

Northern District of California

Division Procedures

Subject:	Section:	Comments:
San Jose Policy for Chamber Copies of ECF Filed Documents	San Jose Division	

Last updated: 01/29/2004

San Jose Policy for Chamber Copies of ECF Filed Documents

Orders:

The procedures for submitting all orders or judgments for all bankruptcy cases or adversary proceedings assigned to the judges in the San Jose Division are as follows:

1. With the exception of the *Order Setting Telephonic Hearing for Relief from Stay* and the *Order re Prehearing Conference on Objection to Claim*, all orders or judgments must be submitted in the conventional paper form with the appropriate number of copies and return envelopes. Ex parte orders, orders to prohibit or allow the use of cash collateral, temporary restraining orders and orders for a preliminary injunction should be accompanied by a paper copy of the request and any supporting documents. The court will process the orders or judgments according to the current practice with service by regular mail. This will be an interim procedure; the procedures for electronic submission will be taken under consideration at a later date.
2. Elimination of combined orders - The court will no longer accept orders that provide for two separate actions in one document. For example, the order confirming a chapter 13 plan and the order approving compensation for the debtor's attorney will be submitted in two separate documents.

Courtesy Copies for Chambers:

Courtesy copies shall be provided to the chambers of the assigned judge in a case pursuant to the procedures set forth below by each judge. A printed copy of the "Notice of Electronic Filing" shall be attached to the courtesy paper copy of the electronically filed pleading and marked "*Judge's copy.*" All courtesy copies are to be submitted to the court to the attention of the Courtroom Deputy of the judge assigned to the case.

Courtesy Copies for Cases Assigned to Marilyn Morgan or James Grube:

For Judge Morgan's cases, submit copies to the attention of Millie McGowan
For Judge Grube's cases, submit copies to the attention of Carol Barnhill

1. Motions for Relief From Stay:

- A. Chambers copy of a cover sheet in all cases.

B. No chambers copy of the remaining papers are required regardless of length.

2. In Adversary Proceedings:

A. No chambers copies are required of the complaint, answer, counterclaim, etc., regardless of length.

B. Chambers copies are required of all Case Management Conference Statements.

C. Chambers copies of other papers are not required unless page count of all related documents, e.g., noticemotion/application, declaration, and points and authorities - exceeds 10 pages. Page count includes exhibits but not proofs of service.

3. In All Chapters:

A. Chambers copies are required of all fee applications.

4. In Chapter 11 Cases:

A. Chambers copies are required of all "first day" motions and all plans and disclosure statements.

B. Chambers copies of other papers are not required unless page count of all related documents, e.g., notice, motion/application, declaration, and points and authorities - exceeds 10 pages. Page count includes exhibits but not proofs of service.

C. No chambers copies are required of the petition, schedules of assets and liabilities, statement of financial affairs and similar documents filed at the onset of case.

5. In Chapter 7 and 13 Cases:

A. Chambers copies of papers are not required unless page count of all related documents, e.g., notice, motion/application, declaration, and points and authorities - exceeds 10 pages. Page count includes exhibits but not proofs of service.

B. No chambers copies are required of the petition, schedules of assets and liabilities, statement of financial affairs and similar documents filed at the onset of case.

Courtesy Copies for Cases Assigned to Arthur Weissbrodt:

For Judge Weissbrodt's cases, submit copies to the attention of Tanya Bracegirdle.

1. In All chapters:

A. Unless otherwise directed, chambers copies of all documents are to be submitted with the exceptions as noted below.

B. Chambers copies not required for petitions, schedules of assets and liabilities, statement of financial affairs and similar documents filed at the onset of case.

2. In Adversary Proceedings:

A. Unless otherwise directed, chambers copies of all documents are to be submitted with the exceptions as noted below.

B. Chambers copies not required for complaints, answers, summons, counterclaims, etc.

Pleadings/Documents to be Filed by Paper:

The following documents shall be filed conventionally, not electronically, unless authorized by the Court:

1. Documents to be filed under seal.
2. Trial or hearing exhibits.
3. Other documents as determined by the Court.

Expedited Matters:

With regard to expedited matters, the movant shall contact chambers or the Courtroom Deputy of the assigned judge at the numbers listed below by phone as soon as possible after the document needing expedited treatment has been electronically filed. Compliance with B.L.R. 9006-1 is required. In addition, copies of the moving papers with the proposed order shall be delivered to the chambers of the assigned judge within 24 hours of filing the document electronically.

Judge Morgan's chambers: 408-535-5100
Courtroom Deputy: 408-535-5004

Judge Grube's chambers: 408-535-5122
Courtroom Deputy: 408-535-5002

Judge Weissbrodt's chambers: 408-535-5116
Courtroom Deputy: 408-535-5001

Assignment of RS Number:

Each attorney will assign an identification number for each Motion for Relief from Stay filed electronically in the San Jose Division. The number shall consist of the three initials of the attorney filing the motion plus a number. The number for each subsequent motion filed by that attorney will be one higher than the last motion filed. The RS number shall appear below the Case Number on the motion and each related document.

