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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:
MATTERS PENDING IN THE
NORTHERN DISTRICT OF CALIFORNIA

THIRD AMENDED GENERAL ORDER 38

IN RE: COVID-19 Public Health Emergency

WHEREAS the President of the United States has declared a national emergency in response to the COVID-19 pandemic under the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*;

WHEREAS the Governor of California has declared a State of Emergency in response to the pandemic, has generally ordered that all individuals shelter-in-place, and only now is authorizing counties throughout the State of California to reopen for certain commercial purposes;

WHEREAS Chief Judge Hamilton of the United States District Court for the Northern District of California has issued General Orders Nos. 72 and 73 (as amended), which, among other things, close the San Francisco, San Jose, Oakland and McKinleyville federal courts to the general public through September 30, 2020 for civil hearings and trials and requires all civil hearings and trials to be postponed or to be conducted by video or teleconference; and

WHEREAS while the United States Bankruptcy Court for the Northern District of California remains open to all parties who seek bankruptcy protection under all Chapters of the Bankruptcy Code, it is imperative that it operates in a manner that protects the health and safety of

1 all interested parties and its employees; and

2 **WHEREAS** to protect the health of the court staff, the attorneys who practice before it, and
3 all parties and other interested persons, and to ensure the effective and expeditious administration of
4 justice in its San Francisco, Oakland, San Jose, Santa Rosa, Salinas and McKinleyville courtrooms;

5 **NOW THEREFORE**, the United States Bankruptcy Court for the Northern District of
6 California hereby issues the following Third Amended General Order 38, effective immediately and
7 through September 30, 2020, and **ORDERS** as follows:

8 1. All Bankruptcy Court locations are closed to the general public, and no court staff
9 will be physically present to assist any attorney, party or other interested person or accept any
10 document for filing at any court location. ECF Registered Participants must file all documents
11 electronically. All other parties may submit documents for filing by mail, email, or drop-box. Filing
12 fee payments (no cash) may be submitted by mail or drop-box.

13 Documents may be submitted by email to CANB-EMERGENCY-
14 FILINGS@canb.uscourts.gov.

15 Documents or filing fee payments submitted by mail should be sent by U.S. Mail to United
16 States Bankruptcy Court, 450 Golden Gate Avenue, Mail Box 36099, San Francisco, CA 94102.

17 Documents or filing fee payments may be submitted by drop-box in two locations: 1) at the
18 San Francisco Federal Courthouse, which is located at 450 Golden Gate Avenue, San Francisco,
19 CA. Access to the building and the drop-box is through the Turk Street entrance between 6 a.m. to 6
20 p.m. Monday - Friday (excluding federal holidays). Individuals must present valid government
21 issued identification to enter the building. A date stamp machine is provided next to the drop-box,
22 and documents will be retrieved and processed twice a week; and 2) at the San Jose Federal
23 Courthouse, which is located at 280 South First Street, San Jose, CA. Access to the building and
24 the drop-box is between 7:30 a.m. to 5:00 p.m. Monday - Friday (excluding federal holidays).
25 Individuals must present valid government issued identification to enter the building. A date stamp
26 machine is provided next to the drop-box, and documents will be retrieved and processed twice a
27 week.

28 2. Absent express order of the presiding judge, no in-court trial or evidentiary hearing

1 will be held before September 30, 2020, and all in-court trials and evidentiary hearings scheduled
2 through September 30, 2020 (that are not expressly ordered to proceed in-court as scheduled or by
3 other authorized means) are hereby VACATED and will be reset by the presiding judge. If the
4 circumstances warrant, the presiding judge may conduct a trial or evidentiary hearing by video or
5 other authorized means.

6 3. All counsel, parties and other interested persons who intend to appear on a calendared
7 motion or application shall appear telephonically or, at the presiding judge's discretion, by video.
8 Again, absent express order of the presiding judge, there will be no physical access to any
9 courtroom. Instructions for appearing by telephone can be found on the Bankruptcy Court's website:
10
11 <http://www.canb.uscourts.gov/procedure/district-oakland-san-jose-san-francisco/policy-and-procedu>
12 [re-appearances-telephone](http://www.canb.uscourts.gov/procedure/district-oakland-san-jose-san-francisco/policy-and-procedu)

13 There is **NO COST** for this telephonic service to parties who are not represented by an
14 attorney or to any member of the press through September 30, 2020. The presiding judge shall
15 provide instructions for appearing by video as warranted. There is **NO COST** for video
16 appearances.

17 4. **Recordation of any court hearing by any means is strictly prohibited.** Any
18 person recording a court hearing shall be subject to sanctions, including but not limited to the loss of
19 that person's right to use the above telephonic and video services.

20 5. Until further notice, any requirement for the submission of chambers' copies of
21 documents filed with the court is hereby suspended.

22 6. Parties may continue matters that are set for hearing to future hearing dates that are
23 consistent with this Order. Available hearing dates are posted on each judge's calendar page.
24 Requests for continuances shall be made in a manner consistent with the presiding judge's
25 requirements.

26 7. Unless otherwise ordered by the presiding judge, there is no change to all other
27 scheduling procedures including, but not limited to, applications for injunctive relief, orders
28 shortening time, and hearings on "First Day" Chapter 11 motions.

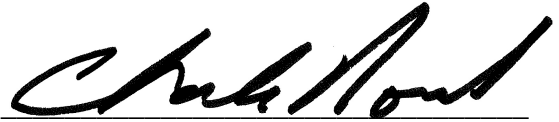
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8. Unless otherwise ordered by the presiding judge, all notices of any motion or application filed with the court and served on any party which sets a hearing date for the motion or application must state that the hearing will not be conducted in the presiding judge’s courtroom but instead will be conducted by telephone or video, and include the following language: “All interested parties should consult the Bankruptcy Court’s website at www.canb.uscourts.gov for information about court operations during the COVID-19 pandemic. The Bankruptcy Court’s website provides information regarding how to arrange a telephonic or video appearance. If you have any questions regarding how to appear at a court hearing, you may contact the Bankruptcy Court by calling 888-821-7606 or by using the Live Chat feature on the Bankruptcy Court’s website.”

9. This Order supersedes any inconsistent information or direction in any standing order or notice related to the COVID-19 pandemic, and replaces the Second Amended General Order 38.

IT IS SO ORDERED.

May 28, 2020



Charles Novack
Chief Bankruptcy Judge