 9009. LOCAL FORMS. 66
9009-1. AVAILABILITY OF FORMS 66

RULE 9010. APPEARANCE OF ATTORNEYS. 66
9010-1. APPLICABILITY OF RULE 66
9010-2. APPLICATIONS FOR ADMISSION 66
9010-3. PRO HAC VICE APPLICATION 67
9010-4. DUTY OF ATTORNEY TO KEEP MAILING ADDRESS AND TELEPHONE INFORMATION CURRENT 67

9010-5. SUBSTITUTION OF ATTORNEYS 67

RULE 9011. SANCTIONS. 67
9011-1. TIME FOR FILING MOTION 67

RULE 9013. MOTIONS; FORMS AND SERVICE. 67
9013-1. APPLICABILITY OF RULE 67
9013-2. CONTENT OF MOTIONS 68
General Requirements 68
Special Requirements 68
Motion to Dismiss Case 68
Motion for Dismissal of Complaints Objecting to Debtor's Discharge 68
Motions to Avoid Liens Under 11 U.S.C. § 522(f) 68
Motion for Exemption from Credit Counseling Under 11 U.S.C. § 109(h)(4) . 68
Motion for Order Confirming That Automatic Stay is Not in Effect Under 11 U.S.C. § 362(c)(4)(A) 68
Certificate of Cure of Entire Monetary Default Under 11 U.S.C. § 362(l) 69
Motion to Access Federal Income Tax Returns Under 11 U.S.C. § 521(f) 69
9013-3. CONTENT OF NOTICE 69
Notice of Motion 69
9013-4. TIME FOR SERVICE OF OPPOSITION 69
9013-5. TIME FOR SERVICE OF REPLY 69
9013-6. HEARING ON MOTION 69
Ex Parte Motions and Applications 69
Motions and Applications Not Requiring Notice 70
Motions and Applications Requiring Notice to United States Trustee and Obtaining a Statement of Position of the United States Trustee Prior to Filing of Motion or Application with the Court 70
Motions Requiring Notice to Chapter 13 Trustee 71
Emergency Motions 71
9013-7. CONTENT OF ORDER OR REPORT ON NONCONTESTED MATTER 71
9013-8. SERVICE OF ORDER 71

RULE 9014. CONTESTED AND EMERGENCY MOTIONS; OBJECTIONS AND HEARING. 71
9014-1. APPLICABILITY OF RULE 71
9014-2. CONTENT OF MOTION 72
9014-3. CONTENT OF NOTICE 72
Hearing Date 72
Notice of Hearing 72
Service 72
9014-4. TIME FOR SERVICE 72
Time for Serving Motion 72
Time for Serving Opposition 72

Time for Serving Opposition to Motion to Extend Automatic Stay Under 11 U.S.C. § 362(c)(3)(B) and Motion for Order Imposing Automatic Stay Under 11 U.S.C. § 362(c)(4)(B) 73
Time for Serving Opposition to Motion for Approval of Disclosure Statement and Motion for Confirmation of Plan 73
Reply Memorandum of Points and Authorities . 73
Failure to File Opposition 73
9014-5. EMERGENCY MOTIONS 73
9014-6. ORDERS ON CONTESTED MATTERS 74
9014-7. NOTIFICATION OF COURTROOM DEPUTY OF MATTERS TO BE WITHDRAWN, SETTLED OR DISMISSED 74
Required Notice 74
Sanctions 74

RULE 9018. FILING OF SECRET, CONFIDENTIAL, SCANDALOUS, OR DEFAMATORY DOCUMENTS UNDER SEAL. 75
9018-1. CONTENT OF MOTION AND ORDER 75
9018-2. FILING DOCUMENTS UNDER SEAL 75
9018-3. RETURN OF DOCUMENTS UNDER SEAL 75

RULE 9019. COMPROMISE AND SETTLEMENT OF CONTROVERSY. . . . 75
9019-1. NOTICE TO ALL CREDITORS 75

RULE 9020. CONTEMPT PROCEEDINGS. 75

RULE 9025. SECURITY AND BONDS; DEPOSIT AND APPROVAL. . . . 76
9025-1. DEPOSIT OF CASH SECURITY 76
9025-2. SURETY BONDS 76
9025-3. DISBURSEMENT OF FUNDS 76

RULE 9027. REMOVAL AND REMAND. 76
9027-1. COMMENCEMENT OF A REMOVAL ACTION 76
9027-2. JURY TRIAL 77
9027-3. REMAND 77

RULE 9028. CONCURRENT JURISDICTION. 77
9028-1. CONCURRENT JURISDICTION 77
9028-2. CONTINUING AUTHORITY 77

RULE 9034. TRANSMITTAL OF MOTIONS AND APPLICATIONS TO THE UNITED STATES TRUSTEE [OR CHAPTER 13 TRUSTEE] FOR STATEMENT OF POSITION. 77
9034-1. MOTIONS AND APPLICATIONS REQUIRING A STATEMENT OF POSITION OF THE UNITED STATES TRUSTEE 77
9034-2. MOTIONS REQUIRING A STATEMENT OF POSITION OF THE CHAPTER 13 TRUSTEE 78

INDEX 81

APPENDIX A - SCHEDULE OF FEES AND SPECIAL CHARGES

APPENDIX B - CROSS-REFERENCE TABLE

APPENDIX C - FORMS REQUIRED BY LOCAL RULES

APPENDIX D1 - GUIDELINES FOR FIRST DAY MOTIONS

APPENDIX D2 - GUIDELINES FOR MOTIONS TO USE CASH COLLATERAL OR TO OBTAIN CREDIT

APPENDIX D3 - GUIDELINES FOR THE SALE OF SUBSTANTIALLY ALL ASSETS UNDER § 363 WITHIN 60 DAYS OF THE FILING OF THE PETITION

APPENDIX D4 - GUIDELINES FOR PREPACKAGED CHAPTER 11 CASES

APPENDIX D5 - GUIDELINES FOR ESTABLISHING INTERIM COMPENSATION PROCEDURES OF PROFESSIONALS

RULE 1001. TITLE; SCOPE OF RULES; DEFINITIONS.

1001-1. TITLE AND CITATION.

The following rules are adopted as Local Bankruptcy Rules to govern the practice before the court until further order and shall be cited as "Local Bankruptcy Rules" or "LBR" to distinguish them from the "Local District Court Rules" which should be cited as "LDR."

1001-2. SCOPE AND EFFECTIVE DATE OF RULES.

(a) These rules supplement the Federal Rules of Bankruptcy Procedure [cited as *Fed. R. Bankr. P.*] and the Federal Rules of Civil Procedure [cited as *Fed. R. Civ. P.*].

(b) These rules become effective April 28, 1996, and shall govern all actions and proceedings pending or commenced on or after that date.

(c) These rules may be amended subsequent to their effective date by "General Order" of the court. Such General Orders will be captioned "General Order No. ___ Amending Local Bankruptcy Rule ___" and shall be posted at the court and may be obtained from the clerk.

(d) COMPLIANCE WITH RULES. Unrepresented parties are bound by these rules and any reference in these rules to "attorney" or "counsel" applies to those parties unless the context otherwise provides.

1001-3. ADOPTION OF CERTAIN LOCAL RULES OF THE UNITED STATES DISTRICT COURT.

The provisions of the Local United States District Court Rules are applicable to proceedings in the United States Bankruptcy Court to the extent they are consistent with these Local Bankruptcy Rules, the Fed. R. Bankr. P., and Title 11 of the United States Code. A cross-reference table to the Local Rules of the United States District Court is set forth in Appendix B.

1001-4. DEFINITIONS.

The definitions set forth in 11 U.S.C. §§ 101 and 102 and Fed. R. Bankr. P. 9001 and 9002 shall apply to these Local Rules. Except when a matter is pending before the district court, the references in the Local United States District Court Rules to "court," "judge" and "clerk" shall be read as the "United States Bankruptcy Court," "bankruptcy judge" and "clerk of the United States Bankruptcy Court," respectively.

1001-5. SANCTIONS FOR NON-COMPLIANCE.

Failure of counsel to comply with these rules, or with any order of the court, may be grounds for imposition by the court of any and all sanctions authorized by statute or rule or within the inherent power of the court, including, without limitation, dismissal of any actions, entry of default, findings of contempt, imposition of monetary sanctions or attorneys' fees and costs, and other sanctions.

RULE 1002. COMMENCEMENT OF CASE.

1002-1. PERSONS APPEARING WITHOUT AN ATTORNEY.

(a) CORPORATIONS AND UNINCORPORATED ASSOCIATIONS. Corporations, unincorporated associations and partnerships may not file a petition or otherwise appear except through an attorney in any case or proceeding, except for filing a proof of claim or a reaffirmation agreement. Such a proof of claim or reaffirmation agreement must be signed by an officer of the corporation, partner of the partnership, or member of the unincorporated association.

(b) INDIVIDUALS. Any person representing himself or herself without an attorney must appear personally for such purpose. The representation may not be delegated to any other person, including a spouse or relative, nor to any other party.

[The Next Rule is 1006]

RULE 1006. FILING FEE AND SPECIAL CHARGES.

1006-1. METHOD OF PAYMENT.

The filing fee tendered by or on behalf of the debtor shall be in the form of a cashier's check, money order, or check of the attorney for the debtor, or may be in cash, if the petition is presented in person. Personal checks of the debtor shall not be accepted. The clerk's office shall not be responsible for cash sent through the mail.

1006-2. WAIVER OF FILING FEE.

An application to waive the Chapter 7 filing fee shall be accompanied by a proposed order. The application and order shall substantially conform to Local Form CSD 1020, *APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS*, and Local Form CSD 1021, *ORDER ON DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE*.

1006-~~2~~ 3. APPROVAL OF INSTALLMENT FEES.

The clerk shall have authority to grant an individual debtor's application to pay the filing fee in installments for a period not to exceed 120 days after the filing of the petition. Any application to extend the time for paying the fee beyond the 120-day period shall be granted only by the court.

1006-~~3~~ 4. DISHONORED CHECKS.

(a) All cashier's checks, money orders, drafts, and personal checks tendered in payment of filing fees and special charges shall be accepted by the clerk subject to collection and full credit only when the check or draft has been accepted by the financial institution on which it is drawn. A service charge will be collected for any checks or drafts returned for lack of funds.

(b) If more than one check or draft issued by the same entity is returned by the depository upon which drawn for insufficient funds, the clerk shall accept only cash, a cashier's check or money order from that entity, except for good cause shown.

1006-~~4~~ 5. SCHEDULE OF FEES AND SPECIAL CHARGES.

A schedule of fees and special charges collectible by the clerk is attached as Appendix A.

RULE 1007. SPECIAL REQUIREMENTS FOR LISTS AND SCHEDULES OF LIABILITIES AND EQUITY SECURITY HOLDERS.

1007-1. SPECIAL REQUIREMENTS FOR MAILING ADDRESSES.

The court's automated noticing system has special requirements for the submission of names and addresses for creditors and other parties in interest. The debtor is required to obtain from the clerk (and fully comply with the specifications set forth in) the most current version of the court document entitled *SPECIAL REQUIREMENTS FOR MAILING ADDRESSES*, Local Form CSD 1007.

1007-2. ASSEMBLY OF PAPERS FOR FILING; NUMBER OF COPIES.

(a) **Assembly of Papers.** The original papers and copies required by subsection (b) of this Rule shall be assembled into separate sets. All papers submitted to the court shall be flat and unfolded, except as necessary for presentation of exhibits. ~~All pages shall be firmly bound at the top left corner.~~ Assembly sequence for papers is from top to bottom:

(1) Official Bankruptcy Form B 21 entitled "Statement of Social Security Number."

(2) Local Form CSD 1006 entitled "Application to Pay Filing Fees in Installments and Order" (not required if filing fee paid in full when filing petition).

(3) Petition.

(4) Exhibit "A": Corporate Statement (Corporate Filings Only - see Official Bankruptcy Form B1, Exh. A).

(5) List containing names and addresses of creditors (not required if Schedules filed with Petition);

(6) Summary of Schedules;

(7) Schedules A-J;

(8) Statement of Financial Affairs;

(9) List of equity security holders (chapter 11 cases only);

(10) List of 20 largest unsecured creditors, exclusive of insiders (chapter 11 cases only);

(11) Chapter 13 Plan, if filed with petition;

(12) Attorney Fee Disclosure Statement required by Fed. R. Bankr. P. 2016(b), if filed with petition;

(13) Statement of Intention required by Fed. R. Bankr. P. 1007(b)(2) [see Official Bankruptcy Form 8], if filed with petition (only in chapter 7 cases for individual debtors);

(14) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer, [See Official Bankruptcy Form B 19B] (only in cases for unrepresented debtors);

(15) One of the following in cases for individual debtors only:

(A) Certificate of Credit Counseling; or

(B) *CERTIFICATE OF EXIGENT CIRCUMSTANCES AND MOTION FOR EXTENSION OF TIME TO FILE CERTIFICATE OF CREDIT COUNSELING* and *ORDER* in accordance with Local Bankruptcy Rule 9013-6(a)(1)(J) [See Local Forms CSD 1025 and CSD 1026]; or

(C) *MOTION FOR EXEMPTION FROM CREDIT COUNSELING AND NOTICE OF OPPORTUNITY FOR HEARING* in accordance with Local Bankruptcy Rule 9013-2(b)(4) [See Local Form CSD 1027].

(16) One of the following in cases for individual debtors only:

(A) Chapter 7 Statement of Current Monthly Income and Means Test Calculation [See Official Bankruptcy Form B 22A]; or

(B) Chapter 11 Statement of Current Monthly Income [See Official Bankruptcy Form B 22B]; or

(C) Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income [See Official Bankruptcy Form B 22C].

(17) Chapter 11 small business debtors must file either:

(A) the most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return required by 11 U.S.C. § 1116(1)(A); or

(B) a statement indicating that the documents listed in subsection (A) above have not been prepared or filed as required by 11 U.S.C. § 1116(1)(B).

(~~14~~ 18) One computer diskette containing separate files as follows:

(A) one (1) pdf file containing the petition together with schedules, statements, and the Attorney Fee Disclosure Statement, if any;

(B) one (1) pdf file containing the Chapter 13 Plan, if any;

(C) one (1) txt file containing the names and addresses of creditors and other parties in interest submitted pursuant to Local Bankruptcy Rule 1007-1.

The diskette shall be accompanied by one (1) paper original Local Form CSD 1004, *DECLARATION RE: FILING OF PETITION, SCHEDULES & STATEMENTS ON DISKETTE*. If financial constraints and/or the inability to access the equipment necessary to produce the diskette would cause an undue hardship on the debtor, a scannable petition and all attachments along with a creditor matrix must be submitted accompanied by an executed *REQUEST FOR WAIVER OF DISKETTE REQUIREMENT*, Local Form CSD 1010.

(b) **Number of Copies.** The court requires that the pdf petition and all attachments be accompanied by two (2) paper copies. The number of required copies includes a copy to be conformed with the clerk's filing stamp and returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n).

(c) DEFERRED FILING OF STATEMENTS, LISTS AND SCHEDULES. Upon the filing of any statements, schedules and/or chapter 13 plan not previously filed with the petition, the court requires two (2) copies. The original and required copies of the papers shall be filed with the clerk, together with proof of service showing compliance with Local Bankruptcy Rule 1007-4. One copy of the same will be returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n).

1007-3. EXTENSION OF TIME; REQUIRED NOTICE.

Service on the United States Trustee of a motion for extension of time for filing schedules and statements in chapter 7, 11, and 12 cases is governed by Local Bankruptcy Rule 9034-1 and, in chapter 13 cases, by Local Rule 9034-2. In addition, a copy of the motion shall be served on the trustee, if any, in chapter 7, 11, and 12 cases.

1007-4. REQUIRED NOTICE WHEN SCHEDULES ARE FILED AFTER THE DATE THE PETITION IS FILED.

Before filing with the clerk any lists, statements and/or schedules that were not filed at the time the petition was filed, the debtor shall:

(a) serve a copy of these papers on the United States Trustee, any interim trustee, trustee and each member of any committee appointed in the case; and

(b) give notice of the date of filing the petition to any entity who was not named in the original lists, schedules and statements filed at the commencement of the case. If applicable, the notice shall be accompanied by:

(1) a copy of the "Order for and Notice of Section 341(a) Meeting"; and

(2) any "Discharge of Debt" or "Notice of Order Confirming Plan"; and

(3) in a chapter 13 case, a claim form and the date, time and location of any pending Section 341(a) meeting or confirmation hearing currently scheduled; and

(c) attach to the papers filed with the court a proof of service showing compliance with this rule; and

(d) when noticing any entity not previously named in the original mailing matrix, comply with Local Bankruptcy Rule 1007-1.

1007-5. COMPLETION OF PERSONAL FINANCIAL MANAGEMENT COURSE.

The debtor shall file Official Bankruptcy Form B 23, "Certification of Completion of Instructional Course Concerning

Personal Financial Management," together with the certificate obtained from a personal financial management instruction provider

(a) no later than forty-five (45) days after the first date set for the meeting of creditors under 11 U.S.C. § 341 in a chapter 7 case; or

(b) no later than the last payment made by the debtor as required by the chapter 13 plan or the filing of a motion for entry of a discharge under 11 U.S.C. § 1328(b) in a chapter 13 case.

1007-6. PAYMENT ADVICES.

All payment advices or other evidence of payment received by the debtor from all employers within sixty (60) days before the filing of a petition and required by Fed. R. Bankr. P. 1007(b)(1)(E) shall be submitted to the chapter 7 or 13 trustee assigned to the debtor's case and shall not be filed with the court.

1007-~~5~~7. CONSUMER DEBTS SECURED BY PROPERTY OF THE ESTATE.

If the trustee claims no interest in property listed in the Statement of Intention filed by an individual debtor, it shall not be the responsibility of the trustee to effect compliance of the debtor with 11 U.S.C. § 521(2)(B).

[The Next Rule is 1009]

RULE 1009. AMENDMENT OF LISTS AND SCHEDULES; FILING FEES; NOTICE; PROOF OF SERVICE.

1009-1. APPLICABILITY OF RULE.

This rule applies to all cases in which the lists, schedules and statements required by Fed. R. Bankr. P. 1007 are amended post petition.

1009-2. AMENDMENT; NOTICE.

Any amendment filed shall substantially conform to Local Form CSD 1100, *AMENDMENT*. Service shall be made in the manner required by Local Bankruptcy Rule 1007-4 and shall substantially conform to Local Form CSD 1101, *NOTICE TO CREDITORS OF THE ABOVE-NAMED DEBTOR ADDED BY AMENDMENT*.

1009-3. NUMBER OF COPIES.

The original and two (2) copies of the amendments shall be filed with the clerk, together with proof of service showing compliance with Local Bankruptcy Rule 1007-4. One copy will be

returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n).

1009-4. SPECIAL REQUIREMENTS FOR MAILING ADDRESSES.

The debtor must comply with Local Bankruptcy Rule 1007-1 when filing amendments to the schedule of liabilities.

[The Next Rule is 1014]

RULE 1014. MOTION TO CHANGE VENUE.

A motion to change venue under 28 U.S.C. § 1412 is filed with the bankruptcy court clerk. The motion is governed by Local Bankruptcy Rule 9014 and is to be calendared for hearing before the bankruptcy judge.

RULE 1015. JOINT ADMINISTRATION OF CASES.

1015-1. JOINT PETITIONS.

The estates of debtors filing a joint petition shall be jointly administered without further court order.

1015-2. RELATED CASES.

(a) NOTICE OF RELATED CASES. If a case, other than a chapter 13 case, is related to a case that is pending or was pending within three (3) years of the filing of the later petition, the petitioner shall file a Notice of Related Case(s) setting forth the title, number and filing date of the related case, together with a brief statement of the manner in which the cases are related. The Notice of Related Case(s) shall also be served upon the United States Trustee.

(b) CASES DEEMED RELATED. A case is deemed related to another case if:

(1) the debtors in both cases are the same entity as that term is defined at 11 U.S.C. § 101(15);

(2) the debtors in both cases are spouses or former spouses;

(3) the debtors in both cases are partners;

(4) the debtor in one case is a general partner of the debtor in the other case;

(5) the debtor in one case is an "affiliate," as that term is defined at 11 U.S.C. § 101(2), of the debtor in the other case;

(6) the debtors are corporations and have one or more common shareholder which owns twenty percent (20%) or more of each corporation;

(7) the debtors are partnerships and have one or more common general partner;

(8) the debtor in one case has, or within 180 days of the commencement of either of the related cases had, an interest in property that as or is included in the property of the other estate under 11 U.S.C. § 540 (a); or

(9) the cases are otherwise so related as to warrant being treated as related to promote efficient administration of the estates.

(c) ASSIGNMENT TO JUDGES. The clerk, whenever apprised of related cases, shall cause the subsequent case to be assigned or reassigned to the judge to whom the prior case was assigned, unless the court orders otherwise. Related cases filed simultaneously shall be assigned to one judge.

[The Next Rule is 1017]

RULE 1017. MOTION FOR DISMISSAL OR CONVERSION OF CASE.

1017-1. REQUIRED NOTICE.

(a) A motion by the United States Trustee or a trustee to dismiss a case shall be noticed in accordance with Local Bankruptcy Rule 2002-2.

(b) A motion to dismiss or convert a case, which is filed by a party in interest other than the debtor, United States Trustee or trustee, shall be noticed by the moving party in accordance with Local Bankruptcy Rule 2002-3.

(c) A motion by the debtor to dismiss or convert a case is controlled by Local Bankruptcy Rule 1017-2.

1017-2. MOTION BY DEBTOR TO DISMISS OR CONVERT CASE; NOTICE TO UNITED STATES TRUSTEE AND TRUSTEE.

(a) CHAPTER 7 OR 11 CASE.

(1) MOTION TO CONVERT. A motion by the debtor to convert a chapter 7 or 11 case to another chapter shall be accompanied by the appropriate filing fee and a proposed order using the applicable Local Form: *ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 11* [CSD 1105]; *ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 12* [CSD 1106]; *ORDER CONVERTING*

CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 13 [CSD 1107]; *ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 7* [CSD 1108]; or *ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 12* [CSD 1109].

(2) **SERVICE ON CHAPTER 7 OR 11 TRUSTEE.** A copy of the motion to convert and proposed order shall be served on any chapter 7 or 11 trustee appointed in the case.

(b) **CHAPTER 13 CASE.**

(1) **REQUESTS FOR DISMISSAL.** A request by the debtor to dismiss a chapter 13 case under 11 U.S.C. § 1307(b) shall be accompanied by a proposed order. The request and order shall substantially conform to Local Form CSD 1174, *REQUEST BY DEBTOR FOR DISMISSAL OF CHAPTER 13 AND ORDER*.

(2) **NOTICE OF CONVERSION.** A notice by the debtor of the conversion of a chapter 13 case to a case under chapter 7 shall be presented on Local Form CSD 1129, *NOTICE OF CONVERSION OF CASE UNDER CHAPTER 13 TO A CASE UNDER CHAPTER 7 BY DEBTOR* together with the appropriate filing fee.

(3) **SPECIAL REQUIREMENTS.** A chapter 13 debtor seeking conversion shall file with the notice of conversion:

(A) the schedules and statements listed in Fed. R. Bankr. P. 1007(b)(1); and

(B) a separate schedule listing the names and addresses of any creditors who are entitled to assert claims against the debtor or the estate under Fed. R. Bankr. P. 1019(5) and 11 U.S.C. § 348(d).

(4) **NUMBER OF COPIES.** The original and additional copies of the notice of conversion or request to dismiss and all attachments shall be filed with the clerk, together with proof of service showing compliance with subsection (6) below. One copy will be returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n). Number of copies required:

(A) request to dismiss and proposed order - the original and two (2) copies.

(B) notice of conversion together with the additional papers required by subsection (b)(3) above - the original and three (3) copies.

(5) SERVICE ON CHAPTER 13 TRUSTEE. The notice of conversion or request to dismiss and any additional documents shall be served on the chapter 13 trustee.

(6) PROOF OF SERVICE. Proof of service showing compliance with this rule and Local Bankruptcy Rule 9006-3 shall be attached to the original documents.

[The Next Rule is 1019]

RULE 1019. DUTY OF DEBTOR-IN-POSSESSION OR TRUSTEE TO FILE REPORTS IN CHAPTER 11 OR 12 CASE CONVERTED TO CHAPTER 7.

1019-1. REQUIRED REPORTS.

Upon entry of an order converting a case to chapter 7, the debtor or chapter 11 or 12 trustee shall:

(a) secure, preserve, and refrain from disposing of property of the estate;

(b) contact the chapter 7 trustee and arrange to deliver property of the estate and all books and records to the trustee or the trustee's designated agent; and

(c) within five (5) days after entry of the order for relief, file with the clerk and serve upon the United States Trustee and trustee, if appointed, a verified schedule of all property of the estate as of the date of conversion.

1019-2. PROOF OF SERVICE.

Proof of service showing compliance with this rule and Local Bankruptcy Rule 9006-3 shall be attached to the original documents.

[The Next Rule is 2002]

RULE 2002. NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS, AND THE UNITED STATES.

2002-1. APPLICABILITY OF RULE; NOTICES TO ALL CREDITORS AND PARTIES IN INTEREST.

(a) APPLICABILITY OF RULE. This rule clarifies when and how a notice of intended action or a notice of hearing shall be used.

(b) 10-DAY NOTICE (MOTION TO EXTEND AUTOMATIC STAY). The notice required under 11 U.S.C. § 362(c)(3)(B) to extend the automatic stay shall be served not later than ten (10) days after the order for relief.

(c) **30-DAY NOTICE (MOTION TO IMPOSE AUTOMATIC STAY).** The notice required under 11 U.S.C. § 362(c)(4)(B) to impose the automatic stay shall be served not later than thirty (30) days after the order for relief.

(~~b~~ d) **28-DAY NOTICE.** The notices required by Fed. R. Bankr. P. 2002(a)(2), (3), (5), (6), (7) and (8), and (b)(2) and (d) (1-4) and (7) and Local Bankruptcy Rule 2002-2(a), including notice of the opportunity to object to confirmation of a chapter 13 plan, shall be given at least twenty-eight (28) days before the occurrence of the intended action or hearing, unless the court directs otherwise.

(~~c~~ e) **39-DAY NOTICE (DISCLOSURE STATEMENTS AND PLAN CONFIRMATIONS).** The notice to all creditors, parties in interest and equity security holders of a hearing to consider approval of a disclosure statement, confirmation of a plan in other than chapter 13 cases, or the post-confirmation modification of a chapter 13 plan, required by Fed. R. Bankr. P. 2002(a)(5), Fed. R. Bankr. P. 2002(b) and (d)(5-7), shall be given by the proponent at least thirty-nine (39) days before the hearing, unless the court directs otherwise.

(~~d~~ f) **NOTICE BY CHAPTER 7 TRUSTEE.** In cases where the estate has less than $1,000 in cash, and unless the court directs otherwise, the clerk shall mail any notices required to be mailed to all creditors by the chapter 7 trustee.

(~~e~~ g) **NOTICE OF § 341(A) MEETING BY CHAPTER 11 OR 12 DEBTOR.**

(1) **NOTICE TO CREDITORS.** When there are 1,000 or more creditors in a chapter 11 or 12 case, the debtor shall mail the notice of § 341(a) meeting required by Fed. R. Bankr. P. 2002(a)(1). The notice shall be in the format provided by the clerk.

(2) **NOTICE TO EQUITY SECURITY HOLDERS.** The debtor shall mail notice of the order for relief and any other notices required by Fed. R. Bankr. P. 2002(d).

(~~f~~ h) **FILING OF PAPERS WITH CLERK.** The motion and notice together with proof of service showing compliance with this rule, must be filed with the clerk no later than the next business day following the date of service.

2002-2. NOTICES OF INTENDED ACTION.

(a) Notices of intended action shall be used in the following circumstances unless otherwise permitted in subsection (g):

(1) A motion by United States Trustee or trustee for dismissal of a chapter 7, 11, 12, or 13 case based on the failure of the debtor to file the schedules and statements required by Fed. R. Bankr. P. 1007 or to attend the § 341(a) meeting of creditors. The

noticing requirements of Fed. R. Bankr. P. 2002 and this subsection are satisfied by including the notice of intended action within the § 341(a) meeting notice;

(2) intended use, sale or lease of property other than in the ordinary course of business as governed by Fed. R. Bankr. P. 6004 and Local Bankruptcy Rule 6004, but excluding motions for sale or lease of personally identifiable information as provided for in Local Bankruptcy Rule 6004-4;

(3) intended abandonment of property by the debtor or trustee as governed by Fed. R. Bankr. P. 6007 and Local Bankruptcy Rule 6007;

(4) intended compromise or settlement of controversy by the debtor or trustee as governed by Fed. R. Bankr. P. 9019 and Local Bankruptcy Rule 9019;

(5) allowance of compensation or other remuneration to the debtor or insiders as provided by Local Bankruptcy Rule 4002-2;

(6) applications for compensation, commissions or expenses of auctioneers, appraisers or brokers to the extent the aggregate compensation and expenses exceed ~~$500~~ $1000 as governed by Fed. R. Bankr. P. 2002(a)(~~7~~ 6);

(7) application for compensation or reimbursement of expenses from the estate when the application is that of the trustee only;

(8) all other matters where the court or Fed. R. Bankr. P. so direct.

