

Revised Chambers Procedures Regarding Hearings Before the Hon. Christopher S. Sontchi (Effective for all hearings on and after November 1, 2021)

A. Manner of Hearings

1. Except as set forth below or otherwise directed by the Court, hearings before Judge Sontchi shall be held solely via Zoom. Both video and audio will be through Zoom.

2. Certain hearings may be held in-person in the courtroom. Any such hearing will, in fact, be a “hybrid” hearing in which remote participation will be allowed. Subject to certain exceptions listed below and unless otherwise directed by the Court, any party or counsel may attend any hearing via Zoom.

3. With regard to hearing containing a Zoom option, counsel shall obtain Zoom hearing information from Courtroom Deputy Danielle Gadson prior to the filing of the agenda and shall provide the following information in the agenda (in addition to the information provided in the Local Rules):

a. Zoom registration information and registration link. ALL PERSONS PARTICIPATING VIA ZOOM ARE REQUIRED TO REGISTER PRIOR TO THE HEARING USING THE ZOOM LINK PROVIDED ON THE AGENDA.

b. Whether live witness testimony (either direct, cross or redirect) will occur and whether the testimony will occur in-person in the courtroom.

c. The following should be placed on the hearing agenda or amended hearing agenda, as applicable:

THIS HEARING WILL BE HELD BY VIDEO VIA ZOOM. BOTH VIDEO AND AUDIO WILL BE THROUGH ZOOM. ALL PARTIES APPEARING REMOTELY MUST REGISTER THEIR ZOOM APPEARANCE AT LEAST 1 HOUR BEFORE THE START OF THE HEARING. [LINK FOR ZOOM REGISTRATION] YOU MUST USE YOUR FULL NAME WHEN LOGGING INTO ZOOM OR YOU WILL NOT BE ALLOWED INTO THE MEETING.

d. Persons without internet access may contact Chambers staff to request the toll-free number to appear telephonically. Please contact Chambers at least one business day prior to the scheduled hearing.

4. Remote hearings are official Court proceedings and proper Court decorum shall be followed. Disruptions or inappropriate behavior may result in removal from the hearing. Moreover, persons appearing remotely are required to appear in

appropriate courtroom attire (jacket and ties for men, similar sartorial style for women). Inappropriate attire may result in removal from the hearing.

B. Certain Procedures for Hearings

1. Presentation of Testimony. A party sponsoring a witness or witnesses must provide by email to all relevant parties and the Court as soon as possible, but no later than 48 hours prior to the hearing, the following for each witness:

- a. The name of the witness and the relevant motion for relief.
- b. Whether in the first instance direct testimony of the witness will be presented by proffer or declaration and, if by declaration, when such declaration will be filed. Please note that if the witness will submit a declaration, the declaration should be available to the witness during testimony.
- c. Whether the direct testimony of the witness will be presented, in whole or in part, through oral testimony.
- d. Whether the party sponsoring the witness expects the witness will be subject to cross examination.
- e. The location of the witness (city, state, country).
- f. A description of the place from which the witness will be testifying (e.g., "home", "office," "courtroom" – specific addresses shall not be provided).
- g. If the witness is appearing remotely, whether anyone will be in the room with the witness during his/her testimony and, if so, who (name/title/relationship to witness) and for what purpose.
- h. If the witness is appearing remotely, whether the witness will have any documents with him/her and, if so, what documents.

2. Presentation of In-Person Testimony

a. Unless otherwise directed by the Court, all examination of witnesses other than by proffer or declaration shall occur in-person in the courtroom. All such witnesses and counsel (including local counsel) participating in the examination (direct, cross or redirect) shall be present in the courtroom. If any portion of a hearing is occurring in the courtroom any party or counsel may attend the hearing in the courtroom.

b. Any party desiring to cross examine a witness must provide notice of the intent to do so by email to all relevant parties and the Court as soon as possible, but no later than 24 hours prior to the hearing.

c. If a party desiring to cross examine a witness is unable, **due to exigent circumstances**, to provide 24 hours' notice of the intent to do so the party will make reasonable efforts to notify all relevant parties and the Court as soon as possible and shall describe the exigent circumstances with particularity. Unless otherwise directed by the Court, in such instance, the testimony may occur remotely, and the witness and counsel need not be in the courtroom.

3. Presentation of Documentary Evidence

a. All parties intending to introduce documentary evidence must supply a list of exhibits with reference to the applicable CM/ECF docket number (if applicable). Exhibits shall be provided by email to all relevant parties and the Court as soon as possible, but no later than 2 hours before the hearing (the provision of hyperlinks to documents on the docket is sufficient). The use of zip files or similar technology is suggested if there are a large number of documents.

b. If necessary, the party sponsoring a witness will be responsible for ensuring that any relevant exhibits are supplied to the witness ahead of the hearing.

c. In the event the witness is testifying in the courtroom, the party examining the witness shall be able to provide the witness and the Court with hard copies of exhibits used in the examination. However, use of electronic copies of exhibits through the Court's computer system is allowed and preferred. Otherwise, unless otherwise directed by the Court, hard copies of exhibits need not be provided to Chambers.

4. Requests for In-Person Hearings

a. Any party may request any hearing to be held in-person in the courtroom. The request shall be made by email to the Court and copied on all relevant parties as soon as possible, but by no later than 5 business days prior to the hearing. The requesting party shall explain why it believes the hearing should be in-person, represent that it previously notified all relevant parties of the request, and indicate whether such parties have consented to the request. Any party supporting or opposing the request may so notify the Court and explain its position by no later than 24 hours after the request.

5. Safety Protocols for In-Person Hearings

a. The Sixth Amended Order Governing the Conduct of Hearings Due to Coronavirus Disease 2019 (COVID-19) and Reconstituting Operations (as further amended) shall govern the conduct of in-person hearings.

6. First Day Hearings

a. Unless otherwise directed by the Court, all First Day Hearings shall occur remotely even if oral examination of witnesses (direct, cross or redirect) is involved.

7. Proposed Orders

a. If a movant intends to present a proposed form of order to the Court at a hearing that contains revisions to the original proposed form of order submitted with its motion, counsel for the movant shall endeavor to provide to the Court via email the revised form of order in clean and redline form at least 1 hour prior to the hearing.

b. Judge Sontchi will only accept proposed orders for docketing electronically. All related docket numbers must be included in the caption of the proposed order when uploaded. Additionally, all exhibits to the proposed order must be uploaded as separate attachments.