

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

IN THE MATTER OF

HYBRID MODEL PLAN FOR
CONDUCT OF HEARINGS

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GENERAL ORDER 2021-2

**AMENDED GENERAL ORDER IMPLEMENTING HYBRID MODEL PLAN FOR
CONDUCT OF HEARINGS**¹

Effective October 4, 2021, the Court hereby terminates the Protocol Period identified in *Amended General Order 2020-2 Adopting Hearing Protocols That May Be Implemented Under Certain Public Health And Safety Conditions* issued by this Court on May 4, 2020, and revokes the protocols outlined in that Order regarding the manner in which the Court conducts hearings in all bankruptcy cases and proceedings in this District. Beginning October 4, 2021, this Court adopts the attached Hybrid Model Plan, which will be implemented to conduct hearings in all bankruptcy cases and proceedings in this District as the Court, practitioners, and parties continue to adapt to ongoing concerns and risks associated with the spread of the Coronavirus Disease (COVID-19) and its variants.

This General Order supersedes General Orders 2020-2 and 2020-5. As necessary, the Court will tailor the application of provisions of the Hybrid Model Plan in any individual case.

SO ORDERED.

New Orleans, Louisiana, this 22nd day of September, 2021.



MEREDITH S. GRABILL
UNITED STATES BANKRUPTCY JUDGE

¹ This Order is amended as of **September 15, 2023**, to update protocols regarding remote participation in evidentiary hearings and trials, as well as the filing and exchange of witness and exhibit lists and exhibits and the presentation of evidence in the courtroom.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

HYBRID MODEL PLAN FOR CONDUCT OF HEARINGS

A. Purpose of the Hybrid Model Plan for Conduct of Hearings

This Hybrid Model Plan provides instruction regarding the manner in which the Court will conduct hearings in all bankruptcy cases and proceedings in this District going forward as the Court, practitioners, and parties continue to adapt to ongoing concerns and risks associated with the spread of the Coronavirus Disease (COVID-19) and its variants. The Court intends to ensure due process while minimizing attendance costs, maximizing the Court’s flexibility to address the specific needs of individual cases, and safeguarding the health and safety of Court staff, practitioners, and parties.

B. Safety Precautions

All individuals attending in-person hearings in this Court must adhere to applicable General Orders issued by the United States District Court governing conduct and safety protocols required to enter the federal building located at 500 Poydras Street, New Orleans, Louisiana. Those Orders can be found at: <https://www.laed.uscourts.gov/>.

C. General Procedures for Remote Participation at Non-Evidentiary Hearings

No motion is required to participate in hearings remotely before Judge Grabill.

Dial-in Telephone No.: 504.517.1385

Conference Code: 129611

Video Participation: <https://gotomeet.me/JudgeGrabill>

Meeting Code: “JudgeGrabill”

Audio connections by telephone are required for all video participants

1. Telephonic Participation

You will be responsible for your own long-distance charges. Once the dial-in process is completed, you will be connected live to the courtroom. Once you are connected, you will be able to hear persons speaking in the courtroom and other persons on the call addressing the Court. **The Court and all other parties will hear all sound on your line, so please mute your line when you are not addressing the Court.** Parties are encouraged to use headsets or earbuds.

Parties in interest participating telephonically are instructed to place their line on mute either by pressing the “mute” button on your telephone, or by pressing *6. To unmute your line, press the “mute” button on your telephone, or *6 again. Do not unmute your line until you need to address the Court. Once you are finished speaking, you must mute your line again.

2. Video Participation

Video participation in hearings is available through the GoToMeeting platform. To use GoToMeeting, the Court recommends that you download the free GoToMeeting application prior to the hearing. A mobile version of the application is also available for IOS and Android devices. If a browser connection is used, Chrome is generally recommended as the preferred browser. The GoToMeeting URL is <https://gotomeet.me/JudgeGrabill>. The meeting code is “JudgeGrabill” (link also available at <https://www.laeb.uscourts.gov/>).

If a technological problem arises, the hearing will continue without the participation of dial-in / GoTo participants. The Court will not delay hearings for signal problems or interference. Accordingly, persons choosing to attend a hearing remotely do so at their own risk of a technological failure.

D. Procedures Regarding Remote Participation in Evidentiary Hearings and Trials

Federal Rule of Civil Procedure 43 applies to the taking of testimony. In-person participation in evidentiary hearings and trials is presumed. The Court will allow remote testimony upon a showing of good cause in compelling circumstances and with appropriate safeguards in place, including assurances that witnesses will give testimony independently, without assistance or coaching. If the Court authorizes remote participation in an evidentiary hearing or trial, the Court's audio and video connections may be utilized only by

1. the parties to the proceedings;
2. other parties in interest, including creditors and interest holders;
3. attorneys, other professionals, and their staff acting on behalf of a party or party in interest;
4. witnesses;
5. other persons necessary to conduct the hearing or trial; and
6. other persons specifically authorized by the Court.

