Standing Orders

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<u>20-204</u>	Telephonic Appearance at Hearings is Mandatory
<u>20-206</u>	Access to Court Facilities and Pro Se Filing Options During COVID-19 Outbreak
<u>20-207</u>	Mandatory Electronic Filing of Declarations of Electronic Filing (Local Forms 1a and 1b) Using the Electronic Document Submission System (EDSS)
<u>20-208</u>	Mandatory Electronic Filing of Claims Using CM/ECF or ePOC
<u>20-209</u>	Original Signatures on Bankruptcy Petitions and Schedules
<u>21-207</u>	Prohibition on Recording or Retransmission of Video or Telephonic Conferences and Hearings
<u>22-206</u>	The Use of Face Masks in Bankruptcy Court Facilities
<u>22-208</u>	Revision of the Interim Rule of Bankruptcy Procedure 1020 Due to the Expiration of the Applicable Provisions of The Coronavirus Aid, Relief and Economic Security Act of 2020 (the "CARES Act")

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In re:

TELEPHONIC APPEARANCE AT HEARINGS IS MANDATORY Misc. Proc. #20-204

STANDING ORDER

The United States Bankruptcy Court for the Western District of Pennsylvania (the "Court") is cognizant of the fact that public health authorities recommend social distancing as a means of potentially slowing the spread of novel coronavirus ("COVID-19"). Conducting hearings telephonically, where practical and appropriate, will reduce the quantity and frequency of gatherings at the Court, without compromising the Court's commitment to the sound administration of equal justice under law.

AND NOW THEREFORE, this 13th day of March, 2020, it is hereby ORDERED that:

1. The Court will remain open for the conduct of official business.

2. The Court's Clerk's Offices in Pittsburgh and Erie will remain open during regular business hours.

3. All Court appearances at hearings shall be made telephonically, unless expressly directed otherwise by the Presiding Judge, subsequent to the effective date of this Order.

4. Parties shall consult the Presiding Judge's webpage for instruction on arrangements for telephonic participation.

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

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In re:

ACCESS TO COURT FACILITIES AND PRO SE FILING OPTIONS DURING COVID-19 OUTBREAK

Misc. Proc. #20-206

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 EDDS.

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 <u>or by using the ePOC System</u>.

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.

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IN RE: ADMINISTRATIVE ORDER: INQUIRIES TO THOSE SEEKING/MAKING COURTHOUSE ACCESS RELATIVE TO COVID-19 MATTERS

Misc. No. 2:20-mc-426-MRH

This Administrative Order is issued in response to the recent outbreak of novel coronavirus disease 2019 (COVID-19) in this District. This Court is closely monitoring developments with regard to COVID-19 matters. The Court is also closely monitoring the guidance issued by the Centers for Disease Control and Prevention (CDC), state and local public health authorities, and the Administrative Office of the United States Courts. The CDC has noted that the best way to prevent illness is to limit exposure to the virus and has recommended that precautions be taken to prevent such exposure and reduce the spread of the virus.

Pursuant to the available public health guidance, and in order to protect the health and safety of court personnel and all those entering courthouses, Court locations, and Court offices in this District, it is ORDERED the following measures will be implemented at all courthouses, Court locations, and Court offices in this District, effective immediately:

The following persons shall not enter any courthouse, Court location, or Court office, including Probation and Pretrial Services Offices, in this District, unless authorized by the undersigned:

1. Persons who, because of exposure to COVID-19 or travel to a country or region with an outbreak of COVID-19, have been advised to currently self-quarantine by any doctor, hospital, or health agency, or who are nonetheless currently engaged in self-quarantine;

- 2. Persons who reside with or otherwise have had close contact with someone who has been advised to currently self-quarantine by any doctor, hospital, or health agency, or who is currently self-quarantining in any event;
- 3. Persons who have been diagnosed with, or have had known contact with anyone who has been diagnosed with, COVID-19;
- 4. Persons who have travelled outside of the United States, and have returned to the United States in the fourteen (14) days prior to time entry to the courthouse or facility is requested;
- 5. Persons experiencing one or more symptoms of respiratory illness such as a fever, persistent cough, persistent nasal discharge, or shortness of breath.

Those seeking to enter Court facilities will be asked to confirm that none of the factors listed above applies to them. For those for whom one or more such factors apply, they will not be permitted to enter the facility, and will be directed to contact (by phone) the agency or organization that they were intending to visit to advise such agency or organization of their circumstances and obtain further direction. Those displaying any one of the above factors will not be permitted to enter the involved Court facility without approval from the Chief Judge of this Court, or his designee. If you believe that you have been wrongfully denied such entry, you may contact the Chief Judge's chambers at (412) 208-7433.

Any attorney or party who knows or has reason to believe that any participant in a scheduled hearing, trial, conference, deposition, or other proceeding meets any of the criteria set forth above shall promptly notify opposing counsel (and the Court, as appropriate) prior to any such proceeding.

