

2020 Consumer Bankruptcy Forum

Best Practices for Virtual Meetings

Presented by the Hon. Eugene R. Wedoff Seventh Circuit Consumer Bankruptcy Conference

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VIRTUAL MEETINGS - BEST PRACTICES

- I. Attorney/Client Meetings/Consultations
 - a. Issues with verification of ID and Social Security Number
 - b. Be sure that you are in an area that is quiet enough for your microphone not to pick up stray conversations
 - c. Be patient, and speak slowly. The opportunity for misunderstandings is greater via videoconference than in person.
- II. Hearings with the Court/Trustee by telephone
 - a. Use the mute button. Until your hearing is called, mute your telephone.
 - b. Do not place the call on hold. The hold music/message will be piped through to the courtroom/hearing room.
 - c. Do not interrupt. There is a tendency when on the telephone to start talking just a bit too early. Remember, this is still a hearing, not just a phone call.
 - d. Make sure your client has the telephone number and access code in advance of the hearing.
 - e. Look through your court's procedures ahead of time.
- III. Hearings with the Court/Trustee by video
 - a. Most courts do have procedures for remote hearings. Learn and know them.
 - Test out the video conferencing with your client before the hearing.
 Make sure they are comfortable and familiar with, most likely,

Zoom, prior to the hearing. You do not want to have someone who can't unmute themselves, and be dealing with that at the hearing. Straighten it out ahead of time.

c. Speak slowly and clearly, and do not interrupt. Sometimes a hiccup in the connection can cause one to believe a person is done speaking. Wait a second before you go ahead.

Attached are sample general orders from different courts regarding court proceedings during the COVID-19 pandemic, sample orders establishing procedures for virtual hearings in a specific case, examples of procedures, notices and informational sheets for debtors generated by Trustees, some examples of Judges' videoconference rules and tips, and a sample of a short Zoom guide for debtors.

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

THIRD AMENDED GENERAL ORDER NO. 20-03

Court Proceedings During COVID-19 Public Emergency

Because a state of emergency has been declared in response to the spread of COVID-19, and because the Centers for Disease Control and Prevention have urged reduced contact among people to slow the spread of the disease, the U.S. Bankruptcy Court for the Northern District of Illinois issues this order, *effective October 13, 2020*, to protect public health.

- 1. Court hours. The Bankruptcy Court will remain open during normal business hours, pending further order of court. Because some deadlines under the Bankruptcy Code and Federal Rules of Bankruptcy Procedure cannot be changed, the Bankruptcy Court will remain open as long as possible.
- 2. All court calls to be heard electronically. All court calls will be held remotely by electronic means. No personal appearances in court will be necessary or permitted, unless the judge orders otherwise. Attorneys must direct their clients *not* to appear in person at the courthouse.
- **3. Motions.** Local Rule 9013-1(E)(1) governing presentment of motions in court is suspended. All motions will be heard remotely by electronic means, without personal appearances. Movants *must* use one of the two attached Notice of Motion forms.
- **4.** Court appearances by Zoom for Government or AT&T Teleconference. At the discretion of the individual judge, the bankruptcy court will use either Zoom for Government or AT&T Teleconference for court appearances. There is no charge for using these services (other

than the usual toll charges for Zoom for Government). Attorneys and parties in interest should consult the individual judge's page on the court's web site to see which service the judge uses.

a. Zoom for Government. Attorneys and parties may connect through Zoom for Government by computer or by telephone. To connect by audio only, a telephone or a computer with a microphone and speakers (or headphones) is necessary. To connect by video, a computer with a webcam and microphone or a smartphone with audio-visual capability is necessary.

To appear by video, use the following link: https://www.zoomgov.com/ Then enter the meeting ID and password. The applicable meeting ID and password can be found on the judge's page on the court's web site: https://www.ilnb.uscourts.gov.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. The meeting ID and password will differ for each court call. The applicable meeting ID and password can be found on the judge's page on the court's web site: https://www.ilnb.uscourts.gov.

b. AT&T Teleconference. Attorneys and parties may connect through AT&T Teleconference only by telephone. To do so, dial the toll-free number and enter the access code followed by the pound (#) sign. The toll-free number and access code will differ for each judge and can be found on the judge's page on the court's web site: https://www.ilnb.uscourts.gov.

5. Protocols for electronic court appearances.

- a. Your computer or telephone must be on "mute" except when your case is called.
- b. Each time you speak, identify yourself for the record. Remember to speak slowly and distinctly. Do not interrupt others.
- c. Do not use a speaker phone or call from a public place. Disruptions or background noise may cause the judge to mute you or terminate your participation.

- d. No one except the assigned court reporter or another person that the court directs may record the audio or video.
- e. Though held remotely by electronic means, each court call is a judicial proceeding. Formalities of a courtroom will be observed. Participants must conduct themselves in a suitable manner and if appearing by video must dress appropriately.
- 6. Dates and times of individual judges' court calls. To avoid simultaneous electronic court calls, the judges will hear matters on the following schedule rather than as originally scheduled, noticed, or (unless otherwise indicated) shown on the court's web site. Attorneys must check the court's docket to ensure that a matter has not been rescheduled.
- a. Outlying county court calls (Joliet, Kane County, Lake County): All outlying county court calls will be held on the same dates and at the same times as previously scheduled but will be held electronically.
- b. Chapter 7 and Chapter 11 calls: Each judge's chapter 7 and chapter 11 call will be held on a single day as follows.
 - Chief Judge Goldgar: Monday, original motions at 9:30 a.m., set matters at 10 a.m.
 - Judge Baer: Wednesday, original motions at 1:00 p.m., set matters at 1:30 p.m.
 - Judge Barnes: Monday, original motions at 1:00 p.m., set matters at 1:30 p.m.
 - Judge Cassling: Tuesday, original motions at 9:30 a.m., set matters at 10:00 a.m.
 - Judge Cleary: Wednesday, original motions at 10 a.m., set matters at 10:30 a.m.
 - Judge Cox: Tuesday, original motions at 1:00 p.m., set matters at 1:30 p.m.
 - Judge Doyle: Thursday, original motions at 10 a.m., set matters at 10:30 a.m.
 - Judge Hunt: Thursday, all matters at 11 a.m.
 - Judge Lynch: Wednesday, all matters at 11 a.m.

- Judge Schmetterer: Tuesday, original motions at 10 a.m., set matters at 10:30 a.m.
- Judge Thorne: Thursday, original motions at 9 a.m., set matters at 9:30 a.m.
- c. Chapter 13 calls and Western Division Chapter 12 calls:
- Chief Judge Goldgar: Tuesday afternoon
 - 1:15 p.m. trustee motions
 - 1:30 p.m. original motions
 - 2:00 p.m. set matters
 - 2:30 p.m. confirmations
- Judge Barnes: Thursday afternoon
 - 1:00 p.m. trustee motions
 - 1:30 p.m. original motions
 - 2:00 p.m. set matters
 - 2:30 p.m. confirmations
- Judge Cassling: Thursday morning, at times currently shown on the court's web site
- Judge Cleary: Monday afternoon
 - 1:00 p.m. trustee motions
 - 1:30 p.m. original motions
 - 2:00 p.m. set matters
 - 2:30 p.m. confirmations
- Judge Cox: Monday morning, at times currently shown on the court's web site
- Judge Doyle: Tuesday morning, at times currently shown on the court's web site
- Judge Lynch: Thursday morning
 - 8:45 a.m. trustee motions
 - 9:00 a.m. original motions
 - 10:00 a.m. confirmations
 - 11:00 a.m. chapter 12 matters
- Judge Schmetterer: Wednesday morning, at times currently shown on the court's web site

• Judge Thorne: Wednesday afternoon

1:00 p.m. trustee motions

1:30 p.m. original motions

2:00 p.m. set matters

2:30 p.m. confirmations

7. Motions; Objection procedure; Service. The following procedures apply to all motions noticed for presentment on or after October 13, 2020.

- a. Every motion must be filed using the applicable attached Notice of Motion form.
 If a motion noticed for presentment on or after October 13, 2020, has already been filed, the movant must file and serve an amended notice of motion using the applicable Notice of Motion form.
- b. A party who objects to a motion and wants it called must file a Notice of Objection no later than two (2) business days before the presentment date.
- c. A Notice of Objection need only say that the respondent objects to the motion. No reasons need be given for the objection. ¹/
- d. If a Notice of Objection is timely filed, the motion will be called on the presentment date.
- e. If no Notice of Objection is timely filed, the court may grant the motion without a hearing before the date of presentment.
- f. Local Rule 9013-1(D) governing service of motions is suspended in part. All motions must be served at least seven (7) days before the date of presentment, regardless of the method of service.

For example, a trustee's objection to a chapter 13 debtor's motion to modify the plan post-confirmation need only say: "The trustee objects to the motion to modify the plan."

g. Any matter not subject to a deadline in the Bankruptcy Code or Bankruptcy Rules

may be continued to another date by agreement of the parties. To obtain a continuance, the

parties should contact chambers.

8. Trials and evidentiary hearings. All trials and evidentiary hearings will be held by

video using the Zoom for Government platform. No trials and evidentiary hearings will be held

in the courthouse. See General Order No. 20-05.

9. Original Non-Attorney Signatures. Section II.C.1 of the Administrative Procedures

for the Case Management/Electronic Case Filing System is suspended. Electronic signatures

using a method like DocuSign will be accepted.

10. Deadlines in Bankruptcy Code and Bankruptcy Rules unchanged. Nothing in

this order alters in any respect deadlines under the Bankruptcy Code or Bankruptcy Rules.

11. Authority of judges to enter orders unaffected. This order does not affect the

authority of judges to enter orders in any bankruptcy case or proceeding.

12. Local Rules remain in effect. Except as provided in this order, the Local Rules of

the Bankruptcy Court and the court's Administrative Procedures for the Case Management/

Electronic Case Filing System remain in effect, including Local Rule 9013-2 concerning

emergency motions.

13. Effective date; Superseding effect of this order. This order is effective October

13, 2020. On the effective date, this order supersedes all other orders and all notices from

individual judges concerning court proceedings during the current emergency.

Dated: September 28, 2020

ENTERED FOR THE COURT:

A. Benjamin Goldgar

Chief Judge

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1. Notice of Motion form for Zoom for Government

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

[caption]

NOTICE OF MOTION

TO: See attached list			
PLEASE TAKE NOTICE that of	on	, 20, at	a.m./p.m., I will
appear before the Honorable		, or any judge sittii	ng in that judge's place,
and present the motion of			[to/ for]
		, a co	py of which is attached.
This motion will be presented			
No personal appearance in court is necessition, you must do the following:	essary or perm	itted. To appear an	d be heard on the
To appear by video , use this line ID and password.	nk: https://ww	w.zoomgov.com/.	Then enter the meeting
To appear by telephone, call 2 7666. Then enter the meeting ID and p		ernment at 1-669-25	54-5252 or 1-646-828-
Meeting ID and password. The password is The meeting page on the court's web site.	he meeting ID ing ID and pas	for this hearing is sword can also be f	and the judge's
If you object to this motion an file a Notice of Objection no later than Objection is timely filed, the motion w Objection is timely filed, the court may	two (2) busine ill be called on	ess days before that the presentment da	date. If a Notice of ate. If no Notice of
	[Name of mov	vant]	
		ss, telephone number dress of counsel]	er,

CERTIFICATE OF SERVICE

I, ______, certify [if an attorney]/declare under penalty of perjury under the laws of the United States of America [if a non-attorney] that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on ______, 20__, at ______ a.m./p.m.

2. Notice of Motion form for AT&T Teleconference

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

[caption]

NOTICE OF MOTION

TO: See attached list			
PLEASE TAKE NOTICE that on	. 20 . at	am/nm I will	
appear before the Honorable	or any judge sitting	in that judge's place	
and present the motion of	, or any judge sitting	[to/for]	
and present the motion of	a con:	v of which is attached	
	, a cop	y of which is attached.	
This motion will be presented and heard No personal appearance in court is necessary or pe motion, you must call this toll-free number: followed by the pound (#) sign	rmitted. To appear and	be heard on the	
If you object to this motion and want it ca file a Notice of Objection no later than two (2) bus Objection is timely filed, the motion will be called Objection is timely filed, the court may grant the n	iness days before that d on the presentment date	ate. If a Notice of e. If no Notice of	
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[Name of r	novantj		
Ву:	<u>-</u>		
D.I 1	1 4.1		
[Name, address, telephone number, and email address of counsel]			
and eman	address of counselj		
<u>CERTIFICATE</u>	OF SERVICE		
I,, certify [if an at the laws of the United States of America [if a non-and the attached motion on each entity shown on t the method indicated on the list on	he attached list at the ad	dress shown and by	

FILED

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF OHIO

2020 AUG 21 PM 1:58

RICHARD JONES CLERK OF COURT U.S. BANKRUPTCY COURT OMORNATE, OHO

In re:

ORDER REGARDING VIRTUAL HEARINGS

General Order No. 44-1

The Court issues this General Order in response to the COVID-19 public health emergency and the continuing recommendations from the Centers for Disease Control and Prevention, the Ohio Department of Health, and the Administrative Office of the United States Courts to exercise caution during the pandemic. With General Order 35-1 and its subsequent amendments, the Court has adopted procedures to conduct non-evidentiary hearings telephonically. This General Order is intended to supplement General Order 35 and to provide notice of the general requirements and expectations for all virtual hearings in the Bankruptcy Court for the Southern District of Ohio.

Carefully monitor the presiding judge's individual page on the Court's website (https://www.ohsb.uscourts.gov/) to be aware of his or her specific procedures.

The following is applicable to all virtual hearings:

1. Platforms

- a. The presiding judge maintains the discretion to conduct any hearing—whether evidentiary or non-evidentiary—telephonically, through videoconferencing technology, or using a combination of both (all a "<u>Virtual Hearing</u>").
- b. For any Virtual Hearing, the presiding judge reserves the right to choose the platform employed for audio (the "<u>Audio Platform</u>") (e.g., AT&T conference line, CourtCall, CourtSolutions) and/or video (the "<u>Video Platform</u>") (e.g., Skype, Zoom for Government, Microsoft Teams, GoToMeeting).

2. Required Equipment

a. For any Virtual Hearing using an Audio Platform, each attorney and each Remote Witness (defined below) must have access to a telephone. If possible, parties appearing telephonically should use a landline rather than a cell phone. If a cell phone is used, parties shall ensure that they have a strong cellular phone system or use the Wi-Fi calling option on their phones. Parties shall not use cell phones while in public spaces or while driving or riding in an automobile.



- b. For any Virtual Hearing using a Video Platform, each attorney and each Remote Witness must have access to a computer, tablet, phone, or other device equipped with (i) a camera, (ii) an internet connection sufficient to support the applicable Video Platform, and (iii) a microphone. In lieu of a microphone, many Video Platforms also have the option of using a telephone for audio.
- c. For any Virtual Hearing, each attorney and Remote Witness must be able to access exhibits in Portable Document Format ("PDF") through the use of a PDF reader (e.g., Adobe Acrobat Reader, Apple Books). If a Remote Witness does not have access to a program for viewing PDF files, the party sponsoring the Remote Witness shall ensure the Remote Witness has a printed copy of all exhibits.

3. Exhibits and Testimony

- a. In advance of any Virtual Hearing, parties will be expected to provide to each other and to the Court electronic copies of exhibits in PDF format. A party's exhibits should be combined into a single PDF file and each individual exhibit should be labeled and, to the extent possible, bookmarked to ensure easy navigation.
 - Some judges may require that exhibits be filed on the docket; others may require that exhibits be emailed. Parties should familiarize themselves with the presiding judge's policies and procedures on the provision of exhibits.
- b. In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), for good cause and in compelling circumstances a witness may be permitted to testify by contemporaneous transmission from a location other than the courtroom. Based on the foregoing, unless ordered otherwise in a particular case, any witness called to testify or subject to cross-examination in relation to a Virtual Hearing shall be permitted to testify by contemporaneous transmission from a different location ("Remote Witness").
- c. All Remote Witnesses shall be sworn in virtually by the presiding judge or other court employee, and such testimony will have the same effect as if such Remote Witness was sworn in person in open court at the courthouse.
- d. As an additional safeguard for the allowance of a Remote Witness, the presiding judge may require the Remote Witness or the party sponsoring the Remote Witness to provide certain information. The Remote Witness and/or the sponsoring party should be prepared to provide the information such as: (i) the location of the Remote Witness (city, state, country); (ii) the place from which the Remote Witness will testify (e.g., home, office); (iii) whether anyone is or will be in the room with the Remote Witness during the testimony, and if so, who and for what purpose; and (iv) whether the Remote Witness will have access to any documents other than exhibits provided to the Court and the parties, and if so, what documents.
- e. The party sponsoring a Remote Witness shall be responsible for ensuring that any applicable dial-in information, any applicable link for the Video Platform, and all exhibits are supplied to the Remote Witness before the Virtual Hearing.

4. Recordings

a. Other than official court reporters and official electronic recorders employed by the Court, no party shall be permitted to record any Virtual Hearing. Local Bankruptcy Rule 5073-1, which prohibits the use of cameras or other recording devices where judicial proceedings are being conducted, applies to Virtual Hearings.

5. General Recommendations

- a. Parties should carefully review the presiding judge's webpage and any scheduling orders or other orders entered in the particular case for specific policies and procedures. After such review, parties may contact the presiding judge's courtroom deputy with any procedural questions or concerns.
- b. Parties should carefully monitor their email in advance of hearings to ensure receipt of any necessary instructions, dial-in information, or links for Video Platforms.
- c. Parties should mute their phones when not addressing the Court to prevent background noise, which is distracting to participants and interferes with the record.
- d. Parties should, where possible, avoid speaker phone, Bluetooth, and other handsfree features when addressing the Court, as these features can cause interference.
- e. Successful Virtual Hearings require the cooperation of all participants. Parties should continue to exercise patience and care in the course of their participation in Virtual Hearings to maximize the swift and orderly administration of justice during this public health emergency. To that end, every party should: (i) wait until called upon to speak; (ii) announce his or her name for the record each time the party speaks; (iii) make an effort to speak slowly, clearly, and concisely; and (iv) pause before speaking and avoid speaking over or interrupting other parties and the Court.

