

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
CIVIL MINUTES

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**Case Title:** Mario Alberto Guerra      **Case No.:** 17-11365 - B - 7  
**Docket Control No.** RWR-3  
**Date:** 04/24/2019  
**Time:** 9:30 AM

**Matter:** [57] - Motion/Application to Employ David M. Moeck as  
Special Counsel [RWR-3] Filed by Trustee Peter L. Fear (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").

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. #58, 62. 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. #58. 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.