

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

Filed July 13, 2017

In re: )		
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<b>AMENDMENT OF LOCAL RULES OF THE</b>	)	<b>BANKRUPTCY GENERAL</b>
<b>OF THE U.S. BANKRUPTCY COURT</b>	)	<b>ORDER NO. 189</b>
<b>1002-1(c), 1017-1(a) and (b), 2014-2(a), 2016-1,</b>	)	
<b>3013-1, 3015-9, 5011-1(c), 7054-3(b),</b>	)	
<b>9013-4(a), and 9013-10(c)</b>	)	
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The Court, having considered comments and suggestions provided by the Local Bankruptcy Rules Advisory Committee, implements changes to Local Bankruptcy Rules 1017-1(a) and (b); 2014-2(a); 3013-1; 5011-1(c); and 9013-10(c).

The Court also identified the need for technical amendments and implements changes to Local Bankruptcy Rules 1002-1(c)(2); 2016-1; 3015-9; 7054-3(b); and 9013-4(a).

**IT IS ORDERED** that the Local Bankruptcy Rules are modified as follows:

**LBR 1002-1(c). Representation.**

(2) file an executed Rights and Responsibility Statement in the form required by the then-applicable General Order.

**LBR 1017-1. Required Notice of Non-Debtor’s Motion to Dismiss.**

(a) Chapter 7, ~~or~~ 11, and 13 Cases. LBR 1017-3 governs notice of a motion by the U.S. Trustee or a trustee to dismiss a case based on the debtor's failure to file Documents as required by FRBP 1007(b) or to attend the section 341(a) meeting.

(b) Chapter 7, 11, and 13 Cases. LBR 9013-4(a)(1) and (2) otherwise govern notice of a motion to dismiss or convert a case filed by a party other than the debtor.

**LBR 2014-2. Contract for Employment of Agents and Brokers.**

(a) All applications for employment of an agent or broker for the sale or lease of estate property must be accompanied by a copy of the signed written contract employing the agent or broker. All contracts for employment must provide that they are effective only upon Court approval and must be for a term not to exceed 6 months ~~180 days~~. A contract for employment must not contain an arbitration provision or other provisions inconsistent with employment as a bankruptcy professional.

### **LBR 2016-1. Case with Multiple Professionals.**

In a case with multiple professionals, the debtor, the debtor's counsel, if the debtor is in possession, or the trustee or the trustee's counsel must coordinate the service of one notice of hearing regarding interim and final applications for compensation for all professionals employed by the estate. ~~LBR 2002-2(e) governs the form of notice.~~

**LBR 3013-1. Objection to Trustee's Notice of Classification by Creditor.** If a ~~an interested~~ party in a chapter 13 case objects to the trustee's ~~Notice of e~~Classification of a ~~e~~Claim based upon the proposed provision for the claim within an unconfirmed plan, the party ~~must~~ may file ~~and serve~~ an objection to confirmation in order to challenge such ~~the~~ classification and confirmation of the plan, without the necessity for a separate objection to the trustee's Notice of Classification of Claim. If an interested party does not file a timely objection to confirmation, the party may be barred from challenging the trustee's Notice of Classification. If an interested party in a chapter 13 case objects to the trustee's Notice of Classification of Claim for any other reason (such as lack of security interest or insufficient proof of perfection), the party must file and serve an objection to the classification, ~~along with Proof of Service,~~ within 30 days after service of the ~~n~~Notice of ~~e~~Classification.

**LBR 3015-9. Adequate Protection.** Adequate protection payments are governed by General Order 175~~(E)~~-F.

### **LBR 5011-1. Withdrawal of Reference.**

(c) Reply. Replies must be filed within 7 days after service of the response with the Clerk. Once the 7-day period expires, the motion and any responses and replies will be forwarded to the District Court clerk for issuance of a case number and assignment to a district judge. All further Documents ~~about the motion regarding the case or Action~~ must be filed with the District Court clerk.

### **LBR 7054-3. Procedures for Submission of Orders After Hearing.**

(b) Lodgment of Orders. Where any opposing party does not approve the form of any Proposed Order or where the prevailing party elects not to seek approval, the Proposed Order must be lodged (the "Lodged Order") together with a Notice of Lodgment conforming to the Administrative Procedures. The notice must inform the opposing party that any objection to the form ~~and or~~ content of the Lodged Order must be filed and served within 7 days from the date of service of the Proposed Order.

### **LBR 9013-4(a). Hearings and Hearing Dates.**

(2) motion for dismissal of a case, except as otherwise provided in LBR 2002-2(a)(1) and 3015-1~~(bc)~~;

**LBR 9013-10. Orders.**

(c) Service of Orders. **Unless the entered order is separately served by CM/ECF or the Bankruptcy Noticing Center** the party obtaining relief is responsible for serving the entered order on the persons affected by the order and must file a Proof of Service with the Court no later than the next business day following the date of service.

**IT IS FURTHER ORDERED** that the period for comment extends through August 14, 2017. Except as set forth in further order of this Court, the effective date of this order is August 21, 2017. Comments concerning these amendments may be submitted by E-mail to [LBRcomments@casb.uscourts.gov](mailto:LBRcomments@casb.uscourts.gov) [please include the name, firm name (if any), E-mail address, and phone number of the person submitting the comment] or by mail to the Clerk of Court at 325 West F Street, San Diego, California 92101-6991. Please note on the envelope “LBR comments”.

DATED: July 13, 2017  
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s/Laura S. Taylor

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

s/Louise DeCarl Adler

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LOUISE DeCARL ADLER  
Judge, U.S. Bankruptcy Court

s/Margaret M. Mann

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

s/Christopher B. Latham

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