

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

In re:)	
)	
AMENDMENT OF LOCAL RULES)	BANKRUPTCY GENERAL
OF THE U.S. BANKRUPTCY COURT)	ORDER NO. 190
1001-6(c), 3015-6, 4001-3, 9013-3, 9013-6(a),)	
9013-6(b), and 9013-7(d))	
_____)	

The Court, having considered comments and suggestions provided by the Local Bankruptcy Rules Advisory Committee implements changes to Local Bankruptcy Rules 1001-6(c); 3015-6; 4001-3; 9013-3; 9013-6(a); 9013-6(b); and 9013-7(d).

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

LBR 1001-6(c). Definitions; Rules of Construction.

(c) General Notice or Service Requirements. When the Local Bankruptcy Rules or Bankruptcy Rules require notice or that a party serve a Document, a party must provide notice or service that generally complies with 11 U.S.C. § 102(1) and that more specifically complies with any relevant Bankruptcy Rule or Court order, **and Local Bankruptcy Rules 5005 and 9006**. Delivery of Documents by facsimile does not constitute service absent Court order or agreement of the relevant parties **under Local Bankruptcy Rule 9006-2(d)**.

LBR 3015-6. Duty to Meet and Confer.

The plan proponent and objecting party must confer ~~within 14 days after the section 341(a) meeting~~ to attempt to resolve plan objections. If the objections remain unresolved, then at least 7 days before the confirmation hearing, each party must file a status report that states with specificity the nature and extent of any unresolved issues.

LBR 4001-3. Time for Filing Oppositions to Motion; Duty of Objecting Party to Give Notice.

(a) ~~If personally served, oppositions~~**Oppositions** to a motion for relief from stay, together with Local Form CSD 1186, must be filed and served upon the Movant, named respondents and the U.S. Trustee not later than 11 days after service of the motion for relief from stay and notice. If the opposition relates to real or personal property, the opposition must substantially conform to Local Form CSD 1161.

LBR 9013-3. Motions and Applications Not Requiring Notice. The following motions and applications may be filed without notice and must be accompanied by an order submitted to the Court in accordance with the Administrative Procedures:

- (a) Application for permission to pay filing Fee in installments, as governed by LBR 1006-2;
- (b) Motion for order fixing claims bar date in chapter 11 case, as governed by LBR 3003;
- (c) Motion for order authorizing examination of an Individual or Entity under FRBP 2004;
- (d) Request for extension of time to file certificate of credit counseling under 11 U.S.C. § 109(h)(3) due to exigent circumstances;
- (e) Motion for order extending or shortening time, as governed by LBR 9006-1(d) except a motion for an order extending time to file bankruptcy schedules, ~~and~~ statements, ~~or other documents~~ required by FRBP 1007 and LBR 1007;
- (f) Motion ~~under FRBP 9018~~ to file Document under seal ~~under FRBP 9018~~, except that service on the U.S. Trustee is required;
- (g) Motion ~~under LBR 9018~~ to restrict access to Documents containing any of the personal identifiers in FRBP 9037(a); ~~See LBR 9018~~;
- (h) ~~Motions~~ under U.S.C. § 362(c)(4)(A)(ii); ~~and~~
- (i) ~~Stipulated A~~application for a modified hearing date or filing deadline; ~~pursuant to stipulation between parties~~;
- (j) ~~Motions~~ to reopen a case in order to file Debtor's Certification About Personal Financial Management Course (Official Form 423) and Certificate of Debtor(s) Education;
- (k) ~~Motions~~ to reopen a case in order to file Certification Regarding Domestic Support Obligations, Section 522(~~Qq~~), and Eligibility for Discharge (CSD Forms 2120, 2121, 2122);
- (l) ~~Motion to reopen a case and appoint a trustee upon identification of unsecured assets~~;
- (m) ~~Motion to vacate dismissal for failure to file the ECF Declaration (if filed with the court within two business days after entry of the dismissal order); and~~
- (n) ~~Motion to vacate dismissal for failure to pay the final filing fee installment (if filed with the court within two business days after entry of the dismissal order).~~

LBR 9013-6(a). Time for Service.

- (2) Time for Serving Motion for Approval of Disclosure Statement and Motion for Confirmation of Chapter 11 Plan. A motion for approval of a disclosure statement or a motion for confirmation of a Chapter 11 plan, along with all documents set forth in LBR 9013-7(a), and the notice of motion as required by LBR 2002-1(a), must be filed and served no later than 42 days before the hearing date.
- ~~(2)~~ (3) Time for Serving Opposition, Generally. Except as otherwise provided by the Bankruptcy Rules or Local Bankruptcy Rules, each party opposing a motion must serve that opposition, together with all Documents set forth in LBR 9013-7(b), ~~at least no later than~~ 14 days after service of the notice of motion, ~~if personally served~~.
- ~~(3)~~ (4) Time for Serving Opposition to Motion for Approval of Disclosure Statement and Motion for Confirmation of Chapter 11 Plan. Each party opposing a motion for approval of a disclosure statement or a motion for confirmation of a Chapter 11 plan must serve that opposition ~~within no later than~~ 28 days after service of the notice of motion, ~~if personally served~~.

LBR 9013-6(b). Time for Service

(b) Respondent Requests Hearing. For all matters where the respondent is requesting a hearing as set forth in LBR 9013-4(b)(1) and (2), except as otherwise provided by an order shortening time or the Bankruptcy Rules and Local Bankruptcy Rules, each respondent must serve the opposition plus items set forth in LBR 9013-7(b) and Local Form CSD 1184 within 14 days after service of the notice of motion, ~~if personally served~~.

LBR 9013-7(d). Form, Content, and Length of Documents.

(d) Length of Papers; Tables

- (1) Briefs and memoranda in support of or in opposition to any pending motion or application must not exceed 25 pages.
- (2) Reply memoranda must not exceed 10 pages.
- (3) Briefs and memorandum exceeding 10 pages must include a table of contents and table of cited authorities. ~~These tables do not count toward the page limitation.~~

IT IS FURTHER ORDERED that the period for comment extends through May 10, 2018. Except as set forth in further order of this Court, the effective date of this order is June 1, 2018. Comments concerning these amendments may be submitted by E-mail to 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: April 10, 2018

s/Laura S. Taylor

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

s/Louise DeCarl Adler

LOUISE DeCARL ADLER
Judge, U.S. Bankruptcy Court

s/Margaret M. Mann

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

s/Christopher B. Latham

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