

BANKRUPTCY ADMINISTRATOR WESTERN DISTRICT OF NORTH CAROLINA



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Bankruptcy Administrator

Continuity of Operations Plan – COVID 19 Response: 341 Meetings

Summary:

Effective Wednesday, June 17, 2020, the previously announced Continuation of Operations Period (“COOP Period”), which began on Tuesday, March 17, 2020, will be extended through Friday, September 25, 2020. Further instructions will be posted on or before Wednesday, September 23, 2020, regarding resumption of in-person 341 meetings or extension of this COOP Period.

General guidance:

In all cases, continuances will be liberally granted to promote health and safety of all constituencies. Notwithstanding existing requirements for casewide notice of continuance requests, such requirements will be temporarily suspended during this COOP Period. All agreed continuances will be reflected on the docket for the applicable case as soon as early possible.

Trustees and practitioners are encouraged to work cooperatively to extend deadlines by consent order.

All trustees may substitute coverage for one another in the event of health challenges. Trustees may request assistance from Bankruptcy Administrator staff for 341 meeting coverage. In each case, the trustee or a trustee’s assistant is requested to “prep” their files in advance.

Any trustee believing that an in-person examination of a debtor is appropriate or necessary may continue the 341 meeting until a date following the COOP Period. In addition, a chapter 7 or chapter 13 trustee may request use of the Bankruptcy Administrator’s video conferencing capability for purposes of conducting one or more continued 341 meetings. The Bankruptcy Administrator may approve an exception to the general prohibition on in-person 341 meetings at the request of a trustee in certain limited circumstances.

For chapter 7 and 13 341 meetings:

- 1) No later than 5 business days prior to the scheduled 341 meeting, the presiding trustee will prepare a staggered meeting schedule (unless previously prepared), scheduling meetings by attorney last name. The trustee will not move forward with meetings until the staggered start time.

- 2) The Clerk will post the staggered meeting schedule on the Court's calendar.
- 3) The Bankruptcy Administrator will email the staggered meeting schedule to all debtors' attorneys and will attempt to contact pro se debtors who have provided email addresses and/or phone numbers regarding this updated schedule.
- 4) The Bankruptcy Administrator will prepare a notice to be posted at all 341 meeting locations to inform members of the public how to attend the 341 meeting telephonically.
- 5) The Clerk will post the notice prepared by the Bankruptcy Administrator. The Clerk will reach out to Shelby courthouse staff to request that the notice be posted in advance of Shelby 341 meetings.
- 6) Any creditor wishing to receive dial-in instructions for a particular 341 meeting may request them through the Bankruptcy Administrator's website (<https://www.ncwba.uscourts.gov/content/creditor-request-attend-341-meeting-telephone-or-videoconference>).
- 7) Any trustee who currently holds 341 meetings via video conference are authorized to continue doing so; however, any debtors' attorney who is unable to host their client(s) in their office may inform the trustee of their intention to conduct the 341 meetings by teleconference. In addition, any trustee who determines to work from home may elect to conduct meetings exclusively by teleconference.
- 8) The Bankruptcy Administrator will provide a teleconference line for the trustees' use.
- 9) Trustees will choose one of the following methodologies for recording 341 meetings held by teleconference: a) use their integrated audio equipment if conducting calls from their office, b) use a handheld recorder and a speakerphone to memorialize the 341 meeting, or (c) request the Bankruptcy Administrator to record the meeting, which request must be made in writing 2 business days in advance. Trustees may request recommendations on recording equipment from the Bankruptcy Administrator.
- 10) Trustees requesting confirmation of the Debtor's identity may require a debtor to take appropriate steps to confirm their identity.

For chapter 11 341 Meetings:

- 1) In the event multiple chapter 11 341 meetings are scheduled for the same date, the Bankruptcy Administrator will prepare a staggered meeting schedule. The Bankruptcy Administrator will not move forward with meetings until the staggered start time.

- 2) The Clerk will post the staggered meeting schedule on the Court's calendar.
- 3) The Bankruptcy Administrator will email the staggered meeting schedule to all debtors' attorneys and will attempt to contact pro se debtors, if any, who have provided email addresses and/or phone numbers regarding this updated schedule.
- 4) The Bankruptcy Administrator will prepare a notice to be posted at all 341 meeting locations to inform members of the public how to attend the chapter 11 341 meeting by videoconference.
- 5) The Bankruptcy Clerk will post the notice prepared by the Bankruptcy Administrator at the courthouse affected. The clerk will reach out to Shelby courthouse staff to request that the notice be posted in advance of any chapter 11 341 meetings scheduled for the Shelby division.
- 6) Any creditor wishing to receive dial-in instructions for a particular 341 meeting may request them through the Bankruptcy Administrator's website (<https://www.ncwba.uscourts.gov/content/creditor-request-attend-341-meeting-telephone-or-videoconference>).
- 7) The Bankruptcy Administrator will host the 341 meeting by videoconference using Cisco Webex. Participants will need a web browser, a webcam, and a telephone line to attend by Webex. Participants who lack the ability to connect by videoconference may attend by telephone, provided, however, that any debtor or debtor representative who lacks this ability shall coordinate with their counsel or the Bankruptcy Administrator to determine how they will attend the 341 meeting on or before that date which is 3 business days prior to the 341 meeting
- 8) The Bankruptcy Administrator will record the WebEx for purposes of the record.