

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

PUBLIC NOTICE

**ORDER ESTABLISHING TEMPORARY HEARING PROTOCOL FOR BANKRUPTCY
CASES PENDING IN THE NORFOLK AND NEWPORT NEWS DIVISIONS—
NORFOLK STANDING ORDER NO. 20-1
NEWPORT NEWS STANDING ORDER NO. 20-1**

The attached combined Norfolk Standing Order No. 20-1 and Newport News Standing Order No. 20-1 is being issued as a consequence of the continually evolving recent outbreak of the Coronavirus Disease (COVID-19) throughout the United States and the Commonwealth of Virginia. Based on guidance received, as described therein, the Court has determined that the reduction of “social distancing” is necessary, and to facilitate that need, the Court has established a protocol (the “Protocol”) that is temporary in nature, and which eliminates the need for in-person hearings.

The combined standing order for the Norfolk and Newport News divisions of the Court are effective March 19, 2020, and remain so through and including April 30, 2020 (the “Protocol Period”). Exhibit A thereto sets forth the Norfolk and Newport News Hearing Protocol. This protocol “applies in all cases and proceedings to be filed or already filed in the Norfolk and Newport News Divisions of the United States Bankruptcy Court for the Eastern District of Virginia.” Particular attention is required as to each “Category” set forth and otherwise described in the above-noted Exhibit A.

In Exhibit A, particular attention also is required as to the manner in which the hearings will be conducted. Please see the “**IMPORTANT**” information set forth in the third and fourth unnumbered pages therein and the “**FINAL POINTS**” information, as set forth in Exhibit A’s forth unnumbered page.

William C. Redden
Clerk of Court

Date: March 19, 2020

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION
NEWPORT NEWS DIVISION

In re:)
) NORFOLK STANDING ORDER 20-1
PROTOCOL FOR HEARINGS)
IN THE NORFOLK AND NEWPORT)
NEWS DIVISIONS AS A RESULT OF)
COVID-19 OUTBREAK,) NEWPORT NEWS STANDING ORDER 20-1
)

ORDER ESTABLISHING TEMPORARY HEARING PROTOCOL FOR BANKRUPTCY
CASES PENDING IN THE NORFOLK AND NEWPORT NEWS DIVISIONS

This Order is being issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in the United States and the Commonwealth of Virginia. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic. On March 12, 2020, the Governor declared a state of emergency in the Commonwealth of Virginia due to the continued spread of COVID-19. On March 13, 2020, the President of the United States declared a national emergency as a result of the COVID-19 outbreak. The Centers for Disease Control and Prevention (“CDC”) advises that individuals should engage in “social distancing” to prevent the spread of COVID-19.

Accordingly, to reduce the need for personal contact, there is good cause to establish a temporary protocol to eliminate the need for in-person hearings.

Now therefore it is hereby ORDERED that effective March 19, 2020, through and including April 30, 2020 (the “Protocol Period”), the Norfolk and Newport News Hearing Protocol (the “Protocol”), attached as Exhibit A to this Standing Order, applies in all cases and proceedings to be filed or already pending in the Norfolk and Newport News Divisions of the United States Bankruptcy Court for the Eastern District of Virginia.

It is so ORDERED.

FOR THE COURT:


FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: March 19, 2020

EXHIBIT A

NORFOLK AND NEWPORT NEWS HEARING PROTOCOL

CATEGORY 1: Hearings that will be removed from the docket.

- Confirmation Hearings for Chapter 13 Plans that will be removed from the docket:
 - The Chapter 13 Trustee shall docket a prompt hearing cancellation if (1) the deadline for objections has expired, (2) the Chapter 13 Trustee has filed a recommendation regarding plan confirmation; and (3) any objections filed have been resolved or withdrawn. The Chapter 13 Trustee should then submit the confirmation order in the ordinary course.
 - The Chapter 13 Trustee or an objecting creditor shall docket a prompt hearing cancellation if a consent resolution to the trustee's or creditor's objection to confirmation anticipates the filing of an amended plan. An order resolving the objection to confirmation should be submitted in the ordinary course.
 - The Court will terminate a scheduled confirmation hearing and remove it from the docket if an amended plan is filed prior to the scheduled confirmation hearing.