(b) Notices of intended action may not be used for motions to dismiss, motions to convert, motions for compensation of professionals other than auctioneers, appraisers, or real estate brokers, or motions to extend time within which to object to the discharge under § 727 or object to the dischargeability of a debt under § 523 and any other actions described in Local Bankruptcy Rule 2002-3.

(c) Any notice of intent given under this section shall be prepared and served by the entity proposing the action and must substantially conform to Local Form CSD 1180, *NOTICE OF INTENDED ACTION AND OPPORTUNITY FOR HEARING*.

(d) Each party opposing an intended action shall serve that opposition and Local Form CSD 1184, *REQUEST AND NOTICE FOR HEARING*, not less than twenty-eight (28) days after service of the notice of intended action, if personally served. If served by mail, the party opposing shall have thirty-one (31) days to serve such opposition as provided by Fed. R. Bankr. P. 9006(f).

(e) If the response period expires without the service of any response and a request for hearing, the moving party shall promptly file a proposed order and comply with Local Bankruptcy Rule 9013-7.

(f) Unless otherwise ordered by the court for cause, the filing of a timely objection to a proposed action shall automatically stay the proposed action until after the hearing.

(g) Upon the affirmative representation of counsel for the movant that substantive opposition is reasonably anticipated, a hearing date may be obtained from the courtroom deputy and the movant may proceed pursuant to Local Bankruptcy Rule 9014.

2002-3. NOTICES OF HEARING.

(a) Except as provided in Local Bankruptcy Rule 2002-2(a), notices of hearing in accordance with Fed. R. Bankr. P. 9014 must be given to all creditors and parties in interest in the following circumstances together with such additional information as noted herein:

(1) motion for conversion of chapter 7, 11, or 12 case, by other than the debtor, as provided by Fed. R. Bankr. P. 1017 and Local Bankruptcy Rule 1017;

(2) motion for dismissal of a case, except as otherwise provided in Local Bankruptcy Rule 2002-2(a)(1);

(3) motion for approval of chapter 11 disclosure statement, together with such papers as required by Fed. R. Bankr. P. 3017(a);

(4) motion for confirmation of chapter 11 plan, together with such papers as required by Fed. R. Bankr. P. 3017(d);

(5) motion for modification of chapter 9 or 11 plan, together with such papers as required by Fed. R. Bankr. P. 3019;

(6) motion for modification of chapter 12 or 13 plan, together with such papers as required by Fed. R. Bankr. P. 3015. Creditors who are not adversely affected are not required to be given notice unless the court orders otherwise;

(7) application for allowance of compensation or reimbursement of expenses in excess of ~~$500~~ $1000 as provided by Fed. R. Bankr. P. 2002(a)(~~7~~ 6) and 2016 and Local Bankruptcy Rule 2016, except as otherwise provided in Local Bankruptcy Rule 2014-2(b);

(8) motion to appoint a trustee or examiner in a chapter 11 case; ~~and~~

(9) motion by the debtor or other party in interest to extend automatic stay under 11 U.S.C. § 362(c)(3)(B);

(10) motion for order imposing automatic stay under 11 U.S.C. § 362(c)(4)(B); and

(~~9~~ 11) all other matters where the court or Fed. R. Bankr. P. so direct.

(b) Prior to giving notice of a hearing, the moving party shall obtain a hearing date from the courtroom deputy. Any notice of hearing given under this section shall substantially conform to:

(1) Local Form CSD 1181, *NOTICE OF MOTION AND HEARING*; or

(2) if the notice relates to a hearing on a chapter 11 plan or disclosure statement or modification of a chapter 13 plan after confirmation, Local Form CSD 1149, *NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT, PLAN, OR MODIFIED PLAN*; or

(3) if the notice relates to a hearing to extend or impose the automatic stay under 11 U.S.C. § 362(c)(3)(B) or (c)(4)(B), Local Form CSD 1158, *NOTICE OF HEARING AND MOTION TO EXTEND OR IMPOSE THE AUTOMATIC STAY*.

2002-4. NOTICING PROCEDURE; MAILING LISTS.

(a) SERVICE OF MOTION AND NOTICE. The moving party shall serve a copy of the moving papers, if required by Local Bankruptcy Rule 9013 or 9014, and the form of notice required by Local Bankruptcy Rule 2002-2 or 2002-3 on the debtor, the debtor's attorney of record, any trustee and/or committee and their attorney, all creditors, and parties requesting special notice. A copy of any required moving papers and all notices shall also be mailed to:

United States Trustee
United States Department of Justice
402 West Broadway, Suite 600
San Diego, CA 92101

(b) SERVICE OF NOTICE. The person responsible for giving notice under Local Bankruptcy Rule 2002-1 shall mail a copy of the notice required by Local Bankruptcy Rule 2002-2 or 2002-3 without the moving papers to all creditors and indenture trustees and, if applicable, equity security creditors whose names and addresses appear in the case records. In a chapter 11 case, a copy of the notice shall also be mailed to:

Chief, Special Procedures
Section - Insolvency
Internal Revenue Service
P. O. Box 30213
Laguna Niguel, CA 92607-0213

and, if the chapter 11 debtor is a corporation, also to:

United States Securities and Exchange Commission
5670 Wilshire Blvd., 11th Floor
Los Angeles, California 90036

(c) **LISTING THE UNITED STATES AS A CREDITOR; NOTICE TO THE UNITED STATES.** When listing an indebtedness to the United States for other than taxes and when giving notice, as required by Fed. R. Bankr. P. 2002(j)(4), the debtor shall list and notice BOTH the United States Attorney for this district and the federal agency or other federal component through which the debtor became indebted. The address of the notice to the United States Attorney shall include, in parenthesis, the name of the federal agency or other component. For example:

United States Attorney
for the Southern District of California
(For the Department of Energy)
940 Front Street, Room 5152
San Diego, CA 92101-8800

The notice shall also be sent directly to the component agency. For example:

Department of Energy
Street Address
City, State ZIP

(d) **MAILING LIST.** To facilitate giving the notices required by this rule, upon advance request of not less than seven (7) business days and payment of the requisite cost, the clerk shall furnish a mailing list, provided the clerk has the information readily available to produce such a list.

[The Next Rule is 2004]

RULE 2004. EXAMINATION OF AN ENTITY.

2004-1. NOTICE.

(a) **ATTORNEY'S DUTY TO STIPULATE.** Attorneys will make every reasonable effort to stipulate to the exact times and places for the commencement and resumption of all examinations under Fed. R. Bankr. P. 2004.

(b) **FORM.** The party requesting an examination under Fed. R. Bankr. P. 2004 shall utilize Local Form CSD 1050, *SUBPOENA FOR RULE 2004 EXAMINATION*.

(c) **ORDER FOR EXAMINATION.** An order for examination under Fed. R. Bankr. P. 2004 shall require a minimum of twenty-eight (28) days' notice from the date of service of the court's order, unless otherwise agreed by the parties or ordered by the court.

(d) EMERGENCY MOTION. The party whose examination is required or other interested party may file an emergency motion for a protective order if grounds exist under Fed. R. Civ. P. 26(c).

[The Next Rule is 2014]

RULE 2014. EMPLOYMENT OF PROFESSIONALS.

2014-1. APPLICATION TO EMPLOY PROFESSIONAL.

(a) COUNSEL FOR CHAPTER 11 AND 12 DEBTORS. Debtors in chapter 11 or 12 cases who are to be represented by counsel shall submit an application to retain such counsel or to substitute counsel in accordance with Fed. R. Bankr. P. 2014(a), together with a declaration of the attorney and the proposed order.

(b) OTHER PROFESSIONALS. The application for employment of other professionals, including employment of an agent or broker for the sale or lease of estate property or a professional manager or management corporation, shall conform to Fed. R. Bankr. P. 2014(a).

(c) DISCLOSURE STATEMENT. Any applications to employ professionals shall include a copy of the Fed. R. Bankr. P. 2016(b) disclosure statement, if applicable, and a copy of any retainer agreement, guarantee, or security agreement.

(d) NOTICE TO AND STATEMENT OF UNITED STATES TRUSTEE. Service on the United States Trustee of the application to employ counsel or other professionals including appraisers, auctioneers, agents, and brokers by a debtor-in-possession or trustee is governed by Local Bankruptcy Rule 9034-1.

2014-2. CONTRACT FOR EMPLOYMENT OF AGENTS AND BROKERS.

(a) All applications for employment of an agent or broker for the sale or lease of estate property must be accompanied by a copy of the signed written contract employing the agent or broker. All contracts for employment shall provide that they are effective only upon court approval. All contracts for employment shall be for a term not to exceed one hundred eighty (180) days unless otherwise ordered by the court.

(b) To the extent the aggregate compensation and expenses of the agent or broker exceed ~~$500~~ $1000, a trustee or debtor-in-possession shall give the notice required by Local Bankruptcy Rule 2002-2. Otherwise, the compensation and expenses may be paid without further notice, subject to final review pursuant to 11 U.S.C. § 330.

RULE 2015. DUTY TO KEEP RECORDS AND MAKE REPORTS.

2015-1. DUTY TO MAKE REPORTS.

A debtor's responsibility to prepare, file or serve reports shall be the obligation of the following person(s):

(a) if the debtor is a corporation, both the chief executive officer of the debtor and the chief financial officer of the debtor;

(b) if the debtor is a partnership, each general partner;

(c) the person who executed the chapter 11 petition on behalf of the debtor; and

(d) the person who executed the last operating report submitted at or prior to the hearing at which the court ruled that a chapter 11 trustee should be appointed.

2015-2. PAYMENT OF ROUTINE EXPENSES.

The trustee or debtor-in-possession is authorized, without notice or order of the court, to pay appropriate routine administrative expenses up to an aggregate of ~~$500~~ $1000. These expenses include but are not limited to expenses for adjuster services, insuring property and changing locks. Any such payments are subject to final review pursuant to 11 U.S.C. § 330.

RULE 2016. COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES.

2016-1. CASE WITH MULTIPLE PROFESSIONALS.

In a case with multiple professionals, the debtor or the debtor's counsel, if the debtor is in possession, or the trustee or the trustee's counsel shall coordinate the mailing of one notice of hearing regarding interim and final applications for compensation for all professionals employed by the estate. Local Bankruptcy Rule 2002-3 governs the form of notice.

2016-2. APPLICATION FOR ALLOWANCE OF COMPENSATION AND EXPENSES FOR PROFESSIONAL PERSONS.

(a) Applications for allowance of compensation and expenses for professional persons shall conform with Fed. R. Bankr. P. 2016. Reference should also be made to the most current guidelines of the Office of the United States Trustee for Region XV.

(b) Unless otherwise ordered by the court and except as otherwise set forth in subsection (d) below, all applications for professional fees shall comply with the United States

Trustee *Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses* filed under 11 U.S.C. § 330 with categorized listings of services rendered attached as an exhibit to the application. In addition, all fee applications shall be accompanied by an analysis that substantially conforms to Local Form CSD 1143, *FEE APPLICATION SUMMARY (EXHIBIT "A")*.

(c) The initial fee application must include the date of entry of the order authorizing employment and the effective date of the order.

(d) Local Bankruptcy Rule 2016-2(b) shall not apply to applications for professional fees in a chapter 13 case unless the amount of fees sought is in excess of fees set forth in the most current guidelines governing chapter 13 attorney fees issued by the Office of the United States Trustee for Region XV in effect at the time of the application.

2016-3. FINAL FEE APPLICATIONS.

(a) All professional persons must file final fee applications.

(b) Motions for final fee awards shall contain the following:

(1) all information required of interim fee applications under Local Bankruptcy Rule 2016-2;

(2) a request for approval of all prior interim fee awards; and

(3) a request for payment of all amounts previously allowed but unpaid pursuant to Local Bankruptcy Rule 2016-2.

2016-4. ORDERS FOR COMPENSATION.

All orders for interim or final compensation of professionals shall substantially conform to Local Form CSD 1144, *ORDER APPROVING [INTERIM] [FINAL] APPLICATION OF [APPLICANT] FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES* and shall include the following language:

"All fees and costs allowed by this order may be subject to disgorgement."

[The Next Rule is 3002]

RULE 3002. CLAIMS BAR DATE IN CHAPTER 7 CASES; DUTY OF CHAPTER 7 TRUSTEE; SERVICE OF CHAPTER 13 CLAIM.

3002-1. DUTY OF CHAPTER 7 TRUSTEE.

As soon as it becomes apparent to a chapter 7 trustee that the liquidation of an estate will provide funds for a distribution to some class of creditors, the trustee shall immediately notify the clerk that filing proofs of claim by creditors will be required.

3002-2. SERVICE OF CHAPTER 13 CLAIM.

Proofs of claims filed in a chapter 13 case shall be served on the chapter 13 trustee, debtor and debtor's counsel.

RULE 3003. CLAIMS BAR DATE IN CHAPTER 11 CASES.

3003-1. CLAIMS BAR DATE.

In a chapter 11 case, the claims bar date is fixed pursuant to Fed. R. Bankr. P. 3003 by the debtor-in-possession or other plan proponent on ex parte motion to the court in accordance with Fed. R. Bankr. P. 3003(c)(3) and Local Bankruptcy Rule 9013-6(a).

3003-2. NOTICE.

All ex parte motions to fix claims bar dates in a chapter 11 case shall contain, as an exhibit, the form of notice proposed to be given to creditors and parties in interest.

3003-3. ORDER.

All orders approving the fixing of a claims bar date in a chapter 11 case must provide that creditors will be given not less than twenty-eight (28) days notice of the last date to file proofs of claim.

[The next Rule is 3007]

RULE 3007. OBJECTION TO CLAIM.

3007-1. DUTIES OF CHAPTER 13 DEBTOR.

The chapter 13 debtor shall:

(a) examine proofs of claim filed in the case or the Notice of Filed Claims prepared by the chapter 13 trustee and file objections to the allowance of any improper claim;

(b) file objections to the allowance of any late-filed claim that the debtor does not intend to pay; and

(c) appear and submit to examination at a hearing upon an objection to a claim. If the debtor fails to appear at the hearing, the court may allow the claim as filed.

3007-2. OBJECTION TO ALLOWANCE OF CLAIM.

(a) CONTENT OF OBJECTION. Unless an objection to a claim is joined with a demand for relief of the kind specified in Fed. R. Bankr. P. 7001, thus requiring the institution of an adversary proceeding, the objection shall be filed by motion in the format prescribed by Local Form CSD 2015, *OBJECTION TO CLAIM AND NOTICE THEREOF*.

(b) SERVICE. The party objecting to a claim shall give no less than thirty (30) days notice to the claimant, the debtor, and chapter 13 trustee, if applicable.

(c) PROVIDING COPY OF CLAIM. The objecting party in a chapter 13 case shall attach a copy of the claim to the objection filed with the court.

[The Next Rule is 3013]

RULE 3013. CLASSIFICATION OF CLAIMS IN CHAPTER 13 CASES.

3013-1. OBJECTION TO CLASSIFICATION BY CREDITOR.

If a creditor in a chapter 13 case objects to the trustee's classification of the creditor's claim, the creditor shall file with the clerk and serve on the chapter 13 trustee an objection to the classification not later than thirty (30) days following service of the notice of classification.

[The Next Rule is 3015]

RULE 3015. CHAPTER 13 PLAN; EXTENSIONS; MODIFICATION OF OR OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLANS

3015-1. APPLICABILITY OF RULE.

This rule governs the granting of extensions of time for filing the chapter 13 plan and for filing objections to confirmation of the plan.

3015-2. DISMISSAL BY CHAPTER 12 OR 13 TRUSTEE.

(a) A motion by the chapter 12 or 13 trustee for dismissal based upon the failure of the debtor to file the plan required by Fed. R. Bankr. P. 3015 shall be noticed in accordance with

Fed. R. Bankr. P. 2002 and Local Bankruptcy Rule 2002-2(a). These requirements are satisfied by including the notice of intended action within the § 341(a) meeting notice.

(b) A motion by the chapter 12 or 13 trustee to dismiss after plan confirmation may be made on notice only to the debtor and the debtor's attorney, if any.

3015-3. EXTENSION OF TIME FOR FILING.

Service on the chapter 13 trustee of a motion for extension of time to file a chapter 13 plan is governed by Local Bankruptcy Rule 9034-2.

3015-4. FORM OF OBJECTION TO CHAPTER 13 PLAN.

All objections to confirmation of any original or modified chapter 13 plan, including, but not limited to, objections of the chapter 13 trustee, shall be in writing and shall set forth with specificity all provisions of the Bankruptcy Code or Fed. R. Bankr. P. relied upon in support of the objection. Local Form CSD 1172, *OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN*, may be used to comply with this rule.

3015-5. TIME FOR FILING OBJECTION TO CHAPTER 13 PLAN.

The objecting party must obtain a hearing date from the chapter 13 trustee no later than the date the § 341(a) meeting is concluded. The objecting party must file the original and two (2) copies of its objection to confirmation, together with the notice of hearing required by Local Bankruptcy Rule 3015-8(b) and proof of service, with the clerk on the next court day following the date the § 341(a) meeting is concluded.

3015-6. DUTY TO CONFER.

The plan proponent and objecting party shall confer promptly after the § 341(a) meeting to attempt to resolve plan objections. If objections cannot be resolved, then not later than ten (10) days before the confirmation hearing, the attorneys shall file declarations stating with specificity the nature and extent of the problem, why the court's assistance is required for its resolution, and the date on which the parties conferred. No declaration is required by a chapter 13 trustee when the basis for the objection is only a failure of the debtor to make plan payments.

3015-7. MODIFICATION OF CHAPTER 13 PLAN.

(a) When modification of plan is required prior to confirmation of plan in accordance with § 1323, Local Form CSD 1170, *NOTICE OF MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION*, may be used to comply with this rule and a copy of the modified plan shall be attached to the notice.

(b) When modification of plan is required after confirmation of plan in accordance with § 1329, Local Form CSD 1149, *NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT, PLAN, OR MODIFIED PLAN*, may be used to comply with this rule and shall be filed with the original modified plan.

3015-8. CONFIRMATION HEARING.

(a) **HEARING ON CONFIRMATION OF PLAN.** Unless an objection to confirmation is filed in accordance with this rule, a confirmation hearing upon a chapter 13 plan will not be required.

(b) **NOTICE OF HEARING.**

(1) The party objecting to the confirmation of an original chapter 13 plan or a plan modified prior to confirmation must serve its objection, together with any additional documents required to be served by Local Bankruptcy Rule 9014-2 and a notice substantially conforming to Local Forms CSD 1173, *NOTICE OF HEARING ON OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN* or CSD 1170, *NOTICE OF MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION*, on the debtor, the debtor's attorney, the chapter 13 trustee and the United States Trustee.

(2) The party objecting to the confirmation of an original chapter 13 plan or plan modified prior to confirmation must serve the objection and notice not less than twenty-eight (28) days prior to the date set for the hearing, unless the court, for good cause shown, shortens the time for notice or the trustee and debtor waive notice so that an objection can be set on the same calendar as an existing, fully noticed, objection previously set on the court's calendar.

(c) **NOTIFICATION OF COURTROOM DEPUTY OF MATTERS TO BE DISMISSED.** For all matters or proceedings that have been calendared for hearing, it is the duty of the attorney for the objecting party to promptly advise the parties in interest, including the chapter 13 trustee, and the chapter 13 courtroom deputy by telephone if:

(1) the objection has been settled by stipulation of the parties; or

(2) the objection is to be withdrawn; and

(3) submit for filing the proper pleading disposing of the matter within ten (10) days.

3015-9. REPLY TO OBJECTIONS.

The debtor may file a reply to an objection to confirmation of the chapter 13 plan. Any reply must be filed and received by

the objecting party and chapter 13 trustee the earlier of seven (7) days after service of the opposition or three (3) court days prior to the date of the confirmation hearing. Service may be by facsimile upon prior agreement of the parties or upon court order. Service of a copy of the pleadings on the United States Trustee is not required. No response to a reply is permitted without court order.

3015-10. ORDER CONFIRMING PLAN; DUTY OF DEBTOR'S ATTORNEY.

The attorney for the debtor shall prepare and deliver to the chapter 13 trustee at the conclusion of the § 341(a) meeting the original and one (1) copy of an order confirming the chapter 13 plan. If a hearing on objections to confirmation results in the plan being confirmed, debtor's attorney shall deliver a confirmation order with one (1) copy to the chapter 13 trustee at the conclusion of the hearing. Any other orders resulting from the hearing shall be delivered with one (1) copy to the chapter 13 trustee within ten (10) days of the conclusion of the hearing, unless otherwise ordered by the court.

[The Next Rule is 3017]

RULE 3017. MODIFICATION OF OR OBJECTIONS TO DISCLOSURE STATEMENT AND CHAPTER 11 OR 12 PLAN.

3017-1. DOCUMENTATION OF MODIFICATIONS; DUTY OF PROPONENT.

Whenever the proponent of a plan amends either the chapter 11 disclosure statement or chapter 11 or 12 plan, the proponent shall clearly indicate on a separate copy, the added, deleted, and/or substituted language. This separate copy must be presented at the time the unmarked original of the amended document is submitted for filing. A copy with the changes indicated shall likewise be attached to the copy served on the United States Trustee and objecting parties.

RULE 3018. ACCEPTANCE OR REJECTION OF CHAPTER 11 PLAN.

3018-1. RETURN OF ACCEPTANCES AND REJECTIONS.

(a) The notice of a chapter 11 confirmation hearing shall contain a statement advising creditors to return their ballots to the plan proponent, or as otherwise directed by the court.

(b) The clerk shall prepare a claims register with appropriate claim numbers and make the same available for review at least fourteen (14) days prior to the scheduled confirmation hearing only if the claims bar date has been noticed in accordance with Local Bankruptcy Rule 3003.

(c) The plan proponent shall assemble the ballots, arranged by class, keeping acceptances and rejections separate, and shall note on the lower right corner of the ballots the appropriate

claim numbers to the extent that such numbers are available from the clerk. A cover page shall be added showing the case caption and titled "ACCEPTANCES TO PLAN" or "REJECTIONS TO PLAN." The ballots shall be pre-punched and securely bound at the top with a two-hole fastener.

3018-2. SUMMARY OF CLAIMS AND ACCEPTANCES AND REJECTIONS.

(a) The proponent of a chapter 11 plan shall file with the clerk all completed ballots not less than seven (7) business days prior to the confirmation hearing. The proponent shall simultaneously file with the clerk and serve on the United States Trustee a summary in the form prescribed by Local Form CSD 1151, *SUMMARY OF BALLOTING ON CHAPTER 11 PLAN*, showing:

(1) the total number and amount of claims allowed by class;

(2) the total number and amount of acceptances on allowed claims by class;

(3) the total number and amount of rejections on allowed claims by class; and,

(4) if applicable, a summary of the number of acceptances and rejections filed by equity security holders whose interests have not been disallowed.

(b) The original and two (2) copies of the summary of balloting shall be filed with the clerk. One copy will be returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n).

[The Next Rule is 3020]

RULE 3020. ESTIMATING DEPOSIT IN CHAPTER 11 CASE.

3020-1. ADMINISTRATIVE EXPENSES PAYABLE TO COURT.

No less than twenty-one (21) days before the confirmation hearing, the plan proponent shall request the appropriate case administrator to provide a statement of any unpaid assessments to be collected from the debtor pursuant to Local Bankruptcy Rule 4002-3 using Local Form CSD 1148, *REQUEST FOR SPECIAL CHARGES BY CHAPTER 11 PLAN PROPONENT*.

3020-2. SCHEDULE OF ESTIMATED EXPENSES.

No less than seven (7) business days before the date fixed for the confirmation hearing, the plan proponent shall file with the clerk and serve on the United States Trustee a schedule of the estimated costs of administration and any other monies required to be distributed upon the effective date of the plan, together with the documents required by Local Bankruptcy Rule 3018.

[The Next Rule is 4001]

RULE 4001. RELIEF FROM AUTOMATIC STAY; JOINDER OF PARTIES IN INTEREST; USE OF CASH COLLATERAL.

4001-1. APPLICABILITY OF RULE AND ASSIGNMENT OF IDENTIFICATION NUMBER TO RELIEF FROM STAY MOTIONS.

(a) APPLICABILITY OF RULE. This rule read in conjunction with Fed. R. Bankr. P. 4001 prescribes procedures for filing motions for relief from the automatic stay pursuant to 11 U.S.C. § 362. This rule does not govern motions for use of cash collateral or to obtain credit. Such motions are governed by Fed. R. Bankr. P. 4001(b), (c) and (d) and Local Bankruptcy Rule 9014.

(b) ASSIGNMENT OF IDENTIFICATION NUMBER TO MOTIONS FOR RELIEF FROM STAY. Prior to serving the motion and the notice of motion required by this rule, the moving party shall assign an identification number to the action, inserted two lines below the case number. This number shall appear on all copies of the motion and notice of motion which are served on any party and on all subsequent pleadings relating to the motion.

(1) The Relief from Stay Number [designated as "RS No."] shall consist of not more than three initials of the attorney for moving party and the number which is one number higher than the number of relief from stay motions previously filed by said attorney in conjunction with that <u>specific</u> bankruptcy case. [*Example: the first R.S. Motion Control Number assigned by Attorney John D. Doe in the "Smith" bankruptcy case would be JDD1, the second JDD2, the third JDD3, and so on.*]

(2) This numbering sequence would be repeated for each specific bankruptcy case in which said attorney files a relief from stay motion.

4001-2. CONTENT OF MOTION FOR RELIEF FROM STAY; SERVICE.

(a) A motion for stay relief shall substantially conform to Local Forms CSD 1160, *MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY OR PERSONAL PROPERTY)*, or CSD 1163, *MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER)* and shall:

(1) Name, as respondents, the debtor, the trustee, and other entities entitled to receive notice of default or notice of sale under applicable non-bankruptcy law governing foreclosure of real or personal property which is the subject of the motion, or the agents for such parties.

(2) State with particularity the relief or order sought, and the grounds for such relief or order.

(3) State the status of any pending foreclosure or repossession.

(4) If the motion is filed in a chapter 11 or 13 case and if non-payment of any post-petition payment is a ground for relief, provide an accounting of each post-petition payment received, the amount and date received, and date posted to the account.

(5) If the basis of the motion is lack of equity or adequate protection, and value is relevant, state by declaration the provable value of the subject property and the amount of any known encumbrances. The declaration shall also contain a statement as to the competency of the declarant and the foundation for any opinion therein; and

(6) if the motion is brought for cause, state by declaration or other verified pleading the specific facts that constitute such cause.

(b) Failure to set forth the information required by this rule may be grounds for denial of the relief requested.

(c) The moving party shall serve the motion, together with Local Form CSD 1185, *NOTICE OF FILING OF A MOTION FOR RELIEF FROM AUTOMATIC STAY*, on the parties named in Local Bankruptcy Rule 4001-2(a)(1) above. In a chapter 11 or 12 case, a copy of the motion shall also be served on the United States Trustee.

4001-3. TIME FOR FILING OBJECTIONS TO MOTION; DUTY OF OBJECTING PARTY TO GIVE NOTICE.

(a) Objections to a motion for relief from stay, together with Local Form CSD 1186, *REQUEST FOR HEARING ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND NOTICE OF HEARING,* shall be served upon the movant, named respondents and the United States Trustee within eleven (11) days from the date of service of the motion for relief from stay and notice. The original and two (2) copies of the pleadings shall be filed with the clerk within the same 11-day period. If served by mail, opposing party shall have fourteen (14) days to serve and file such opposition as provided by Fed. R. Bankr. P. 9006(f). If the objection relates to real or personal property, the objection shall substantially conform to Local Form CSD 1161, *OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY OR PERSONAL PROPERTY)*.

(b) Prior to serving the objection, it shall be the duty of the objecting party to obtain from the court a date and time for a hearing on the objections. Such information shall be listed on Local Form CSD 1186, *REQUEST FOR HEARING ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND NOTICE OF HEARING*, and in the caption of the objection.

4001-4. CONTENT OF DECLARATION IN OPPOSITION TO MOTION.

Any declaration filed in opposition to a motion for relief from stay shall be signed and verified in the manner prescribed by Fed. R. Bankr. P. 9011 and shall:

(a) identify the interest of the opposing party in the property;

(b) state with particularity the grounds for the opposition;

(c) state the provable value of the property specified in the motion and the amount of equity which would be realized by the debtor after deduction of all encumbrances; and

(d) contain a statement as to competence of the declarant and the foundation for any opinion therein.

