

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Amendments to Rule 5001-1(b) of the Local Rules of Bankruptcy
Procedure, Court Administration, Division of Court; Rule 9076-1 of the Local
Rules of Bankruptcy Procedure, Telephone Conferences**

O R D E R

AND NOW, this 13th day of December, 2006, it appearing that this Court is vested with authority, pursuant to 28 U.S.C. §§2071(e) and 2077 and Federal Rule of Civil Procedure 83, to promulgate Local Civil Rules consistent with the Federal Rules of Civil Procedure and applicable statutes, and in accordance with Federal Rule of Civil Procedure 83 and Rule 9029(a) of the Rules of Bankruptcy Procedure,

AND, it appearing that there is an immediate need for the interim amendments,

AND, it appearing that an interim amendment to Local Bankruptcy Rule 5001-1(b) to assign cases filed in Lancaster County to the Bankruptcy Court in Philadelphia, and an interim amendment to Local Bankruptcy Rule 9076-1 to allow the court on its own motion or on the request of any party to direct video conferencing in addition to telephone conferencing without need for a court appearance, were approved by the Bankruptcy Court as follows:

***AMENDED RULE 5001-1(b)
OF THE LOCAL RULES OF BANKRUPTCY PROCEDURE***

Court Administration

. . . .

(b) *Division of Court*. Where it appears from the petition that the debtor's domicile, residence, principal place of business or principal assets were located for the 180 days immediately preceding the commencement of the case (or for a longer portion of such ~~180-day~~ 180 day period than they were located elsewhere) in ~~Philadelphia County~~; Bucks County, Chester County, Delaware County, Lancaster County, ~~or~~ Montgomery County, or Philadelphia County, the case shall be assigned to the Philadelphia Division. All other cases shall be assigned to a judge of the Reading Division.

**AMENDED RULE 9076-1
OF THE LOCAL RULES OF BANKRUPTCY PROCEDURE**

Telephone and Video Conferences and Hearings

(a) *Availability.* The court, on its own motion or on the request of a party, may direct that a conference on any matter or the argument of hearing on any motion, application, or objection be by telephone or video conference without court appearance. A verbatim record of a telephone conference shall be made if directed by the court.

(b) *Scheduling* ~~A party shall consult with the courtroom deputy for the judge to whom the case is assigned to request the scheduling of a telephone conference and Procedures.~~

- (1) Contact With the Courtroom Deputy. A party requesting a telephone or video conference or hearing shall first seek the agreement of opposing counsel and then contact the courtroom deputy for the judge to whom the case is assigned to request court permission. The requesting party shall discuss with the courtroom deputy the existence of any other procedural or technical requirements for the proceedings. Technical arrangements to use the court's video conference system shall, when practicable, be made five (5) days in advance of the scheduled proceeding date in consultation with the judge's courtroom deputy.
- (2) Telephone Conference or Hearing. The party requesting a telephone conference or hearing shall initiate the call unless otherwise directed by the court. If multiple parties will be participating, the requesting party shall arrange to join the other parties on the line. The person participating in the proceeding by telephone must be available by the telephone before the time set and must take any steps necessary to keep the telephone lines open so that the call can be timely placed.
- (3) Record. A verbatim record of a telephone or video hearing shall be made in all cases. A verbatim record of a telephone or video conference shall be made if directed by the court.

AND, it appearing that the judges of the District Court, on November 20, 2006, approved the above proposed interim amendments to Local Bankruptcy Rule 5001-1(b)

and Local Bankruptcy Rule 9076-1,

AND, it further appearing that at the conclusion of a six-month period, the Court will evaluate these interim amendments to take into account their efficacy and the experience of the bench and bar and thereafter will send out any proposed rules for notice and publication, it is hereby

ORDERED that the interim amendments to Local Bankruptcy Rule 5001-1(b) and Local Bankruptcy Rule 9076-1 are approved and adopted effective immediately. It is further

ORDERED that the Clerk of Court transmit copies of Local Bankruptcy Rule 5001-1(b) and Local Bankruptcy Rule 9076-1, as amended and set forth below, to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Third Circuit Court of Appeals and make said Rules available to the bar and public.

FOR THE COURT:

HARVEY BARTLE III,
Chief Judge