

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

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U.S. BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

BANKRUPTCY COURT OPERATIONS

IN RESPONSE TO COVID-19

OPERATING ORDER

20-03

In response to the spread of the Coronavirus Disease 2019 (COVID-19), the President has declared a national public health emergency and the Governor of the State of South Carolina has declared a public health emergency throughout the state. The Centers for Disease Control and Prevention (CDC) and other health authorities have advised people to take precautions to reduce the exposure to COVID-19 and to slow the spread of the disease. In particular, the CDC currently recommends that people keep an appropriate physical distance between themselves and other people. This technique, known as social distancing, is especially important for those individuals with a higher health risk (e.g., those over 60 years of age, those with underlying health conditions, and those who are pregnant). The CDC currently recommends that employers attempt to minimize exposure between employees and the public and to consider public health and safety when scheduling group or public events.

Therefore, in order to protect public health and reduce the size of public gatherings and unnecessary travel, and at the same time to facilitate the continued work of the Court, the bar and to serve the public, the United States Bankruptcy Court for the District of South Carolina ("Bankruptcy Court"), issues the following Order, effective immediately:

1. **Deadlines**. All deadlines, whether set by statute, Court order, the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, or Chambers Guidelines or Operating Order, and any applicable statutes of limitation, remain in full force and effect unless altered by order of any presiding judge. Requests for extensions will be considered where applicable authorities allow. Parties should make their best efforts to reach consensual agreements regarding any extensions and submit proposed orders where appropriate.

2. **Clerk's Office Operations.** The Clerk's Office shall remain open unless otherwise ordered by the Court. Staff in the Clerk's Office will be available by telephone (803) 765-5436, by email (see contact information at www.scb.uscourts.gov), and by mail upon receipt and Court Services counters will remain open. To minimize exposure, court staff shall maintain a physical distance from any person entering the courthouse, regardless of whether that person displays symptoms of illness. The public is encouraged to continue utilizing court services while following all applicable public health guidelines. To ensure that the office can be staffed sufficiently to carry out statutory duties, the Court may find it necessary to limit public hours for in-person contact with Clerk's Office staff at the public counters. In that event, notice will be given by posting a notice at the entrance to each Bankruptcy Court location, by an electronic notification sent from the Court's website, and by posting notice on that website. Any posting shall include instructions for contacting the Clerk's Office or chambers to accomplish any necessary task.

3. **Entry to Courthouses.** The Clerk shall post the content of the Order of the United States District Court regarding *Restrictions on Visits to Courthouses due to Coronavirus (COVID-19)*, and any amendments thereto, on the Court's website www.scb.uscourts.gov and at the entrance to each Bankruptcy Court location, together with instructions for contacting the Clerk's Office or chambers to accomplish any necessary task.

4. **Filing of Documents – Electronic Filing.** The Bankruptcy Court is a paperless, electronic court and filings by attorneys are governed by SC LBR 3001-1 *Claims and Related Documents – Electronic Filing* and SC LBR 5005-4 *Electronic Filing*. Parties not represented by counsel should consult the rules above for exceptions that may apply to filings by *pro se* parties, the Chambers Guidelines or Operating Orders for the presiding judge www.scb.uscourts.gov/chambers-guidelines-information, together with www.scb.uscourts.gov/parties-without-attorney.

5. **Self-Scheduled Matters.** Pursuant to SC LBR 9013-4 *Self Scheduled Motions*, attorneys shall continue to utilize the Court's CM/ECF system for filing motions, applications, etc. as indicated therein and shall select an appropriate hearing location as directed by the Court's published calendars available at www.scb.uscourts.gov/self-scheduling-calendars. Please consult those calendars each time a matter is scheduled to ensure that you are relying on the most current information.

6. **Limitation on In-Court Appearances:**
 - a. **Attorneys.** Unless otherwise ordered or arranged by the presiding

judge, all parties should anticipate that hearings scheduled before the Court for an in-court appearance through April 30, 2020, or longer if this Order is extended, may be conducted by phone or videoconference.¹ To limit personal contact and further this goal, attorneys should:

- i. when self-scheduling, select a hearing date that allows ample time (at least 7 days or more) between the objection date and the hearing date;
 - ii. file certificates of default and similar documents as soon as possible after the expiration of response deadlines (taking into consideration an additional 3 days for pleadings served by mail, where applicable) so that matters can be promptly removed from the calendar;
 - iii. strive to resolve any matters that do not require a hearing promptly and file appropriate documents on CM/ECF evidencing resolution;
 - iv. request prompt continuances for non-urgent matters if the matters require an in-court hearing;
 - v. advise clients that they should anticipate resolution by a manner other than an appearance at an in-court hearing, or postponement or rescheduling of the initial hearing date if necessary;
 - vi. utilize the CM/ECF system to accomplish tasks whenever possible, rather than by contacting the Court in another fashion;
 - vii. consult with any case trustee for guidance when appropriate; and
 - viii. in matters in which parties are expecting to offer testimony or exhibits which are not subject to admission by stipulation, contact the chambers of the presiding judge.
- b. **Pro Se Parties.** Each presiding judge may take steps to avoid in-court appearances that may impair social distancing by managing cases or proceedings involving *pro se* parties on a case-by-case basis, by entry of an order in the case, by issuance of a standing order applicable to multiple cases, or by giving notice to the parties in some other manner.

7. **Emergency Hearings, Time Sensitive Matters and Exceptions.** Each judge will manage emergency and time-sensitive matters that may require in-court appearances

¹ Trustees should consult with the presiding judge to determine whether their presence in the courtroom is preferred.

on a case-by-case basis. Parties anticipating such matters may contact the chambers of the presiding judge. Any party involved in uncontested or contested matters that perceive any prejudice as a result of any delay or procedural change shall promptly inform the chambers of the presiding judge.

8. **First Meeting of Creditors.** The United States Trustees Office (UST) is responsible for the scheduling of first meetings of creditors pursuant to 11 U.S.C. § 341. Any questions regarding the status of those meetings shall be directed to that office or the case trustee. In some instances, the Notice of Bankruptcy Case indicates the first meeting will be held at a court facility. **TAKE NOTICE** that the location may change, or the meeting may be conducted in a different manner. Also consult the Order of the United States District Court regarding Restrictions on Visits to Courthouses due to Coronavirus (COVID-19) and any amendments thereto, available at www.scb.uscourts.gov.

The Court will vacate or amend this Order as necessary and appropriate. Presiding judges retain authority to manage their dockets and cases in a different manner as necessary, if doing so better promotes the interests of justice and the goals of the Court.

AGREED AND ORDERED THIS 17th DAY OF MARCH 2020.

/s/ Helen E. Burris
Chief United States Bankruptcy Judge

/s/ John E. Waites
United States Bankruptcy Judge

/s/ David R. Duncan
United States Bankruptcy Judge