

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~~ except Eureka Division replaced by 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~~ and 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~~3 *Facsimile Filings* (except for the references to Civil L.R.s 3-3(a) and 5-~~1~~2(a) and only when ECF filing is not required);
- 5-~~6~~5 *Certificate of Service* (except where service ~~has been effected~~is via ECF);
- 7-6 *Oral Testimony Concerning Motion*;
- 7-12 *Stipulations* (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 and to an adversary proceeding);
- 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 Notice of Motion for Summary Judgment*~~ *Notice of Motion for Summary Judgment* ~~*-(for summary judgment or summary adjudication,*~~ except that references to Civil L.R.s 7-2, ~~7-3~~ and ~~7-73~~ 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.

1002-1. Filing of Petition and Other Pleadings.

(a) **Intradistrict Venue: – Where to File a Petition.**

All petitions, other than those filed by ECF, shall ~~initially~~ be filed with the Clerk of the Bankruptcy Court in any divisional office (San Francisco, San Jose, Oakland or Santa Rosa) located within this District. The Clerk shall:

(1) Accept the petition and any other pleadings presented with the petition on behalf of the division of proper intradistrict venue as determined consistent with the venue rules of 28 U.S.C. §§§ § 1408 and 1410;

(2) Obtain the proper division's case number.

(3) Place that number on the petition and other pleadings, and

(4) Promptly open the bankruptcy case in ECF and enter the petition and other pleadings on the docket in the division of proper intradistrict venue.

(b) **Where ~~Papers Filed~~ to File Other Pleadings.**

~~Except as provided in B.L.R. 1002-1(d), in~~ In bankruptcy cases not withdrawn to the District Court, all ~~papers~~ other pleadings other than those filed by ECF, shall be filed with the Clerk ~~in the division where the case is pending.~~ of the Bankruptcy Court in any divisional office located within this District. The Clerk shall promptly enter the pleadings on the docket in the division of proper intradistrict venue as determined in accordance with subparagraph (a).

(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~~ of proper intradistrict venue.

~~(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~~ may be removed to ~~the division where the removed claims or causes of action are pending.~~ any divisional office located within this District. The Clerk shall:

(1) Accept the notice of removal and any other pleadings presented with the notice of removal on behalf of the division of proper intradistrict venue as determined in accordance with subparagraph (a).

- (2) Obtain the proper division's adversary proceeding number,
- (3) Place that number on the notice of removal and other pleadings, and
- (4) Promptly open an adversary proceeding in ECF and enter the notice of removal and other pleadings on the docket in the division of proper intradistrict venue.

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 file number of the adversary proceeding, the name of the debtor(s) and if applicable names of the plaintiffs and defendants;
- (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.

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)(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 the 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 the 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.

2002-2. Notification of Address Change.

(a) Notice of Change of Address.

A party proceeding *pro se* or an attorney whose address changes while appearing in a bankruptcy case or adversary proceeding, must promptly file and serve a *Notice of Change of Address* specifying the new address.

(b) Filing.

A *Notice of Change of Address* must be filed in all open bankruptcy cases and adversary proceedings in which the attorney or *pro se* party appears. A *Notice of Change of Address* should not be filed in a closed bankruptcy case or adversary proceeding.

(c) Service.

Service to ECF Registered Participants pursuant to this rule may be made electronically via an ECF generated Notice of Electronic Filing. Service of a *Notice of Change of Address* must be to:

(1) Debtor(s);

(2) Attorney representing the debtor(s) (if any);

(3) Bankruptcy case trustee (if any);

(4) United States Trustee;

(5) All parties having appeared in opposition to the *pro se* party or to a party represented by the attorney, by having filed a complaint, motion, application, objection or similar document, or a response to such a filed document; and

(6) All persons or entities having appeared by filing a Notice of Appearance, a Request for Notice or any similar document requesting notice.

(d) Debtor Statement of Address.

Nothing contained in this rule shall be construed to relieve or otherwise modify the duty of a debtor pursuant to Bankruptcy Rule 4002(a) to file a statement of any change of the debtor's address.

2016-1. Trustee Procedures For Payment of Certain Administrative Expenses In Chapter 7 Asset Cases.

(a) No Order Required: Payment of Expenses Up to an Aggregate of \$25,000 That Are Inherent in the Appointment of a Chapter 7 Trustee.

