

Legal Update

Summary of Modifications to US Bankruptcy Court Protocol & Procedures Due to COVID-19

The below chart summarizes the modifications to certain protocol and procedures of major US Bankruptcy Courts in light of the recent COVID-19 outbreak. At the moment, the chart includes the US Bankruptcy Courts for the District of Delaware, the Southern District of New York, the Northern District of Illinois, the Eastern District of Virginia, and the Southern District of Texas. Mayer Brown will continue to monitor the situation in the days and weeks to come, and will update the chart accordingly.

BANKRUPTCY COURT	STATUS	ACCESS & ENTRY RESTRICTIONS	OTHER MODIFICATIONS TO PROTOCOL & PROCEDURES	RESOURCES & CONTACT INFORMATION
D. Delaware	Open, with significant modifications.	<p>Access Restrictions:</p> <ul style="list-style-type: none"> All hearings that are not "time-sensitive" (as determined by the presiding judge) are continued to a date to be determined by the presiding judge on or after 5/18/20. Unless otherwise ordered by the presiding judge, all hearings held prior to 5/18/20 shall be conducted telephonically and/or by video-conference. 	<p>Section 341 Meetings:</p> <ul style="list-style-type: none"> <i>Chapter 11 Cases.</i> Section 341 meetings shall be conducted using telephonic or other alternative means not requiring personal appearance by debtors. <i>Non-Chapter 11 Cases.</i> Section 341 meetings scheduled through 7/10/20 may be conducted in person or through telephonic or other alternative means not requiring personal presence, as determined by the parties and the U.S. Trustee. 	<p>Resources:</p> <ul style="list-style-type: none"> Court Website U.S. Trustee Website - Region 3 COVID-19 Orders & Notices <p>Contact Information:</p> <ul style="list-style-type: none"> Court Services: (302) 252-2900

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		<ul style="list-style-type: none"> The manner of submitting evidence in telephonic and/or video-conference hearings held prior to 5/18/20 shall be determined on a case-by-case basis by the presiding judge. <p>Entry Restrictions:</p> <ul style="list-style-type: none"> In the event that in-person attendance is necessary, the following persons are nonetheless prohibited from entering the courthouse: (i) persons who, in the past 14 days, have traveled to China, South Korea, Japan, Italy, Iran, or any country covered by the Level 3 or Level 2 Travel Health Notice regarding COVID-19 from the Center for Disease Control (the “CDC”); (ii) persons who reside with or have had close contact with someone who has been in one of the above countries within the past 14 days; (iii) persons who have been asked to self-quarantine by any doctor, hospital, or health agency; (iv) persons who have been diagnosed, or have had contact with anyone who has been diagnosed, with COVID-19; and (v) persons with fever, cough, or shortness of breath. All persons are required to wear a mask or face covering when entering, or while in, the court premises – including private and public areas. 	<p>Prohibition Against Hand-Delivery: The court will no longer accept hand-delivery of any documents until further notice; provided, however, that the court will allow parties to use documents in the courtroom.</p> <p>Modified Procedures for Submitting Documents: Certain Local Rules (“L.R.”) are modified, as follows:</p> <ul style="list-style-type: none"> Unless otherwise directed by Chambers, copies of Notices of Completion of Briefing (L.R. 7007-4), Certificates of No Objection (L.R. 9013-1(j)), Certificates of Counsel (L.R. 9019-1), and Notices of Appeal (L.R. 8003-1) shall <i>not</i> be provided to the bankruptcy court via hand-delivery, email nor any other method. Hearing Agendas (L.R. 9029), Claims Binders (L.R. 3007-1), Fee Binders (General Chambers Procedures), Notices of Disposition of Appeal (L.R. 8024-1) and Motions to Shorten Notice (L.R. 9006-1(e)) shall be provided to Chambers solely by email to the applicable courtroom deputy or judicial assistant. <p>Proposed Orders: All proposed orders must be submitted and uploaded via CM/ECF, with the exception of proposed orders for Chapter 7 and Chapter 13 consumer cases.</p> <p>Disposition of Matters: As necessary (such as regarding a first day hearing), disposition of matters may be noted on the docket with an order to follow.</p> <p>SBRA & CARES Act:</p> <ul style="list-style-type: none"> The court has adopted the Interim Amendments to the Federal Rules of Bankruptcy Procedures including, without limitation, modifications to Rule 1020 of the Federal Rules of Bankruptcy Procedure (as modified, “Interim Rule 1020”), in order to implement the changes mandated by the 	<ul style="list-style-type: none"> Court IT/Help Desk: (302) 252-2887 helpdeskde@deb.uscourts.gov CourtCall: (866) 582-6878 assist@courtcall.com www.courtcall.com

