



## DRAFT FOR PUBLIC COMMENT Local Bankruptcy Rules

United States Bankruptcy Court  
Southern District of California  
September 15, 2014

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

**The deadline for comments is November 17, 2014.**

## **RULE 1001. SCOPE OF RULES; SHORT TITLE**

**1001-1. Adoption of the Local Bankruptcy Rules.** The United States Bankruptcy Court for the Southern District of California (the "Court") adopts the following rules (the "Local Bankruptcy Rules") as of MM DD, YYYY (the "Effective Date"). The Local Bankruptcy Rules govern all cases and all adversary proceedings, contested matters, and other proceedings pending on or commenced after the Effective Date and bind all parties appearing therein. These rules supersede all previous local rules and incorporate General Orders 162a (Electronic Filing), 168 (securing personal information in Proofs of Claim), and 181 (Rent Deposits).

**1001-2. Amendment by General Order.** The Court may amend the Local Bankruptcy Rules subsequent to the Effective Date by a "General Order" of the Court. The Court posts General Orders on the Court's website: [http://www.casb.uscourts.gov/html/general\\_orders.html](http://www.casb.uscourts.gov/html/general_orders.html).

**1001-3. Judges of the Court May Modify These Rules in Specific Cases and Actions.** Each judge of the Court may deviate from the procedures set forth in any Local Bankruptcy Rule in a specific case or proceeding and on the Court's own motion or at the request of any party.

**1001-4. Local Bankruptcy Rules Supplement Federal Bankruptcy Rules.** The Local Bankruptcy Rules supplement the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"). In the event of any conflict between the Local Bankruptcy Rules and the Bankruptcy Rules, the provisions of the Bankruptcy Rules govern.

**1001-5. Adoption of Certain Local Rules of the District Court.** Appendix A, as amended from time to time, lists provisions of the Local Civil Rules of Practice of the United States District Court for the Southern District of California that are applicable to proceedings in the Bankruptcy Court.

### **1001-6. Definitions; Rules of Construction.**

(a) Definitions and Rules of Construction From External Sources. Capitalized terms not otherwise defined in the Local Bankruptcy Rules have the meaning set forth in 11 U.S.C. § 101 and FRBP 9001 and 9002. The rules of construction of 11 U.S.C. § 102 also govern the Local Bankruptcy Rules.

(b) Definitions. The Local Bankruptcy Rules utilize the following additional definitions:

- (1) "Actions" means adversary proceedings, contested matters, or other proceedings of any type pending before the Court.

- (2) "Administrative Procedures" means Local Form CSD 1800 which is found on the Court's website at [www.casb.uscourts.gov](http://www.casb.uscourts.gov), as it is amended from time to time. The Administrative Procedures provide requirements for practice before the Court in the areas of filing, including electronic filing, payment, Document preparation, service, notice, signatures, and general practice.
- (3) "Bankruptcy Rules" means the Federal Rules of Bankruptcy Procedure.
- (4) "Civil Rules" means the Federal Rules of Civil Procedure.
- (5) "Clerk" means the Clerk of the Court.
- (6) "Court" means the United States Bankruptcy Court for the Southern District of California.
- (7) "Courtroom Deputy" means the Individual responsible for administrative matters in the department of the Court in which a case or Action is pending. A list of Courtroom Deputies is available on the Court's website.
- (8) "Declaration" means a Document containing admissible evidence that is signed and verified by the Individual providing the evidence such that the evidence provided is the equivalent of oral testimony under oath. The preferred form of Declaration in the Court is a Document that complies with 28 U.S.C. § 1746.
- (9) "Document" means a writing filed with the Court in electronic or paper form.
- (10) "EDOC System" means the Electronic Document System that routes documents to a chapter 7 or chapter 13 trustee. These documents are not filed with the Clerk.
- (11) "Entity" means a corporation, partnership, limited liability company, Governmental Unit, or other non-natural person.
- (12) "Fees" means payments collected by the Clerk as required by 28 U.S.C. § 1930(a) and (b).
- (13) "FRBP" is used for citations to the Bankruptcy Rules.
- (14) "FRCP" is used for citations to the Civil Rules.

- (15) "General Order" means, as relevant here, an order of Court that modifies existing Local Bankruptcy Rules, creates new Local Bankruptcy Rules, or otherwise creates or modifies procedures of the Court.
- (16) "Individual" means a natural person.
- (17) "LBR" is used for a citation to the Local Bankruptcy Rules.
- (18) "Movant" means the party seeking relief from the Court pursuant to a motion, application, or request.
- (19) "NEF" means "Notice of Electronic Filing" and is a notice automatically generated by the System when a Document is filed with the Court. The NEF sets forth the date and time of filing, the name of the attorney or party filing the Document, the type of Document, the text of the docket entry, the name of the party or attorney receiving the notice, and an electronic link (hyperlink) to the filed Document which allows recipients to retrieve the Document automatically.
- (20) "Petition Date" means the date on which the debtor files a Petition and a bankruptcy case commences.
- (21) "Proof of Service" means a Document evidencing notice or service as required by the Federal Rules, Local Bankruptcy Rules, or Court order and described in **LBR 9006-2**. Local Form CSD 3010 may be used for Proof of Service.
- (22) "Registered User" means an Individual who has been issued a login and password by the Court to electronically file Documents in the System.
- (23) "Stipulation" means a Document that evidences an agreement between the parties who sign the Document individually or through a representative.
- (24) "System" means the Electronic Filing System utilized by the Court.
- (25) "U.S. Trustee" means the United States Trustee responsible for District 15, where the Court is located.

(c) General Notice or Service Requirements. When the Local Bankruptcy Rules or Bankruptcy Rules require notice or that a party serve a Document, a party must provide notice or service that generally compiles with 11 U.S.C.

§ 102(1) and that more specifically compiles with any relevant Bankruptcy Rule or Court order. Delivery of Documents by facsimile does not constitute service absent Court order or agreement of the relevant parties.

(d) FRBP 7004 Service. When the Local Bankruptcy Rules require FRBP 7004 Service, a party must provide service that complies with FRBP 7004.

(e) Filing of a Proof of Service. A Proof of Service must be filed with the Court no later than the business day following the date of service.

(f) Obtaining Hearing Dates. When the Local Bankruptcy Rules require that a party obtain a hearing date, the party must do so by contacting the Courtroom Deputy, unless the Court otherwise provides a hearing date by order or on the record at a hearing. The hearing date and time must be referenced on all notices and on the first page of all Documents filed in connection with the Action.

(g) Vacating a Hearing. The party obtaining a hearing date is responsible for advising the Courtroom Deputy promptly when a hearing is no longer necessary. In such a case, the Court, however, retains discretion to conduct a hearing notwithstanding the position of the parties. Parties should appear at the hearing unless the hearing date is formally vacated by docket entry or order or appearance is informally waived by other communication from the Court.

(h) Court Enforcement of Stipulations. A Stipulation will not be enforced by the Court and cannot modify an order of the Court unless approved by another Court order.

(i) When any party files an amended Document, the party must clearly identify all changes within the amended Document or in another concurrently filed Document. If the reason for the amendment is not obvious, the party also must concurrently provide written explanation for the change.

**1001-7. Sanctions for Non-Compliance.** Failure to comply with the Local Bankruptcy Rules, the Administrative Procedures, or with any order of the Court may be grounds for any and all sanctions authorized by statute or rule or within the inherent power of the Court.

## **RULE 1002. COMMENCEMENT OF CASE**

### **1002-1. Representation.**

(a) Entities. An Entity may not file a Petition or otherwise appear in any case or Action except through an attorney, but may file a proof of claim or a reaffirmation agreement.

(b) Individuals. An Individual may represent himself or herself and appear in the Court without an attorney. But, an Individual who does not retain an attorney

must appear personally and cannot delegate the representation to any non-lawyer, including a spouse or relative. An Individual, however, may utilize another Individual as an interpreter when before the Court. YOU MUST PROVIDE YOUR OWN INTERPRETER, AS THE COURT DOES NOT PROVIDE THIS SERVICE.

(c) Attorneys for Chapter 7 and Chapter 13 Debtors. Any attorney representing a chapter 7 or chapter 13 debtor must:

- (1) Comply with and meet the standards established by the then applicable General Order governing rights and responsibilities of chapter 7 or chapter 13 debtors and their attorneys; and
- (2) File an executed Rights and Responsibility Statement in the form required by then applicable General Order.

[The Next Rule is 1006]

## **RULE 1006. FILING FEE AND OTHER CHARGES**

**1006-1. Schedule of Fees and Other Charges.** The Clerk collects Fees in connection with the filing of a Petition, the initiation of an adversary proceeding or stay relief motion, and in other appropriate circumstances. Appendix B, as amended from time to time, lists all Fees.

**1006-2. Method of Payment.** A debtor or attorney must pay Fees through the methods allowed by the Administrative Procedures.

**1006-3. Waiver of Filing Fee.** An application to waive the Chapter 7 filing fee must substantially conform to Local Form CSD 1020.

**1006-4. Approval of Installment Fees.** An application to pay filing fees in installments must substantially conform to Local Form CSD 1006. The Clerk may grant an Individual's application to pay the filing fee in installments over a period not to exceed 120 days after the Petition Date.

**1006-5. Dishonored Checks and Declined Credit Cards.** The Clerk accepts non-cash payment of Fees subject to collection and provides full credit only when the non-cash payment is paid or accepted by the relevant financial institution or credit card company. The Clerk will collect a service charge as set forth in Appendix B in connection with any non-cash payment that is reversed, returned for lack of funds, or not honored for any reason. The Administrative Procedures outline further consequences of a failure to properly pay Fees.

**RULE 1007. LISTS, SCHEDULES, STATEMENTS,  
AND OTHER DOCUMENTS; TIME LIMITS**

**1007-1. Special Requirements for Mailing Addresses.** The System has specific requirements for the submission of names and addresses for creditors and other parties in interest. The debtor must prepare the list of creditors consistent with the most current version of Local Form CSD 1007.

**1007-2. Signatures.** Documents requiring an original signature may be filed electronically, but the filer must comply fully with **LBR 5005-4** as to signature format and **LBR 5005-8** as to maintenance of the original Documents.

**1007-3. Extension of Time; Required Notice.** A debtor filing a motion for extension of the time for filing schedules and statements must comply with **LBR 9034-1** or **LBR 9034-2**, as appropriate, and also must serve such motion on any chapter 7, 11, 12, or 13 trustee.

**1007-4. Required Notice When Schedules Are Filed After the Petition Date.** When filing any lists, statements, or schedules after the Petition Date, the debtor must:

(a) Service. Provide a Proof of Service of a copy of these Documents on the U.S. Trustee, any interim trustee or trustee, and each member of any committee appointed in the case; and

(b) Notice. Give notice of the Petition Date to any Entity or Individual newly listed in the lists, schedules, and statements. If applicable, this notice must be accompanied by:

- (1) A copy of the "Order for and Notice of Section 341a Meeting";
- (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 341a meeting or confirmation hearing currently scheduled; and

(c) Form of Notice. When noticing any Entity or Individual not previously named in the original mailing matrix, the debtor must comply with **LBR 1007-1**.

**1007-5. Payment Advices.** The debtor must submit the evidence of payment required by FRBP 1007(b)(1)(E) to the chapter 7, 12, or 13 trustee assigned to the debtor's case or to the U.S. Trustee in a chapter 11 case, preferably through the EDOC System. A debtor should not file this evidence with the Court.

**1007-6. Consumer Debts Secured By Property of the Estate.** A trustee is not required to obtain a debtor's compliance with 11 U.S.C. § 521(a)(2)(B), if the trustee claims no interest in the property listed in an Individual debtor's Statement of Intention.

[The Next Rule is 1009]

### **RULE 1009. AMENDMENT OF VOLUNTARY PETITIONS, LISTS, SCHEDULES AND STATEMENTS**

**1009-1. Notice and General Requirements.** When a debtor files post-Petition amendments to the lists, schedules, and statements required by FRBP 1007 any such amendment must: (i) substantially conform to Local Form CSD 1100; (ii) be served as required by **LBR 1007-4**; (iii) comply with LBR 1001-6(i); and (iv) include a notice that substantially conforms to Local Form CSD 1101.