IT IS SO ORDERED.

Dated: August 21, 2020

FOR THE COURT

United States Bankruptcy Court

Southern District of Ohio

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

John E. Hoffmår, Jr. United States Bankruptcy Judge

Dated: April 11, 2020

IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

) Chapter 11
) Case No. 20-10390 (JEH)
) Judge John E. Hoffman, Jr.
) (Jointly Administered)

AGREED ORDER ESTABLISHING PROCEDURES FOR TELEPHONIC AND/OR VIRTUAL HEARING SCHEDULED FOR APRIL 14, 2020, AS A RESULT OF THE COVID-19 PANDEMIC [RELATED TO DOCKET NO. 361]

The above-captioned debtors and debtors in possession (collectively, the "<u>Debtors</u>"), the Official Committee of Unsecured Creditors (the "<u>UCC</u>"), the Ad Hoc Group of Prepetition Term Loan Lenders (the "<u>Ad Hoc Group</u>"), Murray Energy Holdings Co. and its affiliated debtors (the "<u>Murray Energy Debtors</u>", and collectively with the Debtors, the UCC, the Ad Hoc Group, the

¹ The Debtors in these Chapter 11 cases, along with the last four (4) digits of each Debtor's federal tax identification number, if applicable, are: Murray Metallurgical Coal Holdings, LLC (4633); Murray Eagle Mining, LLC (4268); Murray Alabama Minerals, LLC (4047); Murray Alabama Coal, LLC (3838); Murray Maple Eagle Coal, LLC (4435); and Murray Oak Grove Coal, LLC (4878). The Debtors' primary business address is 46226 National Road, St. Clairsville, OH 43950.

Murray Energy Debtors, the "Parties", or, each individually, a "Party"), each by and through counsel, having agreed that pursuant to Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), the current COVID-19 pandemic provides for good cause and constitutes compelling circumstances, and as a result thereof, the Parties having further agreed to certain telephonic and virtual hearing procedures which shall provide appropriate safeguards in relation to the hearing on the Motion of the Official Committee of Unsecured Creditors for Entry of an Order Granting it Standing and Authorizing it to Prosecute and Settle Certain Claims on Behalf of the Debtors' Estates [Docket No. 361] (the "UCC Standing Motion"), and the Court having reviewed the record and being fully advised,

IT IS HEREBY AGREED AND ORDERED that:

- 1. <u>Telephonic and Video Conferencing Solutions</u>. The hearing scheduled for Tuesday, April 14, 2020 at 10:00 a.m. prevailing Eastern Time shall take place virtually. The Court will be utilizing both CourtSolutions (for audio purposes) and Skype (for video purposes). CourtSolutions can be accessed by calling (917) 746-7476 or visiting the website www.court-solutions.com and the Skype link shall be provided to those Parties who have submitted a notice of intent to participate via Skype to the Court in accordance with Section 3 below. All counsel and witnesses shall conduct a pre-hearing test of Skype and, if possible, CourtSolutions, using the same equipment that they will be using during the hearing.
- 2. <u>Limit on Video Conferencing</u>. Due to video conferencing limitations, the optimal number of Skype participants is ten (10), as opposed to CourtSolutions, which allows for unlimited participants. In an effort not to overburden the Skype platform, video conference participants shall be limited to the witnesses, those parties that anticipate questioning or cross-examining witnesses and, when possible, should be limited to one attorney per firm. Parties

participating via Skype who wish to address a witness shall simultaneously be connected to CourtSolutions for audio purposes. Parties attending via Skype shall utilize the Skype link only during the matter for which they wish to be heard. Upon the conclusion of such matter, the party shall disconnect from the Skype link and may continue participation in the hearing through CourtSolutions. Similarly, witnesses shall utilize the Skype link only during the matters on which they are called to testify. Upon completion of their testimony and all cross-examination, the witness shall disconnect from the Skype link and may continue participation in the hearing through CourtSolutions. In order to limit the number of Skype participants to ten persons, if necessary, the Court will take a recess between matters in order to add or subtract individuals participating via Skype.

- 3. <u>Prior Notice of Intent to Skype</u>. All Parties wishing to attend the hearing via Skype shall provide notice to Hoffman282@ohsb.uscourts.gov via electronic mail no later than 4:00 p.m. prevailing Eastern Time on Saturday, April 11, 2020. The Court will circulate the Skype link to all Parties participating via Skype prior to the hearing.
- 4. <u>Submission of Exhibits to Court</u>. Parties submitting exhibits related to the UCC Standing Motion shall send all exhibits to Hoffman282@ohsb.uscourts.gov via electronic mail in .pdf format no later than 4:00 p.m. prevailing Eastern Time on Saturday, April 11, 2020. Such information shall be submitted to the Court separately from (and in addition to) the Exhibit Lists required to be filed with the court three-business days prior to the hearing pursuant to Section 52 of that certain *Supplemental Order Implementing Certain Notice and Case Management Procedures* [Docket No. 317] (the "Case Management Order").

- 5. <u>Form of Exhibits</u>. Each Party shall combine all of its exhibits into one .pdf document and each individual exhibit shall be bookmarked for easy review by the Court. All parties shall submit their exhibits to the Court separately.
- 6. <u>Filing and Service of Exhibits</u>. Parties submitting exhibits are excused from (i) filing exhibits on the court docket, and (ii) serving the exhibits on the Master Service List. Parties submitting exhibits need only email the exhibits to the other Parties to this Order and the Court.
- 7. Remote Witness Testimony. In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), for good cause and in compelling circumstances a witness may be permitted to testify by contemporaneous transmission from a location other than the courtroom. Based on the foregoing, any witness called to testify or subject to cross-examination in relation to the UCC Standing Motion shall be permitted to testify by contemporaneous transmission from a different location ("Remote Witness").
- 8. Requirements for Allowance of Remote Testimony; Additional Information.