- Additional Matters: The moving party shall remove hearings set on the following matters from the docket with a prompt hearing cancellation provided that (1) the response/objection deadline has expired, and (2) no objections were filed or any objections have been resolved or withdrawn. The moving party should then submit an appropriate order with the endorsements of all necessary parties in the ordinary course.
 - Motions to Approve Loan Modification (except *nunc pro tunc*)
 - Motions to Allow Late Claim
 - Motions to Vacate Dismissal
 - Motions to Reopen
 - Motions to Extend Stay
 - Motions to Incur Debt (except *nunc pro tunc*)
 - Motions to Sell (except *nunc pro tunc*)
 - Fee Applications
 - Objections to Exemptions
 - Motions for Relief (with consent from all necessary parties, including co-debtors if relief is requested under § 1301(c)(1) or (3))
 - Notice of Default Under Motion for Relief from Stay
 - Section 707(b) Motions to Dismiss
 - Chapter 13 Trustee Motions to Dismiss

If the Court's record reflects that any of the above-listed items is ripe for a hearing cancellation in a specific case, but it has not been promptly removed from the docket by

the trustee or moving party, the Court reserves the right to docket a hearing cancellation for that matter. The trustee or moving party must thereafter tender an appropriate order or re-notice the matter for a new hearing date. If the moving party is not represented by legal counsel, the Court will either terminate the hearing and prepare an appropriate order or continue the matter depending on the facts and circumstances of the case.

CATEGORY 1(A): The Court will remove scheduled hearings and enter an appropriate order resolving the following matters if the applicable conditions are satisfied:

- Reaffirmation Agreements. In cases where the debtor filed bankruptcy with the assistance of counsel, the Court will terminate the hearing and enter an appropriate order on the Reaffirmation Agreement if, by 11:59 p.m. the day prior to the scheduled hearing, counsel files a certification that to the best of counsel's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
 - (1) the debtor is in possession of the property securing the debt to be reaffirmed;
 - (2) the property is in good condition;
 - (3) payments on the debt to be reaffirmed are current; and
 - (4) if applicable, the property securing the debt is insured.

No hearing cancellation should be filed by counsel.
- Deficiency Notices (Deficiencies Cured): If the Court determines a deficiency notice has been fully cured by 11:59 p.m. the day prior to the scheduled hearing, the Court will terminate the hearing and enter an appropriate Order.

CATEGORY 2: Hearings that will be automatically rescheduled by the Court to a date at least 45 days in the future (Parties will not need to re-notice the hearings):

- Confirmation Hearings for Chapter 13 Plans where (1) the trustee has not filed a recommendation regarding plan confirmation at least 7 days prior to the Confirmation Hearing date; and/or (2) an objection remains pending as of the Confirmation Hearing date. In these instances, the Court will send a notice of rescheduled confirmation hearing.
- Additional matters: The Court will also reschedule following matters and send notices of rescheduled hearing at least one week prior to the currently scheduled hearing date:
 - Deficiency Hearings (not cured)
 - Orders Setting Hearing
 - Notice of Final Cure Payment/Motion for Determination of Final Cure Payment
 - Motions seeking *nunc pro tunc* relief
 - Reaffirmation agreements in cases where the debtor is not represented by legal counsel.

- Reaffirmation agreements in cases where counsel has not filed a certification in accordance with Category 1(A).

