

February 27, 2015

# Bankruptcy Confidential



*A newsletter of the*

**U.S. Bankruptcy Court for the  
Southern District of California**

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With the release of the revised Local Bankruptcy Rules (LBRs) and Administrative Procedures comes a number of changes to forms and procedures. We highlighted a few of these in the last newsletter. Below are a few more.

**Everything becomes effective on March 1, 2015 as outlined in General Order 184.** Copies of the General Order, revised Local Bankruptcy Rules, and the Administrative Procedures can be found [here](#). A compare/redline version can be found [here](#). Finally, you can download a package of revised PDF-fillable and Word forms reflecting the new LBR and Administrative Procedures (in a .zip file; 19 MB) by clicking [here](#). In case you missed it, a copy of the first newsletter (highlighting other changes) regarding the new Local Rules can be found [here](#).

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## **New Statement of Position Procedures for UST and Chapter 13 Trustee**

Please carefully review Local Bankruptcy Rule 9034-1 and 9034-2 as the procedures for the handling of Statements of Position (SOP) from the U.S. Trustee's (UST) Office and the Chapter 13 Trustees have changed. The procedures differ depending on whether the SOP is being sought from the UST or the Chapter 13 Trustees. You will find a detailed explanation of the new procedures at the end of this newsletter.

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## **Original Signatures in a Scanned Format now will be required for the CSD 1099 and CSD 1100 Forms**

Pursuant to Local Bankruptcy Rule 5005-4, original signatures in a scanned format now will be required for Forms CSD 1099 (*Balance of Schedules, Statements, and/or Chapter 13 Plan*) and CSD 1100 (*Amendment*).

LBR 5005-4 reads as follows:

Logins, Passwords, and Signatures.

(c) Debtor's Signature. In addition to the signature requirements of the Administrative Procedures, the signature of the debtor or joint debtor authorizing the electronic filing of the bankruptcy case

must be accomplished by the electronic filing of an executed Local Form CSD 1801 on the Petition Date. Local Form CSD 1801 as well as CSD 1099 and CSD 1100 must provide the original debtor signature(s) in a scanned format.

Note: Scanned documents also have been introduced into the revised LBR 5005-8 Retention Requirement. Further details regarding signature and retention can be found in the 5000 series LBRs and the Administrative Procedures.

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### **Revised 9000 Series Undergoes Considerable Revision**

Filers should pay particular attention to LBR 9013 (as well as LBR 2002 and LBR 4001) for changes in motion practice. The changes to the 9000 series include the movement of some requirements to the Administrative Procedures, as well as a consolidation of the old 9014 and 9013 into a single rule (the new LBR 9013). The Local CSD forms in the package reflect the new opposition periods as defined in these Local Bankruptcy Rules.

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### **New Individual Chapter 11 Debtor Forms**

CSD 1153 (*Notice of Hearing & Motion - Approval of Individual Ch 11 Combined Plan / Disclosure Statement*) and CSD 1154 (*Order Granting Conditional Approval of Individual Ch 11 Combined Plan/Disclosure Statement*) are being introduced, along with the new Local Rules. The forms are referenced in LBR 3017-2 and are a product of a committee of practitioners under the guidance of Judges Louise DeCarl Adler and Christopher B. Latham. They are not part of the original .zip file, but you can get them [here](#).

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### **Detailed Procedures for UST and Chapter 13 Trustee SOPs**

Below is an explanation of the new procedures, as well as a link to the updated CM/ECF Attorney Manual. These revised procedures, along with others, will be available on March 1, 2015 at the following link: [http://www.casb.uscourts.gov/html/manual/CM-ECF\\_Manual.htm](http://www.casb.uscourts.gov/html/manual/CM-ECF_Manual.htm).

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### **U.S. Trustee Statement Of Position**

For the motions and applications requiring a Statement of Position from the U.S. Trustee's Office under revised LBR 9034-1, the process is as follows:

On the same day, a Movant must file with the Court and serve on the U.S. Trustee's Office at [ustp.region15sop@usdoj.gov](mailto:ustp.region15sop@usdoj.gov) the following:

- (1) motion or application;
- (2) proposed order attached to the motion or application as an exhibit; and
- (3) supporting Declarations attached any other supporting Documents.

Under the revised LBR 9034-1, the above documents will now be filed on the case docket prior to serving the documents on the U.S. Trustee. For a motion for extension of time for filing schedules and statements, the U.S. Trustee has seven days to respond and for applications to employ attorneys and other professionals and for entry of final decree, the U.S. Trustee has 14 days to respond; see LBR 9034-1 for further details. If the U.S. Trustee requests a hearing in the statement of position, the Movant must schedule the hearing with proper notice to the U.S. Trustee and other parties in interest.

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### **Chapter 13 Trustee Statement Of Position**

For motions requiring a Statement of Position from the Chapter 13 Trustee under revised LBR 9034-2, the process is as follows:

First, the debtor's attorney files with the court one of the three types of pleadings which require an SOP from the Chapter 13 Trustee as identified in LBR 9034-2(a). Next, the debtor's attorney uploads a Local Form CSD 1179 (*Request for Statement of Position from the Chapter 13 Trustee*) into the E-Orders System which is then retrieved by the Chapter 13 Trustee's Office. Please note that the Local Form CSD 1179 form is not filed on the case docket until the Chapter 13 Trustee responds to the request. The Chapter 13 Trustee's Office reviews the submitted request (along with the docketed pleading) and then has the following options:

(a) Make a determination on the uploaded CSD 1179 request by either not objecting or objecting and indicating so on the case docket. The response of the Chapter 13 Trustee's Office will result in two separate docket entries on the case docket: (1) the CSD 1179 form, and (2) the Chapter 13 Trustees response to the SOP request.

or

(b) Reject and return the request (if defective) with a notes field including an explanation of the deficiency or problem with the request. Under this scenario, the CSD 1179 is not docketed on the case docket, but merely returned to the submitting attorney for further action (i.e., correct the request or filed documents and resubmit to the Chapter 13 Trustee). The deficiency notes on any returned Chapter 13 SOP requests will appear on the case docket.

United States Bankruptcy Court  
Southern District of California  
325 West F Street  
San Diego, CA 92101  
(619) 557-5620

[www.casb.uscourts.gov](http://www.casb.uscourts.gov)

To contact the court regarding this newsletter: [info\\_casb@casb.uscourts.gov](mailto:info_casb@casb.uscourts.gov)