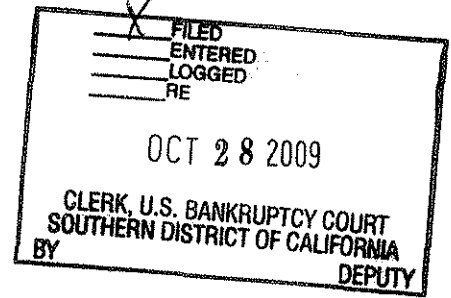


UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA



In re)
AMENDMENT OF LOCAL RULES)
OF THE UNITED STATES)
BANKRUPTCY COURT)
_____)
BANKRUPTCY GENERAL ORDER
NO. 174

Good cause appearing and given the upcoming amendments to the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure, the Court orders as follows:

The Local Bankruptcy Rules are modified as indicated below:

1019-1. REQUIRED REPORTS.

(c) within ~~five~~ seven (5 7) days after entry of the order for relief, file with the clerk and serve upon the United States Trustee and trustee, if appointed, a verified schedule of all property of the estate as of the date of conversion.

2002-1. APPLICABILITY OF RULE; NOTICES TO ALL CREDITORS AND PARTIES IN INTEREST

(b) ~~10-Day~~ 7-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~~ seven (~~10~~ 7) days after the order for relief.

3015-6. DUTY TO CONFER.

The plan proponent and objecting party shall confer promptly after the § 341(a) meeting to attempt to resolve plan objections. If objections cannot be resolved, then not later than ~~ten~~ seven (~~10~~ 7) days before the confirmation hearing, the attorneys shall file declarations stating with specificity the nature and extent of the problem, why the court's assistance is required for its resolution, and the date on which the parties conferred. No declaration is required by a chapter 13 trustee when the basis for the objection is only a failure of the debtor to make plan payments.

3015-8. CONFIRMATION HEARING.

(c) **Notification of Courtroom Deputy of Matters to be Dismissed.** For all matters or proceedings that have been calendared for hearing, it is the duty of the attorney for the objecting party to promptly advise the parties in interest, including the chapter 13 trustee, and the chapter 13 courtroom deputy by telephone if:

- (1) the objection has been settled by stipulation of the parties; or
- (2) the objection is to be withdrawn; and

- (3) submit for filing the proper pleading disposing of the matter within ten seven (~~10 7~~) days.

3015-10. ORDER CONFIRMING PLAN; DUTY OF DEBTOR'S ATTORNEY.

The attorney for the debtor shall prepare and deliver to the chapter 13 trustee at the conclusion of the § 341(a) meeting the original and one (1) copy of an order confirming the chapter 13 plan. If a hearing on objections to confirmation results in the plan being confirmed, debtor's attorney shall deliver a confirmation order with one (1) copy to the chapter 13 trustee at the conclusion of the hearing. Any other orders resulting from the hearing shall be delivered with one (1) copy to the chapter 13 trustee within ten seven (~~10 7~~) days of the conclusion of the hearing, unless otherwise ordered by the court.

3018-2. SUMMARY OF CLAIMS AND ACCEPTANCES AND REJECTIONS.

(a) The proponent of a chapter 11 plan shall file with the clerk all completed ballots not less than seven (7) ~~business~~ days prior to the confirmation hearing. The proponent shall simultaneously file with the clerk and serve on the United States Trustee a summary in the form prescribed by Local Form CSD 1151, *SUMMARY OF BALLOTING ON CHAPTER 11 PLAN*, showing:

3020-2. SCHEDULE OF ESTIMATED EXPENSES.

No less than seven (7) ~~business~~ days before the date fixed for the confirmation hearing, the plan proponent shall file with the clerk and serve on the United States Trustee a schedule of the estimated costs of administration and any other monies required to be distributed upon the effective date of the plan, together with the documents required by Local Bankruptcy Rule 3018.

4001-6. SERVICE OF ORDER.

Upon receipt of the entered order and in addition to serving the parties listed in Local Bankruptcy Rule 7054-3(b)(2), the party obtaining stay relief shall mail a conformed copy of the entered order to any persons affected by the order and shall file proof of service with the court no later than the next ~~business~~ day following the date of service.