CATEGORY 3: Matters on which hearings will be held (these matters include the following and any other item not otherwise listed in Category 1 or 2):

- Contested Motions to Dismiss
- Contested Motions to Approve Loan Modifications
- Contested Motions to Extend Stay
- Contested Motions to Incur Debt
- Contested Motions to Sell
- Contested Motions to Vacate
- Contested Motions to Reopen
- Contested Motions for Relief from Stay (*Motions for Relief that come before the Court for hearing should involve a true dispute with one or more of the respondent parties. If a full settlement is anticipated, a hearing cancellation should be docketed.*)
- Motions to Impose Stay
- Pretrial Conferences/Motions for Default Judgment Hearings
- Motions to Withdraw as Counsel for the Debtor(s)

The Court reserves the right to continue any of the above items on a case-by-case basis in lieu of holding a hearing.

IMPORTANT: Unless otherwise ordered, all hearings will be conducted remotely by teleconference using CourtSolutions (<http://www.court-solutions.com>). The moving party must promptly advise the Court if a matter requires the submission of evidence or witness testimony, so that the Court may continue the matter to a future date.

Required Appearances (the Court may require additional appearances on a case-by-case basis):

- (1) Counsel for the debtor(s);
- (2) The debtor, only if the debtor is not represented by legal counsel.
- (3) The case trustee and/or United States Trustee and/or his/her counsel, as required based upon the relevant chapter of the Bankruptcy Code and the nature of the matter;
- (4) Counsel for the creditor in cases where the creditor is the moving or objecting party; and
- (5) The creditor, only if the creditor is not represented by legal counsel.

How to Appear Telephonically via CourtSolutions:

- All parties must obtain permission from the Court by submitting a request through CourtSolutions at least 24 hours prior to the scheduled hearing.
 - If you fail to timely submit your request, the Court will continue the matter once as a courtesy. If you fail to submit your request a second time on the same matter, the Court may dismiss the matter for failure to prosecute if

you are the moving party or deem your opposition waived if you are the objecting party.

- Make a single reservation with the judge and list all of your matters by case number. That single reservation will work multiple times a day with the same judge on that day. The fee is charged once per reservation per day per judge per attorney. More information regarding accounts for unrepresented parties and trustees may be found below.
- You will receive a confirmation email from CourtSolutions when your request is approved. The confirmation email may appear in your junk/spam folder.
- Approved participants must log into their CourtSolutions account no more than 15 minutes before the scheduled hearing time and click the large orange button labeled, "Open Hearing Dashboard" (which button will only appear on the day of the hearing) for dial-in instructions.
- For more information, visit <https://court-solutions.zendesk.com/hc/en-us/categories/200278849-Lawyers-and-Participants-Frequently-Asked-Questions> (last accessed March 19, 2020).

Parties Proceeding Without Legal Counsel: "If you are a *pro se* party, need to make an appearance, and cannot pay the appearance fee, when you sign up for an account, click the box[es] 'I am not an attorney' and 'Certified Indigent.' If you reply with the name of your bankruptcy judge, case name, and case number, you will be given a no-fee account." Court Solutions, <https://calls.courtsolutionsllc.com/updates/hello-world/> (last accessed March 19, 2020).

Trustees: If you need a free account, during the registration process you should click the boxes "I am not an attorney" and "Certified Indigent." In reply, you will receive an email. Please reply with your name, your jurisdiction, and your position. CourtSolutions will establish a free account and advise you when you can begin using your account. See <https://calls.courtsolutionsllc.com/updates/united-states-trustees-chapter-13-trustees/> (last accessed March 19, 2020).

Final Points:

- Parties and counsel are responsible for familiarizing themselves with this Protocol.
- During the Protocol Period, there will be no chapter 13 confirmation hearings in Norfolk or Newport News. These hearings will either be cancelled (Category 1) or continued by the Court (Category 2).
- During the Protocol Period, no represented debtors will appear at hearings. Counsel must make all reasonable efforts to contact clients who have hearings scheduled during the Protocol Period to advise them that they should not appear.
- On motion, the Court may continue hearings, excuse required appearances, grant expedited hearings, or otherwise afford relief from this Protocol for good cause shown.
- Newly filed chapter 13 plans and other pleadings should still be set for hearing in the ordinary course.