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			<p>Small Business Reorganization Act of 2019 (the "SBRA").</p> <ul style="list-style-type: none"> Effective 4/20/20, and remaining in effect until further order of the court, the court has adopted in its entirety the amendment to Interim Rule 1020 (as amended, "Amended Interim Rule 1020"), in order to account for the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"). 	
S.D. New York	Open, with significant modifications.	<p>Access Restrictions: Effective 3/20/20, all hearings and conferences scheduled to be held in courthouses comprising the Manhattan Division, White Plains Division, and Poughkeepsie Division of the Bankruptcy Court will be conducted telephonically using CourtSolutions, LLC ("CourtSolutions"), a third-party teleconference service provider, pending further order of the judge assigned to the matter.</p> <p>Entry Restrictions: The following persons are not permitted to enter the bankruptcy courthouse: (i) persons who, in the past 14 days, have traveled to China, South Korea, Japan, Italy, Iran, or any country covered by the Level 3 or Level 2 Travel Health Notice regarding COVID-19 from the CDC; (ii) persons who reside with or have had close contact with someone who has been in one of the above countries within the past 14 days; (iii) persons who have been asked to self-quarantine by any doctor, hospital, or health agency; (iv) persons who have been diagnosed, or have had contact with anyone who has been diagnosed, with COVID-19; and (v) persons with fever, cough, or shortness of breath.</p>	<p>Section 341 Meetings:</p> <ul style="list-style-type: none"> <i>Non-Chapter 11 Cases.</i> Section 341 meetings scheduled through 4/10/20 are hereby continued until a later date to be determined. <i>Chapter 11 Cases.</i> Section 341 meetings scheduled through 4/10/20 shall be conducted telephonically in accordance in the U.S. Trustee's Notice, as filed on the applicable case docket, or on the U.S. Trustee's website. <p>Evidentiary Hearings and Trials: Parties should contact the bankruptcy judge's courtroom deputy or law clerk assigned to the case regarding whether an upcoming evidentiary hearing or trial will proceed as scheduled and be prepared to discuss procedures and technology for conducting the hearing remotely.</p> <p>Official Record: Court personnel are permitted to use CourtSolutions to record telephonic hearings, conferences and trials; such recordings shall be the official record.</p> <p>Electronic Signatures: Effective 3/26/20 through and including 5/31/20, attorneys may electronically submit the debtor's signature; <i>provided, however</i>, that, prior to filing, the attorney has either: (i) obtained the debtor's digital signature via any commercially-available digital signature software and maintains a copy thereof; or (ii) obtained express written permission (including by</p>	<p>Resources:</p> <ul style="list-style-type: none"> Court Website U.S. Trustee Website - Region 2 COVID-19 Orders & Notices <p>Contact Information:</p> <ul style="list-style-type: none"> Court Services: (212) 284-4040 CourtSolutions: (917) 746-7476 info@court-solutions.com www.court-solutions.com