Example: RS filed by John R. Smith - first motion on CM RS No. JRS-1
RS filed by John R. Smith - second motion on CM RS No. JRS -2

Stipulations with Two or More Signatures:

The following procedure applies when a stipulation or other document requires two or more signatures:

1. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signature of all parties on the documents. For purposes of this rule, physical, facsimile or electronic signatures are permitted. A document may be signed in counterparts. FRBP 9011 applies.
2. The filing attorney shall then file the document electronically, indicating the signatories, e.g., /s/ Jane Doe.
3. The filing attorney shall maintain the signed document for all bankruptcy cases or adversary proceedings at least until the case is closed. Upon request, the signed document must be provided to other parties or the court for review.

Elimination of Combined Applications, Motions or Stipulations with Orders:

Except as otherwise noted, the court will no longer accept applications, motions or stipulations with an order in one document. The motion or stipulation must be filed as a separate entry on the Case Docket. The order must be submitted separately in paper form.

Filing Procedures in Chapter 7 and 11 Cases and Adversary Proceedings:

1. **Motions and Related Documents:**

Except as otherwise noted, all motions or applications in chapter 7 or 11 cases and adversary proceedings that are set for hearing at the time the document is filed, and any related documents such as points and authorities, declarations in support of the motion, the certificate of service, the RS cover sheet and any order for telephonic hearing in RS matters will be entered on the docket in one entry. The motion will be the lead document and all other documents related to the motion, with the exception of the *Notice of Hearing*, will each be filed as separate attachments to the motion. Each attachment shall be identified with a brief description of the document type. Each motion and each related document will have a separate pdf when filed.

A sample of the docket text when the motion is docketed with attachments is shown below:

12/23/2003	<u>27</u>	Motion for Relief from Stay RS #RLE-67, Fee Amount \$150. Filed by Creditor Ford Motor Credit Co. (Attachments: # <u>1</u> Declaration in Support of Motion # <u>2</u> Exhibits to Declaration # <u>3</u> RS Cover Sheet # <u>4</u> Order Setting Telephonic Hearing For Relief From Stay # <u>5</u> Certificate of Service) (Smith, John) (Entered: 12/23/2003)
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2. Notices:

A. Notices for Scheduling Hearings:

When a matter is being set for hearing on the court's calendar, the document is to be titled as a *Notice of Hearing*. The notice on an application or motion shall be a separately filed document. The notice will be docketed under the *Notice of Hearing* event, which will allow the moving party to set the hearing on the court's self-setting calendar. This document will reference, or link to, the motion that is being heard. The certificate of service to this notice will have a separate pdf and be filed as an attachment to the notice. The attachment shall be identified

with a brief description of the document type.

B. B.L.R. 9014 - 1(b)(3) Motions:

Motions filed under *B.L.R. 9014-1(b)(3)* are submitted with a *Notice and Opportunity for Hearing*. The motion and any related documents such as the points and authorities, the declaration(s) in support of the motion, and the certificate of service will be entered on the docket in one entry. The motion will be the lead document and all other documents related to the motion will each be filed as separate attachments to the motion, with the exception of the *Notice and Opportunity for Hearing*.

C. Notice Providing an Opportunity for Hearing:

The *Notice and Opportunity for Hearing* for a motion filed under B.L.R. 9014-1(b)(3) shall be a separately filed document. The document will reference, or link to, the motion filed. The certificate of service for this notice will be a separate pdf filed as an attachment to the notice. This notice provides that a request for hearing or an objection must be filed within 20 days of mailing of the notice. No hearing date will be scheduled on the court's calendar.

D. Notice of Motion:

Documents filed in the San Jose Division should not be titled *Notice of Motion*. Likewise, the docket event *Notice of Motion* should never be selected when filing documents in the San Jose Division. Either Notice of Hearing or Notice of Opportunity for Hearing are to be used. A *Notice of Defective Entry* will be sent to the filing party if a Notice of Motion is filed.

Filing Procedures in Chapter 13 Cases:

1. Combined documents in one pleading:

The document forms approved by the San Jose judges for their chapter 13 cases that are posted on the court's web site will continue to be used. Some modifications to the titles are being made to correspond with electronic filing procedures, but may otherwise be used in a combined form. For chapter 13 cases only, with the exception of Motions for Relief from Stay, there will not be a lead document or attachments in separate pdf's. Combined documents in chapter 13

cases may be filed in one docket entry with one pdf.

2. Motions and Related Documents (not combined in one document/pdf):

To file documents that are not included in the list of approved combined forms on the court's web site and are not in one pdf, e.g., Motion for Relief from Stay, Application for Compensation to be set for hearing, Motion to Sell/Refinance, etc. follow the *Filing Procedures in Chapter 7 and Chapter 11 cases and Adversary Proceedings* outlined above under *Motions and Related Documents*. The motion is filed in one pdf as the lead document with the related documents each being filed as separate attachments to the motion in separate pdfs. Notices for these types of motions are filed as either a *Notice of Hearing* or *Notice of Opportunity* for Hearing as outlined above.

3. Documents requiring an approval signature from the chapter 13 trustee:

Attorneys will continue to forward the documents listed below to the chapter 13 trustee for written approval and the trustee will submit the order to the court. Until other procedures have been coordinated with the trustee, these documents will not be filed electronically at this time.

Order Confirming Plan

Order Confirming Plan with Oral Amendment

Order Approving Attorney's Fees

Statement of Resolution and Order Continuing Confirmation

Order Waiving Business Examination

Stipulation to Extend Scheduling Order

Order Confirming Debtor's Modified Chapter 13 Plan

Order Approving Attorney Fees Pursuant to Guidelines for Payment