

United States Bankruptcy Court

EASTERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK

RICHARD G. HELTZEL
CLERK

NORMAN A. SHERMAN
CHIEF DEPUTY

REPLY TO:

- U.S. COURTHOUSE
501 I STREET, SUITE 3-200
SACRAMENTO, CA 95814
(916) 930-4400
- 1130 12TH STREET
SUITE C
MODESTO, CA 95354
(209) 521-5160
- U.S. COURTHOUSE
2500 TULARE STREET,
SUITE 2501
FRESNO, CA 93721
(559) 499-5800

July 15, 2008

Dear Debtor's Attorney:

The purpose of this letter is to advise you of a change in policy and procedures for batching of new chapter 7 cases. Effective August 2008, new chapter 7 cases filed during the last five (5) court days of each month will not be eligible for batching for purposes of trustee assignment and 341(a) meeting calendars.

Insuring that new cases are assigned and entered into the court record as soon after filing as possible is one of our highest priorities. Batching for trustee assignment and 341(a) meeting calendars complicates and slows initial case processing. To simplify and expedite processing, cases filed on the last five court days of the month will be assigned on an individual case-by-case, random basis.

This change is necessitated by the dramatic increase in workload currently being experienced by the district, combined with the fact that many attorneys are filing a disproportionate number of new cases during the last five days of the month. Daily new case filings jump by as much as 200% on these days, forcing us to redeploy staff from other functions to timely process new cases. As new case filings continue to climb, this is creating an increasingly serious and adverse impact on general docketing and case management. The situation is not sustainable with our current staffing, currently less than half what we were authorized the last time the district experienced such workload levels.

Unfortunately, there is no end in sight to the dramatic increase in our new case filings, and our staffing situation is not likely to improve in the immediate future. The Administrative Office of the U.S. Courts advises that we should not expect any staffing relief until Congress passes the Fiscal Year 2009 budget, which may not occur until February or March of 2009 due to the November elections.

For this reason, unless absolutely necessary, we urgently request that you avoid filing a disproportionate number of cases during the last five court days of the month. Batching will continue to be available during the remainder of the month. Please note, however, that the batch limit of 5 cases will be strictly enforced. Batches submitted for filing containing more than five cases will have each case therein assigned on an individual, random basis.

Debtor's Attorney
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Also, I refer your attention to a recent e-mail and web posting entitled: *10 Most Common e-Filing Mistakes*. Insuring that all documents you submit are prepared and submitted properly is the most important thing you can do to help us out during this challenging period.

Please be assured that we are doing everything we can to avoid reductions in service. We regret that this change is necessary, but ask for your understanding and support.

If you have any questions, please contact the Deputy Clerk-in-Charge of your local division.

Sincerely,

A handwritten signature in black ink that reads "Richard G. Heltzel". The signature is written in a cursive style with a prominent flourish at the end.

Richard G. Heltzel
Clerk, U.S. Bankruptcy Court

cc: California Eastern Bankruptcy Judges
Norman A. Sherman
Shelly Fritch
Bob Herndon
Antonia G. Darling, Assistant U.S. Trustee
Mark L. Pope, Assistant U.S. Trustee