 As additional safeguards for the allowance of a Remote Witness, the Party sponsoring said Remote Witness shall file with the Court, no later than 4:00 p.m. prevailing Eastern Time on Saturday, April 11, 2020, a document containing the following information:
 - a. The name and title of the Remote Witness.
 - b. The matter on which the Remote Witness will provide testimony.
 - c. The location of the Remote Witness (city, state, country).
 - d. The place from which the Remote Witness will testify (e.g. home, office no addresses are required).

e. Whether anyone will be in the room with the Remote Witness during the testimony, and if so, who (name, title, relationship to the Remote Witness), and for what purpose.

f. Whether the Remote Witness will have access to any documents other than exhibits that have been emailed to the Court and the parties, and if so, what documents.

Such information may be filed with the Court separately from (or incorporated within) the Witness Lists required to be filed with the Court no later than 4:00 p.m. prevailing Eastern Time on Saturday, April 11, 2020.

9. Swearing In of Remote Witnesses. All Remote Witnesses shall be sworn in over the telephone, Skype, or other video conferencing solution, as applicable, and such testimony will have the same effect and be binding upon the Remote Witness in the same manner as if such Remote Witness was sworn in by the Court deputy in person in open court. To the extent there is an error or malfunction with Skype or other video conferencing solution, the Remote Witness may be sworn in and testify via telephone only.

10. <u>Responsibility for Remote Witnesses</u>. The Party sponsoring the witness shall be responsible for ensuring that the CourtSolutions dial-in, Skype link, and all exhibits are supplied to the Remote Witness prior to the hearing and that the Remote Witness has been registered with CourtSolutions and Skype, as applicable.

SO ORDERED.

Copies to Default List.

AGREED TO AND SUBMITTED BY:

/s/ Thomas R. Allen

Thomas R. Allen (0017513) Richard K. Stovall (0029978) James A. Coutinho (0082430) Matthew M. Zofchak (0096279)

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/s/ Christopher W. Peer

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(Per email authorization on April 11, 2020)

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Counsel to the Murray Energy Debtors

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF ILLINOIS

In re:

Chapter 7

CLAYTON HAMILTON WEISENBORN BRENDA S. WEISENBORN

Case No. 20-80900

Debtor

NOTICE OF VIDEO CONFERENCE FOR 341 MEETING OF CREDITORS AND PROCEDURES REGARDING SAME

PLEASE TAKE NOTICE that in addition to the telephonic 341 Meeting of Creditors provided for under 11 U.S.C. § 341 previously noticed for **November 20, 2020 at 1:00 p.m.** the Trustee has scheduled a video conference for participation in the Meeting of Creditors. Participation by video is **required** for the Debtors and is optional for any other parties.

PLEASE TAKE FURTHER NOTICE that to connect to the 341 Meeting of Creditors, at the time and date set for your meeting, follow the instructions below:

1. **From a telephone,** call the Trustee's telephonic conference line 877-396-3767 Enter Passcode 4747452

To connect to the video conference:

2. From a separate device (computer, laptop, ipad, another phone) connected to the Internet with a camera, click:

Join Zoom Meeting

 $\underline{https://us02web.zoom.us/j/89050674712?pwd} = \underline{akNaUFdIUnoydGZETmNFWm9RamN5dz09}$

Meeting ID: 890 5067 4712

Passcode: 101754

After you connect, you will be placed into the Trustee's waiting room, and be admitted to the video conference when your case is called. Please do not be late to your scheduled meeting time, or your case may be rescheduled.

PLEASE TAKE FURTHER NOTICE that a separate device connected to the internet with

a camera, other than the telephone you are using to call into the conference, is necessary to be able

to connect to the video conference. Only the audio of the 341 Meeting of Creditors will be

electronically recorded. To ensure the quality of the record, please be sure to limit any background

noise. Participants must be able to hear all parties for the entirety of the 341 Meeting of Creditors.

PLEASE TAKE FURTHER NOTICE that the Debtor(s) must timely submit to the Trustee

documents requested at the Section 341 meeting of creditors on October 6, 2020 and any missing

documents from the Trustee's standing Section 341 Meeting letter, a copy of which is available at:

https://reinboldlawfirm.com/wp-content/uploads/2020/05/341requirements-5-1-20.pdf.

Debtor(s)' counsel are required to use the Trustee's Document Delivery Portal for submitting

identification documents and other required documents, unless alternate arrangements are made

PLEASE TAKE FURTHER NOTICE that failure to comply with the above procedures

may be deemed a failure to appear at the 341 Meeting of Creditors, result in a continuance or a

request for dismissal of the case.

/s/ Jeana K. Reinbold

Jeana K. Reinbold

Chapter 7 Trustee P.O. Box 7315

Springfield, IL 62791

Telephone: (217) 241-5629

Email: trustee@jeanareinboldlaw.com

CC: Debtor's counsel of record and parties who have filed an electronic appearance in the case

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INFORMATION FOR SECTION 341 MEETING OF CREDITORS CENTRAL AND SOUTHERN DISTRICTS OF ILLINOIS

Bankruptcy Code section 343 requires each debtor to appear and submit to examination under oath at the meeting of creditors convened pursuant to section 341(a). Because of developing issues with the COVID-19 virus and the national declaration of emergency by the President of the United States, meetings of creditors will be conducted by telephone conference call. The dial-in number and participant code for the telephone conference line appear on the notice of meeting of creditors. The conference line is only for meetings of creditors. The trustee's contact information is listed elsewhere on the notice.

Bankruptcy Information Sheet

Prior to the meeting, the debtor must read the Bankruptcy Information Sheet, provided by their attorney or available at https://www.justice.gov/ust/bankruptcy-information-sheet-0.

Identification Materials & Tax Return

At least seven days prior to the meeting, the debtor (through counsel) must provide the trustee with a copy of (1) the most recently filed federal income tax return or a transcript thereof; (2) government-issued photo ID; and (3) evidence of complete Social Security Number. Contact the trustee to obtain instructions for submitting these materials (collectively, the "Identification Documents"). Failure to timely submit these materials may result in the meeting being rescheduled or the case being dismissed.

Acceptable forms of picture identification (ID) include: driver's license, U.S. government ID, state ID, student ID, passport (or current visa, if not a U.S. citizen), military ID, resident alien card, and identity card issued by a national government authority. Acceptable forms of proof of social security number include: social security card, medical insurance card, pay stub, W-2 form, IRS Form 1099, and Social Security Administration (SSA) Statement.

Debtors and their counsel should be prepared to indicate on the record at the 341 meeting that the name and social security number on the documents filed in the bankruptcy case match the name and number on the Identification Documents provided to the trustee. Trustees will also take appropriate measures (1) to secure the Identification Documents, both to protect the debtors' privacy and to prevent their unauthorized disclosure, and (2) to destroy or return the Identification Documents when they are no longer needed.

Dial-In Instructions

- (1) <u>Type of Phone</u>. You must use a touch-tone telephone to participate. If you have a choice, use a landline phone rather than a cell phone.
- (2) <u>Limit Distractions and Background Noise</u>. Make the call from a quiet area where there is as little background noise as possible. Do not use a speaker phone.
- (3) One Phone Per Caller. Persons attending the meeting from the same location (e.g., joint debtors) should each use a separate touch-tone telephone to participate.

- (4) <u>Call at Appointed Time</u>. Dial the telephone conference line number and then enter the participant code (7 numerals followed by a # sign). Do not call in advance; call at your appointed meeting time. Once connected, place your phone on mute, remain on the line, and wait until your case is called prior to speaking, as another meeting may be underway.
- (5) <u>Connection</u>. Do not put the call on hold at any time after the call is connected. If your call is disconnected before the meeting is completed, you must immediately call back.
- (6) <u>Tardiness</u>. Meetings are scheduled either individually or in small blocks. Trustees will commence and end meetings as scheduled. If the debtor is tardy, the trustee may assign a call back time later that day or reschedule the meeting to another date.

Conference Call Instructions

- (1) <u>Listen for Call of Case</u>. At the appointed time, the trustee will announce the case name and number. When your case is called, unmute your phone and identify yourself.
- (2) <u>Each Debtor Must Testify</u>. For joint cases, each debtor must clearly and audibly answer every question.
- (3) Recording. The trustee or United States Trustee will electronically record the meeting. Other recordings are prohibited. Debtors and other parties must speak clearly and loudly to ensure a clear record
- (4) <u>Bankruptcy Papers.</u> Debtors must have their bankruptcy papers (including the petition, schedules, statement of financial affairs, means test, and tax returns, as well as any document the trustee has indicated in advance that the debtors should have) available to review and respond to questions.
- (5) <u>Additional Time</u>. Trustees will commence and end meetings as scheduled. If additional time is needed, the trustee may assign a call back time later that day or continue the meeting to another date.
- (6) <u>Terminating the Call</u>. Please hang up promptly at the end of your meeting.

Special Services

- (1) <u>Foreign Language Interpretation</u>. The United States Trustee Program provides telephonic foreign language interpreter services for participation at section 341 meetings by debtors and creditors. Although the provider does not require prior notice, it will be helpful to alert the trustee prior to the meeting. There is no charge for this service.
- (2) <u>Assistance for Hearing Impaired Parties</u>. The United States Trustee Program offers the services of a sign language interpreter for debtors and creditors at meetings of creditors. Prior notice is required to enable the United States Trustee to make necessary arrangements. Under the current circumstances, the meeting may be rescheduled until appropriate arrangements can be made. There is no charge for this service.

SCOTT LIESKE, CHAPTER 13 TRUSTEE MEETINGS OF CREDITORS VIDEO PROTOCOL

Given recent health concerns, my office will be conducting Meetings of Creditors via videoconference (Zoom.us) until further notice. The audio of the Meetings will be recorded and the audio recordings will be available from the US Trustee.

Debtors and their attorneys do not have to be in the same location as long as each of them has access to the Zoom videoconference portal (can be accessed via a free app on a smartphone/tablet or on a PC with video/microphone). A video appearance via the Zoom portal is preferable. However, if a debtor is unable to appear via the Zoom videoconference portal, they can appear telephonically by following the instructions on the Notice of 11 U.S.C. § 341(a) Meeting To Be Held By Telephone that was mailed to them by the Bankruptcy Court.

- 1. Approximately one-week prior to the scheduled meeting, my office will send an email to the debtor's attorney with a link to the Meeting ID. The attorney will be responsible for forwarding this information to the debtor(s).
- The debtor(s) will need to download the free ZOOM Cloud Meetings app to their smartphone/tablet from the Apple App Store or Google Play Store and set-up their free account.
 - a. Once the app is downloaded, click the 'Sign Up' button
 - b. Enter your Email Address, First Name, and Last Name; click the button agreeing to the Terms of Service; and then click the 'Sign Up' button in the upper right corner
 - c. A pop-up box will inform you that a confirmation email has been sent to the Email Address that you have provided; Click 'OK'
 - d. Go to your email inbox and check for the activation email from Zoom and click on the 'Activate Account' button in the email (if you have not received the activation email, check your Spam folder)
 - e. You will be directed to the Zoom website to create a password; enter a password and confirm the password and then click the 'Continue' button
 - f. Return to the Zoom app on your phone and click the 'Sign In' button
 - g. Enter your Email Address and the Password you just created
 - h. Test the connection by clicking the 'Join' button at the top of the screen; Enter the Meeting ID provided in Step 1 and click the 'Join' button (Note: you MUST make sure the Personal Link Name is your full First & Last name so the Trustee can identify the participant)
 - i. If everything was set up correctly, the next screen should show the Meeting ID, the Time and Date of the scheduled Meeting of Creditors (the time shown will be the 8:30am morning start time for the entire day regardless of what time the debtor's actual meeting is scheduled for); you should also see a spinning wheel notifying you that the app is waiting for

the host to start the meeting (now that you have successfully tested your connection and confirmed the Meeting information, you may click the 'Leave' button in the upper right corner of the screen)

Note: This process is relatively simple, but can take a little bit of time so debtors should NOT wait until the day of their hearing to complete this step. The Trustee requests that attorneys test the Zoom video connection with their clients prior to the Meeting of Creditors.

- 3. Approximately 10 minutes prior to the scheduled start of the Meeting, the debtor should extract their Picture ID and Social Security verification from their wallets/purses and find a private distraction-free location with good Wi-Fi or a strong cellular signal to participate in the videoconference Meeting.
- Approximately 5 minutes prior to the scheduled start of the Meeting, the debtor should log in to the Zoom app.
 - a. Return to the Zoom app on your phone and click the 'Sign In' button
 - b. Enter your login Email Address and Password
 - c. Click the 'Join' button at the top of the screen; Enter the Meeting ID provided in Step 1 and click the 'Join' button (Note: you MUST make sure the Personal Link Name is your full First & Last name so the Trustee can identify the participant; if the Trustee cannot identify you, you may not be admitted to the Meeting)
 - d. A Video Preview window will open on your phone; click the blue 'Join with Video' button and you will receive a message indicating that the meeting host will let you in soon (there are 4 cases scheduled in each half-hour block, so you could be the first case called right away or you could be the 2nd, 3rd, or 4th case called; be patient)
 - e. Once the Host (Trustee) is ready for your case and admits you into the Meeting, you will receive a pop-up message instructing you to join the audio in order to hear the other participants; click the 'Call using Internet Audio' button (you must click this button in order for the other meeting participants to hear you)
- The Trustee will swear you in and conduct the Meeting of Creditors. You will be asked to hold up your Picture ID and Social Security verification in front of your camera phone so the Trustee can verify your identity.
- 6. Once the Host (Trustee) has disconnected you from the Meeting, you may close the app. Your attorney will contact you if there any further instructions.

Updated 4/2/20

9/11/2020

Judge Baer's Zoom Trial Rules and Tips

General Matters

- 1. "<u>Listening in" on the proceedings</u>. The trial is a "public proceeding." Thus, any party interested in the case may "listen in" to the Zoom trial. Parties to the case may share the Zoom ID and passcode with interested parties who wish to "listen in." The information will also be posted on the Court Calendar which is located on Judge Baer's website. Parties who "listen in" must have their cameras off and their microphones muted at all times.
- 2. <u>Video/audio on</u>. Only parties who are expected to call witnesses or pose objections at the trial and the witnesses who are testifying should have their cameras and microphones turned on during the trial. All others should turn their cameras off and mute their microphones. The video feed will show only the parties who will actually be participating—the Judge, the witness, the lawyer asking the questions, and any parties entitled to object. Other attorneys assisting in the case must have their cameras off and their microphones muted.
- 3. <u>Slow down and do not interrupt</u>. It is vital that everyone slow down when speaking and not interrupt each other. This is even more key now than when proceedings are held in the courtroom. Generally, when two people speak at the same time, nothing is heard from either. Thus, anything that is said will have to be repeated, making the trial even longer.
- 4. Regular breaks. If people want to take breaks during the trial, they should just ask for a break or raise their hand if someone else is speaking. If it is just a simple break, participants should turn off their video and audio during the break and then turn them back on when the trial commences again.
- 5. <u>Breakout rooms.</u> If any party wants to be placed in a breakout room so that he or she may speak separately to another participant, the party should ask the Court, and, if appropriate, the courtroom deputy will arrange for the breakout and place the parties in the correct breakout room. Breakout rooms will be set up in advance for the plaintiff and the defendant. Court personnel will also have a chambers breakout room.
- 6. <u>Technical information</u>. The Court must be provided with a list of cell phone numbers of all parties expected to participate in the trial and descriptions of the types of technology (e.g., Mac, PC, I-pad) that each party will be using at trial. Such a list will allow Court personnel to immediately contact and provide appropriate technical assistance to any party experiencing technical issues during the trial.
- 7. <u>Courtroom behavior</u>. Although this will be a virtual trial, parties are expected to conduct themselves in the same way that they would if we were in person in the courtroom. This includes appropriate formality and attire. While I love cats and babies, please try to avoid their participation in the trial if at all possible. In addition, if you are having trouble with the video or audio or other technical difficulties, please speak up immediately. Though glitches are expected,

they do not always occur on the Court's end, so we will not necessarily know if your Internet goes down until you tell us.

8. Photos/recordings. No photographs or recordings of the proceedings are permitted. You may have your cell phones or similar devices with you during the trial, but they must be muted, and you may not use them to take photographs or record any part of the proceedings. A court reporter will be present, and she will be preparing the only official record of the proceedings. While the Zoom bot will be engaged as a backup for the court reporter, you will not be provided access to that recording.

Witnesses

- 9. <u>Witness protocol</u>. When a party is called to testify, the witness must generally be in a room by himself or herself with no papers in front of the witness other than the filed exhibits. The witness will be sworn in by the courtroom deputy via Zoom video and audio. Then, while under oath, the witness will be asked to testify as to where the witness is located, who is in the room with the witness, and whether the witness has any papers in front of him or her. The witness will also be asked to tell the Court if, at any time, someone who was not initially there enters the room. If witnesses wish to have counsel with them in person, that fact must be disclosed to the Court, and the parties must maintain social distance in the room.
- 10. <u>Violation of witness rules</u>. If, during the course of a witness's testimony or otherwise, it is discovered that (a) the witness is being coached or otherwise communicated to, (b) there is an undisclosed person in the room with the witness, or (c) the witness has notes in front of him or her that have not been disclosed, the Court may disqualify the witness from testifying, enter sanctions, or take other appropriate action within the Court's discretion.
- 11. <u>Excluding witnesses</u>. At the start of the trial, the parties must inform the Court if they wish to have testifying witnesses excluded from the courtroom. If so, the Court will decide whether the request is appropriate pursuant to the applicable federal rules. Either excluded witnesses will be placed in a Zoom waiting room until it is time for them to testify, or they should be directed not to dial in to the Zoom trial until they are expected to testify.
- 12. <u>Objections</u>. If parties wish to object to questions during examination, they should simply state "objection" orally and physically raise their hand. When the word "objection" is stated and/or the hand is raised, all parties must stop talking. At that point, the Court will invite the objecting party to state the legal basis for his or her objection; may, at its discretion, solicit a response from the other party; and then rule.
- 13. <u>Sidebar</u>. If a lawyer needs a sidebar with the Court and opposing counsel during a witness's testimony, the lawyer should just ask. We can arrange for the witness to be placed in the waiting room while the sidebar takes place.

Exhibits

14. <u>Filing and sharing exhibits</u>. Exhibits must all be filed on the Court's docket. The courtroom deputy will serve as host for the trial and thus be the only person who has the right to

"screen share." If a party wishes to have an exhibit shared on the screen, the deputy will be the one who will retrieve the document from the docket and share the document with the trial participants. Exhibits must be marked with page numbers that will allow the deputy to readily and quickly find the appropriate pages in each exhibit.

