

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re:)
)
TELEPHONIC SECTION 341) Standing Order No. 20-14
MEETINGS OF CREDITORS)
DURING COVID-19 OUTBREAK,)
)

ORDER IMPLEMENTING TEMPORARY PROTOCOL FOR TELEPHONIC SECTION 341
MEETINGS OF CREDITORS

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. Public health officials urge all people to practice “social distancing” to combat the continued spread of COVID-19.¹ Accordingly, on March 30, 2020, the Governor of Virginia issued a temporary “stay at home” order, effective until June 10, 2020, prohibiting all individuals in Virginia from leaving their homes except under certain limited circumstances.² In addition, persons may be required to self-isolate entirely if they are at high risk of contracting or suffering complications from COVID-19, have a travel history to an area where COVID-19 is widespread in the community, or have been exposed to or diagnosed with COVID-19.³

¹ See Va. Dep’t of Health, <http://www.vdh.virginia.gov/coronavirus/what-is-social-distancing-and-how-can-i-do-my-part-to-slow-the-spread-of-covid-19/> (last visited April 2, 2020).

² See Exec. Order 55, [https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-55-Temporary-Stay-at-Home-Order-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-55-Temporary-Stay-at-Home-Order-Due-to-Novel-Coronavirus-(COVID-19).pdf) (last visited April 2, 2020).

³ See Va. Dep’t of Health, <http://www.vdh.virginia.gov/coronavirus/frequently-asked-questions/special-populations-immunocompromised-or-underlying-health-conditions/> (last visited April 2, 2020); <http://www.vdh.virginia.gov/coronavirus/local-exposure/> (last visited April 2, 2020); <http://www.vdh.virginia.gov/coronavirus/travel-to-areas-with-widespread-ongoing-community-spread/> (last visited April 2, 2020).

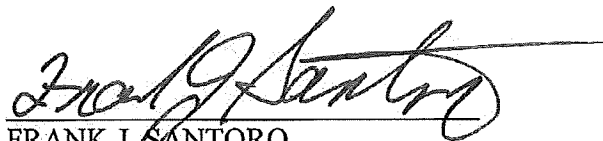
Given the risk to the public posed by the continued spread of COVID-19, and given that Section 341 meetings require the congregation of debtors, attorneys, and trustees, the Court previously entered Standing Order 20-5-A, which temporarily suspended Section 341 meetings of creditors from March 16, 2020, through and including April 10, 2020. During the suspension period, the Office of the United States Trustee and the Court developed a protocol for telephonic Section 341 meetings of creditors that will enable bankruptcy trustees to conduct Section 341 meetings remotely during the COVID-19 outbreak. The Court finds good cause to implement this protocol for telephonic Section 341 meetings of creditors because it protects public health and safety while still facilitating the efficient administration of bankruptcy cases.

Accordingly, it is hereby ORDERED that the Court adopts the protocol attached as Exhibit A to this Order, which will be effective beginning on April 13, 2020, and until further notice.

Because the public health emergency continues to evolve, this Order may be modified as necessary based upon future developments.

It is so ORDERED.

FOR THE COURT:


FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: April 24th, 2020

Protocol to Standing Order No. 20-14 for Telephonic Section 341 Meetings of Creditors

The Acting United States trustee has directed that all 341 creditors' meetings will be held telephonically in light of the current Coronavirus (COVID-19) pandemic; as a result, the Bankruptcy Clerk's Office is changing its 341 meeting notices. Also, in cases where 341 meeting notices containing physical hearing addresses already have been issued, it is necessary to notify all debtors, creditors and parties in interest that the meeting of creditors now will be held telephonically.

For cases where a 341 Meeting of Creditors already has been scheduled as an in-person meeting but now will be held telephonically:

1. Each trustee will file a Notice, which will be served through the BNC, providing that the 341 meeting will be held telephonically.
2. The Bankruptcy Clerk's Office has created a Word form captioned "Trustee Notice that 341 Meeting Will Be Conducted Telephonically," which the UST will distribute to all trustees.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

IN RE: CASES ON ATTACHED LIST

Chapter X

TRUSTEE'S NOTICE THAT MEETING OF CREDITORS
WILL BE CONDUCTED TELEPHONICALLY

NOTICE IS HEREBY GIVEN that the Section 341 Meetings of Creditors originally scheduled as in person meetings in the cases on the attached list will be conducted telephonically. The Debtor(s), Counsel for Debtor(s) (if any), Creditors and Parties in Interest, please take note of the important information below for the case(s) applicable to you and mark your calendars accordingly.

Date and Time of Section 341 Meeting of Creditors:

Date: [date]

Time: [XX:XX M]

Location: Attend by Telephone Conference. XXX-XXX-XXXX. Participant Code XXXXXXXX


NOTICE is further given that the failure of a Debtor(s) to appear at the Debtor(s)' meeting of creditors may result in the dismissal of the Debtor(s)' case.

Dated: XX/XX/XXXX

/s/ [Trustee Name] _____
[Trustee Name]
Chapter X Trustee
Address
Telephone number

The Bankruptcy Clerk's Office also has created a new "Trustee Notice that 341 Meeting Will Be Conducted Telephonically" filing event that will allow trustees to docket the Notice and, by using the already-existing Multi-Case Docketing Bankruptcy Event option, to be able to do so in multiple cases. For each of their 341 meeting dates and times, trustees will type in the 341 meeting date, the time and the dial-in information and attach a list of cases set for that date and time. For multi-case docketing purposes, the Notice will need to be separate for each 341 meeting date and time, and the trustee will generate a separate form. For example, if a trustee has 341 meetings on April 13, 2020, at 1:00 PM, 2:00 PM and 3:00 PM, the trustee will generate and file three notices for that day (one for each time slot). Because the BNC does not serve attachments to documents, the trustee must combine the form Notice and attached list of cases together into **one pdf file**. See Attachment 1, Protocol for Providing Notice of Telephonic Section 341 Meeting of Creditors and that document's accompanying template form-Trustee's Notice that Meeting of Creditors will be Conducted Telephonically together with the latter form's appended List of Cases form.

