



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Tuesday, November 29, 2022
Department B – Courtroom #13
Fresno, California**

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

Post-Publication Changes: The court endeavors to publish its rulings as soon as possible. However, calendar preparation is ongoing, and these rulings may be revised or updated at any time prior to 4:00 p.m. the day before the scheduled hearings. Please check at that time for any possible updates.

9:30 AM

1. [21-11001](#)-B-11 **IN RE: NAVDIP BADHESHA**
[RMB-16](#)

FURTHER SCHEDULING CONFERENCE RE: OBJECTION TO CLAIM OF
CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, CLAIM
NUMBER 8
4-11-2022 [[241](#)]

NAVDIP BADHESHA/MV
MATTHEW RESNIK/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 31, 2023 at 9:30 a.m.

ORDER: The court will issue an order.

The court is in receipt of the parties' joint status report dated November 22, 2022. Doc. #309. Pursuant to the parties' request, this scheduling conference will be CONTINUED to January 31, 2023 at 9:30 a.m. so the parties may complete discovery and/or have additional time to settle the objection. Debtor Navdip Badhesha shall file a joint or unilateral status report not later than seven days before the hearing.

2. [22-10061](#)-B-11 **IN RE: CALIFORNIA ROOFS AND SOLAR, INC.**
[MJB-6](#)

MOTION FOR COMPENSATION FOR MICHAEL JAY BERGER, DEBTORS
ATTORNEY(S)
10-27-2022 [[136](#)]

MICHAEL BERGER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

Michael J. Berger ("Applicant"), general counsel for debtor-in-possession California Roofs and Solar, Inc. f/k/a CMSED Enterprises, California Roofs and Solar ("Debtor"), requests final compensation in the sum of \$39,846.12 under 11 U.S.C. §§ 330-31 and Fed. R. Bankr. P. 2016. Doc. #136. This amount consists of \$38,293.00 in fees and

\$1,553.12 in expenses from January 18, 2022 through August 31, 2022. *Id.*

Carlos Colima, Debtor's Chief Financial Officer, has reviewed the fee application and has no objections. Doc. #140. Further, Mr. Colima indicates that Applicant and Debtor agree to enter into a payment arrangement in the event that Debtor does not have sufficient funds in its debtor-in-possession account to pay Applicant's fees and costs in full upon entry of the order approving this application. *Id.*

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and Fed. R. Bankr. P. ("Rule") 2002(a)(6). The failure of the creditors, the subchapter V trustee, the U.S. trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As a procedural matter, Applicant is advised that General Order 22-04 will make LBR 7005-1 effective as of November 1, 2022. See Gen. Order 22-04 (Oct. 6, 2022). LBR 7005-1 requires service of pleadings and other documents in adversary proceedings, contested matters in the bankruptcy case, and all other pleadings in the Eastern District of California Bankruptcy Court by attorneys, trustees, or other Registered Electronic Filing System Users using the *Official Certificate of Service Form*, EDC 007-005. Unless six or fewer parties in interest are served, the form shall have attached to it the Clerk of the Court's Official Matrix, as appropriate: (1) for the case or adversary proceeding; (2) list of ECF Registered Users; (3) list of persons who have filed Requests for Special Notice; and/or (4) the list of Equity Security Holders. LBR 7005-1(a). The Clerk's Matrix of Creditors shall be downloaded not more than seven days prior to the date of serving the pleadings and other documents and shall reflect the date of download. LBR 7005-1(d).

Applicant's certificate of service neither used Form EDC 007-05 nor included an Official Matrices from the Clerk of the Court. Applicant was not required to do so because General Order 22-04 was not effective at the time this motion was filed. However, Applicant is

advised that any motions filed after November 1, 2022 will be required to comply with LBR 7005-1.

Debtor filed chapter 11 subchapter V bankruptcy on January 17, 2022. Doc. #1. Applicant's employment as Debtor's general bankruptcy counsel was approved on April 13, 2022, effective January 17, 2022, pursuant to 11 U.S.C. § 327. Doc. #49. The order provided that no compensation shall be permitted except upon court order following application under § 330(a) and that compensation shall be at the "lodestar rate" applicable at the time services are rendered in accordance with *In re Manoa Fin. Co.*, 853 F.2d 687 (9th Cir. 1988). Applications for interim compensation under 11 U.S.C. § 331 may be considered more frequently than every four months for good cause shown. Applicant's services here were within the time periods authorized under the employment order.

