

United States Bankruptcy Court
Central District of California
3420 Twelfth Street
Riverside, California 92501

Chambers of
Mitchel R. Goldberg
Judge

Phone: (909) 774-1026

**TELEPHONIC APPEARANCE GUIDELINES
FOR
HON. MITCHEL R. GOLDBERG
Effective May 1, 2003**

Effective May 1, 2003, telephonic appearance will be allowed by Judge Goldberg through Court Call. **You must contact Court Call prior to 3:00 p.m. the day before your hearing at 1-866-582-6878 to arrange an appearance.** Requests for telephonic appearances made after the deadline must be court approved by contacting Judge Goldberg's Law Clerk at 909-774-1028/26.

Court Call will provide written confirmation of your telephonic appearance and give counsel a specific number to call the day of the hearing. It is counsel's responsibility to dial Court Call to connect their appearance not less than 10 minutes prior to the calendar call time. **Court Call will not place the call to counsel.**

Telephonic appearances are connected directly into the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure a quality 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 will hear all parties without difficulty or echo.

At the time of your hearing, you may initially be in the listening mode in which case you will be able to hear 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 must identify yourself on the record. The court's teleconferencing system allows more than one speaker to be heard. The Judge may interrupt a speaker to ask questions or redirect the discussion. When the Judge informs participants the hearing is completed, you may disconnect.

Telephonic appearances by multiple parties are possible only when there is full compliance with these procedures. Sanctions may be imposed if there is deviation from compliance, or the Court determines that an individual's conduct makes future telephonic appearances inappropriate. Sanctions may include dropping a matter from the calendar, continuing the hearing, proceeding in the absence of the unavailable party(s), monetary sanctions, and/or a permanent prohibition against a individual appearing telephonically.

If any individual schedules a telephonic appearance and fails to respond to the calendar call of that matter, the court may pass on that matter or treat the party's failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple cases or courtrooms by a party/counsel will not be an accepted excuse for the failure to appear when a matter is called on the calendar. Individuals making use of Court Call services are cautioned they do so at their own risk. Hearings will not be rescheduled due to a missed connection.

Telephonic appearances are automatically authorized by Judge Goldberg for the following types of hearings:

1. Relief from Stay motions.
2. Status Conferences (short cause only when trial will be less than 2 hours and no pre-trial conference dates will be set).
3. Chapter 7 Final Report & Account and Final Fee Applications.
4. Continuance requests for parties who missed the "local, local three court day deadline rule" to submit a written stipulation to continue.
5. Chapter 7/11 **non-contested** matters.
6. Default Prove-Up Hearings with no testimony by moving party.

Note 1: Telephonic appearances are **NOT** authorized for Chapter 13 Plan Confirmations, opposed Chapter 11 Disclosure and Plan Confirmation hearings, or for oral argument on motions, evidentiary hearings, trials, or default prove-up hearings where witness testimony is to be given.

Note 2: Judge Goldberg posts Tentative Rulings on the following matters: Default Prove-Ups; Chapter 7 Final Report & Accounts, and Professional Fee Applications. Once Tentative Rulings are issued, no appearance is necessary on **unopposed** Tentative Rulings and parties may submit on the papers.

Note 3: All fees and charges for Court Call services will be provided directly by Court Call when making arrangements for the telephonic appearance. Please note that if you do not timely call the Court Call operator, you may be billed for the call and the hearing may proceed in your absence.