

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

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| In re: |) | |
| |) | |
| AMENDMENT OF LOCAL RULES |) | BANKRUPTCY GENERAL |
| OF THE U.S. BANKRUPTCY COURT |) | ORDER NO. 197 |
| 2002-2(e), 9010-1, 9010-5, 9010-6, 9013-6(c) |) | |
| _____ |) | |

The court, having considered comments and suggestions provided by the Bankruptcy Advisory Committee to the court, implements changes to Local Bankruptcy Rules 2002-2(e); 9010-1; 9010-5; 9010-6; 9013-6(c), as follows:

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

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

(e) **Replies.** Any reply to a response to a Notice of Intended Action must be filed and served on the opposing party the earlier of 7 days after service of the response or 3 business days before the hearing date. A response to a reply is not permitted without Court order.

(f) ~~(e)~~ Submission of Order. If the opposition period expires without the timely filing of any opposition or other response and a request for hearing, the Movant must promptly upload a proposed order and comply with LBR 9013-10.

(g) ~~(f)~~ Stay Pending Decision. The filing of a timely opposition or response to a notice of intended action will automatically stay the matter until after the hearing.

(h) ~~(g)~~ 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 contested matter pursuant to LBR 9013.

RULE 9010. APPEARANCE OF ATTORNEYS

9010-1. Applicability of Rule. FRBP 9010 and Local District Court **Rules 2.1, 2.2, and 83.3** govern the appearance of attorneys in bankruptcy cases and actions.

9010-5. Substitution of Attorneys. Substitution of attorneys is governed by Local Rule 83.3(f)(2) of the United States District Court for the Southern District of California and, if applicable, LBR 2014-1 and must conform substantially to Local Form CSD 3011. **Where one member of a firm has appeared for a party, and that attorney is leaving the firm, the attorney should use Local Form CSD 3012 (Notice of Change in Lead Attorney within Law Firm), not the Substitution of Attorney form.**

9010-6. Withdrawal of Counsel. A motion to withdraw as attorney of record must conform substantially with Local Form CSD 3014 (Motion to Be Relieved as Counsel). It must be filed with the Court, noticed using Local Form CSD 1182 (Notice of Motion), and served in accordance with these Local Rules. The motion and notice must be served on the party at the last known address for the party/client available to the attorney.

9010-7 (6). Appearance Attorneys.

(a) Section 341(a) Meeting. An attorney may attend a meeting of creditors on behalf of the attorney of record. The attorney attending a meeting of creditors must be familiar with the facts and circumstances of the case and must be prepared to act as the attorney of record for all purposes of the meeting of creditors.

9013-6. Time for Service

(c) Replies. Any reply, including any supporting Documents, must be filed and served on the adverse party the earlier of 7 days after service of the opposition or 3 business days before the hearing date. Responses to a reply are not permitted without Court order. **This provision applies to any reply to a Notice of Intended Action as provided in LBR 2002-2(e).**

IT IS FURTHER ORDERED that the period for comment extends through September 11, 2020. Except as set forth in further order of this court, the effective date of this order will be September 12, 2020. 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: August 12, 2020

s/Margaret M. Mann

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

s/Louise DeCarl Adler

LOUISE DeCARL ADLER
Judge, U.S. Bankruptcy Court

s/Laura S. Taylor

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

s/Christopher B. Latham

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