

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:)
)
Sixth Amended Order Governing)
The Conduct of Hearings Due to)
Coronavirus Disease 2019 (COVID-19))
and Reconstituting Operations)

**SIXTH AMENDED ORDER GOVERNING THE CONDUCT OF
HEARINGS DUE TO CORONAVIRUS DISEASE 2019 (COVID-19) AND
RECONSTITUTING OPERATIONS**

WHEREAS, on March 13, 2020, in response to the threat of Coronavirus Disease 2019 (COVID-19), the Court entered its Interim Order re Cessation of Hand Deliveries (“Hand Deliveries Order”). Pursuant to the Hand Deliveries Order, among other things, the Court prohibited the hand delivery of documents to the Bankruptcy Court and modified certain Local Rules and Chambers’ Procedures to provide for electronic delivery of documents.

WHEREAS, on March 16, 2020, the Bankruptcy Court entered its General Order (“General Order”) governing the conduct of all hearings, status conferences, trials and any other matters scheduled to be held in open court (“Court Hearings”). Pursuant to the General Order, among other things, all Court Hearings that are not time sensitive were continued to a date to be determined on or after April 15, 2020, and Court Hearings were limited to being held (i) telephonically, or (ii) by a combination of telephonic and video conference.

WHEREAS, on March 31, 2020, the Bankruptcy Court entered its Amended Order Governing the Conduct of Hearings due to Coronavirus Disease 2019 (COVID-19) (the “Amended Order”). Pursuant to the Amended Order, among other things, all Court Hearings that are not time sensitive were continued to a date to be determined by the presiding judge on or after May 1, 2020, and Court Hearings were limited to being held (i) telephonically, or (ii) by a combination of telephonic and video conference.

WHEREAS, on April 20, 2020, the Bankruptcy Court entered its Second Amended Order Governing the Conduct of Hearings due to Coronavirus Disease 2019 (COVID-19) (the “Second Amended Order”). Pursuant to the Second Amended Order, among other things, all Court Hearings that are not time sensitive were continued to a date to be determined by the presiding judge on or after May 18, 2020, and Court Hearings were

limited to being held (i) telephonically, or (ii) by a combination of telephonic and video conference.

WHEREAS, on May 11, 2020, the Bankruptcy Court entered its Third Amended Order Governing the Conduct of Hearings due to Coronavirus Disease 2019 (COVID-19) (the "Third Amended Order"). Pursuant to the Third Amended Order, among other things, (i) the Hand Deliveries Order remained in effect, provided, however, that any judge was authorized, but not directed, to annul or to modify any of the provisions of the Hand Deliveries Order, on a case by case basis, solely as it applies to said judge; (ii) the continuation of non-time sensitive matters under the Second Amended Order was terminated, effective May 18, 2020; and (iii) Court Hearings that are held prior to June 1, 2020 were limited to being held telephonically, or by a combination of telephonic and video conference.

WHEREAS, on May 26, 2020, the Bankruptcy Court entered its Fourth Amended Order Governing the Conduct of Hearings due to Coronavirus Disease 2019 (COVID-19) (the "Fourth Amended Order"). Pursuant to the Fourth Amended Order, among other things, Court Hearings that are held prior to July 1, 2020 were limited to being held telephonically, or by a combination of telephonic and video conference.

WHEREAS, on June 17, 2020, the Bankruptcy Court entered its Fifth Amended Order Governing the Conduct of Hearings due to Coronavirus Disease 2019 (COVID-19) (the "Fifth Amended Order"). Pursuant to the Fifth Amended Order, among other things, Court Hearings that are held on or after June 17, 2020 were limited to being held telephonically, or by a combination of telephonic and video conference, provided, however, that on-site Court Hearings may be held at the discretion of the presiding judge, on a case-by-case basis, and shall be minimized and limited to critical cases only. No on-site Court Hearings have been held.

WHEREAS, on April 24, 2020, the Administrative Office of the United States Courts issued Federal Judiciary COVID-19 Recovery Guidelines ("AO Guidelines") in which it recommended a phased approach to reconstituting operations.

WHEREAS, on June 15, 2020, the U.S. District Court for the District of Delaware issued the District Court Re-Opening Guidelines (the "District Court Guidelines"). On May 25, 2021, the District Court ordered that the District Court and Bankruptcy Court will enter Phase 3 under the AO Guidelines and District Court Guidelines, effective May 25, 2021, and this Order implements the Bankruptcy Court's entry into Phase 3 of the District Court Guidelines.

