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# Bankruptcy Local Rules

Bankruptcy Local Rules revisions are effective as of: **Tuesday, March 15, 2016**

PDF versions of the complete Bankruptcy Local Rules and a redline of the revised rules are available below.

## Attachments:

Bankruptcy Local Rules, effective March 15, 2016
Redline of revised BLR 3003-1, 3007-1, 4001-1, 2, & 3, 8001-1 & 2, 8007-1, 8010-1 & 2, 8012-1, 9033-1 (effective March 15, 2016)

1001-1. Scope of Rules; Short Title; Construction.

**(a) Scope of Rules.**
The Federal Rules of Bankruptcy Procedure (throughout these Bankruptcy Local Rules referred to as "Bankruptcy Rule(s)") and Official Bankruptcy Forms promulgated under 28 U.S.C. § 2075, together with these Bankruptcy Local Rules govern practice and procedure in all bankruptcy cases and adversary proceedings in this District. These rules supersede all previous Bankruptcy Local Rules for the United States District Court for the Northern District of California.

**(b) Relationship to District Court Rules.**
These Bankruptcy Local Rules are promulgated with other Local Rules of the District and should be cited as "B.L.R. _-_."

**(c) Relationship to Bankruptcy Rules.**
These rules are divided into nine parts to be consistent in format with the Bankruptcy Rules. These rules supplement the Bankruptcy Rules and they shall be construed so as to be consistent with the rules and to promote the just, efficient and economical determination of every bankruptcy case and proceeding. Where there is a substantive relationship between a Bankruptcy Local Rule and a particular Bankruptcy Rule a corresponding rule number is

utilized and a reference to the Bankruptcy Rule is included at the end of the Bankruptcy Local Rule.

**(d) Relationship to Federal Rules of Civil Procedure.**
Whenever a Federal Rule of Civil Procedure is incorporated, it shall be incorporated as modified by the Bankruptcy Rules.

**(e) Effective Date.**
These rules take effect on December 1, 2009, and shall apply to all cases and adversary proceedings pending on that date except to the extent the Court determines that such application would materially prejudice the rights of a party (in which event the prior version of these rules shall continue to apply).

**(f) Amendment.**
Civil Local Rules incorporated herein shall be the rules in effect on the effective date of these rules and as thereafter amended, unless otherwise provided by such amendment or by these rules or by such amendment.

## 1001-2. Applicability of Civil Local Rules.

**(a) Incorporation of Civil Local Rules.**
Except as hereinafter set forth or otherwise ordered by the Court, the following Civil Local Rules shall apply in all bankruptcy cases and adversary proceedings:

• 1-5(a) *Clerk*;
• 1-5(b) *Court* (except that, where appropriate, District Court shall instead refer to Bankruptcy Court);
• 1-5(c) *Day* (except that FRCivP 6(a) shall instead refer to Bankruptcy Rule 9006(a));
• 1-5(d) *Ex parte*;
• 1-5(e) *File*;
• 1-5(f) *FRCivP.*;
• 1-5(i) *Federal Rule*;
• 1-5(j) *General Orders*;
• 1-5(k) *General Duty Judge;*
• 1-5(l) *Judge*;
• 1-5(m) *Lodge*;
• 1-5(n) *Meet and Confer*;
• 1-5(o) *Standing Orders of Individual Judges*;
• 1-5(p) *Unavailability* (except that Civil L.R. 77-1 shall instead refer to B.L.R. 1001-3);
• 3-1 *Regular Session* (with the addition of the Santa Rosa Division);
• 3-4 *Papers Presented For Filing* (except that in subparagraph (a)(3)(C), District Judge and Magistrate Judge shall instead refer to Bankruptcy Judge); in subparagraph (b), FRCivP 42 shall instead refer to Bankruptcy Rule 7042; the second sentence of subparagraph (c)(3) and subparagraph (e) shall not apply;
• 3-5(a) *Jurisdictional Statement*;
• 3-6 *Jury Demand* (except that FRCivP 38(b) shall instead refer to Bankruptcy Rule 9015);
• 3-8 *Claim of Unconstitutionality*;
• 3-9(a) *Natural Persons Appearing Pro Se; (c) Government and Governmental Agency;*
• 3-11 *Failure to Notify of Address Change* (except that the reference to an action in subparagraph (a) shall also refer to a bankruptcy case);
• 5-2 *Facsimile Filings* (except for the references to Civil L.R.s 3-3(a) and 5-1(a) and only when ECF filing is not required);
• 5-6 *Certificate of Service* (except where service has been effected via ECF);
• 7-6 *Oral Testimony Concerning Motion*;
• 7-12 *Stipulation* (except that orders submitted by ECF must be a separate document);
• 7-13 *Notice Regarding Submitted Matters* (except for references to Civil L.R. 5-1);
• 10-1 *Amended Pleadings*;
• 11-1 *The Bar of this Court*;
• 11-2 *Attorneys for the United States*;
• 11-3 *Pro Hac Vice*;
• 11-4 (a)&(b) *Standards of Professional Conduct.*
• 11-5 *Withdrawal from Case* (except that the reference to an action in subparagraph (a) shall also refer to a bankruptcy case);
• 11-6 *Discipline*;
• 11-7 *Reciprocal Discipline and Discipline Following Felony Conviction*;
• 11-8 *Sanctions for Unauthorized Practice*;
• 11-9 *Student Practice*;
• 26-1 *Custodian of Discovery Documents*;
• 30-1 *Required Consultation Regarding Scheduling*;
• 30-2 *Numbering of Deposition Pages and Exhibits*;
• 33-1 *Form of Answers and Objections*;
• 33-2 *Demands that a Party Set Forth the Basis for a Demand of a Requested Admission*;
• 33-3 *Motions for Leave to Propound More Interrogatories Than Permitted by FRCivP 33*;
• 34-1 *Form of Responses to Requests for Production*;
• 36-1 *Form of Responses to Requests for Admission*;
• 36-2 *Demands that a Party Set Forth the Basis for a Denial of a Requested Admission*;
• 37-1 *Procedures for Resolving Disputes* (except that District Judge or Magistrate Judge shall instead refer to Bankruptcy Judge);
• 37-2 *Form of Motions to Compel* (except for references to Civil L.R. 7);
• 37-3 *Discovery Cut-Off; Deadline to File Motions to Compel*;
• 37-4 *Motions for Sanctions under FRCivP 37* (except for references to Civil L.R. 7-2 and Civil L.R. 7-8);
• 40-1 *Continuance of Trial Date; Sanctions for Failure to Proceed* (except for the reference to Civil L.R. 7, which shall refer to only the incorporated provisions of that rule);
• 54-1 through 54-4 *Matters Regarding Costs* (except for the last sentence of 54-4(b));
• 54-5 *Motion for Attorney's Fees* (except for references to Civil L.R.s 6-2 and 6-3);
• 54-6 *Motion for Attorney's Fees (*except for references to Civil L.R.s 6-2 and 6-3);
• 56-1 *Time and Content of Motion for Summary Judgment (*except that references to Civil L.R.s 7-2, 7-3 and 7-7 shall instead refer to B.L.R. 7007-1);
• 56-2 *Separate or Joint Statement of Undisputed Facts*;
• 56-3 *Issues Deemed Established*;
• 65-1 *Temporary Restraining Orders*;
• 65.1-1 *Security*;
• 77-3 *Photography and Public Broadcasting*
• 77-4 *Official Notices (except in subparagraph (b), the Bankruptcy Court's website is located at http://www.canb.uscourts.gov)*;
• 77-5 *Security of the Court*;
• 77-6 *Weapons in the Courthouse and Courtroom*;
• 77-8 *Complaints Against Judges*;
• 79-3 *Files; Custody and Withdrawal*;
• 79-4 *Custody and Disposition of Exhibits and Transcripts*;
• 79-5 *Filing Documents Under Seal* (except for references to Civil L.R. 7-11);
• 83-1 *Method of Amendment.* Civil L.R. 83-1 shall apply such that amendments for form, style, grammar, consistency or other nonsubstantive modifications may be made to the Bankruptcy Local Rules by a majority vote of the active Bankruptcy Judges of the Court;

**(b) Modification.**
Any Judge may, in any case or adversary proceeding, direct that additional Local Rules from other Chapters apply

## 1001-3. Designation of Bankruptcy Divisions.

# PART I.
# INTRADISTRICT VENUE; COMMENCEMENT OF CASES; FILING OF PETITIONS AND PLEADINGS

The United States Bankruptcy Court for the Northern District of California consists of the divisions shown in subparagraphs (a)-(d). The regular hours of the Offices of the Clerk are from 9:00 a.m. to 4:30 p.m. each day except Saturdays, Sundays, and Court holidays.

**(a) Santa Rosa.**
Division 1 shall consist of the counties of Del Norte, Mendocino, Humboldt, Napa, Sonoma, Marin and Lake. The division office is located at the United States Courthouse, 99 South "E" Street, Santa Rosa, California 95404.

**(b) San Francisco.**
Division 3 shall consist of the counties of San Francisco and San Mateo. The division office is located at 450 Golden Gate Avenue, 18th Floor, San Francisco, California 94104 (mailing address: P. O. Box 7341, San Francisco, California 94120). NOTE: Mailing address changed to 450 Golden Gate Ave., Mailbox 36099, San Francisco, CA 94102.

**(c) Oakland.**
Division 4 shall consist of the counties of Alameda and Contra Costa. The division office is located at 1300 Clay Street, Room 300, Oakland, California 94612 (mailing address: P. O. Box 2070, Oakland, California 94604).

**(d) San Jose.**
Division 5 shall consist of the counties of Santa Clara, Santa Cruz, Monterey and San Benito. The division office is located at the United States Courthouse, 280 South First Street, Room 3035, San Jose, California 95113.

## 1002-1. Filing of Petition and Other Pleadings.

**(a) Intradistrict Venue.**
All petitions, other than those filed by ECF, shall initially be filed with the Clerk of the Bankruptcy Court in the division of proper intradistrict venue as determined consistent with the venue rules of 28 U.S.C. § § 1408 and 1410.

**(b) Where Papers Filed.**
Except as provided in B.L.R. 1002-1(d), in bankruptcy cases not withdrawn to the District Court, all papers other than those filed by ECF shall be filed with the Clerk in the division where the case is pending.

**(c) Change of Intradistrict Venue.**
If the petitioner believes that venue should be in a division other than the division of proper intradistrict venue as determined in accordance with subparagraph (a), the petitioner may file an ex parte application for transfer of the case to another division. The Clerk shall promptly present the application to any available Judge of the division where the petition is filed.

**(d) Emergency Filings.**
In the event of a bona fide emergency a petition, other than one filed by ECF, may be presented for filing in a division other than the division of proper intradistrict venue as determined in accordance with subparagraph (a). The Clerk shall accept the petition and any other pleadings presented with the petition on behalf of the proper division, shall obtain the proper division's case number, shall place that number on the petition and other pleadings and shall promptly transmit the petition and other pleadings to the proper division.

**(e) Removed Actions.**
All claims or causes of action removed pursuant to 28 U.S.C. § 1452, other than those removed by ECF filing, shall be removed to the division where the removed claims or causes of action are pending.

## 1002-2. Copies.

**(a) Initial Documents and Other Papers.**
Except for ECF filings and as provided in subparagraphs (b) and (c) of this rule, petitions, statements, schedules, and lists and all other pleadings and papers shall be filed in the original only, without copies.

**(b) Return copies.**
Parties desiring conformed copies of petitions, schedules, lists and other pleadings and papers, other than those filed by ECF, should provide copies to the Clerk.

**(c) Chamber copies**.
Parties must provide chambers copies of petitions, schedules, lists and other pleadings and papers, including those filed by ECF, in accordance with the posted chambers copies requirements of the assigned judge.

## 1005-1. Caption and Title of Papers Filed.

In addition to the information generally required by these rules, the caption of each paper filed in a bankruptcy case or adversary proceeding shall contain all of the following information:

**(a)** The file number of the bankruptcy case in which the proceeding arises and, where applicable, the adversary proceeding;

**(b)** The chapter of the Bankruptcy Code under which the case is currently pending; and

**(c)** The date, time, and location of the hearing or trial, where applicable.

## 1007-1. Use of Practice Forms.

The Court may approve and require the use of pre-printed practice forms. The Court may also approve practice forms which are not pre-printed but the format of which is required to be followed. Practice forms may be adopted on a district-wide or division-wide basis. Required forms will be available in the Clerk's office, on the Court's website (http://www.canb.uscourts.gov) and, with respect to Chapter 13 practice, in the office of the Chapter 13 Trustee or on the Chapter 13 Trustee's website.

## 1015-1. Related Cases.

**(a) Defined.**
Related cases are cases where assignment to a single Judge would promote efficient administration of the estates or avoid conflicting or inconsistent rulings. Related cases may include: husband and wife; a partnership and one or more of its general partners; two or more general partners; two or more debtors having an interest in the same asset; or a debtor and an affiliate.

