

**UNITED STATES BANKRUPTCY COURT  
for the  
SOUTHERN DISTRICT OF CALIFORNIA**

**Practices and Procedures<sup>1</sup>  
Hon. J. Barrett Marum**

**Importance of Complying with Bankruptcy Code and Rules**

The Court expects and requires compliance with the requirements of the United States Bankruptcy Code (11 U.S.C. § 101 *et seq.*) (“Code”), the Federal Rules of Bankruptcy Procedure (“FRBP”), the Federal Rules of Civil Procedure (“FRCP”), as applicable, and the Local Bankruptcy Rules (“L.B.R.”) from all counsel, debtors, creditors, and other parties (including *pro se* litigants).

These Chambers Practices and Procedures are provided only to advise counsel, debtors, creditors, and other parties (including *pro se* litigants) of this Court’s specific requirements, which *supplement* the Code, the FRBP, the FRCP, as applicable, and the L.B.R. The Court cautions that failure to comply with the applicable statutes, rules, procedures and Court orders, may result in adverse consequences.

**Communications with Chamber’s Staff**

Rule 9003 prohibits *ex parte* communications with the Court concerning matters affecting a particular case or proceeding. Rule 5-300(C) of the California Rules of Professional Conduct specifies that, for disciplinary purposes, contact with a judge’s law clerks constitute contact with the judge. No attorney or litigant may engage in contact with Judge Marum or his Law Clerks in violation of these rules.

Should an attorney or litigant have questions concerning obtaining a hearing date, that party should contact Judge Marum’s Courtroom Deputy, Russell Paluso, at (619) 557-5157. The Court endeavors to return communications from parties as quickly as possible. Multiple calls are not required.

**Courtesy/Judge’s Copies**

Courtesy copies should not be sent to the Court unless specifically requested. Please do not call to ask if they should be sent; the Court will contact you if Judge Marum wants courtesy copies for a particular matter.

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<sup>1</sup> Updated as of March 27, 2025.

### **Obtaining a Hearing**

Any party wishing to obtain a hearing date must contact the Court's Courtroom Deputy, Russell Paluso, at (619) 557-5157. Outside of an emergency matter, the Court's chambers cannot provide a hearing date to parties.

The Court has a three (3) day rule for filings. Any party that requests a hearing date must file the pleadings within three (3) days from the request being made.

### **Remote Appearances**

All hearings in Department 2 will be conducted in person unless specifically designated as a Zoom hearing or unless the Court has approved Zoom attendance in advance. No telephonic appearances will be permitted absent compelling circumstances.

More specifics as to the Court's remote appearances are available at [https://www.casb.uscourts.gov/sites/casb/files/Zoom\\_Hybrid%20Hearing%20Procedures.pdf](https://www.casb.uscourts.gov/sites/casb/files/Zoom_Hybrid%20Hearing%20Procedures.pdf). Parties should refer to these procedures prior to requesting a Zoom appearance.

### **Emergency Motions**

Parties requesting emergency or shortened notice relief from the Court, in addition to complying with the Local Bankruptcy Rules, should directly contact the Court's chambers at (619) 557-5848 or the Court's Courtroom Deputy at (619) 557-5157 prior to filing or uploading documents requesting such relief.

### **Cash Collateral Motions**

Absent a stipulation with the impacted lender(s), the Court expects cash collateral motions to be supported by a 13-week cash collateral budget. Appendix D2 to the Local Rules includes a sample cash collateral budget, which the Court encourages parties to use. Finally, the cash collateral budget must be prepared on a cash basis. (The Court understands that there may be limited circumstances in which a cash collateral budget will show an item on an accrual basis. In such situations, the budget should so indicate.)

### **Tentative Rulings**

The Court frequently posts tentative rulings. Generally, tentative rulings will be posted by no later than the day before the hearing. If a tentative ruling has not been posted by early afternoon the day before a hearing, the Court likely will not be issuing one. All tentative rulings post to the Docket. Occasionally, the Court also posts a tentative ruling to the Court's website.

Parties should review the tentative ruling carefully and prior to the hearing.

Tentative rulings are, as the title indicates, tentative. They reflect the Court's pre-argument determinations based on the evidence, argument, and information already before the

Court. These rulings may also pose questions to be answered at the hearing, cite authority that should be discussed at the hearing, or otherwise identify areas for particular emphasis in argument. The Court invites argument from any party not satisfied with a tentative. Any party who agrees with the tentative ruling may submit on it by calling the Courtroom Deputy and the opposing parties. If all parties submit on the tentative ruling, appearances at the hearing will likely be excused.

Unless the tentative expressly waives appearance at the hearing (or a party obtains a hearing waiver) parties must attend the hearing to be certain that the Court will grant the relief provided for by the tentative. If one or more parties do not attend the scheduled hearing, the Court may vacate the hearing date and allow the matter to go off calendar, continue the hearing, or otherwise act in a manner inconsistent with the tentative.

### **Text Orders**

The Court occasionally enters a text order that takes a matter off calendar and directs a particular party to upload an order. In such situations, the order must be uploaded within seven (7) days of the entry of the text order.

### **Status Reports**

The Court does not always require status reports before status conferences. If the Court has required the parties to submit status reports, the parties must either meet the deadline for filing of the status reports or obtain an extension of it prior to its expiration. Repeated failure to comply with status report deadlines may result in the issuance of monetary sanctions.

### **Final Pre-trial Conferences**

The Court requires compliance with the L.B.R.s as to final pre-trial conferences unless the Court has expressly waived it.

### **Trials**

The Court will normally conduct its trials with direct testimony by declaration. In appropriate cases, the Court will consider a party's request to have live direct testimony.

### **Form of Pleadings**

In addition to the requirements set forth in the Rules and L.B.R.s, pleadings need to be drafted with two spaces and not a single space after a period.

### **Appearance Counsel**

Appearance counsel must be familiar with the matter at issue and prepared to discuss the same with the Court and the opposing party. Appearance counsel must be able to bind counsel of

record as to all procedural matters which may arise in the matter before the Court. Parties using appearance counsel assume the risk in this regard.