

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION,
DEPARTMENTS A AND B
NOTICE OF HEARING DATES AND TIMES
JULY AND AUGUST 2009**

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.

Revised 05/22/09

DEPARTMENT B - JUDGE W. RICHARD LEE
JULY AND AUGUST 2009

FRESNO MATTERS: Courtroom 12, Fifth Floor, 2500 Tulare Street, Fresno, California

Chapter 7. All motions in chapter 7 cases (**except summary judgment, relief from stay and reaffirmation agreements**) may be set on:**

July 1 **at 10:00 a.m.**; July 17 **at 1:30 p.m.**

August 12 **at 10:00 a.m.**

July 29 **at 10:00 a.m.**

August 26 **at 10:00 a.m.**

Chapter 7. All motions for relief from stay in chapter 7 cases may be set on:**

July 1 **at 11:00 a.m.**; July 17 **at 2:30 p.m.**

August 12 **at 11:00 a.m.**

July 29 **at 11:00 a.m.**

August 26 **at 11:00 a.m.**

Chapter 7. All reaffirmation agreements in chapter 7 cases may be set at **11:30 a.m.** on:

July 1, 17, 29

August 12, 26

Chapters 12. All chapter 12 motions and confirmation hearings may be set at **3:00 p.m.** on:

July 16, 30

August 13, 27

Chapter 13. All chapter 13 motions and confirmation hearings may be set at **1:30 p.m.** on:

July 16, 30

August 13, 27

Chapters 11 & 9. All motions and disclosure statement and confirmation hearings may be set at **9:00 a.m.** on:

July 1, 17, 30

August 13, 27

Motions for Summary Judgment. All chapters may be set on:**

July 17 **at 11:00 a.m.**

August 26 **at 9:00 a.m.**

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

Chapter 7. All motions in chapter 7 cases (**except relief from stay and reaffirmation agreements**) may be set at **10:00 a.m.** on:*

July 15

August 6

Chapter 7. All motions for relief from stay in chapter 7 cases may be set at **11:00 a.m.** on:**

July 15

August 6

Chapter 7. All reaffirmation agreements in chapter 7 cases may be set at **11:30 a.m.** on:

July 15

August 6

Chapters 13. All chapter 13 motions and confirmation hearings may be set at **1:00 p.m.** on:

July 15.

August 5

Chapters 9, 11 & 12. All motions and disclosure statement and confirmation hearings may be set at **3:00 p.m.** on:

July 15

August 5

Motions for Summary Judgment. All chapters may be set at **3:00 p.m.** on:*

July 15

August 5

****Alternate Procedure:** Motions in adversary proceedings may be set for hearing with proper notice with a scheduled status conference in the same adversary proceeding. The moving party may request an alternative special setting for any summary judgment motion or other lengthy matter. Motions for summary judgment in Bakersfield may be set for hearing on the Fresno summary judgment calendar if all parties agree.

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.

05/22/09

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

July 1 in Courtroom 11
July 15 in Courtroom 11
July 16 in Courtroom 12
July 24 in Courtroom 11
July 30 in Courtroom 12

August 5 in Courtroom 11
August 12 in Courtroom 11
August 13 in Courtroom 12
August 27 in Courtroom 12

BAKERSFIELD

July 15 at **2:30 p.m.**
July 29 at **2:00 p.m.**

August 5 at **2:30 p.m.**
August 26 at **2:00 p.m.**