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			<p>e-mail) from the debtor to affix the debtor's signature to the document, and maintains a hard copy thereof.</p> <p>Interim Filing Under Seal Procedures: Until further notice, upon filing a motion to seal on CM/ECF Next Gen, an electronic copy of the unredacted document(s) should also be submitted by email to the clerk's office in a PDF File format to undersealbg@nysb.uscourts.gov.</p> <p>SBRA & CARES Act:</p> <ul style="list-style-type: none"> The court has adopted the Interim Amendments to the Federal Rules of Bankruptcy Procedures including, without limitation, Interim Rule 1020, in order to implement the changes mandated by the SBRA. Effective 4/23/20, and remaining in effect until further order of the court, the court has adopted Amended Interim Rule 1020, in its entirety, in order to account for the CARES Act. 	
N.D. Illinois	Open, with significant modifications.	<p>Access Restrictions: All personal appearances will be heard telephonically using CourtSolutions, a third-party teleconference service provider.</p> <p>Entry Restrictions: No personal appearances in court will be necessary or permitted, unless the judge orders otherwise.</p>	<p>Section 341 Meetings:</p> <ul style="list-style-type: none"> <i>Non-Chapter 11 Cases – Eastern Division (Only).</i> Section 341 meetings scheduled through 7/10/20 may be conducted in person or through telephonic or other alternative means not requiring personal presence, as determined by the parties and the U.S. Trustee. <i>All Cases – Western Division (Only).</i> Effective 3/17/20 and continuing until further notice, all section 341 meetings shall be conducted telephonically in accordance with the instructions set forth in the U.S. Trustee's Notice, as filed on the applicable case docket, or on the U.S. Trustee's website. <p>Civil Case Deadlines: Effective 3/30/20, and continuing until further notice, all deadlines in all civil</p>	<p>Resources:</p> <ul style="list-style-type: none"> Court Website U.S. Trustee Website - Region 11 COVID-19 Orders & Notices <p>Contact Information:</p> <ul style="list-style-type: none"> Customer Service: (312) 408-5000 Emergency Relief: (773) 495-5842 / (312) 543-5460 Temporary E-Filing@ilnd.uscourts.gov

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			<p>cases—including all bankruptcy cases—are extended by an additional 28 days; <i>provided, however</i>, that (i) such extension does not affect any appeal-related deadlines, (ii) such extension does not affect any deadlines imposed by Rules 50(b), (d), 52(b), 59(b)-(e), or 60(b) of the Federal Rules of Civil Procedure, and (iii) the presiding judge may, in his or her discretion and for good cause, extend, shorten or revoke any such extension.</p> <p>Civil Case Hearings, Bench Trials, Settlement Conferences, & Jury Trials: Effective 3/30/20, all civil case hearings, bench trials, and settlement conferences scheduled for or before 5/1/20 are stricken, and shall be re-set by the presiding judge on a date on or after 5/4/20. In addition, civil case jury trials scheduled for or before 5/29/20 are stricken, and shall be re-set by the presiding judge on or after 6/1/20.</p> <p>Emergency Relief: Any party seeking emergency relief in any case must, in addition to filing the emergency motion in the case in which emergency relief is sought, file the motion in Case No. 20-CV-01792, via CM/ECF (for E-filers) or by e-mail to Temporary_E-Filing@ilnd.uscourts.gov (for non-E-filers).</p> <p>Motions, Objection Procedure & Service: The following modified procedures apply to all motions noticed for presentment on or after 3/30/20:</p> <ul style="list-style-type: none"> • All motions shall be heard telephonically, without personal appearances (<i>i.e.</i> temporary suspension of L.R. 9013-1(E)(1)). • Every notice of motion must state that a party who objects to the motion and wants it called must file a Notice of Objection no later than two (2) business days before the presentment date. If a motion noticed for presentment on or after 3/30/20 has already been filed as of 3/18/20, the movant must 	<ul style="list-style-type: none"> • CourtSolutions: (917) 746-7476 info@court-solutions.com www.court-solutions.com

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			<p>file and serve an amended notice of motion containing this information.</p> <ul style="list-style-type: none"> • A Notice of Objection need only say that the respondent objects to the motion; no reasons need to be given for the objection. • If a Notice of Objection is timely filed, the motion will be called on the presentment date. • If no Notice of Objection is timely filed, the bankruptcy court may grant the motion without a hearing before the date of presentment. • L.R. 9013-I(D), as it relates to service of motions, is suspended in part – all motions must be served at least seven (7) days before the date of presentment, regardless of the method of service. • Any matter not subject to a deadline in the US Bankruptcy Code or Federal Rules of Bankruptcy Procedure may be continued to another date by agreement of the parties. <p>Chapter 7 and Chapter 11 Calls: All Chapter 7 and Chapter 11 calls will be held on a single day, as set forth below.¹</p> <ul style="list-style-type: none"> • <i>Chief Judge Goldgar:</i> Mondays at 9:30 a.m. – original motions; Mondays at 10:00 a.m. – set matters. • <i>Judge Baer:</i> Wednesdays at 1:00 p.m. – original motions; Wednesdays at 1:30 p.m. – set matters • <i>Judge Barnes:</i> Mondays at 1:00 p.m. – original motions; Mondays at 1:30 p.m. – set matters 	

¹ Time is calculated using the time zone in which the US Bankruptcy Court sits.

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			<ul style="list-style-type: none"> • <i>Judge Cassling:</i> Tuesdays at 9:30 a.m. – original motions; Tuesdays at 10:00 a.m. – set matters • <i>Judge Cleary:</i> Wednesdays at 10:00 a.m. – original motions; Wednesdays at 10:30 a.m. – set matters • <i>Judge Cox:</i> Tuesdays at 1:00 p.m. – original motions; Tuesdays at 1:30 p.m. – set matters • <i>Judge Doyle:</i> Thursdays at 10:00 a.m. – original motions; Thursday at 10:30 a.m. – set matters • <i>Judge Hunt:</i> Thursdays at 11:00 a.m. – all matters • <i>Judge Lynch:</i> Wednesdays at 11:00 a.m. – all matters • <i>Judge Schmetterer:</i> Tuesdays at 10:00 a.m. – original motions; Tuesdays at 10:30 a.m. – set matters • <i>Judge Thorne:</i> Thursdays at 9:00 a.m. – original motions; Thursdays at 9:30 a.m. – set matters <p>Miscellaneous Modifications:</p> <ul style="list-style-type: none"> • <i>Judge Barnes.</i> Requests for telephonic appearances may be made on shortened notice, by 3:00 p.m. the preceding day. <p>SBRA & CARES Act:</p> <ul style="list-style-type: none"> • The court has adopted the Interim Amendments to the Federal Rules of Bankruptcy Procedures including, without limitation, Interim Rule 1020, in order to implement the changes mandated by the SBRA. 	

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			<ul style="list-style-type: none"> Effective 4/21/20, and remaining in effect until 3/27/21, the court has adopted Amended Interim Rule 1020, in its entirety, in order to account for the CARES Act. 	
E.D. Virginia	Open, with significant modifications.	<p>Access Restrictions: Effective 3/23/20 through 5/31/20, all hearings must be conducted remotely by teleconference using CourtSolutions, a third-party teleconference service provider.</p> <p>Entry Restrictions: Counsel is asked to notify the bankruptcy court if they, or anyone joining them at the court, are symptomatic or have been exposed within the preceding 14 days to any individuals who may have COVID-19; in such instances, the court will work with counsel to reschedule the applicable appearance(s).</p>	<p>Section 341 Meetings: Until further notice, all section 341 meetings shall be conducted telephonically in accordance with the instructions set forth in the U.S. Trustee’s Notice, as filed on the applicable case docket or on the U.S. Trustee’s website.</p> <p>Automatic Stay: In cases in which the automatic stay is scheduled to expire or terminate by operation of law during the period beginning 3/18/20, through and including 5/31/20, the automatic stay will instead remain in full force and effect <i>unless and until modified or lifted by the court.</i></p> <p>SBRA & CARES Act:</p> <ul style="list-style-type: none"> The court has adopted the Interim Amendments to the Federal Rules of Bankruptcy Procedures including, without limitation, Interim Rule 1020, in order to implement the changes mandated by the SBRA. Effective 4/22/20, and remaining in effect until further order of the court, the court has adopted Amended Interim Rule 1020, in its entirety, in order to account for the CARES Act. 	<p>Resources:</p> <ul style="list-style-type: none"> Court Website U.S. Trustee Website - Region 4 COVID-19 Orders & Notices <p>Contact Information:</p> <ul style="list-style-type: none"> Court Contact Information CourtSolutions: info@court-solutions.com www.court-solutions.com
S.D. Texas	Open, with significant modifications.	<p>Access Restrictions:</p> <ul style="list-style-type: none"> Effective 3/24/20, through and including 5/31/20, telephonic- and video-participation shall be allowed at all hearings; all such hearings shall be conducted using the dial-in number specific to the presiding judge and/or 	<p>Section 341 Meetings: Effective 3/26/20, and continuing until further notice, all section 341 meetings shall be conducted electronically, as set forth in the instructions provided on the U.S. Trustee’s website.</p> <p>Emergency Relief: Any party seeking emergency relief in any case must, in addition to adhering to the Local Rules for the US Bankruptcy Court for the Southern District of Texas, send an e-mail to the</p>	<p>Resources:</p> <ul style="list-style-type: none"> Court Website U.S. Trustee Website - Region 7 COVID-19 Orders & Notices

