

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re:)
)
EXTENSION OF TEMPORARY)
PROTOCOL FOR FILINGS BY) Standing Order 20-19
UNREPRESENTED PERSONS IN)
BANKRUPTCY CASES DURING THE)
COVID-19 PANDEMIC,)

ORDER EXTENDING TEMPORARY PROTOCOL FOR FILINGS IN BANKRUPTCY
CASES BY UNREPRESENTED PERSONS

On March 27, 2020, in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in the United States and the Commonwealth of Virginia, the Court entered Standing Order 20-9, which implemented a temporary filing protocol for unrepresented parties beginning on March 30, 2020, and ending on May 31, 2020. The filing options available to unrepresented parties under Standing Order 20-9 were intended to enable filers to practice “social distancing”¹ and to maintain self-isolation as may be necessary due to an individual’s exposure to COVID-19, travel history, or high risk status.²

Although the Governor of Virginia recently entered a “safer at home” order that instituted Phase One easing of certain COVID-19-related restrictions,³ the Governor emphasized that “[t]he path forward will not be business as usual” and that physical distancing and other safety measures

¹ See Va. Dep’t of Health, <https://www.vdh.virginia.gov/coronavirus/prevention-tips/> (last visited May 26, 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 May 26, 2020); <http://www.vdh.virginia.gov/coronavirus/local-exposure/> (last visited May 26, 2020); <http://www.vdh.virginia.gov/coronavirus/travel-to-areas-with-widespread-ongoing-community-spread/> (last visited May 26, 2020).

³ See Am. Exec. Order 61, [https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-61-and-Order-Of-Public-Health-Emergency-Three-AMENDED---Phase-One-Easing-Of-Certain-Temporary-Restrictions-Due-To-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-61-and-Order-Of-Public-Health-Emergency-Three-AMENDED---Phase-One-Easing-Of-Certain-Temporary-Restrictions-Due-To-Novel-Coronavirus-(COVID-19).pdf)

remain necessary to combat the spread of COVID-19.⁴ In addition, because COVID-19 infection rates are higher in certain areas of Virginia, the Governor entered an additional executive order that excepts thirteen (13) municipalities in Northern Virginia, the City of Richmond, and the County of Accomack from Phase One, returning those areas of Virginia to Phase Zero through May 28, 2020.⁵

For these reasons, the Court finds that the justification for the use of expanded filing options for unrepresented parties, as set forth in Standing Order 20-9, remains sound. Therefore, the Court further finds that Standing Order 20-9 should not expire on May 31, 2020, and should instead be extended until further notice.

Accordingly, it is hereby ORDERED that Standing Order 20-9, attached hereto as Exhibit A, shall not expire and is extended in its entirety until further notice.

IT IS SO ORDERED.

FOR THE COURT:


FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: May 27, 2020

⁴ *Id.* at 2.

⁵ See Am. Exec. Order 62, <https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-62-and-Order-of-Public-Health-Emergency-Four-AMENDED.pdf>

EXHIBIT A

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

In re:)
)
TEMPORARY PROTOCOL)
FOR FILINGS BY UNREPRESENTED) Standing Order 20-9
PERSONS IN BANKRUPTCY CASES)
CASES DURING THE COVID-19)
OUTBREAK,)

ORDER ESTABLISHING TEMPORARY PROTOCOL FOR FILINGS IN BANKRUPTCY CASES BY UNREPRESENTED PERSONS

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

It appears to the Court that the limitations on contact and movement that are necessary to slow the transmission of COVID-19 may limit the ability of unrepresented parties, who lack access to the Court’s electronic filing system,³ to seek relief or otherwise be heard in a case under Title 11 of the United States Code. Therefore, the Court finds good cause exists to establish a temporary

¹ See Va. Dep’t of Health, <http://www.vdh.virginia.gov/coronavirus/frequently-asked-questions/disease-prevention/> (last visited March 27, 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 27, 2020); <http://www.vdh.virginia.gov/coronavirus/local-exposure/> (last visited March 27, 2020); <http://www.vdh.virginia.gov/coronavirus/travel-to-areas-with-widespread-ongoing-community-spread/> (last visited March 27, 2020).

³ Use of the Case Management/Electronic Case Files system (CM/ECF) is restricted to attorneys, who must use CM/ECF as their exclusive means to file documents with the Court. LBR 5005-2(A); CM/ECF Policy 1, 2(A)(1)(a); *see also* CM/ECF Policy 2(A)(2) (users with limited privileges).

filing protocol in response to the COVID-19 outbreak that is limited exclusively to persons unrepresented by legal counsel who wish to file a voluntary bankruptcy petition or other documents in a bankruptcy case.

Accordingly, it is hereby ORDERED that effective on March 30, 2020, through and including May 31, 2020 (the “Filing Period”), persons unrepresented by legal counsel⁴ who wish to file a voluntary bankruptcy petition or other documents in a bankruptcy case may present a filing to the Court in person at the Clerk’s Office so long as the Clerk’s Office is open to the public⁵ or by any one of the following means:

1. By United States mail or package delivery service.
 - a. The Court will deem the document filed as of 9:00 a.m. Eastern Daylight Time on the postmarked date.
 - b. If the filing is a voluntary bankruptcy petition, the Clerk of the Court will mail a receipt to the debtor when the voluntary bankruptcy petition is docketed.
2. By lock box located on the first floor of the courthouses in the Alexandria, Newport News, Norfolk, and Richmond Divisions of the Court.
 - a. The lock box will only be available when the courthouse building is open to the public. The Court’s website has the most up-to-date information regarding the operational status of the courthouse building in each Division of the Court (<https://www.vaeb.uscourts.gov/wordpress/>).
 - b. The filer must use the electronic time stamper machine located with the lock box to stamp the document before dropping the document into the lock box.
 - c. The Court will deem the document filed as of the stamped date and time. If a document is submitted to the lock box without the required stamp, the document will be deemed filed when it is docketed by the Clerk of the Court.
 - d. If the filing is a voluntary bankruptcy petition, the Clerk of the Court will mail a receipt to the debtor when the voluntary bankruptcy petition is docketed.
3. By electronic filing.

⁴ Persons who are proceeding without legal counsel are encouraged to review the information available on the Court’s website (<https://www.vaeb.uscourts.gov/wordpress/>) under the tab Filing Requirements > Filing Without An Attorney (Pro Se).

⁵ The Court’s website has the most up-to-date information regarding the operational status of the Clerk’s Office in each Division (<https://www.vaeb.uscourts.gov/wordpress/>).

- a. To file electronically, the filer must comply with all of the following steps:
 - i. Attach the document(s) to an email as a PDF (.pdf) or Word (.doc, .docx) file.
 1. The Court will not read or consider any text in the body of the email. The only documents that will be filed with the Court are the attached PDF or Word documents.
 2. The Court will accept the filer's electronic signature in the form /s/ followed by the typewritten full name of the filer (e.g., /s/ Jane Doe).
 - ii. In the Subject Line of the email, type the bankruptcy case number and the debtor's last name (e.g., 20-54321, Doe). However, if the document is a voluntary bankruptcy petition, instead type "New Petition" the Subject Line of the email.
 - iii. Send the email and attachment to the email address listed below for the Division in which the bankruptcy case is pending or in which the debtor seeks to file the voluntary bankruptcy petition:
 1. Alexandria: ALEX_Filing@vaeb.uscourts.gov
 2. Norfolk/Newport News: NORNN_Filing@vaeb.uscourts.gov
 3. Richmond: RIC_Filing@vaeb.uscourts.gov
 - iv. Retain a copy of the sent email for the filer's records.
- b. The Court will deem the document filed as of the date and time listed on the email's timestamp.
- c. If the document is a voluntary bankruptcy petition, the Clerk of the Court will mail a receipt to the debtor when the voluntary bankruptcy petition is docketed.
- d. For the avoidance of doubt, the Clerk of the Court will summarily disregard any document submitted by email outside of the Filing Period.

It is further ORDERED that any Judge of this Court may modify this Order by separate order entered in a specific bankruptcy case if the Judge determines that modification is justified based upon the facts and circumstances of the case.

Because the public health emergency posed by COVID-19 continues to evolve, this Order may be modified should future developments so warrant.

IT IS SO ORDERED.

FOR THE COURT:



FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: March 27, 2020