

## **Checklist to Avoid Resubmit Requests for Electronically Submitted Orders**

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Many of you have received resubmit requests after submitting proposed orders electronically that you believe comply with the Court's Guidelines for Preparing, Submitting and Serving Orders. Often, orders are returned to the submitter with a resubmit request for similar reasons. Below is a checklist you can use to minimize the chance of getting a resubmit request from chambers.

- **General Formatting:**
  - Must be submitted in native .pdf format generated directly from word processing software; do not submit printed and scanned version of order.
  - Must contain the required 4" margin at the top of the first page to allow space for the Judge's electronic signature.
  - Must include name of court, district, and division in three lines centered above the case style
- **Proper Formatting of the Caption:**
  - Debtor's name: First name, then last name.
  - Case number: Must contain the Judge's initials at the end.
  - Chapter number (7, 11, 13).
- **Title of the Order:**
  - Must contain the Judge's ruling (Granting, Denying, Overruling, Sustaining, Continuing Hearing, etc.).
  - Must contain the ECF number of the motion, application, or objection to which the order relates.
  - Must contain date of continued hearing if one is set ("and Scheduling Continued Hearing on [insert date] at [insert time]").
  - If the order does more than one thing (i.e., grants a motion and sets a further hearing), include **ALL** necessary elements in the title.
  - If the proposed order is an agreed order, the first word in the title of the proposed order must be "**AGREED**" (and the body of the order should contain a clause similar to "and the parties having agreed to the relief sought in the motion" or "and the parties having agreed to the form of this order.")
  - For Amended Orders, must include a footnote after the word "Amended" in the title explaining what the amendment is and indicate that the amended order is being entered pursuant to the order granting a motion to amend.
- **Content of the Order:**
  - Must contain in the introductory paragraph the ECF number of the motion or objection to which the order relates.
  - Must be consistent with the Court's ruling at the hearing. Please take notes at the hearing when the Court rules!
  - Must contain an objection deadline, if appropriate.
  - Must contain the date, time, and location of any continued/rescheduled hearing. If the motion seeks a continuance *ex parte*, do not include blanks in the order. Determine the appropriate date/time (by contacting chambers if necessary) and include it in the order.
  - Must contain the date and time on which the hearing was held or, if no hearing was held, must state how the matter came before the court (i.e., "This matter came before the Court on the Debtor's *Ex Parte* Motion to ... [insert rest of title]").
  - Must indicate in a chapter 13 case if the matter was heard only on the consent calendar by stating that the matter "came before the Court on the consent portion of the chapter 13 calendar. . ."

- Must uniformly use the defined term for the motion or objection and use the proper term for the disposition. (A motion is either granted or denied, and an objection is either sustained or overruled.)
  - Must not contain findings of fact absent submission of competent evidence to the Court at a hearing. You may, however, include the pertinent facts as “representations by counsel” to the Court in a separate paragraph **ABOVE** the numbered decretal paragraphs if the facts were included in pleadings or discussed on the record in a hearing.
  - For extensions of time to file schedules and SOFA, must provide: “Any further extension sought by the movant to a date within 7 days of the 341 meeting will not be granted absent a hearing and a showing of extraordinary circumstances.”
  - If the order indicates deadlines, make sure the deadlines do not fall on a holiday or a weekend.
  - Must indicate all dates by writing out the date (i.e. November 1, 2019), not shorthand (11/1/19)
  - If using a form order, make sure that you are using the latest version. Check the Court’s website regularly to ensure that your form orders are current.
  - If using a form order and modifications must be made to clarify the relief granted, either (i) **REMOVE** the local form number or (ii) insert a footnote at the end of the title stating the nature of the revision.
  - Must include the following (or similar) language: "Copies furnished to: [Movant’s attorney], who shall serve a copy of the Order on all interested parties and file a certificate of service thereon." The order should **NOT** say "copies to all parties by the Clerk of Court" unless a local form order expressly provides otherwise.
  - Internal law firm file numbers should **NOT** appear anywhere on a proposed order.
  - Must not contain any attorney signatures. Only the judge signs orders!
- **Order Setting a Continued Pre-Trial Conference Date must include the following Provisions:**
    - The deadlines set forth in paragraph 2 (disclosures), 3 (discovery), 4 (joint pretrial stipulation), 7 (documents required before trial), and 10 (dispositive motions) of the Court’s Order Setting Filing and Disclosure Requirements for Pretrial and Trial (ECF No. XX) shall be calculated based on the Continued Pretrial Conference Date.
    - The deadlines set forth in Paragraphs 1(a) (right to jury trial; waiver) and (1)(b) (objection to entry of final orders and judgments by the bankruptcy court; consent) of the Order Setting Filing and Disclosure Requirements for Pretrial and Trial (ECF No. XX) are not extended by this order.
    - All other provisions of the Order Setting Filing and Disclosure Requirements for Pretrial and Trial (ECF No. XX) remain in full force and effect to the extent not inconsistent with this Order.
  - **General Points:**
    - Please be sure to carefully monitor your email inbox for resubmission requests from the Court with respect to orders. The Court will only send ONE email with a resubmit request.
    - If you receive a resubmit request, immediately check this list and the Court’s Guidelines for Preparing, Submitting and Serving Orders to see if your order complies with ALL requirements. Make the necessary change(s) and promptly resubmit the proposed order. Please do **NOT** instruct office staff to contact chambers with resubmit questions, unless you as the submitting attorney have personally reviewed the resubmit request and proposed order and are unable to determine what corrections are required.
    - If you have received a resubmit request on a form of order you regularly submit, please make the requested change on your standard template!
    - Please be more careful in drafting proposed orders. Run spellcheck and proofread prior to submission! A surprising number of proposed orders are submitted containing multiple spelling and grammatical errors and poorly written sentences (and in many cases, do not contain complete sentences).
    - If an attorney has a legal assistant or paralegal drafting proposed orders, the attorney as an officer of the Court is **obligated** to review them **prior to submission**.