Prior to filing bankruptcy, Applicant received a \$20,000.00 retainer, of which \$16,692.50 remained unapplied on the petition date and is held in Applicant's client trust account. Docs. #1; #136.

This is Applicant's first and final fee application. Applicant's firm provided 108 hours of legal services and billed for 77.90 hours at the following rates, totaling **\$38,293.00** in fees:

Professional	Rate	Billed	No charge	Total Fees
Michael J. Berger (Attorney)	\$595	8.30	0.20	\$4,938.50
Sofya Davtyan (Attorney)	\$525	50.60	3.80	\$26,565.00
Carolyn Afari (Attorney)	\$435	8.70	2.90	\$3,784.50
Robert Poteete (Attorney)	\$435	2.50	5.50	\$1,087.50
Gary Baddin (Analyst)	\$275	3.50	0.00	\$962.50
Karine Manvelian (Paralegal)	\$225	0.00	2.80	\$0.00
Yathida Nipha (Paralegal)	\$225	3.80	13.40	\$855.00
Erol Guler (Paralegal)	\$200	0.50	1.50	\$100.00
Total Hours & Fees		77.90	30.10	\$38,293.00

Id.; Doc. #141, Ex. 1. Applicant also incurred **\$1,553.12** in expenses:

Notice of Stay Postage	\$4.89
1st Employment Appl. Postage/Copies	\$26.24
02/23/22 Status Report Postage/Copies	\$41.03
Vol. Dismissal of Motion Postage/Copies	\$2.19
CourtCall (3 @ \$22.50)	\$67.50
2nd Employment Appl. Postage/Copies	\$66.68
Sub. V Ch. 11 Plan + Ballots Postage/Copies	\$1,287.36
Plan Treatment Stipulations Postage/Copies	\$37.45
07/17/22 Status Report Postage/Copies	\$19.78
Total Costs	\$1,553.12

Id., Ex. 2. These combines fees and expenses total **\$39,846.12**.

As noted above, Applicant is holding a \$16,692.50 retainer. When applied, a balance of \$23,153.62 will remain to be paid directly by the Debtor.

11 U.S.C. § 330(a)(1)(A) and (B) permit approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3).

Applicant's services included, without limitation: (1) preparing and filing employment and fee applications (MJB-2; MJB-5; MJB-6); (2) working with Debtor on business operational issues, include tax issues; (3) preparing the schedules, monthly operating reports, status conference statements, and documents required by the U.S. Trustee; (4) reviewing proofs of claim filed by creditors; (5) preparing for and appearing at the initial debtor interview, 341 meeting of creditors, and status conferences; and (6) preparing and filing subchapter V plan, soliciting ballots for confirmation, and prosecuting confirmation (MJB-3; MJB-4). The court finds the services and expenses reasonable, actual, and necessary. As noted above, Debtor's representative, Carlos Colima, has reviewed the fee application and consents to payment of the requested compensation. Doc. #140.

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Applicant will be awarded \$38,293.00 in fees and \$1,553.12 in expenses on a final basis pursuant to 11 U.S.C. § 330. The total amount awarded to Applicant under this application is \$39,846.12 for services rendered and expenses incurred from January 18, 2022 through August 31, 2022. After application of the \$16,692.50 retainer, Debtor will be authorized to pay Applicant \$23,153.62 as permitted under the terms of the confirmed subchapter V plan.

11:00 AM

1. [22-11434](#)-B-7 **IN RE: JENNIFER BOWMAN**

REAFFIRMATION AGREEMENT WITH AMERICAN HONDA FINANCE
CORPORATION
11-3-2022 [[16](#)]

STEPHEN LABIAK/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped.

ORDER: The court will issue an order.

A Reaffirmation between debtor Jennifer Ross Bowman and American Honda Finance Corporation for a 2017 Honda Civic was filed on November 3, 2022. Doc. #16.

Debtor's counsel shall notify the debtor that no appearance is necessary.

The form of the Reaffirmation Agreement complies with 11 U.S.C. § 524(c) and 524(k), and it was signed by the debtor's attorney with the appropriate attestations. Pursuant to 11 U.S.C. § 524(d), the court need not approve the agreement.

2. [22-11434](#)-B-7 **IN RE: JENNIFER BOWMAN**

REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT CORPORATION
11-3-2022 [[17](#)]

STEPHEN LABIAK/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped.

ORDER: The court will issue an order.

A Reaffirmation between debtor Jennifer Ross Bowman and Toyota Motor Credit Corporation for a 2019 Toyota Corolla was filed on November 3, 2022. Doc. #17.