7004-1. SERVICE OF PROCESS

(a) **Presentation of Summons for Issuance.**

- (2) If the statute of limitations applicable to a claim in the complaint runs before the summons can be prepared and issued, the complaint shall be accepted by the clerk for filing without a summons. The summons shall thereafter be presented for issuance within two seven (~~2 7~~) ~~court~~ days after the filing of the complaint.

(b) **Alias Summons.** An alias summons must be issued if a summons is not timely served within the ~~10-day~~ 14-day period provided in Fed. R. Bankr. P. 7004(f e). The alias summons shall be prepared by counsel pursuant to Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*, with the word "ALIAS" typed above the word "SUMMONS" in the title and presented to the clerk along with a written request for the issuance of the alias summons. Service of an alias summons is governed by Fed. R. Bankr. P. 7004(f e) as if it were an original summons.

7016-2. EARLY CONFERENCE OF COUNSEL.

(c) **Certificate of Compliance and Notice of Hearing for Pre-trial Status Conference.** No later than ~~five~~ seven (5 7) 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~~ OF 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.

7016-6. MEDIATION PANEL PROCEDURES.

(f) **Mediation Procedure.**

(1) **Time and Place.** The mediator shall fix the time and place for the mediation conference, and any adjourned session. The time and place selected shall be reasonably convenient for the parties, and the parties shall be given at least ~~fifteen~~ fourteen (~~+5~~ 14) days written notice of the initial conference. The conference shall be scheduled as soon as practicable but in no event more than forty-five (45) days after the mediator has been notified of the appointment. The mediator may, upon written stipulation of the parties filed with the court, grant one continuance of the conference, provided that the continuance granted does not extend the date of the conference to a date more than seventy-five (75) days after the mediator has been notified of the appointment.

(g) **Procedure upon Completion of Mediation Session.**

(2) The mediator shall prepare and file with the clerk, within ~~ten~~ fourteen (~~+0~~ 14) days, a Local Form CSD 4004, *MEDIATOR'S CERTIFICATE OF COMPLIANCE*, indicating whether a settlement was reached, and, if so, whether there was compliance with the settlement and mediation requirements of this rule.

7026-2. CONFERENCE REQUIRED.

The court shall entertain no motion pursuant to Fed. R. Bankr. P. 7026 through 7037 unless counsel shall have previously met and conferred by telephone or in person concerning all disputed discovery issues. Unless relieved by court order upon good cause shown or agreement of the parties, counsel for the non-moving party shall meet with counsel for the moving party within ~~ten~~ fourteen (~~+0~~ 14) days of service of a letter requesting such meeting and specifying the terms of the discovery order to be sought. If counsel for the moving party seeks to arrange such a conference and counsel for the non-moving party willfully refuses or fails to meet and confer, in the absence of a prior order excusing such a meeting for good cause, the judge may order the payment of reasonable expenses, including attorney's fees, pursuant to Fed. R. Bankr. P. 7037.

7054-3. PROCEDURES FOR SUBMISSION OF ORDERS AFTER HEARING.

(b) **Procedure by Lodgment - Contested Order or Judgment.**

(1) **Notice of Lodgment.** The party preparing the order or judgment and, if required, separate findings of fact and conclusions of law shall file the same together with a notice of lodgment. The notice shall conform to Local Bankruptcy Rule 9004 and shall be accompanied by a proof of service on all opposing parties as provided in Fed. R. Bankr. P. 7005.

The notice shall inform the opposing parties that any objections to the form and content of the proposed order or judgment must be filed and served within five seven (5 7) ~~business~~ days from the date of service of the originals. ~~Fed. R. Bankr. P. 9006(f) shall not apply.~~ Assembly sequence for documents is as follows:

(3) Objections to Lodged Documents. Any party who opposes the entry of the lodged order, judgment, or separate findings of fact and conclusions of law shall file an objection and an alternate order, judgment, or separate findings of fact and conclusions of law with the court. The alternate order, judgment, or separate findings of fact and conclusions of law shall be filed and served on the preparing party within five seven (5 7) ~~business~~ days from the date of service of the original notice of lodgment and shall conform to Local Bankruptcy Rule 9004. ~~Fed. R. Bankr. P. 9006(f) shall not apply.~~ Notice of Lodgment of an alternate order is not required. No further pleadings will be considered except upon leave of court.