4001-5. CONTENT OF ORDER.

(a) NONCONTESTED MOTION. If no objection to the motion for stay relief is timely filed and served, the moving party may submit to the court an appropriate order which substantially conforms to Local Forms CSD 1162, *ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY OR PERSONAL PROPERTY)*, or CSD 1165, *ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER)*. The order shall have attached thereto as Exhibit "A" a file-stamped copy of the notice with proof of service required by Local Bankruptcy Rule 4001-2(c) and shall state:

(1) the date the motion was filed;

(2) the particularity of the relief to be granted; and,

(3) if pertaining to foreclosure of real property, provide a full legal description and any street address for the property.

(b) CONTESTED MOTION. At the conclusion of the hearing on a contested motion for stay relief, the prevailing party shall submit an order in accordance with Local Bankruptcy Rule 7054-3.

(c) STIPULATED MOTION. An order approving a motion for approval of a stipulation for relief from stay shall comply with Local Bankruptcy Rule 4001-5(a) and, in chapter 11 cases, provide evidence of compliance with Fed. R. Bankr. P. 4001(d)(1) and (2).

4001-6. SERVICE OF ORDER.

Upon receipt of the entered order and in addition to serving the parties listed in Local Bankruptcy Rule 7054-3(b)(2), the party obtaining stay relief shall mail a conformed copy of the entered order to any persons affected by the order and shall

file proof of service with the court no later than the next business day following the date of service.

4001-7. POINTS AND AUTHORITIES.

A motion for relief from the automatic stay, or opposition to the same, need not be accompanied by points and authorities. If points and authorities are filed, they may be incorporated, if so desired, into one captioned pleading containing the supporting or opposing papers.

4001-8. CONTENT OF NOTICE; EX PARTE RELIEF.

Service of Form CSD 1185 is excused when an ex parte motion for relief from stay is otherwise in compliance with the provisions of Fed. R. Bankr. P. 4001(a)(2).

4001-9. DUTY TO CONFER.

The moving and objecting parties shall confer, at least three (3) business days prior to the hearing, to discuss the potential for resolving the matter.

RULE 4002. DUTIES AND COMPENSATION OF DEBTOR.

4002-1. SAFEKEEPING OF BOOKS AND RECORDS.

(a) SAFEKEEPING OF BOOKS AND RECORDS. The debtor shall maintain, preserve and keep in safe storage all of the debtor's books and records during the time the case remains open.

(b) TURNOVER OF BOOKS AND RECORDS. Upon request, the debtor shall make the debtor's books and records immediately available to the trustee, the United States Trustee or their designated agents.

(c) LIMITATION OF DISPOSITION.

(1) After the books and records of the debtor are no longer necessary for the administration of the case, the trustee may give thirty (30) days notice to the debtor and debtor's attorney, if any, that said books and records may be disposed of if not claimed within that thirty (30) day period.

(2) Upon notice to the debtor, trustee and United States Trustee, regulatory or governmental entities may apply to the court for permission to take possession and provide for the maintenance and safekeeping of books and records at the expense of the agency.

(3) Upon written notification that an investigation is contemplated or pending by a regulatory or governmental entity, the trustee shall retain any

books and records except upon sixty (60) days notice to such entity.

4002-2. COMPENSATION OF DEBTOR AND INSIDERS.

(a) COMPENSATION. Except in chapter 13 cases, no compensation or other remuneration shall be paid to the debtor or any insider unless approved by the court, after notice of intended action to all creditors. See Local Bankruptcy Rule 2002-2.

(b) EX PARTE INTERIM ORDERS. For cause shown, the court may approve compensation to the debtor or insider from a corporation, partnership, sole proprietorship or other entity owned or controlled by the debtor on an interim basis pending the expiration of the notice period prescribed under subsection (a) of this rule, provided that such compensation may be subject to disgorgement. The ex parte motion for interim compensation shall:

(1) state the date the notice required by subsection (a) was given;

(2) include a personal income and expense declaration for the applicant, where such applicant is an individual, partner, or insider of the debtor;

(3) state the nature and extent of the duties to be performed by the person to be compensated;

(4) state the compensation received from the debtor by the person to be compensated during the one year preceding the date the chapter 11 or 12 petition was filed;

(5) state whether operating reports are due or current; and

(6) be accompanied by a proposed order.

(c) STATEMENT OF UNITED STATES TRUSTEE. Service on the United States Trustee of the motion for interim compensation is governed by Local Bankruptcy Rule 9034-1.

4002-3. PAYMENT OF SPECIAL ASSESSMENTS FOR NOTICES MAILED AND PROOFS OF CLAIM PROCESSED BY CLERK.

The clerk shall collect from each debtor-in-possession and each chapter 11 or 12 trustee the cost incurred by the clerk in mailing notices and processing proofs of claim in the amount prescribed by the Judicial Conference of the United States. Failure to pay the required assessment may result in the denial of an order allowing compensation, or the conversion or dismissal of the case.

4002-4. DEPOSIT OF FUNDS WITH CHAPTER 12 TRUSTEE.

The debtor shall deposit with the chapter 12 trustee the sum of $200 within thirty (30) days following the date of filing a petition under chapter 12. The funds are to be used to defray the cost of the bond premium and other expenses of the trustee, subject to final review pursuant to 11 U.S.C. § 330.

RULE 4003. OBJECTIONS TO CLAIM OF EXEMPTION.

4003-1. PROCEDURE.

Objections to any claim of exemption, as provided in Fed. R. Bankr. P. 4003(b), shall be governed by Local Bankruptcy Rule 9014.

[The Next Rule is 4007]

RULE 4007. MOTION FOR EXTENSION OF TIME FOR FILING COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY OF A DEBT.

4007-1. PROCEDURE.

A motion to extend the time to file a complaint to determine the dischargeability of any debt pursuant to 11 U.S.C. § 523(c) shall be filed pursuant to Local Bankruptcy Rule 9013 and shall be served on the debtor, counsel for the debtor, and the trustee.

RULE 4008. REAFFIRMATION AGREEMENTS ~~FOR UNREPRESENTED DEBTORS~~.

4008-1. PROCEDURE.

The presiding officer at a chapter 7 § 341(a) meeting shall provide a copy of Local Form CSD 1230, *INSTRUCTIONS TO UNREPRESENTED DEBTORS REGARDING THE REAFFIRMATION OF A DEBT,* to each debtor appearing without an attorney and a copy of Local Form CSD 1227, *INSTRUCTIONS TO DEBTORS REPRESENTED BY AN ATTORNEY REGARDING THE REAFFIRMATION OF A DEBT*, to all other debtors.

[The Next Rule is 5005]

RULE 5005. FACSIMILE FILINGS.

5005-1. METHOD OF FILING.

A fax filing agency will file all fax transmitted pleadings on behalf of the parties or their counsel. NO DOCUMENTS MAY BE

TRANSMITTED DIRECTLY TO THE CLERK BY FAX FOR FILING. ANY DOCUMENTS SO TRANSMITTED SHALL BE REJECTED AND NOT FILED.

(a) The fax filing agency acts as the agent of the filing party and not as agent of the court. A document shall be deemed to be filed when it is submitted by the fax filing agency, received in the Clerk's office, and filed by the Clerk. Mere transmission to or receipt by the fax filing agency will not be construed as filing.

(b) The fax filing agency must meet all technical requirements under Local Bankruptcy Rule 9004.

(c) Counsel or parties utilizing a fax filing agency will ensure that additional copies necessary for filing shall be reproduced by the fax filing agency and any applicable filing fees are submitted at the time of filing.

5005-2. WHEN FILED.

Electronic transmission of a document via facsimile machine does not constitute filing. Filing is complete when the document is filed with the Clerk.

5005-3. FORM, PAPER, LEGIBILITY.

Only plain paper (no thermal paper) facsimile machines may be used. All documents shall be on size 8-1/2" x 11" bond. All copies shall be clear, clean and legible, and comply with Local Bankruptcy Rule 9004.

5005-4. ORIGINAL SIGNATURE.

The image of the original manual signature on the fax copy will constitute an original signature for all court purposes. The original signed document shall not be substituted except by court order. The original signed document shall be maintained by the attorney of record or the party originating the document for a period not less than the maximum allowable time to complete the appellate process. Upon request, the original document must be provided to other parties or the court for review.

5005-5. TRANSMISSION RECORD.

The sending party is required to maintain a transmission record in the event fax filing later becomes an issue. A transmission record means the document printed by the sending facsimile machine stating the telephone number of the receiving machine, the number of pages sent, the transmission time, and an indication of errors in transmission.

RULE 5010. MOTION TO REOPEN A CASE.

5010-1. MOTION; NOTICE.

A motion to reopen a closed bankruptcy case shall be accompanied by appropriate declarations required by Local Bankruptcy Rule 9013-2 and Local Form CSD 1182, *NOTICE OF MOTION*, together with proof of service on all parties affected by the proposed action and the appropriate filing fee.

5010-2. ORDER; FEE.

After expiration of the last day for serving and filing objections or after hearing, the moving party shall submit Local Form CSD 1490, *ORDER REOPENING ESTATE*. The order shall be submitted in accordance with Local Bankruptcy Rule 7054-3, if contested, or Local Bankruptcy Rule 9013-7, if noncontested.

RULE 5011. WITHDRAWAL OF REFERENCE; ABSTENTION.

5011-1. WITHDRAWAL OF REFERENCE.

(a) A motion to withdraw reference of a case or proceeding referred to the bankruptcy court in accordance with 28 U.S.C. § 157(a) must be filed initially with the bankruptcy court clerk.

(b) All responses to a motion to withdraw reference shall be filed within fourteen (14) days from service of motion with the bankruptcy court clerk. After the fourteen (14) day period has expired, the motion and any responses shall be forwarded to the district court clerk for issuance of a case number and assignment to a judge. All further pleadings regarding the matter shall be filed with the district court clerk.

(c) The district court judge has general discretionary authority to withdraw any petition or proceeding from a bankruptcy judge, provided:

(1) The motion for withdrawal is timely made; and

(2) the movant shows good cause for withdrawal.

(d) The motion to withdraw and the response thereto, shall list all motions, adversary proceedings and related cases pending in the bankruptcy court and their assigned number, and shall state:

(1) whether the request is to withdraw reference of the entire case or proceeding, or only a part thereof;

(2) whether the matter to be withdrawn involves similar issues previously determined or presently pending by the bankruptcy court in the same or related case;

(3) whether substantial discovery has been completed in the action;

(4) whether the presentation of evidence has begun before the bankruptcy court;

(5) whether movant is a creditor and is listed in the debtor's schedules; and

(6) when the movant first became aware of the bankruptcy case or proceeding and its interest therein.

5011-2. ABSTENTION.

Motions for abstention under 28 U.S.C. § 1334(c) are to be filed in the bankruptcy court clerk's office. Such motions are governed by Local Bankruptcy Rule 9014 and calendared for hearing before the bankruptcy court.

[The Next Rule is 6004]

RULE 6004. USE, SALE OR LEASE OF PROPERTY NOT IN THE ORDINARY COURSE OF BUSINESS.

6004-1. REQUIRED NOTICE.

Notices required by Fed. R. Bankr. P. 6004 shall be provided pursuant to Local Bankruptcy Rule 2002-2.

6004-2. PUBLICATION OF NOTICE.

(a) If an advertisement of sale is required by the court, any such advertisements of sale shall be published in publications most likely to reach interested purchasers; provided, however, that when the anticipated costs of publication will exceed five (5) percent of the estimated sales proceeds, an ex parte motion and proposed order shall be submitted to the court.

(b) *The San Diego Daily Transcript*, of San Diego, California and *The Post-Press*, of El Centro, California are designated as official newspapers for publication of all notices required to be published in bankruptcy matters and of all other notices required to be published by law or order of this court, unless otherwise ordered by this court.

6004-3. REPORT OF SALE.

A court order is not required to consummate a noncontested sale, but the trustee or debtor-in-possession shall file a report of sale as required by Fed. R. Bankr. P. 6004(f) within a reasonable amount of time.

(a) SALE OF REAL PROPERTY.

(1) The person selling real property shall include a full legal description and any street address for the property in the report required by Fed. R. Bankr. P. 6004(f) (see Local Form CSD 2024, *REPORT OF SALE*); and

(2) The trustee or debtor-in-possession shall attach a copy of the escrow statement or other documentation to the final report and accounting showing distribution of the total proceeds of sale.

(b) SERVICE OF REPORT. A copy of the report of sale shall be served on the debtor, United States Trustee, and any official creditors' committee.

6004-4. APPOINTMENT OF A CONSUMER PRIVACY OMBUDSMAN.

(a) Any motion to sell or lease personally identifiable information shall be accompanied by a separate motion and order directing the United States Trustee to appoint a consumer privacy ombudsman. The movant shall provide telephonic notice of the filing of the motion within twenty-four (24) hours to the United States Trustee.

(b) The United States Trustee shall file a notice of the appointment of a privacy ombudsman not less than fourteen (14) days prior to the hearing on the motion to sell or lease personally identifiable information unless otherwise directed by the court.

(c) Not later than seven (7) days before the hearing, the ombudsman shall file a report unless otherwise ordered by the court.

RULE 6005. APPOINTMENT OF AUCTIONEERS.

6005-1. CONTENT OF APPLICATION AND ORDER.

(a) AUCTIONEER. An application and order for the appointment of an auctioneer shall comply with Fed. R. Bankr. P. 6005 and conform to Local Forms CSD 2044, *APPLICATION TO EMPLOY AUCTIONEER*, and CSD 2045, *ORDER APPOINTING AUCTIONEER*.

(b) ADDITIONAL REQUIREMENTS. The trustee or debtor-in-possession shall attach to the application required by subsection (a) of this rule:

(1) a detailed explanation of anticipated expenses;

(2) a verified statement of the proposed auctioneer as required by Fed. R. Bankr. P. 2014(a) and 2016(a); and

(3) statement of the maximum amount of compensation to be paid for services.

6005-2. STATEMENT OF UNITED STATES TRUSTEE.

Service on the United States Trustee of the application for the appointment of an auctioneer is governed by Local Bankruptcy Rule 9034-1.

6005-3. DUTY OF AUCTIONEER.

Immediately after completing the auction, and before receiving any compensation or reimbursement of expenses, the auctioneer shall serve on the trustee or debtor-in-possession and file with the clerk:

(a) the auctioneer's report required by Fed. R. Bankr. P. 6004(f); and

(b) a detailed itemization of compensation and actual expenses.

6005-4. PAYMENT OF COMPENSATION.

To the extent the aggregate compensation and expenses of the auctioneer exceed ~~$500~~ $1000, a trustee or debtor-in-possession shall give the notice required by Local Bankruptcy Rule 2002-2. Otherwise, the compensation and expenses may be paid without further notice, subject to final review pursuant to 11 U.S.C. § 330.

[The Next Rule is 6007]

RULE 6007. ABANDONMENT OR DISPOSITION OF PROPERTY.

6007-1. APPLICABILITY OF RULE.

This rule is to be read in conjunction with Fed. R. Bankr. P. 6007 and applies to all cases under chapters 7, 11, 12, and 13.

6007-2. NOTICE REQUIREMENTS.

(a) **VOLUNTARY ABANDONMENT.**

(1) **PROPERTY WITH TOTAL VALUE OF LESS THAN $2,500.** When the property to be abandoned has a total value of less than $2,500, the trustee or debtor-in-possession shall give notice of the proposed abandonment to the following: the debtor; the debtor's attorney; the United States Trustee; any other entity entitled to receive notice of default or notice of sale under applicable non-bankruptcy laws governing foreclosure of the real or personal property which is the subject of the motion, or the agents for such parties; and to any committees appointed or elected pursuant to the Bankruptcy Code.

(2) **PROPERTY WITH TOTAL VALUE OF $2,500 OR MORE.** When the property to be abandoned has a total value of $2,500 or more, the trustee or debtor-in-possession shall give notice of the proposed abandonment pursuant to Local Bankruptcy Rule 2002-2.

(b) **MOTION BY PARTY IN INTEREST.** A party in interest may file and serve a motion requiring the trustee or debtor-in-possession to abandon property of the estate. The motion and notice shall comply with Local Bankruptcy Rule 9013.

6007-3. PROCEDURE FOLLOWING NOTICE OF ABANDONMENT.

(a) **VOLUNTARY ABANDONMENT.**

(1) **PERSONAL PROPERTY.** Where a voluntary abandonment of personal property is not contested in a timely manner, the trustee or debtor-in-possession need only file the notice required by Local Bankruptcy Rule 2002-2(c) and proof of service; no further report need be filed.

(2) **REAL PROPERTY.** Where a voluntary abandonment of real property is not contested in a timely manner, the trustee or debtor-in-possession shall file Local Form CSD 2018, *REPORT OF ABANDONMENT OF REAL PROPERTY*.

(3) **PROOF OF SERVICE.** Proof of service required by this subsection shall be attached to the original showing service on the debtor and United States Trustee.

(b) **CONTESTED ABANDONMENT.** Local Bankruptcy Rule 9014 governs when a proposed abandonment, whether voluntary or on motion, is contested.

[The Next Rule is 7003]

RULE 7003. COMMENCEMENT OF ADVERSARY PROCEEDING; ADDITIONAL REQUIREMENTS.

7003-1. COMMENCEMENT OF ADVERSARY PROCEEDINGS.

(a) **DOCUMENTS REQUIRED TO COMMENCE AN ADVERSARY PROCEEDING.** A complaint commencing an adversary proceeding is filed with the bankruptcy court clerk. Pleadings shall be prepared in the manner required by Local Bankruptcy Rule 9004-3. The court requires:

(1) the original and two (2) copies of Form B 104, *ADVERSARY PROCEEDING COVER SHEET*, and the complaint;

(2) the original and two (2) copies of the completed Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*.

(b) **ASSIGNMENT.** Adversary proceedings shall be assigned to the bankruptcy judge assigned to the related Title 11 case.

(c) NOTICE OF RELATED CASE. Where counsel has reason to believe that a pending action or proceeding on file or about to be filed is related to another pending action or proceeding on file with the court, counsel shall promptly file and serve on all known parties to each related action or proceeding, a notice of related case, stating the title, number and filing date of each action or proceeding believed to be related, together with a brief statement of their relationship and the reasons why assignment to a single judge is likely to effect a saving of judicial effort and other economies. The clerk will promptly notify the assigned judges of such filing.

7003-2. JURY TRIAL.

If a complaint or answer contains a demand for a jury trial, the words "JURY DEMAND" shall also appear immediately following the title of the document. The words "JURY DEMAND" shall also be noted on the cover sheet required by Local Bankruptcy Rule 7003-1(a)(1). However, notation of the jury demand solely on the cover sheet shall not constitute a demand for jury trial under these rules.

RULE 7004. PROCESS ISSUANCE AND SERVICE.

7004-1. SERVICE OF PROCESS.

(a) PRESENTATION OF SUMMONS FOR ISSUANCE.

(1) Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*, shall be prepared by the attorney, using forms supplied by the clerk, and presented concurrently with the filing of a complaint or petition commencing the action.

(2) If the statute of limitations applicable to a claim in the complaint runs before the summons can be prepared and issued, the complaint shall be accepted by the clerk for filing without a summons. The summons shall thereafter be presented for issuance within two (2) court days after the filing of the complaint.

(b) ALIAS SUMMONS. An alias summons must be issued if a summons is not timely served within the 10-day period provided in Fed. R. Bankr. P. 7004(f). The alias summons shall be prepared by counsel pursuant to Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*, with the word "ALIAS" typed above the word "SUMMONS" in the title and presented to the clerk along with a written request for the issuance of the alias summons. Service of an alias summons is governed by Fed. R. Bankr. P. 7004(f) as if it were an original summons.

RULE 7005. SERVICE OF PLEADINGS.

7005-1. SERVICE OF PLEADINGS OTHER THAN PROCESS.

Service of an amended complaint, a counterclaim, a cross-claim, or a third-party complaint shall be made upon each new party to the litigation, whether or not multiple parties are represented by a single attorney. Service of all other pleadings authorized to be served under Fed. R. Bankr. P. 7005 shall be sufficient when served upon the attorney for a party, if the party is in fact represented by an attorney. Except as provided in this rule, where an attorney represents multiple parties, service of one (1) copy of a pleading shall constitute service of all parties represented by that attorney, unless the court otherwise orders.

[The Next Rule is 7012]

RULE 7012. ANSWER.

7012-1. CONTENT.

Each statement of fact shall be made in numbered paragraphs which shall be limited, as far as practicable, to a statement of a single set of circumstances. Responsive pleadings shall contain numbered paragraphs, each of which corresponds to the paragraph to which it is directed.

[The Next Rule is 7016]

RULE 7016. PRE-TRIAL PROCEDURES.

7016-1. APPLICABILITY OF RULE.

Pre-trial proceedings and setting of cases for trial shall be governed by Fed. R. Bankr. P. 7016 and this Rule, and by such orders as are issued pursuant thereto.

7016-2. EARLY CONFERENCE OF COUNSEL.

(a) **Time of Early Conference.** In all proceedings governed by Part VII of the Fed. R. Bankr. P., the parties shall comply with this Local Bankruptcy Rule, unless all defendants have defaulted. The plaintiff shall serve with the summons and complaint, a notice that compliance with this rule is required and a copy of Local Form CSD 3018, *CERTIFICATE OF COMPLIANCE WITH EARLY CONFERENCE OF COUNSEL*. The plaintiff shall file the proof of service of the notice together with the proof of service of the summons and complaint within the time provided by Local Bankruptcy Rule 9006-3. Counsel for the parties shall confer for the purposes set forth below. Such conference shall take place no later than thirty (30) days after the date all defendants have appeared or defaulted or forty-five (45) days from the date of the first appearance of any defendant,

whichever occurs first. Where there are multiple defendants, plaintiff or its counsel shall take all reasonable steps to schedule the meeting or conference call so that counsel for all parties can attend. Where necessary, in multi-defendant cases and upon a showing of good cause, the court may grant an application for an extension of time within which to hold the early meeting.

(b) **PURPOSE OF CONFERENCE.** At the conference required by this Rule, the parties shall:

(1) **DOCUMENTS.** Exchange all documents and make all disclosures required by Fed. R. Bankr. P. 7026(a)(1) or fix a date to make such exchange.

(2) **DISCOVERY.** Develop a discovery plan using Exhibit A to Local Form 3018, *CERTIFICATE OF COMPLIANCE*.

(3) **OTHER EVIDENCE.** Exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.

(4) **LIST OF WITNESSES.** Exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.

(5) **SETTLEMENT.** Discuss settlement possibilities, including the parties' willingness to go to mediation. If mediation agreed to, designate the first choice and alternate choice of mediator, using court-maintained mediator list or other mutually acceptable mediator. A list of mediators is available from the Office of the Clerk or on the court's website, *www.casb.uscourts.gov*.

(c) **CERTIFICATE OF COMPLIANCE AND NOTICE OF HEARING FOR PRE-TRIAL STATUS CONFERENCE.** No later than five (5) days after the Early Conference of Counsel or Parties, a joint *CERTIFICATE OF COMPLIANCE*, Local Form CSD 3018, signed by all parties or counsel shall be filed by the counsel for the plaintiff together with Local Form CSD 3019, *NOTICE OF PRE-TRIAL STATUS CONFERENCE*. In advance of filing said *NOTICE OF HEARING FOR PRE-TRIAL STATUS CONFERENCE*, it shall be the responsibility of plaintiff or its counsel to obtain a hearing date for the pre-trial status conference from the courtroom deputy and serve said notice on all other parties.

7016-3. SETTING AND NOTICE.

After obtaining a hearing date from the courtroom deputy, plaintiff or counsel for the plaintiff shall give notice setting a pre-trial status conference on the calendar of the judge to whom the underlying bankruptcy case has been assigned.

7016-4. DISCUSSION OF MEDIATION ALTERNATIVES.

Prior to the pre-trial status conference, counsel shall confer with the client and discuss the mediation program, and shall ask the client for authorization to participate in the mediation program.

7016-5. STATUS CONFERENCE.

(a) Each party appearing at the status conference shall be represented by an attorney (or the party, if unrepresented) who is expected to conduct the trial on behalf of such party.

(b) Parties appearing at the status conference shall be prepared to discuss the following:

(1) state of discovery, including a description of completed discovery and a detailed schedule of all further discovery contemplated;

(2) a discovery cut-off date;

(3) a schedule of contemplated law and motion matters;

(4) prospects for settlement;

(5) whether the client has given authorization to participate in the mediation program as described in Local Bankruptcy Rule 7016-6;

(6) any other issues affecting the status or management of the case.

7016-6. MEDIATION PANEL PROCEDURES.

(a) **LISTS OF MEDIATORS.** The judges of the court shall establish and maintain two lists of qualified persons who agree to serve as mediators in contested matters and adversary proceedings pending before the court. One list shall contain the names of those mediators who are entitled to compensation as outlined below (Compensated Mediation Panel), and the other will contain those who will serve without compensation (Voluntary Mediation Panel).

(b) **VOLUNTARY MEDIATION PANEL.** To volunteer for this program, a person shall submit an application to the San Diego County Bar Association, which in turn shall submit the same to the clerk. The application shall set forth the qualifications described in subsection (1) or (2) and shall conform in format to Local Form CSD 4001, *APPLICATION TO JOIN VOLUNTARY MEDIATION PANEL*.

(1) **ATTORNEY QUALIFICATIONS.** In order to qualify for service on the Voluntary Mediation Panel, an attorney shall certify to the court that the attorney meets the following minimum qualifications:

(A) the attorney is an active member of the State Bar of California and is duly licensed to practice before the courts of the State of California and the Federal courts for the Southern District of California;

(B) the attorney has been admitted to practice in a state court for at least four (4) years; and

(C) the attorney has served as the attorney of record for at least three (3) bankruptcy cases from commencement through conclusion (i.e.; confirmation of a plan or discharge) or has served as the attorney of record for a party in interest for at least three (3) or more adversary proceedings or contested matters from commencement through completion (i.e.; judgment, order, or stipulated settlement); or has had other substantially equivalent bankruptcy experience.

(2) **NON-ATTORNEY QUALIFICATIONS.** In order to qualify for service on the Voluntary Mediation Panel, a non-attorney shall certify to the court that the following qualifications are met:

(A) the person is a member of the panel of trustees or examiners maintained by the Office of the United States Trustee; or

(B) the person is a Certified Public Accountant in the State of California; and

(C) in addition, the person complying with the requirements of subsection (A) or (B) above shall also demonstrate service to a bankruptcy estate in at least ten (10) asset estates as trustee, and/or in at least ten (10) cases as bankruptcy examiner or accountant for a trustee or debtor-in-possession from commencement through completion of such case; or has other substantially equivalent bankruptcy experience.

(c) **COMPENSATED MEDIATION PANEL.**

(1) To apply for this program, a person shall submit an application to the San Diego County Bar Association, which in turn shall submit the same to the clerk. The application shall set forth the qualifications described in subsection (A) and (B) below and shall conform in format to Local Form CSD 4000, *APPLICATION TO JOIN COMPENSATED MEDIATION PANEL*. Effective September 8, 1997, mediators shall be entitled to join the Compensated Mediation Panel if they have completed twenty-five (25) hours of mediation training provided

by the San Diego Mediation Center or an equivalent qualified training center consistent with the California Dispute Resolution Act (Title 16 California Code of Regulations, Sections 3615 through 3635, and Sections 465 through 467.7 of the California Business Professions Code). In addition, mediators seeking compensation must, within the calendar year preceding the year in which the mediation is conducted, satisfy one of the following:

(A) conduct two (2) bankruptcy mediations or six (6) hours of mediation from any source; or,

(B) attend a half-day refresher program provided by the San Diego Mediation Center or an equivalent qualified center consistent with the California Dispute Resolution Act.

(2) No later than December 15 of the year prior to the calendar year they will conduct compensated mediation, compensated mediators must submit to the Chief Judge of the Bankruptcy Court a renewal application for service on the Compensated Mediation Panel which certifies that they have satisfied the requirements set forth herein.

(d) **LISTS OF ELIGIBLE MEDIATORS.** Two lists of eligible mediators shall be submitted to the clerk once per calendar quarter by the San Diego County Bar Association.

(1) The lists to be submitted no later than March 15 shall be effective from April 1 through June 30.

(2) The lists to be submitted no later than June 15 shall be effective from July 1 through September 30.

(3) The lists to be submitted no later than September 15 shall be effective from October 1 through December 31.

(4) The lists to be submitted no later than December 15 shall be effective from January 1 through March 31 of the following year.

(e) **ASSIGNMENT TO MEDIATION.**

(1) A case may be assigned to mediation by order of the court at a status conference or other hearing. If a case is assigned to mediation, the parties attending the status conference shall be presented with the current lists of eligible mediators. If the parties cannot agree, the court shall appoint a mediator and alternates from the lists.