**1009-2. Special Requirements for Mailing Addresses.** The debtor must comply with **LBR 1007-1** when filing amendments to the schedule of liabilities.

**1009-3. Effect of Amendments.** An amendment of a Petition, list, schedule, or statement does not reopen or extend the period for an objection to any information that is not changed.

[The Next Rule is 1015]

### **RULE 1015. CONSOLIDATION OR JOINT ADMINISTRATION OF CASES PENDING IN SAME COURT**

**1015-1. Joint Petitions.** The Court will jointly administer the estates of debtors filing a joint Petition without further Court order.

#### **1015-2. Related Cases.**

(a) **When a Case Is Deemed Related.** A case is deemed related to another case if it meets the criteria set forth in FRBP 1015 (a) or if the cases involve related parties, creditors, or assets and if treating the cases as related promotes efficient administration of the estates or cases.

(b) **Notice.** If a case is related to a case that is pending or was pending within three years of the filing of the later Petition, the debtor must and any other party in interest may: (i) file a Document entitled "Notice of Related Case(s)" that lists the title, number, and filing date of the related case and briefly describes the relationship between the cases; and (ii) serve it on the U.S. Trustee.

[The Next Rule is 1017]

## **RULE 1017. MOTION FOR DISMISSAL OR CONVERSION OF CASE**

### **1017-1. Required Notice of Non-Debtor's Motion to Dismiss.**

(a) Chapter 7 or 11 Case. **LBR 1017-3** governs notice of a motion by the U.S. Trustee or a trustee to dismiss a case based on the debtor's failure to file Documents as required by FRBP 1007(b) or to attend the section 341a meeting.

(b) **LBR 9013-4(a) (1) and (2)** otherwise govern notice of a motion to dismiss or convert a case filed by a party other than the debtor.

### **1017-2. Motion by Debtor to Dismiss or Convert Case; Notice to U.S. Trustee and Trustee.**

(a) Chapter 7 or Chapter 11 Case. A debtor converting a chapter 7 or 11 case must:

- (1) Accompany a motion to convert a chapter 7 or 11 case with the appropriate Fee and a proposed order using the applicable Local Form: CSD 1105; CSD 1106; CSD 1107; CSD 1108; or CSD 1109;
- (2) File a separate set of schedules and statements which are dated and accurate as of the date of the notice of conversion;
- (3) Serve a copy of the motion to convert, the Documents required by **LBR 1017-2(a)(2)**, and the proposed order on any chapter 7 or 11 trustee appointed in the case; and
- (4) File a Proof of Service.

(b) Chapter 13 Case.

- (1) A debtor dismissing a chapter 13 case must:
  - (i) Use Local Form CSD 1174 or a substantially similar Document;
  - (ii) Use a proposed dismissal order that substantially conforms to Local Form CSD 1176;
  - (iii) Serve these Documents on the chapter 13 trustee; and
  - (iv) File a Proof of Service.

- (2) A debtor converting a chapter 13 case to a case under chapter 7 must:
  - (i) Use Local Form CSD 1129;
  - (ii) Pay the appropriate Fee;
  - (iii) File with the notice of conversion;
    - a. The schedules and statements listed in FRBP 1007(b)(1), if not yet filed; and
    - b. A separate set of schedules and statements which are dated and accurate as of the date of the notice of conversion;
  - (iv) Serve only the notice of conversion on the chapter 13 trustee; any Documents required by subpart (iii) above must be served on the chapter 7 trustee upon appointment; and
  - (v) File a Proof of Service.

### **1017-3. Dismissal for Lack of Prosecution.**

(a) Procedure. The Court, on its own motion or on a motion by the trustee or U.S. Trustee, after notice to the debtor, the debtor's attorney, if any, and to all creditors through a section 341a Notice, a Deficiency Notice, or otherwise, may dismiss a case for the reasons set forth in section (b) below unless the debtor or any party in interest:

- (1) cures any deficiency in filing of required Documents within 14 days of the Petition Date; or
- (2) the debtor or any party in interest files a motion requesting an extension of time or an excuse from performance within 14 days of service of such notice.

(b) Grounds for Dismissal. For purposes of section (a) above, the following are grounds for dismissal:

- (1) Failure to file lists, schedules, statements, a certificate of credit counseling, and all other required Documents within the time allowed by FRBP 1007; or
- (2) Failure to timely file a chapter 13 plan.

(c) Additional Grounds for Dismissal: Failure to Attend 341a Meeting. The Court, on its own motion or on a motion by the trustee or U.S. Trustee, after notice to the debtor, the debtor's attorney, if any, and to all creditors through a section 341a Notice, may dismiss a case for failure of a debtor to appear at the initial section 341a meeting or any continued meeting.

[The Next Rule is 1019]

**RULE 1019. DUTY OF DEBTOR-IN-POSSESSION OR TRUSTEE TO FILE REPORTS IN CHAPTER 11 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 trustee must:

- (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 seven days after entry of the order for relief, file and serve upon the U.S. Trustee and chapter 7 trustee, if appointed, a verified schedule of all property of the estate as of the date of conversion; and File a Proof of Service showing compliance with this Local Bankruptcy Rule and **LBR 9006-2**.

[The Next Rule is 2002]

**RULE 2002. NOTICE TO CREDITORS, EQUITY SECURITY HOLDERS, THE UNITED STATES AND U.S. TRUSTEE**

**2002-1. Notice to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross Border Cases, United States and U.S. Trustee.**

- (a) General. Notice requirements under this Local Rule are governed by FRBP 2002.
- (b) Motion to Extend or Impose the Automatic Stay.
  - (1) The notice required under 11 U.S.C. § 362(c)(3)(B), to extend the automatic stay, must be filed and served not later than 7 days after the Petition Date;
  - (2) A debtor or party in interest must give at least 14 days notice of the hearing on a motion brought under 11 U.S.C. § 362(c)(3)(B), to extend the automatic stay;

- (3) The notice required under 11 U.S.C. § 362(c)(4)(B), to impose the automatic stay, must be served no later than 30 days after the Petition Date; and
- (4) A debtor or party in interest must give at least 14 days notice of the hearing on a motion brought under 11 U.S.C. § 362(c)(4)(B), to impose the automatic stay.

(c) Notice by Chapter 7 Trustee. In cases where the estate has less than \$1,000 in cash, the Clerk must serve any notices required to be served on all creditors by the chapter 7 trustee.

(d) Notice of section 341a Meeting by Chapter 11 or 12 debtor to Equity Security Holders. The debtor must serve notice of the order for relief and any other notices required by FRBP 2002(d) on any Equity Security Holder not listed in the schedules.

## **2002-2. Notices of Intended Action and Opportunity for Hearing.**

(a) Matters Where a Notice of Intended Action May Be Used. The matters set forth below may be determined by notice of intended action and opportunity for hearing. Notice requirements are governed by FRBP 2002(a).

- (1) Request by the U.S. Trustee or trustee for dismissal of a chapter 7, 11, 12, or 13 case if the debtor fails to file the schedules and statements required by FRBP 1007 or if the debtor or joint debtor fails to appear at the scheduled section 341a meeting or continued section 341a meeting under FRBP 2003 and **LBR 1017-3** without further notice to the debtor or Creditors.
  - (i) The noticing requirements of FRBP 2002 and this subsection are satisfied by including the notice of intended action within the section 341a notice; and
  - (ii) A party in interest may object to the motion for dismissal at the section 341a meeting, at which time a hearing on the objection will be scheduled.
- (2) Intended use, sale, or lease of property other than in ordinary course of business as governed by FRBP 6004 and **LBR 6004**, but excluding motions for sale or lease of Personally Identifiable Information as provided for in **LBR 6004-3** and sales free and clear of liens and interests which require FRBP 7004 service.

- (3) Intended abandonment of property by the debtor or trustee as governed by FRBP 6007 and **LBR 6007**.
- (4) Intended compromise or settlement of controversy by the debtor or trustee as governed by FRBP 9019 and **LBR 9019**.
- (5) Allowance of compensation or other remuneration to the debtor or Insiders as provided by **LBR 4002-2**.
- (6) Applications for compensation, commissions, or expenses of auctioneers, appraisers, or brokers to the extent the aggregate compensation and expenses exceed \$1000 as governed in FRBP 2002(a)(6).
- (7) Application for compensation or reimbursement of expenses from the estate when the application is that of the trustee only.
- (8) Requests for consolidation of actions pursuant to **LBR 7042-1**.
- (9) All other matters where the Court or the Bankruptcy Rules may direct.

(b) Limitation on Use. Notices of intended action may not be used except as set forth above.

(c) CSD 1180. Any notice of intent given under this section must substantially conform to Local Form CSD 1180.

(d) Response. Any opposition or response to a notice of intended action must be filed and served not more than 21 days after service of the notice of intended action, along a request and notice for hearing substantially conforming to Local Form CSD 1184. If service of the notice of intended action and opportunity for hearing was by mail or through the System, FRBP 9006(f) applies.

(e) Submission of Order. If the opposition period expires without the timely filing of any opposition or other response and a request for hearing, the Movant must promptly upload a proposed order and comply with **LBR 9013-10**.

(f) Stay Pending Decision. The filing of a timely opposition or response to a proposed Action will automatically stay the proposed Action until after the hearing.

(g) LBR 9013 Motion. Upon the affirmative representation of counsel for the Movant that opposition to the intended Action is reasonably anticipated, a hearing date may be obtained from the Courtroom Deputy and the Movant may proceed as a contested matter pursuant to **LBR 9013**.

**2002-3. Notices of Hearing.** Motions for modification of a chapter 12 or 13 plan. The Movant is not required to notice parties in interest who are not adversely affected by the modification.

**2002-4. Noticing Procedure and Service Lists.**

(a) Service of Notice. When giving notice under **LBR 2002-2**, a party must serve a copy of the required notice without the moving papers on all creditors and Indenture Trustees and, if applicable, Equity Security Holders whose names and addresses appear in the case records. In a chapter 11 case, a copy of the notice must also be served on the Internal Revenue Service and, if the chapter 11 debtor is a corporation, on the United States Securities and Exchange Commission.

(b) 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 FRBP 2002(j)(4), the debtor must 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 must include, in parenthesis, the name of the federal agency or other component. For example:

United States Attorney for Southern District of California  
(For the Department of Energy or other agency)  
Street Address, City, State, and Zip

The notice must also be sent directly to the component agency. For example:  
Department of Energy, Street Address, City, State and ZIP.

(c) Register of Addresses. A registry of federal and state agencies and addresses to be used for service under these rules is available via the Court's website at [www.casb.uscourts.gov](http://www.casb.uscourts.gov).

(d) Service List. Creditor lists are readily available through ECF. Parties may obtain and print creditor lists without requiring assistance from the Court

[The Next Rule is 2004]

**RULE 2004. EXAMINATION OF AN INDIVIDUAL OR ENTITY**

**2004-1. Examination and Service.**

(a) FRPB 2004 governs examinations of an Individual or Entity.

(b) Any party in interest seeking to examine any Individual or Entity pursuant to FRBP 2004 must make every reasonable effort to stipulate with the Individual

or Entity to be examined to the date, time, place, and scope of the examination.

(c) The party requesting an examination under FRBP 2004 must use B254.

(d) An order for examination under FRBP 2004 must require a minimum of 21 days' notice from the date of service of the Court's order, unless otherwise agreed to by the parties or ordered by the Court.

[The Next Rule is 2014]

## **RULE 2014. EMPLOYMENT OF PROFESSIONALS**

### **2014-1. Employment of Professionals.**

(a) Chapter 11 Debtor; Case Initiation. Chapter 11 debtors within 30 days from the Petition Date must file an application to retain all professionals as of the outset of the case in accordance with FRBP 2014(a) along with a Declaration of disinterestedness and the proposed order. Untimely applications require a noticed motion seeking nunc pro tunc approval as required by applicable case law.

(b) Other Professionals. The application for employment of chapter 11 debtor professionals entering a case at a later date or applications by a trustee, official committee, or other party where Court approval is required, must conform to FRBP 2014(a) and be filed within 30 days from the commencement of employment, or a noticed motion requesting nunc pro tunc approval is required.

(c) U.S. Trustee Statement of Position. Applications to employ counsel and other professionals must first be submitted to the U.S. Trustee as provided in **LBR 9034-1**.

(d) Required Information. Any application to employ professionals must include a copy of the FRBP 2016(b) disclosure statement, if applicable, and a copy of any retainer agreement, guarantee, security agreement, or other agreement relevant to the employment. A contract for employment must not contain an arbitration provision or other provisions inconsistent with employment as a bankruptcy professional.

(e) Substitution. The substitution of an attorney for the debtor also must comply with the Bankruptcy Code, Bankruptcy Rules, and this Local Bankruptcy Rule.

## **2014-2. Contract for Employment of Agents and Brokers.**

- (a) All applications for employment of agents and brokers.
  - (1) 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 must provide that they are effective only upon Court approval. All contracts for employment must be for a term not to exceed 180 days. A contract for employment must not contain an arbitration provision or other provisions inconsistent with employment as a bankruptcy professional.
  - (2) To the extent the aggregate compensation and expenses of the agent or broker exceed \$1000, a trustee or debtor-in-possession must give the notice required by **LBR 2002-2(a)(6)**. 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 keep records and to prepare, file, or serve reports is the joint and several obligation of the following Individual(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) If the debtor is a limited liability company, both the managing member and chief executive officer of the debtor;
- (d) If the debtor is a limited liability partnership, both the managing partner and chief executive officer of the debtor;
- (e) The Individual who executed the chapter 11 Petition on behalf of the debtor; and
- (f) The Individual 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 \$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, the debtor's counsel, if the debtor is in possession, or the trustee or the trustee's counsel must coordinate the service of one notice of hearing regarding interim and final applications for compensation for all professionals employed by the estate. **LBR 2002-4** governs the form of notice.

### **2016-2. Application for Allowance of Compensation and Expenses for Professional Persons.**

(a) FRBP 2016. Applications for allowance of compensation and expenses for professionals must conform with FRPB 2016.

(b) U.S. Trustee Guidelines; CSD 1143. Except as otherwise set forth in subsection (e) below, all applications for professional fees must comply with the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses. These requirements include a categorized listings of services rendered attached as an exhibit to the application. In addition, all fee applications must be accompanied by an analysis that substantially conforms to Local Form CSD 1143.

(c) Large Cases. Applications in large cases, as defined by the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses, must comply with these guidelines applicable to large cases.

(d) Reference to Retention Date. The initial fee application must include the date of entry of the order authorizing employment and the effective date of the order.

(e) Chapter 13 Cases. **LBR 2016-2(b)** does 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 currently effective guidelines governing chapter 13 attorney fees issued by the Court.

### **2016-3. Final Fee Applications.**

(a) Unless otherwise ordered by the Court, all professionals must file final fee applications.

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

- (1) All information required of interim fee applications under **LBR 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 **LBR 2016-2**.

**2016-4. Orders for Compensation.** All orders for interim or final compensation of professionals must substantially conform to Local Form CSD 1144.

[The Next Rule is 3002]

### **RULE 3002. NOTICES RELATING TO CLAIMS SECURED BY SECURITY INTERESTS IN THE DEBTOR'S PRINCIPAL RESIDENCE**

**3002-1. Notices for Chapter 13 Cases Where No Proof of Claim Has Been Filed By the Creditor Holding a Claim Against the Debtor's Principal Residence.** A creditor holding a claim secured by a chapter 13 debtor's principal residence may electronically file notices of mortgage payment change or notices of post-Petition mortgage fees, expenses, and charges on the claims register in the debtor's case pursuant to FRBP 3002.1(b) and (c) regardless of whether the creditor previously filed a proof of claim.

#### **3002-2. Objection to Notice of Payment Change.**

(a) Objections to a notice of mortgage payment change, together with Local Form CSD 1184 and a Proof of Service, must be filed and served on the creditor and chapter 13 trustee.

(b) Prior to filing the objection to a notice of mortgage payment change, the objecting party must obtain a hearing date.

(c) Any hearing on an objection to a notice of mortgage payment change requires not less than 21 days' notice to the creditor. The creditor must file a response to the objection to notice of mortgage payment change, along with Proof of Service, not later than 14 days from the date of service of the objection.

## **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 FRBP 3003 by the debtor-in-possession or other plan proponent on motion to the Court in accordance with FRBP 3003(c)(3) and **LBR 9013-3(b)**.

**3003-2. Notice** All motions to fix claims bar dates in a chapter 11 case must 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 receive at least 60 days' notice of the last date to file proofs of claim.

[The Next Rule is 3007]

## **RULE 3007. OBJECTION TO CLAIM**

### **3007-1. Claims – Objections.**

(a) Content of Objection. The objection must be filed by motion using Local Form CSD 2015. If an objection to a claim is joined with a demand for relief specified in FRBP 7001, then **LBR 7003** et. seq. pertaining to adversary proceedings applies.

(b) Providing Copy of Claim. The objecting party must note the number of the claim in 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 its claim, the creditor must file and serve an objection to the classification, along with Proof of Service, not later than 30 days following service of the notice of classification.

[The Next Rule is 3015]

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

### **3015-1. Chapter 13 Plan.**

(a) Extension of Time For Filing. A motion for extension of time to file a plan is governed by **LBR 9006-1(d)** and **LBR 9034-2**.

(b) Dismissal by Chapter 13 Trustee. A motion by the trustee to dismiss after plan confirmation may be made on notice only to the debtor and the debtor's attorney, if any, with Proof of Service filed with the Court. As the respondent, the debtor must obtain a hearing date pursuant to **LBR 9013-4**.

### **3015-2. Chapter 13 – Amendments To Plan.**

(a) Pre-Confirmation. When an amendment to the plan is required before confirmation of the plan, a copy of the amended plan must be attached to Local Form CSD 1170.

(b) Post-Confirmation. When an amendment to the plan is required after confirmation of plan, the proposed amended plan must be attached to Local Form CSD 1149.

(c) Amended Plan. Any objections to an amended plan that were not stated as part of the original objection must be filed and served not later than 28 days following the filing of the amended plan.

**3015-3. Chapter 13 – Confirmation.** Hearing on Confirmation of Plan. Unless an objection to confirmation is timely filed in accordance with this rule, a plan confirmation hearing will not be required.

**3015-4. Form of Objection to Chapter 13 Plan.** All objections to confirmation of any original or amended plan, including, but not limited to, objections of the trustee, must be in writing and must set forth with specificity all provisions of the Bankruptcy Code or Bankruptcy Rules relied upon in support of the objection in a form substantially conforming to Local Form CSD 1172 together with any additional Documents required by **LBR 9013-7(b)**.

### **3015-5. Time and Manner for Objecting to Chapter 13 Plan.**

(a) Timing. Objections to the confirmation of the plan must be filed, along with Proof of Service, not later than 7 days after the conclusion of the section 341a meeting. Untimely objections may not be considered. Any such objections must be noticed for hearing at least 28 days after filing the objection.

(b) Notice. The objector must: (i) file a notice substantially conforming to Local Form CSD 1173 filed contemporaneously with an objection to confirmation; (ii) file along with Proof of Service; and obtain a hearing date.

(c) Response. Any response to the objection must comply with **LBR 9013-7** and must be filed, along with Proof of Service, not later than 14 days after service of the objection. If no response is timely filed to the objection, then the objecting party may request an order sustaining the objection and granting other relief appropriately requested in connection with the objection.

(d) Reply. Any reply to a response must be filed with the Documents required in **LBR 3015-6**.

**3015-6. Duty to Meet and Confer.** The plan proponent and objecting party must confer within 14 days after the section 341a meeting to attempt to resolve plan objections. If the objections remain unresolved, then not later than 7 days before the confirmation hearing, each party must file a status report that states with specificity the nature and extent of any unresolved issues.

**3015-7. Order Confirming Chapter 13 Plan; Duty of Debtor's Attorney.** The debtor must prepare and upload Local Form CSD 1177 for the chapter 13 trustee to review within 14 days of the time that the plan is first ready for confirmation (e.g. if no timely objection is filed or when all objections are withdrawn or resolved). The trustee will then either reject the order with notes or forward the approved order to the Court within 14 days of receipt. If counsel provides no order, the chapter 13 trustee may upload Local Form CSD 1178.

#### **3015-8. Motions To Value Property Subject To Lien Under Plan**

(a) Format. A request to value property subject to a lien and to treat a claim as unsecured pursuant to §§ 506(a) and 1322 and FRBP 3012 must be noticed as a motion in accordance with FRBP 9014 and **LBR 9013-4** by using Local Form CSD 1171.1. If timely opposition of the motion is not filed, then **LBR 9013-10(a)** will apply and the Court may deem the non-Movant to have consented to the motion.

(b) Party to be Named. If a proof of claim has been filed, the party to be named in the motion is the "Name of Creditor" listed on CSD Form B10.

(c) Service. The motion must be served in accordance with FRBP 7004 Service.

(d) Deadlines for Motions to Value.

- (1) Filing of Motion to Value Property. The motion must be filed 28 days after a proof of claim is filed by the creditor whose lien the debtor seeks to treat as unsecured or 28 days after the claims bar date, whichever is earlier.
- (2) If a motion is not timely filed, the Court may upon proper motion grant an extension for good cause. Alternatively, the failure of a debtor to timely file a motion may form the basis for a denial of the confirmation of a plan containing a paragraph that seeks to value property subject to a lien and treat the claim as unsecured; the dismissal of the chapter 13 case based on a finding of unreasonable delay that is detrimental to creditors; or other similar action appropriate under the facts of the case.

- (3) A hearing must be obtained that is no later than 42 days after the date the motion is served. Untimely motions will not be given a hearing date without further order of the Court.
- (4) Opposition to a lien strip motion is due 28 days after service of the motion.
- (5) If no opposition is timely filed, then the debtor may submit to the Court an order granting the motion substantially conforming to Local Form CSD 1171.2.

**3015-9. Adequate Protection.** Adequate protection payments are governed by General Order 175(d).

[The Next Rule is 3017]

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

**3017-1. Disclosure Statement – Approval.** Whenever the proponent of a plan amends either the chapter 11 disclosure statement or chapter 11 plan, the proponent must file a separate "redlined" copy that identifies the added language by underlining and the deleted or substituted language by strikeouts. This separate copy must be filed and served at the time the unmarked original of the amended Document is filed.

### **RULE 3018. ACCEPTANCE OR REJECTION OF CHAPTER 11 PLAN.**

#### **3018-1. Ballots – Voting On Plans.**

(a) Notice re: Ballots. The notice of a chapter 11 confirmation hearing must contain a statement advising creditors to return their ballots to the plan proponent or as otherwise directed by the Court.

(b) Assembly. The plan proponent must assemble the ballots, arranged by class, keeping acceptances and rejections separate, and must 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 must be added showing the case caption and titled "ACCEPTANCES TO PLAN" or "REJECTIONS TO PLAN."

**3018-2. Acceptance/Rejection Of Plans.** The proponent of a chapter 11 plan must file and serve all completed ballots no less than 7 days prior to the confirmation hearing. The proponent must simultaneously file a summary using Local Form CSD 1151.

[The Next Rule is 3020]

## **Rule 3020. ESTIMATING DEPOSIT IN CHAPTER 11 CASE**

**3020-1. Chapter 11 – Confirmation.** Not later than 21 days before the confirmation hearing, the plan proponent must request the appropriate case administrator to provide a statement of any unpaid assessments to be collected from the debtor using Local Form CSD 1148.

