

COURT PROCEDURES
ALFREDO R PÉREZ
UNITED STATES BANKRUPTCY JUDGE

1. Contact with the Court and Court Personnel.

All requests for relief should be in written pleadings filed with the clerk of the Court. *Ex parte* communication with Judge Pérez about pending cases is strictly prohibited. Any correspondence directed to Judge Pérez that is not filed electronically will be entered on the docket.

Attorneys and parties who are not represented by counsel may contact the Court's case manager by email at Tyler.Laws@txs.uscourts.gov or by phone at (713) 250-5421 (office) or 713-542-3863 (mobile). If Mr. Laws is out of the office and you have an emergency, please contact the courtroom deputy by email at Garrett.Cole@txs.uscourts.gov or by phone at (713) 250-5793.

Please contact the Helpdesk at (713) 250-5507 for CM/ECF related questions.

2. Attendance at Hearings.

Unless otherwise set forth in the Bankruptcy Local Rules for the Southern District of Texas, these Court Procedures, or an order by this Court, a person with authority to bind the client must attend each hearing. For parties represented by an attorney, this will generally be an attorney with full authority to act on the matter before the Court. If a client represented by counsel does not give full authority to the counsel who will appear, a representative of the client with full authority on the matter to be considered should accompany the counsel to the hearing.

3. Telephonic Participation/Video Participation

Telephone No.: 1-832-917-1510
Conference Room No.: 282694
Video Conference: <u>https://meet.goto.com/JudgePerez</u>

- a. Parties **must have two separate devices** to appear by video and audio.
- b. Once you are connected to the audio, you will be able to hear persons speaking in the courtroom and other persons on the call addressing the Court.
- c. If you wish to address the Court, you must press 5*. Within 5 seconds, the Court will receive a signal that you wish to speak. When the Court calls on you, you will hear a recorded message that your line has been unmuted.

- d. When you are finished addressing the Court, you will hear a recorded message that your line has been muted. You may press 5* if an additional issue arises that you wish to address with the Court.
- e. You must mute your phone unless you are addressing the Court. Please note that if technical issues arise with the dial-in, the Court may still proceed without the participation of the dial-in participants.

Pursuant to BLR 9017-1, all persons listed in BLR 9017-1(a) may attend hearings and trials by video and telephone without the prior permission of the Court. Exceptions to BLR 9017-1(a) will only be made by a case-specific Court order. BLR 9017-1(c) governs the presentation of witnesses by video and telephone.

4. Obtaining Settings for Hearings.

Hearings will be set in one of the following ways:

- a. Self-Calendaring. When an eligible motion is filed in the Court's electronic filing system (CM/ECF), the system will prompt the filer for the date of a hearing. Only a date that is listed as an available date on the Court's website should be selected. **You must select a date that is at least 25 days from the date that you file the motion. You may not self-calendar on a date that is not listed as an available date.** All motions for relief from stay (§ 362) and objections to claims must be self-calendared for a hearing.
- b. Settings by the Court. If a pleading is filed for which self-calendaring is not available or if an eligible motion is not self-calendared, the Court will review the pleading and either rule on the motion or set a hearing.
- c. If the Court has not ruled on a motion within 35 days, parties should contact the Court's case manager to inquire about the status of the motion.
- d. If the Court schedules an emergency hearing, the movant must provide actual notice to opposing parties as soon as possible. Parties may provide actual notice by telephone, email, or facsimile.

5. Emergency Motions.

Motions that require consideration prior to the standard 25-day review may be styled as an "Emergency Motion for ____." Emergency motions should be filed using the "Emergency" CM/ECF event code. When filing an emergency motion, (i) please identify the date by which emergency relief is needed just below the language required by Local Bankruptcy Rule 9013(b);

and (ii) include an explanation in the body of the motion setting forth why emergency consideration is required and the harm that will be suffered if expedited relief is not obtained.

The Court strongly urges movants seeking expedited relief to notify the Court's case manager upon the filing of the motion.

6. Evidentiary Hearings/Proffers.

Unless otherwise specifically ordered, all hearings are evidentiary.

Written direct examinations or proffers may be used for evidentiary hearings and trials at the direction of the Court, or at the request of the parties unless the Court orders otherwise. Where written direct examinations or proffers are used, the witness should be available for cross examination and redirect.

7. Continuances.

A continuance may be requested by motion. The motion should concisely state the reason a continuance is being requested and the amount of additional time requested. Parties should contact the Court's case manager as soon as the motion is filed. If a motion for continuance is pending, attendance is not excused.

8. Courtesy Copies.

The Court does not require courtesy copies of pleadings filed in CM/ECF.

9. Discovery Disputes.

Discovery disputes that cannot be resolved between the parties should ordinarily be submitted by written motion. If, however, a dispute arises during an oral deposition, a party may contact the Court's case manager during the deposition and request an emergency telephonic hearing with the Court.

