
Fall 2014

Bankruptcy Confidential

U.S. Bankruptcy Court, Southern District of
California



Request for Public Comment on Proposed Local Bankruptcy Rules

The United States Bankruptcy Court - Southern District of California has proposed amendments to its Local Bankruptcy Rules. The draft is the product of the court's Local Rules Committee of practitioners and the Bankruptcy Court's judges. It is now being circulated for bar and public comment. The rules have been restyled to conform to the Guidelines for Drafting and Editing Court Rules authorized by the Judicial Conference Committee on Rules of Practice and Procedure and have been edited, wherever possible, to simplify structure and language.

Portions of the current Local Bankruptcy Rules related to preparation of Documents, etc., are in the process of being integrated into a revised Administrative Procedures document that will be effective upon the approval of these Local Bankruptcy Rules.

A copy of the draft can be obtained directly from this [link](#).

A General Order containing the effective date for these rules will be issued following a careful review of all comments. Please provide any comments on the proposed amendments as soon as possible, but no later than **November 17, 2014**.

Comments concerning the proposed amendments may be submitted by Email to: LBRcomments@casb.uscourts.gov [please include the name, firm name (if any), Email address, and phone number of the person submitting the comments] or by mail to the Clerk of Court, 325 West F Street, San Diego, California 92101-6991. Please note on the envelope: "In re: Local Bankruptcy Rules".

Chapter 11 Individual Debtor Cases

The forms and processes listed below have been created for Chapter 11 individual debtor cases:

New Forms:

- [CSD 1152](#): Individual Chapter11 Combined Plan of Reorganization and Disclosure Statement. This form is in Word format. Follow the [CSD 1152A](#) instructions to complete this form.

[CSD 1156A](#): Final Decree in Individual Chapter 11 Case (Before Completion of Plan Payments) This form allows Chapter 11 individual debtors to close their cases prior to completing their plan payments.
- [CSD 2121](#): Chapter 11 Individual Debtor's Request for Discharge, Certifications Regarding Domestic Support Obligations and Section 522(q).

Chapter 11 Individual Debtor Case Processing:

Some Chapter 11 individual debtors close their case prior to completing their plan payments. By closing their case prior to completing plan payments, the debtors may avoid paying quarterly fees to the US Trustee. In this scenario the debtor will file an Application for Entry of Final Decree and upload the [CSD 1156A](#): Final Decree in Individual Chapter 11 Case (Before Completion of Plan Payments).

Once their plan payments are completed, the debtors must file a [CSD 1489](#): Motion to Reopen Case, [CSD 1182](#): Notice of Motion, and [CSD 1490](#): Order Reopening Case and pay the applicable filing fee. The Chapter 11 individual debtors must file a [CSD 2121](#): Chapter 11 Individual Debtor's Request for Discharge, Certifications Regarding Domestic Support Obligations and Section 522(q). Eligibility for a discharge also requires completion of the Instructional Course in Personal Financial Management (11 U.S.C §1141).

Of course, some Chapter 11 individual cases remain open while making plan payments. Once the plan payments are complete, the Chapter 11 individual debtors can request their discharge by filing a [CSD 2121](#): Chapter 11 Individual Debtor's Request for Discharge, Certifications Regarding Domestic Support Obligations and Section 522(q). The debtor will file the Application for Entry of Final Decree and upload the [CSD 1156](#): Final Decree. Eligibility for a discharge requires completion of the Instructional Course in Personal Financial Management (11 U.S.C §1141).



Modified Forms

Motion to Reopen Case ([CSD 1489](#)) – has been updated to include the following:

- To file a Certificate of Eligibility for Discharge (Spousal Support Certification – CSD 2120, 2121, 2122).
- Reminder of the following actions which do not require reopening of the Bankruptcy Case:
 - o Motion for Release of unclaimed funds.
 - o Motions for reconsideration of judicial rulings.
 - o Any effort to enforce a judgment in an adversary proceeding (e.g., Writs of Execution, Judgment Debtor Examinations, etc.).

Order Reopening Case ([CSD 1490](#)) – has been updated to include the following:

- To file a Certificate of Eligibility for Discharge (Spousal Support Certification – CSD 2120, 2121, 2122).
-

ECF Next Generation (NextGen) Passwords



In the Next Generation of CM/ECF (NextGen), one of the new features is that there will be a Central Sign-On for ECF users through the PACER website to access the NextGen court for which they have filing credentials.

You will have a single login and password for all of the NextGen ECF Courts in which you have credentials. The NextGen login and password will allow you to both file and view cases in courts that have converted to the NextGen CM/ECF system. Your login and password will be used to access all courts (bankruptcy, district, etc.) that are live with NextGen. However, to file in a court that has not gone live with NextGen, you will continue to use that court-issued login and password to file in that court.

You will need to get an update from your petition software vendor to file documents in a NextGen court. This should be done once the local court has announced a live date for NextGen ECF or as instructed by your vendor.

PDF File Size Upgrade

The required PDF file-size limit for documents filed electronically has been upgraded from eight (8) megabytes to fifteen (15) megabytes. The number of pages that make up 15 megabytes depends on the program used to create the file, the color settings, scanner settings, etc. It is recommended to determine your PDF file size by megabytes rather than by number of pages.



325 West F Street
San Diego, CA 92101

Phone: 619-557-5620

www.casb.uscourts.gov