

8/27/2020

Clerk, U.S. Bankruptcy Court
District of Montana
Butte Division**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA****In Re: BANKRUPTCY COURT
OPERATIONS
ATTRIBUTABLE TO
COVID-19****GENERAL ORDER NO.
2020-10-BPH****ORDER**

At Butte in said District this 27th day of August 2020.

This Court has independently entered a series of General Orders, and jointly with the District Court adopted various Administrative Orders, as a result of COVID-19. Generally, these orders have implemented measures intended to prevent the exposure and spread of COVID-19, while maintaining the operations of the Court and administration of cases. As circumstances have changed, so have the directives included in the various orders. To provide further guidance to parties, counsel and witnesses, and clarify procedures,

IT IS HEREBY ORDERED that:

1. Hearings and trials (excluding reaffirmation agreement hearings and pretrial scheduling conferences) may be conducted in person at the designated courthouse, or remotely. Parties, counsel and any witness are permitted to select their preferred method of participation, subject to the Court's review. If a party, counsel or witness elects to appear at any proceeding from a remote location, the method of participation may be telephonic or video. However, all telephonic and video remote appearances will utilize "Zoom,"¹ unless otherwise stated in the order setting the hearing.

¹ <https://zoom.us/>

2. Anyone electing to appear remotely shall utilize the procedure identified by Montana Local Bankruptcy Rule (“LBR”) 5074-1(b). “Video” for purposes of LBR 5074-1(b) shall mean “Zoom.”² To appear remotely, parties must complete the form and follow the procedures for remote appearance, which are found on the Court’s website at <https://www.mtb.uscourts.gov/request-remote-appearance>.

3. When completing the Request for Remote Appearance form, indicate at “L,” “video”, and further note, “Zoom.” Similarly, at “M” in the blank for “Video Provider,” indicate, “Zoom.” At “P” on the form, include the email addresses of all individuals that need to receive the Zoom link, including any assistants or paralegals. Following submission of the form, the Clerk’s office will contact you to conduct any necessary testing that must be completed prior to the hearing. A party requesting to appear by video shall be responsible for ensuring their internet connection is stable.

4. To maintain the decorum of the proceedings any party, counsel or witness appearing via Zoom shall:

- a. Dress professionally, as they would if attending court;
- b. If a participant chooses to use a “background,” the background should reflect professionalism and not detract from the proceedings;³
- c. If a party is appearing from home, or other shared space, the other occupants of the space should be advised that Court is proceeding, and the party appearing remotely cannot be interrupted;
- d. Participants appearing remotely should mute their microphone until their case is called and their participation is necessary; and,
- e. If for some reason, a connection to a participant is lost, the Court will stop the proceedings and the Court’s IT staff will endeavor to fix the problem.

² Historically, “video” in this district has not utilized the “Zoom” software. The availability of Zoom on virtually every surface, laptop, or other device with a microphone and camera make it more portable and a better technology for remote appearances than the alternative historically used.

³ For example, beaches, sunsets, mountains, sporting events, or other creative backgrounds are discouraged.

5. To allow the Court sufficient time to prepare and efficiently manage its docket, the Request for Remote Appearance form shall be submitted to the Clerk of Court's office at least three (3) business days prior to the hearing.

6. Until further notice, all hearings or trials in the Butte division shall be conducted remotely, irrespective of any party, counsel or witnesses' preference because the second floor in the Mansfield Federal Building is not available as a result of construction. Alternatively, if a party with a case pending in the Butte division considers it imperative that a hearing be held in a courthouse, the party may request a hearing be set in either the Billings, Great Falls or Missoula divisions consistent with the table below:

Temporary Reallocation of Counties in Butte Division During Courtroom Unavailability

| Existing Butte Division County | Missoula Division | Great Falls Division | Billings Division |
|--------------------------------|-------------------|----------------------|-------------------|
| Beaverhead | X | | |
| Broadwater | | X | |
| Deer Lodge | X | | |
| Jefferson | | X | |
| Gallatin | | | X |
| Granite | X | | |
| Lewis and Clark | | X | |
| Madison | | | X |
| Park | | | X |
| Powell | X | | |
| Silver Bow | X | | |

7. Until further notice, the United States Trustee (UST) shall not schedule § 341 meetings in the Courthouses, and shall continue to provide the Clerk of Court's office with a dial in phone number, a specific time to call in for each case, and instructions that the Clerk of Court

shall incorporate into its official forms and notices for mailing to creditors.⁴

8. Parties should continue to work with each other, identify those factual issues that require an evidentiary hearing, and stipulate to the facts that are not in dispute in conjunction with filing their witness and exhibit list. Further, an opening remark by either or both parties identifying the legal issue(s) that must be adjudicated is encouraged.

9. This Order supersedes General Order Nos. 2020-4, 5, 6, and 9.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana

⁴ Nothing in this Order precludes the UST from adopting Zoom, or some other remote appearance method, so long as the information is provided to the Clerk of Court for inclusion in any Notice of § 341 Meeting.