(2) Local Form CSD 4002, *ORDER APPOINTING MEDIATOR AND ASSIGNMENT TO MEDIATION*, shall be used to assign a

matter to mediation. The original shall be retained in the court's file. The clerk will mail a copy to the mediator and to each party.

(f) **MEDIATION PROCEDURE.**

(1) **TIME AND PLACE.** The mediator shall fix the time and place for the mediation conference, and any adjourned session. The time and place selected shall be reasonably convenient for the parties, and the parties shall be given at least fifteen (15) days written notice of the initial conference. The conference shall be scheduled as soon as practicable but in no event more than forty-five (45) days after the mediator has been notified of the appointment. The mediator may, upon written stipulation of the parties filed with the court, grant one continuance of the conference, provided that the continuance granted does not extend the date of the conference to a date more than seventy-five (75) days after the mediator has been notified of the appointment.

(2) **SUBMISSION OF COMPLETED CASE QUESTIONNAIRES.** Each party shall provide the mediator with a completed case questionnaire in the format of Local Form CSD 4003, *CASE QUESTIONNAIRE IN CONNECTION WITH MEDIATION PROCEDURE*. The case questionnaire shall be served on the mediator and all other parties not less than seven (7) calendar days prior to the date noticed for the mediation conference as set forth in subsection (1) above.

(3) **ATTENDANCE AND PREPARATION REQUIRED.** The attorney who is primarily responsible for each party's case shall personally attend the mediation conference and any adjourned sessions of that conference. The attorney for each party shall come prepared to discuss the following in detail and in good faith:

(A) all liability issues;

(B) all damage issues; and

(C) the position of their client relative to settlement.

(4) **MEDIATION COMPENSATION.** A mediator who meets the requirements of paragraph (c) above is entitled to compensation at the rate of $200 per each half-day mediation session except, however, for the first half-day of the mediation session (3.5 hours) which shall be conducted free of charge. The mediation fee shall be borne equally by all parties attending the mediation. The $200 fee is to be paid at the beginning of each successive session. Unrepresented

litigants are required to pay in cash or by cashiers check. Those parties represented by an attorney may pay with a check from the attorney's account.

(5) **PARTIES TO BE AVAILABLE.** All individual parties who reside within the County of San Diego shall personally attend the mediation conference unless excused by the mediator for cause. Parties, other than individuals, whose principal place of business is located in San Diego County, shall have a representative appear with authority to settle. Individuals and other parties who neither reside in San Diego County nor have their principal place of business located therein, shall be available for conference with their counsel to the mediator by telephone. The mediator shall decide when the parties are to be present in the conference room.

(6) **FAILURE TO ATTEND.** Willful or unexcused failure to attend the mediation conference shall be reported to the court by the mediator and may result in the imposition of sanctions by the court.

(7) **PROCEEDINGS PRIVILEGED.** All proceedings or writings of the mediation conference, including the case questionnaire, mediator's settlement recommendation, plus any statement made by any party, attorney or other participant, shall in all respects be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury or construed for any purpose as an admission against interest. No party shall be bound by anything said or done at the conference unless a settlement is reached, in which event the agreement upon a settlement shall be reduced to writing and shall be binding upon all parties to that agreement. Federal Rule of Evidence 408 applies herein. A report of a failure to attend a mediation conference does not fall within this privilege.

(8) **DUTY OF COUNSEL.** The client shall be advised of the fact that the mediator is a qualified person and has volunteered to act as an impartial mediator, without compensation, in an attempt to help the parties reach an agreement and avoid the time, expense and uncertainty of trial. If the mediator makes any oral or written suggestions as to the advisability of a change in any party's position with respect to settlement, the attorney for that party shall promptly transmit that suggestion to the client.

(9) **DUTY OF MEDIATOR.** The mediator shall have the duty and authority to establish the time schedule for mediation activities, including a schedule for the parties to act upon the mediator's recommendation, having in mind that the purpose of this order is prompt dispute resolution. The mediator shall have no obligation to

make any written comments or recommendations, but may have the discretion to provide a written settlement recommendation memorandum. No copy of any such memorandum shall be filed with the clerk or made available in whole or in part, directly or indirectly, either to the court and/or the jury.

(g) **PROCEDURE UPON COMPLETION OF MEDIATION SESSION.** Upon the conclusion of the first mediation session where all parties are in attendance, the following procedures shall be followed:

(1) If the parties have reached an agreement regarding the disposition of the proceeding, the parties shall designate a party to prepare a stipulation to dismiss, or enter a judgment on agreed terms, or continue the mediation session to a date convenient to all parties and the mediator. The party preparing the stipulation shall submit the stipulation, once fully executed by all parties, to the court for approval.

(2) The mediator shall prepare and file with the clerk, within ten (10) days, a Local Form CSD 4004, *MEDIATOR'S CERTIFICATE OF COMPLIANCE*, indicating whether a settlement was reached, and, if so, whether there was compliance with the settlement and mediation requirements of this rule.

7016-7. PREPARATION FOR FINAL PRE-TRIAL CONFERENCE.

(a) **MEETINGS OF COUNSEL.** The attorneys for the parties shall convene at a suitable time and place not later than fourteen (14) days in advance of the final pre-trial conference. The purpose of the meeting shall be to arrive at stipulations and reach agreements resulting in simplification of the triable issues. Counsel for the plaintiff shall have the duty of arranging for meetings of counsel and for preparation of the pre-trial order mandated by Local Bankruptcy Rule 7016-9.

(b) **EXCHANGES BETWEEN COUNSEL.** At the meeting, the following information shall be displayed and/or exchanged:

(1) exhibits other than those designed solely for purposes of impeachment or rebuttal; and

(2) lists of the names and addresses of witnesses, including experts, who will be called at trial (exclusive of witnesses whose testimony is to be used solely for purposes of impeachment or rebuttal).

(c) **CONTENT OF EXHIBITS EXCHANGED.** Each photograph, map, drawing and the like shall contain a legend on its face or reverse side. The legend shall state by date the matters of fact which the party offering the exhibit claims are fairly depicted.

(d) **FAILURE TO DISPLAY AND/OR EXCHANGE EXHIBITS OR LISTS.** Failure to display and/or exchange exhibits or lists to or with opposing counsel shall permit the court to decline admission of same into evidence.

7016-8. CONDUCT OF THE FINAL PRE-TRIAL CONFERENCE.

At the final pre-trial conference, the court shall consider and, where appropriate, rule upon:

(a) the pleadings, proposed amendments to the pleadings, papers and exhibits, stipulations, statements, memoranda and all other matters referred to in Fed. R. Bankr. P. 7016;

(b) all properly noticed motions and other proceedings then pending;

(c) the possibilities for settlement and other matters which may be presented concerning parties, process, pleading or proof, with a view to simplifying issues and bringing about a just, speedy and inexpensive determination; and

(d) future and additional pre-trial meetings where required and, upon termination of the final pre-trial conference, the date to be set for trial.

7016-9. PRE-TRIAL ORDER.

(a) **RESPONSIBILITY OF PLAINTIFF'S COUNSEL.** Plaintiff's counsel shall be responsible for preparing the pre-trial order and arranging the meetings of counsel attendant thereto. Plaintiff's counsel shall thereafter file the prepared pre-trial order with the clerk no later than seven (7) days prior to the final pre-trial conference.

(b) **FORMAT.** Attorneys for all parties appearing in the case shall approve the pre-trial order as to form and substance. The format of the order shall substantially conform to Local Form CSD 3021, *PRE-TRIAL ORDER*.

(c) **ABANDONED ISSUES.** Each party shall set forth a statement of any issues which have been abandoned.

(d) **UNRESOLVED ISSUES OF FACT AND LAW.** The parties shall agree upon a joint, and not separately listed, statement of issues of fact and law which remain to be litigated. Where there is disagreement as to whether a particular fact or point of law is in issue, that fact or point of law shall be deemed to be in issue and, therefore, to be litigated.

(e) **EXHIBITS.** Each party shall prepare a list of all exhibits such party expects to offer at the trial (other than those to be used for impeachment) with each exhibit sufficiently described for identification. The list shall substantially conform to Local Form CSD 3026, *LIST OF EXHIBITS SUBMITTED BY ATTORNEY*.

(f) OBJECTIONS TO EXHIBITS. All objections to the admissibility of any exhibits listed in paragraph (e), the applicable rule of evidence, and any case authority shall be set out with specificity and attached as an appendix to the pre-trial order.

(g) WITNESSES. The parties shall jointly prepare a list of the names and addresses of all prospective witnesses, except impeaching witnesses, and, in the case of expert witnesses, provide a brief narrative statement of the qualifications of such witnesses and the substance of the testimony which such witnesses are expected to give. Only witnesses so listed, and impeachment and rebuttal witnesses, shall be permitted to testify at the trial, except for good cause shown.

7016-10. TRIAL COUNSEL TO BE PRESENT.

Unless otherwise ordered by the court, counsel who will conduct the trial will appear at the final pre-trial conference.

7016-11. SANCTIONS; PRE-TRIAL.

Failure of counsel to appear before the court at pre-trial proceedings or to complete the necessary preparations for such proceedings may be deemed an abandonment or failure to prosecute or defend diligently, and judgment may be entered against the defaulting party with respect to a specific issue or the entire proceeding.

7016-12. PREPARATION FOR TRIAL.

Unless otherwise ordered, the parties shall complete the following activities not less than seven (7) calendar days prior to the commencement of trial:

(a) serve and file briefs on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth concisely the party's position and supporting arguments and authorities;

(b) in jury cases, serve and file proposed voir dire questions, jury instructions, and forms of verdict;

(c) in proceedings tried without jury, and otherwise when so ordered, serve and file proposed findings of fact and conclusions of law;

(d) serve and file statements designating excerpts from depositions (specifying the witness and page and line references), from interrogatory answers and from responses to requests for admission to be offered at the trial for purposes other than impeachment or rebuttal; and

(e) exchange copies of all exhibits (other than for impeachment or rebuttal) and all schedules, summaries, diagrams and charts to be offered at trial. Each proposed exhibit shall

be marked in the manner specified by Local Bankruptcy Rule 7016-9(e). Upon request, the party offering the foregoing documents shall make the originals of the same available for inspection and copying.

7016-13. RETURN OF EXHIBITS.

At the conclusion of the trial or hearing, every exhibit marked for identification or introduced in evidence shall be returned to the party who produced it unless otherwise ordered by the court. It shall be the responsibility of counsel to produce any and all exhibits as designated on appeal.

[The Next Rule is 7019]

RULE 7019. MOTION TO CHANGE VENUE IN ADVERSARY PROCEEDING.

A motion to change venue under 28 U.S.C. § 1412 shall be filed with the bankruptcy court clerk. The motion shall be governed by Local Bankruptcy Rule 9014 and calendared for hearing before the bankruptcy court.

[The Next Rule is 7022]

RULE 7022. INTERPLEADER ACTIONS; DEPOSITS INTO INTEREST BEARING ACCOUNTS; DISBURSEMENTS.

7022-1. DEPOSIT OF REGISTRY FUNDS; CONTENT OF ORDER.

Those parties seeking interpleader of certain funds shall personally serve a copy of the order on the clerk or chief deputy clerk. The order shall contain the following provisions:

"IT IS ORDERED, (pursuant to the attached stipulation signed by all parties named in the action,) that the clerk deposit the amount of $_____ in an automatically renewable (insert type of account or instrument as provided in the stipulation) in the name of the Clerk, United States Bankruptcy Court at (insert name of designated bank, savings and loan, brokerage house), said funds to remain invested pending further order of the court.

"IT IS FURTHER ORDERED that the clerk is directed to deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office, whenever such income becomes available for deduction in the investment so held and without further order of the court.

"IT IS FURTHER ORDERED that counsel presenting this order shall personally serve a copy thereof on the clerk or the chief deputy clerk prior to making the deposit. Absent the aforesaid personal service, the clerk is hereby relieved of

any personal liability relative to compliance with this order."

7022-2. DISBURSEMENTS OF REGISTRY FUND; CONTENT OF ORDER.

The clerk shall disburse funds on deposit in the registry of the court only pursuant to court order. The disbursement order shall contain a provision relieving the clerk from liability for loss of interest, if any, for early withdrawal of the funds. The order shall state the name and taxpayer identification number for each party who is to receive funds and the percentage of the balance and interest each is to receive. Funds shall be disbursed only after the time for appeal of the related judgment or order has expired, or upon approval by the court of a written stipulation by all parties.

[The Next Rule is 7026]

RULE 7026. DISCOVERY.

7026-1. APPLICABILITY OF RULE.

Unless the court directs otherwise, all adversary proceedings and all contested matters under Fed. R. Bankr. P. 9014 to which the adversary rules apply, shall comply with Fed. R. Bankr. P. 7026 by following those procedures set forth in Local Bankruptcy Rule 7016-2. Failure to timely comply will be cause for issuance of a notice of dismissal.

7026-2. CONFERENCE REQUIRED.

The court shall entertain no motion pursuant to Fed. R. Bankr. P. 7026 through 7037 unless counsel shall have previously met and conferred by telephone or in person concerning all disputed discovery issues. Unless relieved by court order upon good cause shown or agreement of the parties, counsel for the non-moving party shall meet with counsel for the moving party within ten (10) days of service of a letter requesting such meeting and specifying the terms of the discovery order to be sought. If counsel for the moving party seeks to arrange such a conference and counsel for the non-moving party willfully refuses or fails to meet and confer, in the absence of a prior order excusing such a meeting for good cause, the judge may order the payment of reasonable expenses, including attorney's fees, pursuant to Fed. R. Bankr. P. 7037.

7026-3. CERTIFICATE OF COMPLIANCE.

At the time of filing any motion with respect to Fed. R. Bankr. P. 7026 through 7037, counsel for the moving party shall serve and file a certificate of compliance with this rule.

7026-4. PROTECTIVE ORDER.

Any person against whom a motion under Fed. R. Bankr. P. 7037(a), or Fed. R. Bankr. P. 9016(a)(2) is brought may, upon proper notice, request a hearing on a motion for a protective order under Fed. R. Bankr. P. 7026(c).

[The Next Rule is 7030]

RULE 7030. DEPOSITIONS.

7030-1. APPLICABILITY OF RULE.

Except as specifically ordered by a bankruptcy judge, the following provisions of the Fed. R. Bankr. P. do not apply to actions in this court: Rules 7030(a)(2)(C) and 7031(a)(2)(C).

7030-2. ATTORNEYS DUTY TO STIPULATE.

Prior to giving notice, parties will make every reasonable effort to stipulate to the exact time and place for the commencement and resumption of all depositions. If an agreement cannot be reached, any party may apply by ex parte application to the court for an order fixing the time, place and/or other terms and conditions governing such a deposition and for any related order of relief.

7030-3. MATERIALS.

The deposing party shall furnish the officer designated to conduct the deposition with a copy of Fed. R. Bankr. P. 7028(c) and 7030(c).

7030-4. TRANSCRIPT COST.

The deposing party shall assume the cost of transcription unless, pursuant to the parties' agreement, the court orders a waiver of transcription or a different apportionment of cost.

7030-5. COURT COPY.

Whenever a deposition or any part thereof is to be read in court, counsel using the same shall furnish a copy to the court in addition to the original filed with the court.

7030-6. FILING.

Unless filing is ordered by the court on motion of a party or upon its own motion, depositions upon oral examination shall not be filed unless and until they are used in the proceeding.

[The Next Rule is 7033]

RULE 7033. INTERROGATORIES TO PARTIES.

7033-1. APPLICABILITY OF RULE.

Except as specifically ordered by a bankruptcy judge, the requirement in Fed. R. Bankr. P. 7033(a) that interrogatories not be served prior to the time specified in Fed. R. Bankr. P. 7026(d) except by stipulation or leave of court, shall not apply to actions in this court.

7033-2. MOTION FOR LEAVE TO SERVE ADDITIONAL INTERROGATORIES.

Any motion for leave to serve additional party interrogatories shall be made pursuant to Local Bankruptcy Rule 9013-3(a).

7033-3. ANSWERS OR OBJECTIONS TO INTERROGATORIES.

Answers or objections to each interrogatory shall first identify and quote the interrogatory in full.

7033-4. FILING.

Interrogatories, related answers and objections shall not be filed with the court unless and until they are used in the proceedings or their filing is ordered by the court. The court may order filing on its own motion or upon the motion of a party.

RULE 7034. TIMING OF REQUESTS FOR PRODUCTION OF DOCUMENTS.

7034-1. APPLICABILITY OF RULE.

Except as specifically ordered by a bankruptcy judge, the requirement in Fed. R. Bankr. P. 7034(b) that requests for production of documents or things or to examine land not be served prior to the time specified in Fed. R. Bankr. P. 7026(d) except by stipulation or leave of court, shall not apply to actions in this court.

[The Next Rule is 7036]

RULE 7036. REQUESTS FOR ADMISSION.

7036-1. APPLICABILITY OF RULE.

Except as specifically ordered by a bankruptcy judge, the requirement in Fed. R. Bankr. P. 7036(a) that requests for admission not be served prior to the time specified in Fed. R. Bankr. P. 7026(d) except by stipulation or leave of the court, shall not apply to actions in this court.

7036-2. RESPONSES OR OBJECTIONS TO REQUESTS FOR ADMISSION.

Responses or objections to each request for admission shall first identify and quote the request for admission in full.

7036-3. FILING.

Requests for admission, related responses and objections shall not be filed with the court unless and until they are used in the proceedings or their filing is ordered by the court. The court may order filing on its own motion or upon the motion of a party.

[The Next Rule is 7040]

RULE 7040. ASSIGNMENT OF ADVERSARY PROCEEDING FOR JURY TRIAL.

7040-1. PROCEDURE.

(a) APPLICABILITY. This rule shall govern conduct of jury trials, when appropriate.

(b) DEMAND FOR JURY TRIAL. Local Bankruptcy Rule 7003-2 governs the request for a jury trial.

7040-2. CONSENT TO JURY TRIAL.

(a) If the right to a jury trial applies, a timely demand has been filed under Fed. R. Civ. P. 38(b), and the bankruptcy judge has been specially designated to conduct the jury trial, the parties may consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly or separately filing a statement no later than the first status conference.

(b) Fed. R. Civ. P. 38, 39, 47-51, and 81(c) insofar as it applies to jury trials, apply in cases and proceedings, except that a demand made under Fed. R. Civ. P. 38(b) shall be filed in accordance with Fed. R. Bankr. P. 5005.

(c) Parties are deemed to have consented to the entry of a final order by the bankruptcy judge in a non-core proceeding.

7040-3. SIX-PERSON JURIES.

In all adversary proceedings in which a party is entitled to a jury trial, the jury shall consist of six (6) members and such alternates as the judge may determine.

7040-4. EXAMINATION OF JURORS.

Unless otherwise ordered, the examination of trial jurors shall be conducted by the judge. Counsel shall submit any

questions which they desire to be propounded to the jurors in accordance with Local Bankruptcy Rule 7016-12(b).

7040-5. FILING, SERVICE AND FORM OF PROPOSED INSTRUCTIONS.

(a) Unless otherwise ordered, each party shall serve and file proposed jury instructions in accordance with Local Bankruptcy Rule 7016-12(b). At the discretion of the judge, additional requests for instructions may be received at any time prior to the commencement of closing argument to the jury.

(b) Each proposed instruction shall be concise and limited to one subject. The instruction shall set forth the identity of the party submitting it, be written out in full on a separate page, and set forth citations to the authorities supporting it. The instructions shall be consecutively numbered.

(c) Objections to proposed instructions may be filed with the court or made orally to the judge, as time permits. Such objections should normally be accompanied by citation to supporting authority. Prior to closing argument to the jury, the judge shall inform counsel of the instructions which will be given.

(d) If an instruction is submitted from a recognized book of instructions, it shall be from the latest edition thereof [so noted at the bottom of the instruction]; and if modified in any way, deleted material shall be shown in parentheses and additions shall be underscored.

7040-6. ASSESSMENT OF JURY COSTS.

If for any reason attributable to counsel or parties, including settlement, the court is unable to commence a jury trial as scheduled where a panel of prospective jurors have reported for voir dire, the court may assess against counsel or parties responsible, all or part of the cost of the panel.

RULE 7041. DISMISSAL OF ADVERSARY PROCEEDING.

7041-1. VOLUNTARY OR STIPULATED DISMISSALS.

If the stipulated or voluntary dismissal of an adversary proceeding removes a hearing from the court's calendar, the date and time of that hearing shall be inserted two (2) lines below the adversary number in the caption of the order.

7041-2. DISMISSAL FOR WANT OF PROSECUTION.

Actions or proceedings which have been pending in this court for more than three (3) months without any action having been taken during such period, may, after notice, be dismissed without prejudice unless otherwise ordered by the court.

7041-3. DISMISSAL OF RELATED TITLE 11 CASE.

(a) Whenever a Title 11 case is dismissed, any pending related adversary proceeding, in which a final judgment has not been entered, shall be dismissed without prejudice and without further order of the court.

(b) If the debtor files another petition for relief under Title 11 within ninety (90) days following entry of the order dismissing the prior case, any plaintiff, whose adversary proceeding was dismissed under this rule, may file an ex parte motion and proposed order to have the proceeding reopened and made applicable in the new case, as though the proceeding were originally filed therein.

7041-4. VOLUNTARY OR STIPULATED DISMISSAL OF OBJECTIONS TO DISCHARGE OF THE DEBTOR.

(a) PROCEDURE. A motion or stipulation for dismissal of a complaint which contains objections to the discharge under 11 U.S.C. § 727 may be approved only after notice to the United States Trustee and the trustee for the debtor, as provided in Fed. R. Bankr. P. 7041 and in accordance with Local Bankruptcy Rule 9013.

(b) CONTENT OF MOTION OR STIPULATION. The motion or stipulation shall contain: a statement signed and verified by both plaintiff and defendant that there has been no monetary settlement or other agreement made as consideration for dismissal of the § 727 claims for relief and that there has been no violation of 18 U.S.C. § 152.

(c) INTERVENTION BY THE UNITED STATES TRUSTEE OR TRUSTEE. If the United States Trustee or the trustee for the debtor desires to intervene as the plaintiff in an objection to discharge of a debtor, the United States Trustee and/or trustee shall file an objection to the proposed stipulation or motion and a cross-motion to intervene within the time provided by Local Bankruptcy Rule 9013-4.

[The Next Rule is 7054]

RULE 7054. FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDERS AND JUDGMENTS.

7054-1. APPLICABILITY OF RULE.

This rule is to be read in conjunction with Fed. R. Bankr. P. 7054 and 9021 and governs the preparation, submission and approval of findings of fact, conclusions of law, judgments, and orders.

7054-2. DUTY OF PREVAILING PARTY.

Unless the court directs otherwise, the prevailing party shall prepare and submit any judgments or orders and, if required, separate findings of fact and conclusions of law, in the manner provided in Local Bankruptcy Rule 7054-3. The pleadings shall also comply with Local Bankruptcy Rule 9004.

7054-3. PROCEDURES FOR SUBMISSION OF ORDERS AFTER HEARING.

(a) **PROCEDURE BY CONSENT.** The party preparing the order or judgment, and, if required, separate findings of fact and conclusions of law may submit the same to the opposing parties for their approval as to form and content. The opposing parties shall indicate their approval by promptly endorsing the lower-left corner of the signature page(s) and returning the original documents to the preparing party. The preparing party shall then submit the original documents to the court for signature and entry without having to comply with Local Bankruptcy Rule 7054-3(b). If approval is not obtained from the opposing parties, the preparing party shall then submit the original documents to the court in the manner set forth in Local Bankruptcy Rule 7054-3(b).

(b) **PROCEDURE BY LODGMENT - CONTESTED ORDER OR JUDGMENT.**

(1) **NOTICE OF LODGMENT.** The party preparing the order or judgment and, if required, separate findings of fact and conclusions of law shall file the same together with a notice of lodgment. The notice shall conform to Local Bankruptcy Rule 9004 and shall be accompanied by a proof of service on all opposing parties as provided in Fed. R. Bankr. P. 7005. The notice shall inform the opposing parties that any objections to the form and content of the proposed order or judgment must be filed and served within five (5) business days from the date of service of the originals. Fed. R. Bankr. P. 9006(f) shall not apply. Assembly sequence for documents is as follows:

(A) the order or judgment and two (2) copies;

(B) findings of fact and conclusions of law, if any, and two (2) copies;

(C) an original notice of lodgment with a copy of the proposed order or judgment and, if required, separate findings of fact and conclusions of law attached as Exhibit "A" and "B", if applicable, followed by a proof of service, and two (2) copies; and

(D) an original Notice of Entry with the pre-addressed, postage-paid envelopes required by subsection (2) below.

(2) **NAMES AND ADDRESSES OF OPPOSING PARTIES.**

(A) The preparing party shall submit to the clerk, in addition to any proposed findings of fact, conclusions of law, and order or judgment, the original of Local Adversary Form CSD 3050, *NOTICE OF ENTRY OF JUDGMENT OR ORDER* or Local Case Form CSD 1190, *NOTICE OF ENTRY*. The Notice of Entry shall contain the names and addresses of opposing parties, their attorneys of record and, if the judgment or order affects property of the debtor or the estate, the names and addresses of the debtor, any trustee, their attorneys of record, the United States Trustee, and any co-owner of the property. The date of entry of the judgment or order shall remain blank.

(B) In addition to the Notice of Entry, the party shall also submit pre-addressed and postage-paid envelopes for each of the parties to receive notice of entry.

(3) **OBJECTIONS TO LODGED DOCUMENTS.** Any party who opposes the entry of the lodged order, judgment, or separate findings of fact and conclusions of law shall file an objection and an alternate order, judgment, or separate findings of fact and conclusions of law with the court. The alternate order, judgment, or separate findings of fact and conclusions of law shall be filed and served on the preparing party within five (5) business days from the date of service of the original notice of lodgment and shall conform to Local Bankruptcy Rule 9004. Fed. R. Bankr. P. 9006(f) shall not apply. Notice of Lodgment of alternate order is not required. No further pleadings will be considered except upon leave of court.

7054-4. INTEREST ON JUDGMENT.

(a) **RATE OF INTEREST.** The legal rate of interest applied to a judgment or order shall be the rate provided by the United States Department of the Treasury pursuant to federal law and published by the Administrative Office of the United States courts in a rate table with a retrospective period of over ten (10) years.

(b) **PUBLICATION OF INTEREST RATE.** The clerk shall post notice of the current legal rate of interest in a public place and shall provide this information by telephone upon request at (619) 557-5620.

7054-5. COSTS.

(a) Costs will be taxed in conformity with the provisions of 28 U.S.C. §§ 1920 and 1923, Fed. R. Bankr. P. 7054 and Local

Rule 54.1 of the United States District Court, except as otherwise provided in subsections (b) and (c) of this rule.

(b) Within fourteen (14) days after the entry of a judgment or order under which costs may be claimed, a party entitled to claim costs may request taxation of the costs itemized therein. The Bill of Costs shall be submitted using Local Form CSD 3066, *BILL OF COSTS*. The costs shall be separately and specifically itemized for each item of costs claimed.

(c) The prevailing party will give at least seven (7) days notice of the cost hearing to the party or parties against whom the costs are to be assessed. The hearing date and time may be obtained by calling the secretary to the Clerk.

(d) The procedure for the Bill of Costs and the items taxable as costs are set forth in Local Rule 54.1 of the United States District Court.

(1) Attorney fees may not be taxed as costs by the clerk.

(2) If attorney fees are claimed, a motion for allowance of fees must be made by the prevailing party in accordance with Local Bankruptcy Rule 9014.

RULE 7055. DEFAULT.

7055-1. REQUIRED FORM FOR REQUEST TO ENTER DEFAULT.

(a) A request to enter default under Fed. R. Bankr. P. 7055 shall conform substantially to Local Form CSD 3030, *REQUEST TO ENTER DEFAULT*.

(b) Unless previously filed, the request shall be accompanied by a separate verified affidavit in support thereof.

7055-2. FORM OF JUDGMENT.

A separate judgment, entitled "Judgment by Default", shall be prepared. The judgment shall state in simple and direct terms the judgment of the court and shall comply with Local Bankruptcy Rule 9004.

[The Next Rule is 7065]

RULE 7065. TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION.

7065-1. REQUIREMENTS.

(a) Prior to submitting an application for a temporary restraining order or for a preliminary injunction, an adversary proceeding shall be filed seeking such relief as governed by Local Bankruptcy Rule 7003.

(b) An application for a temporary restraining order or for a preliminary injunction shall be made in a document separate from the complaint and shall be accompanied by:

(1) a separate memorandum of points and authorities in support of the application;

(2) a proposed temporary restraining order or preliminary injunction;

(3) a declaration or affidavit by the moving party or counsel for the moving party showing compliance with Fed. R. Bankr. P. 7065 regarding notice to opposing parties; and,

(4) a copy of the filed complaint.