**(b) Notice of Related Cases.**
In the event there are related bankruptcy cases, the debtor shall file a Notice of Related Case(s) at the time of filing of a petition for relief, and shall serve a copy of the notice upon the United States Trustee, other than when filed by ECF. The notice shall list the name, filing date, and case number of any related cases.

**(c) Transfer.**
The Court may, on its own motion or upon the motion of a party in interest, order a case transferred to another Bankruptcy Judge based on the Court's determination as to whether a case is related and whether the transfer will promote the efficient administration of the estates or avoid inconsistent or conflicting rulings.

**(d) Procedure.**
A motion by a party in interest to transfer a case or cases shall be addressed to the Judge presiding in the earliest filed case and served on the debtors and all trustees appointed in the cases.

## 1017-1. Conversion from Chapter 7 to 13.

**(a)** Unless moving for conversion to chapter 13 in response to a motion to dismiss filed by the U.S. Trustee under 11 U.S.C. § 707(b), a debtor who wishes to convert to chapter 13 a pending chapter 7 case that has not previously been converted shall serve a motion to convert on the chapter 7 trustee, the U.S. Trustee, and all parties in interest.

**(b)** When serving a motion to convert to chapter 13, the debtor should utilize the "Notice and Opportunity For Hearing" procedures of B.L.R. 9014-1(b)(3). For purposes of motions made under this rule, the 21 day notice provision of B.L.R. 9014-1(b)(3)(A)(i)(time to object and request a hearing) shall be 14 days. If an objection is filed or served, the 14 day notice provisions of B.L.R. 9014-1(b)(3)(A)(iv) (time for initiating party to give notice of a hearing) shall be 7 days; the notice of hearing should be served on the objecting party, the chapter 7 trustee and the U.S. Trustee. If no party in interest has filed an objection within 14 days following service of the motion to convert, the debtor may file a declaration of no response and upload or lodge an order granting the motion.

**(c)** The court will not take testimony at the hearing, and may at that time rule on the objection if there is no genuine issue of material fact.

**(d)** The above-mentioned time periods are subject to modification in accordance with the applicable rules. Nothing contained herein shall be construed to preclude requests for relief of any nature by or against any party in interest during the period between the filing of a motion to convert and the court's disposition thereof.

## 1017-2. Voluntary Dismissal of Chapter 13 Cases.

**(a)** Unless otherwise ordered, a debtor who wishes to dismiss a pending chapter 13 case which has not previously been converted shall serve a motion to dismiss on the chapter 13 Standing Trustee, the U.S. Trustee and any creditor who has appeared. The motion to dismiss shall be supported by a declaration stating whether there are pending motions to convert the case to chapter 7 or pending motions to dismiss with prejudice.

**(b)** When serving the motion to dismiss, the debtor should utilize the "Notice and Opportunity For Hearing" procedures of B.L.R. 9014-1(b)(3). For purposes of motions made under this rule, the 21 day notice provision of B.L.R. 9014-1(b)(3)(A)(i) (time to object and request a hearing) shall be 7 days. If an objection is filed or served, the 14 day notice provisions of B.L.R. 9014-1(b)(3)(A)(iv) (time for initiating party to give notice of a hearing) shall be 7 days; the notice of hearing should be served on the objecting party, the chapter 13 Standing Trustee and the U.S. Trustee. If no objection is filed or served within 7 days following service of the motion to dismiss, the debtor may file a declaration of no response and upload or lodge an order granting the motion.

**(c)** The court will not take testimony at the hearing, and may at that time rule on the objection if there is no genuine issue of material fact.

**(d)** The time periods provided in subsection (b) are subject to modification in accordance with applicable rules. Nothing contained in this rule shall be construed to preclude requests for relief of any nature by or against any party-in-interest during the period between the filing of the motion to dismiss and the court's disposition thereof.

2001-1. Mail Redirection.

## PART II.
## ADMINISTRATION; PROFESSIONAL FEES

**(a) Consent of Debtor.**
The filing of a petition under Title 11 by a debtor engaged in business is deemed to be the debtor's consent to mail redirection by the interim trustee and the trustee.

**(b) Objection by Debtor**
If the debtor does not consent to mail redirection, the debtor shall file a written objection with the Clerk. Upon the filing of the debtor's objection, the Court shall promptly set a hearing on notice to the debtor, trustee and United States Trustee. After the filing of the objection, and pending order of Court, the redirection shall continue, but the trustee shall hold, and not open, the debtor's mail.

2002-1. Notices.

**(a) Who Shall Give Notice.**
Unless otherwise ordered, the initiating party shall give the notices required by Bankruptcy Rules 2002(a)(2)[sale or lease of property]; (a)(3)[compromise or settlement]; (a)(4)[dismissal or conversion]; (a)(5)[modification of plan]; (a)(6)[applications for compensation], except for final applications; and 2002(b)[disclosure statement and plan].

**(b) Content of Notice.**
The notices given pursuant to paragraph (a) shall fully comply with Bankruptcy Rule 2002(c).

**(c) Address List.**
Unless otherwise ordered, all notices shall be served on the persons entitled to notice under Bankruptcy Rule 2002(g). In order to comply with this rule, the initiating party must use a current mailing list.

**Commentary**
Attorneys should obtain current mailing list by logging onto CM/ECF, clicking on "Reports" and then "Mailing Matrix by Case." This generates the same list the Court would use for notice and permits compliance with this local rule.

**(d) Service on Committee.**
Service on a committee appointed by the United States Trustee shall be made on the committee's counsel. If the committee has no counsel of record, service shall be made upon all members of the committee.

## 2004-1. Examination.

**(a) Issuance of Order.**
The Clerk may issue on behalf of the Court, ex parte and without notice, orders granting applications for examination of an entity pursuant to Bankruptcy Rule 2004(a).

**(b) Disputes.**
Any dispute or request for relief with respect to any such orders shall be treated as a discovery dispute in accordance with B.L.R. 1001-2(a) which incorporates Civ.L.R. 37-1.

## 2015-1. Funds of the Estate

**(a) Account Identification.**
The signature card (or if there is none, the depository agreement) for any account containing funds which are the property of a bankruptcy estate must clearly indicate that the depositor or investor is a "debtor-in-possession" or a trustee in bankruptcy. This rule does not apply to accounts maintained by Chapter 13 debtors.

**(b) Compliance with 11 U.S.C. § 345.**
There shall be a rebuttable presumption that funds which are deposited with an entity which is included on the United States Trustee's most recent list of "cooperating depositories" have been deposited in accordance with 11 U.S.C. § 345(b).

**(c) Investment of Bankruptcy Estate Assets In U.S. Treasury Instruments.**
1. Unless otherwise directed by the court, the trustee or debtor in possession may give notice of a proposed investment of bankruptcy estate assets in a Designated Fund to the United States trustee, all creditors, indenture trustees, and committees elected pursuant to § 705 or appointed pursuant to § 1102 of the Code, and shall file such notice with the court, together with a copy of the Designated Fund's prospectus. A party in interest may file and serve an objection within 14 days of the mailing of the notice, or within the time fixed by the court. If a timely objection is made, the court shall set a hearing on notice to the United States trustee and to other entities as the court may direct. If no objection is made, the trustee or debtor in possession may proceed with the investment.
2. For purposes of this rule, a "Designated Fund" is an open-end management investment company that is registered under the Investment Company Act of 1940, regulated as a "money market fund" pursuant to Rule 2a-7 under the Investment Company Act of 1940, invests exclusively in United States Treasury bills and United States Treasury Notes owned directly or through repurchase agreements, has received the highest money market fund rating from a nationally recognized statistical rating organization, such as Standard & Poor's or Moody's, has agreed to redeem funds shares in cash, with payment being made no later than the business day following a redemption request by a shareholder (except in the event of an unscheduled closing of Federal Reserve Banks or the New York Stock Exchange), and has adopted a policy that it will notify its shareholder 60 days prior to any change in its policy to invest exclusively in Treasury securities as described above or to redeem fund shares in cash no later than the business day following a redemption request by the shareholder (with limited exceptions for unscheduled closings of Federal Reserve Banks or the New York Stock Exchange).

## 2015-2. Monthly Operating Reports.

**(a) Cases in Which Reports Are Required.**
Monthly operating and tax reports ( "monthly reports") are required from a trustee or debtor-in-possession in the following cases:

**(1)** All cases under Chapter 11 until confirmation of a plan, and Chapter 12;

**(2)** Chapter 7 cases where a business is being operated by a trustee;

**(3)** Chapter 13 business cases, if the Court so orders, upon application by the trustee or any party in interest.

**(b) Filing Deadline.**
A monthly report shall be filed by the trustee or debtor-in-possession or a Chapter 13 debtor filing in accordance with this rule no later than the 21st day of the month following the month to which the report pertains. A separate report must be filed for each calendar month, or portion thereof, during which the case is pending and is a case for which a report is required pursuant to B.L.R. 2015-2(a), up to and including the month in which an order of confirmation, conversion, or dismissal is entered.

**(c) Service of Reports.**
A copy of each monthly report shall be served, no later than the day upon which it is filed with the Court, upon the United States Trustee, the chairperson and counsel of record (if any) of each committee of creditors and each committee of equity security holders appointed by the United States Trustee, and such other persons or entities as may be ordered by the Court. In a Chapter 12 or Chapter 13 case, service of a copy of each monthly report also must be made on the trustee.

**(d) Form and Content of Reports.**
Monthly reports shall be prepared on forms and supporting schedules approved by the Judges of the Court, copies of which shall be available in the Office of the Clerk.

**(e) Modification of Reporting Requirements.**
The Court may, on application and for cause, modify the provisions of this rule. Any application to modify shall be served upon all parties upon whom the monthly report is required to be served.

## 2015-3. Debtor's Books and Records.

**(a) Voluntary Cases.**
In a case filed pursuant to 11 U.S.C. § 301 or § 302, the books and records of the debtor shall be closed on the day immediately preceding the day on which the petition is filed, whether or not a separate estate is created for tax purposes. Pre-petition liabilities shall be segregated and reported separately from post-petition liabilities.

**(b) Involuntary Cases.**
In a case filed pursuant to 11 U.S.C. § 303, the books and records of the debtor shall be closed on the day on which relief is ordered or an interim trustee is appointed, whichever occurs first. Notwithstanding the foregoing, liabilities incurred before the commencement of the case shall be segregated and, in the event relief is granted, reported separately from liabilities incurred after the commencement of the case.

3003-1. Filing Proof of Claim or Interest in Chapter 11 Cases.

## PART III.
## CLAIMS; DISCLOSURE STATEMENTS AND PLANS; DISCHARGE HEARINGS

Unless otherwise ordered by the Court, and except as provided in Bankruptcy Rule 3003(c)(3), proofs of claim or interest shall be filed pursuant to Bankruptcy Rule 3003 and shall be filed within 90 days after the first date set for the meeting of creditors called pursuant to 11 § 341(a), unless the claimant is a government unit, in which case a proof of claim or interest shall be filed before 180 days after the date of the order for relief or such later time as the Bankruptcy Rules may provide.

3007-1. Objections to Claim.

**(a) Copy of Claim.**
Unless the Court orders otherwise, on an objection to claim, a copy of the claim, absent any attachments or exhibits, shall be included.

**(b) Factual Dispute.**
Where a factual dispute is involved, the initial hearing on an objection shall be deemed a status conference at which the Court will not receive evidence. Where the objection involves only a matter of law, the matter may be argued at the initial hearing. Any notice of hearing on a claim objection shall so state.

**(c) Schedule for Filing Papers.**
Notwithstanding Bankruptcy Rule 3007(a), the schedules set forth in B.L.R. 9014-1(b) and (c) shall apply to Objections to Claims.

3015-1. Chapter 12 and 13 Plans.

**(a) Chapter 12 Plans.**

**(1) Hearing on Plan and Objections Thereto.** Unless otherwise ordered, notice of the hearing on confirmation of the plan shall be served not less than 35 days prior to the hearing. Objections to confirmation of the plan shall be filed and served on the debtor, the United States Trustee, the Chapter 12 trustee, and on any other entity designated by the Court, not less than 7 days before the hearing.

**(2) Confirmation of Plan.** The order of confirmation shall be similar to the Official Form for confirmation of plans in Chapter 11 cases, with appropriate changes made for Chapter 12.

**(b) Chapter 13 Plans.**

**(1) Notice by Clerk of the Court.** At least 28 days before the first date set for the 11 U.S.C. § 341 meeting of creditors, copies or an adequate summary of the Chapter 13 plan shall be served by the Clerk of the Court on all creditors with the notice of commencement of the case. The Clerk shall certify to the Court that service has been made in accordance with this rule and pursuant to Bankruptcy Rule 2002(b). If the plan is not filed in time for the Clerk to serve it with the notice, the debtor shall serve the plan and provide certification as specified above.

**(2) Notice by the Debtor.** Prior to confirmation the debtor shall serve all amended plans, together with at least 21 days notice of the date and time of the hearing on confirmation of the amended plan, on the trustee and all adversely affected creditors. Notwithstanding the foregoing, when plans are amended in response to trustee objections, and no creditors are adversely affected, the trustee may schedule confirmation of such amended plan on the next available confirmation calendar without further notice to creditors.

**(3) Objections.** At or before the 11 U.S.C. § 341 meeting of creditors, a creditor objecting to confirmation shall file with the Court and serve upon the debtor, the debtor's counsel, and the trustee a written objection to confirmation stating the basis for the objection. Objections to amended plans shall be filed and served within 14 days of service of the amended plan. Objections to confirmation need not be considered by the Court unless service has been made in accordance with this rule. Once timely filed, an objection to a plan will be considered an objection to all subsequent versions and amendments until the objection is withdrawn or the objecting party fails to appear at a hearing on confirmation.

**(4) Late Objections.** Notwithstanding the previous paragraph, late objections will be considered if the objection is raised before the plan is confirmed and the objecting party shows that it acted diligently.

3017-1. Chapter 11 Disclosure Statement Hearing.

Except as to small business cases subject to the provisions of 11 U.S.C. § 1125 (f), unless otherwise ordered, the plan proponent shall comply with the following procedures:

**(a)** The plan proponent may calendar and notice the disclosure statement hearing without necessity of a Court order, notwithstanding Official Form No. 12. Notice of the hearing shall be served on the debtor, creditors, equity security holders, United States Trustee, Securities and Exchange Commission, and other parties in interest not less than 35 days prior to the hearing. The notice shall contain the information required by Official Form No. 12 and, unless the Court orders otherwise, shall state that the deadline for the filing of objections is 7 days prior to the hearing. The proposed plan and proposed disclosure statement shall be served, with the notice, only on the United States Trustee and the persons mentioned in the second sentence of Bankruptcy Rule 3017(a). A certificate of service of the foregoing documents must be filed at least 7 days prior to the hearing.

**(b)** At least 3 days prior to the hearing (and any continued hearing), the plan proponent shall advise the Judge's chambers by telephone whether the proponent intends to go forward with the hearing.

**(c)** The plan proponent may establish that the disclosure statement meets the applicable requirements of 11 U.S.C. § § 1125(a) and (b) by offer of proof, declaration or, if the Court so permits or requires, live testimony. In all cases, a competent witness must be present. Briefs are not required.

**(d)** At the conclusion of the disclosure statement hearing, the plan proponent shall be prepared to advise the Court of the amount of Court time the confirmation hearing will require. If a contested confirmation hearing is anticipated, the Court will entertain requests that scheduling procedures be established concerning the filing of briefs, exchange and marking of exhibits, disclosure of witnesses, and discovery.

**(e)** In the event the plan proponent receives an objection to the disclosure statement, the proponent must make a good faith effort to confer with the objecting party to discuss the disclosure statement and to resolve the objection on a consensual basis.

**(f)** A plan proponent desiring a continuance of the hearing on a disclosure statement shall appear at the scheduled hearing to request a continuance.

**(g)** Upon approval of the disclosure statement, the plan proponent shall submit to the Court a proposed Order Approving Disclosure Statement and Fixing Time conforming to Official Form No. 13.

## 3020-1. Chapter 11 Confirmation Hearing.

Unless otherwise ordered, the plan proponent shall comply with the following procedures:

**(a)** All ballots and a ballot tabulation showing the percentages of acceptances and rejections for each impaired class, in number and dollar amount, must be filed at least 3 days prior to the confirmation hearing. The tabulation should also identify any unimpaired class(es) and state the reason that such class is unimpaired under 11 U.S.C. § 1124. A copy of the ballot tabulation should be served on the United States Trustee and counsel for the Official Creditors' Committee, or if no such committee has been appointed, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(d), and any parties objecting to confirmation.

**(b)** A certificate of service of the plan, disclosure statement and Order Approving Disclosure Statement (unless 11 U.S.C. § 1125(f) applies), and official ballot, must be filed at least 3 days prior to the confirmation hearing.

**(c)** At least 3 days prior to the hearing and any continued hearing, the plan proponent shall advise the Judge's chambers by telephone whether the proponent intends to go forward with the hearing.

**(d)** If the plan has been accepted by the requisite majorities and no objection to confirmation has been filed, the plan proponent may establish that the plan meets the applicable requirements of Chapter 11 by offer of proof, declaration or, if the Court so permits or requires, live testimony. In all cases, a competent witness must be present to testify, inter alia, as to the status of any post-petition trade debt, taxes or other obligations, the feasibility of the plan, and the Chapter 7 equivalency requirements. Memoranda in support of confirmation are not required but may be filed at least 3 days prior to the confirmation hearing, with copies served on the United States Trustee, counsel for the Official Creditors' Committee, or if no such committee has been appointed, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(b), and any parties objecting to confirmation.

**(e)** The plan proponent and any party objecting to confirmation shall meet and confer prior to the confirmation hearing regarding disputed issues and the conduct of the confirmation hearing.

**(f)** A plan proponent desiring a continuance of the confirmation hearing shall appear at the scheduled hearing to request a continuance.

## 3022-1. Chapter 11 Final Decree

**(a)** At the confirmation hearing, the proponent of the plan shall advise the Court when all post-confirmation Court proceedings can be completed. The Court may set deadlines for filing reports and an application for a final decree.

**(b)** Unless the Court orders otherwise, an application for final decree shall be served on the United States Trustee and on counsel for the Creditors' Committee, or, if there is no Committee, on the 20 largest unsecured creditors. Such application shall be considered by the Court without a hearing, unless within 14 days after the date of service of the notice, a party in interest files and serves a request for hearing.

4001-1. Motions For Relief From Stay.

## PART IV.
## AUTOMATIC STAY; DEBTOR'S DUTIES AND BENEFITS

**(a) Procedure and Supporting Documents.**
A motion for relief from stay, or for order confirming that no stay is in effect, shall be so titled and shall be accompanied by the declaration of an individual competent to testify which sets forth the factual basis for the motion. The motion shall describe the relief sought and shall advise the respondent to appear personally or by counsel at the preliminary hearing.

**(b) Cover Sheet.**
Every motion for relief from stay, or order confirming that no stay is in effect, shall be filed with a completed Relief From Stay Cover Sheet. Relief From Stay Cover Sheets shall be available in the Office of the Clerk and on the Bankruptcy Court's website.

**(c) Preliminary Hearings.**
Unless otherwise ordered, motions shall be set for preliminary hearing not less than 14 days after service. Motions shall be served the same day they are filed or sent for filing.

**(d) Hearing Dates.**
The Clerk shall make available a list of available hearing dates. It is the responsibility of the moving party to select a hearing date which satisfies the notice requirements of this rule.

**(e) Oral Testimony.**
Unless otherwise ordered, no oral testimony will be received by the Court at any hearing on a motion for relief from stay, or for order confirming that no stay is in effect.

**(f) Response.**
A respondent will not be required to, but may, file responsive pleadings, points and authorities, and declarations for any preliminary hearing.

**(g) Inclusion of an Account Statement.**
**(1)** As to motions for relief from the automatic stay wherein the movant alleges that the debtor has failed to maintain post-petition payments on an obligation, the motion shall include a post-petition account statement and a declaration attesting to the statement's accuracy. Both documents shall be written in language comprehensible to a lay person, and shall include the following information:

**a.** a description of the post-petition obligations that have accrued and are unpaid;
**b.** all payments received post-petition;
**c.** the date each post-petition payment was received;
**d.** the date each post-petition payment was posted to the subject account, if different from the date received.

If, for any reason, the timing or amount of the last payment which fell due pre-petition is different from any payments which have accrued post-petition, the moving party must briefly state the reason for the change and whether the debtor was given written notice of the changed amount.

As to defaults in post-petition payments to a Chapter 13 trustee, a printout from the Chapter 13 trustee's on-line information system itemizing post-petition payments will suffice.

**(2)** If the motion for relief from the automatic stay is based upon a failure to make pre-petition payments, then the requirements for an account statement referenced in paragraph (g)(1)(a) through (d) shall extend to all pre-petition obligations that have accrued and are unpaid.

**(3)** If a moving party fails to comply with paragraphs (g)(1) or (2) of this rule, the Court may, in its discretion, impose such monetary or nonmonetary remedies as it deems appropriate.

## 4001-2. Motions to Extend or Impose the Automatic Stay.

**(a) Motion Required.**
Any party in interest seeking to extend the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B) or to impose the stay pursuant to 11 U.S.C. § 362(c)(4)(B) must file a motion in accordance with Bankruptcy Rule 9013, thus initiating a contested matter under Bankruptcy Rule 9014.

**(b) Contents.**
The moving party must state whether continuation or imposition of the automatic stay is sought with respect to all creditors or only specified creditors, who must be identified by name. The moving party must also set forth facts in support of the motion, established by declarations as appropriate, showing that the filing of the present case is in good faith as to the creditors to be stayed and describing the circumstances that led to the dismissal of all prior case(s) concerning the debtor that were pending or dismissed within the past eight (8) years.

**(c) Service.**
Service must be on all creditors to be stayed, the United States Trustee, any trustee appointed in the case, and the debtor (if the debtor is not the moving party). Service must be in accordance with Bankruptcy Rule 7004, except as to parties who have appeared in the case (in which event Bankruptcy Rule 7005 applies) unless the court orders otherwise.

**(d) Manner of Disposing of Motion.**

**(1)** A party seeking to extend or to impose the stay may set the matter for hearing, on 14 days notice on the judge's regular relief from stay calendar, but if no hearing date which will permit 14 days notice is available within 30 days of the petition date, the moving party should comply with the judge's procedures for scheduling a special setting. For hearings on shortened time, the moving party must comply with Bankruptcy Rule 9006 and B.L.R. 9006-1.

**(2)** Alternatively, the moving party may utilize the "Notice and Opportunity For Hearing" procedures of B.L.R. 9014-1(b)(3). For purposes of motions made under this rule the following time periods shall replace those set forth in B.L.R. 9014-1(b)(3):
1. The time to object and request a hearing (B.L.R. 9014-1(b)(3)) shall be 14 days;
1. The time for the initiating party to give written notice of a hearing date (B.L.R. 9014-1(b)(3)(A)) shall be 5 days;
1. The tentative hearing date, if set in the notice (B.L.R. 9014-1(b)(3)(B)), shall be at least 7 days after the conclusion of the period for objecting parties to request a hearing; and
1. If there is a timely objection or request for hearing, or if the assigned bankruptcy judge has required that the motion be set for actual hearing, as provided in (d)(3) below, then the time for the initiating party to file and serve notice of an actual hearing (B.L.R. 9014-1(b)(3)(B)) shall be 5 days.
**(3)** The assigned bankruptcy judge may require that any motion to continue or to impose the automatic stay be set for actual hearing, even if the moving party has utilized the procedures set forth in (d)(2) hereof, and no party has objected or requested a hearing.

**(e) Opposition and Hearing.**
When a moving party proceeds under (d)(1) hereof, any opposition may be presented in writing, prior to or at the hearing, or orally, at the hearing. When a moving party proceeds under (d)(2) hereof, any responsive pleadings, points and authorities, and declarations for any hearing must be filed with the objection or request for hearing. The hearing on a motion to continue the automatic stay must be completed no later than 30 days after the petition date. *See*, 11 U.S.C. § 362(c)(3)(B).

## 4002-1. Designation of Responsible Individual.

**(a)** Every debtor or debtor-in-possession which is not an individual shall file with the Court an application and proposed order appointing a natural person to be responsible for the duties and obligations of the debtor or debtor-in-possession. The order shall identify such person by name and include the person's address, telephone number, and position within the organization. If the duties are to be divided among two or more individuals, the responsibilities of each shall be specified. The application and order shall be filed with the petition, or promptly thereafter.

**(b)** If any natural person designated under subparagraph (a) of this rule ceases to perform the designated duties of the debtor or debtor-in-possession, either because such person has ceased to be affiliated with the debtor or debtor-i--possession or for any other reason, the debtor or debtor-in-possession shall promptly file a statement to that effect, accompanied by either (i) an application and proposed order appointing a successor natural person to perform such duties, or (ii) a statement that there is no natural person willing and able to serve in that capacity. Any notice or application filed under this subparagraph (b) shall be served on any trustee appointed in the case, on counsel for (or if there is no counsel, the members of) any committee appointed in the case, on the United States Trustee, and on any party who has requested notice pursuant to Bankruptcy Rule 2002(i). Upon the filing of a notice or application under this subparagraph, the Court may, on the request of any party or on its own motion, take such action as it deems appropriate in the circumstances. Neither this subparagraph nor the filing of any application or notice under this subparagraph shall have any effect on the duties, obligations or responsibilities of the person previously designated under subparagraph (a) of this rule unless the Court orders otherwise.

