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### Revised:

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION  
OPEN CALENDAR PROCEDURE

The San Francisco Division will now permit counsel to utilize an Open Calendar Procedure for the scheduling of certain matters. This procedure will allow counsel to self-select an available date and time on the appropriate San Francisco division judge's calendar and serve notice of that date and time without first having to obtain the date and time from the calendar clerk.

The Open Calendar Procedure will operate as follows:

1. Types of proceedings that may be set in accordance with the Open Calendar Procedure :

Law and Motion matters in adversary proceedings.

“Main case motions” such as sales of property free and clear of liens, motions to [assume](#) or reject executory contracts, and similar contested matters.

Relief from stay preliminary hearings.

Fee applications, except: in [Chapter 7](#) cases, applications must be set on the calendar dates reserved for the particular case trustees; in [Chapter 13](#) cases, applications must be

set on the regular Chapter 13 calendar dates maintained by the Chapter 13 [Trustee](#) for the respective judge.

Status conferences on objections to claims and objections to exemptions.

[United States Trustee](#) motions to convert or dismiss [Chapter 11](#) cases.

## 2. The Open Calendar Procedure will not be available for the following:

Trials in adversary proceedings.

Status conferences in adversary proceedings, except where a prior status conference was dropped from calendar.

*Any matter requiring an order shortening time.*

*Temporary restraining orders.*

*Chapter 11 [Plan](#) or [confirmation](#) or [disclosure statement](#) approval.*

*Matters set pursuant to an order to show cause.*

*Chapter 13 calendar matters (except fee applications).*

## 3. Procedure.

a. In order to utilize the Open Calendar Procedure, counsel should select an available date and time as shown on the appropriate attached list for the judge assigned the main case. The lists of available dates will be updated regularly and will be placed on bulletin boards in the clerk's office and outside of each judge's courtroom. The lists will also be posted on the court's Internet website at <http://www.canb.uscourts.gov>. The date selected must be no earlier than as required by applicable national or local rules, as nothing in this Open Calendar Procedure alters applicable time limits.

b. After selecting an available date and time, counsel should serve proper notice of the matter in accordance with applicable rules.

**Note:** If a motion for relief from stay is set by a party in accordance with this Open Calendar Procedure more than thirty days after the date the motion is filed, the party will be deemed

to waive the thirty day limitation of 11 U.S.C. §362(e).

c. No later than **three** days after the service on other parties, counsel should file all appropriate papers with the court, including chambers copies. The chambers copies should be accompanied by a transmittal letter addressed specifically to the calendar clerk of the assigned judge, indicating that the particular hearing has been set pursuant to the San Francisco Division's Open Calendar Procedure.

d. Once a matter is set by the Open Calendar Procedure, continuances must be handled through the assigned judge's calendar clerk.

e. Counsel **must not** request that the calendar clerk call back to confirm that the matter has been placed on the calendar. Counsel desiring confirmation that a matter has been placed on the calendar by the Open Calendar Procedure may include an extra copy of the transmittal letter with a stamped self-addressed envelope for the calendar clerk to return. Alternatively, counsel should watch the published calendars in the local legal newspapers or posted outside the division's courtrooms. (In the near future the San Francisco Division hopes to place its calendar on the bankruptcy court's Internet site.)

f. Failure to comply with the foregoing Open Calendar Procedure will result in the matter not being placed on calendar.

**Note:** Occasionally there may be a need to reschedule matters that have been placed on the calendar in accordance with this Open Calendar Procedure. Typically this will be because of calendar congestion or unforeseen schedule changes. In those instances the judge's calendar clerk will contact the moving party as soon as possible so that a notice of a rescheduled hearing may be disseminated.

**File Attachment:**

-  [Judge Blumenstiel's Open Calendar Dates and Procedures - San Francisco/Salinas](#)
-  [Judge Montali's Open Calendar Dates and Procedure - San Jose Cases](#)
-  [Judge Montali's Open Calendar Dates and Procedure - San Francisco Cases](#)

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