

**NOTICE OF TEMPORARY MODIFICATION OF
PROCEDURES BEFORE THE HONORABLE JEFFERY A. DELLER
FOR MATTERS SCHEDULED ON OR AFTER JANUARY 1, 2021**

Date: November 12, 2020
Updated: January 19, 2021

Public health authorities have advised public and private agencies to promptly take necessary and appropriate precautions to reduce exposure to novel coronavirus (COVID-19) and slow the spread of the disease. The United States District Court for the Western District of Pennsylvania has taken proactive action as set forth in its *Administrative Order Concerning Jury Trials and Certain Other Proceedings Relative to COVID-19 Matters*, found at Misc. No. 2:20-mc-394-MRH. The United States Bankruptcy Court for the Western District of Pennsylvania has also undertaken proactive measures as set forth in its *Standing Order Re: Telephonic Appearance at Hearings Mandatory*, found at Misc. Proc. #20-204. The gist of these measures includes requiring counsel and parties-in-interest to utilize technologies providing for remote participation in proceedings before the Court, and thus enabling “social distancing” to avoid and minimize the spread of COVID-19.

Consistent with these proactive measures, all counsel and parties-in-interest having matters on Judge Deller’s docket are advised that the Court remains open, with temporary modifications in terms of the manner in which contested matters are heard before the Court. That is, unless otherwise ordered by the Court:

1. Mandatory Video Conference Hearings for All Matters Scheduled On or After January 1, 2021:
 - A. Unless otherwise directed, all matters scheduled (either by the Court or self-scheduled) on or after January 1, 2021 shall be heard by Judge Deller utilizing the Zoom Video Conference Application (“Zoom”) consistent with the procedures set forth below.
 - B. Because video participation is mandatory, until further notice parties should not seek leave of court to participate by video.
 - C. Evidentiary hearings shall be separately noticed by the Court. All sale motions shall be filed, served, and processed utilizing procedures previously in existence for cases before Judge Deller except that all notices shall provide the Zoom hearing access information (hearing link and Meeting ID (See 4.D)).

2. Modification to Self-Scheduling & Existing Hearings:

- A. Going forward when noticing any self-scheduled motion for a date on or after January 1, 2021, counsel and parties-in-interest are directed to complete, file and serve the attached *Notice of Zoom Hearing With Response Deadline Regarding Motion of [Name of Movant] for [Relief Requested]* which is annexed hereto at Exhibit “A”.
- B. As to matters currently scheduled or self-scheduled on or after January 1, 2021 for telephonic hearing, such matters shall be held by video conference in accordance with these procedures.


3. Guidelines for Video Conference/Zoom Participation:

- A. Mandatory Appearance by Zoom: All hearing participants are required to appear by Zoom and must comply with these procedures. Participants without video conferencing capabilities must immediately contact Chambers staff at (412) 644-4710 to make alternative arrangements. Absent emergency circumstances, such arrangements must be made no later than three (3) business days prior to the hearing.
- B. Punctuality & Presence: As with in-person hearings, participants to a Zoom hearing must be present in the “virtual courtroom” at the time their case is called. Participants must account for the time needed to connect to the hearing and be cleared through the applicable “waiting room.” Accordingly, all hearing participants appearing by Zoom must connect to the hearing not less than ten (10) minutes prior to the scheduled start of the hearing. The Court will not call a case a second time. Parties who do not appear when the case is called will be deemed to have waived their appearance and the Court will proceed with the hearing, and the Court may enter an order adjudicating the matter. Parties should be aware that, based on the Court’s docket, a hearing may not begin until after the time scheduled. In that event, parties who wish to participate must remain connected until the case is called. The parties may monitor the Court’s progression through its daily calendar by utilizing the “Now Hearing” calendar located at http://www.pawb.uscourts.gov/mobile_cal/hearingCalA.htm?judgeId=93771. In the event a participant is scheduled to appear in front of another bankruptcy judge at the same time, it is highly recommended that the participant notify Judge Deller’s Chambers in advance of the hearing date.