Debtor's counsel shall notify the debtor that no appearance is necessary.

The form of the Reaffirmation Agreement complies with 11 U.S.C. § 524(c) and 524(k), and it was signed by the debtor's attorney with the appropriate attestations. Pursuant to 11 U.S.C. § 524(d), the court need not approve the agreement.

1:30 PM

1. [21-10316](#)-B-7 **IN RE: CABLE LINKS CONSTRUCTION GROUP, INC.**
[ADJ-3](#)

MOTION FOR COMPENSATION FOR ANTHONY D. JOHNSTON, TRUSTEES
ATTORNEY(S)
10-26-2022 [\[87\]](#)

HAGOP BEDOYAN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Anthony D. Johnston of Fores▪Macko▪Johnston, Inc. ("Applicant"), general counsel for chapter 7 trustee Irma C. Edmonds ("Trustee"), requests final compensation in the sum of \$1,967.61. Doc. #87. This amount consists of \$1,462.50 in fees as reasonable compensation for services rendered and \$505.11 in reimbursement for actual, necessary expenses from August 23, 2022 through October 25, 2022. *Id.*

Trustee executed a statement dated October 25, 2022 indicating that Trustee has reviewed the fee application and consents to paying Applicant \$1,387.50 in fees and \$505.11 in expenses. Doc. #90. It is unclear whether Trustee consents to payment of the remaining \$75.00 requested in this application. Trustee says that the estate currently has funds in the amount of \$29,328.64. *Id.*

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR") and Federal Rules of Bankruptcy Procedure ("Rule").

First, LBR 9014-1(d)(3)(B)(i) requires the notice of hearing to advise potential respondents whether and when written opposition must be filed and served. For motions filed on 28 days or more of notice, LBR 9014-1(f)(1)(B) requires the movant to notify respondents that any opposition to the motion must be in writing and filed with the court at least 14 days preceding the date of the hearing.

When a motion is filed on fewer than 28 days' notice, LBR 9014-1(f)(2)(C) states that no party in interest shall be required to file written opposition to the motion. Opposition, if any, shall be presented at the hearing. If opposition is presented, or if there is other good cause, the court may continue the hearing to permit additional briefing and evidence.

Here, this motion for compensation was filed and served on October 26, 2022 and originally scheduled for hearing on November 30, 2022 at 1:30 p.m. Doc. #88. On November 15, 2022, the Clerk issued a calendar correction notice that the court did not have a scheduled chapter 7 hearing on November 30, 2022. Doc. #94. That same day, Applicant filed an amended notice of hearing to correct the hearing date to November 30, 2022.

Although October 26, 2022 is 34 days before November 29, 2022, the amended notice with the correct hearing date was not filed until November 15, 2022, which is 14 days before the hearing. Both notices provide in relevant part:

4. Opposition to the Application, legal authority supporting the opposition, and evidence establishing the factual allegations in support of the opposition, must be in writing and must be filed with the Clerk of the United States Bankruptcy Court, . . . and served on the Trustee's attorney . . . at least fourteen days before the hearing. . . . Failure to file timely written opposition may result in the Motion being resolved without oral argument and the striking of untimely written opposition.

5. Local Bankruptcy Rule 9014-1(f)(1)(ii) provides in part: "Without good cause, no party shall be heard in opposition to a motion at oral argument if written opposition to the motion has not been timely filed. Failure of the responding party to timely file written opposition may be deemed a waiver of any opposition to the granting of the motion or may result in the imposition of sanctions."

Docs. #88; #95.

The original notice of hearing failed to notify respondents of the correct deadline to file opposition to this motion because it stated that written opposition was due not later than 14 days before the November 30, 2022 hearing date. The corrected notice of hearing resolves this issue but was not filed until 14 days before the hearing. Therefore, respondents were not apprised of the correct deadline to respond to this motion.

Even if the corrected notice of hearing stated that written opposition was not required and may be presented at the hearing pursuant to LBR 9014-1(f)(2), Rule 2002(a)(6) still requires at least 21 days' notice to all parties in interest of any hearing on a request for compensation exceeding \$1,000.00.

For the above reasons, this motion will be DENIED WITHOUT PREJUDICE.

Second, though not presently a reason for denial, Applicant is advised that General Order 22-04 will make LBR 7005-1 effective as of November 1, 2022. See Gen. Order 22-04 (Oct. 6, 2022).