- 15. <u>Hardcopy exhibits.</u> In addition to filing exhibits electronically, the parties may provide hard copies of the exhibits to each other and the witnesses. One full hardcopy set of the exhibits must be delivered to the Judge via the Bankruptcy Court mailroom, 219 S. Dearborn Street, Room 717, on the date required in the Court's pretrial order.
- 16. <u>Confidential exhibits</u>. If the parties designate as exhibits documents that are marked as confidential, a redacted set of the confidential documents should be filed on the public docket, and a separate, unredacted version of the documents should be filed under seal with the Court pursuant to Local Rule 5005-4. The courtroom deputy will be directed to "screen share" only the redacted version of confidential exhibits. The Court does not need hard copies of the redacted exhibits. In the hardcopy set of exhibits to be delivered to the Court, the confidential documents should be provided in separate sealed envelopes marked as confidential. Whenever witnesses are expected to testify on the record about confidential information, counsel must provide advanced notice so that the Court can determine whether arrangements need to be made to protect that information from anyone listening in during the trial.
- 17. <u>Impeachment/rebuttal documents</u>. If a lawyer wants to use a document that is not a marked exhibit for impeachment or rebuttal, he or she must send the relevant document via email to the courtroom deputy who will then share the document on the screen as directed by the lawyer.
- 18. <u>Deposition transcripts</u>. If a lawyer anticipates using a deposition transcript for impeachment, he or she may either designate the transcript as an exhibit and file it with the other exhibits ahead of the trial or have the transcript downloaded and readily available to provide to the courtroom deputy to be shared during the trial.

Judge Cassling's Zoom Rules and Tips

- 1. These rules and tips apply to all court proceedings, including the motion calls. There are additional procedures and rules which must be followed for Zoom trials. Those procedures and rules are contained in the pretrial order which will be issued approximately a week before the trial is scheduled to start. They can also be found on the Court's website.
- 2. Ability of the public to observe the proceedings. A court hearing/trial is a public proceeding. Thus, any party interested in the case may attend or observe the Zoom hearing. Parties to the case may share the Zoom ID and passcode with any interested persons who wish to listen in. The information will also be posted on the Court Calendar which is located on Judge Cassling's website. Persons who are only observing must turn their cameras and microphones off at all times.
- 3. <u>Use of video/audio</u>. Turn your video/audio on only if you are participating in the hearing at issue. Only attorneys who are appearing in order to represent parties, pro se parties, and witnesses who are testifying may turn on their cameras and microphones during a court hearing. The video feed will display only the parties who will actually be participating—the Judge, the witness, the lawyer asking the questions, and any parties entitled to appear or object. Other attorneys assisting in the case must have their cameras off and their microphones muted.
- 4. <u>Use of headsets</u>. We strongly recommend that you use a headset or earbuds *with a microphone* for all Zoom hearings. Using a separate headset microphone instead of a built-in computer microphone reduces distortion, eliminates background noise, and ensures that

everything you say will be picked up. The result will be a more accurate record of the proceeding.

- 5. Avoid cross-talk where possible. Slow down and do not interrupt. It is vital that everyone slow down when speaking and not interrupt each other. Cross-talk will prevent the Court from understanding what is being said and will prevent the Court Reporter from making an accurate transcript. If repeated, willful, violations of this rule occur, the Court may sanction the offending party.
- 6. Early opening of the virtual courtroom. Zoom meeting rooms will be opened to the public thirty minutes prior to the scheduled court hearing. Attorneys may use the virtual courtroom during this time to conduct business (i.e, discussion with the trustee's office or opposing counsel) just as they would if appearing in person. Parties engaged in such discussions should be aware that, as soon as the court reporter enters a meeting room, the audio will be recorded.
- 7. <u>Courtroom dress and decorum</u>. You are reminded that, even though your matter will be heard in a virtual courtroom, parties and their attorneys are expected to conduct themselves with the same formality and decorum as they would if the matter were being heard in the Court's regular courtroom. This requirement includes the obligation, particularly for attorneys, to dress with the same formality and attire as they would if the proceedings were conducted in the Court's regular courtroom. If you are having trouble with the video or audio or other technical difficulties, please speak up immediately if possible. Otherwise, contact the courtroom deputy by email or

phone as soon as possible. Though glitches are expected, they do not always occur on the Court's end, so we will not necessarily know if your Internet goes down unless you tell us.

- 8. <u>Photos/recordings</u>. No photographs or recordings of the proceedings are permitted. During your presentation or testimony, cell phones must be turned off. More specific rules governing witnesses' access to cellphones during their testimony may be found in the Court's pretrial order for Zoom trials. The court reporter who is present for the hearing will be preparing the only official record of the proceedings.
- 9. <u>Breaks during the course of a trial</u>. If people want to take breaks during the trial, they should just ask for a break or raise their hand if someone else is speaking. If it is just a simple break, participants should turn off their video and audio during the break and then turn them back on when the trial commences again.
- 10. <u>Breakout rooms for trials</u>. If any party wants to be placed in a breakout room so that he or she may speak separately to another participant, the party should ask the Court, and, if appropriate, the courtroom deputy will arrange for the breakout and place the parties in the correct breakout room. For scheduled trials, breakout rooms will be set up in advance for the participating parties. Court personnel will also have a chambers breakout room.

ZOOM GUIDE

- 1. Download the app to your smartphone or tablet
- 2. Set up an account using your FULL name
- 3. Click "JOIN"
- 4. Enter the Meeting ID and verify your full name is used
- 5. When you enter the meeting, you will be placed in a waiting room. Your screen will say "Please wait" until the Trustee is ready for you. There are 4 hearings every 30 minutes so your meeting may not start immediately!
 - a. For example, if you have a 9:00 AM hearing, the Trustee will call your case sometime between 9:00 AM and 9:30 AM. Please wait by your phone.
- 6. Your meeting will have 4 people in it that Trustee will admit in from the waiting room: You, the Trustee, our attorney, and the Trustee's assistant.
- 7. When admitted to the meeting, turn on your audio and your video right away!!



