

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
CIVIL MINUTES

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**Case Title:** Daniel M. Canchola      **Case No.:** 17-11346 - B - 7  
**Docket Control No.** RWR-2  
**Date:** 04/24/2019  
**Time:** 9:30 AM

**Matter:** [38] - Motion/Application to Compromise  
Controversy/Approve Settlement Agreement with the Chapter 7  
Bankruptcy Estate of Mario Alberto Guerra [RWR-2] Filed by Trustee  
James Edward Salven (ltas)

**Judge:** René Lastreto II  
**Courtroom Deputy:** Debbie Chavez  
**Reporter:** Not Recorded  
**Department:** B

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**APPEARANCES for:**

**Movant(s):**

None

**Respondent(s):**

None

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Motion Denied without prejudice, Resolved without Oral Argument

The court will issue an order.

The motion was DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

First, LBR 9004-2(a)(6), (b)(5), (b)(6), (e) and LBR 9014-1(c), (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require the 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.

A Motion for Examination was previously filed on January 31, 2019 (doc. #33) and granted on February 4, 2019. Doc. #35. The DCN for that motion was RWR-2. This motion also has a DCN of RWR-2 and

therefore does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

Second, LBR 9014-1(f)(1)(B) states that Motions filed on at least 28 days' notice require the movant to notify the respondent or respondents that any opposition to motions filed on at least 28 days' notice must be in writing and must be filed with the court at least fourteen (14) days preceding the date or continued date of the hearing.

This motion was served and filed on March 28, 2019 and set for hearing on April 24, 2019. Doc. #39, 44. April 24, 2019 is 27 days after March 28, 2019, and therefore this hearing was set on less than 28 days' notice under LBR 9014-1(f)(2). The notice stated that written opposition was required and must be filed at least 14 days preceding the date of the hearing. Doc. #29. That is incorrect. Because the hearing was set on less than 28 days' notice, the notice should have stated that no written opposition was required. Because this motion was filed, served, and noticed on less than 28 days' notice, the language of LBR 9014-1(f)(2)(C) needed to have been included in the notice.