[The Next Rule is 7069]

RULE 7069. ENFORCEMENT OF JUDGMENTS.

7069-1. FORM.

Whenever a provisional remedy is sought or a judgment is enforced in accordance with state law as provided in Fed. R. Bankr. P. 7064 and 7069, the application and order shall conform substantially to Local Form CSD 3060, *APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION AND ORDER THEREON*.

7069-2. DISCOVERY IN AID OF ENFORCEMENT OF JUDGMENTS.

As allowed by Fed. R. Bankr. P. 7069, except to the extent that a federal statute applies, a judgment creditor may obtain discovery from any person to aid in enforcing a judgment in the manner provided by Fed. R. Bankr. P. 7026 through 7037 or in the manner provided by state law. A judgment creditor may not use Fed. R. Bankr. P. 2004 to collect information to use to enforce a judgment.

7069-3. USE OF UNITED STATES MARSHAL.

The court encourages the use of state remedies and officers wherever appropriate to enforce judgments or obtain available remedies. The United States Marshal's Office is available to enforce federal judgments as necessary.

7069-4. REGISTRATION OF JUDGMENTS.

A judgment by a bankruptcy judge from any other district may be registered in the Southern District of California by filing with the bankruptcy clerk a certified copy of such judgment accompanied by Local Form CSD 3054, *CERTIFICATION OF JUDGMENT*

FOR REGISTRATION IN ANOTHER DISTRICT, and by payment of the fee mandated by the Judicial Conference pursuant to 28 U.S.C. § 1930.

[The Next Rule is 9004]

RULE 9004. GENERAL REQUIREMENTS OF FORM.

9004-1. APPLICABILITY OF RULE.

Fed. R. Bankr. P. 9004, read in conjunction with applicable Local Bankruptcy Rules, governs the preparation and filing of papers, except as otherwise required by the court. "Papers" as used in this rule include but are not limited to pleadings, documents, notices, exhibits and proofs of claim.

9004-2. ATTORNEY IDENTIFICATION AND SIGNATURE.

(a) **STATE BAR MEMBERSHIP NUMBER.** Attorneys presenting papers for filing shall insert their State Bar membership number immediately to the right of their name at the top of the title page. On proofs of claim, the number shall appear to the right of their name.

(b) **RESPONSIBILITY OF LEAD ATTORNEY.** For notice purposes, where there is more than one attorney of record, the attorney whose name first appears under the attorney identification section on the title page of a paper shall be known as the "lead attorney" and is the person upon whom the court will serve any notices and other papers. The lead attorney shall be responsible for promptly delivering copies of these notices and papers to any co-counsel.

9004-3. PAPERS PRESENTED TO THE COURT - FORM AND FORMAT.

(a) **LEGIBILITY.** All papers shall be typewritten or hand-printed or prepared by a photocopying or other duplicating process that will produce clear and permanent copies equally legible to printing, in black or dark blue ink. The typeface shall be no smaller than pica size, with not more than ten (10) typed characters per inch.

(b) **SIGNATURES.** All original papers shall be signed by the individual attorney for the party presenting them, or by the unrepresented party. The name of the person signing the paper shall be typed underneath the signature. Copies shall be conformed to the original.

(c) **PAPER SIZE.** The original of all papers shall be submitted on opaque, unglazed, white paper of standard quality not less than 13-pound weight. The paper shall be 8-1/2 by 11 inches with not more than twenty-eight (28) lines per page. Pre-printed forms provided by the clerk must be reproduced "heel-to-toe" so that they may be easily read without removal from the file; otherwise, only one side of the paper will be used. Papers

shall be double-spaced except for the identification of counsel, title of the action, category headings, footnotes, quotations, exhibits and descriptions of real property. Quotations from cited cases or other authorities shall be clearly indented not less than five (5) spaces or more than twenty (20) spaces and may be single-spaced.

(d) **TITLE PAGE.** In the space commencing two (2) inches from the top and to the left of center-page, there shall be typed or printed single-spaced the following information:

(1) name of counsel and State Bar membership number presenting a paper, or if not represented by an attorney, the name of the party;

(2) office address, including the street address in addition to any post office box. If no office address, state residence address.

(3) Area code and telephone number of the party presenting the paper.

(4) Two (2) lines below the telephone number, the name and interest of the party on whose behalf the paper is presented shall be identified; in the instance of multi-party representation, reference may be made to the bottom of the signature page for including a complete list of co-counsel, including their State Bar membership numbers and addresses and telephone numbers, and parties represented.

(5) Two (2) lines below the last information required by subsection (4) herein, centered on the page, insert the name of the court, as follows:

UNITED STATES BANKRUPTCY COURT
Southern District of California

(e) **CONTINUATION PAGES.**

(1) When a proposed order, judgment, or findings of fact and conclusions of law contains more than the title page, the following information is required to be inserted at the lower-left corner of each continuation page:

(A) the name of the debtor or, for adversary proceedings, the name of the first plaintiff; and

(B) the case number and either the relief from stay number or the adversary proceeding number, if any; and

(C) the title of the order or judgment.

(2) If the signature page, at least three (3) lines of text shall continue from the previous page.

(3) Two (2) lines below the signature line at the left margin, insert information regarding the submitting attorney as follows:

"Signature by the attorney constitutes a certification under Fed. R. Bankr. P. 9011 that the relief provided by the order is the relief granted by the court.

Submitted by:

Firm name

By:_____
Attorney for [party]"

(f) PAGINATION. All papers shall be numbered consecutively at the bottom of each page, including any attached exhibits.

(g) STIPULATIONS:

(1) shall conclude with the heading "ORDER"; and

(2) beneath the heading shall appear the words, "IT IS SO ORDERED"; and

(3) provide a line for the date and the signature of the bankruptcy judge, as provided in Local Bankruptcy Rule 9004-3(h).

(4) Any stipulation which extends time or provides for a continuance shall contain the reason for the change of date.

(h) SIGNATURE LINE FOR JUDGE. A signature line shall be provided with the words "Judge, United States Bankruptcy Court" typed beneath the line.

(i) EXHIBITS ATTACHED TO PAPERS. Exhibits shall not exceed 8-1/2 by 11 inches in size whenever practicable. Larger exhibits shall be folded in such a manner as not to exceed 8-1/2 by 11 inches. An exhibit smaller than 8-1/2 by 11 inches shall be attached to a 8-1/2 by 11 inch sheet.

(1) Unless the physical nature of the exhibit makes it impractical, an exhibit shall be securely fastened to the paper to which it relates. The exhibit shall be so attached that it will be easily read without detaching the exhibit from the paper.

(2) The exhibit number shall be placed immediately above or below the page number of each page of the exhibit. Exhibits shall be tabbed in sequential order.

(j) **PAPERS TO BE PRE-PUNCHED.** The original of all papers presented for filing or lodging shall be pre-punched with two normal-size holes (approximately 1/4" diameter), centered 2-3/4 inches apart, 1/2 to 5/8 inch from the top edge of the paper. All pages shall be firmly bound at the top left corner.

(k) **SUBMITTING PAPERS FOR FILING.** All papers submitted to the clerk for filing shall be flat and unfolded (except where necessary for presentation of exhibits). Blue backing sheets are prohibited.

(l) **COPIES.** Copies shall be marked "COPY" in the bottom margin on the face page and shall be conformed to the original in content, pagination, exhibits, additions, deletions, and interlineations. Conformed copies need not be executed.

(m) **REQUIRED NUMBER OF COPIES.** Unless otherwise prescribed by these rules, there shall be submitted:

(1) The original and two (2) copies of the pleadings that accompany an ex parte or emergency order.

(2) The original and one (1) copy of the order or judgment and any separate findings of fact and conclusions of law, if the consent procedure authorized by Local Bankruptcy Rule 7054-3(a) is used.

(3) The original and two (2) copies of the order or judgment and any separate findings of fact and conclusions of law and notice of lodgment, if the lodgment procedure authorized by Local Bankruptcy Rule 7054-3(b) is used.

(4) The original and two (2) copies of an objection to a lodged order, judgment, or separate findings of fact and conclusions of law as provided in Local Bankruptcy Rule 7054-3(b)(3).

(5) The original and two (2) copies of any notice of hearing required by Local Bankruptcy Rules 2002-3, 3015 and 9014 and related pleadings.

(6) The original and two (2) copies of any request for hearing required by Local Bankruptcy Rules 2002-2, 3007, 3013, 4001, 5010, and 9013 and related pleadings.

(7) The original and two (2) copies of any opposition, objection, reply memorandum or joinder required by Local Bankruptcy Rules 3015, 4001, 5011, 9006-1(d), 9013 and 9014 and related pleadings.

(8) The original and one (1) copy of all other pleadings.

(n) RETURN OF COURT CONFORMED COPY. The requested number of copies includes one to be file stamped by the clerk and returned to the party presenting the paper. If the copy is to be returned by messenger, a messenger slip shall be provided for that purpose. If the copy is to be returned by United States mail, a self-addressed, postage-paid envelope large enough to hold the copy shall be provided. When presenting ex parte motions and orders, two (2) messenger slips or envelopes shall be provided.

9004-4. CAPTION AND TITLE OF PAPERS FILED.

(a) REQUIRED CAPTION. In addition to the information generally required by Fed. R. Bankr. P. 1005 (for notices), 7010 (for adversary proceedings) and 9004(b) (for bankruptcy cases), the caption of each paper shall commence two (2) lines beneath the name of the court and set forth:

(1) the case number, followed by the initials of the currently assigned judge and chapter number, and, if the document is to be filed in the adversary proceeding, the adversary proceeding number;

(2) any relief from stay identification number, as required by Local Bankruptcy Rule 4001-1(b), inserted two (2) lines below the bankruptcy case (the designator "RS No." shall precede the number);

(3) a concise description of the nature of the paper (e.g., Notice of Motion for Summary Judgment, Complaint to Determine Dischargeability of Debt); and

(4) the date, time and name of the judge, if the paper (other than a notice of hearing) is to be considered at a future hearing. This information shall be inserted two (2) lines below the case number, adversary proceeding number, or "RS" number.

(b) RESPONSIBILITY OF ATTORNEY TO PROVIDE PROPER CASE NAME AND NUMBER. The attorney presenting a paper for filing shall bear sole responsibility for ensuring that the case name, case number, adversary number, if any, and any required identification number for relief from stay matters match. The court may refuse to consider papers entered on the wrong docket or misfiled because of erroneous or omitted information provided by the attorney.

[The Next Rule is 9006]

RULE 9006. TIME FOR MOTIONS AND OBJECTIONS; LENGTH OF BRIEFS; PROOF OF SERVICE.

9006-1. TIME FOR MOTIONS AND OPPOSITION.

(a) SERVICE OF MOTION. In accordance with Fed. R. Bankr. P. 9006(d), Local Bankruptcy Rules 2002, 4001, 9013, and 9014 shall govern service of a written motion.

(b) NOTICE OF HEARING. In accordance with Fed. R. Bankr. P. 9006(d), Local Bankruptcy Rules 2002-3, 4001-3, and 9014 shall govern notice of hearing unless the hearing is deemed waived.

(c) OPPOSITION. In accordance with Fed. R. Bankr. P. 9006(d), Local Bankruptcy Rules 2002, 4001, 9013, and 9014 shall govern the time for filing any opposing affidavits or objections.

(d) JOINDERS. A joinder asserting additional grounds must be filed and served in the same period as required by these rules for the underlying motion or opposition.

(e) MOTION DAYS. When a hearing on a motion is required by Local Bankruptcy Rules 2002-3 and 9014, the moving party shall obtain a date and time for the hearing from the courtroom deputy for the appropriate judge and give the notice required by that rule.

(f) EXTENDING AND SHORTENING TIME. Subject to the limitations of Fed. R. Bankr. P. 9006, a motion for an order extending or shortening time under the Fed. R. Bankr. P. or Local Bankruptcy Rules shall be submitted ex parte pursuant to Local Bankruptcy Rule 9013-6(a)(1)(F) and with a proposed order.

9006-2. LENGTH OF BRIEF IN SUPPORT OF OR IN OPPOSITION TO MOTION.

Briefs or memoranda in support of or in opposition to any pending motion shall not exceed twenty-five (25) pages, and reply memoranda shall not exceed ten (10) pages, without leave of a bankruptcy judge. Briefs and memoranda exceeding ten (10) pages in length shall have a table of contents and a table of authorities cited.

9006-3. PROOF OF SERVICE.

(a) Proof of service of all papers to be served, other than those for which the Fed. R. Bankr. P. prescribe a particular method, shall be promptly filed together with the original documents served with the clerk's office on the next business day following the date of service of the documents, and shall indicate the date and manner of service by attaching:

(1) written acknowledgment of service or the original served, by the attorney or authorized person receiving a copy thereof; or

(2) attorney's certificate or affidavit of the person who mailed or served the papers; or

(3) by any other court approved method.

(b) Delivery of pleadings by facsimile shall not constitute service for purposes of these rules unless by prior agreement of the parties or by court approval. The validity of the service is not affected by the failure to make the proof of service required.

(c) Forms approved for proof of service in the California State Courts, or Local Form CSD 3010, *PROOF OF SERVICE*, may be used for this purpose.

(d) Unless it would result in material prejudice to the rights of any party, the court may permit the proof of service to be amended at any time.

(e) No papers shall be filed with the clerk's office unless the service required by the Fed. R. Bankr. P. or these Local Bankruptcy Rules has been made.

[The Next Rule is 9009]

RULE 9009. LOCAL FORMS.

9009-1. AVAILABILITY OF FORMS.

Appendix C contains copies of the forms routinely used by attorneys or that are referenced by these Local Bankruptcy Rules. Upon request and without cost, the clerk shall provide any local form used by this court. All forms shall be subsequently duplicated by the user as needed.

RULE 9010. APPEARANCE OF ATTORNEYS.

9010-1. APPLICABILITY OF RULE.

Fed. R. Bankr. P. 9010 and Local District Court Rule 83.3 govern the appearance of attorneys in bankruptcy cases and adversary proceedings.

9010-2. APPLICATIONS FOR ADMISSION.

Applications for admission under Local District Court Rule 83.3(c)(1) shall be presented to the clerk of the United States District Court. The application shall be accompanied by the required fee. Checks should be made payable to "Clerk, United States District Court."

9010-3. PRO HAC VICE APPLICATION.

Pro hac vice applications under Local District Court Rule 83.3(c)(5) shall be presented to the clerk of the United States Bankruptcy Court. The application shall be accompanied by the required fee. Checks should be made payable to "Clerk, United States District Court."

9010-4. DUTY OF ATTORNEY TO KEEP MAILING ADDRESS AND TELEPHONE INFORMATION CURRENT.

Attorneys appearing in ongoing bankruptcy proceedings shall keep the court apprised of their current mailing address and telephone number. Any change of address must be submitted in writing; Local Form CSD 1546, *ATTORNEY CHANGE OF INFORMATION FORM*, may be used for this purpose. Merely noting such a change on a pleading submitted for filing shall not constitute compliance with this rule.

9010-5. SUBSTITUTION OF ATTORNEYS.

Substitution of attorneys is governed by Local Rule 83.3(g)(2) of the United States District Court for the Southern District of California and, if applicable, Local Bankruptcy Rule 2014-1.

RULE 9011. SANCTIONS.

9011-1. TIME FOR FILING MOTION.

Any motion for sanctions pursuant to Fed. R. Bankr. P. 9011, plus all necessary supporting pleadings, shall be filed and served upon the adverse party's counsel, or, if none, the adverse party not later than thirty (30) days from the entry of the order or judgment and no earlier than the entry of an order directed to the pleading, petition or motion at issue. Local Bankruptcy Rules 9006 and 9014 govern the procedure for scheduling a hearing and the schedule for filing all other pleadings.

[The Next Rule is 9013]

RULE 9013. MOTIONS; FORMS AND SERVICE.

9013-1. APPLICABILITY OF RULE.

This rule is to be read in conjunction with Fed. R. Bankr. P. 9013 and Local Bankruptcy Rules 2002 and 9014, and governs motion practice in the bankruptcy court for which notice to all creditors is not required by the Fed. R. Bankr. P.
Local Bankruptcy Rule 4001 governs the procedure for obtaining relief from automatic stay.

9013-2. CONTENT OF MOTIONS.

(a) **GENERAL REQUIREMENTS.** Except as provided in subsection (b), every motion:

(1) shall be accompanied by a memorandum of points and authorities; and,

(2) shall include affidavits or declarations of material facts, as appropriate, which are signed and verified in the manner provided by Fed. R. Bankr. P. 9011 and Local Bankruptcy Rule 9004-3(b), or appropriate requests for judicial notice.

(b) **SPECIAL REQUIREMENTS.** Unless otherwise ordered by the court:

(1) **MOTION TO DISMISS CASE.** A debtor's motion to dismiss a case shall set forth the terms of any arrangements or agreements with any entity regarding dismissal.

(2) **MOTION FOR DISMISSAL OF COMPLAINTS OBJECTING TO DEBTOR'S DISCHARGE.** A motion for the dismissal of an adversary complaint containing objections to the discharge of a debtor under 11 U.S.C. § 727(c) shall comply with Local Bankruptcy Rule 7041-4.

(3) **MOTIONS TO AVOID LIENS UNDER 11 U.S.C. § 522(f).** The debtor's motion to avoid a lien or other transfer of property under § 522(f) shall be accompanied by:

(A) a declaration of the debtor or other competent evidence of the fair market value of the property;

(B) the amount of the lien to be avoided;

(C) the value claimed exempt;

(D) the nature and amount of other liens against the property; and

(E) the statutory basis for the exemption. Lien avoidance motions on declared homesteaded property shall also be accompanied by a copy of the recorded homestead declaration.

(4) **MOTION FOR EXEMPTION FROM CREDIT COUNSELING UNDER 11 U.S.C. § 109(h)(4).** The motion shall contain information substantially conforming to Local Form CSD 1027, *MOTION FOR EXEMPTION FROM CREDIT COUNSELING AND NOTICE OF OPPORTUNITY FOR HEARING*.

(5) **MOTION FOR ORDER CONFIRMING THAT AUTOMATIC STAY IS NOT IN EFFECT UNDER 11 U.S.C. § 362(c)(4)(A).** The requesting party shall serve the

request on the parties named in Local Bankruptcy Rule 4001-2(a)(1).

(6) **CERTIFICATE OF CURE OF ENTIRE MONETARY DEFAULT UNDER 11 U.S.C. § 362(l)**. The certificate shall contain information substantially conforming to Local Form CSD 1033, *CERTIFICATE OF CURE OF ENTIRE MONETARY DEFAULT PURSUANT TO 11 U.S.C. § 362(l) AND NOTICE OF OPPORTUNITY FOR HEARING*.

(7) **MOTION TO ACCESS FEDERAL INCOME TAX RETURNS UNDER 11 U.S.C. § 521(f)**. The moving party shall serve the motion on the debtor in addition to the parties required by Fed. R. Bankr. P. 9013.

9013-3. CONTENT OF NOTICE.

(a) **NOTICE OF MOTION.** The moving party shall serve affected parties in interest with a copy of the motion and a separate Notice of Motion which conforms to Local Form CSD 1182, *NOTICE OF MOTION FOR (DESCRIPTION OF ACTION)*.

(b) **OPPOSITION ANTICIPATED.** Upon the affirmative representation of counsel for the movant that substantive opposition is reasonably anticipated, a hearing date may be obtained from the courtroom deputy and the movant may proceed pursuant to Local Bankruptcy Rule 9014.

9013-4. TIME FOR SERVICE OF OPPOSITION.

Except as otherwise provided by an order shortening time, each party opposing a motion shall serve that opposition and Local Form CSD 1184, *REQUEST AND NOTICE FOR HEARING*, not later than fourteen (14) days after service of the notice of motion, if personally served. If served by mail, opposing party shall have seventeen (17) days to serve such opposition as provided by Fed. R. Bankr. P. 9006(f). Objections to a motion filed under Local Bankruptcy Rule 9013-2 commence a contested matter governed by Local Bankruptcy Rule 9014-4(b).

9013-5. TIME FOR SERVICE OF REPLY.

Except as otherwise provided by an order shortening time, any reply memorandum must be filed and received by the adverse party the earlier of seven (7) days after service of the opposition or three (3) court days prior to the date of the hearing. Service may be by facsimile upon prior agreement of the parties or upon court approval.

9013-6. HEARING ON MOTION.

(a) **EX PARTE MOTIONS AND APPLICATIONS.** An ex parte motion or application is one in which notice is not required to be given to any parties in interest or notice is limited to the United States Trustee or chapter 13 trustee, when required by the Fed.

R. Bankr. P. or these local rules, and for which a hearing is not required. Unless otherwise directed by these rules or by the court, the ex parte motion or application shall be accompanied by an original order and required number of copies in conformance with Local Bankruptcy Rule 9004.

(1) MOTIONS AND APPLICATIONS NOT REQUIRING NOTICE. The following motions and applications may be made ex parte without notice unless otherwise required by the court:

(A) application for permission to pay filing fee in installments, as governed by Local Bankruptcy Rule 1006-2;

(B) motion for review of appointment of a creditors' committee organized before the date of the order for relief or for a special-interest committee, as governed by Fed. R. Bankr. P. 2007;

(C) motion for order fixing claims bar date in chapter 11 case, as governed by Local Bankruptcy Rule 3003;

(D) notice of removal of a proceeding from another court, as governed by Local Bankruptcy Rule 9027 and Fed. R. Bankr. P. 9027;

(E) motion to re-open an adversary proceeding, as governed by Local Bankruptcy Rule 7041-3(b);

(F) motion for order extending or shortening time, as governed by Local Bankruptcy Rule 9006;

(G) motion for order authorizing examination of an entity under Fed. R. Bankr. P. 2004;

(H) motion to file document or pleading under seal under Fed. R. Bankr. P. 9018; ~~and~~

(I) application for order to show cause regarding contempt under Fed. R. Bankr. P. 9020;

(J) certificate of exigent circumstances and motion for extension of time to file certificate of credit counseling under 11 U.S.C. § 109(h)(3); and

(K) motion for order directing United States Trustee to appoint a consumer privacy ombudsman under Local Bankruptcy Rule 6004-4(a).

(2) MOTIONS AND APPLICATIONS REQUIRING NOTICE TO UNITED STATES TRUSTEE AND OBTAINING A STATEMENT OF POSITION OF THE UNITED STATES TRUSTEE PRIOR TO FILING OF MOTION OR APPLICATION WITH THE COURT. Those motions and applications requiring service on the United States Trustee are

enumerated in and governed by Local Bankruptcy Rule 9034-1.

(3) MOTIONS REQUIRING NOTICE TO CHAPTER 13 TRUSTEE. Those motions requiring service on the chapter 13 trustee are enumerated in and governed by Local Bankruptcy Rule 9034-2.

(b) EMERGENCY MOTIONS. Where a movant requires expedited treatment of a motion for which notice and a hearing is normally required, the motion must be made as an emergency motion in accordance with Local Bankruptcy Rule 9014-5.

9013-7. CONTENT OF ORDER OR REPORT ON NONCONTESTED MATTER.

After expiration of the last date for serving and filing objections, if no objections have been filed, the moving party shall submit to the court an appropriate order or, if applicable, the report required by Local Bankruptcy Rule 6004-3 or 6007-3. If an order is required, the order shall have attached thereto as Exhibit "A" a file-stamped copy of the notice of motion or notice of intended action and proof of service and shall set forth:

(a) the date the motion was filed with the clerk;

(b) a complete and concise statement of the relief to be granted;

(c) a statement that the moving party has received no pleadings in opposition thereto; and

(d) a full legal description and any street address for the property if the motion pertains to real property.

9013-8. SERVICE OF ORDER.

In all instances and upon receipt of the entered order, the party obtaining the relief shall mail a conformed copy of the entered order to the persons affected by the order and file proof of service with the court no later than the next business day following the date of service.

RULE 9014. CONTESTED AND EMERGENCY MOTIONS; OBJECTIONS AND HEARING.

9014-1. APPLICABILITY OF RULE.

This Rule, read in conjunction with Fed. R. Bankr. P. 9014 and Local Bankruptcy Rule 9013, governs motion practice. Unless otherwise ordered by the court, the notice of hearing on motion procedure provided in this Rule shall apply to those motions for which notice and a hearing are required.

9014-2. CONTENT OF MOTION.

Unless otherwise provided by rule or order of court, all motions shall be in writing. Each motion filed and served shall be accompanied by:

(a) a statement of the relief sought and the reasons supporting the request;

(b) a memorandum of points and authorities upon which the movant is relying;

(c) affidavits or declarations of material facts, as appropriate, which are signed and verified in the manner provided by Fed. R. Bankr. P. 9011 and Local Bankruptcy Rule 9004-3(b), or appropriate requests for judicial notice; and

(d) authenticated copies of all other documentary evidence upon which the movant intends to rely.

9014-3. CONTENT OF NOTICE.

(a) **HEARING DATE.** Prior to giving notice of a hearing on a motion, the movant shall obtain a hearing date for the motion from the courtroom deputy.

(b) **NOTICE OF HEARING.** When notice to all creditors is required and the matter is governed by Local Bankruptcy Rule 9014, the moving party shall serve with the motion and supporting papers a separate notice which substantially conforms to Local Form CSD 1181, *NOTICE OF MOTION AND HEARING*, or Local Form CSD 1149, *NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT, PLAN, OR MODIFIED PLAN,* and required by Local Bankruptcy Rule 2002-3(b).

(c) **SERVICE.** When notice to all creditors is not required by Fed. R. Bankr. P. 2002, the motion together with accompanying papers shall be served on the debtor, United States Trustee, the trustee, and other parties in interest. The notice shall conform to either Local Case Form CSD 1183 or Local Adversary Form 3015, *NOTICE OF MOTION AND HEARING*, as appropriate.

9014-4. TIME FOR SERVICE.

(a) **TIME FOR SERVING MOTION.** Any motion plus all necessary supporting pleadings, shall be served, when required by these rules or the Fed. R. Bankr. P., with the notice of motion as required by Local Bankruptcy Rule 2002-1.

(b) **TIME FOR SERVING OPPOSITION.** Except as otherwise provided by an order shortening time, each party opposing a motion shall serve that opposition together with a memorandum of points and authorities on the movant's counsel, or, if none, the movant not later than fourteen (14) days after service of the notice of motion, if personally served. If served by mail, opposing party

shall have seventeen (17) days to serve such opposition as provided by Fed. R. Bankr. P. 9006(f).

(c) **TIME FOR SERVING OPPOSITION TO MOTION TO EXTEND AUTOMATIC STAY UNDER 11 U.S.C. § 362(C)(3)(B)** AND **MOTION FOR ORDER IMPOSING AUTOMATIC STAY UNDER 11 U.S.C. § 362(C)(4)(B)**. Except as otherwise provided by an order shortening time, each party opposing a motion to extend automatic stay under 11 U.S.C. § 362(c)(3)(B) or a motion to impose the automatic stay under 11 U.S.C. § 362(c)(4)(B) shall serve that opposition on the movant's counsel, or, if none, the movant not later than ten (10) days after service of the notice of motion, if personally served. If served by mail, opposing party shall have thirteen (13) days as provided by Fed. R. Bankr. P. 9006(f).

(~~c~~ d) **TIME FOR SERVING OPPOSITION TO MOTION FOR APPROVAL OF DISCLOSURE STATEMENT AND MOTION FOR CONFIRMATION OF PLAN.** Except as otherwise provided by an order shortening time, each party opposing a motion for approval of a disclosure statement or a motion for confirmation of a plan shall serve that opposition on the movant's counsel, or, if none, the movant not later than twenty-five (25) days after service of the notice of motion, if personally served. If served by mail, opposing party shall have twenty-eight (28) days as provided by Fed. R. Bankr. P. 9006(f).

(~~d~~ e) **REPLY MEMORANDUM OF POINTS AND AUTHORITIES.** Except as otherwise provided by an order shortening time, any reply memorandum must be filed and received by the adverse party the earlier of seven (7) days after service of the opposition or three (3) <u>court</u> days prior to the date of the hearing. Service may be by facsimile upon prior agreement of the parties or upon court approval. No response to a reply is permitted without court order.

(~~e~~ f) **FAILURE TO FILE OPPOSITION.** Failure to timely file opposition to a motion by any party in interest including the United States Trustee and the chapter 13 trustee may be deemed by the court to be consent to the granting of the motion. Failure to timely file written opposition to a motion may also be deemed by the court to be a waiver of oral argument by the opposing party.

9014-5. EMERGENCY MOTIONS.

(a) When emergency relief is sought, the moving party shall personally serve written pleadings on parties or counsel for parties in interest including the United States Trustee or, if the parties or counsel are outside of the Southern District of California, then serve the pleadings by Express or Overnight Mail, and notify them telephonically of the movant's intention to seek emergency relief.

