

## Judicial Variance Statement for Judge Robert N. Kwan Regarding Local Bankruptcy Rules, The Central Guide, and Forms

Judge Kwan enforces the Local Bankruptcy Rules, The Central Guide, and use of mandatory Court forms. However, here are a few clarifications and exceptions:

### A. Local Bankruptcy Rules (LBRs):

1. LBR 5005-2(d)- Judge's Copies of Filed Documents: Judge Kwan requires that the parties comply with the requirements for serving judge's copies on him if the filed document exceeds 25 pages, including exhibits, but not including proofs of service. For documents filed more than 7 days before the hearing on the matter at issue, judge's copies may be mailed or delivered to Judge Kwan at his chambers address as listed in the Central Guide. For documents filed 7 days or less before the hearing, the judge's copies should be sent by overnight mail, if they are not delivered, in order for the court to receive the copies in time for proper consideration.

2. LBR 7016-1(a) and (b)- Status Conferences; Pretrial Stipulations and Orders; and Pretrial Conferences in Adversary Proceedings and Contested Matters: In adversary proceedings under Federal Rule of Bankruptcy Procedure 7001 *et seq.* and contested matters under Federal Rule of Bankruptcy Procedure 9014, in which the court sets a schedule of pretrial and trial proceedings, Judge Kwan requires that the parties comply with the requirements of LBR 7016-1(a) and (b) for filing joint status reports, appearing at periodic status conferences, filing a pretrial stipulation and appearing for a pretrial conference.

3 LBR 7016-1(a)(2) – Status Reports in Adversary Proceedings and Contested Matters: Judge Kwan requires that for the initial status conference in adversary proceedings or contested matters at which all parties have appeared, the parties file a joint status report using the mandatory court form F7016-1.STATUS.REPORT and F 7016.1.STATUS.REPORT.ATTACH, if applicable, at least 7 days before the scheduled status conference (as opposed to the 14 days stated in LBR 7016-1(a)(2)). If the court has issued a Pretrial Scheduling Order setting a schedule of pretrial and trial proceedings, use of the mandatory status conference form is optional for future status conferences, and the parties instead may file a brief, customized joint status report reporting on the progress they have made since the last status conference and stating their recommendations for further proceedings.

4. LBR 7016-1(b)(1) and (b)(3) – Joint Pretrial Stipulations in Adversary Proceedings and Contested Matters: Judge Kwan requires that the joint pretrial stipulation be filed at least 7 days before the scheduled pretrial conference (as opposed to the 14 days stated in LBR 7016-1(b)(1)(B)), and a proposed order approving the joint pretrial stipulation be lodged in LOU with a filed notice of lodgment at the same time the joint pretrial stipulation is filed.

B. Mandatory LBR Forms: All LBR forms marked “mandatory” in the footer of the form are also mandatory in Judge Kwan’s cases (except as otherwise stated herein).

1. LBR 2081-2 - Chapter 11 Debtors Who are Individuals: All of the LBR forms created for use when a Chapter 11 debtor is an individual are authorized in Judge Kwan’s cases.