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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

OPEN CALENDAR PROCEDURE

The San Jose Division utilizes 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 Jose 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. Procedures for each Judge is provided below.

The court encourages all parties to set matters using the Open Calendar Procedure whenever possible. The courtroom deputy for each judge will be available by telephone to schedule hearings not available for setting on the open calendar, or as needed for emergency matters.

Open Calendar Procedure for Judge Johnson

Stephen L. Johnson, [Bankruptcy Judge](#) ⓘ

Courtroom 3099

Tanya Bracegirdle, Courtroom Deputy for Judge Stephen Johnson

408-278-7556

tanya_bracegirdle@canb.uscourts.gov

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

Motions for Relief from Stay for San Jose [Chapter 7](#) ⓘ and [Chapter 11](#) ⓘ cases, on designated Tuesdays at 10:00 a.m.

Motions for Relief from Stay for [Chapter 13](#) ⓘ cases, on designated Tuesdays at 10:30 a.m.

Motions in Chapter 7 and Chapter 11 main cases, on designated Wednesdays at 2:00 p.m.

Final Accounts, on designated Wednesdays at 1:30 p.m.

Fee Applications for Chapter 7 or Chapter 11 cases, on designated Wednesdays at 1:30 p.m.

Chapter 11 status conference hearings on designated Thursdays at 10:00 a.m.

Chapter 11 [Disclosure Statement](#)ⁱ and [Confirmation](#)ⁱ hearings, on designated Thursdays at 1:30 p.m.

All matters relating to the Chapter 13 main cases, on designated Thursdays at 10:00 a.m.

Motions in adversary cases, on designated Tuesdays at 1:30 p.m.

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

Case Management Conferences in adversary cases

The Case Administrator will select the date and time for the initial Case Management Conference before issuing the summons.

Chapter 11 hearing on confirmation of [plan](#)ⁱ.

Following the approval of the disclosure statement, the court will schedule the date and time for the hearing on confirmation of plan.

Chapter 11 status conferences.

The court will schedule and notice a status conference on the first available status conference date after the date set for the [Section 341 meeting](#)ⁱ of creditors.

Trials in adversary proceedings.

All trials will be assigned a date and time by Judge Johnson.

Any matter requiring an order shortening time.

An application for an order shortening time under B.L.R. 9006-1 is required before a hearing date will be set. Counsel should include preferred calendar dates and the notice proposed to affected parties. Once Judge Johnson has reviewed the application, a law clerk or courtroom deputy will telephone with the date and time of the hearing as well as any special instructions regarding notice.

Matters set by the court pursuant to an order to show cause.

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 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. Counsel need not include copies of deeds of trust with motions for relief from stay or motions to avoid liens or similar motions. The court will request

such copies if necessary.

d. Once a matter is set by the Open Calendar Procedure, with the exception of certain matters in adversary proceedings or matters noticed to all creditors, continuances may be handled through the assigned judge's courtroom deputy, Tanya Bracegirdle, by telephone at 408-278-7556 or by e-mail at tanya_bracegirdle@canb.uscourts.gov. A minimum notice of 24 hours for any continuance is encouraged. Counsel must receive either written confirmation of a continuance by e-mail or telephonically from the courtroom deputy. Written stipulations and a proposed order are required for all Case Management Conferences, Pre-Trials and scheduled Trials. Matters noticed to all creditors must be continued in open court.

e. Counsel **must not** request that the courtroom deputy 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 should review the published calendars in the local legal newspapers, or 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 courtroom deputy will contact the moving party as soon as possible so that a notice of a rescheduled hearing maybe disseminated.

File Attachment:

 [SLJ Open Cal web dates 2017.pdf](#)

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<http://www.canb.uscourts.gov/procedure/san-jose/johnson/judge-johnsons-open-calendar-procedure-0>