

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

SECTION A PROCEDURES

May 8, 2012

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I. Telephonic Court Appearances

- A.** The United States Bankruptcy Court for the Eastern District of Louisiana has arranged for any interested party or their counsel to participate by telephonic appearance using independent conference call companies (“the vendors”). The use of telephonic appearance is offered for the convenience of the participants. Under no circumstances may any participant record or broadcast the proceedings conducted by the Bankruptcy Court. Participants making use of the conference call service are cautioned that they do so at their own risk. Failure to connect, disconnection once connected, or problems with the service will not constitute grounds for continuance or reconsideration, which may only be given at the discretion of the court. Any failure to connect by telephone or any break or interruption in service may still be recorded as an appearance on record.
- B.** Telephonic appearances generally require prior court approval but are subject to the policies and procedures set forth below.
- C.** Telephonic appearances are allowed for special setting hearings with prior court approval. Telephonic appearances are generally not allowed on motion days, except by prior order of the court.
- D.** No telephonic appearances are allowed for trials or evidentiary hearings on contested matters. Trial counsel and all witnesses must appear in person.
- E.** For contested matters without evidence but with oral argument, the movant, movant’s counsel, and all objecting parties must appear in person. For hearings on motions without evidence or argument (uncontested or settled), telephonic appearances may be allowed.
- F.** The party cited by an Order to Show Cause and his/her counsel must appear in person at the hearing.
- G.** Requests for telephonic appearance may be made *ex parte* but must be made in writing no later than four (4) business days prior to a scheduled hearing, unless the matter has been scheduled on an emergency basis on less than four (4) days notice. The request will state the case name, case number, matter to be heard, and date of the hearing. The party or counsel requesting telephonic appearance must state his, her, or its position (movant, objector, responder, listen only) with regard to the matter to be heard and whether or not the relief requested is contested.

H. Telephonic participation is allowed in “listen only” mode unless specifically authorized by the Court. Those appearing by phone must place the call on “mute.” Election to participate by telephone will not allow the participant to argue at the hearing, unless prior to the hearing an order allowing active participation has been signed.

I. The following telephonic providers are approved by the Court: Tele-Court, CourtCall, and Clear2There. Vendor contact information (in random order):

CourtCall
866-582-6878
866-533-2946 (fax)
Courtconference@courtcall.com

Tele-Court
800-924-5680
www.tele-court.com

Clear2there
800-210-2172
www.clear2there.com

J. Counsel for Chapter 11 debtors shall select which provider will be used for telephonic appearances throughout the case. Debtor’s counsel shall file a notice in the record of the case alerting interested parties which provider has been chosen.

1. Any interested party wishing to participate by telephonic appearance shall notify debtor’s counsel (or party designated by debtor’s counsel) by email or fax no later than 3 business days before the hearing. The interested party must also file their request into the record. Debtor’s counsel (or party designated by debtor’s counsel) will then arrange for appearance by telephone and provide the requesting parties with connection information and code. Parties participating by telephone are responsible for any costs associated with this service at vendor’s billing rates.

2. Debtor’s counsel will provide the vendor with following information on each participant: case name and number, name of judge, hearing date and time, and name and telephone number of attorney or participant appearing.

K. Participants in telephonic hearings will each pay the vendor directly. There is no cost to the court for telephonic services.

L. Authorized participants will receive confirmation and instructions for telephonic

services from the vendors. Some vendors do not place a call to participants, and the participants are instead instructed to call a central number. Participants are responsible for ascertaining the participants requirements to participate from each vendor.

- M.** Chambers will receive email confirmation of the scheduled telephonic appearance from vendors the day before the scheduled hearing.
 - N.** At the beginning of the hearing, the Court may read into the record the names of those appearing by telephone, may request acknowledgment from each party of their appearance, may note appearances based on confirmation from the vendor of requests to participate, or may note approved motions to participate.
 - O.** The Court reserves the right to reject any request to appear telephonically.
 - P.** Failure to comply with this procedure may result in imposition of sanctions.
- II. Emailed Motion Day Docket.** The court will email copies of the motion day docket the day before the hearing to a list of parties maintained by the Clerk. Matters appearing on the docket, will be heard. Do not call chambers about hearings. To be added to the court's email list, please email the Clerk's Office at webmaster@laeb.uscourts.gov.
- III. Submission and Approval of Consent/Stipulated Orders.** When the parties have resolved, through a stipulation, a motion or other issue pending before the court, the parties must:
- A.** Prepare the resolution in the form of a Stipulation Resolving _____ (describe the motion the stipulation resolves).
 - B.** The stipulation should contain all terms necessary to resolve the dispute and must be signed by the affected parties. The stipulation will contain the terms of the stipulated order, but may not be in the form of an order. The stipulation must provide for at least ten (10) days written notice of any default to the debtor and debtor's counsel. Stipulations containing less than ten (10) days notice must be set for hearing.
 - C.** File the stipulation into the record via CM/ECF, and link the same to the pending motion.
 - D.** Submit a proposed order approving the conditions of the stipulation to SectionAOrders@laeb.uscourts.gov.
 - E.** The proposed order should contain all terms delineated in the filed Stipulation.

See [sample Order Approving Terms of Stipulation](#).

- IV. Motions for Summary Judgment.** Motions for summary judgment are heard by special setting only. Immediately upon filing the motion, movant must contact chambers for a hearing date and response deadline to include in its notice of hearing.

See [Local Rule 7056-1](#).

- V. Discovery Disputes.** Motions relative to discovery or protective order are not set on motion days. On filing a motion relative to discovery or protective order, counsel for the mover must immediately contact chambers to advise of the filing. Upon notification of filing, chambers staff must schedule a conference call with counsel involved for the purpose of scheduling a hearing date on the motion. Hearings will generally be conducted within seventy-two (72) hours of the filing of the motion and often at a time before or after normal business hours to ensure availability of counsel. Written responses to the motion are not required. Counsel may appear by telephone at the hearing on the motion.

- VI. Chapter 13 Motions for Authority to Sell.** Motions for authority to sell estate property in chapter 13 cases must substantially comply with the [sample Motion for Authority to Sell Property](#).