

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re:

COURT OPERATIONS FOLLOWING END
OF COVID-19 EMERGENCY; and

ABROGATION OF GENERAL ORDERS
38, 39, 40 (SECOND and THIRD
AMENDED); 41 (*Effective December 1,*
2023); 43.

General Order 44

Dated: July 25, 2023

WHEREAS, On April 10, 2023, the President signed H.J. Res. 7, which became P.L. 118-3, ending the national emergency that came about due to the COVID-19 pandemic, terminating national vaccination requirement;

WHEREAS, The Judicial Conference of the United States determined that the COVID-19 Pandemic would no longer materially affect the functioning of the federal courts generally or a particular district, effective May 24, 2023, and further determined that the termination of COVID-19 protocols would be implemented for civil courts on September 21, 2023;

WHEREAS, On June 23, 2021, the District Court for the Northern District of California enacted its General Order 78, requiring public compliance in the courthouses with health and safety protocols promulgated by relevant state and local officials, and authorizing each judge assigned to civil trials and matters to conduct those proceedings in a manner consistent with logistical considerations necessitated by those protocols, including: on the papers, in the courtroom, by telephone, and by videoconference; and

WHEREAS, the District Court for the Northern District of California abrogated its General Order 80, the Policy Regarding COVID-19 Vaccination and Testing, on April 28, 2023;

COURT OPERATIONS FOLLOWING END
OF COVID-19 EMERGENCY, etc.

1 Accordingly it is ordered that:

2 1. Orders Abrogated

3 a. *The following General Orders are abrogated immediately:*

- 4 • General Order 38 – 8th Amended, In re COVID-19 Public Health
5 Emergency (paragraph 8 only, pertaining to the electronic filing of
6 documents by non-ECF filers and clerk’s office operations);
- 7 • General Order 39 – 3d Amended, Signatures on Electronic Filings;
- 8 • General Order 40 – 2d Amended, Order Extending Certain Deadlines;
- 9 • General Order 40 – 3d Amended, Order Extending Certain Deadlines; and
- 10 • General Order 43 – COVID-19 Public Health Emergency and Court
11 Vaccination and Testing Policy.

12 b. *The following General Order is abrogated effective September 1, 2023:*

- 13 • General Order 38 – 8th Amended, In re COVID-19 Public Health
14 Emergency (all remaining paragraphs, pertaining to the conduct of
15 hearings, etc.). See Paragraph 2, below, for more information about how
16 the court will conduct hearings on and after September 1, 2023.

17 c. *The following General Order is abrogated effective December 1, 2023:*

- 18 • General Order 41 – The Coronavirus Economic Stabilization Act of
19 2020 (“CARES ACT”) Concerning Forbearance Notices.

20 2. Means of Conducting Hearings

21 a. No later than September 1, 2023, each judge will publish their practices and
22 procedures for noticing and conducting hearings on their page on the court’s
23 website. The court may hold hearings in person in the courtroom, by
24 telephone, or by video conference.

25 b. Each assigned judge will determine whether to hold a hearing or decide a
26 case or proceeding on the papers. In-person hearings may be held in the sole
27 discretion of the presiding judge and in accordance with practices and
28 procedures adopted by each judge. No judge is required to conduct in-
person hearings.

1 c. As of September 1, 2023, all counsel, parties, and other interested persons
2 shall consult each judges' practices and procedures for instructions as to
3 how to notice a hearing before that judge and information about how that
4 judge conducts hearings (whether in-person, by video, or by telephone). All
5 counsel, litigants, and other interested parties shall comply with the relevant
6 judge's procedures for noticing and conducting hearings. Any unexcused
7 failure to comply with the relevant judge's hearing procedures might result
8 in the imposition of sanctions.

9 3. No Recordings


10 Recordation of any court hearing by any means is strictly prohibited. Any person
11 recording a court hearing shall be subject to sanctions.

12 4. Public Health Matters

13 All courthouse visitors must follow all safety protocols announced on the Court's
14 website at canb.uscourts.gov, and in the presiding judge's courtroom. This may include
15 masking as determined by local authorities. Courtroom use and capacity may be limited in the
16 discretion of the presiding judge. Press and public access to in-courtroom proceedings may be
17 in person, by telephone, by videoconference, or by other remote means, as authorized by the
18 assigned judge, so long as these measures are compliant with the mandates of the United States
19 Judicial Conference, the Ninth Circuit Court of Appeals, and the District Court.

20 **IT IS SO ORDERED.**

21 Dated: July 25, 2023

22 
23 _____
24 Stephen L. Johnson
25 Chief Bankruptcy Judge
26
27
28