The Court's determination that emergency or expedited consideration of a matter is required constitutes good cause in compelling circumstances and, thus, remote witness testimony will be allowed. In all other instances, the following protocol applies to any party desiring to call a witness to testify remotely:

1. At least fourteen (14) days prior to the evidentiary hearing or trial, the Witness Proponent must file and properly serve a "Notice of Intent To Call Live Witness by Telephone and Video Technology" in the form attached as **Exhibit A** to this Order and available at <https://www.laeb.uscourts.gov/forms/>, and demonstrate good cause in compelling circumstances required by Rule 43 by listing reasons for providing testimony remotely. If no party in interest objects within seven (7) days prior to the evidentiary hearing or trial, the witness will be allowed to testify remotely using the Court's audio and video connections.
2. If a party in interest files and properly serves an objection to the "Notice of Intent To Call Live Witness by Telephone and Video Technology" within seven (7) days

prior to the evidentiary hearing or trial, the Court will schedule a hearing to rule on the objection prior to the scheduled evidentiary hearing or trial.

3. If the Court sustains the objection, both the witness and the objecting party in interest must appear in person at the scheduled evidentiary hearing or trial.

E. Filing of Witness and Exhibit Lists and Exchange of Exhibits in Contested Matters

1. This rule does not apply to trials and pretrial deadlines set in adversary proceedings; those deadlines are governed by stand-alone Scheduling Orders issued in individual adversary proceedings.
2. Unless otherwise directed by the Court, this rule shall apply to all contested matters in which a response is filed and an evidentiary hearing is scheduled except for hearings held during a chapter 13 panel, such as hearings on motions to dismiss chapter 13 cases.
3. For purposes of this rule, an emergency evidentiary hearing is one set by docket entry on less than 72 hours' notice or is expressly delineated as such in an Order of this Court.
4. In preparation for evidentiary hearings NOT scheduled on an emergency basis, counsel for each party shall exchange electronic copies of exhibits using an agreed-upon format (*i.e.*, e-mail, Dropbox) and also file witness & exhibit lists with exhibits into the record by noon on the Day of Exchange in accordance with Table One:

TABLE ONE: NON-EMERGENCY EVIDENTIARY HEARINGS	
Scheduled Day for Evidentiary Hearing	Day of Exchange
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Previous Monday
Friday	Previous Tuesday

5. In preparation for evidentiary hearings scheduled on an emergency basis, counsel for each party shall exchange electronic copies of exhibits using an agreed-upon format (*i.e.*, e-mail, Dropbox) and also file witness & exhibits lists with exhibits into the record by noon on the Day of Exchange in accordance with Table Two:

TABLE TWO: EMERGENCY EVIDENTIARY HEARINGS	
Scheduled Day for Evidentiary Hearing	Day of Exchange
Monday	Previous Friday
Tuesday	Previous Monday
Wednesday	Previous Tuesday
Thursday	Previous Wednesday
Friday	Previous Thursday

6. If the Day of Exchange is a legal holiday, the Day of Exchange is the preceding Day of Exchange.
7. If a hearing is set on less than 48 hours' notice, then exhibits must be exchanged as the earliest practicable time.
8. When filing witness & exhibit lists as well as exhibits into the record, each exhibit must be filed as a separate attachment to the exhibit list and must be identified and offered into evidence by reference to the CM/ECF docket number of the filed exhibit. All exhibits that are more than 10 pages in length must be numbered or Bates-labeled.
9. Witness lists must identify whether each witness is to be called as a fact witness or as an expert. If no delineation is made, the witness will only be allowed to testify as a fact witness unless otherwise ordered by the Court or the witness is an owner of the property at issue opining as to value.
10. If counsel has identified expert witnesses on the witness list, then counsel must ensure that written reports of expert witnesses are timely provided to opposing counsel. Unless otherwise ordered by the Court, expert reports shall be delivered to opposing counsel by noon on the Day of Exchange in accordance with Table One. Notwithstanding the foregoing, no expert reports shall be required for (i) owners of property opining as to the value of the property at issue and (ii) attorneys providing expert testimony regarding the reasonableness and amount of attorneys' fees.
11. The failure to comply with this rule may be grounds for the denial of the admission of any or all exhibits and the exclusion of witness testimony.
12. Counsel may bring hard copies of exhibits as a courtesy to witnesses and for their own use; however, they are not required and will not be accepted for use by the Court or the Courtroom Deputy. Counsel is expected to present and offer exhibits into evidence using the GoToMeeting platform. Please consult the Court's Web site (<https://www.laeb.uscourts.gov/hearings-technical-help>) or contact Allen McIlwain, Courtroom Deputy, at 504.589.7800 or Allen_McIlwain@laeb.uscourts.gov or Scott Anderson, Systems Administrator, at 504.589.7870 or Scott_Anderson@laeb.uscourts.gov for instructions on presenting evidence in the courtroom using GoToMeeting.

