

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA



In re:


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

BANKRUPTCY GENERAL
ORDER NO. 201


The Court, having considered all public comments submitted to the Court, adopts new Local Bankruptcy Rules 1002-2, 1016-1 and 1016-2 and amended Local Bankruptcy Rules 7026-1 and 9014-1.

IT IS ORDERED that effective December 1, 2022, the Local Bankruptcy Rules are revised as attached.

DATED: November 1, 2022


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

RULE 1002. COMMENCEMENT OF CASE

1002-2. Establishing a Debtor's Identity. Unless a judge allows otherwise, Debtors who submit a petition without an attorney must establish their identity at the time of filing by presenting government-issued identification (such as a driver license, identity card, or passport) at the intake counter or by submitting a copy of their identification with the petition if mailed or delivered by someone other than the Debtor.

RULE 1016. DEATH OF A DEBTOR

1016-1. Suggestion of Death. If an individual debtor dies during a case, a Suggestion of Death of the debtor [FRCP 25(a), FRBP 7025] must be filed within sixty days of the death by the bankruptcy counsel for the deceased debtor or the person who seeks to be appointed as the representative for or successor to that debtor. The Suggestion of Death must be served on all interested parties.

1016-2. Motion for Relief Upon Debtor's Death. When a debtor dies during a bankruptcy case, claims for relief, including but not limited to the following, may be requested in a single motion:

- (a) Substitution as the representative for or successor to the deceased debtor in the bankruptcy case [FRCP 25(a), (b); FRBP 1004.1 & 7025];
- (b) Continued administration of a case under chapter 11, 12, or 13 [FRBP 1016];
- (c) Waiver of post-petition education requirement for entry of discharge [11 U.S.C. §§ 727(a)(11), 1328(g)]; or
- (d) Waiver of the certification requirements for entry of discharge in a Chapter 13 case, to the extent that the representative for or successor to the deceased debtor can demonstrate an inability to provide such certifications [11 U.S.C. § 1328].

Any request for dismissal must be filed separately.

RULE 7026. DISCOVERY

7026-1. Applicability of Rule. ~~All in all adversary proceedings, and all contested matters under FRBP 9014 to which the adversary rules apply, must failure to timely~~ comply with FRBP 7026 and to follow the procedures set forth in LBR 7016-1. ~~Failure to timely comply~~ will be cause for issuance of a notice of dismissal or denial of the matter. FRCP 26(d)(1) is not applicable to requests under FRBP 7033, 7034, or 7036. ~~However, discovery may not be propounded in connection with a contested matter until after the responding party has filed written opposition to the matter. Discovery in unopposed contested matters may not be undertaken without leave of court.~~ But see LBR 9014-2 for limitations on discovery in contested matters.

9014. DISCOVERY IN CONTESTED MATTERS

9014-1. Applicability of Rule. In all contested matters under FRBP 9014 to which the adversary rules apply, ~~the parties must failure to timely~~ comply with FRBP 7026 where applicable and to follow the procedures set forth in LBR 7016-1. ~~Failure to timely comply~~ will be cause for denial of the matter.