**3020-2. Schedule Of Estimated Expenses.** Not later than 7 days before the date fixed for the confirmation hearing, the plan proponent must file with the Clerk a schedule of the estimated costs of administration and any other funds required to be distributed upon the effective date of the plan, together with the Documents required by **LBR 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 FRBP 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 FRBP 4001(b), (c), and (d) and **LBR 9013**.

(b) **Assignment Of Identification Number To Motions For Relief From Stay.** Before serving and filing the motion and the notice of motion, the Movant must assign a Relief from Stay Number ("RS No."), inserted two lines below the case number. This RS No. must appear on all copies of the motion and notice of motion which are served on any party and on all subsequent Documents relating to the motion.

- (1) The RS No. must consist of not more than three initials of the attorney for Movant and the number which is one number higher than the number of relief from stay motions previously filed by the attorney in conjunction with that specific bankruptcy case. [Example: the first RS No. assigned by Attorney John D. Doe in the "Smith" bankruptcy case would be JDD1, the second JDD2, the third JDD3, and so on.]

## **4001-2. Content Of Motion For Relief From Stay; Service**

(a) Content. A motion for stay relief must substantially conform to Local Form CSD 1160 or 1163, as appropriate, and must:

- (1) Name, as respondents, the debtor, co-debtors, if applicable, and the trustee.
- (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, repossession, or unlawful detainer proceeding.
- (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) Where the value of an asset is relevant, the Movant must provide admissible evidence of value and any known encumbrances; and
- (6) if the motion is brought for cause, provide admissible evidence of the specific facts that constitute such cause.

(b) Service. The Movant must serve the motion, together with Local Form CSD 1185, on the debtor, co-debtor, any counsel for the debtor, the trustee, and other Entities or Individuals 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.

## **4001-3. Time For Filing Oppositions To Motion; Duty Of Objecting Party To Give Notice.**

(a) If personally served, oppositions to a motion for relief from stay, together with Local Form CSD 1186, must be filed and served upon the Movant, named respondents and the U.S. Trustee not later than 11 days from the date of service of the motion for relief from stay and notice. If not personally served, the opposing party will have 14 days to serve and file such opposition as provided by FRBP 9006(f). If the opposition relates to real or personal property, the opposition must substantially conform to Local Form CSD 1161.

(b) Before serving the objection, the objecting party must obtain a hearing date.

**4001-4. Content Of Declaration In Opposition To Motion.** Any Declaration filed in opposition to a motion for relief from stay must:

- (a) Identify the interest of the opposing party in the property;
- (b) State with particularity the grounds for the opposition; and
- (c) Provide admissible evidence of value and any known encumbrances on the asset, which is the subject of the motion, if value is relevant.

**4001-5. Content Of Order.**

(a) Noncontested Motion. If no opposition to the motion for stay relief is timely filed and served, the Movant may submit to the Court an appropriate order which substantially conforms to Local Form CSD 1162. The order must state:

- (1) The date the motion was filed;
- (2) The particular relief requested; 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 must submit an order in accordance with **LBR 7054-3**.

(c) Stipulated Motion. An order approving a motion for approval of a Stipulation for relief from stay must comply with **LBR 4001-5(a)** and, in chapter 11 cases, provide evidence of compliance with FRBP 4001(d)(1) and (2).

**4001-6. Points And Authorities.** A motion for relief from the automatic stay or opposition to the motion, need not be accompanied by points and authorities. If points and authorities are filed, they may be incorporated, if so desired, into one captioned Document containing the supporting or opposing papers.

**4001-7. 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 FRBP 4001(a)(2).

**4001-8. Rent Deposit.**

(a) Any rent deposited with the Clerk pursuant to 11 U.S.C. § 362(1)(1)(B) must be in the form of a certified or cashier's check or money order payable to the lessor or landlord in the full amount of any rent that would become due during the 30-day period following the filing of the Petition.

(b) The debtor must deposit rent with the Clerk on the Petition Date. A copy of the judgment for possession must accompany the rent deposit and the Petition. The Clerk is directed to refuse any rent check not accompanied by a copy of the judgment for possession.

(c) The debtor should use the Court-approved form CSD 1033, to meet the certification, filing, and service requirements of 11 U.S.C. § 362(1)(2).

(d) Pursuant to 11 U.S.C. § 362(1)(5)(D), the Clerk will transmit the payment to the lessor at the address listed in the section on page 2 of the Petition entitled "Statement by a Debtor Who Resides as a Tenant of Residential Property."

(e) 11 U.S.C. § 326(1)(1) and (2) are inapplicable to post-foreclosure judgments for possession, and the Clerk will not accept deposits tendered in connection with post-foreclosure judgments for possession.

## **RULE 4002. DUTIES AND COMPENSATION OF DEBTOR**

### **4002-1. Safekeeping Of Books And Records.**

(a) Safekeeping of Books and Records. The debtor must 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 must make the debtor's books and records immediately available to the trustee, the U.S. Trustee or their designated agents.

### **4002-2. Compensation Of Debtor And Insiders.**

(a) Compensation. Except in chapter 13 cases and as provided in LBR 4002-2(b) in Individual chapter 11 cases, no compensation or other remuneration will be paid to the debtor or any Insider unless approved by the Court, after notice of intended action to all creditors in accordance with **LBR 2002-2**. In chapter 13 cases, the Court allows payment of salary and expenses consistent with the debtor's Schedule I and J unless an interested party objects.

(b) Individual Chapter 11 Cases. In an Individual chapter 11 case, provided that the Individual chapter 11 debtor files the Notice described in LBR 4002-2(c) within 7 days of the Petition Date, the Court allows payment of salary and expenses consistent with the debtor's schedules I and J for 45 days unless an interested party objects.

(c) Notice of Setting\Increasing Insider Compensation. No compensation or other remuneration may be paid from the assets of the estate to debtor's owners, partners, officers, directors, shareholders, Relatives, or other Insiders, from the time of filing of the Petition until confirmation of a plan, and in the case of an

Individual chapter 11 debtor after the seventh day following the Petition Date, unless the debtor serves notice of proposed Insider or proposed Individual chapter 11 debtor compensation in accordance with the procedures in these local rules. Further, compensation may not be increased unless the debtor serves a notice of the proposed increase in Insider or Individual chapter 11 debtor compensation.

- (1) The debtor must: (A) file and serve the notice on the U.S. Trustee, the creditors committee, or the 20 largest creditors if no committee has been appointed, any other committee appointed in the case, counsel for any of the foregoing, and any secured creditor that claims an interest in the cash collateral, and (B) provide Proof of Service.
- (2) Any Insider may receive compensation or other remuneration from the estate if no objection is received within 14 days after service of the notice. And the Insider may receive an increase in the amount of Insider compensation previously approved if no objection is received within 30 days after service of notice.
- (3) Any objecting party must obtain a hearing date, and file an objection, a notice of hearing, and a Proof of Service.

**4003-1. Motions to Avoid Liens Under 11 U.S.C. Section 522(f).** The debtor's motion to avoid a lien or other transfer of property under Section 522(f) must 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 must also be accompanied by a copy of the recorded homestead declaration.

#### **RULE 4004. CHAPTER 13 OR CHAPTER 11 INDIVIDUAL DISCHARGE**

**4004-1. Certification.** To obtain a discharge, a chapter 11 Individual debtor or a chapter 13 debtor must file a certification concerning Domestic Support Obligations which must substantially conform to Local Form CSD 2120 as appropriate. In joint cases, each debtor must complete and file a separate form.

[The Next Rule is 5005]

## **RULE 5005. FILING AND TRANSMITTAL OF PAPERS**

### **5005-1. Electronic Filing.**

(a) Official Record. The electronic file is the official record of the Court.

(b) Mandatory Requirement. Except as expressly provided in the Administrative Procedures or in exceptional circumstances that prevent a user from filing electronically, all Documents required to be filed or lodged with the Court must be electronically filed through the System.

(c) Entry on Docket. The electronic filing of a Document in accordance with the Administrative Procedures constitutes entry of that Document on the docket kept by the Clerk under FRBP 5003.

(d) Controlling Rule. The Administrative Procedures and this Bankruptcy Local Rule govern electronic filing and CM/ECF and control in the event of a conflict with any other Local Bankruptcy Rule or General Order.

**5005-2. Eligibility To Participate.** The Administrative Procedures define a Registered User as an Individual who has been issued a login and password by the Court to electronically file Documents.

**5005-3. Registration.** A Registered User must keep the user's unique CM/ECF information current at all times (e.g., name, address, e-mail service address, contact name and telephone number). A Registered User must also maintain adequate e-mail capacity (e.g., for receipt of notices and service).

### **5005-4. Logins, Passwords, and Signatures.**

(a) Registered User's Signature. The Registered User login and password serve as the user's signature on all electronic Documents filed with the Court. The login and password also serve as a signature for purposes of FRBP 9011, the Local Bankruptcy Rules, the Administrative Procedures, and any other purpose for which a signature is required in connection with proceedings before the Court.

(b) Form of Signature. Each Document filed electronically must include a signature block in compliance with the Administrative Procedures. The name of the attorney or party filing the Document must be preceded by an "/s/" or "s/" and typed in the space where the signature would otherwise appear, or appear as a scanned image; an example of the correct format for an electronic signature is as follows: "/s/" or "s/" Adam Attorney.

(c) Debtor's Signature. The signature of the debtor or joint debtor, if any, 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. The Local Form CSD 1801 must provide the original debtor signature(s) in a scanned format.

(d) Multiple Signatures. Documents requiring signatures of more than one party must be electronically filed either by:

- (1) Scanning and submitting the Document containing all necessary signatures;
- (2) Representing the consent of the other parties on the Document by use of an "s/", "/s/"; i.e., "/s/ Jane Doe";
- (3) Identifying on the Document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than 3 Court days after filing, or in any other manner approved by the Court; or
- (4) In any other manner approved by the Court.

(e) Unauthorized Use Prohibited. A Registered User may not knowingly permit or cause a password to be used by anyone other than an authorized law firm or office employee. The Registered User is responsible for all Documents filed using their assigned CM/ECF login as if they filed the Documents themselves.

#### **5005-5. Consent To Electronic Service.**

(a) General. Except as discussed in **LBR 5005-7(b)** below, Registered Users are deemed to have:

- (1) Requested and agreed to electronic service and notice; and
- (2) Waived the right to receive any other form of service and notice. This request, agreement, and waiver satisfies FRBP 9036 and includes notices under FRBP 9022.

(b) Exceptions. The deemed request, agreement, and waiver discussed in **LBR 5005-5(a)** does not apply to FRBP 7004 Service or to service under FRBP 9016 of a subpoena directed to a Registered User.

**5005-6. Service.** A Proof of Service where required by these Local Bankruptcy Rules must be included with Documents filed electronically, indicating that service was accomplished through an NEF for parties and counsel who are

participants in the System and indicating how service was accomplished on any party or counsel who is not a participant in the System.

**5005-7. Consequences Of Electronic Filing.**

(a) Filing Deadline. Electronic filing must be completed before midnight in order to be considered timely filed that day.

(b) Fees Payable to the Clerk. Fees are due at time of filing. The requisite Fee must be paid within 24 hours or the user will be locked out of the System until the Fee is paid.

**5005-8. Retention Requirement.** A Document that contains an original signature, other than that of the Registered User, must be maintained in paper form by the Registered User until 5 years after the case is closed or the adversary proceeding is terminated. The Registered User must provide the original paper for review upon request.

[The Next Rule is 5008]

**RULE 5008. FACSIMILE FILINGS.**

**5008-1. Filing.**

(a) A fax filing agency will file all fax transmitted papers on behalf of the parties or their counsel. No papers may be transmitted directly to the Clerk by facsimile for filing. Any papers so transmitted will be rejected and not filed.

(b) The fax filing agency acts as the agent of the filing party and not as agent of the Court. A paper is deemed 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 is not a filing.

(c) The fax filing agency must meet all technical requirements under the Administrative Procedures.