RULE 9006-1. TIME FOR MOTIONS AND OPPOSITION.

(g). INACCESSIBILITY OF THE COURT. The Clerk's Office is "inaccessible" within the meaning of Fed. R. Bankr. P. 9006 on any day when it is not available for both electronic filing of documents and paper filing of documents.

9013-5. TIME FOR SERVICE OF REPLY.

Except as otherwise provided by an order shortening time, any reply memorandum must be filed and received by the adverse party the earlier of seven (7) days after service of the opposition or three (3) ~~court~~ days prior to the date of the hearing. Service may be by facsimile upon prior agreement of the parties or upon court approval.

9014-4. TIME FOR SERVICE.

(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 fourteen (10 14) days after service of the notice of motion, if personally served. If served by mail, opposing party shall have thirteen seventeen (13 17) days as provided by Fed. R. Bankr. P. 9006(f).

(d) Time for Serving Opposition to Motion for Approval of Disclosure Statement and Motion for Confirmation of Plan. Except as otherwise provided by an order shortening time, each party opposing a motion for approval of a disclosure statement or a motion for confirmation of a plan shall serve that opposition on the movant's counsel, or, if none, the movant not later than twenty-five twenty-eight (25 28) days after service of the notice of motion, if personally served. If served by mail, opposing party shall have twenty-eight thirty-one (28 31) days as provided by Fed. R. Bankr. P. 9006(f).

(e) Reply Memorandum of Points and Authorities. Except as otherwise provided by an order shortening time, any reply memorandum must be filed and received by the adverse party the earlier of seven (7) days after service of the opposition or three (3) ~~court~~ days prior to the date of the hearing. Service may be by facsimile upon prior agreement of the parties or upon court approval. No response to a reply is permitted without court order.

9014-7. NOTIFICATION OF COURTROOM DEPUTY OF MATTERS TO BE WITHDRAWN, SETTLED OR DISMISSED.

(a) Required Notice. For all matters or proceedings that have been calendared for hearing or conference, it is the duty of the attorney for the moving party to promptly advise the parties in interest and the judge's courtroom deputy by telephone of:

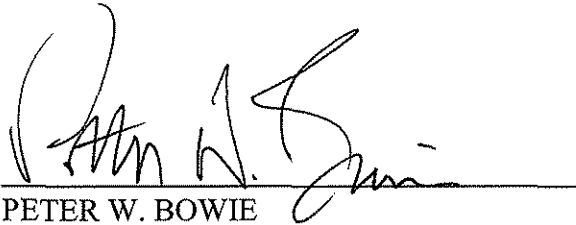
- (1) matters or proceedings that have been settled by stipulation of the parties;
- (2) matters or proceedings that have been or are being dismissed; and
- (3) submit for filing the proper pleading disposing of the matter within ten fourteen (~~10~~ 14) days.

The Local Bankruptcy Rules are amended to add the following new Rule 9006-1(g):

(g). INACCESSIBILITY OF THE COURT. The Clerk's Office is "inaccessible" within the meaning of Fed. R. Bankr. P. 9006 on any day when it is not available for both electronic filing of documents and paper filing of documents.

IT IS FURTHER ORDERED that the period of comment is from now until November 30, 2009. Except as set forth in further order of this Court, the effective date of this order shall be December 1, 2009. Any comment 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 12/09 Amendments."

DATED: October 28, 2009



PETER W. BOWIE
Chief Judge, U.S. Bankruptcy Court

OUT OF DISTRICT

JAMES W. MEYERS
Judge, U.S. Bankruptcy Court



LOUISE DeCARL ADLER
Judge, U.S. Bankruptcy Court



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