3. After the Notice is filed, the docket entry will appear as follows:

| | | |
|------------|--|--|
| 04/01/2020 |  50 (1 pg) | Trustee Notice that 341 Meeting Will Be Conducted Telephonically Filed by Tom C. Smith. (Stefan, Greg) |
|------------|--|--|

4. Upon QC of the event "Trustee Notice that 341 Meeting Will Be Conducted Telephonically," case administrators will generate the Notice, which will be served through the BNC (after a Notice has been generated, it takes two days for the BNC to mail it).
5. The BNC will serve the Notice; after service, the BNC will docket a certificate of mailing.

341 Meeting notices for newly filed cases:


1. Section 7 of the 341 meeting notice, which contains the 341 meeting location, will advise recipients that the meeting will be held telephonically and will direct them to the dial-in information contained in section 5 of the notice.

| | | |
|---|---|--|
| 7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so. | May 1, 2020 at 09:00 AM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket. | Location: For telephonic 341 creditors meeting, dial-in contact information, see section 5 above. For updates, see, www.vaeb.uscourts.gov |
|---|---|--|

2. CM/ECF trustee information will be updated to include the trustee's 341 meeting dial-in phone number and its participant code, and that information will be reflected in chapter 7 & 13 341 meeting notices' section 5, an example of which is set forth below:

| | | |
|--|--|---|
| 5. Bankruptcy trustee Name and address | Carl M. Bates 341 Dial 866-817-0543 Code: 5532632 P. O. Box 1819 Richmond, VA 23218 | Contact phone 804-237-6800 Email: None |
|--|--|---|

3. The docket text for chapter 7 and 13 341 meeting notices will be modified to include the "Telephonic meeting" information:

| | | |
|------------|---|---|
| 03/31/2020 |  7 | Request for Notice of Meeting of Creditors. 341 meeting to be held on 5/1/2020 at 09:00 AM at Office of the U.S. Trustee, Telephonic meeting – for details, see 341 creditors' meeting notice. Proof of Claims due by 4/15/2020. Complaint for Determination of Dischargeability of Debt due by 6/30/2020. (Luckenbaugh, Lisa) |
|------------|---|---|

Attachment-

ATTACHMENT 1

PROTOCOL FOR PROVIDING NOTICE OF TELEPHONIC SECTION 341 MEETING OF CREDITORS

This protocol establishes procedures for providing notice that section 341 meetings of creditors will be held telephonically.

For cases where a 341 Meeting of Creditors already has been scheduled as an in-person meeting but now will be held telephonically:

1. Each trustee will file a Notice, which will be served through the BNC, providing that the 341 meeting will be held telephonically.
2. The Bankruptcy Clerk's Office has created a Word form captioned "Trustee Notice that 341 Meeting Will Be Conducted Telephonically" (attached hereto), which the UST will distribute to all trustees. The Bankruptcy Clerk's Office also has created a new "Trustee Notice that 341 Meeting Will Be Conducted Telephonically" filing event that will allow trustees to docket the Notice and, by using the already-existing Multi-Case Docketing Bankruptcy Event option, to be able to do so in multiple cases. For each of their 341 meeting dates and times, trustees will type in the 341 meeting date, the time and the dial-in information and attach a list of cases set for that date and time. For multi-case docketing purposes, the Notice will need to be separate for each 341 date and time, and the trustee will generate a separate form. For example, if a trustee has 341 meetings on April 13, 2020, at 1:00 PM, 2:00 PM and 3:00 PM, the trustee will generate and file three notices for that day (one for each time slot). Because the BNC does not serve attachments to documents, the trustee must combine the form Notice and attached list of cases together into one pdf file.
3. Case administrators will generate the Notice, which will be served through the BNC.
4. The BNC will serve the Notice; after service, the BNC will docket a certificate of mailing.

341 Meeting notices for newly filed cases:

1. Section 7 of the 341 meeting notice, which contains the 341 meeting location, will advise recipients that the meeting will be held telephonically and will direct them to the dial-in information contained in section 5 of the notice.
2. CM/ECF trustee information will be updated to include the trustee's 341 meeting dial-in phone number and its participant code, and that information will be reflected in chapter 7 & 13 341 meeting notices' section 5.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

IN RE: CASES ON ATTACHED LIST

Chapter X

TRUSTEE'S NOTICE THAT MEETING OF CREDITORS
WILL BE CONDUCTED TELEPHONICALLY

NOTICE IS HEREBY GIVEN that the Section 341 Meetings of Creditors originally scheduled as in person meetings in the cases on the attached list will be conducted telephonically. The Debtor(s), Counsel for Debtor(s) (if any), Creditors and Parties in Interest, please take note of the important information below for the case(s) applicable to you and mark your calendars accordingly.

Date and Time of Section 341 Meeting of Creditors:

Date: [date]

Time: [XX:XX _M]

Location: **Attend by Telephone Conference. XXX-XXX-XXXX. Participant Code XXXXXXXX**

NOTICE is further given that the failure of a Debtor(s) to appear at the Debtor(s)' meeting of creditors may result in the dismissal of the Debtor(s)' case.

Dated: XX/XX/XXXX

/s/ [Trustee Name] _____

[Trustee Name]

Chapter X Trustee

Address

Telephone number