10. Settlements.

If a matter is settled, the parties should promptly contact the Court's case manager. A proposed settlement order may be filed prior to a scheduled hearing or presented at a scheduled hearing. The parties may also present the terms of a settlement on the record at a scheduled hearing. If a proposed settlement order has been approved in writing by all parties, then only one counsel is required to attend the hearing, though all interested parties are invited to attend. If the Court does not approve of the proposed settlement, the hearing will be reset for a subsequent date.

If a settlement is in an adversary proceeding and requires approval pursuant to Federal Rule of Bankruptcy Procedure 9019, the 9019 motion should be filed in the main case only. A proposed form of order in the main case and a proposed form of judgment or order in the adversary proceeding should be attached to the 9019 motion.

11. Fee Applications in cases under chapter 7.

Applications for compensation and reimbursement in cases under chapter 7 must include a table containing the following information on the first page of the application:

Name of Applicant:		
Applicant's Role in Case:		
Date Order of Appointment Signed:	__/__/__ (Docket No. __)	
	Beginning of Period	End of Period
Time period covered by this Application:	__/__/__	__/__/__
Time period(s) covered by prior Applications:	__/__/__	__/__/__
Total amounts awarded in all prior Applications:		
Total fees requested in this Application and in all prior Applications:		
Total fees requested in this Application:		
Total professional fees requested in this Application:		
Total actual professional hours covered by this Application:		
Average hourly rate for professionals:		
Total paraprofessional fees requested in this Application:		
Total actual paraprofessional hours covered by this Application:		
Average hourly rate for paraprofessionals:		
Reimbursable expenses sought in this application:		
Application cost:		
Total of other payments paid to secured claimants:		
Total of other payments paid to administrative claimants:		
Estimated total for distribution to priority unsecured creditors:		
Estimate percentage dividend to priority unsecured creditors:		
Estimated total for distribution to general unsecured creditors:		

Estimate percentage dividend to general unsecured creditors	
Receipts to date:	
Disbursements to date:	
Current balance in the Trustee's accounts:	

Applications must (i) include a narrative description of the services performed and the benefits of those services and (ii) attach copies of all fee statements and a proposed form of order.

12. Fee Applications in cases under chapters 11 or 12.

Applications for compensation and reimbursement in cases under chapters 11 or 12 must include a table containing the following information on the first page of the application:

Name of Applicant:		
Applicant's Role in Case:		
Date Order of Employment Signed:	mm/dd/yy [Docket No. __]	
	Beginning of Period	End of Period
Time period covered by this Application:	mm/dd/yy	mm/dd/yy
Time period(s) covered by prior Applications:	mm/dd/yy	mm/dd/yy
Total amounts awarded in all prior Applications:		
Total fees requested in this Application:		
Total professional fees requested in this Application:		
Total actual professional hours covered by this Application:		
Average hourly rate for professionals:		
Total paraprofessional fees requested in this Application:		
Total actual paraprofessional hours covered by this Application:		
Average hourly rate for paraprofessionals:		
Reimbursable expenses sought in this application:		
Total to be Paid to Priority Unsecured Creditors:		
Anticipated % Dividend to Priority Unsecured Creditors:		
Total to be Paid to General Unsecured Creditors:		
Anticipated % Dividend to General Unsecured Creditors:		

Date of Confirmation Hearing:	
Indicate whether plan has been confirmed:	Y/N (Docket No. __)

Applications must (i) include a narrative description of the services performed and the benefits of those services and (ii) attach copies of all fee statements and a proposed form of order.

13. Fee Applications in cases under chapter 13.

Pursuant to the local rules on fee applications, approved *fixed fee applications* do not require the filing of subsequent applications. Otherwise, applications for compensation and reimbursement in cases under chapter 13 must include a table containing the following information on the first page of the application:

Name of Applicant:		
Applicant's Role in Case:		
Pre-Confirmation Services [_____]	Post-Confirmation Services [_____]	
	Beginning of Period	End of Period
Time period covered by this Application:	mm/dd/yy	mm/dd/yy
Time period(s) covered by prior Applications:	mm/dd/yy	mm/dd/yy
Total amounts awarded in all prior Applications:		
Amount of retainer received in this case:		
Total fees requested in this Application:		
Total professional fees requested in this Application:		
Total actual professional hours covered by this Application:		
Average hourly rate for professionals:		
Total paraprofessional fees requested in this Application:		
Total actual paraprofessional hours covered by this Application:		
Average hourly rate for paraprofessionals:		
Reimbursable expenses sought in this application:		
Amount of Attorney Fees provided in Plan:		
Total to be Paid to General Unsecured Creditors:		
Anticipated % Dividend to General Unsecured Creditors:		

Total to be paid to all pre-petition creditors under the Plan:	
Date of any scheduled dismissal hearing:	mm/dd/yy
Date of Confirmation Hearing:	mm/dd/yy
Indicate whether plan has been confirmed:	Y/N (Docket No. __)

Applications must (i) include a narrative description of the services performed and the benefits of those services and (ii) attach copies of all fee statements and a proposed form of order.

The proposed order must include the following decretal paragraph:

It is ordered that [name of applicant], is awarded fees and expenses as an administrative expense for the period _____ through _____ as follows:

Fees:	\$ _____
Expenses:	\$ _____
Total:	\$ _____