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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

OPEN CALENDAR PROCEDURE

The San Jose Division uses an open calendar procedure for the scheduling of certain matters. This procedure allows counsel to self-select a designated 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 courtroom deputy.

The court encourages all parties to set matters using the open calendar procedure whenever possible. The designated dates are set forth on the Court's website. The courtroom deputy for each judge will be available by telephone and email to schedule hearings not available for setting on the open calendar, or as needed for emergency matters.

San Jose Division

280 South First Street, Ctrm. 3020

San Jose, CA

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408-278-7581

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1. Types of proceedings that may be set in accordance with the open calendar procedure:

[Chapter 7](#) and 11 cases:

Motions for Relief from Stay for San Jose Chapter 7 and [Chapter 11](#) cases are heard on designated Fridays at 10 a.m. in Courtroom 3020.

Motions in Chapter 7 and Chapter 11 main cases are heard on the Law and Motion calendar on designated Thursdays at 10:30 a.m. in Courtroom 3020. This includes hearings on final accounts, fee applications and Chapter 11 [disclosure statement](#) hearings.

[Chapter 13](#) cases:

Motions for Relief from Stay for Chapter 13 cases are heard on designated Fridays at 10:00 a.m. in Courtroom 3020. These hearings are all conducted telephonically in San Jose. Motions in a Chapter 13 main case *that do not require participation by the Chapter 13 Trustee* (e.g. objections to [claim](#), motions to value) are heard on the Law and Motion calendar on designated Thursdays at 9:30 a.m. in Courtroom 3020. They may also be heard on the Chapter 13 [Confirmation](#) calendar.

Hearings on confirmation of a Chapter 13 [plan](#) and all other matters requiring the presence of the Chapter 13 Trustee are heard on one designated Friday in Courtroom 3020.

Adversary Proceedings:

Motions in adversary proceedings are heard on designated Mondays at 11 a.m. in Courtroom 3020.

2. The open calendar procedure is not available for the following:

Case management conferences in adversary proceedings.

Plan confirmation hearings in chapter 11 cases.

Status conferences in chapter 11 cases.

Trials in adversary proceedings.

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

Hearings on reaffirmation agreements.

Any matter in which the parties anticipate more than 30 minutes of court time will be required.

Any matter requiring an order shortening time.

Any request that the Court should consider a matter on shortened time must be presented in an Application for an Order Shortening Time. Such Applications must comply with B.L.R. 9006-1 and Rule 9006(c) and must include a copy of the motion and supporting memorandum of points and authorities (but without supporting declarations, exhibits, requests for judicial notice, etc.) that the Applicant wishes the Court to consider on shortened time. In addition, such Applications should include a proposed briefing schedule and a proposed hearing date and time. The Applicant must support the Application with a declaration detailing the efforts to meet and confer with all affected parties concerning an abbreviated schedule and expedited hearing date. Generally, the Court will not convene hearings on Applications for Order Shortening Time.

3. Procedure:

a. In order to utilize the open calendar procedure, counsel should select an available date and time which can be viewed at:

<http://www.canb.uscourts.gov/procedure/hammond/judge-hammonds-open-calendar-procedure>. 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 hearing on a motion for relief from stay is set in accordance with this open calendar procedure more than thirty days after the date the motion is filed, the party will be deemed to have waived 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 provide chambers with copies of all appropriate papers in accordance with Judge Hammond's chambers copies policy, which can be viewed at:

<http://www.canb.uscourts.gov/procedure/hammond/judge-hammonds-policy-chambers-copies>

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 Judge's courtroom deputy, Anna Rosales, by telephone at (408) 278-7581 or by e-mail at anna_rosales@canb.uscourts.gov. A minimum of 24 hours for any continuance is encouraged. Counsel must receive e-mail or telephonic confirmation of a continuance from the courtroom deputy. Written stipulations and a proposed order are required for continuance

of all case management conferences, pre-trials and scheduled trials. Matters noticed to all creditors must be continued on seven days' written notice or 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 calendar on the bankruptcy court's website.

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 courtroom deputy will contact the moving party as soon as possible so that a notice of a rescheduled hearing may be disseminated.

File Attachment:

 [MEH 2017 Open Calendar Dates.pdf](#)

Source URL (modified on 12/16/2016 - 9:12am):

<http://www.canb.uscourts.gov/procedure/hammond/judge-hammonds-open-calendar-procedure>