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

In re: Bankruptcy Noticing Center Service Interruption	)	**Standing Order 26-3**

STANDING ORDER CONCERNING
BANKRUPTCY NOTICING CENTER
SERVICE INTERRUPTION

The Court has been advised of a nationwide service interruption at the Bankruptcy Noticing Center ("BNC"). This interruption in service impacts notices that are sent by the BNC at the direction of the Court. It appears that Debtors who have elected to receive notices through the Court's DeBN service also may not be receiving notices and Orders generated by the Court. The interruption has not affected the Court's CM-ECF system, other than the fact that creditor matrixes may not be available by clicking on the link for the creditor matrix, as described below.

The Judicial Conference of the United States has declared an emergency pursuant to Bankruptcy Rule 9038(a). Pursuant to 11 U.S.C. § 105(a), Bankruptcy Rule 9038(b), and Bankruptcy Rule 9006, it is hereby **ORDERED**:

A. **Applicability.** This Order shall apply to all cases, adversary proceedings and contested matters in this District. This Order applies to all notices that were to be served by the BNC on or after **October 9, 2026**. The Clerk shall continue to enter and process Orders and to generate notices through the Court's CM-ECF system to the extent available.

B. **Relief Due to the Outage**. No party who does not receive notice of a hearing or a deadline and who does not otherwise receive notice (*See* Part C, below) shall be prejudiced by the failure to take any action or to respond to a notice that was not served due the BNC outage.

The Judges of the Court will be receptive to "excusable neglect" arguments under Bankruptcy Rule 9006(b) as a result of the outage, consistent with principles of Due Process.

Pursuant to the Judicial Conference's declaration of an emergency under Bankruptcy Rule 9038(a), the deadlines for calling meetings of creditors to be held under Bankruptcy Rule 2003(a) are extended as necessary to provide required notice for all cases affected by the BNC outage.

C. **CM-ECF Not Affected.** The Court's CM-ECF system continues to function. Pursuant to the Court's CM-ECF Policy 4(E), CM-ECF users are deemed to have consented to service of notices by email, and a Notice of Electronic Filing (NEF) is considered to be adequate notice to CM-ECF users. The failure to receive a BNC notice generally will not constitute excusable neglect where an attorney is the recipient of a NEF containing a deadline to respond or a Notice of Hearing. All scheduled hearings will remain on the Court's docket unless removed or continued by the presiding Judge.

D. **Pro Se Parties.** Parties without attorneys are encouraged to establish an account with the PACER service at https://www.pacer.uscourts.gov, to keep up with developments in any case to which they may be a party or have in interest. PACER will waive all fees if an individual's usage does not exceed $30.00 per quarter.

E. **Meetings of Creditors.** Notices of Commencement of the Case and Initial Meetings of Creditors have not been properly served during the BNC outage. The Clerk of Court will issue notices rescheduling all meetings of creditors in all cases affected by the BNC outage. Trustees may conduct such limited examinations as may be reasonably necessary to protect the estate and to discharge the trustee's duties, without prejudice to the rights of creditors or other parties in interest to participate at a rescheduled meeting.

For the avoidance of doubt, in all cases for which the initial Notice of Meeting of Creditors was not properly served: (1) the term "the conclusion of the § 341 meeting of creditors" in Bankruptcy Rule 4003(b)(1) (Objections to Exemptions) shall be construed to mean the rescheduled meeting of creditors; and (b) the term "60 days after the first date set for the § 341(a) meeting of creditors" in Bankruptcy Rule 4004(a) (Time to Object to a Discharge; Notice), and the term "60 days after the first date set for the § 341(a) meeting of creditors" in Bankruptcy Rule 4007(c) (Time to File a Complaint Under § 523(c)), shall be construed to mean 60 days from the rescheduled meeting of creditors, as the Court construes the term "set" under both Rules to mean properly set and noticed to creditors by the BNC.

F. **Creditor Matrixes.** During the BNC outage, Creditor Matrixes can only be accessed as follows:

1. Select "Query" from the top menu in CM/ECF.
2. Input the case number and select the "Run Query" button.
3. Select the "Creditor" link.
4. The next screen will ask what Creditor type that you are searching. You may leave the "Creditor type" selection blank and select "Run Query" to list all creditors.
5. The next screen will display the list of the creditors and addresses to assist with service.

Please note this list only includes creditors and does not contain other parties in interest, including but not limited to, any debtor, trustee, or the U.S. Trustee.

G. Judges' Discretion. The Judges of the Court retain full discretion to order the Clerk to mail copies of Notices or Orders to the parties and to certify such mailing, in which event, mailed notice shall constitute sufficient notice unless excused by the presiding Judge.

H. Duration. This Order shall take effect immediately and shall continue in full force and effect until further Order of the Court.

Dated: 10/28/2020

B F K

Brian F. Kenney
Chief Judge