F. Section 341 Meetings of Creditors

Meetings of creditors conducted by the United States Trustee's Office, the Standing Chapter 13 Trustee's Office, and/or Panel Chapter 7 Trustees pursuant to 11 U.S.C. § 341 will be held remotely in the manner prescribed by those offices. Parties and counsel are responsible for

monitoring the Web sites hosted and communications generated by those offices for information regarding the manner in which § 341 meetings of creditors will be held.

G. Conduct of Hearings: Chapter 13 Hearings²

1. Wednesday Motion Day: All matters that are considered on regularly scheduled Wednesday chapter 13 motion days beginning at 9:00 a.m. will continue to be heard **VIA TELEPHONE ONLY** until further notice. This includes motions and claim objections filed by the Chapter 13 Standing Trustee, debtors, and creditors, as well as confirmation hearings. This docket will continue to be organized and called by the last name of the Debtor's attorney, with *pro se* matters called first.
2. Section 362(c)(3) & (4) Motions: Evidentiary hearings to consider motions to extend or impose the automatic stay are regularly scheduled on two Mondays per month at 2:00 p.m. Debtors and debtors' counsel, as well as any party in interest who intends to cross-examine the debtor(s), must appear **IN PERSON**. Any other party in interest may present legal argument via the Court's Teleconference Line without leave of Court either *pro se* (individuals only) or through counsel admitted to practice in this Court.
3. Section 362(d) Motions: Preliminary hearings to consider motions to lift or modify the automatic stay are regularly scheduled on two Mondays per month at 2:30 p.m. and will continue to be heard **VIA TELEPHONE ONLY** until further notice.

H. Conduct of Hearings: Chapters 7 and 11 Hearings

1. Wednesday Motion Day: Unless otherwise ordered, parties in interest and their counsel may attend regularly scheduled Wednesday chapter 7 and 11 motions days beginning at 1:00 p.m. (i) in-person; (ii) by telephone only (Dial-in 504.517.1385, Access Code 129611); or (iii) by telephone using the dial-in number and video using <https://gotomeet.me/JudgeGrabill> without leave of Court.
2. Section 524(c) Applications: Evidentiary hearings to consider chapter 7 debtors' applications to reaffirm debts are regularly scheduled on two Mondays per month at 9:00 a.m. Debtors, debtors' counsel, as well as any party in interest who intends to cross-examine the debtor(s), must appear **IN PERSON**. Any other party in interest may present legal argument via the Court's Teleconference Line without leave of Court either *pro se* (individuals only) or through counsel admitted to practice in this Court.

² For the dates and times of all regularly scheduled hearings in cases filed under chapters 7, 11, or 13, please consult the Court's Web site at <https://www.laeb.uscourts.gov/judges-info/hearing-dates/judge-meredith-s-grabill-motion-days>.

I. Conduct of Hearings: Complex Cases

1. Omnibus Hearing Dates: Unless otherwise ordered, parties in interest and their counsel may attend regularly scheduled Omnibus Hearing Dates (i) in-person; (ii) by telephone only (Dial-in 504.517.1385, Access Code 129611); or (iii) by telephone using the dial-in number and video using <https://gotomeet.me/JudgeGrabill> without leave of Court.
2. The above-listed procedures governing the conduct of hearings in Subparts D & E are applicable to proceedings in complex cases.

5. Any party in interest may file an objection to this Notice within 7 days prior to the scheduled evidentiary hearing or trial by filing an objection into the record. If no party in interest files a timely objection, the Court will allow the identified witness to provide testimony remotely using the Court's telephone and video technology. If a timely objection is filed and the Court sustains the objection both the witness and the objector must appear in person at the scheduled evidentiary hearing or trial.
6. This Notice may be withdrawn at any time prior to the scheduled evidentiary hearing or trial.

Date: _____

Pro se Movant or Movant's Counsel's Signature

Name:

State/Bar No.

Firm/Address:

Telephone:

E-Mail: