



# UNITED STATES BANKRUPTCY COURT DISTRICT OF MARYLAND

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## **Current Operational Status of the United States Bankruptcy Court for the District of Maryland During the COVID-19 Pandemic**

Updated July 7, 2020

In response to the emergency created by the COVID-19 pandemic, the United States Bankruptcy Court for the District of Maryland, in conjunction with the United States District Court, has implemented significant procedural changes. This operational status report provides a summary of those changes. All pertinent Bankruptcy Court and District Court orders and notices are on the Bankruptcy Court's website, available by clicking [here](#), and should be referred to for more complete information.

The United States District Court for the District of Maryland issued a [COVID-19 Pandemic Procedures Order](#), effective May 26, 2020, moving the Courts in the District of Maryland into Phase Two of the District's [recovery plan](#).

### **Bankruptcy Filing Deadlines**

Pursuant to the District Court's [Standing Order 2020-07](#), all filing deadlines between March 16, 2020 and June 5, 2020, have been extended by eighty-four (84) days, unless the presiding judge in an individual case set a different date by order or a new date was established by a Bankruptcy Court Administrative Order. Consistent with the authority given the Bankruptcy Court in Standing Order 2020-07, the Bankruptcy Court issued [Administrative Order](#)

[20-09](#), setting deadlines for responses or objections to certain motions and applications, described therein and outlined below, that are filed after April 15, 2020, and providing that the District Court's [Standing Order 2020-05](#) sets the filing deadlines for the same motions and applications that were filed on or before April 15, 2020. (Standing Order 2020-05 had previously provided a forty-two (42) day extension for filing deadlines set to fall between March 16, 2020 and April 24, 2020). The following motions or applications are subject to Administrative Order 20-09:

- Applications to retain attorneys and other professionals filed pursuant to 11 U.S.C. § 327 and Fed. R. Bankr. P. 2014;
- Applications for professional compensation filed pursuant to 11 U.S.C. §§ 328, 330, Fed. R. Bankr. P. 2002(a)(6), 2016, and L. Bankr. R. 2016-1;
- Applications for administrative claims filed pursuant to 11 U.S.C. § 503, Fed. R. Bankr. P. 3007, 3008 and L. Bankr. R. 2070-1;
- Motions to redeem filed pursuant to 11 U.S.C. § 722 and Fed. R. Bankr. P. 6008;
- Trustee's Final Reports in Chapter 7 case filed pursuant to 11 U.S.C. § 704(a)(9) and Fed. R. Bankr. P. 2015;
- Motions to approve compromise or settlement filed pursuant to Fed. R. Bankr. P. 2002(a)(3), 9019 and L. Bankr. R. 9019-1;
- Chapter 12 plans filed pursuant to 11 U.S.C. § 1221, Fed. R. Bankr. P. 2002(a)(8) 3015(f);
- Motions to modify a Chapter 12 or 13 plan filed pursuant to 11 U.S.C. §§ 1229, 1329, Fed. R. Bankr. P. 2002(a)(5), 3015(h) and L. Bankr. R. 3015-4;
- Motions to incur debt or purchase real estate or a vehicle filed pursuant to 11 U.S.C. §§ 363, 364, Fed. R. Bankr. P. 4001(c), and L. Bankr. R. 4001-4;

- Motions to determine value, avoid a lien, or set interest rate filed pursuant to 11 U.S.C. §§ 506, 522(f), 1325, Fed. R. Bankr. P. 3012, 4003(d) and L. Bankr. R. 3012-1, 3012-2, 4003-2;
- Debtor-in-possession financing motions filed pursuant to 11 U.S.C. § 364, Fed. R. Bankr. P. 4001(c), and L. Bankr. R. 4001-5;
- Objections to Chapter 11 disclosure statements filed pursuant to Fed. R. Bankr. P. 2002(b); and
- Motions to extend time to file a motion to dismiss case under 11 U.S.C. § 707(b).

Bankruptcy Court Administrative Order 20-10, which set a deadline for Chapter 13 plan modification motions under the CARES Act and set an expedited deadline for motions to temporarily suspend Chapter 13 plan payments or wage orders, was rescinded as no longer necessary on July 7, 2020 by [Administrative Order 20-15](#).

The District Court's [Standing Order 2020-11](#) supersedes Standing Order 2020-07, effective June 6, 2020. Unlike previous iterations, Standing Order 2020-11 does not generally postpone and continue all non-emergency proceedings and extend all filing deadlines. Instead, current dates and deadlines set in individual cases, as modified by Standing Order 2020-07, will be presumed effective, unless otherwise ordered by the presiding judge or by administrative order of the Bankruptcy Court (e.g., Administrative Order 20-09).

The Bankruptcy Court issued a Memorandum Addressing the Continuation of Hearings and the Extension of Filing Deadlines in Standing Order 2020-05 of the United States District Court for the District of Maryland. The [Memorandum](#) provides important guidance to the Bar

and unrepresented parties on Standing Order 2020-05, and its guidance is also applicable to Standing Order 2020-07.

