

Standing Orders

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- 21-212** The Use of Face Masks in Bankruptcy Court Facilities

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

In re:)	
)	
ACCESS TO COURT FACILITIES)	Misc. Proc. #20-206
AND PRO SE FILING OPTIONS)	
DURING COVID-19 OUTBREAK)	
)	

STANDING ORDER

On March 20, 2020, the United States District Court for the Western District of Pennsylvania, issued an Administrative Order—*In re: Inquiries To Those Seeking/Making Courthouse Access Relative to COVID-19 Matters; Misc. No. 2:20-mc-426-MRH* (the “District’s Courthouse Access Order”)—in response to the recent outbreak of novel coronavirus disease 2019 (COVID-19) in this District. The District’s Courthouse Access Order is attached to this Order and is fully incorporated by reference herein.

AND NOW THEREFORE, this ***24th*** day of ***March, 2020***, it is hereby ***ORDERED*** that:

1. The District’s Courthouse Access Order shall, wherever applicable, apply to all locations and offices of the United States Bankruptcy Court for the Western District of Pennsylvania (the “Bankruptcy Court”), with the following limited exception:

a. Concerns regarding access to the Bankruptcy Court’s Pittsburgh location (at 5414 US Steel Tower, 600 Grant Street, Pittsburgh, PA 15219) shall be raised by contacting the Chief Bankruptcy Judge’s chambers at (412) 644-4328.

2. All hand deliveries of documents and payments shall be made using the Official Court Drop Boxes located adjacent to the Court Security Officer Screening Stations in the Pittsburgh and Erie Court Lobby Areas. Instructions for time-stamping and tracking deposited items are available next to each Official Court Drop Box and shall be strictly followed.

3. The Court now offers fillable versions of Official Forms 101 and 121, allowing *pro se* debtors to complete and electronically submit emergency petitions on the Court’s website. Accordingly, the restrictions on electronic submission of documents outside of the CM/ECF system that are imposed by W.PA.LBR 5005-22 are hereby waived for *pro se* emergency petitions.

4. On March 27, 2020, the Court will go live with an electronic document submission system (“EDSS”), allowing *pro se* parties to submit documents electronically through the Court’s website. Accordingly, the restrictions on electronic submission of documents outside of the CM/ECF system that are imposed by W.PA.LBR 5005-22 are hereby waived for *pro se* parties using the EDSS.

5. Creditors are now able to file claims using an electronic proof of claim system (the “ePOC System”), without the need for a Limited Filing User CM/ECF Account. Accordingly, W.PA.LBR 3002-1(f) is hereby amended as follows:

(f) Any entity filing more than ten (10) claims in a calendar year shall file claims electronically in the CM/ECF System or by using the ePOC System.

6. The Clerk of Court shall maintain a webpage devoted to COVID-19 related procedures and FAQs on the Court’s website.

7. This Order shall remain in effect until further order of this Court.

/s/ Carlota M. Böhm
CARLOTA M. BÖHM, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

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

In re:)	
)	
MANDATORY ELECTRONIC)	
FILING OF DECLARATIONS OF)	Misc. Proc. #20-207
ELECTRONIC FILING (LOCAL)	
FORMS 1A AND 1B) USING THE)	
ELECTRONIC DOCUMENT)	
SUBMISSION SYSTEM (EDSS))	

STANDING ORDER

Due to the COVID-19 situation, the United States Bankruptcy Court for the Western District of Pennsylvania (the “Court”) has determined that it is in the interest of the public and the Court’s personnel to minimize the volume of documents being delivered to the Court in person and by mail. The Court has implemented an electronic document submission system (“EDSS”) allowing documents to be submitted securely to the Court outside of the CM/ECF System. EDSS is available on the Court’s website at: <http://www.pawb.uscourts.gov/electronic-document-submission-system>.

AND NOW THEREFORE, this 14th day of **April, 2020**, it is hereby **ORDERED** that:

1. W.PA.LBR 5005-7 is hereby suspended.
2. Using Local Bankruptcy Form 1A, or Local Bankruptcy Form 1B if the debtor is not represented by counsel, the original signature of the debtor(s) shall be applied to a “Declaration” authorizing the electronic filing of the bankruptcy petition. Both debtors shall sign the Declaration when a joint petition is filed.
3. Within fourteen (14) days of the electronic filing of the petition, debtor(s)’ counsel shall file a PDF version of the fully executed Declaration using EDSS.
4. The case shall be dismissed without prejudice when the Court is notified that the debtor has failed to sign the Declaration or if the Declaration is not filed within fourteen (14) days of the date the petition is filed
5. Declarations shall **not** be filed by counsel through the Court’s CM/ECF System.
6. Declarations shall **not** be delivered in person or by mail to the Court.
7. Debtor(s)’ counsel shall retain the original copy of each fully executed Declaration pursuant to W.PA.LBR 5005-15.
8. Unless an exception is expressly authorized by the Court, counsel shall file all documents other than Declarations through the Court’s CM/ECF System.

