

Entered on Pocket
August 01, 2006

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



EXHIBIT 1

IT IS SO ORDERED.
Signed July 31, 2006

James R. Grube
James R. Grube
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

AMR MOHSEN,

Debtor.

Case No. 05-50662-JRG

Chapter 11

CAROL WU, TRUSTEE,

Plaintiff,

vs.

AMR MOHSEN,

Defendant.

Adversary No. 06-5081

**ORDER SETTING CONTINUED
TELEPHONIC CASE MANAGEMENT
CONFERENCE**

Good cause appearing, IT IS HEREBY ORDERED that:

1. **Date and Time of Case Management Conference:** A continued telephonic case management conference will be held on **October 26, 2006 at 2:30 p.m.** Instructions for telephonic appearances are attached and are incorporated as part of this order.

2. **Continuances:** The telephonic case management conference will not be continued without leave of court. However, the telephonic case management conference may be continued for good cause shown, such as conflict with another court appearance, ongoing settlement discussions or representations by counsel that the telephonic case management conference is premature.

For The Northern District Of California

EXHIBIT 1

1 To request a continuance, a participant should submit, at least **10** days prior to the telephonic
2 case management conference:

- 3 a. A stipulation signed by all parties to the action or a declaration setting forth
4 the reasons a continuance is requested, the positions of all participants with respect to
5 a continuance and proposed time frames for the continued hearing; and
6 b. A proposed order continuing the telephonic case management conference
7 which incorporates all other provisions of this order.

8 **If a request for a continuance has not been filed at least 10 days prior to the telephonic**
9 **case management conference, the case management conference will go forward.**

10 3. **Appearing Personally:** The court prefers and expects that participants appear by
11 telephone. However, parties representing themselves who are not able to arrange a telephonic
12 appearance may appear personally. If a party hires counsel shortly before the conference, and the
13 attorney has not requested a continuance, an appearance is still required.

14 Counsel who have an appearance in another court at the same time, or are conducting other
15 business in the courthouse can appear personally. However, counsel should note that the case
16 management conferences will be called in the order set forth on the calendar and counsel must be
17 present when the case is called. Counsel who expect to seek compensation from the estate should
18 also note that the court may not compensate personal appearances.

19 4. **Case Management Conference Statements:** At least **7** days prior to the telephonic
20 case management conference, all parties shall file, jointly or separately, a **CASE MANAGEMENT**
21 **CONFERENCE STATEMENT** with the court. The statement shall not exceed five (5) pages in
22 length, and shall concisely set forth what has occurred since the last case management conference
23 and the parties' proposals regarding the future scheduling of the matter. **THE CAPTION SHALL**
24 **CONTAIN THE DATE AND TIME OF THE TELEPHONIC CASE MANAGEMENT**
25 **CONFERENCE.**

26 5. **Judgment:** Final judgment shall be entered by the Bankruptcy Court unless within
27 sixty (60) days after the initial case management conference the court rules that this is a non-core
28 proceeding and final judgment should be entered by the District Court.

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INSTRUCTIONS FOR TELEPHONIC CASE MANAGEMENT CONFERENCES

1. Telephone Procedures To Be Followed

Telephonic appearances for case management conferences will be arranged through Court Conference. Court Conference is an independent conference call company that arranges conference calls on a national and international basis for business.

Participants will be contacted at the telephone number set forth at the top of the pleading with the participant's identification. All participants shown on the court's calendar 7 days prior to the case management conference will be contacted by Court Conference at least two days prior to the case management conference to confirm participation in the conference call and payment arrangements.

Attorneys who are unavailable when called by Court Conference **MUST** return the call within 24 hours. The decision whether or not to appear by telephone **MUST** be made at this time and, if non-responsive, you will not be added to the call at the last minute. Do not argue with Court Conference or request special treatment. Court Conference's function is no more than to offer you the opportunity to appear by telephone. Your election to appear by telephone constitutes your agreement for telephonic appearances.

The cost of appearing telephonically is \$40.00. Court Conference will arrange payment by the participant either through the use of a major credit card or, in the case of attorneys, may offer to bill for its service. If Court Conference agrees to bill its services, all bills **MUST** be timely paid.

If you have not been contacted by the second day prior to the case management conference, participants may contact Court Conference at 1-866-582-6878 to discuss procedures, confirm dates and times, etc. Participants must reference this Court, and the case name and number when calling Court Conference.

At the time of the scheduled telephonic case management conference, Court Conference will contact the participant as prearranged. Court Conference may initiate calls to some participants on a delayed basis to minimize waiting time. **All participants MUST be available when called.** If the participant is not available when called, you will be billed for the call and the case management conference will proceed in the participant's absence. The court may impose sanctions as set forth below.

At the time of the case management conference you will initially be in the listening mode and able to hear the case before yours just as if you were in the courtroom. After your call is connected to the courtroom, the Courtroom Deputy will call the case. The Judge will ask for appearances and direct the manner in which the case management conference proceeds. Each time a participant speaks, he or she must identify himself or herself for the record. When the Judge informs the participants that the hearing is completed, the participants may disconnect and the next case will be called.

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 a quality record, the use of car 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. The system also allows more than one speaker to be heard so that the Judge can interrupt a speaker to ask a question or redirect the discussion.

2. Sanctions

Telephonic appearances by multiple participants are only possible where there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation. Sanctions may include dropping the matter from the calendar, continuing the hearing, proceeding in the absence of an unavailable participant, or a monetary sanction of \$100 or more. Where Court Conference agrees to bill for its services and the billings are not timely paid attorneys should expect a sanction of \$250 to be imposed.