

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA



In re:

AMENDMENT OF LOCAL RULES
OF THE U. S. BANKRUPTCY COURT

BANKRUPTCY GENERAL
ORDER NO. 204

The Court, having considered all public comments submitted to the Court, adopts amended Local Bankruptcy Rules 1001-1; 1006-1; 1006-4; 1007-5; 1017-2(a)(1) and (b)(2); 2002-2(h); 4002-1(b); 9006-1(e); 9010-4; 9013-4(a) and (b); Appendix A; and Appendix B.

IT IS ORDERED that effective December 1, 2023, the Local Bankruptcy Rules are revised as attached.

DATED: November 1, 2023


CHRISTOPHER B. LATHAM
Chief Judge, U.S. Bankruptcy Court


LAURA S. TAYLOR
Judge, U.S. Bankruptcy Court


MARGARET M. MANN
Judge, U.S. Bankruptcy Court

Amendments Effective December 1, 2023

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 03/01/2015 (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).~~

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 A contains a link to the current fee page on the website, ~~as amended from time to time, lists all Fees.~~

1006-4. Approval of Installment Fees. An application to pay the filing Fee 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, ~~within 120 days after the Petition Date.~~

1007-5. Delivery of Documents. ~~Payment Advices.~~ The debtor must submit the evidence of payment and other documents required by FRBP 1007(b)(1)(E), FRBP 4002, 11 U.S.C. § 521 and Local Bankruptcy Rule 4002-1(b) 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 trustee's portal or if no portal, the EDOC System. A debtor should not file this evidence with the Court.

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, a notice of motion using Local Form CSD 1182, and a proposed order using the applicable Local Form: CSD 1105; CSD 1106; CSD 1107; CSD 1108; or CSD 1109;

(b) Chapter 13 Case.

- (2) A debtor dismissing a chapter 13 case must:

- A. use Local Form CSD 1174 or a substantially similar Document;
- A.B. give notice using Local Form CSD 1182;
- B.C. use a proposed dismissal order that substantially conforms to Local Form CSD 1176;
- C.D. serve these Documents on the chapter 13 trustee and any prior chapter 7 trustee; and
- D.E. file a Proof of Service.

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

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

4002-1. Safekeeping of Books and Records.

(b) Delivery 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. As provided in the FRBP 1007(b)(1)(E), FRBP 4002, 11 U.S.C. § 521 and Local Bankruptcy Rule 1007-5, at least 14 days before the date initially set for the 11 U.S.C. § 341(a) meeting of creditors, or at the earliest opportunity reasonably available thereafter, the debtor must submit copies of the following books and records to the trustee, preferably through the trustee's portal or if no portal, the EDOC system, unless the Court orders otherwise:

- (1) Payment advices or other evidence of income received within 60 days before the filing of the petition, as detailed in FRBP 1007(b)(1)(E);
- (2) Federal tax return or transcript for the most recent tax year preceding commencement of the case or a Declaration that such document does not exist, including an explanation for why, as detailed in 11 U.S.C. § 521(e)(2) or FRBP 4002(b)(3);
- (3) Statements for each of the debtor's depository and investments accounts, as detailed in FRBP 4002(b)(2);
- (4) Such books, records, and information as may be requested by the trustee in individual communications from the trustee to the debtor, tailored to the specific facts of the debtor's case.

9006-1. Time for Motions and Opposition.

- (e) Inaccessibility of the Court. The cClerk's office is "inaccessible" within the meaning of FRBP 9006 on any day when: (i) for electronic filers, the System it is not available for both electronic filing; or (ii) for paper filers, the clerk's office is not open during regularly-scheduled hours of Documents and paper filing of Documents.

9010-4. Attorney's Duty to Keep Contact Mailing Address and Telephone Information Current. Attorneys appearing in open bankruptcy cases and Actions~~other actions~~ must keep the Court apprised of their current mailing address ~~and~~, telephone number, ~~Any and other relevant information.~~ Registered users of the CM/ECF System must make changes in PACER at <https://pacer.uscourts.gov/my-account-billing/manage-my-account-login> which will then be forwarded to the court(s) selected by the attorney. For attorneys not registered in CM/ECF, any change of address information must be submitted in writing; using 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.

9013-4. Hearings and Hearing Dates

- (a) Hearing 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 by other than the debtor, except as otherwise provided in LBR 2002-2(a)(1) and 3015-1(c);
- (b) Hearing upon Request.
- (2) Motions on Negative Notice Hearings Permitted (Respondent Requests Hearing). Unless otherwise provided in the Bankruptcy Rules or Local Bankruptcy Rules, a motion, application, or objection should may be noticed with an opportunity for hearing upon respondent's request.

APPENDIX A

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

**SCHEDULE OF FEES AND SPECIAL CHARGES COLLECTIBLE BY
THE CLERK OF THE BANKRUPTCY COURT
[28 U.S.C. §1930]**

Current fees are available on the website at: <https://www.casb.uscourts.gov/filing-fees>.

APPENDIX B

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

CROSS-REFERENCE TABLE

<u>District Court Local Rule</u>	<u>Bankruptcy Court Local Rule</u>
1.1	Not Applicable
1.2	Not Applicable
<u>2.1</u>	<u>Applies – Attorney Professionalism</u>
<u>2.2</u>	<u>Applies – Attorney Discipline</u>
3.1	Not Applicable
3.2	Not Applicable
4.1	Not Applicable
4.5	Not Applicable; see Appendix A
5.1	Not Applicable
5.2	Not Applicable
5.3	Not Applicable
5.4	Not Applicable
7.1(a)	Relevant to withdrawal of reference and bankruptcy appeals
7.1(b)	Not Applicable
7.1(c)	Not Applicable
7.1(d)(1)	Applies – Written and Oral Argument On Motions
7.1(d)(2)	Not Applicable
7.1(e)	Not Applicable
7.1(f)	Not Applicable
7.1(g)	Not Applicable
7.1(h)	Not Applicable
7.1(i)	Not Applicable
7.1(j)	Not Applicable
7.2	Not Applicable
8.2	Not Applicable
9.2	Not Applicable
12.1	Applies – Extension of Time to Answer
15.1	Not Applicable
16.1(a)	Not Applicable
16.1(b)	Applies – Counsel’s and Parties’ Duty of Diligence
16.1(c)	Not Applicable
16.1(d)	Not Applicable
16.1(e)	Not Applicable
16.1(f)	Not Applicable
16.2	Not Applicable
16.3	Not Applicable
16.4	Applies – Assessment of Jury Costs

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
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
83.4	Applies – Attorney Professionalism
83.5	Applies – Attorney Discipline
83.6	Applies - Gratuities
83.7	Not Applicable
83.8	Not Applicable
83.9	Applies – Correspondence and Communications with the Judge
83.10	Relevant if jury requested – Jury Selection Plan
83.11	Not Applicable
HC.1	Not Applicable
HC.2	Not Applicable

HC.3	Not Applicable
A.1	Not Applicable
B.1	Not Applicable
C.1	Not Applicable
E.1.....	Not Applicable
F.1.....	Not Applicable
Patent Local Rules 1.1 thru 4.2.....	Not Applicable
Criminal Rules 1.1 thru 58.2.....	Not Applicable

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