

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION,
DEPARTMENTS A AND B
AMENDED NOTICE OF HEARING DATES AND TIMES
JANUARY AND FEBRUARY, 2009
AMENDED TO ADD FEBRUARY 25TH AND 26TH HEARING DATES IN DEPARTMENT A**

Hearings on motions, plan confirmations, and disclosure statements in cases assigned to the Fresno Division may be set in accordance with Local Bankruptcy Rules 3007-1 and 9014-1 on the self-set calendar dates listed below. It is not necessary to obtain a date and time from the calendar clerk. However, if you are setting for hearing ten or more matters in a single case or adversary proceeding, please contact Kathy Torres at 559-499-5860 for Department A, Judge Rimel, or Virginia Guajardo at 559-499-5870 for Department B, Judge Lee, to obtain an appropriate hearing date and time. Cases assigned to Judge Rimel contain the letter "A" immediately following the case number. If the letter "B" follows the case number, it is assigned to Judge Lee. Following the "A" or "B" designation is a number representing the Bankruptcy Code chapter under which the case is pending. Use the location of the first meeting of creditors to determine the hearing location. Kern and Inyo County cases are set in Bakersfield. Fresno, Kings, Tulare, Madera, Merced, and Mariposa County cases are set in Fresno.

Locations for Fresno hearings are: Judge Whitney Rimel, Department A, Courtroom 11, Fifth Floor, U. S. Courthouse, 2500 Tulare Street, Fresno, California; Judge W. Richard Lee, Department B, Courtroom 12, Fifth Floor, U. S. Courthouse, 2500 Tulare Street, Fresno, California. Please check the court's website under "What's New" at www.caeb.uscourts.gov, for further information. The address of the Clerk's office is: ***Clerk, U. S. Bankruptcy Court, United States Courthouse, 2500 Tulare Street, Suite 2501, Fresno, CA. 93721-1318. The location of all Bakersfield hearings is 1300 18th Street, First Floor, Bakersfield, California.*** (Please note: All documents are filed in Fresno.) The court presides over Bakersfield matters either in the Bakersfield courtroom or by video conference from Fresno. You may check the court's calendars on the court's internet site to determine whether the Judge will be in Fresno or Bakersfield. If the calendar heading reads, 1300 18th Street, Bakersfield, counsel may appear by telephone or in person in Bakersfield. Otherwise, if the calendar states "By Video Conference", the Judge will be in Fresno. ***Questions regarding calendar should be directed to Marlene Medina, Calendar Clerk, at (559) 499-5825.***

Telephonic appearances may be arranged by calling Court Call at (866) 582-6878 no later than 4 p.m. the day prior to the court hearing date. Parties and counsel may appear telephonically on matters except evidentiary hearings and Chapter 11 and 12 confirmation hearings. *Please note that persons using the court call system do so at their own risk. Hearings will generally not be rescheduled due to the attorney appearing telephonically not being connected.*

The court posts "Pre-Hearing Dispositions" for many matters between 2 and 4 p.m. the day before the hearing. Consult the court's internet site to view the pre-hearing dispositions.

DEPARTMENT A - JUDGE WHITNEY RIMEL
AMENDED JANUARY AND FEBRUARY, 2009
ADDING FEBRUARY 25TH AND 26TH HEARING DATES IN DEPARTMENT A

FRESNO MATTERS: Courtroom 11, Fifth Floor, 2500 Tulare Street, Fresno, California

Chapter 7. Motions in Chapter 7 cases may be set at **9 a.m.** on:

January 7, 14, and 28

February 4, 10 **and 25**

Chapter 9 and Chapter 11. Motions and disclosure statement and confirmation hearings may be set at **1:30 p.m.** on:

January 7, 14, and 28

February 4, 10 **and 25**

Chapter 13. Chapter 13 motions and confirmation hearings may be set on:

January 8, 15 and 29 **at 9 a.m.**

February 5 **at 9 a.m.**

February 10 **at 10 a.m.**

February 26 at 9 a.m.