**5008-2. Original Signature.** The image of the original manual signature on the fax copy of the paper will constitute an original signature for all Court purposes. The original signed paper must not be substituted except by Court order. The original signed paper must be maintained by the attorney of record or the party originating the paper for a period not less than 5 years from the date the case was closed or the adversary proceeding was terminated. Upon request, the original paper must be provided to other parties or the Court for review.

[The Next Rule is 5010]

## **RULE 5010. MOTION TO REOPEN A CASE.**

**5010-1. Motion; Notice.** A motion to reopen a closed bankruptcy case must comply with **LBR 9013-7** and be accompanied by Local Form CSD 1182, Proof of Service on all parties affected by the proposed Action, and the appropriate Fee.

**5010-2. Order; Fee.** After expiration of the last day for serving and filing objections or after hearing, the Movant must submit Local Form CSD 1490. The order must be submitted in accordance with **LBR 7054-3**, if contested, or **LBR 9013-9**, if noncontested.

## **RULE 5011. WITHDRAWAL OF REFERENCE; ABSTENTION.**

### **5011-1. Withdrawal Of Reference.**

(a) Motion. A motion to withdraw reference of a case or Action referred to the Court in accordance with 28 U.S.C. § 157(a) must be filed initially with the Clerk.

(b) Response. Responses to a motion to withdraw reference must be filed with the Clerk within 14 days from service of motion.

(c) Reply. Replies must be filed within 7 days from service of the response with the Clerk. After the 7-day period expires, the motion and any responses and replies will be forwarded to the district court clerk for issuance of a case number and assignment to a district court judge. All further Documents regarding the case or Action must be filed with the district court clerk.

(d) Specific Requirements. The motion to withdraw and the response thereto, must list all motions, Actions, and related cases pending in the Court and their assigned number, and must state:

- (1) Whether the request is to withdraw reference of the entire case or Action, or only a part thereof;
- (2) Whether the matter to be withdrawn involves similar issues presently pending or previously determined by the Court in the same or in a related case;
- (3) Whether substantial discovery has been completed in the case or Action;
- (4) Whether the presentation of evidence has begun before the 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 case or Action and its interest therein.

**5011-2. Abstention.** Motions for abstention under 28 U.S.C. § 1334(c) must be filed with the Clerk. Such motions are governed by **LBR 9013** and must be calendared for hearing before the Court.

[The Next Rule is 6004]

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

### **6004-1. Publication of Notice.**

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

(b) See Appendix \_\_\_\_ for a current list of designated publications as required by this rule.

**6004-2. Report of Sale.** A Court order is not required to consummate a noncontested sale, but the trustee or debtor-in-possession must file a report of non-contested sale as required by FRBP 6004(f) within a reasonable amount of time.

(a) The report of sale must:

- (1) Include a description of the property in the report required by FRBP 6004(f) (see Local Form CSD 2024); and
- (2) Attach a copy of the escrow statement or other documentation to the final report and accounting showing distribution of the total proceeds of sale.

### **6004-3. Appointment of a Consumer Privacy Ombudsman.**

(a) Motion. Any motion to sell or lease Personally Identifiable Information must be accompanied by a separate motion and proposed order directing the U.S. Trustee to appoint a consumer privacy ombudsman. The Movant must provide telephonic notice of the filing of the motion within 24 hours to the

U.S. Trustee.

(b) Appointment. The U.S. Trustee must file a notice of the appointment of a privacy ombudsman not less than 14 days prior to the hearing on the motion to sell or lease Personally Identifiable Information.

(c) Report. Not later than 7 days before the hearing, the ombudsman must file a report.

## **RULE 6005. APPOINTMENT OF AUCTIONEERS.**

### **6005-1. Content of Application and Order.**

(a) Auctioneer. An application and order for the appointment of an auctioneer must comply with FRBP 6005 and conform to Local Forms CSD 2044 and CSD 2045.

(b) Additional Requirements. The trustee or debtor-in-possession must attach to the application required by subsection (a) of this Local Bankruptcy Rule:

- (1) A detailed explanation of anticipated expenses;
- (2) A Declaration of the proposed auctioneer as required by FRBP 2014(a) and 2016(a); and
- (3) A statement of the maximum amount of compensation to be paid for services.

**6005-2. Duty of Auctioneer.** Immediately after completing the auction, and before receiving any compensation or reimbursement of expenses, the auctioneer must serve on the trustee or debtor-in-possession and file with the Clerk the auctioneer's report required by FRBP 6004(f);

**6005-3. Payment of Compensation.** To the extent the aggregate compensation and expenses of the auctioneer exceeds \$1000, a trustee or debtor-in-possession must give the notice required by **LBR 2002-2(a)(6)**. 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 FRBP 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 must give notice of the proposed abandonment to the following: the debtor; the debtor's attorney; the U.S. Trustee; any other Individual or 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 will give notice of the proposed abandonment pursuant to **LBR 2002-2**.

## **6007-3. PROCEDURE FOLLOWING NOTICE OF ABANDONMENT.**

(a) **Uncontested Notice.** Where a voluntary abandonment of property is not contested in a timely manner, the trustee or debtor-in-possession need only file the notice required by **LBR 2002-2(a)(3)** and Proof of Service; no further report need be filed.

(b) **Proof Of Service.** The Proof of Service required by this subsection will be attached to the original showing service on the debtor and U.S. Trustee.

[The Next Rule is 7003]

## **RULE 7003 COMMENCEMENT OF ADVERSARY PROCEEDING**

**7003-1. Commencement of Adversary Proceedings.** Unless filed through the System, the plaintiff must file the original and 2 copies of:

- (a) The completed Local Form B 104;
- (b) The complaint prepared as required by the Administrative Procedures;
- (c) The completed Local Form CSD 3007; and
- (d) The Notice of Status Conference.

## **7003-2. Notice of Related Adversary Proceeding or Contested Matter.**

Where a party has reason to believe that an Action on file or about to be filed is

related to another Action pending currently or pending in the past in this Court, it must promptly file and serve on all known parties to each related Action, a Notice of Related Proceeding, stating the title, number and filing date of each related Action, together with a brief statement detailing the relationship and the reasons why assignment to a single judge would save judicial effort and provide other economies. The Clerk will promptly notify the assigned judges of such filing.

## **RULE 7004. PROCESS ISSUANCE AND SERVICE**

**7004-1. Service of Process.** If a summons is not timely served as provided in FRBP 7004(e), another summons must be prepared pursuant to Local Form CSD 3007, with the word "ALIAS" typed above the word "SUMMONS."

[The Next Rule is 7008]

## **RULE 7008. GENERAL RULES OF PLEADING**

**7008-1.** In addition to the statement required by FRBP 7008(a), the pleading must also contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy judge if any matters are determined to be core.

**7008-2.** If the pleading contains a demand for a jury trial, the words "JURY DEMAND" must also appear immediately following the title of the Document. A notation of a jury demand solely on the cover sheet does not constitute a demand for jury trial.

**7008-3.** If the pleading does not contain consent to the entry of final orders or a final judgment by the bankruptcy judge, the words "DEMAND FOR JUDGMENT BY DISTRICT JUDGE" must also appear immediately following the title of the Document. A notation of a demand solely on the cover sheet does not constitute a demand for judgment by a district judge.

[The Next Rule is 7012]

## **RULE 7012. ANSWER**

**7012-1. Content.** Responsive pleadings must contain numbered paragraphs that correspond to the paragraphs in the complaint, cross-complaint, or counterclaim to which it is directed.

**7012-2.** In addition to the statement required by FRBP 7012(b), the pleading must also contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy judge if any matters are determined to be core.

**7012-3.** If the pleading contains a demand for a jury trial, the words “JURY DEMAND” must also appear immediately following the title of the Document.

**7012-4.** If the pleading does not consent to the entry of final orders or judgment by the bankruptcy judge, the words “DEMAND FOR JUDGMENT BY DISTRICT JUDGE” must also appear immediately following the title of the Document.

[The Next Rule is 7016]

## **RULE 7016. PRE-TRIAL PROCEDURES**

### **7016-1. Early Conference of Counsel.**

(a) Time Of Early Conference. In all Actions governed by Part VII of the Bankruptcy Rules unless all defendants default:

- (1) Plaintiff must serve with the summons and complaint, a notice that compliance with this rule is required and a copy of Local Form CSD 3018;
- (2) Plaintiff must file the Proof of Service of the notice together with the Proof of Service of the summons and complaint within the time provided by **LBR 9006-2**; and
- (3) Counsel for the parties must **confer in person, by email, or by telephone** no later than 30 days after the date all defendants have appeared or defaulted or 45 days from the date of the first appearance of any defendant, whichever occurs first. Where there are multiple defendants, plaintiff must take all reasonable steps to schedule the meeting or conference call so that 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 Local Bankruptcy Rule, the parties must:

- (1) Rule 26 Exchanges. Exchange all Documents and make all disclosures required by FRBP 7026 or fix a date to make such exchange;
- (2) Discovery. Discuss a deadline to complete discovery and any agreements with respect to discovery;

- (3) Settlement. Discuss settlement possibilities, including the parties' willingness to go to mediation. If mediation is agreed to, the parties must designate the first choice and alternate choice of mediator, using the Court-maintained mediator list or other mutually acceptable mediator. A list of mediators is available from the Clerk or on the Court's website, [www.casb.uscourts.gov](http://www.casb.uscourts.gov); and
- (4) Exception From Pre-Trial Order. Determine whether the Action should be excluded from any or all of the requirements of **LBR 7016-7**.

**7016-2. Setting and Notice.** After 45 days from the date of the first appearance of any defendant, the Clerk will serve on the plaintiff and any parties who have appeared in the matter a Notice of the date and time for a Pre-Trial Status Conference. Plaintiff will give notice of the Pre-Trial Status Conference to any party who makes an appearance thereafter.

**7016-3. Discussion of Mediation Alternatives.** Before the pre-trial status conference, any counsel in the Action must confer with the client and discuss the mediation program and ask the client for authorization to participate in the mediation program. See **LBR 7016-11** and Administrative Procedures.

**7016-4. Status Conference.**

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

(b) Required Preparation. Parties appearing at the status conference must 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 the Administrative Procedures;

- (6) As to each claim for relief, whether the matter is core or non-core as defined by 28 U.S.C. § 157(b), whether the party consents to entry of a final judgment or order by the Court, and whether any party intends to seek to withdraw the reference and, if so, the proposed timing of such a motion;
- (7) Resolution of jury demand issues;
- (8) A deadline to complete mediation, if desired;
- (9) Whether the nature of the case is such that the parties request that the Court modify or waive any pretrial requirements of **LBR 7016-9**; and
- (10) Any other issues affecting the status or management of the Action.

#### **7016-5. Preparation for Final Pre-Trial Conference.**

(a) Meetings Of Counsel. The parties must convene at a suitable time and place not later than **28 days** in advance of the final pre-trial conference. The purpose of the meeting is to draft Stipulations and reach agreements resulting in simplification of the triable issues. Plaintiff must arrange for meetings of counsel and insure preparation of the pre-trial order mandated by **LBR 7016-7**. Plaintiff must file the prepared pre-trial order with the Clerk no later than 7 days prior to the final pre-trial conference.

(b) Exchanges Between Counsel. At the meeting, the following information must be displayed or exchanged:

- (1) Lists of 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. At the meeting or on other dates agreeable to the parties, but not less than 14 days in advance of the final pre-trial conference, each party must exchange exhibits other than those designed solely for purpose of impeachment or rebuttal. Each photograph, map, drawing and the like must contain a legend on its face or reverse side. The legend must state by date the matters of fact which the party offering the exhibit claims are fairly depicted.

(d) Failure To Display Or Exchange Exhibits Or Lists. Failure to display or exchange exhibits or lists to or with opposing counsel will permit the Court to decline admission of same into evidence.