- C. Zoom Identifier/Screen Name: All parties participating by Zoom must ensure that their Zoom “screen name” (i.e. the name displayed upon entry into the Zoom hearing) reflects their full name (first and last name required).
- D. Minimization of Noise & Interference: One of the challenges the global health crisis has created is the need for many to conduct work out of informal workspaces. As a result, these workspaces are often not protected from the ambient noises of life (ex. pets, other persons in the household, phone line interference, etc.). While the Court certainly understands the situation, the Court requests that all Zoom participants make a concerted effort to minimize all background noise. As part of this effort, all parties appearing by Zoom must abide by the following directives at all times during the conduct of Zoom hearings:
- (i) Use of a device in a public place or in a moving vehicle is prohibited;
 - (ii) All parties must mute themselves upon entry into the hearing and remain muted unless speaking;
 - (iii) Conversations with any party, other than the Court, are prohibited; and
 - (iv) Any interference with the call, including background noise which disturbs the proceedings, is prohibited. Participants must silence any devices that make noise (e.g. telephones, cell phones, messaging & email alerts).
- E. Hearing Attire & Physical Surroundings: Participants are required to appear in appropriate courtroom attire (business professional). Participants should also be mindful of their background so as not to distract or detract from the court proceedings. To this end, a virtual background is permitted to the extent that it involves a solid, neutral background that is static (no animations or background transitions). To prevent image distortion, participants should refrain from having a large light source (i.e. windows) directly behind them.
- F. Recording of Hearings: The official record of any hearing, proceeding, or trial is recorded by the Clerk or Deputy Clerk of the United States Bankruptcy Court. No other hearing participant, witness, legal counsel, observer, or any other person not expressly authorized to do so by this Court may record, capture, reproduce, rebroadcast, disseminate, or duplicate the video, image, or audio content (whether by

“screen-shot,” “screen capture,” or any other medium or capability) of any part of a hearing, proceeding, or trial before the Court. Violation of these rules may result in the imposition of sanctions including, but not limited to, monetary sanctions and/or the suspension of electronic filing privileges. All persons desiring an official transcript or audio recording of any hearing, proceeding, or trial should contact the Clerk’s Office.

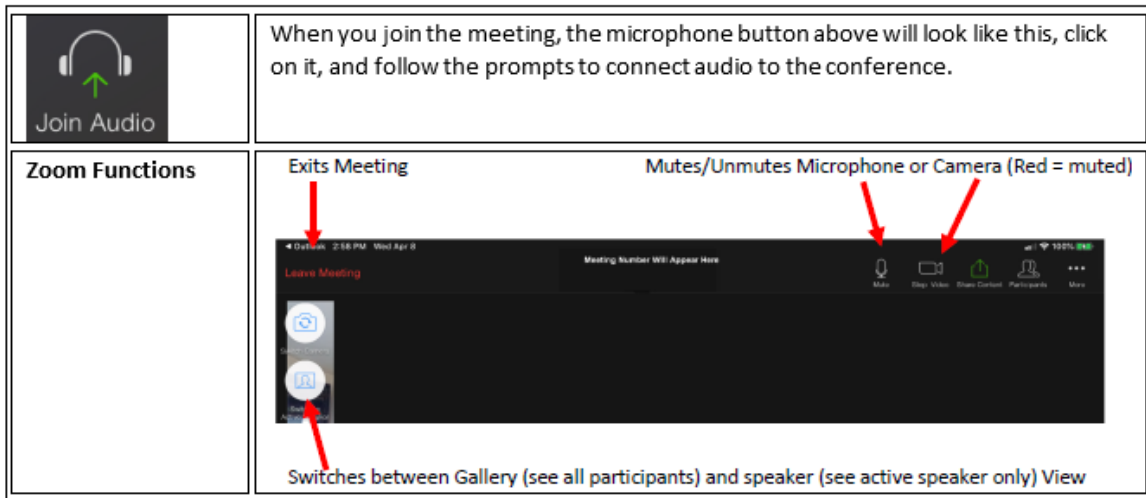
- G. Screen-Sharing: For all matters held by Zoom, screen-sharing capabilities will be disabled for non-Court personnel. For evidentiary hearings, the parties are directed to comply with exhibit submission procedures outlined in the order scheduling the evidentiary hearing. To the extent the parties to a non-evidentiary hearing desire to share a non-evidentiary document—such as a proposed order—such document shall be filed on the docket.
4. Zoom Instructions: For the purpose of ensuring smooth and efficient hearings, prior to the applicable hearing date all hearing participants shall review the following information in order to familiarize themselves with the use of Zoom:
- A. Hardware: Zoom is compatible for use on mobile devices (such as a smartphone or tablet) or personal computer (laptop or desktop) which have a camera and microphone.
 - B. Installation/Update of Zoom: To participate you need to install the Zoom app on your smartphone/tablet or install the Zoom software on a Windows or Mac laptop/desktop. If you already have Zoom installed on the device you are using for a hearing, you must ensure the application is updated to the most recent version.

