

MAR 20 2020

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:

**SUPPLEMENTAL ORDER RELATING
TO COURT OPERATIONS
DUE TO CIRCUMSTANCES
CAUSED BY COVID-19**

ADMINISTRATIVE ORDER 20-5

This Order is entered due to the continuing exigent circumstances created by COVID-19 and based on the health and safety concerns referenced in Administrative Order 20-4.

1. On an indefinite basis until further order, there will be no in-person appearances in Bankruptcy Court hearings and conferences in Nashville, Cookeville, and Columbia. All hearings will be conducted telephonically or through some other type of electronic means as directed by the Court.

2. The regular consolidated weekly Chapter 13 hearing dockets, as well as any regular monthly hearing dockets in Cookeville and Columbia, will be conducted via telephonic call-in arrangement. The call-in number for all such consolidated dockets will be **1-888-363-4749**, and a single access code (**6926390#**) will be used for those dockets. If that process changes, notice will be disseminated as soon as practicable.

3. With regard to any hearings other than the regular consolidated weekly Chapter 13 hearing dockets and the hearings set for Cookeville and Columbia, all hearings will also be conducted in some electronic manner – either telephonic or video, based on the circumstances of the particular matter and the preferences of the presiding judge. That includes the regular weekly Chapter 7/11 motion dockets, pre-trial conferences, Subchapter V status conferences, specially set hearings, trials, and every other hearing, conference or meeting scheduled by the Court. The type of process to be used in those situations may vary, and instructions for each judge for upcoming hearings will be

posted on the Court's website. Also, docket orders may sometimes be entered for specific matters providing additional instructions to address certain situations. Therefore, it is incumbent on counsel and parties to check the website and docket entries frequently to determine how the Court will be handling all matters other than the consolidated Chapter 13 dockets and Columbia/Cookeville hearings.

4. In order to accommodate the use of telephonic and other electronic processes that may be used, the start time for the regular Tuesday Chapter 7/11 motion dockets will be altered. Judge Harrison's regular weekly hearings will start at 9:00 a.m., Judge Mashburn's hearings will start at 9:30 a.m., and Judge Walker's hearings will start at 10:00 a.m. Some matters may be specially set at other times. Counsel will be expected to advise the judges at the beginning of each regular motion docket if they have hearings before more than one judge on the same morning so that efforts can be made to coordinate the timing to avoid an attorney needing to be "online" simultaneously in different hearings.

5. If counsel anticipate requiring testimony or use of a substantial number of exhibits for a hearing set on a regular motion docket, they are encouraged to confer in advance about stipulations and to also consider requesting that the matter be specially set at a different time. This will allow the Court to consider the best electronic option to suit the circumstances of the particular hearing.

6. As indicated in Administrative Order 20-4, Local Bankruptcy Rule 9014-1(e) dealing with first-time continuances by agreement has been altered to allow the confirmation hearing in a Chapter 13 case to be continued multiple times by agreement so long as the continued hearing date is not later than 120 days after the filing of the petition. The local rule is now further modified to allow multiple continuances by agreement for any motion to dismiss a Chapter 13 case filed by the Chapter 13 Trustee so long as the hearing is not later than 120 days after the filing of the motion. In the event of a continuance meeting that criteria, the Chapter 13 Trustee may make the announcement at the scheduled hearing or provide notice of the continuance to the Court by including it on the "no call" list provided in advance of the hearing.

7. Until the process is altered by further order, the Court will continue the procedure set forth in Administrative Order 20-4 dealing with hearings on motions to dismiss in a Chapter 13 case based on a failure of the debtor to comply with 11 U.S.C. Sec. 1326(a)(1)(a) due to making the first

payment later than 30 days from the bankruptcy filing. Such motions will be denied if (a) the initial payment was made within 60 days of filing, (b) all payments are current at the time of the hearing on the motion to dismiss, and (c) the debtor has filed an affidavit or declaration under penalty of perjury explaining the reason for the initial untimely payment and such explanation is satisfactory to the Court.

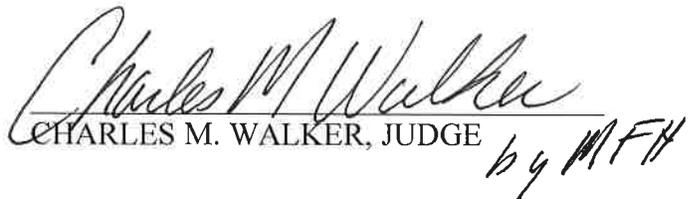
IT IS SO ORDERED.

Dated:

March 20, 2020


MARIAN F. HARRISON, CHIEF JUDGE


RANDAL S. MASHBURN, JUDGE


CHARLES M. WALKER, JUDGE *by MFH*