

Judicial Variance Statement for Judge Neil W. Bason
Regarding LBR, Court Manual, and Forms

September 11, 2021

Bankruptcy Judge **BASON** enforces the Local Bankruptcy Rules, Court Manual, and use of mandatory court forms; but here are a few clarifications and exceptions:

A. Local Bankruptcy Rules (LBR):

1. **3001-1, Chapter 11 Bar Date Notice:** The debtor should NOT serve the notice contemplated by LBR 3001-1. Instead the judge will prepare and issue and order after the initial chapter 11 status conference. The order will include special procedures for claims under § 503(b)(9).
2. **7016-1, Status & Pre-trial Conferences:** Pre-trial stipulations must include, at the end, a line stating "SO ORDERED"; that document must be lodged via LOU; and a notice of lodgment must be filed. See LBR 7016-1(b)(1)&(3).
3. **7026-1(c)(3), Discovery Disputes:** DO NOT file a motion; call the judge's law clerk to arrange a telephonic conference and related procedures.
4. **9021-1(b)(3)(B), Orders Processed ASAP:** Judge Bason does not wait 7 days to issue orders.

B. Court Manual Sections: See above. Any other variances are determined on a case-by-case basis.

C. Mandatory LBR Forms: Any variances are determined on a case-by-case basis. Any *proposed* variances by a party must be *clearly* shown by "redlining."

D. Optional Forms that Judge Bason Requires or Prohibits:

1. **Avoiding Liens:** (a) To avoid a junior lien on a principal residence, the judge requires use of local form F4003-2.4.JR.LIEN.MOTION and F4003-2.4.ORDER. (b) To avoid a judicial lien, the judge requires use of local forms F4003-2.1.AVOID.LIEN.RP.MOTION and F4003-2.1.AVOID.LIEN.PP.MOTION.
2. **Chapter 11 Case Status Report:** The judge requires Local Form F 2081-1.1.CH11.STATUS.RPT and in addition, in Subchapter V cases, the local form of status report for such cases.
3. **Chapter 11 - Plans & Disclosure Statements:** (a) Draft plans and disclosure statements must NOT BE SERVED (except on the US Trustee) until explicitly ordered by the judge, and (b) the judge usually holds a *combined* hearing on final approval of the disclosure statement and confirmation of the proposed plan (see Judge Bason's posted Procedures for more information).
4. **Chapter 11 - Individual Debtors:** The judge requires use of local form F2081-1.2.MOTION.BUDGET, F2081-1.1.MOTION.CASH.COLLATERAL, and F2081-1.4.MOTION.UTILITIES, and encourages use of the other F2081-1 series of forms.
5. **Chapter 11 - Professionals:** Professionals are required to execute local form F2014-1.STMT.DISINTEREST.PROF (statement of disinterestedness) or in an individual Chapter 11 case it is permissible to use local form F2081-1.5.MOTION.EMPLOYMENT.
6. **Chapter 11 - Cash Collateral:** The judge requires use of local form F4001-2 (disclosures) regardless whether the use of cash collateral is by stipulation or motion.

E. Other Forms or Format Required Only By Judge Bason: Please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov, "Judges," "Bason, N.," "Instructions/Procedures," "Procedures"). Any other variances are determined on a case-by-case basis.