	<p>Apple SmartPhones or Tablets can download the Zoom App from the Apps Store. Android devices can use the Google Play Store.</p> <p>You do not need to create a Zoom account, the app installed is all you need</p>
<p>Zoom Client for Meetings</p> <p>The web browser client will download automatically when you meeting, and is also available for manual download here.</p> <p>Download Version 4.6.11 (20559.0413)</p>	<p>Windows or Mac laptops can download the Zoom software from: https://zoom.us/download</p> <p>You do not need to create a Zoom account, the app installed is all you need</p>

C. Mandatory Speed & Compatibility Tests:

- (i) Speed & Ability to Connect: Prior to the date of the respective hearing, all hearing participants are directed to test their internet connection speed to ensure that it is at least 3 Mbps. Participants shall also test their ability to run Zoom using <https://www.zoom.us/test>. Tests must be conducted on the same device that will be used to participate in the hearing.
- (ii) Audio & Visual Equipment: Prior to the date of hearing, participants must also test any audio and visual equipment to ensure that they can be seen and heard by the Court at an appropriate volume. The Court cannot rely on a legal argument it cannot hear. All parties are responsible for the quality of their audio connection and to that end, the Court strongly recommends that participants wear a corded headset with a microphone during hearings. Should participants choose to use a wireless device (such as AirPods or a Bluetooth enabled device) they must remain in close proximity to the connection source and avoid movement that would interfere with the signal.

- D. Using Zoom/Joining a Hearing: To participate in and join in a Zoom hearing before Judge Deller, using the device on which Zoom has been installed and tested, click on the following link: <https://www.zoomgov.com/j/16009283473>, or alternatively, you may use the following Meeting ID: 160 0928 3473. Participants will be placed into a virtual “waiting room” until admitted into the hearing by the meeting host.



For additional assistance using Zoom, please consult the Zoom “Help Center” at <https://support.zoom.us/hc/en-us> which offers “quick start guides” and video tutorials.

5. Sanctions: Failure to comply with these procedures may result in the Court imposing sanctions.
6. Further Relief: The Court may review or amend these temporary procedures on a case-by-case basis, to the extent there is cause and extenuating circumstances to do so. To the extent counsel or any party-in-interest desires relief from any of these interim procedures, such party shall file with the Court a written motion to modify the applicable procedures. In any such motion, the party requesting relief shall state with particularity the modification sought and the reason why it is necessary or appropriate for the Court to modify the applicable procedure.

Exhibit "A"
Form Notice of Zoom Hearing to Be Used
In Self-Scheduled Motions and Applications Before Judge Deller

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE

BANKRUPTCY NO.

Debtor(s)

CHAPTER NO.

Movant

DOCKET NO.

v.

Respondent

NOTICE OF ZOOM HEARING WITH RESPONSE DEADLINE
REGARDING MOTION OF [NAME OF MOVANT]
FOR [RELIEF REQUESTED]

TO THE RESPONDENT(S):

You are hereby notified that the above Movant seeks an order affecting your rights or property.

You are further instructed to file with the Clerk and serve upon the undersigned attorney for Movant a response to the Motion by no later than _____, 20____, (i.e., seventeen (17) days after the date of service below), in accordance with the Federal Rules Of Bankruptcy Procedure, the Local Rules of this Court, and the general procedures of the Presiding Judge as found on the Court's web page at www.pawb.uscourts.gov. If you fail to timely file and serve a written response, an order granting the relief requested in the Motion may be entered and the hearing may not be held. Please refer to the Judge's calendar posted on the Court's web site at www.pawb.uscourts.gov to verify if a default order was signed or if the hearing will go forward as scheduled.

You should take this Notice and the Motion to a lawyer at once.

A Zoom Video Conference Hearing will be held on _____, 20____, at _____m. before Judge Jeffery A. Deller via the Zoom Video Conference Application ("Zoom"). To participate in and join a Zoom Hearing, please initiate and use the following link at least ten (10) minutes prior to the scheduled Zoom Hearing time: <https://www.zoomgov.com/j/16009283473>, or alternatively, you may use the following Meeting ID: 160 0928 3473. All participants are required to appear by Zoom and must comply with the *Notice of Temporary Modification of Procedures Before the Honorable Jeffery A. Deller For Matters Scheduled On or After January 1, 2021* ("Judge Deller's Zoom Procedures"), which can be found on the Court's website at <http://www.pawb.uscourts.gov/content/judge-jeffery-deller>. Persons without video conferencing

capabilities must immediately contact Chambers staff at (412) 644-4710 to make alternative arrangements. Absent emergency circumstances, such arrangements must be made no later than three (3) business days prior to the hearing.

All persons are reminded that pursuant to the Court’s Notice and Order, and as set forth in Judge Deller’s Zoom Procedures, the public’s recording or duplication of any audio or video of the hearing is strictly prohibited.

Only a limited time of 10 minutes is being provided on the calendar. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled by the Court for a later date.

Date Of Service:

Attorney For Movant/Applicant

Signature

Address

Phone Number

Attorney I.D. No.