9. This Order shall remain in effect until further order of this Court.

/s/ Carlota M. Böhm
CARLOTA M. BÖHM, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

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

In re:)
)
MANDATORY ELECTRONIC)
FILING OF CLAIMS USING) **Misc. Proc. #20-208**
CM/ECF or ePOC)

STANDING ORDER

Due to the COVID-19 situation, the United States Bankruptcy Court for the Western District of Pennsylvania (the “Court”) has determined that it is in the interest of the public and the Court’s personnel to minimize the volume of documents being delivered to the Court in person and by mail. The Court has implemented an electronic proof of claim system (the “ePOC System”) allowing claims to be filed electronically without requiring a CM/ECF account. The ePOC System is available on the Court’s website at: <https://www.pawb.uscourts.gov/filing-proof-claim>.

AND NOW THEREFORE, this ***14th*** day of ***April, 2020***, it is hereby ***ORDERED*** that:

1. W.PA.LBR 3002-1(f), having been amended by way of Standing Order 20-206, is further amended as follows:

(f) ~~Any entity filing more than ten (10) claims in a calendar year shall file~~ All claims shall be filed electronically in the CM/ECF System or by using the ePOC System.
2. A *pro se* creditor without access to a computer may file a paper claim by mailing it to the Court.
3. This Order shall remain in effect until further order of this Court.

/s/ Carlota M. Böhm
CARLOTA M. BÖHM, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

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

In re:)	
)	
ORIGINAL SIGNATURES ON)	
BANKRUPTCY PETITIONS)	Misc. Proc. #20-209
AND SCHEDULES)	

STANDING ORDER

Due to the COVID-19 situation, the United States Bankruptcy Court for the Western District of Pennsylvania (the “Court”) has determined that it is in the interest of the public and members of the bar to temporarily modify the requirement that counsel obtain a debtor's original, physical signature on any document before the document is filed with the Court.

AND NOW THEREFORE, this *14th* day of *April, 2020*, it is hereby ***ORDERED*** that:

1. The debtor's original, physical signature requirement may be satisfied in any of the following ways:
 - a. Counsel secures and maintains the debtor's original, physical signature before filing the document, as presently required, or
 - b. Counsel secures the debtor's digital signature via any commercially available digital signature software and maintains a copy of the digitally signed document in the case file, or
 - c. Counsel obtains express written permission (including via text message or electronic mail) from the debtor to affix the debtor's /S/ signature to the document and maintains a copy thereof in the case file, or
 - d. Counsel obtains an image of the specified signature page showing debtor's original signature thereon via email, text message, or facsimile transmission and maintains a copy of the image and its transmission media in the case file.
2. Filing under any of the above methods constitutes counsel's certification to the Court that the debtor was given an opportunity to review the entire document before signing it, counsel has received the express authorization from the debtor to file the complete document with the Court, and counsel believes in good faith that the signature method adopted establishes the identity of the debtor.
3. Counsel shall retain all original documents pursuant to W.PA.LBR 5005-15.

4. This Order shall remain in effect until further order of this Court.

 /s/ Carlota M. Böhm
CARLOTA M. BÖHM, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

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

In re:)
)
ADOPTION OF REVISED)
INTERIM RULE OF BANKRUPTCY) **Misc. Proc. #20-210**
PROCEDURE 1020 PURSUANT TO)
THE CORONAVIRUS AID, RELIEF,)
AND ECONOMIC SECURITY ACT)
OF 2020 (THE “CARES ACT”))

STANDING ORDER

On December 29, 2019, the United States Bankruptcy Court for the Western District of Pennsylvania (the “Court”) issued Standing Order #19-217 adopting changes to the Federal Rules of Bankruptcy Procedure (“Interim Rules”) necessitated by the enactment of the Small Business Reorganization Act of 2019 (the “SBRA”). On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was enacted into law. Section 1113 of the CARES Act made several temporary changes to the Bankruptcy Code to provide financial assistance during the coronavirus crisis. These changes necessitate a corresponding amendment to Interim Bankruptcy Rule 1020.