## 4003-1. Exempt Property.

**(a) Orders Setting Apart Exemptions.**
If no objection to a claim of exemption has been made in a Chapter 7 case within the time provided in Bankruptcy Rule 4003(b), the Court may, at any time, without a hearing and without reopening the case, enter an order approving the exemptions as claimed.

**(b) Spousal Exemption Waiver.**
In a case where the spouse of the debtor is a nondebtor and the debtor wishes to elect the exemptions provided by California Code of Civil Procedure § 703.140(b), the debtor shall file the waiver referred to in California Code of Civil Procedure § 703.140(a)(2) by the deadline for filing the schedules and statements required by Bankruptcy Rule 1007 unless the Court extends the deadline for cause shown.

## 4004-1. Delayed Discharges of Individuals in Chapter 11, 12 and 13 Cases.

**(a)** All chapter 11, chapter 12 or chapter 13 debtors who have claimed exemptions in excess of the adjusted amount set forth in 11 U.S.C. § 522(q)(1) must file a statement pursuant to Rule 1007(b)(8), not earlier than the date of the last payment under the plan or the date of filing a motion for a discharge under 11 U.S.C. § § 1141(d)(5)(B), 1228(b), or 1328(b).

**(b)** Unless otherwise ordered, upon plan completion:

**(1)** All chapter 13 debtors must file a certification in support of discharge stating whether or not the debtor:

**(A)** has completed an instructional course concerning personal financial management described in 11 U.S.C. § 111 and has filed a certificate of completion of that course;

**(B)** has been required to pay, and has paid, a domestic support obligation as that term is defined in 11 U.S.C. § 101(14A);

**(C)** has received a discharge in a chapter 7, 11, 12 bankruptcy case filed within four years prior to filing the present Chapter 13 case, or in a Chapter 13 case filed within two years prior to filing the present Chapter 13 case.

**(2)** All chapter 12 debtors must file the certification required in subparagraph (b)(1)(B).

**(3)** If a chapter 12 or chapter 13 debtor has been required to pay a domestic support obligation as that term is defined in 11 U.S.C. § 101(14A), the debtor shall file a certification of domestic support obligation payees, setting forth the names and last known addresses of those payees. That certification shall be served by the debtor on the case trustee and all of the named domestic support obligation payees.

**(c)** A debtor required to file the statement required by Subparagraph (a) may combine it with the certification required by subparagraph (b)(1) or (2).

**(d)(1)** The Clerk shall serve the statements and certifications required in subparagraphs (a) and (b)(1) and (2) by mail on all parties in interest.

**(2)** Any party requesting a delay in the entry of the discharge must file a written response no later than 21 days from the date of service of the debtor's statement and certification and the response must be served by mail on the chapter 11 Trustee, if any, the chapter 12 Trustee or the chapter 13 Standing Trustee, the debtor and the debtor's attorney at the addresses noted on the debtor's statement and certification.

**(3)** If the delay request is timely filed, the debtor must schedule a hearing on the request and advise the chapter 11 Trustee, if any, the chapter 12 Trustee or the chapter 13 Standing Trustee, and the party requesting the delay, of the date and time of the hearing. The hearing must be held not more than 10 days before the date of the entry of the discharge order.

**(4)** If either no delay request is filed or if the delay request is not timely filed, the Court may enter a discharge order in the case, but not earlier than 30 days after the filing of the statement.

**(e)** Debtors shall make the statements and certifications required by this rule on forms approved by court in accordance with B.L.R. 1007-1. Those forms shall be available on the court's website and at the offices and on the websites of the district's chapter 13 Standing Trustees.

5005-1. Electronic Case Filing (ECF).

## PART V.
## COURTS AND CLERKS

**(a) Establishment of Electronic Case Filing Procedures.**
The Clerk is hereby authorized to establish and promulgate Electronic Case Filing Procedures (the "ECF Procedures"), including the procedure for registration of ECF participants ( "Registered Participants") and for distribution of passwords to permit electronic filing by Registered Participants and notice of pleadings and other papers. The Clerk may modify the ECF Procedures from time to time, after conferring with the Chief Bankruptcy Judge and such others judges as he or she shall designate. The ECF Procedures shall be made available to the public in paper form in the clerk's office of each division and by posting on the Court's web site.

**(b) Electronic Filing of Documents.**
The electronic transmission of a document to the Court in a manner consistent with the ECF Procedures, together with the Court's return transmission of a "Notification of Electronic Filing," shall constitute the filing of the document and its entry on the Court's docket for purposes of Bankruptcy Rule 5003. Electronically filed documents must comply with these Bankruptcy Local Rules with respect to form and length.

**(c) Mandatory Requirement for Attorneys to File Electronically Via ECF.**
Unless exempted by the Clerk, all attorneys practicing in the Court, including attorneys admitted pro hac vice, are required to file all documents (excluding documents to be placed under seal) electronically via ECF.

**(d) Scanned Documents.**
The official file in all divisions shall be the electronic file. All documents filed in paper form will be scanned into ECF and will only be accessible electronically.

5005-2. Signatures

**(a)** A document electronically filed with the Court shall bear the typed name of the person purporting to have signed the document and shall be deemed to be signed by the person ("Signatory") when the document identifies the person as a Signatory and the filing complies with either subsection (b), (c), or (d). Any filing in accordance with any of these methods shall bind the Signatory as if the document were physically signed and filed, and shall function as the Signatory's signature whether for purposes of Rule 9011 of the Federal Rules of Bankruptcy Procedure, to attest to the truthfulness of an affidavit or declaration, or for any other purpose.

**(b)** In the case of a Signatory who is a Registered Participant, such document shall be deemed signed, regardless of the existence of a physical signature on the document, provided that such document is filed using the user ID and password of the Signatory.

**(c)** In the case of a Signatory who is a Registered Participant but whose user ID and password are not utilized in the electronic filing of the document, as in the case of documents requiring multiple signatures, the filing of the document constitutes the filer's attestation that concurrence in the filing of the document has been obtained from each of the signing Registered Participants, which shall serve in lieu of their signatures on the document. The filer shall maintain records to support this concurrence for subsequent production for the Court, if so ordered, or for inspection upon request by a party, until five years after the case or adversary proceeding in which the document was filed is closed.

**(d)** In the case of a Signatory who is not a Registered Participant, as in the case of documents requiring multiple signatures or documents signed by a third party such as a debtor, the filing of the document constitutes the filer's attestation that the filer has possession of (i) an original ink signature, (ii) a copy of the original ink signature that has been electronically scanned, or (iii) a copy of the original ink signature transmitted by facsimile**.** The filer shall maintain records to support this attestation for subsequent production to the Court, if so ordered, or for inspection upon request by a party, until five years after the case or adversary proceeding in which the document was filed is closed.

**(e)** The provisions of subsection (d) of this Rule notwithstanding, in appropriate circumstances the Court may require that filers collect and retain original ink signatures of parties who are not Registered Participants.

## 5011-1. General Reference.

**(a) General Referral.**
Pursuant to 28 U.S.C. § 157(a), all cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to a case under Title 11 are referred to the Bankruptcy Judges of this District, except as provided in B.L.R. 5011-1(b).

**(b) Pending District Court Proceedings.**
Any civil proceeding arising in or related to a case under Title 11 that is pending in the District Court on the date the Title 11 case is filed shall be referred to a Bankruptcy Judge only upon order of the District Judge before whom the proceeding is pending. Such an order may be entered upon the motion of a party, the District Judge's own motion, or upon the recommendation of a Bankruptcy Judge.

**(c) Automatic Stay.**
Nothing in this rule shall modify any automatic stay imposed by 11 U.S.C. § § 362(a), 922, 1201(a), or 1301(a).

5011-2. Motions for Withdrawal of Reference.

**(a) Motion by Party.**
A motion to withdraw a case or proceeding under 28 U.S.C. § 157(d) shall be filed with the Clerk of the Bankruptcy Court. The Clerk of the Bankruptcy Court shall transmit the motion forthwith to the District Court, with a copy forwarded to the assigned Bankruptcy Judge.

**(b) Recommendation of Bankruptcy Judge.**
A Bankruptcy Judge may, on the Judge's own motion, upon the filing of a motion under subparagraph (a) of this rule, recommend to the District Court whether the case or proceeding should be withdrawn under 28 U.S.C. § 157(d). Such a recommendation shall be served on the parties to the case or proceeding and forwarded to the Clerk of the District Court.

**(c) Assignment of Motion to Judge; Notification to Parties; Filing of Papers.**
A motion or recommendation made under this rule for withdrawal of the bankruptcy reference shall be assigned by the Clerk of the District Court to a District Judge pursuant to the District Court's Assignment Plan. The Clerk of the District Court shall promptly notify the parties of the name of the assigned District Judge and the District Court case number assigned to the motion, and thereafter any papers filed with respect to the motion or recommendation for withdrawal of the reference (other than a request for stay of proceedings in the Bankruptcy Court) shall be filed with the Clerk of the District Court and shall bear both the District Court civil case number (which shall be stated first) and the Bankruptcy Court case or adversary proceeding number.

**(d) Scheduling and Briefing.**
Unless the assigned District Judge orders otherwise: within 14 days after receiving notice of the assignment to a District Judge under subsection (c) of this rule, any party objecting to withdrawal of the reference shall file in the District Court its opposition brief of not more than ten pages; 14 days thereafter, any party supporting withdrawal of the reference may file a reply brief of not more than ten pages; no hearing will be held unless the assigned District Judge orders otherwise.

**(e) Assignment After Withdrawal.**
A withdrawn case or proceeding shall be assigned to the District Judge who ordered the withdrawal of reference.

6004-1. Motions to Sell Free and Clear of Liens and Other Interests.

## PART VI.
## COLLECTION AND LIQUIDATION OF ESTATE

**(a) Procedure.**
A motion to sell free and clear of liens under 11 U.S.C. § 363(f) shall identify by name, immediately below the caption, the lienholders and other interest holders whose property rights are affected by the motion. The affected lienholders and other interest holders shall be served with a complete set of moving papers pursuant to Bankruptcy Rule 7004(b).

**(b) Supporting Papers.**
The motion shall be supported by the declaration of an individual competent to testify which sets forth the factual basis demonstrating that the moving party comes within 11 U.S.C. § 363(f)(1)-(5). The motion shall identify which subsection of 11 U.S.C. § 363(f) the moving party comes within.

**(c) Motions to Sell Property.**
A motion to sell the subject property may be combined with a motion to sell free and clear of liens. Notice of a motion to sell property shall be given to those specified in Bankruptcy Rule 2002(a).

**(d) Form of Order.**
The order granting a motion to sell free and clear of liens shall specify each lienholder whose interest is to be affected by the order.

6006-1. Motions for Relief Relating to Executory Contracts and Leases.

**(a) Notice of Motions.**
Unless the Court orders otherwise, any motion for relief under 11 U.S.C. § 365 shall be on notice to: (1) the other contracting parties and to those entities entitled to receive notice under the terms of the contract or lease; (2) the non-insider creditors that hold the 20 largest unsecured claims or to the creditors committee, if one has been appointed; and (3) any party who has requested notice pursuant to Bankruptcy Rule 2002.

**(b) Expedited Rejection.**
Notwithstanding subparagraph (a), a Chapter 7 Trustee may move to reject an unexpired lease of nonresidential real property where the debtor is the tenant on 24 hours notice given only to the other party to the lease, and such motions will normally be considered by the Court without a hearing.

7003-1. Cover Sheet.

## PART VII.
## ADVERSARY PROCEEDINGS

Every complaint initiating an adversary proceeding and every notice of removal pursuant to Bankruptcy Rule 9027 shall be accompanied by a completed Adversary Proceeding Cover Sheet in a form prescribed by the Clerk. Adversary Proceeding Cover Sheets shall be available in the Office of the Bankruptcy Clerk and on the Court's website at www.canb.uscourts.gov.

## 7007-1. Motions In Adversary Proceeding.

**(a) Time.**
Except as otherwise ordered, and except for motions made during the course of trial, all motions shall be filed and served at least 28 days before the hearing date.

**(b) Opposition.**
Any opposition to a motion shall be filed and served at least 14 days before the hearing date.

**(c) Statement of No Opposition.**
If the party against which the motion is directed does not oppose the motion, that party shall file a Statement of No Opposition within the time for filing and serving any opposition.

**(d) Counter-Motions.**
Together with an opposition, a party responding to a motion may file a counter-motion related to the subject matter of the original motion. Such counter-motion shall be noticed for hearing on the same date as the original motion.

**(e) Reply.**
Any reply to an opposition, or opposition to a counter-motion, shall be filed and served by the moving party at least 7 days before the hearing.

