

NOTICE RE TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE MARTIN R. BARASH'S CASES

I. POLICIES GOVERNING TELEPHONIC APPEARANCES.

Telephonic appearances are allowed in all matters before Judge Barash in Courtroom 303 of the San Fernando Valley Division, **EXCEPT** the following:

1. Trials and evidentiary hearings (Counsel for all parties must appear in person. Witnesses also must appear in person to be cross-examined, unless otherwise ordered).
2. **Initial** Chapter 11 status conferences (Debtor, debtor's counsel, and counsel for creditors' and equity committees, if any, must appear in person). Other parties in interest may appear telephonically.
3. Chapter 11 and 12 disclosure statement and confirmation hearings (Debtor, debtor's counsel, and all objecting creditors (or their counsel) must appear in person).
4. Chapter 11 motions to dismiss or convert.
5. Adversary Proceeding **Initial** Status Conferences and Pretrial Conferences (All trial counsel must appear in person unless Judge Barash has authorized appearance by telephone for the adversary proceeding at issue, in advance).
6. Motions for Summary Judgment or Partial Summary Judgment.
7. Chapter 13 plan confirmation hearings and other chapter 13 contested matters other than motions for relief from stay and motions to dismiss filed by the chapter 13 trustee.
8. 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.**

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.

Individuals making use of the conference call service are cautioned that they do so at their own risk. Hearings generally will not be rescheduled as a result of missed or faulty connections.

II. SCHEDULING A TELEPHONIC

APPEARANCE. A. Contact *Court Call*

By Telephone: Telephone appearances may be arranged by calling *Court Call* at (866) 582-6878 no later than **12:00 p.m. the Court day prior to the hearing date.** Any request for a telephonic appearance made to *Court Call* after this deadline must be Court-approved by contacting Judge Barash's chambers at (818) 587-2853.

By Written Request: Written requests may only be done if the request is made at least **two (2) Court days** in advance of the 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.** 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.

Court Call will charge the appearing party directly. If you have questions about the amounts chargeable by *Court Call* as a result of scheduling or making a telephonic appearance, contact *Court Call*.

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 the foregoing procedural requirements. Sanctions may be imposed upon any deviation from the required procedures or if 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.