

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re:)
)
SECOND TEMPORARY)
EXTENSION OF DEADLINES) Standing Order No. 20-12
IN BANKRUPTCY CASES,)
)

SECOND ORDER TEMPORARILY EXTENDING DEADLINES IN BANKRUPTCY CASES

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 In addition, persons may be required to self-isolate 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-19.²

Given the growing impact of this public health emergency, there is good cause to extend temporarily deadlines in bankruptcy cases to avoid adverse consequences resulting from the effect of the COVID-19 outbreak on individuals and in the community and to eliminate uncertainty regarding access to the Court. Now therefore it is hereby ORDERED that, effective March 31, 2020:

1. Any deadline originally set to fall on April 1, 2020, through and including April 10, 2020 (the “Extension Period”), is hereby extended to April 17, 2020. For the avoidance

¹ See Va. Dep’t of Health, <http://www.vdh.virginia.gov/coronavirus/frequently-asked-questions/disease-prevention/> (last visited March 30, 2020).

² See Va. Dep’t of Health, <http://www.vdh.virginia.gov/coronavirus/frequently-asked-questions/special-populations-immunocompromised-or-underlying-health-conditions/> (last visited March 30, 2020); <http://www.vdh.virginia.gov/coronavirus/local-exposure/> (last visited March 30, 2020); <http://www.vdh.virginia.gov/coronavirus/travel-to-areas-with-widespread-ongoing-community-spread/> (last visited March 30, 2020).

of doubt, Standing Order 20-7 remains in full force and effect, and any deadline extended pursuant to Standing Order 20-7 is not modified or further extended by this Order.

2. The terms of this Order apply to all deadlines that fall during the Extension Period, including, but not limited to, filing deadlines, order submission deadlines, hearing deadlines, payment deadlines (including, without limitation, filing fee payments, plan payments, and payments due under consent orders); and deadlines set by the Notice of the Meeting of Creditors.
3. The terms of this Order apply regardless of whether a deadline is set by order, court notice, Title 11 of the United States Code, the Federal Rules of Bankruptcy Procedure, or the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of Virginia.
4. The provisions of this Order shall control with respect to all cases currently pending and cases to be filed in this Court, unless the presiding judge otherwise orders in a particular case.
5. Paragraph 1 is subject to the following exceptions:
 - a. In chapter 13 cases, a deadline to file an objection to confirmation to a chapter 13 plan that falls during the Extension Period pursuant to Federal Rule of Bankruptcy Procedure 3015 is not modified by this Order.
 - b. In chapter 13 cases in which the debtor is represented by counsel, a deadline to make a monthly chapter 13 plan payment to the trustee that falls during the Extension Period is not modified by this Order except as follows:
 - i. If a chapter 13 debtor is represented by counsel and has been adversely impacted by COVID-19, the Protocol adopted by all of the chapter 13 trustees in Eastern District of Virginia and attached to this Order as Exhibit A shall govern the suspension of payments to the trustee under a chapter 13 plan during the Extension Period and until further notice.
 - c. In cases in which the automatic stay would expire by operation of law pursuant to 11 U.S.C. § 362(c)(3)(A) during the Extension Period, the hearing required under 11 U.S.C. § 362(c)(3)(B) is deemed to have been conducted and the automatic stay is extended until further order of the Court.

- d. In cases in which the automatic stay would terminate by operation of law pursuant to 11 U.S.C. §§ 362(e)(1) or (2) during the Extension Period, the automatic stay will instead remain in full force and effect unless and until the automatic stay is modified or lifted by the Court.

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

It is so ORDERED.

FOR THE COURT:


FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: March 31st, 2020

EXHIBIT A

PROTOCOL FOR SUSPENSION OF PLAN PAYMENTS IN CHAPTER 13 CASES IN WHICH THE DEBTOR IS REPRESENTED BY COUNSEL AND HAS BEEN ADVERSELY AFFECTED BY COVID-19 OUTBREAK

This Protocol permits counsel for a chapter 13 debtor who has been adversely impacted by the COVID-19 pandemic to file a Notice of Suspension of Plan Payments (the "Notice") with the Court to obtain a suspension of plan payments for up to a cumulative total of 3 months. A Notice filed under this Protocol must satisfy all of the following requirements:

- (1) Counsel has obtained the consent of the chapter 13 trustee prior to filing the Notice; and
- (2) The Notice contains all of the following:
 - a. A statement that the debtor requires a temporary suspension of plan payments due to adverse impacts of the COVID-19 pandemic on the debtor's financial condition;
 - b. The number of months for which payments will be suspended, which can be no greater than a cumulative total of 3 months while this Protocol remains in effect;
 - c. A statement that the debtor's chapter 13 plan will be extended by the number of months of the suspension; and
 - d. Endorsements by debtor's counsel and the chapter 13 trustee.

A Notice that complies with the above conditions is effective upon filing and the suspension shall begin with the payment due in the month in which the Notice is filed. The chapter 13 trustee must file a motion to strike any Notice that fails to comply with the above-stated conditions.