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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

[Debtor's Name], <p style="text-align: center;">Debtor(s).</p>	Case No. [Case No] Chapter [Chapter]
[Plaintiff's Name], <p style="text-align: center;">Plaintiff(s),</p> vs. [Defendant's Name], <p style="text-align: center;">Defendant(s).</p>	Adversary No. [Adversary No]  <b>ORDER SETTING CASE MANAGEMENT CONFERENCE</b>

This action having been assigned to the undersigned Judge, IT IS HEREBY ORDERED that:

- Date and Time of Case Management Conference:** A case management conference will be held on [CMC Date (spell out)] at [CMC Time]. Parties may appear by telephone in accordance with Judge Hammond's Telephonic Appearance Policy and Procedures, available on the court's website at: <http://www.canb.uscourts.gov/judge/hammond/procedures>.
- Participants:** This Order applies to counsel for all parties and those individuals representing themselves. A party representing himself or herself must comply with the provisions of this order.

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3. **Preconference Discussion:** Participants shall confer at least 21 days prior to the case management conference regarding:

- A. Those topics identified in FED R. CIV. P. 26(f), including jurisdiction and venue; whether the initial disclosures required by FED. R. CIV. P. 26 (a)(1) are appropriate in the circumstances of the action; the nature and basis of the parties' claims and defenses; identification of genuinely controverted issues; anticipated motions; further proceedings, including setting of dates for discovery cut-off, pre-trial and trial; prospects for settlement; and whether the case should be assigned to the Bankruptcy Dispute Resolution Program; and
- B. Whether the parties are in a position to proceed productively at the case management conference and whether a personal appearance will be made.

4. **Continuances:** **The case management conference will not be continued without leave of court.** However, the case management conference may be continued for good cause shown, such as conflict with another court appearance, ongoing settlement discussions or representations by counsel that the case management conference is premature.

To request a continuance, a participant should submit, at least 7 days prior to the case management conference:

- A. A stipulation signed by all parties to the action or a declaration setting forth the reasons a continuance is requested, the positions of all participants with respect to a continuance and proposed time frames for the continued hearing; and
- B. A proposed order continuing the case management conference which incorporates all other provisions of this order. THE PROPOSED ORDER SHALL CONTAIN THE FOLLOWING LANGUAGE: "EACH PARTY SHALL FILE AND SERVE ON ALL OTHER PARTIES AN UPDATED CASE MANAGEMENT CONFERENCE STATEMENT AT LEAST 7 DAYS BEFORE THE CASE MANAGEMENT CONFERENCE."

**If a request for a continuance has not been filed at least 7 days prior to the case**

1 **management conference, the case management conference will go forward.**

2 5. **Case Management Conference Statement and Proposed Discovery Plan:** At least  
3 7 days prior to the case management conference, all parties shall file, jointly or separately, a CASE  
4 MANAGEMENT CONFERENCE STATEMENT AND PROPOSED DISCOVERY PLAN with the  
5 court pursuant to FED. R. CIV. P. 16(c) and 26(f). The statement shall not exceed four pages in  
6 length, addressing the following:

- 7 A A statement of the date and time that counsel conferred as required by FED. R.  
8 CIV. P. 26 (f) and this order;
- 9 B. A concise statement summarizing each legal theory on which the plaintiff or  
10 defendant relies and a brief general statement of the facts which support this  
11 theory;
- 12 C. The position of the parties with respect to Bankruptcy Rules 7008 and  
13 7012(b);
- 14 D. The proposed discovery plan and proposed cut-off dates for discovery,  
15 disclosure, and pre-trial motions;
- 16 E. The estimated time for trial and desired trial date; and
- 17 F. Whether alternative dispute resolution is desired by the parties.
- 18 G. A statement by any non-governmental corporate party to this action  
19 identifying all its parent corporations and listing any publicly-held company that owns  
20 10% or more of the party's stock. This statement shall be supplemented within a  
21 reasonable time of any change in the information.

22 THE CAPTION SHALL CONTAIN THE DATE AND TIME OF THE CASE MANAGEMENT  
23 CONFERENCE.

24 6. **Scheduling Order:** At the case management conference, dates will be established,  
25 such as for the close of discovery, for a trial setting conference, or for trial. Thereafter, the court will  
26 enter a scheduling order.

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1           7.       **Judgment:** Final judgment shall be entered by the Bankruptcy Court unless the court  
2 rules that this is an appropriate core or non-core proceeding in which the parties have not consented  
3 to this Court’s jurisdiction and final judgment should be entered by the District Court.

4           8.       **Failure of Defendant(s) to Appear:** In the event the defendant(s) has not appeared in  
5 the action, the plaintiff should nonetheless go forward with the case management conference unless a  
6 default judgment, as distinguished from the clerk’s entry of default, has been entered more than  
7 fourteen days prior to the date of the case management conference. If a default judgment has not  
8 been entered and no appearance is made, the court will either close the case or issue an order to show  
9 cause why the adversary proceeding should not be dismissed for lack of prosecution. The order to  
10 show cause generally will be heard within sixty days of the scheduled case management conference.

11          9.       **Contact with the Court:** The case management conference will proceed unless it has  
12 been continued by order of the court or the adversary proceeding has been disposed of by final order  
13 (for example, by a judgment or order of dismissal). If counsel has filed timely a request for a  
14 continuance, a default judgment, or a stipulation for a judgment or a dismissal, but has not yet  
15 received the order back from the court, counsel should presume that the case management  
16 conference will proceed.

17          10.       **Bankruptcy Dispute Resolution Program (BDRP):** The Bankruptcy Dispute  
18 Resolution Program (BDRP) offers a means to resolve disputes quickly, at less cost and often  
19 without the stress and pressure of litigation. Methods include mediation, negotiation, early neutral  
20 evaluation and settlement facilitation. Parties wishing assignment to the BDRP or to a judicially  
21 supervised Settlement Conference should contact Anna Rosales at (408) 278-7581. The BDRP  
22 procedures are explained in Bankruptcy Local Rule 9040-1 *et seq.* These procedures and a list of  
23 available resolution advocates and their resumes are available in the Clerk’s Office.

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11. **Service of Order:** The plaintiff shall serve this case management conference order on all parties and file a proof of service with the court. Plaintiff shall also promptly serve a copy of the Bankruptcy Dispute Resolution Program Information Sheet on all parties. A copy of the Bankruptcy Dispute Resolution Program Information Sheet is available on the Court's web site at [www.canb.uscourts.gov](http://www.canb.uscourts.gov) and at the Clerk's office.

12. **Sanctions:** The failure of a party to comply timely with the provisions of this order may result in the imposition of sanctions pursuant to Bankruptcy Rule 7016.

DATED: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE