

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

**ADMINISTRATIVE ORDER #145 ON HEARING PROTOCOLS
IN MIDDLE DISTRICT BANKRUPTCY COURT FACILITIES**
AS OF AUGUST 1, 2022

The COVID-19 pandemic has significantly altered how the Court conducts hearings and other proceedings. One of the lessons learned from the pandemic experience is how resilient our Court and Bar are and how effectively all have worked together to mitigate the impacts of the pandemic. The intent of this order is to incorporate current entry and masking protocols with lessons learned over the past two years concerning the method of conducting various court proceedings as we move forward.

IT IS ORDERED that all previous Administrative Orders associated with the COVID-19 pandemic through August 1, 2022 are rescinded. This includes:

- #129 (Order on Allowing Digital Signatures for Papers Signed by Attorneys)
- #130 (Order on Admission of Direct Evidence Through Declarations)*
- #137 (Order on Mass Calendars)
- #138 (Order on Reopening Protocols)
- #139 (Order Requiring Telephonic Hearings in Macon and Columbus)
- #141 (Order on Entry Protocols)

IT IS FURTHER ORDERED, that in order to protect public health, including the health of Court staff, parties, Court participants, and all other building occupants, the following persons shall not enter any U.S. Bankruptcy Court facility in the Middle District of Georgia without prior permission from the Chief Bankruptcy Judge or his designee:

- a. Persons who have been diagnosed with COVID-19 within the last five days; or
- b. Persons who have been diagnosed with COVID-19 within the last ten days and symptoms have not resolved; or
- c. Persons who have been asked to self-quarantine by any healthcare provider or state or local health authority within the time period of entering the Court facility; or

*Attorneys are reminded that the use of affidavits or unsworn declarations (in compliance with 28 U.S.C. § 1746) remains available for introduction of evidence in connection with motion practice. *See, e.g.,* Fed. R. Evid. 611, Fed. R. Civ. P. 43(c) and 56, and Fed. R. Bankr. P. 9006(d).

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d. Fully vaccinated persons who have been exposed to COVID-19 within the last five days and are experiencing symptoms of COVID-19; or

e. Unvaccinated persons who have been exposed to COVID-19 within the previous five days; or

f. Persons currently experiencing symptoms of COVID-19 identified by the CDC, including fever or chills, cough, shortness of breath, new loss of taste or smell, nausea or vomiting, and diarrhea.

IT IS FURTHER ORDERED that, effective August 1, 2022, the following procedures govern the use of masks or other face coverings:

a. Pursuant to current CDC guidance, masks shall be worn in public spaces of the courthouse when the county in which the relevant divisional courthouse is located is classified by the CDC as “high risk.” The Clerk will post signs at the entrance indicating the current masking requirement based upon this dynamic criteria.

b. Presiding judges shall establish the requirement for wearing masks for proceedings in their courtrooms.

IT IS FURTHER ORDERED that anyone denied entry due to these precautions, or anyone with a documented health condition that prevents the wearing of a mask or other face covering will be provided with contact information to contact the relevant Court or Courtroom Deputy with whom they have business.

IT IS FURTHER ORDERED that the United States Marshal, his Deputies, and Court Security Officers shall deny entry to anyone attempting to enter in violation of this Order and shall have the authority to remove anyone from a U.S. Bankruptcy Court Facility in the Middle District of Georgia for failure to abide by this Order while in our facilities.

IT IS FURTHER ORDERED, notwithstanding M.D. Ga. LBR 9014-1, unless the presiding judge directs otherwise, hearings on “mass calendars” consisting of chapter 13 motions to dismiss, chapter 13 plan confirmations, and motions for relief from stay, as well as pre-trial conferences, will be held

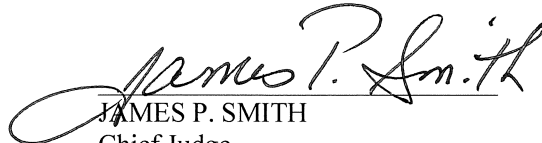
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telephonically. Parties will comply with instructions from the Clerk's Office to participate telephonically. Telephonic hearing instructions can be found on the Court's website at www.gamb.uscourts.gov. Parties may request an in-person hearing subject to approval by the presiding judge. If parties wish to have an in-person hearing on the same date as the mass calendar, they should make such request to the appropriate courtroom deputy no later than 3:00 p.m. on the last business day before the hearing.

IT IS FURTHER ORDERED that notices of motions or hearings shall include the language "Parties should consult the Court's website (www.gamb.uscourts.gov) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance."

IT IS FURTHER ORDERED, all other hearings not stated above will generally be scheduled as in-person hearings. However, upon request by a party, the presiding judge may allow a telephonic or video teleconference hearing for any matter. Attorneys are no longer required to provide courtroom deputies the number of persons attending in-person hearings prior to any hearing.

IT IS SO ORDERED this 15 day of June, 2022.


JAMES P. SMITH
Chief Judge
United States Bankruptcy Court