

**JUDGE RICHARD M. NEITER'S PROCEDURES
FOR TELEPHONIC APPEARANCES**

I. GENERAL RULES REGARDING TELEPHONIC APPEARANCES.

Telephonic appearances may be made in all matters before Judge Neiter in Courtroom # 1645, except the following (unless excused by the Court):

1. Trials, Contested Matters, and evidentiary hearings (Counsel for all parties should appear in person. Witnesses should also appear in person where requested or if they are to be cross-examined).
2. Chapter 11 Status Conferences (debtor, debtor's counsel, and counsel for creditors' committee, if any, should appear in person). Other parties in interest may appear telephonically.
3. Adversary Proceeding Status Conferences (if an answer has been filed) and Pretrial Conferences.
4. Chapter 11, 12 & 13 plan confirmation hearings (debtor, debtor's counsel, and counsel for creditors' committee, if any, should appear in person).
5. Chapter 11 Disclosure Statement Hearings (debtor, debtor's counsel, and counsel for creditors' committee, if any, should appear in person).
6. Any matter designated by the court as requiring a personal appearance.

No telephonic appearance will be allowed unless it is made through *Court Call*, an independent conference call company, pursuant to the procedures set forth in **Section II**.

Before requesting a telephonic appearance, please check Judge Neiter's calendar to review any tentative ruling concerning the matter on calendar. Tentative rulings are normally issued no later than 3:00 p.m. on the day preceding the scheduled hearing. Absent opposition, either before or at the hearing, no appearance is required.

If written opposition has been filed, the court may nevertheless issue a "Tentative Ruling." A final ruling is likely to be made at the hearing. **Individuals may appear in person or telephonically. All parties are encouraged to review and be familiar with the Tentative Ruling.**

If an individual schedules a telephonic appearance and fails to respond when the matter is called on calendar, the court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear when a matter placed on the calendar is called.

Judge Neiter will not entertain any request for telephonic appearance after the deadline prescribed in **Section II** below except for cause. Late scheduling of a telephonic appearance is not justified by the fact that Tentative Rulings have not yet been posted on the court's website.

Individuals making use of the conference call service are cautioned that they do so at their own risk. Hearings generally will not be rescheduled due to missed connections.

II. SCHEDULING A TELEPHONIC APPEARANCE.

You must contact Court Call to arrange a telephonic appearance and inform Judge Neiter's Court Recorder, Sonny Milano, at (213) 894-1485 of any arrangements to appear by telephone.

By Telephone: Telephone appearances may be arranged by calling *Court Call* at (866) 582-6878 no later than **twenty-four (24) hours** prior to the court hearing date. Any request for a telephonic appearance made after the 24-hour deadline must be court approved by contacting Judge Neiter's Courtroom Deputy, Phyllis Jones, at (213) 894-5860.

By Written Request: Written requests may only be done if the requested appearance is made at least **two (2) days** in advance of the court hearing date. The facsimile telephone number at *Court Call* is (866) 533-2946.

III. PROCEDURE FOR TELEPHONIC APPEARANCE.

Court Call will provide counsel with written confirmation of a telephonic appearance, and give counsel a number to call to make the telephonic appearance. It is counsel's responsibility to dial into the call not later than 10 minutes prior to the scheduled hearing. ***Court Call does not place a call to counsel.*** The initial charge per participant for a *Court Call* appearance is \$50. The charge increases based upon the length of the call: (a) 0-90 minutes - \$50; (b) 91-180 minutes - \$80; (c) 181-270 minutes - \$120; (d) 271-360 minutes - \$160; (e) 360 and above - an additional \$40 per each additional 90 minute increment. If you do not call and connect with the *Court Call* operator timely, you will be billed for the call and the hearing may proceed in your absence.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure the quality of the record, the use of car phones, cellular phones, speaker phones, public telephone booths, or phones in other public places is prohibited except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo.

At the time of your hearing, you may be placed in a listening mode initially and will be able to hear the case before yours just as if you were in the courtroom. After your call is connected to the courtroom, the Judge will call the case, request appearances, and direct the manner in which the hearing proceeds. **Each time you speak, you should identify yourself for the record.** The court's teleconferencing system allows more than one speaker to be heard so the Judge can interrupt a speaker to ask a question or redirect the discussion. When the Judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.

Telephonic appearances by multiple participants are only possible when there is compliance with every procedural requirement. Sanctions may be imposed upon any deviation from the required

procedures or the court determines that a person's conduct makes telephonic appearances inappropriate. Sanctions may include dropping a matter from calendar, continuing the hearing, proceeding in the absence of an unavailable participant, a monetary sanction, and/or a permanent prohibition against a person appearing telephonically.