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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. All Registered Participants must submit all orders and judgments electronically unless otherwise authorized by the judge assigned in a case. The orders will be uploaded via CM/ECF through the court's electronic order program. The E-Order Submission Procedure is provided on the court's web site for ECF under the Reference Desk section. As outlined in the procedures, the format for all orders will need to be changed to accommodate electronic processing by the court.
1. When uploading ex parte orders, orders to prohibit or allow the use of cash collateral, temporary restraining orders and orders for a preliminary injunction, a paper copy of the request and any supporting documents that have been electronically filed must be forwarded to the chambers of the assigned judge within 24 hours. Chambers may also require that counsel provide a paper copy of supporting documents filed electronically for other orders. Before submitting an order, counsel may contact the court or chamber's staff as listed below to determine what supporting documents are required to be submitted.

Cases assigned to the Hon. Stephen Johnson - contact Tanya Bracegirdle at (408) 278-7556.

Cases assigned to the Hon. M. Elaine Hammond - contact Anna Rosales at (408) 278-7581.

1. As outlined in the E-Order Submission Procedure, a Court Service List identifying all parties to be served with the order must be attached to each order. The court will process the orders or judgments according to the current practice.
1. All orders signed and filed by the court will contain the date the order was entered on the

court's docket. This will be reflected at the top of the order as **Entered on Docket** with the date. The Notice of Electronic Filing shall constitute notice of entry of judgment and orders by the court on all Registered Participants who have consented to electronic service. However, a paper copy of the order will be served on all parties on the court service list who are not Registered Participants.

1. 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. Each separate action would require a separate order.
1. Effective January 1, 2005, all orders entered on the docket will be available in electronic form. To obtain a certified copy of an order, parties will need to submit a check accompanied by a cover letter specifying the order to be certified. If parties need to expedite the certification process for a proposed order that has not been signed yet, a check may be submitted in advance to cover the certification and copy charges. The advance request should indicate when the proposed order was uploaded to the E-Order program on CM/ECF. The current fee for certification is \$11.00 per document. The fee for printing copies of any record or document accessed electronically by the court is **\$0.10 per page**.

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 the Hon. Stephen Johnson:

For Judge Johnson'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.

- A. Chambers copies are 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.
- A. Chambers copies are 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. Trial or hearing exhibits.
1. Other documents as determined by the Court.

Courtesy Copies for Cases Assigned to the Hon. M. Elaine Hammond:

All chambers copies are to be submitted to the attention of Judge Hammond's courtroom deputy, Anna Rosales. It is not necessary to provide a printed copy of the ECF receipt confirming the filing of the original document.

1. In Motions for Relief From Stay:
 - a. Chambers copies of the cover sheet and certificate of service in all cases.
 - b. No chambers copies 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 of Case Management Conference Statements, motions and documents supporting the motion are *only required if* the page count of all documents, including any exhibits, exceeds ten (10) pages.

3. In All Other Matters:

- a. Matters for which a hearing is scheduled – Chambers copies are required if the page count of all documents, including any exhibits, exceeds ten (10) pages.
- b. No chambers copies are required for matters where relief is requested without a hearing.
- 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.

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 Johnson's chambers: 408-278-7515

Courtroom Deputy: 408-278-7556

Judge Hammond's chambers: 408-278-7538

Courtroom Deputy: 408-278-7581

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

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.
1. The filing attorney shall then file the document electronically, indicating the signatories, e.g., /s/ Jane Doe.
1. The filing attorney shall maintain the signed document for all bankruptcy cases or adversary proceedings at least until five (5) years after 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.

Filing Procedures in , 11 and 13 Cases and Adversary Proceedings:

1. Motions and Related Documents:

Except as otherwise noted, all motions or applications in chapter 7, 11 or 13 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	27	Motion for Relief from Stay RS #RLE-67, Fee Amount \$150. Filed by Creditor Ford Motor Credit Co. (Attachments: # 1 Declaration in Support of Motion # 2 Exhibits to Declaration # 3 RS Cover Sheet # 4 Order Setting Telephonic Hearing For Relief From Stay # 5 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 21 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. Either Notice of Hearing or Notice of Opportunity for Hearing are to be used.

Orders in Chapter 13 Cases That Require an Approval Signature from the Chapter 13 Trustee :

Attorneys should forward the documents listed below to the chapter 13 trustee for written approval and the trustee will submit the order to the court.

Order Confirming Plan

Order Approving Attorney's Fees

Order Waiving Requirement for Business Evaluation

Order Confirming Debtor's Modified Chapter 13 Plan

ECF Reference Desk
Division Procedures

Source URL (modified on 09/14/2016 - 9:38am):

<http://www.canb.uscourts.gov/ecf/division-procedures/policy-chamber-copies-ecf-filed-documents-san-jose>