

## Judge Novack's Practices and Procedures

Judge Novack's Practices and Procedures are presented as a tool in providing efficient and effective services by counsel. The hope is that this information will provide your client and you with an accurate expectation of the processes used in this court.

### 1. Calendaring Matters. Judge Novack has separate calendars for various motions.

The Oakland Division uses an Open Calendar that allows counsel to self-select an available hearing date. Complete details regarding the Open Calendar procedure for the division and for Judge Novack are available at [Calendar Procedures for Oakland Division](#).

To calendar an emergency matter to be heard on shortened time, an application for an order shortening time that complies with Bankruptcy Local Rule 9006-1 is required before a hearing date will be set. Counsel should include preferred calendar dates and the proposed notice to affected parties as part of their application and a proposed order. Requests for temporary restraining orders will only be calendared after an adversary complaint has been filed. You should include an application for an expedited hearing with the request for TRO and complaint. Generally, Judge Novack requires a minimum of four hours notice to affected parties before conducting a hearing on a TRO.

Once Judge Novack has reviewed an application for shortened time, he will issue an order setting the date and time of the hearing and specifying any special instructions regarding notice, as appropriate. Written opposition is generally not required to be filed before a hearing set on shortened time, and a party may appear at the hearing to oppose the motion orally.

If you need to contact Judge Novack's courtroom deputy to schedule a hearing not subject to the open calendar procedure, you may call Ruby Bautista at (510) 879-3529. Her e-mail address is [ruby\\_bautista@canb.uscourts.gov](mailto:ruby_bautista@canb.uscourts.gov).

### 2. Continuing or Withdrawing Calendared Matters.

To withdraw a new matter from the calendar, you may submit a written withdrawal to the court no later than 3 days before the hearing. If you wish to continue a new matter, the timing depends upon who has received notice. If the matter has been noticed to all creditors, please submit a notice of continued hearing and serve it on all creditors at least 7 days before the hearing. If the matter concerns only specific parties in interest, such as a motion for relief from stay, contact the court and counsel 24 hours in advance to advise of the continuance.

If you wish to continue a hearing on a matter that has already been before the court, you have two options. You may submit a stipulation and order (if the parties agree) or application and order at least 3 days before the hearing. If the hearing is in less than 3 days, please contact chambers to advise the court that you will request a continuance at the hearing. Generally, Judge Novack prefers that appearances to request a continuance be made telephonically.

3. Calling Chambers. You may call Judge Novack's law clerk at (510) 879-3525 if you have questions regarding procedural matters. Please keep in mind that Federal Rule of Bankruptcy Procedure 9003 prohibits ex parte contacts with the court and is applicable to law clerks as well as judges. Additionally, you may contact chambers to check on the status of an order or to inform the court of the following matters:

- an objection to a proposed form of order;
  - a settlement of a matter calendared for hearing; or
- [disclosure statement](#) or [plan confirmation](#)

hearing.

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Finally, you may contact chambers to obtain assistance with a discovery dispute. When appropriate under Civil Local Rule 37-1(b), Judge Novack will attempt to resolve discovery disputes through a telephonic conference with all parties.

4. Submission of Orders After Hearings. Please observe the provisions of Bankruptcy Local Rule 9021-1(c) and 9022-1.

5. Telephonic Hearings. Judge Novack encourages counsel to appear telephonically when appropriate because of the savings in time and cost.

Counsel may not appear telephonically at:

- (1) Chapters 9, 11 and 12 plan confirmation hearings;
- (2) Trial setting conferences;
- (3) All evidentiary hearings and trials.

If you want to appear telephonically on a matter, please contact Court Conference at 1-866-582-6878. All parties using this service must have an account or make arrangements to set one up well in advance of the hearing to insure that arrangements are completed in time for the hearing. An attorney should use his/her discretion in determining whether to appear telephonically.

6. Judge Novack observes the Northern District of California's guidelines found at the court's website.

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