

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re)
) AMENDED
) BANKRUPTCY GENERAL ORDER
AMENDMENT OF LOCAL RULES)
OF THE UNITED STATES) NO. 170
BANKRUPTCY COURT)
_____)

The public comment period having been concluded, General Order No. 170 is amended as follows:

IT IS ORDERED that Local Bankruptcy Rules 1006, 1007-2(a), 1007-5 through 1007-7, 2002-1, 2002-2(a), 2002-3, 2014-2(b), 2015-2, 4008, 6004, 6005-4, 9013-2(b), 9013-6(a) and 9014-4 be amended to read as follows:

Local Bankruptcy Rule 1006:

1006-2. WAIVER OF FILING FEE.

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

1006-2-3. APPROVAL OF INSTALLMENT FEES.

1006-3-4. DISHONORED CHECKS.

Local Bankruptcy Rule 1007-2(a):

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

Local Bankruptcy Rule 1007-2(a)(14) through (17):

- (14) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer, [See Official Bankruptcy Form B 19B] (only in cases for unrepresented debtors);
- (15) One of the following in cases for individual debtors only:
 - (A) Certificate of Credit Counseling; or
 - (B) *CERTIFICATE OF EXIGENT CIRCUMSTANCES AND MOTION FOR EXTENSION OF TIME TO FILE CERTIFICATE OF CREDIT COUNSELING* and *ORDER* in accordance with Local Bankruptcy Rule 9013-6(a)(1)(J) [See Local Forms CSD 1025 and CSD 1026]; or
 - (C) *MOTION FOR EXEMPTION FROM CREDIT COUNSELING AND NOTICE OF OPPORTUNITY FOR HEARING* in accordance with Local Bankruptcy Rule 9013-2(b)(4) [See Local Form CSD 1027].
- (16) One of the following in cases for individual debtors only:
 - (A) Chapter 7 Statement of Current Monthly Income and Means Test Calculation [See Official Bankruptcy Form B 22A]; or
 - (B) Chapter 11 Statement of Current Monthly Income [See Official Bankruptcy Form B 22B]; or
 - (C) Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income [See Official Bankruptcy Form B 22C].
- (17) Chapter 11 small business debtors must file either:
 - (A) the most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return required by 11 U.S.C. § 1116(1)(A); or
 - (B) a statement indicating that the documents listed in subsection (A) above have not been prepared or filed as required by 11 U.S.C. § 1116(1)(B).

(14—18)

Local Bankruptcy Rule 1007-5 through 1007-7:

1007-5. COMPLETION OF PERSONAL FINANCIAL MANAGEMENT COURSE.

The debtor shall file Official Bankruptcy Form B 23, "Certification of Completion of Instructional Course Concerning Personal Financial Management," together with the certificate obtained from a personal financial management instruction provider

- (a) no later than forty-five (45) days after the first date set for the meeting of creditors under 11 U.S.C. § 341 in a chapter 7 case; or
- (b) no later than the last payment made by the debtor as required by the chapter 13 plan or the filing of a motion for entry of a discharge under 11 U.S.C. § 1328(b) in a chapter 13 case.

1007-6. PAYMENT ADVICES.

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

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

Local Bankruptcy Rule 2002-1:

(a) **APPLICABILITY OF RULE.**

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

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

~~(b-d)~~ **28-DAY NOTICE.**

~~(c-e)~~ **39-DAY NOTICE (DISCLOSURE STATEMENTS AND PLAN CONFIRMATIONS).**

~~(d-f)~~ **NOTICE BY CHAPTER 7 TRUSTEE.**

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

~~(f-h)~~ FILING OF PAPERS WITH CLERK.