### **Deadlines Related to Meetings of Creditors**

The United States Trustee issued a notice that it will hold all Chapter 7, 12, and 13 Section 341 Meetings remotely by telephone or ZOOM commencing April 13, 2020 and will not hold any in-person Section 341 meetings for cases filed through October 10, 2020. Instructions and information to participate in the remote Meetings can be found [here](#).

Previously, the United States Trustee issued a notice continuing in this District all in-person meetings required by §341 of the Bankruptcy Code between March 26 and April 10, 2020, to be rescheduled for a date beyond April 10, 2020.

The Bankruptcy Court entered [Amended Administrative Order 20-06](#) Addressing Certain Deadlines Related to Meetings of Creditors Under 11 U.S.C. § 341, ordering that the rescheduled § 341 date in the continued cases as the “first date set for the meeting of creditors under 11 U.S.C. § 341(a)” and “the date on which the meeting of creditors is first scheduled to be held” under 11 U.S.C. § 1308(a), calculating deadlines set under Bankruptcy Rules 1017(e)(1), 2002(h), 2015.3(b), 4004(a), 4007(c) and 4008(a) from the rescheduled § 341 date, and extending the deadline for holding § 341 meetings under Bankruptcy Rule 2003(a) to accommodate the postponement of the § 341 meetings.

## **Bankruptcy Hearings**

Pursuant to District Court [Standing Order 2020-11](#), all bankruptcy hearings, trials, and proceedings in the U.S. Bankruptcy Court for the District of Maryland currently scheduled to commence after June 5, 2020, shall continue as presently scheduled, unless otherwise ordered or rescheduled by the presiding judge.

Instructions and resources for participating in virtual hearings are posted here -- [www.mdb.uscourts.gov/hearings](http://www.mdb.uscourts.gov/hearings). Bar members are encouraged to review the materials posted on this webpage as the Court begins to conduct an increasing number of virtual hearings.

The Bankruptcy Court continues to remain available to hear and resolve emergency matters, including first day filings. Any emergency matters should be filed consistent with past practice and brought to the attention of the courtroom deputy for the presiding judge or the clerk of court. The Court prefers that such communications be made by email where possible.

**Chief Judge Thomas J. Catliota**

Rita Hester, Courtroom Deputy  
[hearings\\_tjc@mdb.uscourts.gov](mailto:hearings_tjc@mdb.uscourts.gov)  
(301) 344-3495

**Judge Nancy V. Alquist**

Brenda J. Wolfe, Courtroom Deputy  
[hearings\\_nva@mdb.uscourts.gov](mailto:hearings_nva@mdb.uscourts.gov)  
(410) 962-4439

**Judge David E. Rice**

Cherita Scott, Courtroom Deputy  
[hearings\\_der@mdb.uscourts.gov](mailto:hearings_der@mdb.uscourts.gov)  
(410) 962-7769

**Judge Michelle M. Harner**

Anna Marie Komisarek, Courtroom Deputy  
[hearings\\_mmh@mdb.uscourts.gov](mailto:hearings_mmh@mdb.uscourts.gov)  
(410) 962-2966

**Judge Lori S. Simpson**

Gloria Bellman, Courtroom Deputy  
[Hearings\\_LSS@mdb.uscourts.gov](mailto:Hearings_LSS@mdb.uscourts.gov)  
(301) 344-8031

### **Courthouse and Clerk's Office Operations**

In-person access to the Baltimore and Greenbelt Courthouses is greatly limited. Until further notice, there will be no in-person public access to the Clerk's Office. The Clerk's Office will remain open to the public through telephone access and the drop boxes located in the lobby of each courthouse. The drop boxes will be available from 9:00 a.m. to midnight in Baltimore and 9:00 a.m. to 6:00 p.m. in Greenbelt. Unrepresented parties can also electronically submit documents via the Court's [Electronic Document Submission System Pilot Program \(EDSS\)](#). CM/ECF will continue to be available for electronic filing.

### **Affidavits Encouraged to Increase Social Distancing**

It is not known for how long parties will be encouraged to maximize social distancing. Counsel are strongly encouraged to file motions or objections with affidavits or declarations and authenticated documentary evidence that may establish a prima facie case sufficient to enable the Court to rule on the matter without live testimony, as appropriate.

### **Other Pertinent Changes**

The Court has entered other Administrative Orders, as follows:

[Administrative Order 20-05](#) – temporarily suspending the requirement for counsel to obtain original ink “wet” signatures on petitions, Chapter 13 plans, declarations, and other documents described in the order.

[Administrative Order 20-07](#) – providing that Local Bankruptcy Rule 5073-1 applies to all court proceedings however conducted, and prohibiting any person or device, other than official electronic recorders employed by the Court, from recording any court proceeding, whether conducted in court, on telephone, or by video conference

[Administrative Order 20-13](#) – authorizing as presumptively reasonable certain attorneys' fees in Chapter 13 cases related to work necessitated by the COVID-19 Pandemic, as a supplement to Appendix F of the Local Bankruptcy Rules.