(e) Lists Of Exhibits. The parties must determine whether any documents should be identified as:

- (1) Joint exhibits to avoid duplication of identical documents on each party's list of exhibits;
- (2) Exhibits expected to be proffered by only one party; and
- (3) Exhibits for which a party reserves the right to proffer at trial. Copies of such exhibits need not be pre-marked nor provided to the Court until marked and offered during trial.

#### **7016-6. Pre-Trial Order.**

(a) Responsibility Of Plaintiff's Counsel. Plaintiff's counsel is responsible for submission of a pre-trial order that reasonably complies with this Local Bankruptcy Rule.

(b) Format. The format of the order must substantially conform to Local Form CSD 3021. Parties appearing in the Action must approve the pre-trial order as to form and substance.

(c) Abandoned Issues. Each party must identify abandoned issues.

(d) Unresolved Issues. The parties must agree upon a joint, and not separately listed, statement of the claim for relief and affirmative defenses which remain to be litigated. Where there is disagreement as to whether a particular claim for relief or defense is in issue, it will be deemed to be at issue and, therefore, to be litigated.

(e) Exhibits. Each party must prepare a joint list of exhibits, and a list of all additional exhibits that each party expects to offer at the trial (other than those to be used for impeachment). The list must sufficiently describe each exhibit. The list must substantially conform to Local Form CSD 3026.

(f) Objections To Exhibits. All objections to the admissibility of any exhibits listed in paragraph (e), the applicable rule of evidence that supports the objection, and any case authority must be set out with specificity and attached as an appendix to the pre-trial order.

(g) Witnesses. The parties must jointly prepare a list of the names and addresses of all prospective witnesses, except impeaching witnesses, and, in the case of expert witnesses, the parties also must 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 witnesses, can testify at the trial, without further Court order.

**7016-7. Trial Counsel to be Present.** Unless otherwise ordered by the Court, trial counsel must appear at the final pre-trial conference.

**7016-8. Sanctions; Pre-Trial.** Failure of trial counsel to attend the final pre-trial conference or to comply with **LBR 7016-5** or **7016-6** 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 Action.

**7016-9. Preparation for Trial.** Unless otherwise ordered, the parties must complete the following activities not less than 7 calendar days prior to the commencement of trial:

(a) Briefing. 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) Jury Trial Documents. In jury cases, serve and file proposed voir dire questions, jury instructions, and forms of verdict;

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

(d) Designations. 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) Motions. Serve and file pre-trial motions.

**7016-10. Return of Exhibits.** At the conclusion of the trial or hearing, every exhibit marked for identification or introduced in evidence will be returned to the party who produced it unless otherwise ordered by the Court. It will be the responsibility of the party to produce the exhibits on appeal.

**7016-11. Mediation.** Parties may participate in mediation pursuant to the provisions of the Administrative Procedures. Upon conclusion of the mediation:

(a) If the parties reach agreement, the parties must designate a party to document the settlement.

(b) The mediator must prepare and file with the Clerk, within 14 days, Local Form CSD 4004, indicating whether a settlement was reached, and if so, whether

there was compliance with the settlement and mediation requirements of the Administrative Procedures.

[The Next Rule is 7026]

## **RULE 7026. DISCOVERY**

**7026-1. Applicability of Rule.** All adversary proceedings, and all contested matters under FRBP 9014 to which the adversary rules apply, must comply with FRBP 26 and follow the procedures set forth in **LBR 7016-1**. Failure to timely comply will be cause for issuance of a notice of dismissal. Civil Rule 26(d)(1) is not applicable to requests under Bankruptcy Rule 7033, 7034, or 7036.

**7026-2. Conference Required.** Before submitting a motion pursuant to FRBP 7026 through 7037, the parties must meet and confer **by telephone or in person** concerning all disputed discovery issues. The parties must meet within 14 days of service of a **letter or email** requesting such meeting and specifying the nature of the dispute. A failure to cooperate in such a meeting may support an award of fees under FRBP 7037.

**7026-3. Certificate of Compliance.** At the time of filing any motion with respect to FRBP 7026 to 7037, counsel for the Movant must serve and file a certificate of compliance with LBR 7026-2.

**7026-4. Protective Order.** Any Individual or Entity may seek a protective order under FRCP 26(c).

**7026-5. Filing Discovery Responses and Transcripts.** A party need not file the following:

- (a) Transcripts of depositions upon oral examination, except that whenever a portion of a deposition is read in Court, the party must furnish a copy to the Court;
- (b) Responses to Requests for Admissions; or
- (c) Responses to Interrogatories.

[The Next Rule is 7030]

## **RULE 7030. DEPOSITIONS**

**7030-1. Attorneys Duty to Stipulate.** Before giving notice, parties must 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, or other terms and conditions governing such a deposition and for any related order of relief.

[The Next Rule is 7033]

### **RULE 7033. INTERROGATORIES TO PARTIES**

**7033-1. Motion for Leave to Serve Additional Interrogatories.** Any motion for leave to serve additional party interrogatories must be made pursuant to **LBR 9013-4 (a)(17)**.

**7033-2. Answers or Objections to Interrogatories.** Answers or objections to each interrogatory must first identify and quote the interrogatory in full.

[The Next Rule is 7036]

### **RULE 7036. REQUESTS FOR ADMISSION**

**7036-1. Response or Objections to Requests for Admission.** Responses or objections to each request for admission must first identify and quote the request for admission in full.

[The Next Rule is 7041]

### **RULE 7041. DISMISSAL OF ADVERSARY PROCEEDING**

**7041-1. Dismissal for Want of Prosecution.** After notice, Actions which have been inactive for more than 3 months may be dismissed without prejudice by the Court.

**7041-2. Dismissal of Related Title 11 Case.**

(a) Whenever a case is dismissed, any pending related adversary proceeding, within which a final judgment has not been entered, may be dismissed without prejudice and without further order of the Court, unless a party files a motion seeking continuation of the adversary proceeding within 7 days of case dismissal.

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

### **7041-3. Voluntary or Stipulated Dismissal of Objections to Discharge of the Debtor.**

(a) Content of Motion or Stipulation. The notice of intended action requesting dismissal or approval of a Stipulation for dismissal of a complaint which contains an objection to the discharge under 11 U.S.C. § 727 must contain a Declaration: (1) identifying whether there has been any monetary settlement or other agreement made as consideration for the dismissal of the § 727 claims for relief and (2) stating that there has been no violation of 18 U.S.C. § 152.

### **7042-1. Motion to Consolidate Actions Involving Common Question of Law or Fact.**

(a) When Appropriate. A party may file a motion to consolidate two or more Actions into one lead Action if a common question of law or fact exists.

(b) Low Number Case Governs. If the Actions arise in different bankruptcy cases, the motion to consolidate must be filed in the lowest numbered case which will become the lead case. If the motion to consolidate includes both adversary proceedings and contested matters, the party must file the motion to consolidate in the lowest numbered adversary proceeding only regardless of the main bankruptcy case number in which contested matters are pending. The judge assigned to the lowest numbered case will rule on the motion to consolidate.

(c) Form. The motion to consolidate must identify the other cases to be consolidated by case name and number.

(d) Order. The motion to consolidate must include a proposed order that follows Paragraph 1 of the Guidelines for the Substantive Consolidation or Joint Administration of Related Debtor Entities, CSD 1514. In addition, the proposed order to consolidate must include:

- (1) Specify parties that will be on the combined service list;
- (2) Instruction that the docket entry will be entered for all member matters and member adversary proceedings identified that is substantially in the following form:

An order consolidating this case/adversary proceeding with other cases/adversary proceedings has been entered pursuant to FRBP 7042, with the lead case designated as \_\_\_\_\_[fill in lead case name and number]\_\_\_\_\_, for the joint administration and adjudication of \_\_\_[fill in core issue that was consolidated]\_\_\_\_\_. The docket of \_\_\_[fill in lead case name and number]\_\_\_\_\_ should now be consulted on

matters regarding \_\_\_\_ [fill in core issue that was consolidated]\_\_\_\_\_.

**7042-2. Notice and Service of Motion to Consolidate Adversary Proceedings and/or Contested Matters Involving Common Question of Law or Fact.** The party filing the motion to consolidate must give notice under **LBR 2002-2(a)(8)** and serve the motion to consolidate to all affected parties.

**7042-3. Effect of Consolidation of Actions Involving Common Question of Law or Fact.** The order consolidating two or more Actions for procedural purposes of determining common question of law or fact only and will not cause a "substantive" consolidation of the respective debtors' estates. Immediately after the entry of the order, the party moving to consolidate under **LBR 7042** must contact each applicable Courtroom Deputy regarding the order to consolidate and the docket entry that must be entered in each member matter and member adversary proceeding. After the entry of the order consolidating Action, the parties must file Documents in the lead case.

[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 FRBP 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.** Within 14 days after the date of a ruling, the prevailing party must prepare and submit any final or proposed judgment or orders and, if required, separate final or proposed findings of fact and conclusions of law, in the manner provided in **LBR 7054-3**.

### **7054-3. Procedures for Submission of Orders After Hearing.**

(a) Orders Approved As To Form. Where all opposing parties approve the form of any final or proposed order, judgment, findings of fact, or conclusion of law ("Proposed Order"), compliance with **LBR 7054-3(b)** is excused. The parties must indicate approval as to form of the Proposed Order by signing "approved as to form" at the end of the text of the Proposed Order.

(b) Lodgment of Orders. Where any opposing party does not approve the form of any Proposed Order or where the prevailing party elects not to seek approval, the Proposed Order will be lodged (the "Lodged Order") together with a Notice of Lodgment conforming to the Administrative Procedures. The notice must inform the opposing party that any objection to the form and content of the Lodged Order must be filed and served within 7 days from the date of service of

the Proposed Order.

(c) Opposition To Lodged Order. Any party who opposes the Lodged Order must file any objection, an alternate Proposed Order, and a Document that identifies by redline or other reasonable method the changes from the Lodged Order within 7 days from the date of service of the original Notice of Lodgment. No further Documents regarding the Lodged Order will be considered except upon leave of Court.

## **RULE 7055. DEFAULT.**

### **7055.1 Required Form for Request to Enter Default.**

(a) A request to enter default under FRBP 7055 must conform substantially to Local Form CSD 3030.

(b) Unless previously filed, the request must be accompanied by a supporting Declaration.

[The Next Rule is 7065]

## **RULE 7065. TEMPORARY RESTRAINING ORDERS AND PRELIMINARY INJUNCTION**

### **7065.1 Requirements.**

(a) Adversary Proceeding Required. Before a party files an application for a temporary restraining order or for a preliminary injunction, the party must file an adversary proceeding that includes a request for injunctive relief.

(b) Documents Required. The application must be made in a Document separate from the complaint and must 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; and
- (3) A Declaration evidencing compliance with the notice requirements of FRBP 7065.

[The Next Rule is 7069]

## **RULE 7069. ENFORCEMENT OF JUDGMENTS**

**7069-1. Form.** Whenever a party seeks a provisional remedy or enforcement of a judgment in accordance with state law as provided in FRBP 7064 and 7069, the application and order must conform substantially to Local Form CSD 3060.

**7069-2. Discovery in Aid of Enforcement of Judgments.** As allowed by FRBP 7069, except to the extent that a federal statute applies, a judgment creditor may obtain discovery from any Individual or Entity to aid in enforcing a judgment in the manner provided by FRBP 7026 through 7037 or in the manner provided by state law. A judgment creditor may not use FRBP 2004 to collect information to use to enforce a judgment, but must use the remedies provided by state law and FRBP 7069.

**7069-3. 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 Clerk a certified copy of such a judgment accompanied by Local Form CSD 3054, and by payment of the Fee mandated by the Judicial Conference pursuant to 28 U.S.C. § 1930.

[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. FRBP 9006(d), **LBRs 2002, 4001, and 9013** govern service of a written motion.

(b) Notice Of Hearing. FRBP 9006(d) and **LBRs 2002-3, 4001-3, and 9013** govern notice of hearing unless the hearing is deemed waived.

(c) Opposition. FRBP 9006(d) and **LBRs 2002, 4001, and 9013** govern the time for filing any opposing affidavits or objections.