Chapter 12. Chapter 12 hearings may be set on:

January 8, 15 and 29 **at 9:30 a.m.**

February 5 **at 9:30 a.m.**

February 10 **at 10:30 a.m.**

February 26 **at 9:30 a.m.**

BAKERSFIELD MATTERS: 1300 18th Street, First Floor, Bakersfield, California

Chapter 7. Motions in Chapter 7 cases may be set at **1:30 p.m.** on:

January 21

February 11

Chapter 9 and Chapter 11. Motions and disclosure statement and confirmation hearings may be set at **2 p.m.** on:

January 21

February 11

Chapter 13. Chapter 13 motions and confirmation hearings may be set at **9 a.m.** on:

January 22

February 12

Chapter 12. Chapter 12 hearings may be set at **9:30 a.m.** on:

January 22

February 12

PROCEDURE FOR SETTING HEARINGS ON EXPEDITED BASIS
AS REQUIRED BY THE BANKRUPTCY ABUSE PREVENTION AND
CONSUMER PROTECTION ACT OF 2005 (the "BAPCPA")

The BAPCPA contains a number of provisions for an expedited hearing ("Expedited BAPCPA Hearings"). See, *inter alia*, 11 U.S.C. § § 362(c)(3); 362(c)(4); 362(h)(2); 362(l)(2); 362(m); 521(a)(2)(A); 521(a)(6); 521(i)(4); 727(a)(12); 1112(b)(3); 1116(3); 1228(f); 1328(h).

To the extent that an Expedited BAPCPA Hearing is required under any section of the BAPCPA, including those sections set forth above, for which the regular period of notice required by Local Bankruptcy Rule 9014-1 is not appropriate, the following procedure shall apply in the Fresno Division for setting hearings.

1. Expedited BAPCPA hearings may be set on no fewer than seven (7) calendar days notice in either Dept. A or Dept. B, regardless of to which department the case is assigned. The caption of each document associated with a motion brought under this procedure shall clearly state "Expedited BAPCPA Motion."
2. Consult the self-set calendar dates under "Expedited BAPCPA Hearings" to obtain an appropriate date and time. Unless the period of notice required by LBR 9014-1 is given, no Expedited BAPCPA Hearing shall be held on the regular Law and Motion calendar.
3. If no Expedited BAPCPA Hearing date is available on the self-set calendar within the time required by BAPCPA, and allowing at least seven (7) calendar days notice, then it will be necessary to seek an order shortening time. See, LBR 9014-1(f)(3). An application for order shortening time shall describe the provision of BAPCPA requiring an expedited hearing and the reason why the scheduled dates are not sufficient.
4. Expedited BAPCPA Hearings will be evidentiary hearings, at which witnesses may testify. No telephonic appearances will be permitted in Fresno cases, absent order on written application. For Bakersfield cases, if it is necessary to use a Fresno Expedited BAPCPA Hearing Date, telephonic appearances will generally be permitted on written application.
5. If you have any questions regarding the above procedures, **please contact the calendar department at 559-499-5825.**

EXPEDITED BAPCPA HEARING DATES
FOR BOTH DEPARTMENTS A AND B

ALL HEARINGS IN **COURTROOM 11** WILL BE HELD AT **9:30 A.M.** ALL HEARINGS IN **COURTROOM 12** WILL BE HELD AT **2:30 P.M.** ALL HEARINGS IN BAKERSFIELD WILL BE HELD AS STATED BELOW.

FRESNO

January 7 in Courtroom 11
January 14 in Courtroom 11
January 15 in Courtroom 12
January 28 in Courtroom 11
January 29 in Courtroom 12
February 4 in Courtroom 11
February 10 in Courtroom 11
February 12 in Courtroom 12
February 25 in Courtroom 11
February 26 in Courtroom 12

BAKERSFIELD

January 7 at **2:30 p.m.**
January 21 at **2:00 p.m.**
February 4 at **2:30 p.m.**
February 11 at **2:00 p.m.**

Revised
12/1/08