AND NOW THEREFORE, this ***22nd*** day of ***April, 2020***, it is hereby ***ORDERED*** that:

1. Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the following changes to Interim Rule 1020 are adopted by the Judges of this Court to be **effective immediately**:

1. **Rule 1020. Chapter 11 Reorganization Case for Small**
2. **Business Debtors or Debtors Under Subchapter V**
3. (a) ~~SMALL BUSINESS~~ DEBTOR
4. DESIGNATION. In a voluntary chapter 11 case, the debtor
5. Shall state in the petition whether the debtor is a small
6. business debtor or a debtor as defined in §1182(1) of the
7. Code and, if the latter so, whether the debtor elects to have
8. Subchapter V of chapter 11 apply. In an involuntary chapter
9. 11 case, the debtor shall file within 14 days after entry of the
10. Order for relief a statement as to whether the debtor is a small
11. Business debtor or a debtor as defined in §1182(1) of the
12. Code and, if the latter so, whether the debtor elects to have
13. Subchapter V of chapter 11 apply. The status of the case as
14. A small business case or a case under subchapter V of chapter
15. 11 shall be in accordance with the debtor’s statement under
16. This subdivision, unless and until the court enters an order
17. Finding that the debtor’s statement is incorrect.

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

IN RE:

PROHIBITION ON RECORDING OR :
RETRANSMISSION OF VIDEO OR : MISC. PROC. #21-207
TELEPHONIC CONFERENCES AND :
HEARINGS :

STANDING ORDER


Restrictions on public gatherings imposed to combat the COVID-19 pandemic have resulted in the Court conducting its operations over the past year primarily by electronic means rather than by “in-person” courtroom proceedings. This has included the use of both telephonic and on-line audio/video methods of communications through such services as AT&T Teleconference Service, Court Call, ZOOM and Microsoft Teams, etc. (all such electronic means referred to hereinafter as “Electronic Proceedings”). While Electronic Proceedings were also used by the Court prior to the pandemic, it was on a much more limited scale. The recent dramatic increase in the utilization of Electronic Proceedings has highlighted a potential ambiguity in the longstanding prohibition against the recording of Court proceedings because it was based on the assumption of the proceeding being held within the Court’s physical premises. Accordingly, to clarify the prohibition, especially in light of the recognition that Electronic Proceedings will likely continue to be used to some extent even after the current pandemic has ended, this Standing Order is being issued.

AND NOW, this 22nd day of *March, 2021*, and in furtherance of the general policy of the Judicial Conference of the United States to prohibit the recording of federal court proceedings unless specifically authorized in a particular case, the policy of the District Court as set forth in *W.D. Pa. L.Civ.R. 83.1(C)(1)*, and of this Court, as set forth in *WD Pa. Bankr. Ct. General Order 2013-4* issued on May 30, 2013, it is hereby **ORDERED** that, *effective immediately*,

(1) For purposes of *General Order 2013-4* and its prohibition against all forms, means and manner of taking photographs, recording, broadcasting or televising from Court premises, every Electronic Proceeding conducted by the Court shall be deemed to be conducted in a room or facility occupied by the United States Bankruptcy Court for the Western District of Pennsylvania, regardless of the actual physical location of the presiding judge or any other participant.

(2) The recording or retransmission of any Electronic Proceeding of this Court by anyone other than the Court itself is strictly **PROHIBITED** unless specifically authorized by the presiding judge in advance.

(3) The knowing, willful and unexcused violation of the prohibition as set forth herein will subject the violator to sanctions for contempt by the presiding judge of such proceeding.



Carlota M. Böhm, Chief Judge
United States Bankruptcy Court

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

In re:

THE USE OF FACE MASKS IN
BANKRUPTCY COURT FACILITIES

Misc. Proc. # 21-212

STANDING ORDER

The Centers for Disease Control and Prevention (“CDC”) and the Secretary of the Department of Health for the Commonwealth of Pennsylvania have issued updated guidance regarding the use of face coverings by persons occupying indoor spaces, including public buildings and indoor workplaces. The current guidance of the CDC is that face coverings are advised for all persons in public indoor settings, whether fully vaccinated from COVID-19 or not.

AND NOW THEREFORE, this 18th day of *August, 2021*, it is hereby *ORDERED* that, *effective immediately*:

1. All persons entering any facility of the U.S. Bankruptcy Court for the Western District of Pennsylvania (the “Court”) are required to wear a face mask or face covering; however, individuals appearing before the Court may be required to remove their face mask or face covering at the discretion of the presiding Judge.
2. This Order supersedes Standing Order No. 21-209 in its entirety.
3. This Order shall remain in effect until further order of this Court.


CARLOTA M. BÖHM, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT