
**PROCEDURES TO REQUEST RESCHEDULED MEETING OF CREDITORS
OR TO ARRANGE DEBTOR'S APPEARANCE OTHER THAN IN PERSON --
CHAPTER 7, 13, 12 AND 11 CASES, NEW ORLEANS OFFICE**

- I. **GENERAL RULE.** Meetings of creditors scheduled pursuant to 11 U.S.C. §341(a) and Federal Rule of Bankruptcy Procedure 2003 generally will not be rescheduled, nor will the debtor be allowed to appear at the meeting other than in person except as set forth below.
- II. **CIRCUMSTANCES THAT MAY JUSTIFY RESCHEDULING THE MEETING OF CREDITORS, OR ALLOWING DEBTOR TO APPEAR OTHER THAN IN PERSON.** A meeting of creditors for a Chapter 7, 13, or 12 case will be rescheduled or the debtor will be allowed to appear other than in person only if the trustee consents, and for a Chapter 11 case only if the U.S. Trustee consents, and cause exists based on the following:
- A. The debtor or debtor's attorney has a medical or family emergency, unavoidable medical treatment regarding a critical immediate health threat, or a serious medical condition that prevents attendance at the meeting;
 - B. The death or incapacity of the debtor or debtor's attorney;
 - C. A weather emergency;
 - D. The debtor's incarceration; or
 - E. Other compelling circumstances exist. (*See, for example,* United States Trustee's Policy Regarding Meetings of Creditors for Active Military Members, New Orleans Office).
- III. **PROCEDURES FOR REQUESTING RESCHEDULING MEETING OF CREDITORS OR THE DEBTOR'S APPEARANCE OTHER THAN IN PERSON.** Unless provided otherwise by local court rule, the following procedures apply:

- A. **Form of request.** In a Chapter 7, 13, or 12 case the *pro se* debtor/debtor's attorney must send a written request to reschedule a meeting of creditors or to allow the debtor to appear other than in person to the trustee, with a copy to the Office of the U. S. Trustee. The request shall be made using the form which is attached, if there is sufficient time before the meeting. An oral request may be made at or before the meeting *only* if there is insufficient time to make a written request. In a Chapter 11 case, the request should be made to the Office of the U.S. Trustee.
- B. **Where to make request.** For Chapter 7, 12 and 13 cases the *pro se* debtor/debtor's attorney may make the request by email, facsimile, or regular mail using the contact information set forth on the attached list. An email request should state in the subject line "Request to Reschedule" with the case name and number. Alternatively, the request may be submitted in person to the Office of the United States Trustee at the location on the attached list and the U.S. Trustee will forward the request to the applicable trustee. For Chapter 11 cases, the request may be submitted by email, facsimile or regular mail to the Office of the United States Trustee at the address noted on the attached list. The request should not be filed into the Court records.
- C. **Extensions of deadlines.** The trustee may require the debtor to agree to an extension of the time to 1) file a complaint objecting to discharge under sections 523 and 727, 2) file a motion to dismiss for abuse under section 707(b), and 3) file objections to exemptions.
- D. **Timing of request.** The *pro se* debtor/debtor's attorney must make the request at the earliest possible time.
- E. **Content of request.** In addition to the information on the attached form, the requesting party should attach documentation that supports the request, if any.
- F. **Approval.** The trustee (or the Office of the U.S. Trustee for Chapter 11 cases) will advise the requesting party if the request is approved within three business days of receipt of the request. If the trustee approves the request to reschedule, the trustee will advise the party of the new date and time of the rescheduled meeting of creditors, and if applicable the new location. If the trustee approves the debtor's request to appear other than in person, the trustee will advise the party of the acceptable method for the debtor to appear other than in person and, if applicable, the new date, time and location of the meeting.
- G. **Notice of new date and time where request to reschedule granted.**
1. **Requests approved ten or more days before the meeting of creditors.**
In Chapter 7, 11, 12 and 13 cases, notice of the rescheduled meeting date and time will be completed by debtor's counsel. The *pro se* debtor/debtor's attorney must immediately notice all creditors and parties

in interest that the meeting has been rescheduled and the date, time and location of the meeting, and file with the court a Certificate of Service in accordance with the Local Rules and Standing Orders. The trustee also will announce the new date and time at the originally scheduled meeting.

2. In addition, if the request to reschedule is approved less than ten days before the originally scheduled meeting, the *pro se* debtor/debtor's attorney must make their best efforts to contact creditors and parties in interest who have made an appearance in the case by the most expeditious means possible that the meeting has been rescheduled and the date, time and location of the meeting, and file with the Court a Certificate of Service. The means of notification may include phone, e-mail, facsimile, or other appropriate method. The trustee also will announce the new date, time and location at the originally scheduled meeting.
3. If the request to reschedule is approved at the initial meeting of creditors because the circumstances giving rise to the request were unknown to the debtor or debtor's attorney in sufficient time to provide the notice specified in (1) or (2) above, the trustee, at the initial meeting, will announce the date and time of the rescheduled meeting.
4. The Trustee will make a docket entry through CM/ECF advising of the new date and time of the rescheduled meeting of creditors.

H. **Review by Office of U.S. Trustee.** If the trustee denies either the request to reschedule or for the debtor to appear other than in person, then the debtor may request the Office of the U.S. Trustee to review the denial. If the U.S. Trustee denies the debtor's request, then the debtor may seek judicial review of that decision by filing a motion with the Court. Any motion seeking judicial review of the trustee and/or the United States Trustee's denial of a request should indicate that the debtor's request for relief was denied by the trustee (for a Chapter 7, 13, and 12 case) and the United States Trustee.

IV. **METHODS FOR THE DEBTOR TO APPEAR AT THE MEETING OF CREDITORS OTHER THAN IN PERSON.**

- A. **Methods for Debtor to Appear Other Than in Person.** If the debtor is unable to appear in person at a scheduled meeting of creditors, and the reason for the inability to appear in person is not likely to change in the future, the *pro se* debtor or debtor's attorney may request the trustee to approve a method for debtor to appear, other than in person. The methods include: telephonic; video teleconference; written interrogatories; or through an authorized fiduciary representative.
- B. **Telephonic or Video Teleconference Appearance.** Generally, if the basis for a request to appear other than in person is the debtor's incapacitating medical

condition, incarceration, or military assignment out of the area, and the debtor's circumstances are not likely to change within a reasonable time such that the meeting can be continued then a telephonic or video teleconference appearance may be requested.

1. **Arrangements with Trustee.** Where a telephonic or video conference appearance is approved, the *pro se* debtor or debtor's attorney shall be responsible for making arrangements with the trustee regarding the actual phone call or the Office of the U.S. Trustee for a video conference.

2. **Verification of Debtor's Identity by Third Party.**

a. The *pro se* debtor or debtor's attorney must arrange for a third party official to be present with the debtor at the time and place of the meeting of creditors held by telephone or video teleconference for the purpose of verifying the debtor's identification and social security number. The official may be a notary, debtor's commanding officer, warden or prison official, the debtor's attorney, or other acceptable official. If this method of verification is used, the official shall complete and mail or deliver to the U.S. Trustee's office the completed Declaration of Attending Official. (The applicable form is available from the Office of U.S. Trustee.)

b. Alternatively, the debtor may appear at any U.S. Trustee's office with a copy of the debtor's petition where the debtor's full social security number is displayed and staff at the Office of the U.S. Trustee office will verify the debtor's identification and social security number. If this form of verification is used, it is advisable to communicate with the U.S. Trustee's office who has jurisdiction over the case in advance so this process can be coordinated with the other office.

C. **Written Interrogatories.** Where the debtor is not available to appear by telephone or video conference, and the debtor is able to respond in writing to interrogatories without significant burden, then the trustee may use written interrogatories in lieu of the debtor's appearance in person.

1. **Verification of Debtor's Identity by Third Party.** The debtor must arrange for a third party official to verify the debtor's identification and social security number. The official may be a notary, debtor's commanding officer, warden or prison official, debtor's attorney, or other acceptable official. The official shall complete and mail or deliver to the U.S. Trustee's office the completed Declaration of Attending Official. (The applicable form is available from the Office of U.S. Trustee.)

D. **Use of an Authorized Representative.** Bankruptcy Rule 1004.1 and 1016

authorize an infant or incompetent person to appear by general guardian, conservator, guardian ad litem, succession representative or similar fiduciary. Other circumstances also may exist where a debtor's appearance may be made by another person authorized by law to appear and give testimony if knowledgeable about the debtor's finances where the trustee is satisfied the debtor is unable to appear personally. The trustee should verify the debtor's identity and social security number which includes directing the party appearing on the debtor's behalf to bring to the meeting of creditors the following documents: (1) copy of the debtor's photo identification; (2) proof of social security number; and (3) the document authorizing the individual to appear on the debtor's behalf.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

In re:
Debtor(s)

Case Number:
Chapter 7

REQUEST TO RESCHEDULE MEETING OF CREDITORS
OR TO APPEAR OTHER THAN IN PERSON AND CONSENT TO EXTEND DEADLINES*

Debtor(s) in the above-captioned case, by the undersigned, state that the §341(a) meeting of creditors is presently scheduled on the ___ day of _____, 20__ at ___ o'clock.

Debtor(s) hereby request (please check one):

- that the §341(a) meeting of creditors be rescheduled to a later date;
- that the debtor be allowed to appear other than in person and by the following method: _____.

Reasons for request:

PLEASE ATTACH ANY DOCUMENTS SUPPORTING THIS REQUEST

* To the extent debtor(s) request that the §341(a) meeting of creditors be rescheduled, debtor(s) hereby consent to, and waive any right to contest, the extension of deadlines as follows:

1. extending the bar date for filing §523(c)/§727 complaints to sixty (60) days after the rescheduled §341(a) meeting pursuant to Fed. R. Bankr. P. 4004(a) and 4007(c);
2. extending the time for filing §707(b) motions to dismiss for abuse to sixty (60) days after the rescheduled §341(a) meeting of creditors pursuant to Fed. R. Bankr. P. 1017(e);
3. extending the time for filing objections to claims of exemptions to thirty (30) days after the rescheduled §341(a) meeting of creditors pursuant to Fed. R. Bankr. P. 4003(b).

DATE: _____

(Name, Address, Phone Number)

TRUSTEE'S DISPOSITION AND NOTICE OF RESCHEDULED §341(A) MEETING
AND /OR TO APPEAR OTHER THAN IN PERSON

Grants Denies the request to appear, other than in person.

The debtor may appear by the following method: _____

Grants Denies the Request to Reschedule.

The rescheduled meeting is to be conducted on _____ at _____ .m. at the F. Edward Hebert Building, 600 Maestri, Room #111, New Orleans, LA 70130

(TRUSTEE)

Debtor's Counsel or Pro Se Debtor MUST provide Notice of this new date to all parties

**TRUSTEE(S) COVERING THE EASTERN DISTRICT OF
LOUISIANA**

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