LBR 7005-1 requires service of pleadings and other documents in adversary proceedings, contested matters in the bankruptcy case, and all other pleadings in the Eastern District of California Bankruptcy Court by attorneys, trustees, or other Registered Electronic Filing System Users using the *Official Certificate of Service Form*, EDC 007-005. Unless six or fewer parties in interest are served, the form shall have attached to it the Clerk of the Court's Official Matrix, as appropriate: (1) for the case or adversary proceeding; (2) list of ECF Registered Users; (3) list of persons who have filed Requests for Special Notice; and/or (4) the list of Equity Security Holders. LBR 7005-1(a). The Clerk's Matrix of Creditors shall be downloaded not more than seven days prior to the date of serving the pleadings and other documents and shall reflect the date of download. LBR 7005-1(d).

Applicant's certificates of service did not use Form EDC 007-05 but did, at least in part, include Official Matrices from the Clerk of the Court. Applicant was not required to do so because Gen. Order 22-04 was not effective at the time this motion was filed. However, Applicant will be required to comply with LBR 7005-1 on the next attempt at filing this motion.

2. [22-11182](#)-B-7 **IN RE: LEONARDO GUTIERREZ**
[JES-1](#)

CONTINUED MOTION TO COMPEL
9-30-2022 [\[18\]](#)

JAMES SALVEN/MV
T. O'TOOLE/ATTY. FOR DBT.
JAMES SALVEN/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

This motion was originally scheduled for November 8, 2022. Doc. #34.

Chapter 7 trustee James E. Salven ("Trustee") moved for an order compelling Leonardo Gabriel Gutierrez ("Debtor") to turnover within seven days to the estate's auctioneer, Baird Auctions & Appraisals ("Auctioneer"), the following assets of the estate (collectively "Estate Assets"): (i) the 2003 Hummer J3 ("Hummer"), (ii) the 2007 Toyota FJ Cruiser ("Toyota"), and (iii) 2001 Bayliner Capri boat and trailer ("Boat" and "Trailer"). Doc. #18.

Debtor timely filed written opposition, including an objection, declarations, and exhibits. Docs. ##27-32.

At the November 8, 2022 hearing, the court sustained in part and overruled in part Debtor's objections. Docs. ##34-35. Trustee's motion was granted in part with respect to the Toyota, Boat, and Trailer, and Debtor was directed to turnover these items to Auctioneer within seven days or, during the same time period, provide evidence to Trustee of their transfer. *Id.* Further, the court ordered Debtor to deliver the Hummer to Auctioneer by November 20, 2022 for appraisal only and continued the hearing on this motion for scheduling purposes with respect to the Hummer.

This matter was deemed to be a contested matter under Fed. R. Bankr. P. 9014(c) in which the federal rules of discovery apply.

Based on the record, the sole issue appeared to be the value of the Hummer and whether it is of consequential value and benefit to the estate.

Since the last hearing, nothing new has been filed. This matter will be called and proceed as scheduled.

3. [22-11360](#)-B-7 **IN RE: BRANDY HUBBARD**

MOTION FOR RELIEF FROM AUTOMATIC STAY
10-20-2022 [\[21\]](#)

VIRENDER KALEKA/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
THANH NGUYEN/ATTY. FOR MV.
DISCHARGED 11/21/22

This matter was added to calendar after posting the original pre-hearing dispositions.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied without prejudice.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order.

Virender Kaleka ("Movant") seeks to modify the automatic stay pursuant to 11 U.S.C. § 362(d)(1) to proceed to final judgment in a state court personal injury lawsuit against Brandy L. Hubbard ("Debtor") currently pending in Fresno County Superior Court, Case No. 20CECG03444. Doc. #21. Movant also requests waiver of the 14-day stay

of any stay relief order under Federal Rule of Bankruptcy Procedure ("Rule") 4001(a)(3). *Id.*

This matter will be called and proceed as scheduled. Movant apparently filed the moving papers on October 20, 2022, but for unknown reasons they were not docketed. The court will inquire at the hearing whether chapter 13 trustee Irma C. Edmonds and Debtor's attorney Mark Zimmerman were served. But even if they were served, this motion will be DENIED WITHOUT PREJUDICE because it does not comply with the Local Rules of Practice ("LBR") or the Rules.

First, Rule 4001(a)(1) requires a motion for relief from the automatic stay to be made in accordance with Rule 9014. Rule 9014(b) requires a motion in a contested matter to be served upon the parties against whom relief is being sought pursuant to Rule 7004.

