

New Rule

3015-9. Minor Modifications. The Court may approve, on the written stipulation of the debtor and the trustee, nonmaterial modifications of a confirmed chapter 13 plan. To be regarded as nonmaterial, the modification must not delay or reduce the dividend payable on account of any claim or otherwise modify the claim of any creditor absent the affected creditor's written consent.

New Rule

[The next Rule is 3022]

RULE 3022. FINAL DECREE

3022-1. Application. Unless the Court orders otherwise, an application for final decree must be served on the United States Trustee and on counsel for the Creditors' Committee, or, if there is no Committee, on the 20 largest unsecured creditors. The Court will consider such application without a hearing unless, within 14 days after the date of service of the notice, a party in interest files and serves a request for hearing.

RULE 2004. EXAMINATION OF AN INDIVIDUAL OR ENTITY

2004-1. Examination and Service.

- (a) FRBP 2004 governs examinations of an Individual or Entity.
- (a) 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 any oral the examination. A declaration so attesting must be filed in support of the application.
- (b) Any dispute or request for relief with respect to a proposed Rule 2004 examination shall be treated as a discovery dispute under LBR 7026-2.

3015-2. Chapter 13 – Amendments to Plan.

- (a) PCM. When a plan amendment not adversely affecting a party in interest is required before confirmation, it may be filed as a PCM at any time before a 341(a) meeting or confirmation hearing, and no separate notice is required. An

amendment before confirmation that might adversely affect a party in interest must be filed and noticed as a proposed amended plan. See LBR 2002-3 and 3015-6.

(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 and separately filed on the docket.

(b)(c) For minor modifications, see LBR 3015-9.

4002-2. Service of Process. Compensation of Debtor and Insiders.

(a) Compensation. Except in chapter 13 cases and as provided in LBR 4002-2(~~b~~c) in Individual chapter 11 cases, no compensation or other remuneration will be paid from property of the estate to the debtor or any Insider unless approved by the Court, after notice of intended action in accordance with LBR 2002-2(d).

APPENDIX B

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CROSS-REFERENCE TABLE

District Court Local Rule

Bankruptcy Court Local Rule

17.1	Applies – Actions Involving Minors or Incompetents
23.1	Applies – Class Actions
26.1	Not Applicable
30.1	Not Applicable
33.1	Not Applicable
36.1	Not Applicable
38.1	Not Applicable
40.1	Not Applicable
40.2	Applies – Notice of Party with Financial Interest
41.1	Not Applicable
47.1	Applies – Examination of Jurors
51.1	Applies – Proposed Jury Instructions
53.1	Not Applicable
54.1	Applies - Costs
55.1	Not Applicable
58.1	Not Applicable
65.1.2	Applies, supplemented by 9025 – Bonds and Sureties
66.1	Not Applicable
67.1	Not Applicable
72.1	Not Applicable
72.2	Not Applicable
72.3	Not Applicable
73.1	Not Applicable
<u>73.2</u>	<u>Not Applicable</u>
77.1	Not Applicable
77.2	Applies, except for 77.2(c) – Orders Grantable by Clerk
77.3	Not Applicable
77.4	Applies – Sessions of Court
77.6	Applies – Court Library
79.1	Not Applicable
79.2(a)	Applies – Books and Records of the Clerk
79.2(b)	Not Applicable, see 9018-4
79.2(c)	Not Applicable, see 9018-2, 9018-3
83.1	Not Applicable
83.2	Not Applicable
83.3	Applies, except for 83.3(c)(6) – Attorney Admission to Practice and Standards of Conduct
83.6	Applies – Gratuities

APPENDIX D1

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GUIDELINES FOR FIRST DAY MOTIONS

1. The ~~court~~Court recognizes that certain matters must be addressed immediately after the commencement of a chapter 11 case to ensure the least possible disruption to the debtor-in-possession's ongoing business operations and thereby enhance the chances for success in chapter 11. Matters that typically require expedited consideration include, without limitation, requests to pay prepetition payroll, to honor customer deposits and obligations, to authorize maintenance of existing bank accounts and cash management systems, and to determine adequate assurance for utility companies. When the debtor-in-possession seeks expedited relief at the outset of the case in the form of motions ("First Day Motions"), the debtor-in-possession must serve parties or counsel for parties in interest, including the United States Trustee, any committee of creditors or equity security holders established before or after the chapter 11 filing or, if there is no committee, on the twenty largest unsecured creditors, and any secured creditor whose collateral or lien, including cash collateral, might be affected by the relief sought.
2. When First Day Motions are served before the chapter 11 filing, service of the moving papers may be by Express Mail, email, and/or Overnight Mail. After the chapter 11 filing, First Day Motions must be served by email, facsimile, personal service or other electronic means provided, however, that Express or Overnight Mail may be used where a party cannot be contacted by facsimile, personal service or other electronic means.
3. First Day Motions, declarations, other supporting documents and proposed orders for the relief requested should be filed electronically. The words "First Day Motion" must appear in the caption of all First Day Motions and orders thereon.
- 3.4. The Court encourages counsel for the Debtor-in-Possession to make the U.S. Trustee and the Court – through the Clerk of Court – aware in advance of any new case that will require significant judicial involvement at its outset, including adjudication of First Day Motions.
- 4.5. Counsel for the debtor-in-possession must immediately advise the judge's law clerk and the United States Trustee by telephone of any First Day Motion(s) filing.
- 5.6. First Day Motions with respect to the use of cash collateral or post-petition financing must comply with FRBP 4001(b) and (c).
- 6.7. Authorization for payment of insider compensation may be obtained through a First Day Motion. This Motion must state the nature and extent of the duties to be performed by such insider(s) and the business justification for the amount of the compensation proposed. In an individual's chapter 11 case, an order granting insider compensation as a First Day Motion will be effective for 45 days from filing of the chapter 11 case, provided the debtor files the Notice described in LBR 4002-2(d) within 7 days of the

petition date. All subsequent requests for insider compensation must be made as provided in LBR 4002-2.

~~7.8.~~ The ~~court~~Court may grant or deny a First Day Motion without a hearing. A denial of a First Day Motion without a hearing is not a disposition on the merits.

~~8.9.~~ Any party who opposes a First Day Motion must immediately notify the judge's law clerk of its position by telephone. No opposition may be filed to a First Day Motion unless authorized by the ~~court~~Court.

~~9.10.~~ Within 2 business days after the entry of any Order granting a First Day Motion ("First Day Order"), the debtor-in-possession must serve by email and overnight delivery a conformed copy of the order on any committee of creditors or equity security holders established before or after the chapter 11 filing or, if no committee has been appointed, the 20 largest unsecured creditors and any secured creditor whose collateral or lien including cash collateral, might be affected by the relief sought, on the United States Trustee, and on such other entities as the ~~court~~Court may direct. A proof of service must be filed with the ~~court~~Court no later than the next business day following the date of service.

~~10.11.~~ Any party may file a motion to modify any First Day Order, other than any order entered pursuant to 11 U.S.C. §§ 363 and 364 with respect to the use of cash collateral or approval of post-petition financing, within 30 days of the entry of such order, unless otherwise ordered by the ~~court~~Court. Any such motion for modification shall be given expedited consideration by the ~~court~~Court. In any such motion for modification, the debtor-in-possession shall have the burden of proof with respect to the propriety of the relief granted in the original First Day Order.