Local Bankruptcy Rule 2002-2(a)(2):

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

Local Bankruptcy Rule 2002-2(a)(6):

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

Local Bankruptcy Rule 2002-3(a)(7) through (b)(3) - Notice of Hearing:

- (7) application for allowance of compensation or reimbursement of expenses in excess of \$500-\$1000 as provided by Fed. R. Bankr. P. 2002(a)(~~7-6~~) and 2016 and Local Bankruptcy Rule 2016, except as otherwise provided in Local Bankruptcy Rule 2014-2(b);
- (8) motion to appoint a trustee or examiner in a chapter 11 case;~~and~~
- (9) motion by the debtor or other party in interest to extend automatic stay under 11 U.S.C. § 362(c)(3)(B);
- (10) motion for order imposing automatic stay under 11 U.S.C. § 362(c)(4)(B); and
- ~~(9-11)~~ all other matters where the court or Fed. R. Bankr. P. so directs.

(b) Prior to giving notice of a hearing, the moving party shall obtain a hearing date from the courtroom deputy.

Any notice of hearing given under this section shall substantially conform to:

- (1) Local Form CSD 1181, *NOTICE OF MOTION AND HEARING*; or
- (2) if the notice relates to a hearing on a chapter 11 plan or disclosure statement or modification of a chapter 13 plan after confirmation, Local Form CSD 1149, *NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT, PLAN, OR MODIFIED PLAN*; or
- (3) if the notice relates to a hearing to extend or impose the automatic stay under 11 U.S.C. § 362(c)(3)(B) or (c)(4)(B), Local Form CSD 1158, *NOTICE OF HEARING AND MOTION TO EXTEND OR IMPOSE THE AUTOMATIC STAY*.

Local Bankruptcy Rule 2014-2(b):

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

Local Bankruptcy Rule 2015-2:

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

Local Bankruptcy Rule 4008:

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

4008-1. PROCEDURE.

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

Local Form CSD 1227, *INSTRUCTIONS TO DEBTORS REPRESENTED BY AN ATTORNEY REGARDING THE REAFFIRMATION OF A DEBT*, to all other debtors.

Local Bankruptcy Rule 6004:

6004-4. APPOINTMENT OF A CONSUMER PRIVACY OMBUDSMAN.

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

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

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

Local Bankruptcy Rule 6005-4:

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

Local Rule 9013-2 (b)(4) through (7) - Special Requirements, Limited Party Motions:

- (4) **MOTION FOR EXEMPTION FROM CREDIT COUNSELING UNDER 11 U.S.C. § 109(h)(4).** The motion shall contain information substantially conforming to Local Form CSD 1027, *MOTION FOR EXEMPTION FROM CREDIT COUNSELING AND NOTICE OF OPPORTUNITY FOR HEARING*.
- (5) **MOTION FOR ORDER CONFIRMING THAT AUTOMATIC STAY IS NOT IN EFFECT UNDER 11 U.S.C. § 362(c)(4)(A).** The requesting party shall serve the request on the parties named in Local Bankruptcy Rule 4001-2(a)(1).
- (6) **CERTIFICATE OF CURE OF ENTIRE MONETARY DEFAULT UNDER 11 U.S.C. § 362(l).** The certificate shall contain information substantially conforming to Local Form CSD 1033,

*CERTIFICATE OF CURE OF ENTIRE MONETARY DEFAULT
PURSUANT TO 11 U.S.C. § 362(1) AND NOTICE OF
OPPORTUNITY FOR HEARING.*

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

Local Rule 9013-6 (a)(1)(H) through (K) - Ex Parte Motions and Applications:

- (H) motion to file document or pleading under seal under Fed. R. Bankr. P. 9018; ~~and~~
- (I) application for order to show cause regarding contempt under Fed. R. Bankr. P. 9020;
- (J) certificate of exigent circumstances and motion for extension of time to file certificate of credit counseling under 11 U.S.C. § 109(h)(3); and
- (K) motion for order directing United States Trustee to appoint a consumer privacy ombudsman under Local Bankruptcy Rule 6004-4(a).

Local Rule 9014-4(c) through (f):

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

~~(c-d)~~

~~(d-e)~~

~~(e-f)~~

IT IS FURTHER ORDERED that the period of comment shall be now until APRIL 28, 2006. The effective date of these rules will be MAY 8, 2006. Any comments should be submitted to the Clerk of Court at 325 West "F" Street, San Diego, California 92101-6991. Please note on the envelope: "In re: LOCAL RULES."

DATED: May 8, 2006

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

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

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

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