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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF }
BANKRUPTCY RULEMAKING } GENERAL ORDER NO. 23-07

IT IS HEREBY ORDERED:

(1) Delegation. Fed. R. Bankr. P. 9029(a)(1) provides that “[a] district court may authorize the bankruptcy judges of the district, subject to any limitation or condition it may prescribe and the requirements of 83 F.R.Civ.P., to make and amend rules of practice and procedure which are consistent with—but not duplicative of—Acts of Congress and the [FRBP]” Subject to the following limitations and conditions, the bankruptcy judges of this district, acting by majority, are authorized to make and amend Local Bankruptcy Rules (“LBR”) governing the practice and procedure in all cases and proceedings” referred to them.

(2) Limitations. Any changes to the following LBR’s may only be made by the District Court:

- (a) LBR 5011-1 and 9015-2(h) (regarding withdrawal of the reference);
- (b) LBR 8000-1 and 8003-1 (regarding appeals); and
- (c) LBR 9013-1(c)(5) and (f)(3) (regarding when bankruptcy judges have

1 authority to enter final orders and judgments).

2 (3) Conditions.

3 (a) Notice to all District Judges. When the bankruptcy judges provide the
4 required “public notice and an opportunity for comment” on any proposed amendment
5 to the LBR, the Chair of the Bankruptcy Court’s Rules Committee must
6 simultaneously email all district judges (i) a copy of that notice and (ii) the deadline for
7 receipt of comments. *See* Fed. R. Civ. P. 83(a)(1) (made applicable by Fed. R. Bankr.
8 P. 9029(a)(1)).

9 (b) Review by District Judges. The district judges’ review period will run
10 concurrently with the public comment period. Any district judge who has any
11 concerns regarding any proposed LBR must raise those concerns by email to the Chair
12 of the Bankruptcy Court’s Rules Committee within the comment period. Such an email
13 will have the effect of placing the specific LBR at issue on “hold” until the concerns
14 are resolved as set forth below. If the district judge’s concerns are substantive, as
15 distinguished from grammatical or typographical, then the district judge shall copy all
16 other district judges on such email. All LBR to which no objection by a district judge
17 has been raised by the end of the comment period may be promulgated by the
18 Bankruptcy Court without delay, pursuant to its usual procedures.

19 (c) Withdrawal of Concerns. At any time, if the concerns raised by the
20 district judge(s) are explained to the satisfaction of that/those judge(s), without the
21 need for any changes to the proposed LBR at issue, the district judge(s) may withdraw
22 the “hold” placed on that LBR by sending an email to the Chair of the Bankruptcy
23 Court’s Rules Committee and all of the district court judges. Upon receipt of such an
24 email, the Bankruptcy Court may proceed to promulgate that proposed LBR pursuant
25 to the Bankruptcy Court’s usual procedures.

26 (d) Minor Changes to Proposed LBR. At any time, if the district judge
27 who raised concerns and the Chair of this Court’s Rules Committee agree that the
28 concerns can be addressed by (i) correction of a grammatical or typographical error or

1 (ii) another minor change that does not, in their assessment, need to be placed before
2 this Court’s Rules Committee, they may notify the Chair of the Bankruptcy Court’s
3 Rules Committee, by email, that making the identified minor change will be sufficient
4 to remove to remove the “hold.” Upon receipt of such an email, the Bankruptcy Court
5 may promulgate the proposed LBR with that minor change pursuant to the Bankruptcy
6 Court’s usual procedures.

7 (e) Other Changes to a Proposed LBR. If any concerns raised by a district
8 judge are not resolved pursuant to the immediately preceding paragraphs of this Order
9 within 7 days after the district judge’s email to the Chair of the Bankruptcy Court’s
10 Rules Committee, or such additional time as they agree, the Chair of the Bankruptcy
11 Court’s Rules Committee must confirm to the district judge who raised the concern,
12 with a copy to the Chair of this Court’s Rules Committee, that the specific proposed
13 LBR at issue will remain on “hold.” In that email, or any subsequent email to the same
14 persons, the Chair of the Bankruptcy Court’s Rules Committee may elect (i) to
15 withdraw or defer action on its proposed amendment to the specific LBR at issue or
16 (ii) to request that such proposed LBR, with or without additional proposed changes,
17 be placed on the agenda of the next meeting of this Court’s Rules Committee.

18 (f) Consideration by this Court’s Rules Committee. Upon receipt of a
19 request to place a proposed LBR before this Court’s Rules Committee, the Chair of
20 that committee must immediately (i) notify the district judge who placed the hold on
21 the LBR and the Chair of the Bankruptcy Court’s Rules Committee that the proposed
22 LBR will be considered at the next meeting of this Court’s Rules Committee, and must
23 notify both judges of the date of such meeting, and (ii) must ensure that both judges
24 receive the agenda, materials, and invitation for that meeting when they are circulated.
25 Thereafter, consideration of the proposed LBR, and any changes thereto, will proceed
26 pursuant to this Court’s usual procedures for promulgating rules.

27 (4) Proceedings before a District Judge. Notwithstanding any other provisions
28 of this order, application of the LBR in any bankruptcy-related proceeding before any

1 district judge is at the discretion of that judge.

2 (5) Ongoing Authority of this Court. Notwithstanding the foregoing delegation
3 of authority, this Court continues to have ultimate authority over all LBR and may
4 adopt, amend, or repeal any LBR pursuant to its usual rulemaking procedures.

5
6 IT IS SO ORDERED.



7
8 CHIEF UNITED STATES DISTRICT JUDGE

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10 *Date of Approval by the Court:* April 28, 2023

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12 *Date of Filing by the Clerk:* April 28, 2023