

**HEARING PARTICIPATION GUIDELINE FOR
DEPARTMENT TWO
(Hon. Louise De Carl Adler)**

Effective August 12, 2021

The COVID pandemic of the past 17 months has required adoption of innovative methods to handle the business of the Court. With the recent resurgence of COVID cases due to the Delta variant, Department 2 of the Court is not yet comfortable with total termination of those alternate procedures. Additionally, the Court and many of the parties and counsel have found the alternate procedures are efficient and effective without affecting due process.

Because of the foregoing, the Court will continue to conduct hearings for most matters *by telephone* unless otherwise provided by an order or tentative ruling directing the parties to appear in the courtroom in-person. This Guideline identifies the Court's preferences for specific types of hearing matters and other procedures for appearing in Department 2:

<u>TOPIC</u>	<u>PROCEDURE</u>
Dial in Number	The dial in number for Dept. 2 is: 1-866-434-5269 ; and the Access Code is: 8111598#
Dial in Procedures	The attorneys for the parties (or any party that is in appearing <i>pro se</i>), must dial in ten minutes prior to the scheduled hearing time for a "roll call appearance" by the Courtroom Deputy. The Courtroom Deputy will verify the parties on the line that will be making an appearance and the persons that are merely on the line to monitor the matter.
Presumptive Telephonic matters	The following matters are considered routine and will presumptively be conducted <i>telephonically</i> : 1. Chapter 13 Cases: All law and motion matters filed in the main bankruptcy case; 2. Chapter 7 Cases: All law and motion matters filed in the main bankruptcy case, including reaffirmation hearings; 3. Chapter 11 Cases: All law and motion matters filed in the main bankruptcy case where significant argument is <i>not</i> anticipated;

	<p>4. Cases Filed Under Other Chapters: All law and motion matters filed in the main bankruptcy case where significant argument is <i>not</i> anticipated.</p> <p>5. Adversary Proceedings: All law and motion matters filed in an adversary proceeding where significant argument is <i>not</i> anticipated;</p> <p>6. Continued Matters: If a matter is continued by the consent of all parties, and appearances have not yet been excused by an order or tentative ruling;</p> <p>7. Settled Matters: If a matter is settled and the settlement requires the Court’s approval or assistance, and appearances have not yet been excused by an order or tentative ruling; and</p> <p>8. Procedural Matters: If the purpose of the hearing is merely to attend to procedural matters.</p>
<p>Presumptive In-Person Matters</p>	<p>The following matters will presumptively be held <i>in-person</i> in Dept. 2:</p> <ol style="list-style-type: none"> 1. The <i>initial</i> Chapter 11 main bankruptcy case status and scheduling conference; 2. The <i>initial</i> pre-trial status conference and the <i>final</i> pre-trial hearing in all adversary proceedings; 3. If a party is subject to an Order to Show Cause; 3. All long cause argument matters; 4. Any other matters where complex argument is anticipated; and 5. Trials and evidentiary hearings. <p>UNTIL FUTHER NOTICE, PERSONS APPEARING IN PERSON MUST WEAR A MASK WHETHER VACCINATED OR UNVACCINATED.</p>
<p>Requests for Clarification or Waiver</p>	<p>All requests for clarification regarding Dept. 2’s preference to conduct a hearing telephonically or in-person, <i>or a request for waiver of same</i>, should be directed to the Courtroom Deputy for Dept. 2, Karen Fearce at (619) 557-6594, at the time the hearing date is requested so that the information can be included in the hearing notice. Notwithstanding, a party may always request to appear in-person by contacting the Courtroom Deputy, at (619) 557-6594, no later than 10:00 a.m. two business days before the hearing. A party making such a request should not assume that the in-person request will be granted.</p>

<p>Protocols</p>	<p>Parties attending remotely shall utilize a phone that is free of static (a landline is preferred) and must call from a location where there is no disruptive background noise. There will likely be more than one matter scheduled for a hearing time, and patience is required. All parties shall keep their arguments focused and concise and shall not interrupt the Court or other counsel. All parties arguing a matter shall state their names before speaking. No argument will be permitted by parties that are represented by counsel and/or persons merely on the line to monitor a matter. Repeated violation of these protocols may result in the party's line being terminated from the hearing.</p> <p>PARTIES ATTENDING REMOTELY MAY NOT RECORD THE PROCEEDINGS BY ANY MEANS.</p>
<p>Technological Difficulties</p>	<p>In cases where the Court's technology fails, the Court likely will reschedule the hearing. In a case where the party's remote connection is inaudible or there is a failure of the party's technology or a loss of transmission, the Court may terminate the hearing and may elect not to reschedule it.</p>
<p>Tentative Rulings</p>	<p>The Court will endeavor to issue a tentative ruling as appropriate which will be uploaded to the Court's docket in advance of the hearing. This is the Court's primary method to communicate its views and to request additional information from the parties before the hearing. Unless otherwise directed, the Court does not permit a party to contact the Court's staff to discuss the substance of a tentative ruling. Further, the Court does not permit the filing of additional pleadings in response to the tentative ruling. However, questions that merely seek procedural clarification and/or provide a settlement update or a request for a continuance by all parties are permitted and initially should be directed to the Court's Judicial Law Clerk or the Courtroom Deputy.</p>
<p>Zoom Hearings</p>	<p>The Court will not routinely allow Zoom appearances. However, the Court will consider whether to conduct any or all of an in-person hearing by Zoom on a case-by-case basis.</p>