

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

IN RE:

FILING AND SUBMISSION OF AUDIO : Misc. Proc. # 22-219
AND VIDEO EVIDENTIARY MATERIALS :

STANDING ORDER

The CM/ECF electronic filing system used by the Court is not currently able to accept audio and video files. Thus far this has rarely been a problem with respect to documentary filings because they typically do not include audio or video material, although it is possible such attempted usage may increase and that is something that needs to be addressed. Also, audio and video files are increasingly being used at evidentiary hearings and trials held in the Court, and the inability of the CM/ECF system to accept such files is definitely problematic if the creation of an evidentiary record of the hearing or trial becomes necessary for some reason such as a motion for reconsideration, or an appeal. This Standing Order is therefore being issued to address the use of audio and video files in documentary filings and at Court proceedings and the subsequent obligation of the offering party to retain such file in case it is ever needed for the creation of an evidentiary record.

AND NOW THEREFORE, this 20th day of ***July, 2022***, it is hereby ***ORDERED that effective immediately:***

(1) In the event that a party has audio or video files to present to the Court, and in conformity with the *Administrative Order Regarding Submission to the Court of Audio and/or Video Content* issued by the District Court on September 20, 2021 at Misc. No. 2:21-mc-1161, counsel or an unrepresented party shall submit physical copies of any such audio or video files to the Court in

an acceptable format on a “thumb drive” device as indicated below:

(a) Audio Files - The Court will accept only audio files that are in an uncompressed Waveform audio format (.wav), a Motion Pictures Expert Group format (.mp3), or an Audio-Video Interleave format (.avi). No other formats are acceptable.

(b) Video Files - The Court will accept only video files that are in an Audio-Video Interleave format (.avi), a Motion Pictures Expert Group format (.mp4), or Windows Media Video file format (.wmv). No other formats are acceptable.

(2) All audio and video files must be playable with the latest versions of Windows Media Player or the VLC Media Player, and they must be tested and be determined to be fully functional and viewable via those media players prior to delivery to the Court. By submitting such media to the Court, the submitting party is certifying to the Court that the files have been so tested and confirmed prior to delivery to the Court.

(3) Audio or video content that requires proprietary software or third party “codecs” to play and cannot be reviewed by the Court will be returned. Use of the designated audio and video file formats is necessary to ensure that the submissions can be reviewed by the Court. The Court will not convert audio or video files to an acceptable format.

(4) If the audio or video file is presented as an exhibit in support of a pleading or motion, one (1) copy of the audio and/or video files shall be sent to the Bankruptcy Clerk on a thumb drive, along with a placeholder document which includes the caption of the case, the case number, the party making the filing, and a pleading title, for example: "Video Exhibit 3 in support of Defendant's Motion at Doc. No. 45." The placeholder document will be date stamped and filed on the case docket by the Bankruptcy Clerk upon receipt. The filing party must also serve such

placeholder document and media on the presiding judge in the case and on each other party to the proceeding.

(5) Audio or video files introduced into evidence during an evidentiary hearing or trial must also be retained by the party on whose behalf it was introduced until it is determined whether an appeal has been taken from a final judgment. In the event of an appeal, the Clerk will generally transmit the audio or video files that were admitted into evidence as part of the record on appeal, but the files must also be retained by the party that introduced them into evidence until disposition of the appeal. Upon direction of the Court, the party may be required to produce the audio or video file on a thumb drive.

(6) This Standing Order shall remain in effect until further order of this Court and is applicable to all pending and future proceedings in this Court.


CARLOTA M. BÖHM, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT