

Judicial Variance Statement for Judge Sheri Bluebond
Regarding LBR's, Court Manual and Forms

Bankruptcy Judge Bluebond enforces all provisions of the Local Bankruptcy Rules and Court Manual and requires the use of all mandatory court forms, subject to the following exceptions and additions:

1. LBR 3017-2(a)&(b)– Conditional Approval of Disclosure Statements

Judge Bluebond does not conditionally approve disclosure statements and, unless both solicitation and voting occurred prepetition, does not combine hearings on disclosure statements and plans. Requests for conditional approval of disclosure statements pursuant to LBR 3017-2(b) will be denied.

2. LBR 3020-1 – Chapter 11 Plan Confirmation

Unless Judge Bluebond expressly instructs a plan proponent to use a particular form of plan or disclosure statement, the use of a form plan or disclosure statement is not required. However, if a plan proponent elects to use a form plan or disclosure statement, the plan proponent should delete or cross-out any portions of the form that are not applicable to the case. Merely checking a box labeled “not applicable” is not sufficient.

3. LBR 4003-2 – Lien Avoidance

If the debtor or other party in interest believes that a lien should be bifurcated into secured and unsecured portions or that it may be avoided entirely due to the value of a piece of collateral, any party in interest may bring a motion to value the collateral pursuant to Federal Rule of Bankruptcy Procedure 3012 and obtain a valuation of the property. However, any lien avoidance that may be appropriate in light of the resulting valuation must be accomplished through confirmation of a plan of reorganization that provides for such avoidance.

4. LBR 5003-2(c) – Confidential Court Records

Notwithstanding the provisions of LBR 5003-2(c)(1), a party seeking permission to file documents under seal should *not* present the documents to be sealed along with the motion that seeks authority to file them under seal. To the contrary, **no documents should be presented to the Court for filing under seal unless and until the Court has granted a motion for authority to file documents under seal. Further, the motion for authority to file documents under seal should be filed electronically** and should include as an exhibit or a separately-filed appendix (also filed electronically) the documents that the party seeks to file under seal **with the confidential portions redacted**. The motion for authority to file under seal should describe, without disclosing the confidential information itself, the nature of the information that the party asserts is confidential and why the information should not be publically disclosed. **If and when the Court grants the motion for authority to file documents under seal, unredacted versions of the documents should be presented for filing under seal along with an entered copy of the order authorizing the sealed filing.**

5. LBR 7016-1(a)(2) & (b)(1)(B) – Status Conference, Pretrial and Trial Procedure

Status Reports – Judge Bluebond prefers that litigants use Local Bankruptcy Form 7016-1.STATUS.REPORT for their joint status reports.

Joint Pretrial Orders – Parties are not required to file a joint pretrial **stipulation**. Instead, they should **lodge** a proposed joint pretrial order that includes all of the information described in LBR 7016-1(b)(2) and should **file a notice of lodgment** of that order.

6. LBR 7055-1 -- Default

Motions for default judgment should be set for hearing and should include not only the information and supporting evidence set forth in LBR 7055-1, but also sufficient admissible evidence to establish all the elements of plaintiff's case in chief.

7. LBR 9013-1(j) – Appearance at Hearing

In most cases, Judge Bluebond issues tentative rulings 24 to 48 hours prior to the date scheduled for a hearing. These rulings are generally available via the Court's website and its Tentative Rulings mobile app and appear on the calendars posted outside the courtroom and placed on counsel tables inside the courtroom. Please note, however, that, notwithstanding the issuance of a tentative ruling, unless (a) Judge Bluebond's chambers or calendar clerk has confirmed that no appearance is necessary or (b) the tentative ruling itself states that no appearance is necessary, **appearances are required**.

A moving party's failure to attend the hearing on its own motion will result in denial of the motion for failure to prosecute and may result in the imposition of sanctions. An opposing party that fails to attend the hearing on a motion that it has opposed will be deemed to have withdrawn its opposition to the motion and to have consented to the relief requested therein.