If you have a scheduled appointment or you are otherwise required to appear at a courthouse, Court location, or Court office, including the Probation and Pretrial Services Office, in this District, and you are unable to appear because of the restrictions listed above, you should proceed as follows:

1. If you are represented by an attorney, please contact your attorney.

- 2. If you are an attorney or a pro se litigant and you are scheduled to physically appear in court before a judge of this Court, please contact that judge's chambers directly at the Chambers number listed on the Court's website.
- 3. If you are a pro se litigant and you are seeking to file papers with the Clerk's Office, please contact the Clerk's Office at (412) 208-7500.
- 4. If you are scheduled to meet with a probation officer or a pretrial services officer, please contact the Probation and Pretrial Services Office at the applicable number below:

Pittsburgh: (412) 395-6907 Erie: (814) 464-9650 Johnstown: (814) 533-4540

- 5. If you are a juror or prospective juror (including a grand juror), please contact the Clerk's Office at (412) 208-7500.
- 6. For Court of Appeals matters, please contact the U.S. Court of Appeals for the Third Circuit at (215) 597-2995.
- 7. For all other matters or questions, please contact the Clerk's Office at (412) 208-7500.

These limitations apply to anyone entering Court facilities, including employees or those

brought into any such facility by the U.S. Marshal or law enforcement, and will remain in place temporarily until they are modified by further Order. Nothing herein shall prohibit or otherwise limit the ability of the U.S. Marshal to screen those entering the cell block in accordance with the procedures established by the U.S. Marshal Service Prisoner Operations Division. This Order may

be modified as further guidance is received.

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Mark R. Hornak Chief United States District Judge

March 20, 2020

In re:)
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MANDATORY ELECTRONIC)
FILING OF DECLARATIONS OF)
ELECTRONIC FILING (LOCAL)
FORMS 1A AND 1B) USING THE)
ELECTRONIC DOCUMENT)
SUBMISSION SYSTEM (EDSS))

Misc. Proc. #20-207

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: <u>http://www.pawb.uscourts.gov/electronic-document-submission-system</u>.

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.

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In re:

MANDATORY ELECTRONIC FILING OF CLAIMS USING CM/ECF or ePOC

Misc. Proc. #20-208

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: <u>https://www.pawb.uscourts.gov/filing-proof-claim</u>.

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 <u>All</u> claims <u>shall be filed</u> 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.

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In re:

ORIGINAL SIGNATURES ON BANKRUPTCY PETITIONS AND SCHEDULES

Misc. Proc. #20-209

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.

IN RE:

PROHIBITION ON RECORDING OR	:
RETRANSMISSION OF VIDEO OR	:
TELEPHONIC CONFERENCES AND	:
HEARINGS	:

MISC. PROC. #21-207

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 22^{nd} 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 re:

THE USE OF FACE MASKS IN BANKRUPTCY COURT FACILITIES

Misc. Proc. # 22-206

STANDING ORDER

The U.S. District Court for the Western District of Pennsylvania (the "District Court") entered an *Administrative Order Concerning the Use of Face Masks/Coverings in Public Areas of the District Courts* (the "District Mask Order") on March 7, 2022 in response to updated guidance issued by the federal Centers for Disease Control and Prevention. The District Mask Order is available on the District Court's docket at Misc. No. 2:20-mc-593-MRH and the District Court's website at <u>https://www.pawd.uscourts.gov/court-operations-and-covid-19-administrative-orders</u>. Additionally, a copy of the District Mask Order is attached to this Standing Order.

AND NOW THEREFORE, this δ^{th} day of March, 2022, it is hereby ORDERED that, effective immediately:

1. The District Mask Order shall apply to persons entering any facility of the U.S. Bankruptcy Court for the Western District of Pennsylvania.

- 2. This Order supersedes Standing Order No. 21-212 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

FILED 3/8/22 8:42 am CLERK U.S. BANKRUPTCY COURT - WDPA

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IN RE: ADMINISTRATIVE ORDER CONCERNING THE USE OF FACE MASKS/COVERINGS IN PUBLIC AREAS OF THE DISTRICT'S COURTHOUSES

Misc. No. 2:20-mc-593-MRH

ADMINISTRATIVE ORDER (Updated effective March 7, 2022)

WHEREAS, federal, state and local public health authorities have advised, and continue to advise, public and private agencies to continue to take necessary and appropriate precautions to reduce the possibility of exposure to novel coronavirus ("COVID-19") and slow the spread of the disease; and

WHEREAS, on February 23, 2022 the President of the United States declared that the COVID-19 pandemic continues to cause significant risk to the public health and safety of the Nation and therefore the national emergency concerning the COVID-19 pandemic initially declared on March 13, 2020 is continued; and

WHEREAS, the federal 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

WHEREAS, the CDC has created a COVID-19 Community Level tool that assigns each county into a Low, Medium, or High category based upon real-time COVID-19 transmissibility

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levels within each community (<u>https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html</u>);

WHEREAS, the CDC has provided the following guidance relative to the wearing of masks/face coverings for each COVID-19 Community Level category:

- <u>Low</u>: wear a mask based upon personal preference, informed by personal level of risk;
- <u>Medium</u>: immunocompromised individuals and those at high risk for severe illness, or those living with or having social contact with such individuals, should confer with a healthcare provider about additional precautions, such as the wearing of masks and/or testing; and
- <u>High</u>: individuals should wear a well-fitting mask indoors in public areas regardless of vaccination status or individual risk.

