

## **INSTRUCTIONS REGARDING CALLING THE CHAMBERS OF JUDGE CATHERINE BAUER**

September 2018

These instructions were created to help people understand the limited phone calls that can be returned by Chambers staff (Chambers staff are those individuals who work "as an extension of the judge" on legal matters). These instructions, hopefully, will help you to determine if it is appropriate to call Chambers staff. These instructions will be updated from time to time.

**PLEASE NOTE THE FOLLOWING:** The Judge **and Chambers staff** are governed by Federal Rule of Bankruptcy Procedure 9003. Prohibition of Ex Parte Contacts, which states as follows:

(a) General Prohibition. Except as otherwise permitted by applicable law, any examiner, any party in interest, and any attorney, accountant, or employee of a party in interest shall refrain from ex parte meetings and communications with the court concerning matters affecting a particular case or proceeding.

The phrase "[M]atters affecting a particular case" is construed broadly to avoid any improprieties or appearance of improprieties. It is inappropriate for the court to assist a party in obtaining relief against another party. Chambers staff cannot answer questions such as which documents should be filed, where they should be filed, when they have to be filed, who should be served, which rules apply, etc.

Usually the information you need can be found on the website for the bankruptcy court or by calling someone other than Chambers staff. For your convenience, here is the information in that regard:

- (1) US Bankruptcy Court Central District of California website: [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)
- (2) Judge Bauer's Courtroom Deputy: 714-338-5372
- (3) ECF Help Desk: 213-894-2365

If there is a conflict between these instructions and any other rule, these instructions apply.

### **PROPER PHONE CALLS TO CHAMBERS**

**THE ONLY METHOD FOR CONTACTING CHAMBERS IS TO CALL 714-338-5450 AND TO LEAVE A MESSAGE.**

1. Emergency Hearings: An attorney or an unrepresented party may call Chambers if there is a true emergency as defined in Local Bankruptcy Rule ("LBR") 9075-1(a) that requires a hearing on less than 48 hours notice. Please leave a message and someone will call back to discuss the situation and determine if the court will set a hearing.

2. Requests for Second Call: An attorney or non-attorney may call Chambers and leave a message to request second call for a hearing. Since time is usually the issue, brevity is appreciated. Please leave the message with the information as follows:

- (a) start with the purpose – I am requesting second call;
- (b) state the calendar number (NOT the docket number) of the matter;
- (c) name of the late-arriving attorney;
- (d) expected time of arrival;
- (e) the reason for being late; and
- (f) name and phone number of a contact person, in case the court has any questions.

3. Status of an Order: An **attorney**, who is knowledgeable about the order in question or an unrepresented party, may leave a message AFTER three weeks have elapsed from the date the order was lodged. ALSO, e-filing attorneys must first verify that they did not receive an email indicating the

order was rejected. If the time period has elapsed and no email was received, a message may be left with the required information as follows:

- (a) starting with the purpose – I am checking on the status of an order which was lodged on (provide date) in (case number);
- (b) name of the debtor; and
- (c) name of the caller and the direct dial phone number.

IF three weeks have elapsed and no rejection email was sent, the response may be a call back if there is a problem OR we may simply process your order. If you were sent a rejection email that referenced formatting errors and you have questions, please call the ECF Help Desk.

### **PHONE MESSAGES TO CHAMBERS THAT WILL NOT RECEIVE A RESPONSE**

1. Non-Specific Questions: Messages that simply request return phone calls.
2. General Information, Court forms, Local Rules, Court Manual: Please see the court's website for all the current versions of court forms, LBRs and Court Manual. Information specific to Judge Bauer is under her tab under "Judges" on the court's website.
3. Requesting Telephonic Appearance: Judge Bauer allows telephonic appearances through Court Call as discussed in the Telephonic Instructions located under Judge Bauer's tab on the court website.
4. Results of a Hearing: Please review the CM/ECF docket, contact someone who attended the hearing or obtain an audio or written transcript of the hearing. Please use the *Audio Recording of Court Proceedings Order Form or Transcript Order Form and Instructions* found on the court's website under the "Other Forms" tab. The form is then processed through the clerk's office.
5. Status of a Case: For a general status of a case, please review the CM/ECF docket or contact an attorney or party (if they are not represented by an attorney) in the case.
6. Discharge Status of a Case: Discharge is an administrative function handled by the clerk's office. Please contact Judge Bauer's Courtroom Deputy in the clerk's office.
7. Tentative Rulings: Tentative rulings are posted as a courtesy for the bar and generally uploaded by 5:00 p.m. the day before the hearing. If the tentatives are not posted by 5:00 pm, we will be posting them as soon as they are available and/or the system allows. Appearances are required unless the tentative indicates that appearances are excused. Please understand that when appearances are excused, the court may still continue the hearing should circumstances arise requiring such a continuance.
8. Filing/Lodging Problems: Please contact the ECF Help Desk. Chambers does not have access to the CM/ECF filing program or the LOU program and cannot see the information required or the screens that filers must complete in order to file motions or upload orders. If you are having problems with orders please review the LBR and Court Manual (Section 4.2 & Appendix F). If you received an email regarding a docketing error, please call Judge Bauer's Courtroom Deputy in the clerk's office.
9. Application for Order Setting Hearing on Shortened Notice: To obtain a hearing on shortened notice under LBR 9075-1(b), you must file the application with the underlying motion and deliver a Judge's Copy of all documents to Chambers. Upon receipt of the documents, we will call you to set the hearing or we will deny the application and give you instructions to upload an order.