

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE:)
SUSPENSION OF LOCAL RULE 5005-4(7))
AND STANDING ORDER PROCEDURES) **STANDING ORDER**
FOR ADMISSION OF DIRECT EVIDENCE)
THROUGH DECLARATIONS OR AFFIDAVITS)

This Order is issued in response to the recent outbreak of Coronavirus Disease 2019 (“COVID-19”) in the State of North Carolina. On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic. On March 13, 2020, the President of the United States declared a national emergency as a result of the COVID-19 outbreak. On March 17, 2020, the Governor of the State of North Carolina declared a public health emergency throughout the state in response to the spread of the coronavirus and COVID-19. The Centers for Disease Control advises that individuals should engage in “social distancing” to prevent the spread of COVID-19. In addition, there are individuals who may be in isolation because they are sick or have been exposed to someone who has or is suspected to have COVID-19. Accordingly, to reduce the need for personal contact, there is good cause for entry of this Order.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. For all documents that require an original signature under Local Rule 5005-4(7)(a)(1) or otherwise, the Court hereby suspends any requirement that a filer, including a Filing User (a “Filer”), secure the signor’s original signature prior to filing or electronically filing such documents on the condition that, prior to filing, the Filer has verified with the signor that the signor has received the entire document(s) to be signed, communicated with the signor regarding the substance and purpose of the signed document(s), and:

- a. obtained the signor’s digital signature via any commercially available digital signature software that provides signature authentication, and will maintain a copy of the digitally signed document(s) in the case file; or
- b. obtained express written permission (including electronic mail) from the signor to affix the signor’s signature to the document(s), and will maintain a hard copy thereof in the file; or
- c. obtained in his or her possession at the time of filing an image format or other facsimile of the entire signed document(s), including the signature page(s) received electronically (including by electronic mail or facsimile) from the signor, and will maintain a hard copy thereof in the file.

2. The filing of the document(s) with an electronic signature constitutes a certification by the Filer under Bankruptcy Rule 9011, the applicable North Carolina Rules of Professional

Conduct, and this Order that the Filer either has obtained the signor's original signature or has complied with paragraph 1 of this Order. On written request (including electronic transmission) by any party in interest, the Filer shall promptly provide evidence to the requesting party of compliance with the terms of this Order.

3. For all contested matters and pursuant to the authority granted to the Court under Fed. R. Evid. 611, direct evidence may be offered by declaration(s) complying with 28 U.S.C. § 1746 to the extent that the declaration(s) contain admissible evidence from a competent witness with personal knowledge. Objections to the admissibility of the evidence in the declaration and the competency of the witness shall be preserved. Such declarations shall be signed in compliance with this Order. Any such declaration must be filed with the Court at least three (3) business days prior to the scheduled hearing, and the time under Fed. R. Bankr. P. 9006(d) is hereby reduced pursuant to Fed. R. Bankr. P. 9006(c)(1) to be consistent herewith. To the extent that any party in interest wishes to cross examine the declarant, the Court will determine appropriate procedures on a case-by-case basis.

IT IS FURTHER HEREBY ORDERED that this Order shall remain in effect until otherwise ordered by the Court.

Dated this the 18th day of March, 2020.



Lena Mansori James, Chief Judge
FOR THE COURT