

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re:)
)
AMENDED JUDGE ASSIGNMENT)
PROTOCOL FOR MEGA CHAPTER 11)
CASES,)
)

Standing Order 24-17

ORDER AMENDING JUDGE ASSIGNMENT PROTOCOL FOR MEGA CHAPTER 11 CASES

Effective February 15, 2022, the United States Bankruptcy Court for the Eastern District of Virginia implemented a randomized judge assignment protocol among the Judges of the Court for the assignment of mega chapter 11 bankruptcy cases. A mega chapter 11 case is defined as a case where a debtor or affiliated or consolidated group of debtors has total noncontingent, liquidated, and non-insider liabilities or assets greater than \$100,000,000. The Court implemented the protocol to maximize and evenly utilize the Court’s judicial and administrative resources. In furtherance of these goals, the Court finds that the existing protocol should be amended as set forth below effective January 10, 2025.

Accordingly, it is ORDERED that mega chapter 11 cases will be randomly assigned among the Judges of this Court without regard to the Division in which the case is filed.

It is further ORDERED that once a mega chapter 11 case has been randomly assigned, the case will be assigned to the Division in which the presiding Judge is resident.

It is further ORDERED that the Honorable Stephen C. St. John (the “Assigning Judge”) will perform the random assignment of mega chapter 11 cases. The Assigning Judge is ineligible to receive a mega case assignment.

It is further ORDERED that the Assigning Judge will determine when the case assignment module should be reset for the assignment of non-mega chapter 11 cases in the Division in which

the mega case is pending to ensure the fair distribution of subsequently filed non-mega chapter 11 cases given the size and complexity of the mega case.

Finally, it is ORDERED that the Court will adopt the amendments to Exhibits 15 and 16 to the Local Bankruptcy Rules (respectively, the “Procedures for Complex Chapter 11 Cases in the Eastern District of Virginia” and the “Procedures for Assignment and Administration of ‘Mega Cases’ in the Eastern District of Virginia”) attached hereto as Exhibit A to effectuate the provisions of this Standing Order.

The Clerk shall send notice of the entry of this Order to all registered CM/ECF users and post a copy of this Order on the Court’s website.

IT IS SO ORDERED.

FOR THE COURT:



FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: December 3, 2024

**PROCEDURES FOR COMPLEX CHAPTER 11 CASES
IN THE EASTERN DISTRICT OF VIRGINIA
(Effective February 15, 2022) (rev. 1/10/2025)**

Pursuant to section 105(d)(2) of Title 11 of the United States Code (the “Bankruptcy Code”), unless otherwise ordered by the Court, these procedures (the “Chapter 11 Procedures”) shall apply to the administration of the following (collectively, the “Chapter 11 Cases”):

- (a) any case, other than a single asset real estate case, in which the noncontingent, liquidated debt owed by the debtor¹ exceeds \$15 million;
- (b) any case, other than a single asset real estate case, with noncontingent, liquidated debt in excess of \$7.5 million and not more than \$15 million in which the debtor elects treatment as a complex case by filing a notice of such election with the Petition or within 7 days after the order for relief; and
- (c) any case, upon motion of the debtor or the United States Trustee (the “U.S. Trustee”), which may be heard as a first day motion, the Court designates as complex.

These Chapter 11 Procedures shall also apply to Chapter 11 Cases that meet the foregoing criteria and are initiated by the filing of an involuntary petition under section 303 of the Bankruptcy Code.

The Bankruptcy Code, the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia (the “Local Bankruptcy Rules”) shall govern all matters in Chapter 11 Cases, except to the extent the Local Bankruptcy Rules conflict with or are inconsistent with the procedures set forth herein.

I. FIRST DAY HEARINGS AND CASE DESIGNATION

A. The following persons (for each division and for Mega Cases, the “**Designated Contact**”) are designated as the initial point of contact for all pre-filing matters for anticipated Chapter 11 Cases. Proposed counsel for the debtor in a Chapter 11 Case should contact the Designated Contact for the division in which the Chapter 11 Case will be filed as early as possible prior to filing a Chapter 11 Case to obtain a date and time for first day hearings.

1. ***For Cases to Be Filed in the Alexandria Division.*** Please contact either ~~Kimberly Chandler, Courtroom Deputy for the Alexandria Division. Honorable Brian F. Kenney, or Dayna Mace, Courtroom Deputy for the Honorable Klinette H. Kindred.~~ ~~Ms. Chandler may be contacted at (703) 258-1216 or by electronic mail to kimberly_chandler@vaeb.uscourts.gov. Ms. Mace may be contacted at (703) 258-1220 or by electronic mail to dayna_mace@vaeb.uscourts.gov.~~ Their names and contact information are available on the Court’s website at <https://www.vaeb.uscourts.gov/telephone-listings>.

¹ 1 The term “debtor(s)” is used herein for convenience and includes a single debtor as well as a group of affiliated debtors whose cases are jointly administered or substantively consolidated.

2. ***For Cases to Be Filed in the Norfolk / Newport News Divisions.*** Please contact either ~~Jennifer Hinkle~~, Courtroom Deputy for the Norfolk/Newport News Division. Their names and contact information are available on the Court's website at <https://www.vaeb.uscourts.gov/telephone-listings>. ~~Honorable Frank J. Santoro, Chief Judge; Diana Morehead, Courtroom Deputy for the Honorable Stephen C. St. John; or Tai Brown, Courtroom Deputy.~~ Ms. Hinkle may be contacted at (757) 222-7515 or by electronic mail to jennifer_hinkle@vaeb.uscourts.gov. Ms. Morehead may be contacted at (757) 222-7573 or by electronic mail to diana_morehead@vaeb.uscourts.gov. Ms. Brown may be contacted at (757) 222-7514 or by electronic mail to tai_brown@vaeb.uscourts.gov.

