

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

FILED

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U.S. BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

BANKRUPTCY COURT OPERATIONS
RESPONSE TO COVID-19,

**OPERATING
ORDER 20-14¹**

Debtor(s).

In response to the spread of the Coronavirus Disease 2019 (COVID-19), and in order to protect public health and reduce the size of public gatherings and unnecessary travel while facilitating the continued work of the United States Bankruptcy Court for the District of South Carolina (“Bankruptcy Court” or “Court”), the bar and to serve the public, the 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. **Entry to Courthouses.** All persons seeking entry to or occupying the Bankruptcy Court public or private spaces in Columbia, Charleston, or Spartanburg must wear a face covering or mask (the “mask”). The mask must completely conceal the wearer’s nose and mouth at all times. During a court proceeding, the mask may be removed when the wearer is speaking for the record and at least six feet of physical distance is observed. If the wearer is a court employee who is in a private office or workspace, which permits adequate physical distance or barriers from other persons, the wearer may temporarily remove the mask. Any visitor seeking entry to the Bankruptcy Court without a mask will be provided a mask by the Court. If the Court is unable to provide a mask for any reason, the visitor will be asked to contact by telephone the Office of the Clerk of Court (“Clerk’s Office” or “Clerk of Court”) to explore alternatives for entry. The United States Marshal, his Deputies, and the Court Security Officers shall enforce this Order and deny entry to those individuals not wearing a mask.²

¹ This Order consolidates and amends operating orders 20-03, 20-04, 20-05 and 20-10.

² The Clerk of Court shall also post any applicable Order of the United States District Court regarding restrictions to courthouse entry or operations, and any amendments thereto, on the Court’s website www.scb.uscourts.gov and at the entrance to each Bankruptcy Court location.

3. **Clerk's Office Operations.** The Clerk of Court may elect to limit hours of public access to Bankruptcy Court services counters and public intake areas, or may close the building to the public on an emergency basis, with approval of the judges of this court. Staff in the Clerk's Office is available by telephone (803) 765-5436, by email (see contact information at www.scb.uscourts.gov), and by mail upon receipt.
4. **Paper Filing of Documents and Delivery of Payments.** Parties not represented by counsel ("pro se" parties), who must file documents in paper form or make payments (by check or money order) may do so in person (when available), by mail, common courier delivery, or "drop box." If the document submitted is a bankruptcy petition, it must be submitted with a copy of a government issued photo identification of the debtor(s) or filer that includes the party's name and address. Drop box requirements are as follows:
 - a. at the Bankruptcy Court's location in Columbia,³ *pro se* filers may submit **documents and payments** by deposit in a drop box. Drop box access will be available between the hours of 8:30 a.m. to 4:30 p.m. on business days. The Clerk's Office shall check for any items in the drop box at least once per day. With each document or payment submitted in this manner, the filer shall note the current time and date on the envelope, document, or payment and call (803) 765-5436 to alert the Clerk's Office that the document or payment was placed in the box. Each document or payment shall be deemed filed or received at the time noted (if available), unless otherwise ordered by judicial determination. If no notation is available, the document shall be deemed filed or payment received upon retrieval. If a party asserts that any item placed in a drop box is urgent, a prompt call to the Clerk's Office will ensure immediate retrieval;
 - b. at the Bankruptcy Court's location in Charleston, *pro se* filers may submit **documents** for filing using a drop box. Payments are not accepted at the Charleston location and must be mailed or taken to the Columbia office. Drop box access in Charleston is available between 8:30 a.m. and 4:00 p.m. on business days. The Clerk's Office shall regularly check for any items in the drop box as staff is available, as the Charleston office has limited staffing. The filer shall note the current time and date on the envelope or document and call (803) 765-5436 to alert the Clerk's Office that the document was placed in the box. Each document submitted by drop box shall be deemed filed at the time noted (if available), unless otherwise ordered by judicial determination. If no notation is available, the document shall be deemed filed upon retrieval. If a party asserts that any item placed in a drop box is urgent, a prompt call to the Clerk's Office will ensure immediate retrieval or other guidance.
5. **Electronic Filing of Documents and Delivery of Payments.**
 - a. Attorneys. 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*). For all documents filed by attorneys that require a debtor's signature, the Court temporarily

³ There is no drop box in Spartanburg and this divisional office does not accept papers or payments.

suspends the requirement that an attorney secure the debtor's original, physical signature prior to electronically filing such documents on the condition that, prior to filing, the attorney obtains either the debtor's digital signature via any commercially available digital signature software that provides signature authentication and maintains a copy of the digitally signed document(s) in the debtor's case file or express written permission from the debtor to affix the debtor's signature to the document(s) and maintains a copy of the writing in the debtor's case file. The filing of the document(s) with a debtor's digital signature constitutes a certification that the attorney obtained either the debtor's original, physical signature or has complied with the foregoing conditions.

- b. Pro Se Parties. If a person not represented by counsel needs to file documents to initiate a petition for bankruptcy relief and accompanying documents ("petition"), or if a debtor or party in interest in an existing bankruptcy case or proceeding pending before this Court needs to file a document with the Bankruptcy Court, and that person cannot do so by delivery of papers to the Bankruptcy Court, they shall transmit the documents to the Court by electronic mail ("electronic filing") to ProSeFilings@scb.uscourts.gov or by faxing the same to (803) 253-3710. Each electronic filing shall include a statement detailing the inability to file in person or by mail and shall include a copy of a government issued photo identification of the debtor(s) or filer that includes the party's name and address. Each electronic filing submitted in this manner shall be deemed filed at the time of receipt by the Clerk's Office, unless otherwise ordered by judicial determination. Any electronic filing that requires a signature shall be signed with the original handwritten signature of the filer⁴ before transmission to the Bankruptcy Court and the electronic filing must reflect this signature. The original petition or original document shall also be mailed or delivered to the Clerk of Court at 1100 Laurel Street, Columbia, SC 29201 within seven (7) days of electronic transmission. If the electronic transmission requires the payment of a fee, the fee shall be remitted to the Clerk of Court within seven (7) days by mailing or delivering cash, certified check, or money order, in the exact amount, to: Clerk of Court, 1100 Laurel Street, Columbia, SC 29201. If the original petition or original document, or any applicable fee, has not been **received** by the Court within seven (7) days of electronic transmission, if the electronic transmission, original petition or original document lacks the required signature, or fails to include the photo identification of the filing party, appropriate action may be taken without further notice, including, but not limited to, denying the relief requested and dismissing and closing any case initiated. Parties without legal representation are directed to the Court's webpage at www.scb.uscourts.gov/parties-without-attorney for more information about filing without an attorney, the Chambers Guidelines or Operating Orders for the presiding judge (available at www.scb.uscourts.gov/chambers-guidelines-information), and the Clerk of Court's phone number at (803) 765-5436 for questions and further assistance.

6. Hearings and Trials. Each presiding judge may take steps to avoid in-court

⁴ The filing party shall not electronically sign the document.

appearances or ensure social distancing by managing cases or proceedings as they deem appropriate. Hearings before the Court will be conducted by phone, videoconference, or in person. Direction regarding the manner of conducting hearings will be provided by the presiding judge through hearing notices, or other directives posted on the Court's website or otherwise noticed to the parties involved.⁵ 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 you are relying on the most current information.

AGREED AND ORDERED THIS 9th DAY OF NOVEMBER 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

⁵ Trustees should consult with the presiding judge to determine whether their presence in the courtroom is preferred.