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		<p>JoinMe, a third-party teleconference and video-conference service provider.</p> <ul style="list-style-type: none"> Effective 3/24/20, through and including 5/31/20, personal attendance shall be allowed only at certain hearings, as determined on a Division-by-Division basis. <p>Entry Restrictions: The following persons are not permitted to enter the bankruptcy courthouse: (i) persons who, in the past 14 days, have been in any country covered by the Level 3 Travel Health Notice regarding COVID-19 from the CDC; (ii) persons who reside with or have had close contact with someone who has been in one of the above countries within the past 14 days; (iii) persons who have been asked to self-quarantine by any doctor, hospital, or health agency; (iv) persons who have been diagnosed, or have had contact with anyone who has been diagnosed, with COVID-19; and (v) persons with fever, cough, or shortness of breath.</p> <ul style="list-style-type: none"> <i>Bob Casey U.S. Courthouse (Houston Div.).</i> Effective 4/18/20, the Bob Casey U.S. Courthouse in Houston, TX, shall be closed to (i) the public until 5/4/20, and (ii) all tenants, other than judges and their staff expressly authorized to enter the premises, until 4/27/20. 	<p>presiding judge’s staff (available on the applicable presiding judge’s home webpage) and to the Emergency Request Hotline.</p> <p>Deadlines: All deadlines set forth by the court, the local rules, or the Federal Rules of Bankruptcy Procedure are tolled for the “Protocol Period” – <i>i.e.</i>, 3/24/20 (for Houston, Galveston, and Brownsville Divisions) and 3/26/20 (for all other Divisions) through and including 5/4/20. The tolled deadline will be computed by adding the number of days in the Protocol Period to the original deadline. For example, if a deadline is 6/22/20 and the Protocol Period runs from 6/19/20 through 6/24/20, the new deadline is 6/29/20 (accounting for the fact that the new deadline would expire on a weekend, so the deadline is extended through the following Monday).</p> <ul style="list-style-type: none"> Accordingly, the tolling period will have been in effect for 41 days in the Houston, Galveston, and Brownsville Divisions, and in effect for 39 days in all other Divisions. <p>Electronic Signatures: Effective 3/19/20 through 5/31/20, signatures of debtors, attorneys, affiants and declarants may be either (i) received and maintained in “wet signature form” in accordance with prior practice; or (ii) electronically signed utilizing a commercially available electronic signing technology (such as DocuSign) that (a) maintains an audit trail that allows the filing attorney to obtain the identification of the signer’s device from the commercial provider; and (b) complies with the requirements of the E-SIGN Act.</p> <p>Approval of Fixed Fee Agreements: Effective 3/23/20 through 5/31/20, attorneys seeking approval of a fixed fee agreement are permitted to meet with their clients by teleconference or video-conference (preferred), provided that debtor’s counsel files a certificate with the clerk identifying (i) the alternative</p>	<p>Contact Information:</p> <ul style="list-style-type: none"> Court Contact Information Emergency Request Hotline: EmergencyHearings@txs.uscourts.gov Video-Conference: www.join.me Judge Isgur Audio: Tel.: (832) 917-1510 Code: 954554 Judge Jones Audio: Tel.: (832) 917-1510 Code: 205691 Judge Lopez Audio: Tel.: (857) 232-0158 Code: 369427 Judge Norman Audio: Tel.: (712) 770-8095 Code: 159497 Judge Rodriguez Audio: Tel.: (712) 775-8972 Code: 999276

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			<p>meeting method, (ii) the date and time the meeting was conducted, and, (iii) if the meeting was held by teleconference, the reason why a video-conference was not used.</p> <p>SBA & CARES Act:</p> <ul style="list-style-type: none"> • The court has adopted the Interim Amendments to the Federal Rules of Bankruptcy Procedures including, without limitation, Interim Rule 1020, in order to implement the changes mandated by the SBRA. • The court has not yet adopted Amended Interim Rule 1020. 	

For more information about the topics raised in this Legal Update, please contact any of the following lawyers.

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