

**The Honorable Karen B. Owens**  
**United States Bankruptcy Court for the District of Delaware**

**Phase 2 Procedures and General Reminders (dated February 9, 2021)**

Except as set forth herein, the Court's General Chambers Procedures and other orders and procedures shall govern all procedural aspects of cases before the Court. These Phase 2 Procedures and General Reminders shall replace Judge Owens's Phase 1 Reopening Hearing Procedures and General Reminders dated July 1, 2020.

A. Manner of Hearings

1. All remote hearings scheduled on or after Monday, February 22, 2021 will be conducted entirely over Zoom and will require all participants to register in advance. CourtCall will no longer be used unless otherwise specified by chambers.
  - a. Please see the documentation titled "Hearing Registration" posted on the chambers' website for more information on the registration process.
  - b. Parties should use their best efforts to complete their registration at least 2 hours prior to the start of a remote hearing.
  - c. All participants must use their full names when registering and logging into Zoom or you will not be allowed into the remote hearing. Moreover, access to Zoom will be locked to new participants 10 minutes after the start of the hearing. Those wishing to join after this time will need to contact chambers for admittance.
2. As a reminder, remote hearings are official Court proceedings. Disruptions may result in removal from the hearing, and persons appearing by Zoom are expected to appear in appropriate courtroom attire.
3. In-person hearings shall be minimized and limited to critical cases only. Counsel may make a request to the Court for an in-person hearing. Requesting counsel 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.

B. Certain Procedures for Remote Hearings

1. Presentation of Revised Proposed Orders – If a movant intends to present a proposed form of order to the Court 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 the revised form of order in clean and redline form at least 1 hour prior to the hearing.

2. Presentation of Live Witness 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 2 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. The location of the witness (city, state, country).
  - d. A description of the place from which the witness will be testifying (*e.g.*, “home”, “office” – specific addresses shall not be provided).
  - e. 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.
  - f. Whether the witness will have any documents with him/her and, if so, what documents.
  - g. The party or parties who may seek to cross examine the witness and their respective counsel.

Alternatively, the foregoing information may be included on the hearing agenda.

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 an exhibit is not on the docket, please supply such exhibit by email (in .pdf format) to all relevant parties and the Court as soon as possible, but no later than 2 hours before the hearing.
  - b. A party sponsoring a witness is responsible for ensuring that all relevant exhibits are supplied to the witness prior to testimony. If an opposing party intends to cross-examine a witness, the opposing party must provide any and all exhibits relevant to such cross-examination to the party sponsoring the witness for distribution to such witness prior to the start of testimony.

C. General Reminders

1. Judge Owens only accepts proposed orders electronically. All related docket numbers must be included in the caption of the proposed e-order when uploaded. Additionally, all exhibits to the proposed order must be uploaded as separate attachments.<sup>1</sup>
2. Counsel need not deliver hard copies of documents to chambers unless otherwise directed. If paper copies of documents are requested by chambers, please note the following for the convenience of the Court:
  - a. Provide two sets of First Day Binders, Notice of Completion of Briefing Binders, and trial exhibits.
  - b. Staple all documents that are not included in a binder.
  - c. Insert exhibit tabs where appropriate.
  - d. Print any sealed documents on yellow paper.

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<sup>1</sup> For step-by-step instructions on uploading E-Orders, please review the electronic learning module under CM/ECF Attorney Training on the Court's website.