Rule 7004(b)(9) provides for service upon the debtor by mailing a copy of the summons and complaint to the debtor at the address shown in the petition or to such other address as the debtor may designate in a filed writing. Here, although Debtor's attorney was served as required by Rule 7004(g), Debtor was not served. Docs. ##21-23.

Additionally, the United States Trustee ("UST") was not served. *Id.* The UST may raise, appear, and be heard on any issue in any case under § 307 and should be served or notified. Since no relief is being sought from or against the UST, electronic notification under Rule 7005 and LBR 7005-1 is sufficient.

Second, LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the initials of the attorney for the moving party (e.g., first, middle, and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

Here, the motion and supporting documents entirely omit the use of a DCN. Docs. ##21-23. This is incorrect. Each new matter filed with the court requires all pleadings in that matter to be linked together with a unique DCN. For example, Movant could have used DCN SGF-1 or TKN-1, the initials of its attorneys, Stefano G. Formica and Thanh K. Nguyen, or FLG-1, the initials of their law firm, Formica Law Group, APC, or any other unused iteration of any DCN.

Third, LBR 9014-1(d)(1) requires every motion or other request for an order to be comprised of a motion, notice, evidence, and a certificate of service. Here, the moving papers consist of a motion with points and authorities, notice of hearing, and a relief from stay summary

sheet. Docs. ##21-23. No declarations, exhibits, or any other competent evidence was submitted in support of this motion. No separate certificates of service were filed with this motion.

Fourth, LBR 9004-2(c)(1) requires all motions, certificates of service, and other specified pleadings to be filed as separate documents. LBR 9004-2(e)(1), (e)(2), and LBR 9014-1(e)(3) require the proof of service for any documents to be itself filed as a separate document, and copies of the pleadings and documents served SHALL NOT be attached to the proof of service filed with the court. Here, certificates of service were attached to each document. Docs. ##21-23. Movant may use one certificate of service if it includes only documents related to a single matter. See LBR 9004-2(e)(3).

Fifth, LBR 9014-1(d)(3)(B)(i) requires the notice of hearing to advise potential respondents whether and when written opposition must be filed and served. For motions filed on 28 days or more of notice, LBR 9014-1(f)(1)(B) requires the movant to notify respondents that any opposition to the motion must be in writing and filed with the court at least 14 days preceding the date of the hearing. Furthermore, LBR 9014-1(d)(3)(B)(i) also requires the notice to include the names and addresses of persons who must be served with any opposition. Here, the notice does not provide any information regarding whether or when opposition must be filed and served, nor upon whom it must be served. Doc. #22.

Sixth, LBR 9014-1(d)(3)(B)(iii) requires the movant to notify respondents that they can determine (a) whether the matter has been resolved without oral argument; (b) whether the court has issued a tentative ruling that can be viewed by checking the pre-hearing dispositions on the court's website at <http://www.caeb.uscourts.gov> after 4:00 p.m. the day before the hearing; and (c) parties appearing telephonically must view the pre-hearing dispositions prior to the hearing. Here, the notice of hearing did not contain any language directing respondents to the pre-hearing dispositions on the court's website. Doc. #22.

For the above reasons, this motion will be DENIED WITHOUT PREJUDICE.

Seventh, though not presently a reason for denial, Movant is advised that General Order 22-04 will make LBR 7005-1 effective as of November 1, 2022. See Gen. Order 22-04 (Oct. 6, 2022).

LBR 7005-1 requires service of pleadings and other documents in adversary proceedings, contested matters in the bankruptcy case, and all other pleadings in the Eastern District of California Bankruptcy Court by attorneys, trustees, or other Registered Electronic Filing System Users using the *Official Certificate of Service Form*, EDC 007-005. Unless six or fewer parties in interest are served, the form shall have attached to it the Clerk of the Court's Official Matrix, as appropriate: (1) for the case or adversary proceeding; (2) list of ECF Registered Users; (3) list of persons who have filed Requests for

Special Notice; and/or (4) the list of Equity Security Holders. LBR 7005-1(a). The Clerk's Matrix of Creditors shall be downloaded not more than seven days prior to the date of serving the pleadings and other documents and shall reflect the date of downloaded. LBR 7005-1(d).

Movant's certificates of service did not use Form EDC 007-05 and did not include an Official Matrix from the Clerk of the Court, but Movant was not required to do so because Gen. Order 22-04 was not effective at the time this motion was apparently filed. Docs. ##21-23. However, Movant will be required to comply with LBR 7005-1 on the next attempt at filing this motion.