3. ***For Cases to Be Filed in the Richmond Division.*** Please contact either James Cummings, Courtroom Deputy for the Honorable Kevin R. Huennekens, or Peggy Rintye, Courtroom Deputy for the Richmond Division. Their names and contact information are available at <https://www.vaeb.uscourts.gov/telephone-listings>. ~~Honorable Keith L. Phillips.~~ Mr. Cummings may be contacted at (804) 916-2441 or by electronic mail to james_cummings@vaeb.uscourts.gov. Ms. Rintye may be contacted at (804) 916-2442 or by electronic mail to peggy_rintye@vaeb.uscourts.gov.

4. ***For Mega Cases² to Be Filed in Any Division.*** The Honorable Stephen C. St. John has been designated as the Assigning Judge. Please contact the ~~Chief Judge's~~ chambers of the Assigning Judge.

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² See Exhibit 16 for additional local rules applicable to and the definition of Mega Cases.

**PROCEDURES FOR ASSIGNMENT AND ADMINISTRATION OF “MEGA CASES”
IN THE EASTERN DISTRICT OF VIRGINIA
(Effective February 15, 2022) (rev. 1/10/2025)**

On November 30, 2021, the Chief Judge entered a Standing Order ~~relating to~~ establishing procedures with respect to the assignment of “mega cases” in order to utilize more evenly the judicial and administrative resources of the District, which order was amended effective January 10, 2025, by Standing Order 24-17. Pursuant to section 105(d)(2) of Title 11 of the United States Code (the “Bankruptcy Code”), these procedures (the “Mega Case Procedures”) shall apply to the administration of chapter 11 mega cases (“Mega Cases”). These Mega Case Procedures also shall apply to chapter 11 cases where the definitional criteria below are met and initiated by the filing of an involuntary petition under section 303 of the Bankruptcy Code. The Bankruptcy Code, the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia (the “Local Bankruptcy Rules”) shall govern all matters in Mega Cases, except to the extent that the Local Bankruptcy Rules conflict with and/or are inconsistent with the Mega Case Procedure.

These Mega Case Procedures are promulgated to address the unique exigencies of Mega Cases under chapter 11 and to provide for the efficient, expedient, orderly, consistent, and uniform treatment and administration of chapter 11 reorganizations and/or liquidations across all divisions within the District, and to provide transparency for the bankruptcy process. In addition, these Mega Case Procedures seek to balance the interests of debtors, their creditors, and other constituencies, and parties-in-interest that are implicated by Mega Cases in order to facilitate participation by all stakeholders through the use of uniform and consistent procedures, systems, and technologies. Furthermore, while these Mega Case Procedures do not apply in every case, the policies behind these procedures are intended to apply in every bankruptcy case in order to provide transparency and equal access to justice for debtors, creditors and other stakeholders, regardless of the size of the debtor or the chapter which the debtor utilizes under the Bankruptcy Code.

I. DEFINITION OF MEGA CASES

A Mega Case is a case or group of affiliated cases filed under Chapter 11 of the Bankruptcy Code in which the total noncontingent, liquidated and non-insider liabilities or assets of the collective debtors exceed \$100 million

II. JUDICIAL ASSIGNMENT OF MEGA CASES

A. Mega Cases shall be assigned randomly by the ~~Chief Judge~~ Honorable Stephen C. St. John (the “Assigning Judge”) to any Bankruptcy Judge in the District (excluding the Assigning Judge ~~the Chief Judge~~) irrespective of the Division in which the Mega Case is filed and such case will be assigned to, and all filings shall occur, in the Division in which the assigned Bankruptcy Judge is located. When appropriate, the assigned Bankruptcy Judge, in their discretion, may conduct hearings where some or all of the participants appear remotely.

B. Notwithstanding II.A. above, if the basis for Divisional venue of the Mega Case is “principal place of business” or “principal assets”¹ under 28 U.S.C. § 1408 or if the Division where the Mega Case was filed is the headquarters of the Debtors or the location of their principal executive offices, the assigned Bankruptcy Judge, if located in a different Division, may determine, in their discretion consistent with the efficient administration of justice and public access, to transfer such Mega Case to the filing Division and shall travel to the Division where the Mega Case was filed to conduct hearings and/or conduct hearings virtually and/or by other remote participation.

C. If the Bankruptcy Judge to whom a Mega Case is assigned is unable to administer such Mega Case, the ~~Chief Assigning~~ Judge randomly will re-assign such Mega Case.

III. ADMINISTRATION OF MEGA CASES

A. Notwithstanding the random assignment of Mega Cases, and consistent with Local Bankruptcy Rule 5005-1(B)(1), to the extent necessary for the expedient administration of such Mega Case, any Bankruptcy Judge in the District may conduct and preside over any First Day Hearings requested if the assigned and presiding Bankruptcy Judge is otherwise unavailable. Unless otherwise ordered, First Day Hearings in Mega Cases will be conducted virtually or by remote participation with no in-person attendance required.

B. The Procedures for Complex Chapter 11 Cases set forth in Exhibit 15 (as amended) shall apply to Mega Cases.

¹ For purposes of this definition the term “principal assets” means the principal assets of the debtors collectively and not of a single debtor in a Mega Case involving multiple debtors.