(d) Extending And Shortening Time. Subject to the limitations of FRBP 9006, a motion for an order extending or shortening time under the Bankruptcy Rules or Local Bankruptcy Rules may be submitted ex parte pursuant to **LBR 9013-3(e)** with a proposed order.

(e) Inaccessibility Of The Court. The Clerk's office is "inaccessible" within the meaning of FRBP 9006 on any day when it is not available for both electronic filing of Documents and paper filing of Documents.

## **9006-2. Proof Of Service.**

(a) Filing. Proof of Service of all Documents served must be filed with the Clerk's office on the next Court day following the date of service of the Documents, and must indicate the date and manner of service by attaching:

- (1) Written acknowledgment of service by the attorney or authorized Individual served; or
- (2) Attorney's certificate or Declaration of the Individual who mailed or served the Documents.

(b) Validity of Service. The validity of the service is not affected by the failure to file the Proof of Service.

(c) Required Information. A Proof of Service of a Document must identify the following:

- (1) Documents(s) served;
- (2) Service date;
- (3) Name of the Individual or Entity served and that Individual's or Entity's:
  - (i) Mailing or street address if served by mail or hand delivery;
  - (ii) Email address if served electronically; or
  - (iii) Fax number if served by fax transmission;
- (4) Name of the party if service was made on a party's attorney; and;
- (5) Method of service (personal, hand delivery, first class mail, the System, or other delivery method with written consent).

(d) Written Consent to Electronic Service. If service is made by electronic means, other than through the System, the Proof of Service must include a statement that the party being served consented to the particular method of service. Facsimile and email service require such consent.

(e) Service by the System. If service is made using the System, the party filing the Proof of Service may rely on the NEF to indicate that service was made,

except as set forth in **LBR 2002-1** and **5005-6**. The NEF, however, is not a substitute for a Proof of Service.

[The Next Rule is 9010]

## **RULE 9010. APPEARANCE OF ATTORNEYS**

**9010-1. Applicability Of Rule.** FRBP 9010 and Local District Court Rule 83.3 govern the appearance of attorneys in bankruptcy cases and Actions.

**9010-2. Applications For Admission.** Applications for admission under Local District Court Rule 83.3(c)(1) must be presented to the clerk of the United States District Court for the Southern District of California. The application must 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) for appearance in bankruptcy cases and Actions must be presented to the Clerk. The application must be accompanied by the required fee. Checks must 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 cases and Actions must 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 may be used for this purpose. Merely noting such a change on a Document submitted for filing will not constitute compliance with this Local Bankruptcy 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, **LBR 2014-1** and must conform substantially to Local Form CSD 3011.

### **9010-6. Appearance Attorneys.**

(a) Section 341 (a) meeting. An attorney may attend a meeting of creditors on behalf of the attorney of record. The attorney attending a meeting of creditors must be familiar with the facts and circumstances of the bankruptcy case and must be prepared to act as the attorney of record for all purposes of the 341a meeting;

(b) Hearings. Except as otherwise required by these Local Bankruptcy Rules or Court order, an attorney may attend a hearing on behalf of the attorney of record. The attorney must be familiar with the relevant facts and legal issues and

must be prepared to commit to future scheduling and to address all issues reasonably anticipated in connection with the hearing.

[The Next Rule is 9013]

### **9013. MOTION PRACTICE AND CONTESTED MATTERS**

**9013-1. Applicability Of Rule.** This rule applies to any motion, application, or objection with respect to which the Bankruptcy Code provides that relief may be obtained after "notice and a hearing" or similar phrase, but does not apply to: (1) motions for relief from or to, confirm or extend the automatic stay under FRBP 4001 and **LBR 4001**; (2) proceedings that must be initiated by complaint under FRBP 7001 (adversary proceedings); and (3) objections to proofs of claims under FRBP 3007 and **LBR 3007**.

**9013-2. Categories Of Motions, Applications, And Notices Of Intended Action.** The types of motions and applications permitted under these Local Bankruptcy Rules are as follows:

(a) Motions and Applications Not Requiring Notice. See **LBR 9013-3**;

(b) Noticed Motions and Applications. See **LBR 9013-4(a)** (required hearing) and **9013-4(b)** (hearing upon request);

(c) Notices of Intended Action. See **LBR 2002-2, 2002-3, and 9013-4(b)(1)**; and

(d) Emergency Motions. See **LBR 9013-9**.

**9013-3. Motions And Applications Not Requiring Notice.** The following motions and applications may be filed without notice and must be accompanied by an order submitted to the Court in accordance with the Administrative Procedures:

(a) Application for permission to pay filing fee in installments, as governed by **LBR 1006-2**;

(b) Motion for order fixing claims bar date in chapter 11 case, as governed by **LBR 3003**;

(c) Motion for order authorizing examination of an Individual or Entity under FRBP 2004;

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

(e) Motion for order extending or shortening time, as governed by **LBR 9006-1(d)**, except a motion for an order extending time to file bankruptcy schedules and statements required by FRBP 1007 and **LBR 1007**;

(f) Motion to file Document under seal under FRBP 9018;

(g) Motion to restrict access to Documents containing any of the personal identifiers in FRBP 9037(a). See **LBR 9018**; and

(h) Motions under Section 362(c)(4)(A)(ii).

**9013-4. Hearings And Hearing Dates.** Certain motions require a notice of hearing in every instance (**LBR 9013-4(a)**). Hearings on all other motions and on notices of intended action are set only upon request of the Movant or respondent (**LBR 9013-4(b)**). In all instances, hearing dates must be requested from the Courtroom Deputy.

(a) Hearings Required (Movant Requests Hearing). This rule governs any motion or application where the Movant requests a hearing date or an actual hearing is required by the Bankruptcy Code or FRBP including, but not limited to, the following motions and applications:

- (1) Motion for conversion of chapter 7, 11, or 12 case, by other than the debtor.
- (2) Motion for dismissal of a case, except as otherwise provided in **LBR 2002-2(a)(1)** and **3015(1)(b)**;
- (3) Motion for approval of a chapter 11 disclosure statement;
- (4) Motion for confirmation of a chapter 11 plan;
- (5) Motion for modification of a chapter 9 or 11 plan;
- (6) Motion for modification of a chapter 12 or 13 plan;
- (7) Application for allowance of compensation or reimbursement of expenses in excess of \$1000 as provided by FRBP 2002(a)(6) and 2016 and **LBR 2016**, except as otherwise provided in **LBR 2014-2(a)(2)**;
- (8) Motion to appoint a trustee or examiner in a chapter 11 case;
- (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);
- (11) Motion to extend time within which to object to discharge under § 727 or to object to the dischargeability of a debt under § 523;
- (12) Motion to extend the debtor's exclusive time to file and confirm a chapter 11 plan;
- (13) Motion to approve loan modifications;
- (14) Motion to avoid liens under 11 U.S.C. § 522(f);
- (15) Motion to value real property, treat claim as unsecured, and avoid junior lien;
- (16) Application for order to show cause regarding contempt under FRBP 9020;
- (17) All motions filed in an Adversary Proceeding governed by Part VII of the Bankruptcy Rules;
- (18) Motions for remand;
- (19) Motion under **LBR 7041-2(b)**; and
- (20) Other matters as the Court directs, the Bankruptcy Code and Bankruptcy Rules provide, or the Movant desires.

The following Notice of Hearing forms should be used for motions and applications described in this section as applicable:

CSD 1181 (All Creditors), CSD 1181A (Exhibit A to 1181 required with fee notices), CSD 1183 (Less than all creditors), CSD 3015, (Adversary Proceedings), CSD 1171.1 (Value Property), CSD 1149, (Approval of Disclosure Statement/Plan), CSD 1158 (Impose/Extend Stay), and CSD 1173 (Objection to Ch. 13 Plan).

(b) Hearings Upon Request.

- (1) Notice of Intended Action and Opportunity for Hearing (Respondent Requests Hearing). A party in interest may initiate a request for relief through a notice of intended action as set forth in **LBR 2002-2**. A Notice of Intended Action & Opportunity for Hearing form, CSD 1180, is available for use.

- (2) Hearings Permitted (Respondent Requests Hearing). Unless otherwise provided in the Bankruptcy Rules or Local Bankruptcy Rules, a motion, application, or objection may be noticed with an opportunity for hearing.
- (3) The Movant also may request a hearing on any motion or application. Any party who is permitted to give only **LBR 9013-4(b)(1)** or **(2)** notice may nevertheless request a hearing date be set for the motion or application upon a representation to the Court that opposition is expected or that a hearing otherwise is required.

The following Notice of Motion or Notice of Objection forms should be used as applicable: CSD 1182 (Blank Description), CSD 1027 (Exemption re: Credit Counseling), and CSD 1140 (Debtor's Claim of Exemption).

#### **9013-5. Motions And Applications Requiring A Statement Of Position.**

**LBR 9034-1** enumerates motions and applications, which require notice to and a statement of position from the U.S. Trustee as well as the procedures for obtaining a statement of position. **LBR 9034-2** sets forth motions and applications, which require notice to and a statement of position from chapter 13 trustees as well as the procedures for obtaining a statement of position.

#### **9013-6. Time For Service.**

(a) Movant Requests Hearing. In all matters where the Movant is requesting a hearing as set forth in **LBR 9013-4**, the time for service of motions and oppositions is as follows:

- (1) Time for Serving Motion. A motion, along with all Documents set forth in **LBR 9013-7(a)**, and, if relevant, the notice of motion as required by **LBR 2002-4**, must be filed and served not later than 28 days before the hearing date.
- (2) Time for Serving Opposition, Generally. Except as otherwise provided by the Bankruptcy Rules or Local Bankruptcy Rules, each party opposing a motion must serve that opposition together with all Documents set forth in **LBR 9013-7(b)** not later than 14 days after service of the notice of motion, if personally served. If served by mail, opposing party has three additional days to serve such opposition as provided by FRBP 9006(f).
- (3) Time for Serving Opposition to Motion for Approval of Disclosure Statement and Motion for Confirmation of Plan. Each party opposing a motion for approval of a disclosure statement or a motion for confirmation of a plan must serve

that opposition not later than 28 days after service of the notice of motion, if personally served. If served by mail, the opposing party has three additional days as provided by FRBP 9006(f).

- (4) Time for Serving Opposition to Motion to Value Real Property, Treat Claim as Unsecured and Avoid Junior Lien (Motion to Value Real Property). See **LBR 3015-8(d)(4)**.

(b) Respondent Requests Hearing. For all matters where the respondent is requesting a hearing as set forth in **LBR 9013-4(b) (1) and (2)**, except as otherwise provided by an order shortening time or the Bankruptcy Rules and Local Bankruptcy Rules, each respondent must serve the opposition plus items set forth in **LBR 9013-7(b)** and Local Form CSD 1184, not later than 14 days after service of the notice of motion, if personally served. If served by mail, the opposing party has 3 additional days to serve such opposition as provided FRBP 9006(f).

(c) Time for Service of Reply. Any reply, including any supporting Documents, must be filed and served on the adverse party the earlier of 7 days after service of the opposition or 3 Court days before the date of the hearing. Responses to a reply are not permitted without Court order.

#### **9013-7. Form And Content And Length Of Documents.**

(a) Moving Papers.

- (1) General Requirements. Except as provided otherwise in the Bankruptcy Rules and Local Bankruptcy Rules, all motions and applications must be in writing. Each motion and application must be filed and served. Each motion and application must include a complete statement of the relief requested and evidence as necessary supporting that relief including, but not limited to, Declarations.
- (2) Special Requirements. Additional requirements are set forth in the following Local Bankruptcy Rules relating to specific matters:
- (3) Motion to Dismiss Case – **LBR 1017, 2002-2(a)(1), and 3015(1)(b)**;
- (4) Motion for Dismissal of Complaint Objecting to Debtor's Discharge – **LBR 7041-3**;

- (5) Motions to Avoid Liens Under 11 U.S.C. § 522(f) – **LBR 4003-1**;
- (6) Motion for Exemption from Credit Counseling Under 11 U.S.C. § 109(h)(4). The motion must contain information substantially conforming to CSD 1027;
- (7) Motion for Order Confirming that Automatic Stay is Not in Effect Under 11 U.S.C. § 362(c)(4)(A) – **LBR 4001** and **1007**;
- (8) Certificate of Cure of Entire Monetary Default under 11 U.S.C. § 362(1) – **LBR 4001-8**;
- (9) Motion to Access Federal Income Tax Returns under 11 U.S.C. § 521(f) – The Movant must serve the motion on the debtor in addition to the parties required by FRBP 9013; and
- (10) Insider Compensation Requests – **LBR 4002-2**.