(b) A declaration must accompany any emergency motion, indicating what notice was given to parties in interest and whether any noticed party plans to oppose the relief requested.

(c) The emergency motion, declaration, and order for the relief requested should be filed in the clerk's office with a

note that it be directed to the judge's law clerk. The word "Emergency" shall appear in the caption of all emergency motions and orders thereon.

(d) Any party in interest who opposes the emergency motion shall immediately notify the judge's law clerk of this position by telephone. No opposition shall be filed to the emergency motion unless the court otherwise directs.

(e) The court reserves discretion to grant or deny an emergency motion without further hearing. A denial without a hearing is not a disposition on the merits.

(f) The presentation to the court of unnecessary emergency motions, or the failure to comply fully with this Rule, may subject the offender to discipline, including the imposition of costs and attorney's fees. Such sanctions may be awarded regardless of the ultimate determination of the merits of the action when later heard as a fully noticed matter.

9014-6. ORDERS ON CONTESTED MATTERS.

Fed. R. Bankr. P. 7054 and Local Bankruptcy Rule 7054 govern the preparation of orders following hearing on a contested matter.

9014-7. NOTIFICATION OF COURTROOM DEPUTY OF MATTERS TO BE WITHDRAWN, SETTLED OR DISMISSED.

(a) REQUIRED NOTICE. For all matters or proceedings that have been calendared for hearing or conference, it is the duty of the attorney for the moving party to promptly advise the parties in interest and the judge's courtroom deputy by telephone of:

(1) matters or proceedings that have been settled by stipulation of the parties;

(2) matters or proceedings that have been or are being dismissed; and

(3) submit for filing the proper pleading disposing of the matter within ten (10) days.

(b) SANCTIONS. Failure to comply with subsection (a) of this rule subjects the offender, at the discretion of the Court, to appropriate discipline, including the imposition of costs, attorney's fees, and court reporter costs as appropriate.

[The Next Rule is 9018]

RULE 9018. FILING OF SECRET, CONFIDENTIAL, SCANDALOUS, OR DEFAMATORY DOCUMENTS UNDER SEAL.

9018-1. CONTENT OF MOTION AND ORDER.

A motion to file documents or pleadings containing secret, confidential, scandalous or defamatory matter under seal may be made ex parte pursuant to Local Bankruptcy Rule 9013-6(a)(1)(H). The ex parte motion shall be accompanied by an order which sets forth the term, if any, of the sealing as well as a general description, by title, of the documents or pleadings to be filed under seal. The order shall be placed in the court file for public inspection.

9018-2. FILING DOCUMENTS UNDER SEAL.

All documents or pleadings filed under seal shall contain the following legend to be contained on the face page of the document or pleading two (2) lines under the department listed for any hearing, or if no hearing has been scheduled, two (2) lines under the title of the document or pleading:

"*THIS DOCUMENT IS FILED UNDER SEAL PURSUANT TO COURT ORDER.*"

9018-3. RETURN OF DOCUMENTS UNDER SEAL.

Documents filed under seal will be returned to the party submitting them upon entry of the final judgment or termination of the appeal, if any, unless otherwise ordered by the court.

RULE 9019. COMPROMISE AND SETTLEMENT OF CONTROVERSY.

9019-1. NOTICE TO ALL CREDITORS.

Unless otherwise ordered by the court for cause shown, a stipulation, settlement, or compromise of a controversy may be approved by the court only after timely notice by the trustee or debtor-in-possession as provided by Local Bankruptcy Rules 2002-2(c) and 2002-4. The notice shall describe the nature of the controversy, the terms of the settlement and the financial impact upon the estate, if any. A copy of the notice and proof of service shall be attached as Exhibit "A" to any proposed order.

RULE 9020. CONTEMPT PROCEEDINGS.

Unless otherwise ordered by the court, an application for an order to show cause regarding contempt shall be filed in accordance with Local Bankruptcy Rule 9013-6(a)(1)(I).

[The Next Rule is 9025]

RULE 9025. SECURITY AND BONDS; DEPOSIT AND APPROVAL.

9025-1. DEPOSIT OF CASH SECURITY.

Whenever the security given pursuant to Fed. R. Bankr. P. 7067 or 9025 is in the form of cash, it shall be accompanied by a bond, signed by the principals, and by the order required by Local Bankruptcy Rule 7022. A copy of the order shall be personally served on the clerk or chief deputy clerk.

9025-2. SURETY BONDS.

An individual who executes a bond as a surety shall attach an affidavit which gives the individual's full name, occupation, residence and business addresses, and which demonstrates that the individual owns real or personal property within this district. After excluding property exempt from execution and deducting the individual's liabilities (including those which have arisen by virtue of giving suretyship on other bonds or undertakings), the real or personal property listed in the affidavit must be of a value no less than twice the amount of the bond. Individual surety bonds in excess of $1,000 shall be approved by a judge. Individual surety bonds of $1,000 or less, and all corporate surety bonds, shall be approved by the clerk. The bond shall have appended thereto the following statement:

"I hereby approve the foregoing bond.

Dated: _____
Clerk [or Judge]"

9025-3. DISBURSEMENT OF FUNDS.

Local Bankruptcy Rule 7022 governs the disbursement of funds deposited with the court.

[The Next Rule is 9027]

RULE 9027. REMOVAL AND REMAND.

9027-1. COMMENCEMENT OF A REMOVAL ACTION.

A notice of removal pursuant to Fed. R. Bankr. P. 9027 is filed with the bankruptcy court clerk. Pleadings shall be prepared in the manner required by Local Bankruptcy Rule 9004. The court requires:

(a) the original and two (2) copies of Form B 104, *ADVERSARY PROCEEDING COVER SHEET*, and the complaint;

(b) the original and two (2) copies of the notice of removal;

(c) three (3) copies of the additional process and pleadings required by Fed. R. Bankr. P. 9027(a)(1); and

(d) the original and two (2) copies of the completed Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*.

9027-2. JURY TRIAL.

If a removal action or answer contains a demand for a jury trial, the words "JURY DEMAND" shall also appear immediately following the title of the document. The words "JURY DEMAND" shall also be noted on the cover sheet required by Local Bankruptcy Rule 9027-1(a). However, notation of the jury demand solely on the cover sheet shall not constitute a demand for jury trial under these rules.

9027-3. REMAND.

A motion for remand under Fed. R. Bankr. P. 9027(d) shall be filed with the bankruptcy court clerk. The hearing on the motion shall be governed by Local Bankruptcy Rule 9014 and shall be calendared for hearing before a bankruptcy judge.

RULE 9028. CONCURRENT JURISDICTION.

9028-1. CONCURRENT JURISDICTION.

Each of the bankruptcy judges appointed or assigned to hear cases in this district shall have concurrent district-wide jurisdiction to act in any and all cases and related adversary proceedings under the Bankruptcy Code or the Bankruptcy Act pending in the district.

9028-2. CONTINUING AUTHORITY.

The authority of a bankruptcy judge to whom a case has been referred shall not terminate upon conclusion of the case, but shall continue so long as the bankruptcy judge remains in office, unless the reference is expressly revoked.

[The Next Rule is 9034]

RULE 9034. TRANSMITTAL OF MOTIONS AND APPLICATIONS TO THE UNITED STATES TRUSTEE [OR CHAPTER 13 TRUSTEE] FOR STATEMENT OF POSITION.

9034-1. MOTIONS AND APPLICATIONS REQUIRING A STATEMENT OF POSITION OF THE UNITED STATES TRUSTEE.

(a) In a chapter 7, 11, or 12 case, the statement of position of the United States Trustee shall be filed with the court along with the original and two (2) copies of the following motions or applications together with proof of service and the proposed order.

(1) Motions for extension of time for filing schedules and statements required by Fed. R. Bankr. P. 1007 and Local Bankruptcy Rule 1007 and enumerated in Local Bankruptcy Rule 1007-2(a).

(2) Applications to employ attorneys or other professionals including appraisers, auctioneers, agents, and brokers by a debtor-in-possession or trustee required by Local Bankruptcy Rules 2014 and 6005.

(3) Applications for interim compensation of debtors and insiders required by Local Bankruptcy Rule 4002-2.

(4) Applications for entry of final decree on consummation of a chapter 11 plan and governed by Fed. R. Bankr. P. 3022.

(b) To obtain the statement of position of the United States Trustee, the moving party or applicant shall serve the motion or application, proposed order, and proof of service, together with a self-addressed stamped envelope, on the United States Trustee. The United States Trustee shall review the motion and proposed order and, no later than five (5) business days from the date of service, if personally served, and eight (8) business days from the date of service, if served by mail, serve upon the moving party or applicant a statement of position, if any, with respect to the motion. Upon the receipt of the statement of position, the moving party or applicant may proceed to file the papers with the court. In the event the statement of position is not timely served by the United States Trustee, the moving party or applicant may proceed to file the papers with the court accompanied by a declaration regarding the attempt to obtain the statement of position of the United States Trustee.

9034-2. MOTIONS REQUIRING A STATEMENT OF POSITION OF THE CHAPTER 13 TRUSTEE.

(a) In a chapter 13 case, the statement of position of the chapter 13 trustee shall be filed with the court along with the original and two (2) copies of the following motions together with proof of service and the proposed order.

(1) Motions for extension of time for filing schedules and statements required by Fed. R. Bankr. P. 1007 and Local Bankruptcy Rule 1007.

(2) Motions for extension of time for filing chapter 13 plan, as governed by Local Bankruptcy Rule 3015-3.

(3) Motions to sell real or personal property of the debtor, as governed by Fed. R. Bankr. P. 6004.

(b) To obtain the statement of position of the chapter 13 trustee, the moving party shall submit the motion, along with

the proposed order, and a proof of service, to the trustee for review. The trustee shall stamp the back of the motion and proposed order with the date received and, no later than five (5) business days of receipt, file the motion, proposed order and proof of service, along with the trustee's statement of position with the court. If requested by the moving party, the trustee shall receive-stamp a copy of the motion and return it to the moving party when submitted or in a self-addressed stamped envelope provided by the moving party. In the event the statement of position is not timely filed by the trustee, the moving party or applicant may proceed to file the papers with the court accompanied by a declaration regarding the attempt to obtain the statement of position of the chapter 13 trustee.

[End]

INDEX

ABANDONMENT OF PROPERTY
- Contested 37
- Motion by Party in Interest 37
- Notice Requirement 13, 36
- Procedure Following Notice 37
- Service, Proof of 37
- Voluntary 36, 37

ABSTENTION
- Motion for 34

ADVERSARY PROCEEDING
- Abandoned Issues 47
- Admission, Requests for 52, 53
- Affidavits 58, 59
- Amended Complaint 39
- Amendment to Pleadings 47
- Answer 38, 39
- Assembly of Papers 37
- Assignment to Bankruptcy Judge 37
- Briefs 48
- Briefs, Service Requirement 48
- Certificate of Compliance 39
- Commencement of 37
- Costs 54, 57
- Counterclaim 39
- Cross-Claim 39
- Declarations 59
- Default Judgment 58
- Default, Request to Enter 58
- Depositions 48, 51
- Discovery 40, 41, 50, 51, 59
- Discovery, Certificate of Compliance 50
- Dismissal of 50, 54, 55, 68
- Dismissal of Related Title 11 Case 55
- Documents, Exchange of 40
- Evidence 40, 45
- Exchange Exhibits 48
- Exhibits 46, 47
- Exhibits, Objections to 48
- Exhibits, Return of 49
- Findings of Fact/Conclusions of Law 48, 55-57
- Findings of Fact/Conclusions of Law, Service Requirement 48
- Funds, Deposit/Disbursement of 49, 50
- Interpleader Actions 49
- Interrogatories 52
- Issues, Abandoned 47
- Issues, Unresolved 47
- Judgment, Disbursement of Funds 50
- Judgment, Enforcement of 59
- Judgment, Final 55
- Judgment, Form of 58
- Judgment, Interest on 57
- Judgment, Lodgment of 56

Judgment, Notice of Entry 57
Judgment, Objection to Lodgment 57
Judgment, Procedure by Consent 56
Judgment, Registration of 59
Judgment, Request to Enter Default 58
Judgment, Sanctions 48
Jury Instructions, Service Requirement 48, 54
Jury Trial 38, 53, 54
Lodgment, Objections to 57
Lodgment, Procedure for 56
Mediation Panel Procedures 41
Mediation, Discuss with Client 41
Mediator List 40
Notice of Compliance 39
Notice of Lodgment, Proof of Service 56
Notice of Related Case 38
Notice of Related Case, Service Requirement 38
Notification of Deputy of Matters to be Removed from
Calendar 74
Objection to Discharge 55, 68
Objection to Discharge, Dismissal of 55
Objection to Discharge, Intervention by U.S.
Trustee/Trustee 55
Order, Deposit of Funds 49, 76
Order, Deposit of Funds, Service Requirement 49
Order, Disbursement of Funds 50
Order, Discovery 50
Order, Dismissal 55
Order, Dismissal for Want of Prosecution 54
Order, Fixing Time for Deposition 51
Order, Interest on 57
Order, Lodgment of 56
Order, Notice of Entry 57
Order, Objection to Lodgment 57
Order, Pre-Trial 46, 47
Order, Procedure by Consent 56
Order, Protective 51
Order, Reopening Proceedings 55
Pre-Trial Order 47
Pre-Trial Procedures 39
Pre-Trial Procedures, Time of Early Conference 39
Pre-Trial Status Conference, Setting of 40
Pre-Trial, Final Conference 46-48
Preliminary Injunction, Application for 58, 59
Referral to Mediation Panel 41
Removal Action 37, 76
Reopen an Adversary Proceeding, Ex Parte 55, 70
Request for Production of Documents 52
Request to Enter Default 58
Requests for Admission 52, 53
Responsive Pleadings 39
Sanctions, Pre-Trial 48
Service of Process 38
Service other than Process 39
Settlement 13, 40, 41, 47
Status Conference 41

Statute of Limitations 38
Summons 37-39
Summons, Alias 38
Summons, Statute of Limitations 38
Temporary Restraining Order, Application for . . . 58, 59
Third-Party Complaint 39
Trial, Preparation for 48
Unresolved Issues of Fact and Law 47
Witness List 40, 46, 48
ADVERSARY PROCEEDING, PRE-TRIAL PROCEDURES
Compliance, Certificate of 39, 40
Compliance, Notice of 39
Discovery 41
Discovery Plan 40
Discussion of Mediation Alternatives 41
Early Conference 39
Exchange Documents 40
Exchange Evidence 40
Exchange Exhibits 46, 47
Exhibits 47
Exhibits, Objections to 48
Final Conference 46-48
Judgment, Sanctions 48
Mediation 40
Obtain a Hearing Date 40
Order 46, 47
Pre-Trial Status Conference, Notice of 40
Sanctions 48
Settlement 40, 41
Witness List 40, 46, 48
AMENDMENT
Lists and Schedules 7
Mailing Address Requirements for Court 3, 8
Notice of 6, 7
Pleadings 47
Schedule of Liabilities 8
Service, Proof of 7, 10
APPLICATIONS
Contempt 70, 75
Ex parte 69, 70
Service Requirement 70
APPRAISER
Notice of Application for Compensation 13
ATTORNEYS
Appearance of 66
Application for Admission 66
Change of Address/Information 67
Duties of 16, 22, 24
Fee Disclosure Statement 4
Pro Hac Vice Application 67
Responsibility of Lead Attorney 60
Sanctions 2, 74
State Bar Membership Number 60
Substitution of 67
AUCTIONEER
Application and Order for the Appointment 35

Compensation of 36
Duty of 36
Notice of Application for Compensation 13
Report of 36
U.S. Trustee, Statement of Position 78
AUTOMATIC STAY
Motion for Order Confirming that Stay is not in Effect . 68
Motion to Extend, Nortice of Hearing 15
Motion to Extend, Time to Serve 11
Motion to Impose, Notice of Hearing 15
Motion to Impose, Time to Serve 12
Relief from 26
BROKERS
Notice of Application for Compensation 13
CASE
Commencement of 2
Computer Diskette Requirement 5
Notice of Related Case 8
Reopen a Closed Case 33
CASH SECURITY
Disbursement of 76
Order for Deposit of 76
CLAIM OF EXEMPTION
Homestead Declaration 68
Objections to 31
Statutory Basis for re: Lien Avoidance Motions 68
CLAIMS
Bar Date (Chapter 11) 20, 70
Bar Date, Notice to Set (Chapter 11) 20
Bar Date, Order Approving (Chapter 11) 20
Classification of (Chapter 13) 21
Docket, Preparation of (Chapter 11) 24
Duties of Chapter 13 Debtor 20
Duties of Chapter 13 Trustee 20
Duties of Chapter 7 Trustee 20
Filing without an Attorney 2
Objection by Chapter 13 Debtor 21
Objection Converted to Adversary Proceeding 21
Objection to 20, 21
Objection to Classification by Creditor (Chapter 13) . . 21
Objection, Notice Requirement 21
Service of (Chapter 13) 20
CLERK
Approval of Installment Fees 3
Chapter 11 Claims Docket, Preparation of 24
COMPENSATION
Adversary Proceeding 58
Agents or Brokers 17
Application for Allowance to Professional Persons . . . 18
Appraiser 13
Auctioneer 13, 36
Case with Multiple Professionals 18
Debtor 30, 78
Denial of 30
Ex Parte Interim Orders 30
Fee Disclosure Statement 4

Final Fee Applications 19
Insiders 30, 78
Interim Fee Applications 19
Mediator 45
Notice of Allowance to Debtor/Insiders 13
Notice Requirement 13, 14
Sanctions 2, 50, 74
Trustee 13
U.S. Trustee, Statement of Position 78
CONFIRMATION HEARING, CHAPTER 11
Administrative Expenses 25
Claims Docket, Preparation of 24
Estimated Expenses 25
Notice Requirement 24
CONSUMER DEBTS
Secured by Property of the Estate 7
CONSUMER PRIVACY OMBUDSMAN
Appointment of 35
CONVERSION OF A CASE
By a Party in Interest 9
By Chapter 13 Debtor 10
By Court 30
By Debtor 9
Notice Requirement 9, 14
Order for 9
Reports Required After 11
Service Requirement 10, 11
Service, Proof of 11
CREDIT COUNSELING
Certificate of 4
Exigent Circumstances 4
Motion for Exemption 4, 68
Motion to Extend Time 4
Personal Financial Management Course, Certificate . . . 6
DEBTOR, CHAPTER 11
Convert, Motion to 9
Convert, Order 9
Convert, Reports Required After 11
Counsel for 17
Duty to Make Reports 18
Special Charges 25, 30
DEBTOR, CHAPTER 12
Counsel for 17
Deposit of Funds with Chapter 12 Trustee 31
Special Charges 30
DEBTOR, CHAPTER 13
Convert, Notice to 10
Convert, Special Requirements 10
Dismissal, Request for 10
Sale of Real or Personal Property 78
DEBTOR(S)
Claim of Exemption, Objection to 31
Compensation of 29
Convert, Motion to 9
Convert, Order 9
Duties of 18, 29

Maintenance of Books and Records 29
Reaffirmation Agreements 31
Reaffirmation Agreements, Filing Without an Attorney . . 2
Turnover of Books and Records 29
DEBTOR-IN-POSSESSION
Controversy, Notice of Compromise or Settlement 75
Convert, By Court 30
Dismiss, By Court 30
Final Report and Account 35
Payment of Routine Expenses 18
DISCLOSURE STATEMENT, CHAPTER 11
Approval of 14
Modification to 24
Notice Requirement 12, 15
Opposition, Time for Service 73
Service Requirement 24
DISMISSAL OF A CASE
By a Party in Interest 9
By Chapter 12 or 13 Trustee 21
By Chapter 13 Debtor 10
By Court 30
By Debtor 9
By Trustee 9
By U.S. Trustee 9
Notice Requirement 9, 12, 14, 21, 22
Service Requirement 10, 11
Service, Proof of 11
DOCUMENT PREPARATION
Affidavits 68
Application, Content of 68
Continuation Pages 61
Copies, Conformed, Requirement for 63
Copies, Conformed, Return of 64
Copies, Number of 63
Declarations 68
Defective Papers 64
Exhibits Attached to Papers 62
Legibility 60
Length of Briefs/Memoranda 65
Motion Days 65
Motion, Content of 68, 72
Notice of Hearing 72
Notice of Motion 69
Notice, Content of 72
Obtaining a Hearing Date 65, 72
Order or Judgment 61, 62, 75
Pagination 62
Paper Size 60
Papers to be Pre-Punched 63
Quotations 61
Required Caption 54, 64
Responsibility of Lead Attorney 60
Responsibility to Provide Proper Case Name and Number . 64
Sealed Documents 75
Service, Proof of 65
Signature Line for Judge 62

Signatures 60
State Bar Membership Number 60, 61
Stipulations 62
Submitting Papers for Filing 63
Title Page 61
EMPLOYMENT
Agents or Brokers 17
Application to Employ Counsel or Other Professionals . 17
Disclosure Statement Requirement 17
U.S. Trustee, Statement of Position 78
EXAMINATION
Attorney's Duty to Stipulate 16
Emergency Motion for a Protective Order 17
Entity 16
Jurors 53
Notice Requirement 16
Order for 16
Subpoena 16
EXAMINER, CHAPTER 11
Appointment of 14
FACSIMILE
Filings 31
Service by 24, 66, 69, 73
Signatures 32
FEES
Application for Admission 66
Dishonored Checks 3
Fee Disclosure Statement 4
Filing Fees 2, 9, 10, 33
Installment or Deferred Fees 3, 70
Method of Payment 2
Schedule of 3
Special Charges 2, 25, 30
Waiver of 2
JOINT ADMINISTRATION
Estates without Court Order 8
JUDGE
Concurrent Jurisdiction 77
Continuing Authority 77
JUDGMENTS
Disbursement of Funds 50
Enforcement of 59
Lodgment Procedures 56
Notice of Entry 57
Preparation of 61
Procedures for Submission 56
Registration of 59
Sanctions 48
JURISDICTION
Concurrent 77
LEASES
Employment of Agents or Brokers 17
Notice of Intent 13
LEGAL REPRESENTATION
Application to Employ Professional by Chapter 11/12
Debtor 17

Corporations 2
Individuals 2
Partnerships 2
Unincorporated Associations 2
Without an Attorney 1, 2, 41, 60
LOCAL FORMS
Availability of 66
LOCAL RULES
Compliance with 1, 2
Definitions 1
District Court Local Rules 1
Scope and Effective Date 1
MEANS TEST 5
MEDIATION PROCEDURES 41
Compensated Panel 42
Compensation of Mediator 44
Mediator List 40, 41, 43
Time and Place 44
Voluntary Panel 41
MOTION
Abstention under 28 U.S.C. §1334(c) 34
Access Federal Income Tax Returns 69
Allowance of Fees, Adversary Proceeding 58
Appoint a Trustee or Examiner in a Chapter 11 Case . . . 14
Appoint Consumer Privacy Ombudsman 70
Approval of Chapter 11 Disclosure Statement 14
Avoid Liens Under 11 U.S.C. §522(f) 68
Change Venue under 28 U.S.C. §1412 . . . . . 8, 49
Confirmation of Chapter 11 Plan 14
Contested 71
Convert a Case 9, 14
Credit Counseling, Extension of Time to File 70
Dismiss a Case 9, 14, 21, 22, 68
Dismissal After Chapter 12 or 13 Plan Confirmation . . . 22
Dismissal for Debtor's Failure to File Schedules and
Statements 12
Dismissal for Failure to File a Chapter 12 or 13 Plan . 21
Dismissal of an Adversary Proceeding 55, 68
Dismissal of Debtor for Failure to Attend §341(a)
Meeting 12
Emergency 17, 71, 73
Ex Parte 20, 34, 55, 69, 70
Exemption for Credit Counseling 68
Extension of Time to File a Chapter 13 Plan 22, 78
Extension of Time to File Schedules and Statements . . . 78
Final Fee Applications 19
For Examination of Entity 70
For Order Extending Time 70
For Order Fixing Chapter 11 Claim Bar Date 70
For Order Shortening Time 70
For Sanctions 67
Modification of Plan 14
Oral, Prohibition of 72
Order Confirming that Stay is not in Effect 68
Protective Order 51
Relief from Automatic Stay 26

Remand 77
Reopen a Closed Bankruptcy Case 33
Reopen an Adversary Proceeding 55, 70
Sanctions 67
Sell Real or Personal Property of Chapter 13 Debtor . 78
Service, Proof of 65
Set Claims Bar Date, Chapter 11 20
To File Document/Pleading under Seal 70
U.S. Trustee, Statement of Position 78
Withdraw Reference of a Case or Proceeding 33
MOTION PRACTICE
Affidavits 65, 72, 76
Controversy, Compromise and Settlement of 13, 75
Declarations 17, 27, 28, 30, 33, 68, 72, 73
Ex Parte Motion 29, 30
Extending Time, Ex Parte 65, 70
Joinders 65
Memoranda in Support/Opposition 65
Memorandum of Points and Authorities 72
Motion Days 65
Motion, Emergency 71, 73
Motion, Ex Parte 69, 70
Motion, Generally 65, 67, 71
Motion, Hearing on 69, 72
Motion, Service Requirement 65, 70, 72
Notice of Compromise or Settlement, Service
Requirement 75
Notice of Hearing 65, 71, 72
Noticing Procedures 15
Notification of Deputy of Matters to be Removed
from Calendar 74
Objections 65, 69, 71
Opposition 65, 72, 74
Opposition, Failure to File Timely 73
Opposition, Service of 72
Opposition, Time for Service 69
Order on Contested Matter 74
Order on Noncontested Matter 71
Orders, Service Requirement 71
Prohibition of Filing Without Required Service 66
Reply Memorandum, Time for Service 73
Reply Papers 73
Reply, Time for Service 69
Report on Noncontested Matter 71
Request for Hearing 13
Seal Documents 75
Sealed Documents, Return of 75
Service Requirement 72
Service, Proof of 65, 66
Service, Time for 72
Shortening Time, Ex Parte 65, 70
Time for Filing Opposition 72
NOTICE OF HEARING
Appoint a Trustee/Examiner in a Chapter 11 Case . . . 14
Approval of Chapter 11 Disclosure Statement 14
Compensation or Reimbursement of Expenses in

Excess of $500 14
Confirmation of Chapter 11 Plan 14
Content of 72
Conversion of Chapter 7, 11 or 12 Case 14
Dismissal of Case 14
General Motion Practice 65
Modification of Plan 14
Obtain a Hearing Date 14, 15, 40
Pre-Trial Status Conference 40
Request for 69
Use of 14
NOTICE OF INTENT
Abandonment of Property 13
Allowance of Compensation to Debtor/Insiders 13
Application for Compensation or Expenses by Trustee . . 13
Applications for Compensation of Appraiser 13
Applications for Compensation of Auctioneer 13
Compromise or Settlement of Controversy 13
Content of 69
Dismissal for Debtor's Failure to Attend
§341(a) Meeting 12
Dismissal for Debtor's Failure to File Schedules and
Statements 12
Prohibited Use of 13
Use of 12
Use, Sale or Lease of Property 13
NOTICE OF MOTION
Content of 69
Opposition Anticipated 69
Opposition, Time for Service 69
Reply Memorandum 69
Service Requirement 69
NOTICE REQUIREMENTS (GENERAL)
10-Day Notice 11
28-Day Notice 12, 20
30-Day Notice 12
39-Day Notice 12
By Chapter 11/12 Debtor, §341(a) Meeting 12
By Chapter 7 Trustee 12
By Proponent 12
Chapter 13 Trustee, Requirement to Serve 71
Deadline for Filing of Papers with Clerk 12
Lead Attorney 60
Mailing Address Requirements for Court 3
Mailing List 16
Notice to SEC and IRS (Chapter 11) 15, 16
Notice to United States 16
Noticing Procedures 15
To All Creditors and Parties in Interest 11
To Equity Security Holders 12
United States Trustee, Requirement to Serve 70
ORDERS
Compensation, Interim and Final 19
Contested Matters 74
Deposit of Cash Security 76
Deposit of Funds 49, 76

Disbursement of Funds 50
Discovery 50
Lodgment Procedures 56
Noncontested Matter 14, 71
Notice of Entry 57
Pre-Trial 46, 47
Preparation of 61, 62
Procedures for Submission 56
Protective 51
Reopen a Closed Bankruptcy Case 33
Requirement to Submit with Motion 73
Requirement to Submit with Motion/Application 70
Service, Proof of 28, 71
Temporary Restraining Order 58, 59
PAYMENT ADVICES 7
PETITION, VOLUNTARY
Amendment of 7
Assembly of Papers 3
Commencement of 2
Computer Diskette 5
Filing Without an Attorney 2
Mailing Address Requirements for Court 3, 5
Number of Copies 5
Statement of Intention 4, 7
PLAN, CHAPTER 11
Acceptance or Rejection of 24
Acceptances and Rejections, Summary of 25
Ballots 24, 25
Ballots, Notice Requirement 24
Ballots, Summary of 25
Claims Docket, Preparation of 24
Claims, Summary of 25
Confirmation of 14
Modification of 14, 24
Notice Requirement 12, 15
Objections to 24
Opposition, Time for Service 73
Service Requirement 24
PLAN, CHAPTER 12
Modification of 14, 24
Objections to 24
Service Requirement 24
PLAN, CHAPTER 13
Confirmation Hearing 23
Deferred Filing of 6
Extension of Time to File 21, 22, 78
Filed with Petition 4
Modification of 14, 21, 22
Notice Requirement 12
Notification of Deputy of Matters to be Removed
from Calendar 23, 74
Objection, Declarations 22
Objection, Duty to Confer 22
Objection, Form of 22
Objection, Notice Requirement 23
Objection, Reply to 23