A Chapter 7 trustee may, during the course of a chapter 7 case, without further authorization from the court and subject to final authorization upon consideration of the Trustee's Final Report, disburse amounts aggregating up to \$25,000 from estate funds to pay actual and necessary expenses of the estate arising in the ordinary course of administering the estate ("Authorized Disbursal"), including but not limited to such expenses as:

- (1) Moving, storage, or preservation of estate assets;
- (2) Bank charges for research or copies;
- (3) Court reporting fees;
- (4) Filing and process serving;
- (5) Notary fees;
- (6) Recording fees;
- (7) Deposition/transcript fees;
- (8) Witness fees;
- (9) Locate and move assets;
- (10) CA Franchise Tax Board annual tax;
- (11) Locksmith;
- (12) Security services to safeguard debtor's real or personal property;
- (13) Utilities;
- (14) Expenses related to the preparation of real property for sale, such as hauling and cleaning expenses;
- (15) Costs to advertise sale;
- (16) Insurance;
- (17) Rent;
- (18) Obligations to taxing agencies arising under 11 U.S.C. § 507(a)(2), provided the estate is and is likely to remain administratively solvent; and
- (19) Obligations to taxing agencies arising under 11 U.S.C. § 503(b)(1)(B), but not preconversion tax obligation;
- (20) Bond premiums required by 11 U.S.C. § 322(a); and
- (21) Charges for storage of the debtor's records to prevent the destruction of those records and related necessary cartage costs.

All disbursements made by the trustee pursuant to this rule must be disclosed in the Trustee's Final Report. Applications for fees or costs filed by the trustee and by paraprofessionals employed in the case by the trustee must disclose disbursements made pursuant to this rule for which reimbursement from the estate is requested.

(b) Emergency Expenses.

The trustee may exceed the Authorized Disbursal amount to pay emergency expenses, without prior court approval, to protect assets of the estate that might otherwise be lost or destroyed. If the trustee disburses more than the amounts contemplated as an Authorized Disbursal to pay emergency expenses and other expenses for which an Authorized Disbursal may be used, the trustee shall promptly file and serve a motion for approval after such expenses are paid.

(c) Nonexclusive Remedy.

Nothing in this rule precludes the trustee from seeking court approval to disburse estate funds by way of a noticed motion filed and served pursuant to BLR 9014-1, and as needed, subject to a request for an order shortening time.

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. 312. 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. 312 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. 313.

5005-1. Electronic Case Filing (ECF).

(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 and use of passwords to permit electronic filing by Registered Participants and notice of pleadings and other papers: via the Electronic Case Filing System (the “ECF System”). The Clerk may modify the ECF Procedures from time to time, after conferring with the Chief Bankruptcy Judge and such other judges as he or she shall designate. The ECF Procedures and all other materials referenced in this rule 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) Mandatory Attorney Use of ECF System.

(1) Unless exempted by the Court pursuant to the Revised ECF Exemption Procedures, all attorneys practicing in the Court, including attorneys admitted *pro hac vice*, are required to file all documents (including documents to be placed under seal) electronically via the ECF System. By filing a document using the ECF System an attorney certifies under penalty of perjury:

(A) The attorney is authorized to practice in this district, and is in good standing with the attorney’s governing bar, in accordance with Civil Local Rule 11-1, as incorporated by B.L.R. 1001-2; and

(B) The attorney has reviewed the document to ensure it conforms to the original document, and retains the original document in accordance with the document review and retention requirements provided by these rules and the ECF Procedures.

(2) Except as provided by the ECF Procedures, a Registered Participant attorney shall not permit another attorney or other person to use the Registered Participant attorney’s ECF password to access, electronically file documents or otherwise use the ECF System.

(c) Electronic Filing of Documents.

~~-(1) 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.~~

~~**(e) —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.~~ (2) Documents filed electronically via the ECF System must comply with all specifications provided by the ECF Procedures and these

rules, including but not limited to converting electronic documents created from word processing or case processing software to a text searchable PDF format prior to filing, and all page and formatting requirements.

(d) Court Record.

Scanned Documents.

The official file in all divisions shall be the electronic file. All documents filed in paper form will be scanned into the ECF System and will only be accessible electronically.

(e) Sanctions.

The ECF Procedures and the ECF User Manual instruct on how to use the ECF System. A Registered Participant attorney's non-compliance with the ECF Procedures or the E-Filing User Manual, including but not limited to misuse of the ECF System, may result in a suspension or revocation of the Registered Participant attorney's ECF System access and use privileges, an order to complete additional ECF training, or the imposition of monetary or other sanctions as the Court deems appropriate.

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

(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. ~~8010-28014-1~~.

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), Pursuant to Bankruptcy Rule 8018.1~~, 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. *See also, 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); ~~District Court General Order 24 (February 22, 2016)~~. 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.

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 judge’s 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 ~~s~~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.

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.

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~~ Information Sheet;

(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.

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), (2) 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).