

## [Judge Novack's Open Calendar Procedure](#)

The Oakland Division uses an Open Calendar Procedure for the scheduling of certain matters. This procedure will allow counsel to self-select a designated date and time on the appropriate Oakland division judge's calendar and serve notice of that date and time without first having to obtain the date and time from the Courtroom Deputy.

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

### **Open Calendar Procedure for Judge Novack**

**Note: Unless otherwise noted, all hearings should be noticed for Courtroom 215 in Oakland**

Charles Novack, Bankruptcy Judge Courtroom 215 1300 Clay Street Oakland, CA
Ruby Bautista Courtroom Deputy for Judge Charles Novack (510) 879-3529 <a href="mailto:ruby_bautista@canb.uscourts.gov">ruby_bautista@canb.uscourts.gov</a>

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

- Motions for Relief from Stay in all chapters are heard on designated Fridays at 10:00 a.m. in Courtroom 215.
- Motions in Chapter 13 cases are heard on designated Fridays at 11:00 a.m. in Courtroom 215.
- Motions in Chapter 7 and Chapter 11 main cases are heard on the Law and Motion calendar on designated Thursdays at 10:00 a.m. as posted on the website in Courtroom 215.
- Final accounts and Fee Applications in Chapters 7 and 11 are heard on designated Thursdays at 10:00 a.m. in Courtroom 215. Fee Applications in Chapter 13 are heard on designated Fridays at 11:00 am in Courtroom 215.
- Chapter 11 Disclosure Statements and Confirmation of Plan hearings are heard on designated Thursdays at 10:00 a.m. in courtroom 215.
- Motions in adversary cases in all Chapters are heard on designated Mondays at 10:00 a.m. in Courtroom 215.

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

- Case Management Conferences in adversary cases.

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

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- Chapter 11 status conferences.
- Trials in adversary proceedings.
- Any matter requiring an order shortening time.

An application for an order shortening time under [B.L.R. 9006-1](#) is required before a hearing date will be set. Counsel should include preferred calendar dates, the notice proposed to affected parties, and a proposed order. Once Judge Novack has reviewed the application, he will issue the order setting the date and time of the hearing and specifying any special instructions regarding notice, as appropriate.

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

### 3. Procedure for scheduling a hearing:

- a. In order to utilize the Open Calendar Procedure, counsel should select an available date and time from the appropriate calendar dates listed for the judge assigned to the main case. The list of available dates will be posted on the court's Internet website at <http://www.canb.uscourts.gov> under [Calendars](#). Available dates for each calendar year will be updated regularly and are subject to change. The lists of available dates will also be placed on bulletin boards in the clerk's office and outside of each judge's courtroom. The date selected must be no earlier than as required by applicable national or local rules, as nothing in this Open Calendar Procedure alters applicable time limits.
- b. After selecting an available date and time, counsel should serve proper notice of the matter in accordance with applicable rules.
- c. No later than **three days** after the service on other parties, counsel should file all appropriate papers with the court, including one copy marked "Judge's Copy" and one copy marked "Clerk's Copy."
- d. Once a matter is set by the Open Calendar Procedure, with the exception of certain matters in adversary proceedings or matters noticed to all creditors, continuances may be handled through the assigned judge's courtroom deputy, **Ruby Bautista**, by telephone at (510) 879-3529 or by e-mail at: [ruby\\_bautista@canb.uscourts.gov](mailto:ruby_bautista@canb.uscourts.gov). A minimum of three days' written notice of any continuance is required. Counsel must receive either written confirmation of a continuance by e-mail or telephonically from the courtroom deputy. Written stipulations and a proposed order are required for all Case Management Conferences, Pre-Trials and scheduled Trials. Matters noticed to all creditors must be continued on seven days' written notice or in open court.
- e. Counsel **must not** request that the courtroom deputy call back to confirm that the matter has been placed on the calendar. Counsel desiring confirmation that a matter has been placed on the calendar by the Open Calendar Procedure should review the published calendars in the local legal newspapers, posted outside the division's courtrooms or its calendar on the bankruptcy court's Internet site.
- f. Failure to comply with the foregoing Open Calendar Procedure will result in the matter not being placed on calendar.

**Note: Occasionally there may be a need to reschedule matters that have been placed on the calendar in accordance with this Open Calendar Procedure. Typically this will be because of calendar congestion or unforeseen schedule changes. In those instances the judge's courtroom deputy will contact the moving party as soon as possible so that a notice of a rescheduled hearing may be disseminated.**

[OAKLAND - 2021 Open Calendar Dates.pdf](#)

[SANTA ROSA - 2021 Open Calendar Dates.pdf](#)

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