

**EVIDENTIARY PROTOCOL FOR VIRTUAL HEARINGS BEFORE JUDGE HARNER**  
**(as of October 2024)**

For purposes of any virtual hearing, the following protocols are hereby enacted:

**I. Stipulations**

By 12:00 p.m., Prevailing Eastern Time, on the day prior to the hearing, the parties shall file on the docket a stipulation of any uncontested facts with the Court. The parties are directed to confer to that end.

By 12:00 p.m., Prevailing Eastern Time, on the day prior to the hearing, the parties shall file on the docket a stipulation as to the admissibility of exhibits, if any, with the Court. The parties are directed to confer to that end. The stipulation must identify the exhibits and mark them in accordance with Section III of this protocol.

**II. Testimony**

If permitted for good cause by the Court, direct testimony and cross-examination may be conducted via live witness testimony. Direct testimony may also be provided by way of affidavit or declaration. By 12:00 p.m., Prevailing Eastern Time, on the day prior to the hearing, the parties may file any such affidavits or declarations.

**III. Exhibits**

**General Requirements:**

- a. All exhibits (other than any rebuttal evidence, which may be submitted during the course of the hearing as directed by the Court) must be filed on the Court's docket at least three days before the hearing.
- b. A list of exhibits that complies with the identification scheme of this Protocol also must be filed on the Court's docket at least three days before the hearing.
- c. Any objections to exhibits must be filed on the Court's docket prior to the start of the hearing. *Any exhibits not objected to in writing before the hearing may stand as admitted into evidence.*

### Specific Requirements:

- d. Exhibits shall be filed on the Court's docket and *shall begin with the exhibit list identifying each exhibit by number pursuant to the identification scheme described below*. An example of an acceptable exhibit list is as follows (note, the last three columns should be left blank and are for the Court's use):

Exhibit No.	Description	Offered	Objection	Admitted
D01	Agreement			
D02	Amendment No. 1			
D03	Letter			

- e. Each exhibit shall be labeled by exhibit number, shall include sequential page numbering, and *shall be saved as a separate PDF as an attachment to the exhibit list*.

### IV. Exhibit Identification Scheme

- a. Debtor's and creditor's exhibits must follow a specific alpha-numeric naming scheme.  
D01 Debtor's exhibit No.1  
D25 Debtor's exhibit No.25  
C01 Creditor's exhibit No.1

### V. Witnesses

By 12:00 p.m., Prevailing Eastern Time, on the day prior to the hearing, any party wishing to call a witness, including by presenting an affidavit or declaration, must file on the Court's docket a witness list and supply the following information for each witness:

1. Name and title
2. The location (of the witness (city, state, country)
3. The place from which the witness will testify (e.g., home, office – **no addresses**)
4. Whether anyone will be in the room with the witness during his/her testimony, and if so, who (name/title/relationship to witness) and for what purpose
5. Whether the witness will have any documents with him/her other than the exhibits filed with the Court in accordance with this protocol, and if so, what documents

If the witness has filed an affidavit or declaration relevant to the matters to be heard, the affidavit or declaration must be available to the witness during testimony.

Every witness must have available to him/her all exhibits that have been filed with the Court for the purposes of this hearing.