NOW, THEREFORE, it is hereby ORDERED as follows:

1. This Order supersedes and replaces the General Order issued March 16, 2020, the Amended Order issued March 31, 2020, the Second Amended Order issued April 20, 2020, the Third Amended Order issued May 11, 2020, the Fourth Amended Order dated May 26, 2020, and the Fifth Amended Order issued June 17, 2020.
2. This Order is effective as of June 4, 2021.
3. The Hand Deliveries Order remains in effect, provided, however, that any judge is authorized, but not directed, to annul or to modify any of the provisions of the Hand Deliveries Order on a case-by-case basis solely as it applies to said judge.
4. At the discretion of the presiding judge, on a case-by-case basis, Court Hearings that are held on or after June 4, 2021, shall be held (i) by video conference, or (ii) by a combination of video conference and on-site in a courtroom.
5. **On-site Court Hearings shall be held at the discretion of the presiding judge, on a case-by-case basis, and shall be minimized and limited to critical cases only. Persons are allowed and encouraged to attend on-site Court Hearings remotely whenever possible.**
6. The presiding judge will promptly consider any request to change a Court Hearing from being held by a combination of video conference and on-site in a courtroom to being held by video conference.
7. Except as provided in paragraph 10 below, the Bankruptcy Court premises on the 3rd, 5th and 6th floors of 824 North Market Street, Wilmington, Delaware (the "Premises") are reopened to the public for the purpose of conducting on-site Court Hearings and making hand deliveries authorized by the Hand Deliveries Order, subject to the following conditions:
 - a. The Revised Standing Order re Use of Face Mask/Coverings in Public Areas of the District and Bankruptcy Courts issued July 16, 2020, which provides, in pertinent part, that "[v]isitors to the ... Bankruptcy Court - including vendors, contractors, litigants, attorneys, and other members of the public - are required to wear a mask or face covering when interacting with Court staff and in the common or public areas of Court facilities," remains in effect.
 - b. All persons in the courtroom are required to wear a mask or face covering, provided, however, that persons sitting at counsel table may at their preference remove their masks or face covering. Any

person addressing the Bankruptcy Court from counsel table or the podium must remove their mask or face covering. Any witness must remove their mask or face covering while testifying.

- c. All persons on the Premises must maintain responsible social distancing (3 feet) to the extent practicable, including in the courtrooms, in the hallways, in the restrooms, at the security checkpoints, in conference rooms, and in Chambers. All persons must follow any posted signs or verbal instructions as to behavior in the courtroom and the Premises generally.
 - d. No person shall approach the bench, the clerk, the court reporter, or the witness stand unless given express permission by the presiding judge.
 - e. **Persons may attend and fully participate in any Court Hearing via Zoom. Counsel participating remotely may examine a witness via Zoom and vice versa. Persons not actively participating in a Court Hearing are strongly encouraged to participate remotely. Local counsel may appear remotely.**
 - f. **The presiding judge in his or her discretion may amend or supplement these conditions.**
 - g. Persons not complying with these requirements, posted signage or any instructions of any Court Security Officer or other Bankruptcy Court personnel will be denied access to or be ejected from the Premises.
8. The manner of submitting evidence in Court Hearings shall be determined on a case-by-case basis by the presiding judge.
 9. Local Rule 9029-3(b)(iii) is hereby amended on an interim basis as follows:

Status Information. For each motion, the agenda shall provide whether the matter is going forward, whether a continuance is requested (and any opposition to the continuance, if known), whether any or all of the objections have been resolved and any other pertinent status information, including whether the presentation of live witness(es) is expected, and, if so, the identity and location of the witness(es), and which party is presenting the witness(es). Counsel responsible for submitting the agenda shall consult with other parties in interest to identify all witnesses that will be presented.

10. Notwithstanding paragraph 7 above, the Clerk's Office will remain open to the public on a limited schedule, subject to the conditions set forth herein.
11. The Bankruptcy Court will continue to monitor the situation and will amend this Order from time to time as appropriate, including, if necessary, to suspend the conduct of on-site Court Hearings.



Christopher S. Sontchi
Chief United States Bankruptcy Judge

Dated: June 4, 2021