

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In	)	SECOND AMENDED
	)	BANKRUPTCY GENERAL ORDER
REQUIREMENT TO SUBMIT	)	
PETITION, SCHEDULES AND	)	NO. 165
STATEMENTS ON COMPUTER	)	
DISKETTE IN ALL CASES, AND	)	
AMENDMENT TO ADVERSARY	)	
DISCOVERY AND DISMISSAL	)	
PROCEDURES	)	
_____	)	

In order to improve case processing and update the Local Bankruptcy Rules to conform with changes in the Federal Rules of Bankruptcy Procedure;

IT IS ORDERED that effective MARCH 1, 2002, Local Bankruptcy Rules 1007-2(a)(13), 1007-2(b), 7016-2, 7016-3, 7026-1 and 7041-2 be amended to read as follows:

Local Bankruptcy Rule 1007-2(a)(13) and (b):

~~(13) One computer diskette containing a pdf file of items 2 through 12 above [i.e., petition, schedules and statements] and the names and addresses of creditors and other parties in interest submitted pursuant to Local Bankruptcy Rule 1007-1. If financial constraints and/or the inability to access the equipment necessary to produce the diskette would cause an undue hardship on the debtor, a scannable creditor matrix must be submitted accompanied by an executed REQUEST FOR WAIVER OF DISKETTE REQUIREMENT, [CSD 1010].~~

(13) One computer diskette containing separate files as follows:

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

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

(C) one (1) txt file containing the names and addresses of creditors and other parties in

interest submitted pursuant to Local Bankruptcy Rule 1007-1.

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

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

~~(1) Chapter 7, 11, and 12 Cases - the original and two (2) copies.~~

~~(2) Chapter 13 Cases - the original and two (2) copies.~~

## **7016-2. EARLY CONFERENCE OF COUNSEL.**

(a) **TIME OF EARLY CONFERENCE.** In all proceedings governed by Part VII of the Fed. R. Bankr. P., the parties shall comply with this Local Bankruptcy Rule, unless all defendants have defaulted. The plaintiff shall serve with the summons and complaint, a notice that compliance with this rule is required and a copy of Local Form CSD 3018, *CERTIFICATE OF COMPLIANCE WITH EARLY CONFERENCE OF COUNSEL*. The plaintiff shall file the proof of service of the notice together with the proof of service of the summons and complaint within the time provided by Local Bankruptcy Rule 9006-3. Counsel for the parties shall confer for the purposes set forth below. Such conference shall take place no later than thirty (30) days after the date all defendants have appeared or defaulted or forty-five (45) days from the date of the first appearance of any defendant, whichever occurs first. Where there are multiple defendants, plaintiff or its counsel shall take all reasonable steps to schedule the meeting or conference call so that counsel for all parties can attend. Where necessary, in multi-defendant cases and upon a showing of good cause, the court may grant an application for an extension of time within which to hold the early meeting.

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

- (1) **DOCUMENTS.** Exchange all documents and make all disclosures required by Fed. R. Bankr. P. 7026(a)(1) or fix a date to make such exchange.
- (2) **DISCOVERY.** Develop a discovery plan using Exhibit A to Local Form 3018, *CERTIFICATE OF COMPLIANCE*.
- (3) **OTHER EVIDENCE.** Exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.
- (4) **LIST OF WITNESSES.** Exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.
- (5) **SETTLEMENT.** Discuss settlement possibilities, including the parties' willingness to go to mediation. If mediation agreed to, designate the first choice and alternate choice of mediator, using court-maintained mediator list or other mutually acceptable mediator. A list of mediators is available from the Office of the Clerk or on the court's website, [www.casb.uscourts.gov](http://www.casb.uscourts.gov).

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

### **7016-3. SETTING AND NOTICE.**

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

**7026-1. APPLICABILITY OF RULE.**

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

**7041-2. DISMISSAL FOR WANT OF PROSECUTION.**

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

IT IS FURTHER ORDERED that the period of comment shall be now until NOVEMBER 30, 2001. The effective date of these rule will be MARCH 1, 2002. Any comments should be submitted to the Clerk of Court at 325 West "F" Street, San Diego, CA 92101-6991. Please note on the envelope: "In re: LOCAL RULES."

DATED: February 19, 2002

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

OUT OF DISTRICT  
JAMES W. MEYERS  
Judge, U.S. Bankruptcy Court

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

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