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Proposed orders submitted by counsel via the CM/ECF system that do not comply with the E-Order Submission Procedures established for this District, or that contain other errors, will be returned as “defective” to the submitting attorney.

There are a few common errors made by submitting attorneys that result in defective returns, often causing the same order to be submitted two or more times. Because chambers reviews proposed orders in the order submitted (with the exception of orders properly marked “Expedited”), an order that is returned defective will not be reviewed again until the date it is resubmitted. This process is time consuming for both counsel and chambers.

In the interest of fostering greater efficiency, an overview of common errors encountered by chambers follows:

1. Formatting

Please ensure that there is a blank space four and one-half inches from the right-hand margin and three inches from the top of the first page of the proposed order. Please do not include any footer in the proposed order, as the court’s information stamp affixes at the bottom of the page after the order is entered. Please do not include any text whatsoever – property description, opposing counsel signature line, etc. - after the words “End of Order” except the “Court Service List” page.

Finally, please submit a .pdf file that is fully text-searchable/editable, without scanned images, exactly as you want it signed (i.e., no “Proposed” in the title and no blanks). Any of the errors mentioned in this paragraph will result in return of the proposed order with a Defective notice.

All counsel submitting proposed orders via CM/ECF in this District must be familiar with the formatting requirements set forth in the E-Order Submission Procedures, available at:

<http://www.canb.uscourts.gov/ecf/reference-desk>.

2. Bankruptcy Local Rules

Bankruptcy Local Rule 9014-1(b)(3) provides for relief upon default without setting a hearing, regarding any matter in which a hearing is not required. Counsel who wish to proceed under this provision must ensure that their form of notice comports with BLR 9014-1(b)(3)(A). A form of notice that is not consistent with that section will result in the subsequent order for relief being returned Defective. Requests for relief under BLR 9014-1(b)(3) will not be reviewed by chambers unless and until a proposed order is submitted.

Where counsel is submitting a proposed order after a hearing has been held, BLR 9021-1(c) requires that counsel either obtain the signatures of any other counsel who appeared at the hearing approving it as to form, or file proof of service of the proposed order, enabling the court to lodge the order for 7 days after service. Proposed orders submitted without signatures and without any proof of service filed on the docket will be returned Defective.

3. Proper Service

Relief requested in a [contested matter](#) must be served pursuant to Federal Rule of Bankruptcy Procedure 7004. Contested matters include Motions to Value Security and Objections to Claims. Note that FRBP 7004(b)(3) requires that service upon an entity be made to the attention of a managing or general agent, or other agent authorized to receive service of process. FRBP 7004(h) requires service on an insured depository institution be made to an officer via certified mail, and further requires that service be made on counsel where the institution has appeared by its attorney.

Service on business entities pursuant to FRBP 7004 should be independently verifiable (i.e. through the California Secretary of State website at kepler.sos.ca.gov if applicable, the FDIC BankFind website at <https://research.fdic.gov/bankfind> for insured depository institutions, or the NCUA website at <http://researchcu.ncua.gov/Views/FindCreditUnions.aspx> for credit unions). Alternatively, the certificate of service should indicate how the affected party's current address was ascertained.

Improper service will result in any proposed order being returned defective, and the court will require the underlying motion to be re-served.

4. Form Orders

Attorneys are encouraged to submit orders in the form provided on the court's website, if template orders are so provided. Orders valuing liens and judgments voiding liens pursuant to 11 U.S.C. §§ 506, 1123(b)(5) and 1141 or §§ 506, 1322 (b)(2) and 1327 should be submitted in the form set forth in this district's Guidelines for Valuing and Avoiding Liens in Individual [Chapter 11](#) Case and [Chapter 13](#) Cases, available at <http://www.canb.uscourts.gov/procedure/guidelines-valuing-and-avoiding-liens-individual-chapter-11-cases-and-chapter-13-cases>. Failure to include the recording information for the

subject [lien](#) or other information provided in the standard-form orders will likely result in a proposed order being returned defective.

5. Defective Notices Generally

It is the responsibility of the submitting attorney to monitor his or her e-mail account for Defective notices, and resubmit proposed orders accordingly. Please be aware of what email address Defective notices are being sent to, and ensure that e-mail account is monitored closely.

6. Proof-reading

As a final note, please review proposed orders prior to submission to ensure that they do not contain any glaring typographical or grammatical errors. Chambers will return as Defective proposed orders that misspell the [debtor](#)'s name in the caption, provide an incorrect address for this court, or an incorrect courtroom number.

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