

In the United States Bankruptcy Court
for the

Southern District of Georgia

Savannah Division

FILED

at 9 O'clock & 00 min A.M

Date 9/23/02

MICHAEL F. McHUGH, CLERK
United States Bankruptcy Court
Savannah, Georgia

Chapter 7 Case

Number 02-41891

In the matter of:)
)
SHONTA LEE COOPER)
)
)
Debtor)

ORDER ON MOTION TO EXCUSE PHYSICAL APPEARANCE
AT 341 MEETING OF CREDITORS AND
REQUEST FOR TELEPHONIC CONFERENCE

The Debtor, an enlisted member of the United States Marine Corps presently stationed in Japan, filed the above motion seeking authority of the Court to appear at a meeting of creditors telephonically. After considering the objection of the United States Trustee and argument of counsel, and in light of this Court's previous order in the matter of In re Shawnda D. Byrd, Ch. 7 Case No. 96-41781, Dec. 19, 1997, and the similar ruling of Judge Dalis in the matter of In re Kevin K. Truong, Ch. 7 Case. No. 02-11053, Aug. 21, 2002, I grant the motion in part and direct that the creditors meeting held pursuant to 11 U.S.C. § 341 be conducted as follows:

The examination must be conducted with the same protections as those provided for taking foreign depositions under Bankruptcy Rules 7028 and 7030.¹ A court

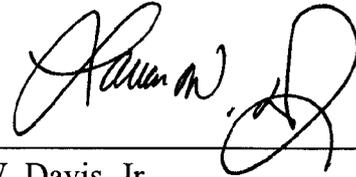
¹ Part VII of the Bankruptcy Rules applies only to adversary proceedings. FED. R. BANKR. P. 7001. This Court adopts the approach of these rules, however, under its broad powers delineated in Section 105 to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a).

reporter, or person otherwise authorized to administer oaths and record testimony in proceedings involving United States military personnel stationed in Japan, must be present; furthermore, a member of the J.A.G. Corps of any branch of the United States military must also be present to verify on the record the identity of the person presenting himself as the Debtor. Debtor's counsel is hereby required to serve on every party to the 341 meeting reasonable notice in writing, stating the time and place for the telephonic conference, and shall arrange in advance for the attendance of a J.A.G. officer and for the presence of the court reporter. The expense of conducting the examination in this fashion must be borne by the Debtor.

The telephonic examination shall begin with a statement on the record by the J.A.G. officer which includes the officer's name and address; the date, time, and place of the examination; the name of the Debtor; the identification of the Debtor and all persons present, and the administration of the oath or affirmation of the Debtor. The Debtor is ORDERED to have in his possession a complete copy of his petition and schedules filed in this case. The Trustee and any other party in interest will then be permitted to question the Debtor in the customary manner for the conduct of 341 meetings in this District. The court reporter shall certify that the Debtor was duly sworn and that the transcript is a true record of the examination of the Debtor. This certificate shall be in writing and shall accompany the transcript of the examination, which shall be promptly filed with the Clerk's Office of the Bankruptcy Court for the Southern District of Georgia. In all other respects, the examination is to be conducted in the same manner as if it were conducted in Savannah,

and a record of the meeting is to be preserved by the United States Trustee, in compliance with Bankruptcy Rules 2003 and 2004.

IT IS SO ORDERED.



Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 20th day of September, 2002.