

FILED

MAR 27 2020

STEPHANIE J. BUTLER, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF NC

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

IN RE:

PANDEMIC RELATED PROCEDURES

GENERAL ORDER

In response to the spread of the Coronavirus Disease 2019 (COVID-19), a public health emergency has been declared by the Executive Branches of the United States and the State of North Carolina. In addition, “stay at home” orders have been issued by many county and municipal governments located within the Eastern District of North Carolina, including the physical locations of the court in Pitt County and Wake County, North Carolina. The court has determined that it is necessary to amend its normal procedures to accommodate persons affected by COVID-19 restrictions and consequences; now therefore,

The following procedures are effective from the date of this Order until further notice:

1. Closing of Courthouses. The physical offices of the United States Bankruptcy Court for the Eastern District of North Carolina (Greenville and Raleigh offices) are **CLOSED TO THE PUBLIC** for in-person filings and will not reopen until further notice. The court will continue to process mail and CM/ECF registered users may continue to file new cases and documents electronically. This Order does not affect presently scheduled hearings. Unless canceled or continued by the Court, all scheduled hearings will be held and conducted telephonically or by Skype for Business. For instructions on how to arrange for a telephonic appearance, refer to the Court’s website at www.nceb.uscourts.gov.

2. Inability to File Electronically.

a. Parties in interest not represented by counsel and who are not enrolled in the CM/ECF electronic filing system and attorneys not enrolled in CM/ECF may file petitions, pleadings, motions, responses, and other filings, along with accompanying documents (such as exhibits) with the Clerk of Court (“Clerk”) by mailing through the United States Postal Service. If those documents cannot be filed timely by mail, then those persons without access to CM/ECF may transmit the documents in Portable Document Format (PDF) to the Clerk by electronic mail to the following emergency email address: NCEBml_EmergencyFiling@nceb.uscourts.gov. Documents that are electronically transmitted to the Clerk shall not be deemed to have been “FILED” until the filer receives an electronic reply by the Clerk confirming the receipt of the document and its subsequent filing with an applicable case number. Documents electronically transmitted for filing after 4 p.m. Monday-Friday, or anytime on a Saturday, Sunday or federal holiday, will be stamped “**FILED**” and considered received and filed the next business day.

b. Each electronic transmission shall include a valid email address and telephone number for the filer. The court will not see, read, consider, or respond to any text or message contained in the email itself.

c. Only an individual debtor, a person with a power of attorney authorizing that person to file the petition on the debtor’s behalf, a court-appointed guardian, or an attorney without access to CM/ECF may file a voluntary bankruptcy petition with the Clerk by mail, courier or by email as described above.

d. The debtor (and any person holding power of attorney authorizing that person to file on behalf of the debtor) must include a legible photocopy of a current government-issued photo identification along with the petition. The photo identification will remain inaccessible to the public. A person claiming authority through a power of attorney must also include a notarized copy of the power of attorney. A court-appointed guardian must include a copy of the court order appointing the guardian.

e. Any electronic transmission that requires a signature shall either be signed with the original handwritten signature of the filer with a copy of the signed document scanned and included in the electronic transmission to the Clerk, or electronically with

“s/” followed by the filer’s **full name**. The requirement for retention of a wet ink signature of the original document is waived pursuant to the General Order of this Court dated March 18, 2020.

f. For any electronic transmission requiring the payment of a fee, the fee shall be remitted to the Clerk within fourteen (14) days by mailing a certified check or a money order (**cash will not be accepted by mail**), in the exact amount, payable to: **Clerk, U.S. Bankruptcy Court**. The case number must be included on the certified check or money order.

g. If any of the requirements of this order is not met, the court may take appropriate action without further notice, including, but not limited to, denying the relief requested and dismissing and closing any case improperly initiated without further hearing.

3. Authority to Trustees. Trustees in all chapters (7, 11, 12 and 13) are given authority to continue section 341 meetings without motion and order, simply by contacting all attorneys and unrepresented debtors and notating on the minutes that the meeting was continued to a date certain.

4. Chapter 13 Payment Waivers. The limitation on number of waivers of payment to be given by Chapter 13 trustees without court approval is suspended, and trustees may authorize waivers reasonably necessary under the circumstances.

5. Revised Operation Under Local Rule 9014-1. The “no-protest” method of granting relief under Local Rule 9014-1 will be modified to ensure that the respondent and/or respondent’s counsel received actual notice of the applicable pleading. The following evidence of service may be considered by the Court in granting the “no-protest” relief under Local Rule 9014-1:

- a. Service by commercial courier with proof of actual service acknowledged;
- b. Certified mail return receipt requested and acknowledged;
- c. Short affidavit given under penalty of perjury that the movant’s attorney or the attorney’s employee contacted the respondent or counsel for respondent and provided notice of the pleading and relief requested;

d. A subsequent filed statement by the affected party that the party does not object to the relief requested;

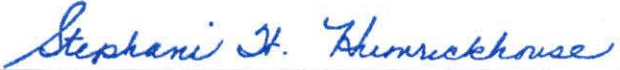
e. If the party is quarantined and is inaccessible or if counsel cannot communicate adequately with the party subject to the relief requested, the party may provide that response, and the matter will not be adjudicated without a hearing.

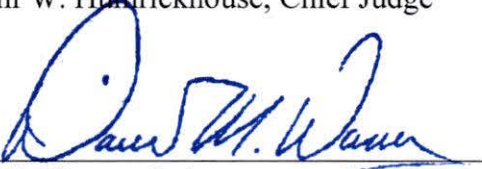
The Court may, if no mail receipt or affidavit is received, in its discretion, contact counsel for respondent to determine the effectiveness of service.

7. Given the widespread interruption of employment, it is anticipated that many Chapter 13 debtors will move to modify their plans to reflect changed circumstances. The court will rule on these motions expeditiously; however, the movants must meet the filing and service requirements. All motions to modify plans shall detail the changed circumstances.

9. The court anticipates many Chapter 13 debtors will temporarily be unable to meet payment obligations under orders curing earlier defaults with secured creditors or trustees. If consensual extensions cannot be reached, counsel for debtors, who have suffered income disruption, may request the court to modify the default provisions of a particular Order. Upon the filing of that motion, the default provisions of the subject Order are suspended until the court rules.

SO ORDERED, this 27th day of March, 2020.


Stephani W. Humrickhouse, Chief Judge


David M. Warren, Judge


Joseph N. Callaway, Judge