WHEREAS, regardless of COVID-19 Community Level, the CDC advises that people with symptoms of illness, who have tested positive for COVID-19, or those having been exposed to someone with COVID-19 should wear a mask; and

WHEREAS, each Division of the Court is made up of multiple counties, each of which may have a different COVID-19 Community Level; and

WHEREAS, the Court has a Courthouse in each of its three Divisions located in various counties (each a "Courthouse County") as follows: Erie Division (Erie County); Pittsburgh Division (Allegheny County); Johnstown Division (Cambria County)¹; and

¹ As of the date of this Order, each such Courthouse County is classified as being in the "Low" category pursuant to the CDC Guidance.

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WHEREAS, as a public institution committed to the sound administration of equal justice under law, the Court is an essential public institution and remains open for the conduct of essential public business; and

WHEREAS, this Court will continue to take reasonable and prudent actions to further its mission consistent with public health needs and the health needs of its staff, members of the public, and others who enter the Courthouses of this District.

NOW, THEREFORE, in order to continue to further public health and safety, the health and safety of Court personnel, counsel, litigants, other case participants, vendors, contractors, and the general public, and consistent with the CDC and Department of Health guidance noted above, it is ORDERED as follows:

1. The wearing of appropriate masks or face coverings will be permitted by any person in any Court facility and space at any time.

2. Consistent with current CDC guidance, the wearing of masks or face coverings is not required in the Courthouse or Court facility if the county in which the Courthouse is located has a then-current COVID-19 Community Level of "Low" or "Medium." Consistent with current CDC guidance, if the applicable Courthouse County has a current COVID-19 Community Level of "High," the wearing of appropriate masks or face coverings is required for all persons entering the Courthouse or Court facility in such Courthouse County subject to the provisions of this Order.

3. Notwithstanding the provisions of Paragraph 2 above, a presiding judicial officer may, for any reason, direct that appropriate masks or face coverings be worn by any person or all persons during in-Court proceedings before that Judge. Further, the general applicability of the Court's Jury Trial Protocols dated June 29, 2021 is held in abeyance subject to further Order. The

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presiding judicial officer for a given jury trial nonetheless may implement such Protocols, in whole or in part, as they would conclude is appropriate for a given proceeding.

4. Subject to the provisions of Paragraphs 2 and 3 above, if the use of a face mask is required by this Order or the presiding judicial officer, the presiding judicial officer may nonetheless authorize that appropriate masks or face coverings may be temporarily removed by Court personnel and participants in Court proceedings when such persons are making an oral presentation or otherwise speaking during an in-Court proceeding.

5. Visitors to the Court (including vendors, contractors, litigants, attorneys, and other members of the public), and all other persons seeking entry to or occupying any courthouse or Court facility for any business with the Court or its personnel, shall be required to comply with the provisions of this Order.

6. The Clerk of this Court is authorized and directed to make available appropriate disposable masks for use by members of the public who appear without an appropriate mask or face covering and who are required to or desire to wear a mask by the terms of this Order.

7. For purposes of this Order, an "appropriate mask or face covering" is one that is worn so as to completely cover the wearer's mouth and nostrils and does not include a "one way" or other valve, and does not include a bandana, any single-ply or "knit" fabric item, a "pulled up" shirt or jacket, a pulled down balaclava or winter knit cap, or a single-ply or knit "gaiter".

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8. Nothing in this Order shall limit the discretion of any Judge or Court Unit Executive

to require the use of face coverings and/or social distancing by Court staff and visitors in their respective workspace should circumstances so require or advise.

9. This Order shall remain in effect until amended or vacated by further Order.

<u>s/Mark R. Hornak</u> Mark R. Hornak Chief United States District Judge

March 7, 2022

In re:

REVISION OF THE INTERIM RULE	
OF BANKRUTPCY PROCEDURE 1020	
DUE TO THE EXPIRATION OF THE	
APPLICALBLE PROVISIONS OF	
THE CORONAVIRUS AID, RELIEF	
AND ECONOMIC SECURITY	
ACT OF 2020 (THE "CARES ACT")	

Misc. Proc. 22-208

STANDING ORDER

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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. Those changes required a corresponding amendment to Interim Rule 1020 which the Court implemented by way of Standing Order 20-210 on April 22, 2020. Absent legislative action, these provisions will expire on March 27, 2022.

AND NOW THEREFORE, this 25th day of March, 2022, it is hereby ORDERED that effective on the 28th day of March, 2022:

1. Interim Rule 1020 adopted by Standing Order 20-210 is no longer applicable and is therefore superseded.

2. The original Interim Rule 1020, adopted by Standing Order 19-217, shall be in effect going forward.

3. This Order shall remain in effect until the Federal Rules of Bankruptcy Procedure are formally amended, unless otherwise terminated by further order of this Court.

CARLOTA M. BÖHM, CHIEF JUDGE UNITED STATES BANKRUPTCY COURT