**(f) Motion Papers.**
B.L.R.s 9013-1, 9013-2 and 9013-3 shall apply to motions filed in adversary proceedings.

## 7008-1. Consent to Entry of Final Order or Judgment by Bankruptcy Court in Complaint, Counterclaim, Cross-Claim or Third Party Complaint

In an adversary proceeding pending before a Bankruptcy Court, the complaint, counterclaim, cross-claim, or third-party complaint shall contain a statement that the pleader does or does not consent to entry of a final order or judgment by the Bankruptcy Court.

## 7012-1. Consent to Entry of Final Order or Judgment by Bankruptcy Court in Responsive

## Pleading

In an adversary proceeding pending before a Bankruptcy Court, a responsive pleading shall contain a statement that the pleader does or does not consent to entry of a final order or judgment by the Bankruptcy Court.

## 7016-1. Scheduling Order.

Except as otherwise ordered, that portion of FRCivP 16(b) that fixes a deadline for entry of a scheduling order shall not apply in any adversary proceeding.

## 7016-2. Determining Whether Bankruptcy Court May Enter Final Order or Judgment

In an adversary proceeding pending before a Bankruptcy Court, the Bankruptcy Court shall, on the court's own motion or a party's timely motion, determine whether the proceeding is one in which the Bankruptcy Court may enter a final order or judgment.

**Commentary**

This rule confirms that it is for the Bankruptcy Court to determine whether it has the authority to enter a final order or judgment in a proceeding. A party's contention that the Bankruptcy Court lacks that authority will not by itself remove the proceeding from determination by the Bankruptcy Court. Absent withdrawal of the reference, the Bankruptcy Court shall retain the proceeding, and shall at the conclusion of the proceeding exercise the authority it determines to be proper.

## 7042-1. Related Adversary Proceedings.

**(a) Related Adversary Proceedings.**

Any adversary proceeding is related to another when both concern:

**(1)** Some of the same parties and is based on the same or similar claims; or

**(2)** Some of the same property, transactions or events; or

**(3)** The same facts and the same questions of law; or

**(4)** When both adversary proceedings appear likely to involve duplication of labor or might create conflicts and unnecessary expenses if heard by different Judges.

**(b) Notice of Related Adversary Proceedings.**
Whenever a party knows or learns that an adversary proceeding, filed in or removed to this Court, is (or the party believes that the action may be) related to another adversary proceeding which is or was pending in this Court, the party shall promptly file a Notice of Related Adversary Proceeding. The Notice shall be filed in the later-filed adversary proceeding in which the party is appearing and shall be served on all known parties to each related case.

**(c) Contents of Notice.**
A Notice of Related Adversary Proceeding shall include:

> **(1)** The date the related adversary proceeding was filed and the current status of that proceeding; and
>
> **(2)** The title and case number; and
>
> **(3)** A brief statement of the relationship of the actions according to the criteria set forth in section (a) above.

**(d) Transfer.**
The Court may, on its own motion or upon the motion of a party in interest, order an adversary proceeding transferred to another Bankruptcy Judge based on the Court's determination that the proceeding is related and that the transfer will promote efficient adjudication of the actions or avoid inconsistent or conflicting rulings.

**(e) Procedure.**
A motion by a party in interest to transfer an adversary proceeding or proceedings shall be addressed to the Judge presiding in the earlier filed adversary proceeding and served on all known parties in each of the related adversary proceedings.

8003-1. Procedure for Challenging Bankruptcy Court’s Authority to Enter Final Order or Judgment

## PART VIII.
## BANKRUPTCY APPEALS TO DISTRICT COURT

**(a)** In any instance in which the Bankruptcy Court has entered a final order or judgment and a party contends that the matter is one in which the Bankruptcy Court lacked constitutional or statutory authority to enter a final order or judgment, such party must:

**(1)** proceed by filing a timely notice of appeal of the Bankruptcy Court's final order or judgment; and

**(2)** to avoid a waiver of any right to review by the District Court, elect that the appeal of the final order or judgment be heard by the District Court in the manner set forth in 28 U.S.C. § 158(c)(1) and Bankruptcy Rule 8005(a).

**(b)** The requirements for the contents of the appellate briefs in a case in which a party contends that the Bankruptcy Court lacked authority to enter a final order or judgment are set forth in B.L.R. 8010-2.

**Commentary**
Because the Bankruptcy Court decides whether it has authority to enter a final order or judgment, or whether it must submit proposed findings of fact and conclusions of law to the District Court, there will be instances in which the Bankruptcy Court will enter judgment in a case in which a party contends that the Bankruptcy Court had authority only to submit proposed findings and conclusions. This rule is intended to clarify two points about how the parties should proceed in such a case. First, the party seeking review must proceed by filing a notice of appeal, because that is the proper process for obtaining review of an order or judgment, even where the party seeking review believes that the Bankruptcy Court did not have authority to enter the order or judgment. Second, to preserve any right to de novo review by an Article III court, a party must elect to have the appeal heard by the District Court, rather than by the Bankruptcy Appellate Panel. Under District Court General Order 24 (February 22, 2016), if the District Court agrees that the Bankruptcy Court should have issued proposed findings and conclusions, it can treat the decision of the Bankruptcy Court as proposed findings and conclusions subject to de novo review. *Executive Benefits Ins. Agency, Inc. v. Arkinson (In re Bellingham Ins. Agency, Inc.)*, 134 S.Ct. 2165, 573 U.S. 189 L.Ed. 2d 83 (2014). The Bankruptcy Appellate Panel cannot itself provide de novo review under Article III. A party that does not avail itself of the opportunity to obtain de novo review by an Article III court may be found to have waived any right to such review.

## 8004-1. Manner of Taking Appeal.

Upon the filing of a notice of appeal and a statement of election to have the appeal heard by the District court, the Clerk of the Bankruptcy Court shall forward to the Clerk of the District Court the notice of appeal, the statement of election and the docket sheet. Bankruptcy Rules 8003(d)(1) and 8005(b). If a statement of election is filed by an appellee, the notice of appeal and the statement of election will be received from the Bankruptcy Appellate Panel. In either case, the Clerk of the District Court shall immediately open a file, docket these documents and give notice to the parties of the name of the assigned District Judge and the District Court case number. Bankruptcy Rule 8003(d)(2).

## 8009-1. Procedure in Bankruptcy Appeals.

**(a) Docketing and Notice.**
Upon receipt of the record on appeal from the Clerk of the Bankruptcy Court, the Clerk of the District Court shall immediately docket it in the case in which the notice of appeal was filed and give notice to all parties to the appeal of the briefing schedule.

**(b) Dismissal for Failure to Perfect Appeal.**
If the appellant fails to perfect the appeal in the manner prescribed by Bankruptcy Rule 8009:

**(1) Motion by Appellee.** Any appellee may file a motion in the District Court to dismiss the appeal. The motion shall be supported by an affidavit or declaration of counsel for the moving party, setting forth the date and substance of the judgment or order from which the appeal is taken, the date upon which notice of appeal was filed, and the facts showing appellant's failure to perfect the appeal in the manner prescribed by Bankruptcy Rule 8009.

**(2) Recommendation by Bankruptcy Court.** The Bankruptcy Court may, on its own motion, transmit the notice of appeal to the District Court with a recommendation that the appeal be dismissed. The transmittal shall be accompanied by a certificate of the Bankruptcy Judge indicating the reasons for the recommendation. The Clerk of the Bankruptcy Court shall serve copies of the transmittal and the certificate on all parties.

**(3) Procedure.** Upon receipt of a motion under subsection (1) or a recommendation under subsection (2) of this subsection (c), the Clerk of the District Court shall docket the motion in the case previously assigned to the appeal. Unless the assigned District Judge orders otherwise: within 14 days after receiving notice of the assignment to a District Judge, appellant shall file in the District Court a brief of not more than five pages in opposition to dismissal of the appeal; 14 days thereafter, appellee(s) may file a reply brief of not more than five pages; no hearing will be held unless the assigned District Judge orders otherwise.

**(c) Other Rules.**
When the Bankruptcy Rules, the FRCivP and the Civil L.R. are silent as to a particular matter of practice on an appeal to the District Court from the Bankruptcy Court, the assigned District Judge may apply the Rules of the United States Court of Appeals for the Ninth Circuit, the FRAppP, and the Rules of the United States Bankruptcy Appellate Panel of the Ninth Circuit.

## 8014-1. Content of Briefs When Appeal Challenges Bankruptcy Court’s Authority to Enter Final Order or Judgment

Where the Bankruptcy Court has entered a final order or judgment, and a party contends that the Bankruptcy Court lacked constitutional or statutory authority to enter that final order or judgment, such party shall file an appeal in the manner specified in B.L.R. 8004-1, and all parties' briefs to the District Court shall:

**(a)** contain argument and information addressing whether the Bankruptcy Court had authority to enter the final order or judgment;

**(b)** contain all argument and information that the brief must contain if it were undisputed that the Bankruptcy Court had authority to enter the final order or judgment; and

**(c)** satisfy all the requirements of B.L.R. 9033-1, treating the findings of fact and conclusions of law of the Bankruptcy Court as proposed findings of fact and conclusions of law for that purpose.

**Commentary**
This rule is intended to clarify the issues that the parties must address in their appellate briefs to the District Court in a case in which the Bankruptcy Court has entered a final order or judgment, and a party contends on appeal that the Bankruptcy Court had authority only to submit proposed findings of fact and conclusions of law to the District Court. The briefs must address whether the Bankruptcy Court had authority to enter the order or judgment. The briefs must also address how the appeal should be resolved if the District Court determines that the Bankruptcy Court did have authority to enter the order or judgment. That is, the briefs must address whether the order or judgment should be affirmed under traditional standards of appellate review. Finally, the briefs must also address how the appeal should be resolved if the District Court determines that the Bankruptcy Court had authority only to submit proposed findings of fact and conclusions of law. In other words, the parties must satisfy all requirements that would apply if the Bankruptcy Court had submitted proposed findings of fact and conclusions of law to the District Court under B.L.R. 9033-1.

## 8018-1. Time for Filing Briefs.

Unless the assigned District Judge orders otherwise for good cause shown, the parties shall comply with the briefing schedules set forth in Bankruptcy Rules 8016 and 8018.

## 8019-1. Oral argument.

Upon completion of the briefing, the assigned District Judge will set a date for oral argument unless the judge determines that oral argument is unnecessary as provided in Bankruptcy Rule 8019(b)(1), (2), or (3). In that case the matter will be deemed submitted for decision.

9006-1. Enlargement or Shortening of Time.

## PART IX.
## GENERAL PROVISIONS

**(a) Requirements for Changing Time.**
Except as provided in paragraph (b), approval of the Court is required to enlarge or to shorten time to perform any act or to file any paper pursuant to the Federal Rules of Civil Procedure, the Bankruptcy Rules, or these Bankruptcy Local Rules.

**(b) Stipulation for Changing Time.**
Parties may stipulate in writing, without a Court order, to extend the time within which to answer or otherwise respond to the complaint or to enlarge or shorten the time in matters not required to be filed with the Court, provided the change will not alter the date of any hearing or conference set by the Court. Such stipulations shall be promptly filed pursuant to B.L.R. 1002-1.

**(c) Requests for Changing Time.**
Any request to enlarge or shorten time may be made by stipulation or motion. Absent exigent circumstances, any motion shall be heard on at least 72 hours notice to the respondent. Any request, whether made by stipulation or motion, shall be accompanied by a declaration stating:

**(1)** The reason for the particular enlargement or shortening of time requested;

**(2)** Previous time modifications related to the subject of the request, whether by stipulation or Court order;

**(3)** The effect of the requested time modification on the schedule for the case or proceeding; and

**(4)** Where the request is not made by stipulation, the efforts made to speak with the respondent and, if the movant has spoken with the respondent, the reasons given for any refusal to agree to the request.

9010-1. Appearance of Corporation or Partnership Through Counsel.

**(a) Appearance and Filing of Papers.**
A corporation, partnership, or any entity other than a natural person may not appear as a party in an adversary proceeding or a contested matter or as a debtor in a bankruptcy case except through counsel admitted to practice in this District. Petitions and pleadings from parties who are not individuals must bear the signature of an attorney.

**(b) Chapter 11 Cases.**
A corporation, partnership, or any entity other than a natural person may not serve as a debtor-in-possession in a Chapter 11 case unless represented by counsel. If a corporation or partnership does not obtain Court approval of counsel promptly, the Court, after notice as prescribed by Bankruptcy Rule 2002(a), may dismiss the case, order it converted to Chapter 7, or order the appointment of a trustee.

**(c) Excepted Matters.**
Nothing herein shall preclude a corporation, partnership, or any entity other than a natural person from filing a proof of claim, an application for compensation, a reaffirmation agreement, or from appearing at a meeting of creditors through an officer or other authorized agent.

## 9011-1. Sanctions and Penalties for Non-compliance.

Any petition, schedule, statement, declaration, claim or other document filed and signed or subscribed under any method (digital, electronic, scanned) adopted under the rules of this Court shall be treated for all purposes (both civil and criminal, including penalties for perjury) in the same manner as though manually signed or subscribed.

Failure of counsel or of a party to comply with any provision of these rules or the Bankruptcy Rules shall be grounds for imposition by the Court of appropriate sanctions.

## 9013-1. Motion Papers.

**(a) Matters Covered by Rule.**
This rule shall apply to initial papers, response papers, and reply papers in any case or adversary proceeding.

**(b) Form.**
Initial papers shall include the following three documents:

**(1)** The first document, the motion, shall provide a concise statement of what relief or Court action the movant seeks.

**(2)** The second document, the memorandum of points and authorities, shall provide a statement of the issues to be decided, a succinct statement of the relevant facts, and the argument of the party, citing supporting authorities. The motion and the memorandum of points and authorities may be combined and docketed together.

**(3)** The third document, the notice of hearing, shall be docketed separately and state the date, time, and location of the hearing (if any).

**(c) Length.**
Unless the Court expressly orders otherwise, the initial and response memoranda of points and authorities shall not exceed 25 pages of text, and reply memorandum shall not exceed 15 pages of text. Any memorandum exceeding 10 pages of text shall also include a table of contents and a table of authorities.

**(d) Affidavits or Declarations.**

**(1)** Factual contentions made in support of, or in opposition to, any motion, application or objection should be supported by affidavits or declarations and appropriate references to the record. Extracts from depositions, interrogatory answers, requests for admission and other evidentiary matter must be appropriately authenticated by affidavit or declaration.

**(2)** Affidavits and declarations shall contain only facts, shall conform as far as possible to the requirements of Fed. R. Civ. P. 56(e), and shall avoid conclusions and argument. Any statement made upon information or belief shall specify the basis therefor. Affidavits and declarations not in compliance with this rule may be stricken in whole or in part.

**(3)** Each affidavit or declaration shall be filed as a separate document.

**(e) Supplementary Materials.**
Prior to the noticed hearing date, counsel may bring to the Court's attention relevant judicial opinions published after the date the opposition or reply was filed by filing and serving a Statement of Recent Development, containing a citation to and providing a copy of the new opinion without argument. Otherwise, once a reply is filed, no additional memoranda, papers or letters shall be filed without prior Court approval.

## 9013-2. Motions; To Whom Made.

**(a) Assigned Case.**
Motions, applications and objections will be determined by the Judge to whom the case or proceeding is assigned, except as may be otherwise ordered by the assigned Judge. In the Judge's discretion, or upon request by counsel and with the Judge's approval, a motion may be determined without oral argument, or by conference telephone call.

**(b) Unassigned Case or Judge Unavailable.**
A motion, application, or objection may be presented to any other Bankruptcy Judge of the same division as the assigned Judge or, if no such Judge is available, to the Chief Bankruptcy Judge or Acting Chief Bankruptcy Judge when:

**(1)** The assigned Judge is unavailable and an emergency requires prompt action; or

**(2)** An order is necessary before an action or proceeding can be filed.

**(c) Unavailable.**
For purposes of this rule, a Judge is unavailable if the Judge has filed a certificate of unavailability or such unavailability is certified by the Judge's courtroom deputy, law clerk, judicial assistant or secretary.

## 9013-3. Service-Calculating Time; Certifying Service; Electronic Service.

**(a) Additional Time after Service.**
The time limits established in these Bankruptcy Local Rules have been calculated to include the "additional time after service" provided by Bankruptcy Rule 9006(f).

**(b) Certificate of Service.**
A certificate of service shall identify the capacity in which the person or entity was served. Capacity to be identified includes: Debtor(s); Attorney for Debtor(s); Trustee; Attorney for Trustee; Twenty Largest Unsecured Creditors; and Special Notice List. If notice to the 20 largest unsecured creditors is required, and there are less than 20 unsecured creditors of the estate, the certificate of service shall also indicate that all unsecured creditors were served. This subparagraph (b) shall not apply to motions and applications served on all creditors, or to motions served in adversary proceedings.

**(c) Service by Electronic Filing.**
Notwithstanding subparagraph (a) of this rule, transmission of the Notification of Electronic Filing by the Clerk to a Registered Participant who has consented to electronic service shall constitute effective service on that Registered Participant of all papers governed by FRCivP 5(b), as that rule is incorporated by Bankruptcy Rule 7005 and Bankruptcy Rule 9014(b), and of notices of judgment or order governed by Bankruptcy Rule 9022.

**Commentary**
Service of papers that initiate an adversary proceeding under Bankruptcy Rules 7001-7087, i.e., the summons and complaint under Bankruptcy Rule 7004, or that commence a contested matter under Bankruptcy Rule 9014, e.g., a motion for stay relief or objection to claim, are not governed by FRCivP 5, and must still be made by paper. Likewise, general notices to creditors pursuant to Bankruptcy Rule 2002 must still be served by conventional means and are not governed by this rule. Of course, a party may always stipulate to the effectiveness of service by means other than conventional "paper service", including accepting the Notification of Electronic Filing as effective service.

In contrast to initiating papers, service of papers governed by FRCivP 5 or Bankruptcy Rule 9022, including answers to complaints, motions in adversary proceedings, responses to motions, and notices of entry of judgment or order, are governed by subparagraph (c) of this rule. Each ECF Registered Participant who has not refused consent to electronic service and who has appeared in the case or adversary proceeding receives an email from the Court containing a link to the paper. The rule of subparagraph (c) makes service by electronic mail "Notification of Electronic Filing" effective service of these matters. As to matters governed by subparagraph (c), filing parties need only serve persons who either are not ECF Registered Participants or are ECF Registered Participants who have refused consent to electronic service. A list of such "manual notice" parties may be determined by reviewing the Notification of Electronic Filing (which reprints the list) or from the Utilities menu of ECF under "Mailing Information."

## 9014-1. Case Motions and Objections.

**(a) Matters Covered By Rule.**

This rule shall apply to any motion, application or objection with respect to which the Bankruptcy Code provides that relief may be obtained after "notice and a hearing" or similar phrase, but does not apply to: (1) motions for relief from the automatic stay; (2) proceedings that must be initiated by complaint under Bankruptcy Rule 7001 (adversary proceedings) or motions therein; (3) hearings on approval of disclosure statements and confirmation of Chapter 11, 12 and 13 plans; and (4) matters that may properly be presented to a Judge ex parte.

**(b) Procedures For Hearings and Disposition.**

**1) Hearing Required.** Unless otherwise ordered, the following shall be set for an actual hearing:

**(A)** Motions governed by Bankruptcy Rule 4001 (b), (c), and (d) other than motions to approve agreements to modify or terminate the automatic stay;

**(B)** Hearings on applications for compensation or reimbursement of expenses, totaling in excess of $1,000, other than applications for compensation for appraisers, auctioneers, and real estate brokers;

**(C)** Motions to dismiss a case, other than a debtor's request for dismissal under 11 U.S.C. § § 1208(b) or 1307(b), or a Chapter 13 trustee's request for dismissal under 11 U.S.C. § 1307(c);

**(D)** Motions to appoint a trustee or an examiner; and

**(E)** Objections to a debtor's claim of exemption.

**(2) Hearing Permitted.** In addition to the required hearings described in B.L.R. 9014-1(b)(1), any matter within the scope of this rule may be set for a hearing.

**(3) Notice and Opportunity for Hearing.** Unless otherwise ordered, a party in interest may initiate a request for relief, without setting a hearing, regarding any matter within the scope of this rule, other than those matters described in B.L.R. 9014-1(b)(1).

**(A) Notice.** A request for relief governed by B.L.R. 9014-1(b)(3) shall be accompanied by a notice and opportunity for hearing with the following language set forth verbatim and conspicuously in the notice:

**"Any objection to the requested relief, or a request for hearing on the matter, must be filed and served upon the initiating party within 21 days of mailing the notice;**

**Any objection or request for a hearing must be accompanied by any declarations or memoranda of law any requesting party wishes to present in support of its position;**

**If there is no timely objection to the requested relief or a request for hearing, the court may enter an order granting the relief by default.**

**In the event of a timely objection or request for hearing, (either):**

**The initiating party will give at least seven days written notice of the hearing to the objecting or requesting party, and to any trustee or committee appointed in the case; or**

**The tentative hearing date, location and time are (insert date location and time)."**

**(B) Procedure for Tentative Hearing Dates.** A tentative hearing shall be set at least 14 days after the last date for parties to file objections or requests for hearings in accordance with B.L.R. 9014-1(b)(3)(A)(i). The tentative hearing will not go forward unless an objection or request for hearing is timely filed and served, in which case the party initiating the proceedings under B.L.R. 9014-1(b)(3) shall file and serve not less than 7 days before the hearing, notice that the tentative hearing will be conducted as an actual hearing. Such Notice of Hearing is to be in writing, and is to be given to the objecting or requesting party, any trustee and any committee appointed in the case, and the Court. The Court will not schedule the matter on the judges calendar unless the Notice of Hearing has been filed and served timely. The initiating party shall also give 7 days telephonic notice to the Judge's Calendar Clerk/Courtroom Deputy that the tentative hearing will be an actual hearing.

**(C) Conduct of Hearing.** At the hearing the Court will proceed in accordance with B.L.R. 3007-1 on objections to claims. On other matters in which the Court determines that there is a genuine issue of material fact, the Court may treat the hearing as a status conference and schedule further hearings as appropriate.

**(4) Relief Upon Default.** When no objection or request for a hearing has been filed or served within the time provided in B.L.R. 9014-1(b)(3)(A)(i), the initiating party may request relief by default by submitting a request for entry of an order by default and a proposed order. Any such request for relief upon default shall contain a concise statement of what relief or Court action the movant seeks. If the initiating party is an ECF Registered Participant, the electronically filed request shall contain a declaration confirming that no response has been received. The electronically filed request shall refer to existing event(s) within the ECF system to the previously filed motion, application, or objection and the certificate of service for the previously filed document (and copies of such motion, application, objection and certificate of service need not be filed with the request). If the initiating party is not an ECF Registered Participant and the request is to be filed in paper form, a copy of the original motion, application, or objection shall be attached to the request, and the request shall be accompanied by a certificate of service of the papers initiating the request, as well as the declaration confirming that no response has been received. In addition:

**(A)** In the case of an objection to a claim, a motion to avoid a lien pursuant to 11 U.S.C. § 522(f), or other request for relief as against an identified, named entity, the request for entry of order by default shall be served upon the entity against whom relief is sought. If relief is sought against any entity that has filed a claim, the request shall be mailed to the address shown on the proof of claim.

**(B)** In cases seeking relief generally, and not against an identified, named entity, the request shall be served upon:

**(i)** the debtor;

**(ii)** any trustee serving in the case; and

**(iii)** any committee of unsecured creditors that has been appointed in the case.

**(C)** Upon filing of an appropriate request for entry of an order by default, with service in accordance with B.L.R. 9014-1(b)(4), the Court may grant the requested relief.

**(c) Schedule For Filing of Papers.**

**(1)** Where the matter is governed by B.L.R. 9014-1(b)(1), or the initiating party desires a hearing under B.L.R. 9014-1(b)(2), and relief is sought against an identified, named entity, the motion, notice of the hearing, supporting declarations, memoranda, and all other papers shall be filed and served at least 28 days before the actual scheduled hearing date. Any opposition shall be filed and served on the initiating party at least 14 days prior to the actual scheduled hearing date. Any reply shall be filed and served at least 7 days prior to the actual scheduled hearing date. Notwithstanding the foregoing, no responsive pleading to an objection to a claim of exemption shall be required.

**(2)** Where the matter is governed by B.L.R. 9014-1(b)(1) or (b)(2) and relief is sought generally, and not against an identified, named entity, the motion or application, notice of the hearing, supporting declarations, memoranda, and all other papers shall be filed and served at least 21 days before the actual scheduled hearing date. Any opposition to the requested relief shall be filed and served on the initiating party no less than 7 days before the actual scheduled hearing date.

**(3)** Where the matter is governed by B.L.R. 9014-1(b)(3), the initiating party may file and serve any reply to the objecting party's opposition no less than 7 days before the hearing.

**(d) Shortened Notice Period Where Chapter 7 Estate Accruing Administrative Rent.**

**(1)** A Chapter 7 Trustee may, without the necessity of an order shortening time, set for hearing on 7 days notice:

(a) Any motion to sell personal property of the estate (whether free and clear of, or subject to, liens), or any motion to abandon personal property, if the subject property is situated on leased premises for which the estate is accruing periodic administrative rent;

(b) Any motion to assume and assign (but not just to assume) an unexpired lease of nonresidential real property where the debtor is the tenant, with notice to be provided in accordance with B.L.R. 6006-1(a).

**(2)** A Chapter 7 Trustee may notice a motion to reject an unexpired lease of nonresidential real property where the debtor is the tenant on 24-hours notice, with notice to be provided in accordance with B.L.R. 6006-1(b).

**(3)** Opposition to motions made pursuant to this subparagraph may be presented at or before the hearing or, if the matter may not require a hearing pursuant to B.L.R. 6006-1(b), by filed opposition before the 24-hour-hour period has elapsed.

## 9015-1. Jury Trial of Right.

FRCivP 38(a)-(d) applies in adversary proceedings.

## 9015-2. Jury Trials and Personal Injury and Wrongful Death Claims.

**(a) Determination of Right.**
In any proceeding in which a demand for jury trial is made, the Bankruptcy Judge shall, upon the motion of one of the parties, or upon the Bankruptcy Judge's own motion, determine whether the demand was timely made and whether the demanding party has a right to a jury trial. The Bankruptcy Judge may, on the Judge's own motion, determine that there is no right to a jury trial in a proceeding even if all of the parties have consented to a jury trial.

**(b) Motion and Certification to District Court.**
If the Bankruptcy Judge determines that the demand for a jury trial was timely made and the party has a right to a jury trial, and if all parties have not filed written consent to a jury trial before the Bankruptcy Judge, the Bankruptcy Judge shall, after having resolved all pre-trial matters, including dispositive motions, certify to the District Court that the proceeding is to be tried by a jury and that the parties have not consented to a jury trial in the Bankruptcy Court, and shall include in such certification, a report of the status of the proceeding and a recommendation on when the matter would be suitable for withdrawal from the Bankruptcy Court. Upon such certification, the party who has demanded a jury trial shall promptly file a motion in accordance with B.L.R. 5011-2(a) for withdrawal of the reference of the proceeding to be tried to a jury. The motion and the certification shall thereafter be handled in the District Court in accordance with B.L.R. 5011-2(c), (d) and (e).

**(c) Jury Trial in Bankruptcy Court.**
The Bankruptcy Judges of this District are hereby specially designated to conduct jury trials pursuant to 28 U.S.C. § 157(e). If the Bankruptcy Judge determines that a jury demand was timely made and the demanding party has a right to jury trial, and if all parties expressly consent to a jury trial before the Bankruptcy Judge, the Bankruptcy Judge shall try the proceeding by jury and shall enter judgment at the conclusion of the trial.

**(d) Personal Injury and Wrongful Death Claims.**
Upon timely motion of a party or upon the Bankruptcy Judge's own motion, the Bankruptcy Judge may determine that a claim is a personal injury tort or wrongful death claim requiring trial by a District Judge. Upon making such a determination, the Bankruptcy Judge shall, after having resolved all pre-trial matters, including dispositive motions, certify to the District Court that the claim is one which requires trial in the District Court under 28 U.S.C. § 157(b)(5) and shall include in such certification, a report of the status of the proceeding and a recommendation on when the matter would be suitable for withdrawal from the Bankruptcy Court. Upon such certification, the party who has demanded a jury trial shall promptly file a motion in accordance with B.L.R. 5011-2(a) for withdrawal of the reference of the proceeding to be tried to a jury. The motion and the certification shall thereafter shall be handled in the District Court in accordance with B.L.R. 5011-2(c), (d) and (e).

**(e) Procedure.**
In any proceeding within the jurisdiction created by 28 U.S.C. § 1334, FRCivP 38(a)-(d), 39, 47-51, and 81(c) shall govern the demand for and conduct of jury trials.

**(f) Remand and Abstention.**
Nothing contained in this rule shall be construed to preclude the entry of any order of remand or abstention.

9021-1. Submission of Orders.

**(a) Prior to Hearings.**
Unless authorized by the judge or in the assigned judge's posted policies for submission of proposed orders through ECF, no proposed forms of orders granting or denying motions shall be submitted with the moving or opposition papers prior to hearing. A copy of a proposed form of order may be attached as an exhibit to a notice or memorandum.

**(b) At Hearings.**
If authorized by the judge, the prevailing party may submit a proposed order to the Judge hearing the matter at the conclusion of the hearing after permitting all other counsel appearing at the hearing to review the proposed order.

**(c) After Hearings.**
If a form of order is not approved by the Judge at the conclusion of the hearing, the prevailing party, or such other party ordered to do so by the Judge hearing the motion, shall submit a proposed order to the Judge promptly thereafter. The order shall contain the signatures of any other counsel who appeared at the hearing, approving it as to form, or shall be accompanied by a certificate of service evidencing service of the proposed order on all such counsel. Orders not approved as to form will ordinarily be lodged for 7 days after service.

## 9022-1. Notice of Entry of Order and Judgment.

**(a) Service List.**
Each order or judgment submitted to the Court, including those submitted through ECF, shall be accompanied by a Court Service List identifying, in alphabetical order, all parties required to be served with the order under applicable federal and local rules together with their counsel of record (if any). The Court Service List should not include those parties who have appeared in the case or adversary proceeding by counsel who are ECF Registered Participants and who have consented to electronic service through the Court's ECF Procedures.

**(b) Notice of Entry of Order.**
Upon the entry of each order or judgment on the Court docket, the Notice of Electronic Filing shall constitute notice of entry of judgments and orders by the Court upon all Registered Participants who have consented to electronic service through the Court's ECF Procedures. A paper copy of the order or judgment will be served by the Court on all parties on the Court Service List submitted pursuant to subparagraph (a) above. The date the order of judgment was entered will be reflected on the copy served, which will constitute notice of entry of the order or judgment on non-registered or non-consenting parties.

## 9027-1. Removal

**(a)** A notice of removal shall contain a statement that upon removal of the claim or cause of action, the party filing the notice does or does not consent to entry of final orders or judgment by the Bankruptcy Court.

**(b)** Any party other than the party filing the notice of removal shall file a statement indicating whether the party does or does not consent to entry of final orders or judgment by the Bankruptcy Court as required by Bankruptcy Rule 9027(e)(3).

**Commentary**
This rule incorporates for removed matters the requirement that the parties to a proceeding inform the Bankruptcy Court in their initial pleadings whether they consent to the entry of final order or judgment by the Bankruptcy Court. Subpart "a" requires the party filing the notice of removal to include therein such a statement. Subpart "b" requires all other parties to include such a statement in a response filed within 14 days of the notice of removal. Parties who have not yet responded to a removed complaint should satisfy the requirements of B.L.R. 7012-1.

## 9029-1. Guidelines.

The Judges of the Bankruptcy Court or any division thereof may adopt, and as needed revise, guidelines concerning the allowance and disallowance of professional fees and expense reimbursement and the contents and format of applications therefore filed pursuant to 11 U.S.C. § § 330(a) and 331 and Bankruptcy Rule 2016(a), the contents of applications for approval of cash collateral and financing stipulations pursuant to 11 U.S.C. § § 363(c)(2) or 364(c) and Bankruptcy Rule 4001(b), (c), or (d), and such other matters as the Judges or divisions may deem appropriate. Copies of any guidelines so adopted shall be available in the Office of the Clerk of any division in which they are effective. Although referenced herein, such guidelines are not intended to be local rules, and shall not have the force and effect thereof.

## 9033-1. Procedure on Bankruptcy Court's Proposed Findings of Fact and Conclusions of Law.

**(a) Objections.**
Any objection to the proposed findings of fact and conclusions of law or proposed order or judgment made by a Bankruptcy Judge in a non-core proceeding pursuant to 28 U.S.C. §157(c)(1) shall be filed with the Clerk of the Bankruptcy Court and shall state:

**(1)** The issues raised by the objections;

**(2)** The specific portion of the proposed findings of fact and conclusions of law or proposed judgment or order to which objection is made; and

**(3)** Whether the objecting party requests that oral testimony be heard by the District Court, the reason for requesting oral testimony, and the issues on which oral testimony is requested. At the time the objection is filed, the objecting party shall file in the Bankruptcy Court a designation of the record for review, which shall include a transcript of the trial or hearing in the Bankruptcy Court.

**(b) Response to Objections.**
Any response to the objection referred to in subparagraph (a) shall be filed with the Clerk of the Bankruptcy Court and shall state:

**(1)** Whether oral testimony should be heard by the District Court; and

**(2)** The issues on which oral testimony should be heard. At the time the response is filed, the responding party shall file any additional designations of the record for review.

**(c) Procedure on Objection.**
If an objection is filed, the Clerk of the Bankruptcy Court shall, within 28 days after the time for filing a response has expired, transmit the proposed findings of fact and conclusions of law and proposed order or judgment, together with the objections, response, transcript and record, to the Clerk of the District Court, who shall assign the matter to a District Judge pursuant to the District Court's Assignment Plan. The Clerk of the District Court shall promptly notify the parties of the name of the assigned District Judge and the District Court case number assigned to the matter. No hearing will be held unless the assigned District Judge orders otherwise.

**(d) Procedure Absent Objection.**
If no objection is filed within the time specified, unless otherwise ordered by the Bankruptcy Court, the Clerk of the Bankruptcy Court shall transmit the proposed findings of fact and conclusions of law and proposed order or judgment to the Clerk of the District Court, with a certificate that no objection has been filed and a request that the proposed findings of fact, conclusions of law, and order or judgment be assigned to the General Duty Judge, who may take such action on the proposed findings of fact and conclusions of law and proposed order and judgment as the General Duty Judge deems appropriate, including disposition as a default matter without further notice or hearing.

9040-1. Bankruptcy Dispute Resolution Program.

## BANKRUPTCY DISPUTE RESOLUTION PROGRAM

The following Local Rules govern the Bankruptcy Dispute Resolution Program ("BDRP") in the United States Bankruptcy Court for the Northern District of California.

9040-2. Purpose and Scope.

**(a) Purpose.**
The Court recognizes that formal litigation of disputes in bankruptcy cases and adversary proceedings frequently imposes significant economic burdens on parties and often delays resolution of those disputes. The procedures established by these Local Rules are intended primarily to provide litigants with the means to resolve their disputes more quickly, at less cost, and often without the stress and pressure of litigation.

The Court also notes that the volume of cases, contested matters and adversary proceedings filed in this District has placed substantial burdens upon counsel, litigants and the Court, all of which contribute to the delay in the resolution of disputed matters. A Court authorized dispute resolution program, in which litigants and counsel meet with a Resolution Advocate, offers an opportunity to parties to settle legal disputes promptly and less expensively, to their mutual satisfaction. By these Local Rules the BDRP is adopted for the United States Bankruptcy Court for the Northern District of California.

It is the Court's intention that the BDRP shall operate in such a way as to allow the participants to take advantage of and utilize a wide variety of alternative dispute resolution methods. These methods may include but are not limited to: mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be those that are appropriate and applicable as determined by the Resolution Advocate and the parties, and will vary from matter to matter.

**(b) Scope.**
These Local Rules apply to all matters referred to the BDRP. All of the other Bankruptcy Local Rules apply, except to the extent that they are inconsistent with these Bankruptcy Local Rules 9040-1 through 9050-1.

## 9040-3. Certification.

Unless otherwise ordered, no later than 28 days after the initial status conference set in an Adversary Proceeding and whenever ordered by the Court in other matters, counsel and client shall sign, serve and file a certification of discussion and consideration of ADR options. The certification shall be filed on a form established for that purpose by the Court and in conformity with the instructions approved by the Court. If the client is a government or governmental agency, the certificate shall be signed by a person who meets the requirements of Civil L.R. 3-9(c). Counsel and client shall certify that both have:

**(1)** Read the information sheet entitled Bankruptcy Dispute Resolution Program Instructions for Parties;

**(2)** Discussed the available dispute resolution options provided by the Court and private entities; and

**(3)** Considered whether their case might benefit from any of the available dispute resolution options.

## 9041-1. Eligible Cases.

Unless otherwise ordered by the Judge handling the particular matter, all controversies arising in an adversary proceeding, contested matter, or other dispute in a bankruptcy case, will be eligible for referral to the BDRP except:

**(a)** Employment and compensation of professionals;

**(b)** Compensation of trustees and examiners;

**(c)** Objections to discharge under 11 U.S.C. §727, except where such objections are joined with disputes over dischargeability of debts under 11 U.S.C. §523; and

**(d)** Matters involving contempt or other types of sanctions.

## 9042-1. Panel of Resolution Advocates.

**(a)** The Bankruptcy Court shall establish and maintain a panel of qualified professionals (the "Panel") who have volunteered and have been chosen to serve as Resolution Advocates for the possible resolution of matters referred to the BDRP.

**(b)** Resolution Advocates shall serve as members of the Panel for a one year term.

**(c)** Applications to serve as a member of the Panel shall be submitted to the BDRP Administrator by the deadlines established by the Court each year, shall set forth the qualifications described below, and should conform to forms promulgated by the Court.

## 9042-2. Qualifications of Resolution Advocates.

**(a) Attorneys.**

In order to qualify for service as a Resolution Advocate, each attorney applicant shall certify to the Court that the applicant:

**(1)** Is, and has been, a member in good standing of the bar of any state or of the District of Columbia for at least 5 years;

**(2)** Is a member in good standing of the federal courts for the Northern District of California;

**(3)** Has served as the principal attorney of record in active matters in at least 3 bankruptcy cases (without regard to the party represented) from case commencement to the earlier of the date of the application or conclusion of the case, or has served as the principal attorney of record for a party in interest in at least 3 adversary proceedings or contested matters from commencement through conclusion; and

**(4)** Is willing to serve as a Resolution Advocate for the next one year term of appointment, and to undertake to evaluate, mediate or facilitate settlement of matters no more often than once each quarter of that year, subject only to unavailability due to conflicts, personal or professional commitments, or other matters which would make such service inappropriate.

**(5)** Attorneys who do not have the bankruptcy experience described in B.L.R. 9042-2(a)(3), but who do have adequate alternative dispute resolution training and experience to qualify them for appointment as Resolution Advocates, shall be considered qualified for purposes of this rule provided they satisfy the requirements of B.L.R. 9042-2(a)(1) and (4).

**(b) Non-attorney Resolution Advocates.**

Each non-attorney applicant shall submit a statement of professional qualifications, experience, training and other information demonstrating, in the applicant's opinion, why the applicant should be appointed to the Panel. In addition, such applicants shall also make the same certification required of attorney applicants as set forth in B.L.R. 9042-2(a)(4).

## 9042-3. Annual Selection of Resolution Advocates.

Each appointment year the Bankruptcy Judges of the Court will select the Panel from the applications submitted, giving due regard to alternative dispute resolution training and experience and such matters as professional experience and location so as to make the Panel appropriately representative of the public being served by the BDRP. Appointments will be limited to keep the panel at an appropriate size and to ensure that the panel is comprised of individuals who have broad-based experience, superior skills and qualifications from a variety of legal specialties and other professions.

## 9042-4. Geographic Areas of Service.

The Resolution Advocates on the Panel will indicate to the Court the city or cities within the District in which they are willing to act or serve.

## 9042-5. Training.

Before first serving as a Resolution Advocate on any assigned Matters, each person selected pursuant to B.L.R. 9042-3 shall have completed requisite alternative dispute resolution training provided by the Court or approved by the BDRP Administrator.

## 9043-1. Administration of the BDRP.

A Judge of this Court will be appointed by the Chief Bankruptcy Judge to serve as the BDRP Administrator. The BDRP Administrator will be aided by a staff member of the Court, who will maintain and collect applications, maintain the roster of the Panel, track and compile results of the BDRP, and handle such other administrative duties as are necessary.

## 9044-1. Assignment to the BDRP.

**(a)** A contested matter in a case, adversary proceeding, or other dispute (hereinafter collectively referred to as "Matter" or "Matters") may be assigned to the BDRP by order of the Judge at a status conference or other hearing, or if requested by the parties by submission of a stipulated order. While participation in the BDRP is intended to be voluntary, any Judge, acting sua sponte or on the request of a party, may designate specific Matters for inclusion in the program. If a Matter is to be assigned to the BDRP, the parties will be presented with the order assigning the Matter to the BDRP, and with a current roster of the Panel. The parties shall normally be given the opportunity to confer and designate a mutually acceptable Resolution Advocate as well as an alternate Resolution Advocate. If the parties cannot agree, or if the Judge deems selection by the Court to be appropriate and necessary, the Judge shall select a Resolution Advocate. Nothing contained in these Local Rules is intended to preclude other forms of dispute resolution with consent of the parties and, where required, approval of the Court.

**(b)** The original of the order assigning a Matter to the BDRP shall be docketed and retained in the case or adversary proceeding file and copies shall be mailed promptly by the party so designated by the Judge to the assigned Resolution Advocate, the alternate Resolution Advocate, the BDRP Administrator's staff assistant and to all other parties to the dispute. Assignment to the BDRP shall not alter or affect any time limits, deadlines, scheduling matters or orders in any adversary proceeding, contested matter or other proceeding, unless specifically ordered by the Court.

## 9044-2. Service of Resolution Advocate.

No Resolution Advocate may serve in any Matter in violation of the standards set forth in 28 U.S.C. § 455. An attorney Resolution Advocate shall also promptly determine all conflicts or potential conflicts in the same manner as an attorney would under the California Rules of Professional Conduct if any party to the dispute were a client. A non-attorney Resolution Advocate shall promptly determine all conflicts or potential conflicts in the same manner as under the applicable rules pertaining to the Resolution Advocate's profession. If the Resolution Advocate's firm has represented one or more of the parties, the Resolution Advocate shall promptly disclose that circumstance to all parties in writing. A party who believes that the assigned Resolution Advocate has a conflict of interest shall promptly bring the matter to the attention of the Resolution Advocate. If the Resolution Advocate does not withdraw from the assignment, the matter shall be brought to the attention of the Court by the Resolution Advocate or any of the parties.

## 9045-1. Dispute Resolution Procedures.

**(a) Availability of Resolution Advocate.**
Promptly after appointment, a Resolution Advocate not available to serve in the Matter shall notify the parties, the alternate Resolution Advocate, and the BDRP Administrator's staff assistant of that unavailability. The alternate Resolution Advocate shall thereafter serve as the Resolution Advocate.

**(b) Initial Telephonic Conference.**
As soon as practicable after notification of appointment, the Resolution Advocate shall conduct a telephonic conference with counsel for the parties to provide preliminary information to the Resolution Advocate concerning the nature of the Matter, the expectations of the parties, and anything else which will facilitate the process.

**(c) BDRP Conference Scheduling.**
Within 7 days of the telephonic conference, the Resolution Advocate shall give notice to the parties of the time and place for the BDRP conference, which conference shall commence not later than 28 days following the date of appointment of the Resolution Advocate, and which shall be held in a suitable neutral setting, such as the office of the Resolution Advocate, at a location convenient to the parties. Upon written stipulation between the Resolution Advocate and the parties, the BDRP conference may be continued for a period not to exceed 28 days.

**(d) BDRP Statements.**
Unless modified by the Resolution Advocate, no later than 14 days after the date of the order assigning the Matter to the BDRP, each party shall submit directly to the Resolution Advocate, and shall serve on all other parties, a written BDRP statement. Such statements shall not exceed 15 pages (not counting exhibits and attachments). While such statements may include any information that would be useful, they must:

**(1)** Identify the person(s), in addition to counsel, who will attend the session as representative of the party with decision making authority;

**(2)** Describe briefly the substance of the dispute;

**(3)** Address whether there are legal or factual issues whose early resolution might appreciably reduce the scope of the dispute or contribute significantly to settlement;

**(4)** Identify the discovery that could contribute most to equipping the parties for meaningful discussions;

**(5)** Set forth the history of past settlement discussions, including disclosure of prior and any presently outstanding offers and demands;

**(6)** Make an estimate of the cost and time to be expended for further discovery, pretrial motions, expert witnesses and trial; and

**(7)** Indicate presently scheduled dates for further status conferences, pretrial conferences, trial or otherwise.

**(e) Statements Not To Be Filed.**
The written BDRP statements shall not be filed with the Court and the Court shall not have access to them.

**(f) Identification of Participants.**
Parties may identify in the BDRP statements persons connected to a party opponent (including a representative of a party opponent's insurance carrier) whose presence at the BDRP conference would improve substantially the prospects for making the session productive; the fact that a person has been so identified, shall not, by itself, result in an order compelling that person to attend the BDRP conference.

**(g) Documents.**
Parties shall attach to their written BDRP statements copies of documents out of which the dispute has arisen, e.g., contracts, or those whose availability would materially advance the purposes of the BDRP conference.

## 9045-2. Attendance at BDRP Conference.

**(a) Counsel.**
Counsel for each party who is primarily responsible for the Matter (or the party, where proceeding in pro se) shall personally attend the BDRP conference and any adjourned sessions of that conference. Counsel for each party shall come prepared to discuss all liability issues, all damage issues, and the position of the party relative to settlement, in detail and in good faith.

**(b) Parties.**
All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall personally attend the BDRP conference unless excused by the Resolution Advocate for cause.

**(c) Telephonic Appearance.**
A party or lawyer who is excused from appearing in person at the BDRP conference may be required to participate by telephone.

## 9045-3. Failure to Attend BDRP Conference.

Willful failure to attend the BDRP conference and other violations of this order shall be reported to the Court by the Resolution Advocate and may result in the imposition of sanctions by the Court.

## 9046-1. Conduct of the BDRP Conference.

The BDRP conference shall proceed informally. Rules of evidence shall not apply. There shall be no formal examination or cross-examination of witnesses. Where necessary, the Resolution Advocate may conduct continued BDRP conferences after the initial session. As appropriate, the Resolution Advocate may:

**(a)** Permit each party, through counsel or otherwise, to make an oral presentation of its position;

**(b)** Help the parties identify areas of agreement and, where feasible, formulate stipulations;

**(c)** Assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the Resolution Advocate that supports these assessments;

**(d)** Assist the parties in settling the dispute;

**(e)** Estimate, where feasible, the likelihood of liability and the dollar range of damages;

**(f)** Help the parties devise a plan for sharing the important information and/or conducting the key discovery that will equip them as expeditiously as possible to participate in meaningful settlement discussions or to posture the case for disposition by other means; and

**(g)** Determine whether some form of follow-up to the conference would contribute to the case development process or to settlement.

## 9047-1. Confidentiality.

**(a)** All written and oral communications made in connection with or during any BDRP conference, including the BDRP statement referred to in B.L.R. 9045-1(d), shall be subject to all the protections afforded by Fed. R. Evid. 408 and by Bankruptcy Rule 7068. The Resolution Advocate may ask the parties to sign a confidentiality agreement provided by the Court.

**(b)** No written or oral communication made by any party, attorney, Resolution Advocate or other participant in connection with or during any BDRP conference may be disclosed to anyone not involved in the Matter. Nor may such communication be used in any pending or future proceeding in this Court to prove liability for or invalidity of a claim or its amount. Such communication may be disclosed, however, if all participants in the BDRP, including the Resolution Advocate, so agree. Notwithstanding the foregoing, this B.L.R. 9047-1 does not require the exclusion of any evidence:

> **(1)** Otherwise discoverable merely because it is presented in the course of a BDRP conference; or
>
> **(2)** Offered for another purpose, such as proving bias or prejudice of a witness, negativing a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

**(c)** Nothing in this B.L.R. 9047-1 shall be construed to prevent parties, counsel or Resolution Advocates from responding in absolute confidentiality, to inquiries or surveys by persons authorized by this Court to evaluate the BDRP. Nor shall anything in this section be construed to prohibit parties from entering into written agreements resolving some or all of the Matter or entering or filing procedural or factual stipulations based on suggestions or agreements made in connection with a BDRP conference.

## 9048-1. Suggestions and Recommendations of Resolution Advocate.

If the Resolution Advocate makes any oral or written suggestions to a party's attorney as to the advisability of a change in that party's position with respect to settlement, the attorney for that party shall promptly transmit that suggestion to the party. The Resolution Advocate shall have no obligation to make any written comments or recommendations, but may, as a matter of discretion, provide the parties with a written settlement recommendation memorandum. No copy of any such memorandum shall be filed with the Clerk or made available in whole or in part, directly or indirectly, to the Court.

## 9049-1. Procedures Upon Completion of BDRP Conference.

Upon the conclusion of the BDRP conference, the following procedure shall be followed:

**(a)** If the parties have reached an agreement regarding the disposition of the Matter, the parties shall determine who shall prepare the writing to dispose of the Matter, and they may continue the BDRP conference to a date convenient to all parties and the Resolution Advocate if necessary. The Court will accommodate parties who desire to place any resolution of a Matter on the record during or following the BDRP conference. Where required, they shall promptly submit the fully executed stipulation to the Court for approval;

**(b)** The Resolution Advocate shall file with the Court and serve on the parties and the BDRP Administrator's staff assistant, within 14 days, a certificate in the form provided by the Court, showing whether there has been compliance with the BDRP conference requirements of these Local Rules, and whether or not a settlement has been reached. Regardless of the outcome of the BDRP conference, the Resolution Advocate will not provide the Court with any details of the substance of the conference.

## 9049-2. Evaluation.

In order to assist the BDRP Administrator in compiling useful data to evaluate the BDRP, and to aid the Court in assessing the efforts of the members of the Panel, the Resolution Advocate shall report to the BDRP Administrator's staff assistant providing an estimate of the number of hours spent in the BDRP conference and statistical and evaluative information, which report shall be on a form provided by the Court.

9050-1. Fee for Service of Resolution Advocates.

The Resolution Advocates are authorized to charge each side, whether or not represented by counsel, up to $100 for their services. This fee, which is waiveable in whole or in part in the discretion of the Resolution Advocate, is applicable for all matters assigned to the BDRP by Court order dated on or after January 2, 1999.

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