(b) Oppositions and Responses.

- (1) General Requirements. Except as provided otherwise in the Bankruptcy Rules and Local Bankruptcy Rules, all oppositions and responses to motions and applications must be in writing. Each opposition and response to a motion or application must be filed and served. Each opposition and response to a motion or application must include a complete statement of the reasons in opposition to or in support of the motion and evidence as necessary supporting the reasons including, but not limited to, Declarations.
- (2) Failure to File Opposition. The Court may treat a failure to timely file opposition to a motion or application by any party in interest, including the U.S. Trustee and the chapter 13 trustee, as the non-objecting party's consent to the granting of the motion and waiver of oral argument. The Court, as a result, may vacate any then pending hearing and promptly enter an order granting the requested relief.

(c) Length of Papers; Tables.

- (1) Briefs or memoranda in support of or in opposition to any pending motion or application must not exceed 25 pages.

- (2) Reply memoranda must not exceed 10 pages.
- (3) Brief and memoranda exceeding 10 pages in length must include a table of contents and table of cited authorities.

**9013-8. Motions For Reconsideration.** A motion for reconsideration must expressly indicate whether it is brought under FRBP 9023 or 9024. Substantiation of the relevant ground for relief must be by admissible evidence and, if applicable, citation to the newly adopted statutory or case authority.

**9013-9. Emergency Motions.**

(a) Scope of Rule. If an emergency motion requiring an order must be obtained, comply with this rule.

(b) Contents of Motion. The motion must:

- (1) State the relief requested;
- (2) Comply with any other applicable provisions of these rules regarding the relief requested; and
- (3) Be accompanied by a Declaration that:
  - (i) Justifies the setting of a hearing on an emergency basis; and
  - (ii) Supports the granting of the motion itself on the merits.

A separate motion for an expedited hearing is not required under this rule.

(c) Service of Motion. A party must personally serve written Documents supporting the emergency motion on parties or counsel for parties in interest including the U.S. Trustee or, if the parties or counsel are located outside of the Southern District of California or personal service is impracticable, then serve the pleadings in a manner reasonably calculated to provide prompt notice, including express or overnight delivery or, with consent, by email or facsimile.

(d) Telephonic Notice. The Movant must make reasonable efforts to telephonically or personally notify parties, including the U.S. Trustee, of the emergency relief requested. In addition, the Movant must make a good faith effort to determine whether any party intends to oppose the relief requested.

(e) Declaration Regarding Notice And Opposition. 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.

(f) Caption of Motion. The word "Emergency" must appear in the caption of all emergency motions and orders related to the emergency motion. Movant must provide the judge's law clerk with telephonic notice of the motion when it is filed.

(g) Response to Motion and Notification of Law Clerk. Any party in interest who opposes an emergency motion must immediately notify the judge's law clerk by telephone of intent to oppose. Written opposition is not required to be filed to the emergency motion, unless the Court otherwise directs.

(h) Court's Discretion. The Court reserves discretion to grant or deny an emergency motion without further hearing.

(i) Sanctions. If sanctions are appropriate based on improper use of the emergency motion procedure, sanctions may be awarded regardless of the ultimate determination of the merits if later heard as a fully noticed matter.

#### **9013-10. Orders.**

(a) Content of Orders or Reports on Non-Contested Motions. After expiration of the last date for serving and filing objections, if no objections have been filed to a motion filed pursuant to **LBR 9013**, the Movant must submit to the Court an appropriate order or, if applicable, the report required by **LBR 6004-3** or **6007-3**. If an order is required, the order must attach as Exhibit "A" a file-stamped copy of the notice of motion or notice of intended action and Proof of Service and must set forth the following:

- (1) Date the motion was filed with the Clerk;
- (2) Complete and concise statement of the relief to be granted;
- (3) Statement that the Movant has received no Documents in opposition; and
- (4) Full legal description and any street address for the property if the motion pertains to real property.

(b) Orders on Contested Motions. FRBP 7054 and **LBR 7054** govern the preparation of orders following hearing on an Action.

(c) Service of Orders. The party obtaining relief is responsible for serving the entered order on the persons affected by the order and must file a Proof of Service with the Court no later than the next business day following the date of service.

[The Next Rule is 9018]

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

**9018-1. Documents Containing Personal Identifiers.** Upon the request of a party in interest who identifies a proof of claim containing any of the personal identifiers itemized in FRBP 9037(a), the Clerk will restrict general public access to that proof of claim and its attachments and notice the claimant of the requirement to file an amended proof of claim and attachments without the redacted information. All other requests to restrict public access to Documents containing any of the personal identifiers in FRBP 9037(a) must be made by motion and accompanied by redacted versions of the Documents. The entry of an order on the motion under this Local Bankruptcy Rule is considered an administrative function and is delegated to the Clerk. The Movant must file the amended Document with the redacted information, no later than 14 days after the entry of such an order.

**9018-2. 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 **LBR 9013-3(f)**. The ex parte motion must 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 to be filed under seal. The order will be placed on the Court docket for public inspection.

**9018-3. Filing Documents Under Seal.** All Documents filed under seal must contain the following legend to be contained on the face page of the Document or pleading 2 lines under the department listed for any hearing, or if no hearing has been scheduled, 2 lines under the title of the Document: "THIS DOCUMENT IS FILED UNDER SEAL PURSUANT TO COURT ORDER."

**9018-4. 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.** When FRBP 9019 governs notice of a Stipulation, settlement, or compromise of a controversy requiring Court approval, the Document requesting approval must describe the nature of the controversy, the terms of the settlement, the financial impact upon the estate, if any, and the settlement's compliance with the requirements for settlement approval under controlling case law authority. The Movant also must:

(a) Form of Order. Either attach a copy of the notice and Proof of Service as Exhibit "A" to the Order or referenced these Documents by docket number within any proposed order; and

(b) Evidence. File a Declaration providing evidence of the appropriateness of the Stipulation, settlement, or compromise.

[The Next Rule is 9021]

**9021-1. Orders** (See **LBR 9013-10**)

[The Next Rule is 9025]

**RULE 9025. SECURITY AND BONDS; DEPOSIT AND APPROVAL.**

**9025-1. Surety Bonds.** Non-institutional surety bonds of \$1,000 or less and all corporate surety bonds, will be approved by the Clerk. The Clerk will append the following statement to the bond:

"I hereby approve the foregoing bond.

Dated:

Clerk"

Approval of all other non-institutional surety bonds or other forms or security under FRBP 9025 must be obtained by Court order.

[The Next Rule is 9027]

**RULE 9027. REMOVAL AND REMAND.**

**9027-1. Commencement Of A Removal Action.** A notice of removal pursuant to FRBP 9027 is filed with the Clerk together with:

- (a) Form B 104 and the complaint;
- (b) Additional process and Documents required by FRBP 9027(a)(1); and
- (c) Local Form CSD 3007.

**9027-2. Statement In Notice Of Removal Regarding Consent To Entry Of Orders Or Judgment In Core Proceeding.** If, pursuant to FRBP 9027(a)(1), a notice of removal states that the removed Action claim or cause of action or any part of it is core, the notice must also state that the party removing the proceeding does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

**9027-3. Statement Regarding Consent To Entry Of Orders Or Judgment In Core Proceeding.** If a statement filed pursuant to FRBP 9027(e)(3) by a party who filed a pleading in connection with a removed claim or cause of action, other

than the party filing the notice of removal, states that the proceeding or any part of it is core, the party must state that the party does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

**9027-4. Jury Trial.** If a notice of removal or answer contains a demand for a jury trial, the words "JURY DEMAND" must also appear immediately following the title of the Document. The words "JURY DEMAND" must also appear on the cover sheet required by **LBR 9027-1(a)**. Notation of the jury demand solely on the cover sheet does not constitute a demand for jury trial under these Local Bankruptcy Rules.

**9027-5. Remand.** A motion for remand under FRBP 9027(d) must be filed with the Clerk.

[The Next Rule is 9034]

**RULE 9034. TRANSMITTAL OF MOTIONS AND APPLICATIONS  
TO THE U.S. TRUSTEE [OR CHAPTER 13 TRUSTEE]  
FOR STATEMENT OF POSITION.**

**9034-1. Motions And Applications Requiring A Statement Of Position Of  
The U.S. Trustee.**

(a) When Required. In chapter 7, 11, and 12 cases, a statement of position from the U.S. Trustee must be requested for the following matters:

- (1) Motions for extension of time for filing schedules and statements required by FRBP 1007 and **LBR 1007-3**.
- (2) Applications to employ attorneys and other professionals including, but not limited to, accountants, appraisers, auctioneers, agents, and brokers pursuant to 11 U.S.C. § 327 or § 1103 and as required by **LBR 2014** and **6005**.
- (3) Applications for entry of final decree on consummation of a chapter 11 plan and governed by FRBP 3022.

(b) Procedure. To obtain a statement of position, a Movant must, on the same day, 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 attaching any other supporting Documents.

(c) The U.S. Trustee will only accept service at [Ustp.region15sop@usdoj.gov](mailto:Ustp.region15sop@usdoj.gov) for requests for statements of position in connection with the three matters set forth in **LBR 9034-1(a)**. The Movant's email to the U.S. Trustee must clearly set forth a return email or mailing address.

(d) For motion for extension of time for filing schedules and statements, the U.S. Trustee has 7 days from the date of filing and service of the motion to file a statement of position that may include a request that the Movant set the matter for hearing.

(e) For applications to employ attorneys and other professionals and for entry of final decree, the U.S. Trustee has 14 days from the date of filing and service of the application to file a statement of position that may include a request that the Movant set the matter for hearing.

(f) If the U.S. Trustee has no objection to a motion or application, the U.S. Trustee may file a statement of position. No service on the Movant is required. If the U.S. Trustee objects to the motion or application, the U.S. Trustee must file a statement of position with the Court with a proof of service showing service on the Movant at the email or mailing address provided in the request for a statement of position.

(g) After the filing of, or the expiration of the time to file, a statement of position objecting to the motion or application, if no hearing is requested by the U.S. Trustee, the Movant may take any or of the following actions:

- (1) Submit an order to the Court requesting approval of the motion or application, that must reference the docket number for any U.S. Trustee's statement of position;
- (2) File supplemental Documents in response to the statement of position; and
- (3) Schedule a hearing with proper notice to the U.S. Trustee and other parties in interest.

(h) 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.

**9034-2. Motions Requiring A Statement Of Position Of The Chapter 13 Trustee.**

(a) When Required. In a chapter 13 case, the debtor must request a statement of position from the chapter 13 trustee in connection with the following matters:

- (1) Motions for extension of time for filing schedules and statements required by FRBP 1007 and **LBR 1007-3**.
- (2) Motions for extension of time for filing a chapter 13 plan, as governed by **LBR 3015-1**.
- (3) Motions to sell real or personal property of the debtor, as governed by FRBP 6004.

(b) Procedure. To obtain a statement of position of the chapter 13 Trustee, the Movant must file the underlying motion and serve it upon the chapter 13 Trustee. The Movant must then upload the CSD form 1179, Request for Statement of Position of the chapter 13 Trustee, and the chapter 13 Trustee, as appropriate, will execute the CSD 1179 and upload it into the System. Once the executed CSD appears on the Court docket, the Movant must upload an Order which will be subject to Court approval.