Objection, Service Requirement 23
Objection, Time for Filing 22
Order Confirming Plan 24
Service, Proof of 22
REGISTRY FUNDS
Cash Security 76
Deposit of 49
Disbursement of 50, 76
RELIEF FROM AUTOMATIC STAY
Assignment of Identification Number 26
Cash Collateral 26
Date and Time for Hearing 27
Declaration in Opposition 28
Duty to Confer 29
Ex Parte Relief 29
Motion, Content of 26
Notice of Filing of a Motion 27
Objections, Time for Filing 27
Order, Contested Motion 28
Order, Noncontested Motion 28
Order, Stipulated 28
Points and Authorities 29
Request for Hearing on Motion 27
Service Requirement 26-29
Service, Proof of 29
REMAND
Motion and Hearing 77
REMOVAL ACTION
Assembly of Papers 76
Commencement of 37, 76
Jury Trial 77
Notice of 70, 76
REQUEST FOR HEARING
By Respondent 13
Service Requirement 13
SALE OF PROPERTY
Chapter 13 Debtor 78
Employment of Agents or Brokers 17
Notice of Intent 13
Notice Requirement 34
Publication of Notice 34
Report of 34, 35
SCHEDULES AND STATEMENTS
Amendment of 6-8
Assembly of Papers 3
Conformed Copies, Return of 5, 6
Deferred Filing of 6
Extension of Time to File 6
Listing the United States as a Creditor 16
Notice Requirement 6
Number of Copies 5
Service, Proof of 6
Special Requirements for 3
Trustee (Chapter 13), Statement of Position 78
U.S. Trustee, Statement of Position 78
SECURITY AND BONDS

Deposit and Approval 76
SERVICE OF
Amended Complaint 39
Applications to Employ Counsel or Other Professionals 17
Counterclaim 39
Cross-Claim 39
Disclosure Statement 12
Emergency Motion 73
Jury Instructions 54
Motion for Extension of Time to File Schedules and Statements 6
Motion, Generally 65, 72
Notice of Compliance 39
Notice of Compromise or Settlement 75
Notice of Entry of Judgment/Order on Contested Matter 57
Notice of Lodgment 56
Objection to Discharge, Dismissal of 55
Opposition to Chapter 11 Plan 73
Opposition to Disclosure Statement 73
Order for Deposit of Cash Security 76
Order re: Interpleader Funds 49
Orders 71
Plan 12
Pleadings by Facsimile 24, 66, 69, 73
Relief from Automatic Stay, Motion and Notice of Filing 27
Relief from Automatic Stay, Request for Hearing . . . 27
Reply Papers 73
Report of Sale 35
Schedules and Statements 6
Summons, Alias 38
Third-Party Complaint 39
SERVICE, PARTIES
Adversary Proceeding, Service of Pleadings Other than Process 39
All Creditors 12
Amendment 7
Chapter 13 Trustee 6, 22, 71
Conversions 10, 11
Dismissals 10, 11
Emergency Motion 73
Equity Security Holders 12
Ex Parte Motion 69
General 72
Lead Attorney 60
Notice of Compromise or Settlement 75
Notice of Entry of Order/Judgment 57
Notice of Lodgment 56
Notice of Motion 69, 72
Order Re: Interpleader Funds 49
Parties in Interest 12
Relief from Automatic Stay 26-28
Schedules and Statements 6
Trustee 6
United States Trustee 6, 17, 30, 36, 70
SERVICE, TIME FOR

Disclosure Statement 12
Motions 65, 72
Notice of Motion 72
Objection to Lodged Order/Judgment 56
Opposition 65, 69
Plan 12
Relief from Automatic Stay, Request for Hearing 27
Reply 69
Summons 38
SPECIAL CHARGES
Schedule of 3
STATEMENT OF INTENTION
Enforcement of 7
Individual Debtor 7
STATEMENT OF POSITION
Chapter 13 Trustee 78
United States Trustee 77
SURETY BONDS
Approval of 76
TRUSTEE
Controversy, Notice of Compromise or Settlement 75
Final Report and Account 35
Limitation of Disposition of Books and Records 29
Motion to Dismiss a Case 9
Payment of Routine Expenses 18
Statement of Intention 7
TRUSTEE, CHAPTER 11
Appointment of 14
Duties upon Conversion to Chapter 7 11
TRUSTEE, CHAPTER 12
Deposit of Funds by Debtor Re: Bond 31
Duties upon Conversion to Chapter 7 11
TRUSTEE, CHAPTER 13
Statement of Position 78
UNITED STATES TRUSTEE
Motion to Dismiss a Case 9
Statement of Position 17, 30, 36, 70, 78
VENUE
Motion to Change 8, 49
WEBSITE
Address 40
Mediator List 40

WITHDRAWAL OF REFERENCE
By District Court Judge 33
By Motion 33
Response to 33

APPENDIX A

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SCHEDULE OF FEES AND SPECIAL CHARGES COLLECTIBLE BY THE CLERK OF THE BANKRUPTCY COURT [28 U.S.C. §1930]

EFFECTIVE JANUARY 1, 2007

Filing Fees:

Chapter 7 Case ($245 filing fee, $39 administrative fee, $15 trustee surcharge)	$ 299.00*
Involuntary Chapter 7 Case ($245 filing fee, $39 administrative fee, $15 trustee surcharge)	$ 299.00*
Chapter 13 Case ($235 filing fee, $39 administrative fee)	$ 274.00*
Chapter 9 Case ($1000 filing fee, $39 administrative fee)	$ 1039.00*
Chapter 11 Case ($1000 filing fee, $39 administrative fee)	$ 1039.00*
Chapter 12 Case ($200 filing fee, $39 administrative fee)	$ 239.00*
Chapter 15 Case ($1000 filing fee, $39 administrative fee)	$ 1039.00
Complaint Commencing Adversary Proceeding	$ 250.00
Motion for Relief from Stay [11 U.S.C. §362(a)]	$ 150.00
Motion to Compel Abandonment of Property by Parties in Interest [FRBP 6007(B)]	$ 150.00
Motion to Withdraw Reference of Case or Proceeding to U.S. District Court [28 U.S.C. §157(d)]	$ 150.00
Motion to Reopen Case	See CASE REOPENING FEES below
Amendment to Add or Delete Names and Addresses of Creditors or Equity Security Holders; Change Amounts Owed or Classification of Debt	$ 26.00
Notice of Appeal including the Appellate Docket Fee[1] (to District Court, Bankruptcy Appellate Panel, or Ninth Circuit Court of Appeals)	$ 255.00
Cross Appeal including Appellate Docket Fee[1]	$ 255.00
Motion for Leave to Appeal when accompanied by the required Notice of Appeal	$ 5.00
If leave is granted, the $250 Docket Fee[1] becomes due	$ 250.00
Request for Authority to file Direct Appeal or Cross Appeal to the Ninth Circuit Court of Appeals including Appellate Docket Fee[1]	$ 255.00
If authorized, an additional fee of $200 becomes due	$ 200.00

Conversion Fees:

For a Case commenced under Chapter 7 and converted to Chapter 11 at the Request of the Debtor [28 U.S.C. §1930(a)]	$ 755.00*
For a Case commenced under Chapter 13 and converted to Chapter 11 at the Request of the Debtor [28 U.S.C. §1930(a)]	$ 765.00*
For a Case commenced under Chapter 13 and converted to Chapter 7 upon Notice by the Debtor	$ 25.00*
For a Case commenced under Chapter 12 and converted to Chapter 7 upon Notice by the Debtor	$ 60.00*
For a Case commenced under Chapter 12 and converted to Chapter 11 at the Request of the Debtor	$ 800.00*
For a Case commenced under Chapter 12 and converted to Chapter 13 at the Request of the Debtor	$ 35.00*
Upon the filing of a Motion to Convert a Chapter 11 Case to Chapter 7	$ 15.00*

Division of Joint Case at Request of Debtor Fees:

Chapter 7 ($245 filing fee, $15 trustee surcharge)	$ 260.00
Chapter 13 Case	$ 235.00
Chapter 11 Case	$ 1000.00
Chapter 12 Case	$ 200.00

*Only one fee payable for joint petition by husband and wife

[1]If appellant is the trustee or debtor-in-possession, the $250 Appellate docket fee shall be paid from the assets of the estate.

APPENDIX A

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SCHEDULE OF FEES AND SPECIAL CHARGES COLLECTIBLE BY THE CLERK OF THE BANKRUPTCY COURT [28 U.S.C. §1930]

EFFECTIVE JANUARY 1, 2007

Case Reopening Fees:

Motions to reopen a case to file a § 523 adversary complaint to determine dischargeability of a debt under Rule 4007(b) or to seek action against a creditor violating the terms of the discharge under 11 U.S.C. § 524 are exempt from the reopening fee.

CODE CASES:

Chapter 7 ($245 filing fee, $15 trustee surcharge)	$ 260.00*
Chapter 13 Case	$ 235.00*
Chapter 11 Case	$ 1000.00*
Chapter 12 Case	$ 200.00*
Chapter 15 Case	$ 1000.00*

ACT CASES: - same as original fee

Miscellaneous Fees:

Filing and indexing any document not part of local case	$ 39.00
Notice of taking deposition in case from another court	$ 39.00
Photocopy (does not include certification)(per page)	$ .50
Microfiche to paper copy (per page)	$ .50
Microfiche sheets (per sheet when available)	$ 5.00
Certifying any document including Abstract of Judgments	$ 9.00
Abstract of Judgment ($26 search fee, $9 certification fee)	$ 35.00
Search of record (per name or item searched)	$ 26.00
Retrieval of a record from the Federal Record Center or National Archives	$ 45.00
Reproduction of recording of proceedings (per recording)	$ 26.00
Exemplifications	$ 18.00
Any check returned for lack of funds	$ 45.00

Electronic Public Access Fee:

Printed copies from courthouse public terminal (does not include certification)(per page)	$ .10

MAKE ALL CHECKS OR MONEY ORDERS PAYABLE TO:
"CLERK, U.S. BANKRUPTCY COURT"

Admission to Practice in United States District Court under U.S. District Court Local Rule 83.3 (effective June 1, 2004):

Full Admission ($150.00 fee, balance to the Library and Pro Bono Funds)	$ 180.00
Pro Hac Vice Application (first application)	$ 180.00
Duplicate Certificate of Admission or Certificate of Good Standing	$ 15.00

MAKE ALL CHECKS FOR ADMISSION FEES PAYABLE TO:
"CLERK, U.S. DISTRICT COURT"

APPENDIX B

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CROSS-REFERENCE TABLE

District Court Local Rule		Bankruptcy Court Local Rule
1.1(a)	Modified by	1001-1
1.1(b)	Modified by	1001-2(b)
1.1(c)	Modified by	1001-2(a)
1.1(d)		Applies
1.1(e)	Modified by	1001-4
1.2(a)		Not Applicable
1.2(b)		Not Applicable
3.1	Modified by	7003-1(a), 9027-1(a)
3.2		Not Applicable
4.1(a)		Applies
4.1(b)	Modified by	7041-2
4.1(c)		Applies
4.1(d)	Modified by	7004-1(a), 7005-1
4.5	Modified by	Appendix A
5.1(a)	Modified by	9004-3(a)
5.1(b)	Modified by	9004-3(l)
5.1(c)		Not Applicable
5.1(d)	Modified by	1007-2(a), 9004-3(j)
5.1(e)	Modified by	9004-3(i)
5.1(f)		Not Applicable
5.1(g)	Modified by	7003-1
5.1(h)		Applies
5.1(i)(1)	Modified by	9004-3(m)
5.1(i)(2)		Not Applicable
5.1(i)(3)		Applies
5.1(i)(4)	Modified by	9004-3(n)
5.1(i)(5)	Modified by	9004-3(m)(8)
5.1(j)(1)	Modified by	9004-3(d)(1) to (4)
5.1(j)(2)	Modified by	9004-3(d)(5)
5.1(j)(3)	Modified by	7003-2, 9004-4, 9027-2
5.1(j)(4)	Modified by	7041-1, 9004-3(b), 9004-4(a)(4)
5.1(k)	Modified by	7012
5.1(l)		Applies
5.2	Modified by	9006-3
5.3	Modified by	5005
5.3(a)(1)	Modified by	5005-1(a)
5.3(a)(2)	Modified by	5005-1(b)
5.3(a)(3)	Modified by	5005-1(c)
5.3(b)	Modified by	5005-2
5.3(c)	Modified by	5005-3
5.3(d)	Modified by	5005-4
5.3(e)	Modified by	5005-5
7.1(a)		Applies
7.1(b)	Modified by	9006-1(e)
7.1(c)	Modified by	9006-1
7.1(d)(1)		Applies
7.1(d)(2)		Not Applicable
7.1(d)(3)		Not Applicable

APPENDIX B

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CROSS-REFERENCE TABLE

District Court Local Rule		Bankruptcy Court Local Rule
7.1(e)(1)	Modified by	2002-1(b), 9006-1(e), 9013-3, 9014-3, 9014-4(a)
7.1(e)(2)	Modified by	9013-4, 9014-4(b)
7.1(e)(3)	Modified by	9013-5, 9014-4(d)
7.1(e)(4)		Not Applicable
7.1(e)(5)		Not Applicable
7.1(e)(6)	Modified by	9006-1(f)
7.1(e)(7)		Not Applicable
7.1(e)(8)		Not Applicable
7.1(f)(1)	Modified by	9013-2, 9014-2
7.1(f)(2)(a)	Modified by	9013-2, 9014-2
7.1(f)(2)(b)		Applies
7.1(f)(3)(a)		Applies
7.1(f)(3)(b)		Applies
7.1(f)(3)(c)	Modified by	9014-4(e)
7.1(g)(1)	Modified by	9014-7
7.1(g)(2)	Modified by	9014-7
7.1(g)(3)		Not Applicable
7.1(h)	Modified by	9006-2
7.1(i)(1)		Applies
7.1(i)(2)		Not Applicable
7.1(j)	Modified by	9006-1(d)
7.2(a)		Applies
7.2(b)	Modified by	9004-3(g)
7.2(c)	Modified by	9004-3(e)
8.2		Not Applicable
9.2		Not Applicable
11.1		Not Applicable
12.1	Modified by	9006-1(f)
15.1		Applies
16.1(a)(1)		Applies
16.1(a)(2)		Not Applicable
16.1(b)		Applies
16.1(c)		Not Applicable
16.1(d)	Modified by	7016-5
16.1(e)		Not Applicable
16.1(f)(1)	Modified by	7016-3
16.1(f)(2)		Not Applicable
16.1(f)(3)(a)		Not Applicable
16.1(f)(3)(b)	Modified by	7016-9(c)
16.1(f)(3)(c)	Modified by	7016-9(e)
16.1(f)(3)(d)	Modified by	7016-9(g)
16.1(f)(4)		Not Applicable
16.1(f)(5)(a)	Modified by	7016-7(a)
16.1(f)(5)(b)	Modified by	7016-7(b)
16.1(f)(5)(c)	Modified by	7016-7(c)
16.1(f)(5)(d)	Modified by	7016-7(d)
16.1(f)(6)(a)	Modified by	7016-8(a)
16.1(f)(6)(b)	Modified by	7016-8(b)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CROSS-REFERENCE TABLE

District Court Local Rule		Bankruptcy Court Local Rule
16.1(f)(6)(c)	Modified by	7016-8(c)
16.1(f)(6)(d)	Modified by	7016-8(d)
16.1(f)(6)(e)		Not Applicable
16.1(f)(7)(a)	Modified by	7016-9(a)
16.1(f)(7)(b)	Modified by	7016-9(a)
16.1(f)(7)(c)	Modified by	7016-9(b)
16.1(f)(7)(d)	Modified by	7016-9(d)
16.1(f)(8)	Modified by	7016-10
16.1(f)(9)	Modified by	7016-11
16.1(f)(10)(a)	Modified by	7016-12(a)
16.1(f)(10)(b)(1)	Modified by	7016-12(b)
16.1(f)(10)(b)(2)	Modified by	7016-12(c)
16.1(f)(10)(c)	Modified by	7016-12(d)
16.1(f)(10)(d)	Modified by	7016-12(e)
16.2		Not Applicable
16.3		Not Applicable
16.4	Modified by	7040-6
16.5(a) to (g)		Not Applicable
16.5(h)	Modified by	7016-6(e)
16.5(i)	Modified by	7016-6(a)
16.5(j)		Not Applicable
16.5(k)	Modified by	7016-2(a)
16.5(l)(1)		Not Applicable
16.5(l)(2)	Modified by	7041-2
16.5(l)(3)	Modified by	9006-1(f)
16.5(l)(4)	Modified by	7041-2, 7055
16.5(l)(5)		Not Applicable
16.5(l)(6)		Not Applicable
16.5(l)(7) to (11)		Not Applicable
16.6		Not Applicable
17.1(a)		Applies
17.1(b)		Applies
17.1(c)		Applies
23.1		Not Applicable
24.1		Not Applicable
26.1(a)	Modified by	7026-2
26.1(b)	Modified by	7026-3
26.1(c)	Modified by	7026-4
26.1(d)		Not Applicable
26.1(e)		Not Applicable
26.1(f)	Modified by	7026-1
28.1(a)		Not Applicable
28.1(b)(1)		Not Applicable
28.1(b)(2)		Applies
30.1(a)	Modified by	7030-4
30.1(b)	Modified by	7030-5
30.1(c)	Modified by	7030-6
30.1(d)	Modified by	7030-1
33.1(a)	Modified by	7033-2

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CROSS-REFERENCE TABLE

District Court Local Rule		Bankruptcy Court Local Rule
33.1(b)	Modified by	7033-3
33.1(c)	Modified by	7033-4
33.1(d)	Modified by	7033-1
34.1	Modified by	7034
36.1(a)		Not Applicable
36.1(b)	Modified by	7036-2
36.1(c)	Modified by	7036-3
36.1(d)	Modified by	7036-1
38.1	Modified by	7003-2, 9027-2
40.1(a)		Applies
40.1(b)		Applies
40.1(c)		Applies
40.1(d)	Modified by	1015-2(c)
40.1(e)	Modified by	1015-2(a), 7003-1(c)
40.1(f)	Modified by	1015-2(b), 7003-1(c)
40.1(g)	Modified by	1015-2(c), 7003-1(c)
40.1(h)	Modified by	7003-1(b)
40.1(i)		Not Applicable
41.1(a)	Modified by	7041-2
41.1(b)		Applies
47.1	Modified by	7040-4
48.1	Modified by	7040-3
51.1(a)	Modified by	7040-5(a)
51.1(b)	Modified by	7040-5(b)
51.1(c)	Modified by	7040-5(c)
51.1(d)	Modified by	7040-5(d)
52.1(a)(1)	Modified by	7054-4
52.1(a)(2)		Applies
52.1(a)(3)		Not Applicable
52.1(b)(1)	Modified by	7054-2
52.1(b)(2)		Applies
52.1(b)(3)		Applies
53.1		Not Applicable
54.1(a)	Modified by	7054-5(a)
54.1(b)	Modified by	7054-5(d)
54.1(c) to (j)		Applies
55.1	Modified by	7055
65.1.1(a) to (c)	Modified by	7065
65.1.2(a)		Applies
65.1.2(b)		Applies
65.1.2(c)		Applies
65.1.2(d)		Applies
65.1.2.(e)	Modified by	9025-2
65.1.2(f)		Applies
65.1.2(g)		Applies
65.1.2.(h)		Applies
66.1.		Not Applicable
67.1(a)	Modified by	7022-2, 9025-3
67.1(b)		Applies

APPENDIX B

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CROSS-REFERENCE TABLE

District Court Local Rule		Bankruptcy Court Local Rule
67.1(c)	Modified by	7022-1
67.1(d)1		Applies
67.1(d)(2)	Modified by	7022-1
72.1		Not Applicable
72.2		Not Applicable
73		Not Applicable
74		Not Applicable
77.1		Not Applicable
77.2		Applies
77.4		Applies
77.6		Applies
79.1	Modified by	7016-13
79.2(a)		Applies
79.2(b)	Modified by	9018-3
83.1(a)		Applies
83.1(b)		Applies
83.2		Applies
83.3		Applies by Reference in 9010-1
83.3(a)		Applies
83.3(b)		Applies
83.3(c)(1)		Applies by Reference in 9010-2
83.3(c)(2)		Applies
83.3(c)(3)		Applies
83.3(c)(4)		Not Applicable
83.3(c)(5)		Applies by Reference in 9010-3
83.3(c)(6)		Applies
83.3(d)		Applies
83.3(e)		Applies
83.3(f)		Modified by 9004-2
83.3(g) to (j)		Applies
83.3(k)	Modified by	1002-1(a)
83.4		Applies
83.5		Applies
83.6		Applies
83.7(a)	Modified	6004.2-(b)
83.7(b)		Applies
83.7(c)		Applies
83.7(d)		No Applicable
83.8		Not Applicable
83.9		Applies
83.10	Modified by	7040
83.11(a)	Modified by	1002-1(b)
83.11(b)		Applies
HC.1		Not Applicable
HC.2		Not Applicable
HC.3		Not Applicable
A.1		Not Applicable
B.1		Not Applicable
C.1		Not Applicable

APPENDIX B

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CROSS-REFERENCE TABLE

District Court Local Rule	Bankruptcy Court Local Rule
E.1	Not Applicable
F.1	Not Applicable
Criminal Rules 1.1 thru 58.2	Not Applicable

APPENDIX C

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Number	Title	Reference
B 1	VOLUNTARY PETITION (Single sided reproduction only)	LBR 1007-2(a)
B 19B	NOTICE TO DEBTOR BY NON-ATTORNEY BANKRUPTCY PETITION PREPARER	LBR 1007-2(a)(14)
B 21	STATEMENT OF SOCIAL SECURITY NUMBER	LBR 1007-2(a)(1)
B 104	ADVERSARY PROCEEDING COVER SHEET	LBR 7003-1(a)(1) LBR 9027-1(a)
CSD 1001A	ORDER TEMPLATE FOR CASES	G.O. 162
CSD 1001B	ORDER SHORTENING TIME FOR HEARING TEMPLATE FOR CASES	G.O. 162
CSD 1001C	ORDER LODGED TEMPLATE FOR CASES	G.O. 162
CSD 1001D	FINDINGS OF FACT AND CONCLUSIONS OF LAW TEMPLATE FOR CASES	G.O. 162
CSD 1001E	FINDINGS OF FACT AND CONCLUSIONS OF LAW LODGED TEMPLATE FOR CASES	G.O. 162
CSD 1003	NOTICE OF RELATED CASE	LBR 1015-2
CSD 1004	DECLARATION RE: FILING OF PETITION, SCHEDULES & STATEMENTS ON DISKETTE	LBR 1007-2(a)(13)
CSD 1006	APPLICATION TO PAY FILING FEES IN INSTALLMENTS	LBR 1006-2 LBR 1007-2(a)(1)
CSD 1007	SPECIAL REQUIREMENTS FOR MAILING ADDRESSES	LBR 1007-1
CSD 1009	DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR (Single sided reproduction only)	FRBP 2016(b)
CSD 1010	REQUEST FOR WAIVER OF DISKETTE REQUIREMENT	LBR 1007-2(a)(13)
CSD 1020	APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS	LBR 1006-2
CSD 1021	ORDER ON DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE	LBR 1006-2
CSD 1025	CERTIFICATE OF EXIGENT CIRCUMSTANCES AND MOTION FOR EXTENSION OF TIME TO FILE CERTIFICATE OF CREDIT COUNSELING	LBR 1007-2(a)

APPENDIX C

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Number	Title	Reference
CSD 1026	ORDER ON MOTION FOR EXTENSION OF TIME DUE TO EXIGENT CIRCUMSTANCES	LBR 1007-2(a)
CSD 1027	MOTION FOR EXEMPTION FROM CREDIT COUNSELING AND NOTICE OF OPPORTUNITY FOR HEARING	LBR 1007-2(a) LBR 9013-2(b)(4)
CSD 1033	CERTIFICATE OF CURE OF ENTIRE MONETARY DEFAULT PURSUANT TO 11 U.S.C. § 362(l) AND NOTICE OF OPPORTUNITY FOR HEARING	LBR 9013-2(b)(6)
CSD 1050	SUBPOENA FOR RULE 2004 EXAMINATION	LBR 2004-1(b)
CSD 1051	SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE	FRBP 9016
CSD 1099	BALANCE OF SCHEDULES AND/OR CHAPTER 13 PLAN	
CSD 1100	AMENDMENT	LBR 1009-2
CSD 1101	NOTICE TO CREDITORS OF THE ABOVE-NAMED DEBTOR ADDED BY AMENDMENT	LBR 1009-2
CSD 1105	ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 11	LBR 1017-2(a)(1)
CSD 1106	ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 12	LBR 1017-2(a)(1)
CSD 1107	ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 13	LBR 1017-2(a)(1)
CSD 1108	ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 7	LBR 1017-2(a)(1)
CSD 1109	ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 12	LBR 1017-2(a)(1)
CSD 1119	SUMMONS TO DEBTOR IN INVOLUNTARY CASE	FRBP 1004 FRBP 1010
CSD 1129	NOTICE OF CONVERSION OF CASE UNDER CHAPTER 13 TO A CASE UNDER CHAPTER 7 BY DEBTOR	LBR 1017-2(b)(2)
CSD 1143	FEE APPLICATION SUMMARY (EXHIBIT "A")	LBR 2016-2(b)
CSD 1144	ORDER APPROVING (INTERIM)(FINAL) APPLICATION OF (APPLICANT) FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES (Single sided reproduction only)	LBR 2016-4

FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Number	Title	Reference
CSD 1148	REQUEST FOR SPECIAL CHARGES BY CHAPTER 11 PLAN PROPONENT	LBR 3020-1
CSD 1149	NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT, PLAN, OR MODIFIED PLAN	LBR 2002-3(b)(2) LBR 3015-7(b) LBR 9014-3(b)
CSD 1151	SUMMARY OF BALLOTING ON CHAPTER 11 PLAN DATED	LBR 3018-2
CSD 1158	NOTICE OF HEARING AND MOTION TO EXTEND OR IMPOSE THE AUTOMATIC STAY	LBR 2002-3(b)(3)
CSD 1159A	ORDER TEMPLATE FOR R/S MOTIONS	G.O. 162
CSD 1159B	ORDER SHORTENING TIME FOR HEARING FOR R/S MOTIONS	G.O. 162
CSD 1159C	ORDER LODGED TEMPLATE FOR R/S MOTIONS	G.O. 162
CSD 1159D	FINDINGS OF FACT AND CONCLUSIONS OF LAW TEMPLATE FOR R/S	G.O. 162
CSD 1159E	FINDINGS OF FACT AND CONCLUSIONS OF LAW LODGED TEMPLATE	G.O. 162
CSD 1160	MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY/PERSONAL PROPERTY) (Single sided reproduction only)	LBR 4001-2(a)
CSD 1161	OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY/PERSONAL PROPERTY) (Single sided reproduction only)	LBR 4001-3(a)
CSD 1162	ORDER ON NONCONTESTED MOTION FOR RELIEF FROM STAY 0(REAL PROPERTY/PERSONAL PROPERTY) (Single sided reproduction only)	LBR 4001-5(a)
CSD 1163	MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER) (Single sided reproduction only)	LBR 4001-2(a)
CSD 1165	ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER) (Single sided reproduction only)	LBR 4001-5(a)
CSD 1170	NOTICE OF MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION	LBR 3015-7(a) LBR 3015-8(b)(1)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Number	Title	Reference
CSD 1172	OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN (See CSD 1173 for Notice)	LBR 3015-4
CSD 1173	NOTICE OF HEARING ON OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN	LBR 3015-8(b)(1) LBR 3015-9
CSD 1174	REQUEST BY DEBTOR FOR DISMISSAL OF CHAPTER 13	LBR 1017-2(b)(1)
CSD 1176	ORDER DISMISS CHAPTER 13 CASE ON DEBTOR'S REQUEST (CSD 1174)	LBR 1017-2(b)(1)
CSD 1180	NOTICE OF INTENDED ACTION AND OPPORTUNITY FOR HEARING (for notice to all creditors)	LBR 2002-2(c)
CSD 1181	NOTICE OF HEARING AND MOTION AND EXHIBIT "A" (for notice to all creditors) **NOTE:** Exhibit "A" is required with all notices of fee hearings.	LBR 2002-3(b)(1) LBR 9014-3(b)
CSD 1182	NOTICE OF MOTION FOR (DESCRIPTION OF ACTION) (for notice to less than all creditors)	LBR 5010-1 LBR 9013-3(a)
CSD 1183	NOTICE OF HEARING AND MOTION (for notice to less than all creditors)	LBR 9014-3(c)
CSD 1184	REQUEST AND NOTICE OF HEARING	LBR 2002-2(d) LBR 9013-4
CSD 1185	NOTICE OF FILING OF A MOTION FOR RELIEF FROM AUTOMATIC STAY	LBR 4001-2(c) LBR 4001-8
CSD 1186	REQUEST FOR HEARING ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND NOTICE OF HEARING	LBR 4001-3
CSD 1190	NOTICE OF ENTRY (CASE)	LBR 7054-3(b)(2)
CSD 1226	REAFFIRMATION AGREEMENT (Cases filed on or after 10/17/05) [See CSD 1231 for Notice]	11 USC §524(c) LBR 4008
CSD 1227	INSTRUCTIONS TO DEBTORS REPRESENTED BY AN ATTORNEY REGARDING THE REAFFIRMATION OF A DEBT	LBR 4008-1
CSD 1229	REAFFIRMATION AGREEMENT (Cases filed on or before 10/16/05) [See CSD 1231 for Notice]	11 USC §524(c) LBR 4008

FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Number	Title	Reference
CSD 1230	INSTRUCTIONS TO UNREPRESENTED DEBTORS REGARDING THE REAFFIRMATION OF A DEBT [See CSD 1231 for Notice]	LBR 4008-1
CSD 1231	NOTICE OF HEARING AND MOTION ON AGREEMENT TO REAFFIRM A DEBT	LBR 4008
CSD 1490	ORDER REOPENING ESTATE	LBR 5010-2
CSD 1514	GUIDELINES FOR THE SUBSTANTIVE CONSOLIDATION OR JOINT ADMINISTRATION OF RELATED DEBTOR ENTITIES	FRBP 1015
CSD 1546	ATTORNEY CHANGE OF INFORMATION FORM	LBR 9010-4
CSD 1800	ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS	G.O. 162
CSD 1801	DECLARATION RE: ELECTRONIC FILING OF PETITION, SCHEDULES & STATEMENTS AND/OR AMENDMENT	G.O. 162
CSD 2015	OBJECTION TO CLAIM AND NOTICE THEREOF	LBR 3007-2(a)
CSD 2018	REPORT OF ABANDONMENT OF REAL PROPERTY	LBR 6007-3(a)(2)
CSD 2024	REPORT OF SALE	LBR 6004-3(a)(1)
CSD 2044	APPLICATION TO EMPLOY AUCTIONEER	LBR 6005-1(a)
CSD 2045	ORDER APPOINTING AUCTIONEER	LBR 6005-1(a)
CSD 3000A	ORDER TEMPLATE FOR ADVERSARIES	G.O. 162
CSD 3000B	ORDER SHORTENING TIME FOR HEARING TEMPLATE FOR ADVERSARIES	G.O. 162
CSD 3000C	ORDER LODGED TEMPLATE FOR ADVERSARIES	G.O. 162
CSD 3000D	FINDINGS OF FACT AND CONCLUSIONS OF LAW TEMPLATE FOR ADVERSARIES	G.O. 162
CSD 3000E	FINDINGS OF FACT AND CONCLUSION OF LAW LODGED TEMPLATE FOR ADVERSARIES	G.O. 162
CSD 3007	SUMMONS IN AN ADVERSARY PROCEEDING	LBR 7003-1(a)(2) LBR 7004-1 LBR 9027-1(d)
CSD 3008	THIRD-PARTY SUMMONS IN AN ADVERSARY PROCEEDING	FRBP 7014

FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Number	Title	Reference
CSD 3009	SUBPOENA IN AN ADVERSARY PROCEEDING	FRBP 9016
CSD 3010	PROOF OF SERVICE (ADVERSARY)	LBR 9006-3(c)
CSD 3015	NOTICE OF HEARING AND MOTION (ADVERSARY)	LBR 9014-3(c)
CSD 3018	CERTIFICATE OF COMPLIANCE WITH EARLY CONFERENCE OF COUNSEL (Single sided reproduction only)	LBR 7016-2
CSD 3019	NOTICE OF PRE-TRIAL STATUS CONFERENCE	LBR 7016-2(c)
CSD 3021	PRE-TRIAL ORDER (Single sided reproduction only)	LBR 7016-9(b)
CSD 3026	LIST OF EXHIBITS SUBMITTED BY ATTORNEY	LBR 7016-9(e)
CSD 3029	JUDGMENT BY DEFAULT (See CSD 3030 for Request to Enter Default)	FRBP 7055 LBR 7055-1
CSD 3030	REQUEST TO ENTER DEFAULT	LBR 7055-1(a)
CSD 3050	NOTICE OF ENTRY OF JUDGMENT OR ORDER	LBR 7054-3(b)(2)
CSD 3054	CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT	LBR 7069-4
CSD 3060	APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION	LBR 7069-1
CSD 3061	ORDER TO APPEAR FOR EXAMINATION	LBR 7069-1
CSD 3066	BILL OF COSTS	LBR 7054-5(b)
CSD 4000	APPLICATION TO JOIN COMPENSATED MEDIATION PANEL	LBR 7016-6(c)
CSD 4001	APPLICATION TO JOIN VOLUNTARY MEDIATION PANEL	LBR 7016-6(b)
CSD 4002	ORDER APPOINTING MEDIATOR AND ASSIGNMENT TO MEDIATION	LBR 7016-6(e)(2)
CSD 4003	CASE QUESTIONNAIRE IN CONNECTION WITH MEDIATION PROCEDURE	LBR 7016-6(f)(2)
CSD 4004	MEDIATOR'S CERTIFICATE OF COMPLIANCE	LBR 7016-6(g)(2)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GUIDELINES FOR FIRST DAY MOTIONS

1. The court recognizes that certain matters must be addressed immediately after the commencement of a chapter 11 case in order to ensure the least possible disruption to the debtor's ongoing business operations and thereby enhance the chances for success in chapter 11. Matters that typically require expedited consideration include, without limitation, requests to pay prepetition payroll, to honor customer deposits and obligations, to authorize maintenance of existing bank accounts and cash management systems, and to determine adequate assurance for utility companies. When expedited relief is sought by the debtor-in-possession at the outset of the case in the form of motions ("First Day Motions"), the debtor-in-possession shall serve written pleadings on parties or counsel for parties in interest, including the United States Trustee, any committee of creditors or equity security holders established prior or subsequent to the chapter 11 filing or, if none, the twenty largest unsecured creditors and any secured creditor whose collateral includes cash collateral or whose lien(s) might be affected by the relief sought.

2. When made in advance of the chapter 11 filing, service of the moving papers may be by Express or Overnight Mail. When made after the chapter 11 filing, service shall be made by facsimile, personal service or other electronic means (by consent) provided, however, that Express or Overnight Mail may be used where a party is unable to notify by facsimile, personal service or other electronic means (by consent).

3. The First Day Motion, declaration, and order for the relief requested should be filed in the clerk's office with a note that it be directed to the judge's law clerk. The words "First Day Motion" shall appear in the caption of all emergency motions and orders thereon.

4. The debtor-in-possession shall advise the judge's law clerk and the United States Trustee by telephone of the filing of any First Day Motion(s).

5. First Day Motions with respect to the use of cash collateral and/or post-petition financing shall comply with Fed. R. Bankr. P. 4001(b) or (c).

6. Authorization for payment of insiders of the debtor may be obtained pursuant to First Day Motions. Any such motion shall state the nature and extent of the duties to be performed by the person to be compensated and the business justification for the amount of the compensation proposed and shall be limited in duration to sixty (60) days. A personal financial declaration with the information required by Local Bankruptcy Rule 4002-2(b)(2-4) is required if the insider applicant has a 20% or greater ownership interest in the debtor or is a sole member of the Board of Directors.

7. The court reserves discretion to grant or deny a First Day Motion without further hearing. A denial without a hearing is not a disposition on the merits.

8. Any party in interest who opposes a First Day Motion shall immediately notify the judge's law clerk of its position by telephone. No opposition shall be filed to a First Day Motion unless the court otherwise directs.

GUIDELINES FOR FIRST DAY MOTIONS

9. Within two (2) business days after the entry of any First Day Order, the debtor-in-possession shall serve a conformed copy of the order on any committee of creditors or equity security holders established prior or subsequent to the chapter 11 filing or, if none, the twenty largest unsecured creditors and any secured creditor whose collateral includes cash collateral or whose lien(s) might be affected by the relief sought, on the United States Trustee and on such other entities as the court may direct. A proof of service shall be filed with the court no later than the next business day following the date of service.

10. Any party in interest may file a motion to modify any First Day Order under this rule, other than any order entered pursuant to 11 U.S.C. §§ 363 and 364 with respect to the use of cash collateral and/or approval of post-petition financing, within thirty (30) days of the entry of such order, unless otherwise ordered by the court. Any such motion for modification shall be given expedited consideration by the court. In any such motion for modification, the debtor-in-possession shall have the burden of proof with respect to the propriety of the relief granted in the original First Day Order.

APPENDIX D2

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GUIDELINES FOR MOTIONS TO USE CASH COLLATERAL OR TO OBTAIN CREDIT

This court is often requested to rule on requests by debtors (and sometimes chapter 11 trustees) for authority to use cash collateral or obtain credit. In an effort to provide guidance to debtors and secured creditors, the court has adopted the following guidelines. As a preliminary matter, all financing motions should be by motion pursuant to Fed. R. Bankr. P. 2002, 4001, and 9014 and Local Bankruptcy Rule 9014 and should provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g.; the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, points or other costs, interest rate, maturity, events of default, use of funds limitations, and protections afforded under 11 U.S.C. §§ 363 and 364). The debtor should be prepared to present a budget at the interim hearing on such cash collateral usage and/or financing that would support the need for such interim funding. The budget should cover the period for which cash collateral use is sought.

In addition, the court will typically NOT authorize (particularly in interim orders) use of cash collateral and/or financing agreements that contain any one or more of the following:

1. Provisions that grant cross-collateralization protection (other than replacement liens) to the prepetition secured creditor (i.e.; clauses that secure prepetition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law).

2. Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured creditor's prepetition lien or debt or the waiver of claims against the secured creditors without first giving parties in interest at least seventy-five (75) days from the entry of the interim order and the official committee of unsecured creditors, if formed, no less than sixty (60) days notice from the later of the date of its formation or the date of its retention of counsel to investigate such matters, unless otherwise directed by the court.

3. Provisions that seek to waive rights under 11 U.S.C. § 506(c).

4. Provisions that grant immediately to the prepetition secured creditor liens on the debtor's claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548, and 549.

5. Provisions that "roll over" prepetition debt of the prepetition secured creditor to post-petition debt.

6. Provisions which provide carveouts for administrative expenses that do not treat all professionals equally or on a pro rata basis.

7. Provisions in any agreement for use of cash collateral, financing or conditioning the automatic stay that in effect operate to divest the debtor-in-possession of any discretion in the formulation of a plan or administration of the estate or limit access to the court to seek any

GUIDELINES FOR MOTIONS TO USE CASH COLLATERAL OR TO OBTAIN CREDIT

relief under other applicable provisions of law. Such provisions include, without limitation, agreements with respect to the treatment of claims.

If a party believes that compelling circumstances justify a departure from these guidelines, the motion must: (a) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated above, (b) identify the location of any such provision in the proposed form of interim order, cash collateral stipulation and/or loan agreement, and (c) justify for the inclusion of such provision. In particular, the motion shall, in checklist fashion set forth below, identify departures from the guidelines:

Description of Provision	Page No.	Line No. (If Applicable)
❑ Cross-collateralization clauses	_____	_____
❑ Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured party's lien or debt	_____	_____
❑ Provisions that seek to waive rights under 11 U.S.C. § 506(c)	_____	_____
❑ Provisions that grant immediately to the prepetition secured creditor liens on the debtor's claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548, and 549	_____	_____
❑ Provisions that "roll over" prepetition debt of the prepetition secured creditor to post-petition debt	_____	_____
❑ Provisions which provide carveouts for administrative expenses that do not treat all professionals equally or on a pro rata basis	_____	_____
❑ Provisions that operate, as a practical matter, to divest the debtor-in-possession of any discretion in the formulation of a plan or administration of the estate or limit access to the court to seek any relief under other applicable provisions of law	_____	_____

If the above-described checklist is not submitted, counsel for the proponent of the cash collateral or relief from stay stipulation, must certify that no such provisions are contained in the agreement submitted for approval.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GUIDELINES FOR THE SALE OF SUBSTANTIALLY ALL ASSETS UNDER § 363 WITHIN 60 DAYS OF THE FILING OF THE PETITION

1. DECLARATION OF COUNSEL FOR DEBTOR-IN-POSSESSION.

In connection with any hearing to approve the sale of substantially all assets within sixty (60) days of the filing of the petition, the request for the special setting of a hearing or the sale motion itself when regularly noticed, should comply with Local Bankruptcy Rules 2002 and 6004 unless otherwise ordered by the court and be supported by a separate declaration by counsel for the debtor-in-possession covering the following points:

A. Retention of Counsel. The date counsel was retained by the debtor, the approximate number of hours of professional time expended prepetition, compensation paid to counsel prepetition including source of payment and the approximate amount of accrued but unpaid compensation.

B. Communications with Creditors. A description of any written communications of the debtor with creditors during the prepetition reorganization process. Copies of letters should be attached. If letters contain confidential information, counsel may apply to the court to submit such documents under seal pursuant to Local Bankruptcy Rules 9018-1 and 9018-2.

C. Communications with Shareholders or Partners. A description of any written communications with shareholders or partners of a partnership during the prepetition reorganization process. Copies of letters should be attached. If letters contain confidential information, counsel may apply to the court to submit such documents under seal pursuant to Local Bankruptcy Rules 9018-1 and 9018-2.

D. Creditors' Committee. If a creditors' committee existed prepetition, indicate the date and manner in which the committee was formed.

E. Counsel for Committee. If the prepetition creditors' committee retained counsel, indicate the date counsel was engaged and the selection process.

F. Sale Contingencies. Statement of all contingencies to the sale agreement together with a copy of the agreement.

G. Creditor Contact List. If no committee has been formed, a list of contact persons together with fax and phone numbers for each of the largest 20 unsecured creditors.

H. Administrative Debts. Assuming the sale is approved, an estimate of administrative debts to be incurred prior to closing and the source of payment for such debts.

GUIDELINES FOR THE SALE OF SUBSTANTIALLY ALL ASSETS UNDER § 363 WITHIN 60 DAYS OF THE FILING OF THE PETITION

I. Proceeds of Sale. An estimate of the gross proceeds anticipated from the sale together with an estimate of the net proceeds coming to the estate with an explanation of the items making up the difference.

J. Debt Structure of Debtor. A brief description of the debtor's debt structure including the amount of the debtor's secured debt, priority claims and general unsecured claims.

K. Disposition of Proceeds. A statement setting forth, to the best of declarant's knowledge, the likely distribution of proceeds to secured claimants, administrative claimants, priority claimants and general unsecured creditors.

2. DECLARATION OF RESPONSIBLE INDIVIDUAL FOR DEBTOR-IN-POSSESSION.

Counsel's declaration referred to in paragraph 1 above should be accompanied by a declaration from the responsible individual covering the following matters:

A. Alternatives to Sale. A description of the efforts, if any, to pursue other alternatives such as financing, capital infusion, etc., including the period of time involved and the results achieved.

B. Marketing of Assets. A description of the manner in which the assets were marketed for sale including the period of time involved and the results achieved.

C. Decision to Sell. The date on which the debtor agreed to sell the assets.

D. Asset Valuation. Disclosure of the debtor's prior valuations, within the last year, of the assets to be sold, if any (i.e.; book value, appraisals, financial statements, etc.).

E. Tax Consequences of the Sale. A statement by a qualified person describing the tax consequences of the proposed sale.

F. Relationship of Buyer. A statement identifying the buyer and setting forth, to the best of declarant's knowledge, all of the buyer's (including its officers, directors and shareholders) connections with the debtor, creditors, any other party in interest, their respective attorneys, accountants, the United States Trustee or any person employed in the office of the United States Trustee.

G. Post Sale Relationship with Debtor. A statement setting forth, to the best of declarant's knowledge, any relationship or connection the debtor (including its

officers, directors, shareholders, and employees) will have with the buyer after the consummation of the sale, assuming it is approved.

H. Relationship with Secured Creditors. If the sale involves the payment of all or a portion of secured debt(s), a statement of all connections between debtor's officers, directors, employees or other insiders and each secured creditor involved (for example, release of insider's guaranty).

I. Insider Compensation. Disclosure of current compensation received by officers, directors, key employees or other insiders pending approval of the sale. Declaration shall include the dates the orders approving compensation were entered, the terms of the orders, and whether the current compensation differs from the approved terms.

3. DECLARATION OF COUNSEL FOR CREDITORS' COMMITTEE.

Any counsel who has represented a prepetition creditors' committee should submit a declaration covering the following points:

A. Retention of counsel. Same as paragraph 1.A above.

B. Communications with Creditors. Same as paragraph 1.B above.

C. Communications with Shareholders or Partners. Same as paragraph 1.C above.

D. Involvement in Sale. A description of the committee's and counsel's involvement in the negotiation of the sale.

4. HEARING AND NOTICE REGARDING BID PROCEDURES MOTIONS AND SALE MOTIONS.

Generally, the sale of substantially all assets must proceed in two steps as follows:

A. Sale Procedures Motions. In all assets sales where a debtor-in-possession seeks to set a procedure for overbids, including credit bidding, other than as provided in paragraph 8 below or to pay damages to a prospective purchaser as defined in paragraph 9 below, a motion to approve sale procedures must be filed and hearing held before notice of the sale is given.

B. Notice of Sale. All notices of sale given to creditors and other parties in interest must contain the information required by paragraphs 1.H through 1.K and paragraphs 2.A through 2.H above, in addition to any other orders made as a result of a Sale Procedures Motion. Unless the court orders otherwise, all sales

will be governed by these guidelines, including auctions or presentation of competing bids.

5. GOOD FAITH FINDING.

There must be an evidentiary basis for a finding of good faith under § 363(m). Evidence can be presented in the form of a declaration from the prospective purchaser.

6. COMPETING BIDS.

Unless the court orders otherwise, competing bids may be presented at the time of the hearing.

7. FINANCIAL ABILITY TO CLOSE.

Unless the court orders otherwise, any competing bidder must be prepared to demonstrate to the satisfaction of the court its ability to consummate the transaction if it is the successful bidder.

8. OVERBIDS.

Unless the court orders otherwise, each overbid must be at least 5% more than the amount of the original offer. The amount of the original offer is determined without regard to any commission or payment to a broker or agent.

9. DAMAGES PAYABLE TO PROSPECTIVE PURCHASER.

Whether denominated liquidated damages, breakup fee, topping fee or other designation, no damages of any kind are payable to a prospective purchaser or its agents absent approval of the court. If a provision for damages is contained in the original purchase agreement, the provision should provide that it must be approved separately from the agreement itself as part of the Sale Procedure Motion.

A request for the approval of a damage provision shall be supported by, in addition to any other required papers, a declaration from counsel for the debtor-in-possession setting forth the precise conditions under which damages would be payable and the factual basis on which the seller determined the provision was reasonable. Counsel for the proposed buyer may, but is not required to, submit a similar declaration.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GUIDELINES FOR PREPACKAGED CHAPTER 11 CASES

1. GOALS.

The purpose of this guideline is to establish a uniform approach for commencing and administering "prepackaged chapter 11 cases" in the United States Bankruptcy Court for the Southern District of California. Specifically, this guideline defines a "prepackaged chapter 11 case" and attempts to provide bankruptcy practitioners with help in dealing with practical matters which either are not addressed at all by statute or rules or are addressed indirectly in a piecemeal fashion by statutes, general rules, and/or local rules that were not enacted specifically with prepackaged chapter 11 cases in mind. Although each case is different, many issues are common to all prepackaged cases. Judicial economy, as well as procedural predictability for debtors and creditors, will be enhanced by promulgation of uniform guidelines to deal with these common issues. The guidelines are advisory only; the court retains the power to depart from them.

2. DEFINITION OF PREPACKAGED CHAPTER 11 CASE.

For purposes of these guidelines, a "prepackaged chapter 11 case" is one in which the debtor negotiates terms of a plan and solicits acceptances thereof prior to filing the petition. In these circumstances, the debtor shall file a motion scheduling a confirmation hearing for the prepackaged plan (“Prepackaged Scheduling Motion") as set forth below.

3. CRITERIA FOR PREPACKAGED CHAPTER 11 CASE; CONTENTS OF PREPACKAGED SCHEDULING MOTION.

A. Content of Prepackaged Scheduling Motion. The Prepackaged Scheduling Motion shall:

(1) represent that (a) the solicitation of votes to accept or reject the debtor's plan required for confirmation of that plan was completed prior to commencement of the debtor's chapter 11 case, and that no additional solicitation of votes on that plan is contemplated by the debtor, or (b) the solicitation of all votes to accept or reject the debtor's plan required for confirmation of that plan has been deemed adequate by the court pursuant to paragraph 3.C.(2) below such that no additional solicitation will be required;

(2) represent that the requisite acceptances of such plan have been obtained from each class of claims or interests as to which solicitation is required except as provided in paragraph 3.A.(3) below; and

(3) with respect to any class of interests that has not accepted the plan, whether or not it is deemed not to have accepted the plan under § 1126(g), represent that the debtor is requesting confirmation under § 1129(b); and

(4) request entry of an order scheduling the hearing (a) on confirmation of the plan and (b) to determine whether the debtor has satisfied the requirements of either 11 U.S.C. § 1126 (b)(1) or 11 U.S.C. § 1126(b)(2), for a date that is not more than ninety (90) days following the petition date.

(5) The motion shall be supported by a declaration and have attached (a) a summary of the votes accepting or rejecting the debtor's plan; and (b) copies of any solicitation used to solicit those votes.

B. Confirmation Pursuant to 11 U.S.C. § 1129(b)(2)(C). A chapter 11 case may constitute a "prepackaged chapter 11 case" for purposes of these guidelines notwithstanding the fact that the debtor proposes to confirm the plan pursuant to 11 U.S.C. § 1129(b)(2)(C) as to a class of interests.

C. Filing of Petition After Solicitation has Commenced but Before Expiration of Voting Deadline. Unless the court orders otherwise, if a chapter 11 case is commenced by or against the debtor, or if a chapter 7 case is commenced against the debtor and converted to a chapter 11 case by the debtor pursuant to 11 U.S.C. § 706(a), after the debtor has transmitted all solicitation materials to holders of claims and interests whose vote is sought but before the deadline for casting acceptances or rejections of the debtor's plan (the "Voting Deadline"),

(1) the debtor and other parties in interest shall be permitted to accept but not solicit ballots until the Voting Deadline; and

(2) after notice and a hearing the court shall determine the effect of any and all such votes.

D. Applicability of Guidelines to Cases Involving Cramdown of Classes of Claims and "Prepackaged Chapter 11 Cases." The court may, upon request of the debtor or other party in interest in an appropriate case, apply some or all of these guidelines to

(1) cases in which the debtor has satisfied the requirements of paragraph 3.A.(1) above but intends to seek confirmation of the plan pursuant to 11 U.S.C. § 1129(b) as to a class of claims (a) which is deemed not to have accepted the plan under 11 U.S.C. § 1126(g); (b) which is receiving or retaining property under or pursuant to the plan but whose members' votes were not solicited prepetition and whose rejection of the plan has been assumed by the debtor for purposes of confirming the plan; or (c) which is receiving or retaining property under or pursuant to the plan and which voted prepetition to reject the plan, as long as no

class junior to such rejecting class is receiving or retaining any property under or pursuant to the plan; and

(2) "partial prepackaged chapter 11 cases" — i.e.; cases in which acceptances of the debtor's plan were solicited prior to the commencement of the case from some, but not all, classes of claims or interests whose solicitation is required to confirm the debtor's plan.

4. PREFILING NOTIFICATION TO THE UNITED STATES TRUSTEE AND THE CLERK OF COURT.

A. Notice of Proposed Filing to the United States Trustee. At least five (5) business days prior to the anticipated filing date of the prepackaged chapter 11 case, the debtor should (1) notify the United States Trustee of the Debtor's intention to file a prepackaged chapter 11 case and (2) supply the United States Trustee with one (1) copy of the debtor's plan and disclosure statement (or other solicitation document).

B. Notice of Proposed "First Day Orders" to the United States Trustee. If possible, drafts of all motions pursuant to which the debtor seeks entry of orders on or shortly after the filing of the petition ("First Day Motion"), with the proposed orders attached as exhibits, should be furnished to the United States Trustee at least two (2) business days in advance of the filing of the petition or as soon as practicable after the filing of an involuntary petition.

C. Notice of Proposed Filing to the Clerk of Court. At least two (2) business days prior to the anticipated filing of the prepackaged chapter 11 case, counsel should contact the Clerk of Court to discuss the anticipated filing, the amount of the debtor's assets, number and type of creditors, procedures for handling public inquiries (i.e.; the names, addresses and telephone numbers of the persons to whom such inquiries should be directed), procedures for handling claims and proofs of claim or interest. The Clerk of Court will not assign the case to or discuss the case with a judge until the petition is filed.

5. FILING OF PREPACKAGED CHAPTER 11 CASE.

As soon as practicable following filing of a prepackaged chapter 11 case, the debtor shall furnish to the judge assigned to the case a copy of the plan, the disclosure statement (or other solicitation document), a summary of balloting as required by Local Bankruptcy Rule 3018, First Day Motions, and any other filed motion. To the extent that documents filed by the debtor at or following the commencement of the debtor's chapter 11 case differ in substance from the versions supplied to the United States Trustee under paragraphs 4.A and 4.B above, the debtor shall furnish to the United States Trustee one (1) copy of any such documents that have been modified, preferably black lined to show changes.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GUIDELINES FOR ESTABLISHING INTERIM COMPENSATION PROCEDURES FOR PROFESSIONALS

The Bankruptcy Code (11 U.S.C. § 331) limits the frequency with which professionals employed under 11 U.S.C. § 327 or § 1103 may apply for compensation for services rendered and reimbursement for expenses to once every 120 days after the date of the order for relief unless the court otherwise permits.

These guidelines are intended to assist professionals in obtaining orders setting forth procedures for interim compensation provided that professionals satisfy the requirements of Knudsen Corp v. U.S. Trustee, 84 B.R. 668 (9th Cir. B.A.P. 1988).

1. NOTICE.

Notice of a hearing on a motion to approve interim compensation procedures should be given to the United States Trustee, all creditors and equity holders, the debtor, and parties requesting special notice in accordance with Local Bankruptcy Rule 2002-3.

2. CONTENT OF MOTION.

The motion to approve interim compensation procedures should describe in detail the proposed procedures.

3. GUIDELINES.

The court will generally approve interim procedures which:

A. Provide for the monthly payment of fees and reimbursement of expenses (subject to the other guidelines set forth herein).

B. Require service of copies of the invoices for which fees and costs are requested on the debtor, the United States Trustee, all official committees (or, if none appointed, the 20 largest unsecured creditors), and parties requesting special notice.

C. Provide those served in paragraph 3.B with an opportunity to object within ten (10) days after the service of the invoices by notifying the applicant in writing and setting forth the specific grounds for the objection;

D. Provide the applicant with the option to either request a hearing on the objection or hold back the amount of fees and/or expenses that are the subject of the objection until the hearing on the application for interim compensation.

E. Provide for an award of 80% of the fees requested with a hold-back of 20% of such fees and for an award of 100% of expenses; provided that the 20% hold-back of fees may include any fees to which an objection was raised.

GUIDELINES FOR ESTABLISHING INTERIM COMPENSATION PROCEDURES FOR PROFESSIONALS

F. Require that an application for an interim award of compensation and expenses, in compliance with applicable federal and local bankruptcy rules and the Guidelines of the Office of the United States Trustee for the Southern District of California, be filed with the court and noticed for hearing in accordance with Local Bankruptcy Rule 2002-3 approximately once every 120 days.

G. State that neither the United States Trustee nor any party in interest shall be barred from raising objections to any charge or expense in any professional fee application filed with the court on the ground that no objection was raised with respect to the invoice.

H. Provide that if the applicant fails to comply with the 120-day fee application procedure set forth in paragraph 3.F, said applicant shall not be entitled to continue to utilize the interim fee compensation procedure previously approved.