

MAY 22 2020

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

United States Bankruptcy Court  
Columbia, South Carolina

IN RE:

BANKRUPTCY COURT OPERATIONS  
RESPONSE TO COVID-19,

Debtor(s).

SECOND AMENDED OPERATING  
ORDER 20-03<sup>1</sup>

In response to the spread of the Coronavirus Disease 2019 (COVID-19), the President declared a national public health emergency and the Governor of the State of South Carolina 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.** Effective April 2, 2020, court services counters and public intake areas will be closed to the public until further notice. However, the Clerk's

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<sup>1</sup> This Order amends paragraph 6(a).

Office shall continue to operate on the conditions set forth herein, 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](http://www.scb.uscourts.gov)), and by mail upon receipt. Parties affected by the closing of the court service counters and public intake areas will be accommodated as follows:

- a. Paper filings and payments by parties not represented by counsel (*pro se* parties). *Pro se* parties who must file documents in paper form or make payments (by check or money order) may submit the same by U.S. mail and common courier delivery.
- b. Drop box filings by *pro se* parties.
  - i. *Pro se* filers may also submit documents and payments (by check or money order) using "drop boxes" at the Court's location in Columbia.<sup>2</sup> 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.
  - ii. *Pro se* filers may submit documents for filing using a "drop box" at the Court's location in Charleston. 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.
- c. *Pro se* bankruptcy petitions. If the document submitted by the methods described in (a) or (b) above 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.

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<sup>2</sup> There is no drop box in Spartanburg and this divisional office does not accept papers or payments.

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](http://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.**
  - a. 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*.
  - b. For electronic submission of documents by parties not represented by counsel, consult Operating Order 20-05 **Order Temporarily Allowing Unrepresented Parties to File Documents Electronically**, along with Chambers Guidelines or Operating Orders for the presiding judge (available at [www.scb.uscourts.gov/chambers-guidelines-information](http://www.scb.uscourts.gov/chambers-guidelines-information)), together with [www.scb.uscourts.gov/parties-without-attorney](http://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](http://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.
6. **Limitation on In-Court Appearances:**
  - a. **Attorneys.** All parties should anticipate that hearings scheduled before the Court will be conducted by phone or videoconference when practical. 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.<sup>3</sup> 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 such 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

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<sup>3</sup> Trustees should consult with the presiding judge to determine whether their presence in the courtroom is preferred.

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 may manage emergency and time-sensitive matters that may require in-court appearances 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](http://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 22<sup>nd</sup> DAY OF MAY 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