

SO ORDERED.

SIGNED this 8th day of October, 2020.



*Lena Mansori James*  
LENA MANSORI JAMES  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION

In re:	)	
	)	Chapter 11
Randolph Hospital, Inc.	)	
d/b/a Randolph Health <sup>1</sup>	)	Case No. 20-10247
	)	
Debtors.	)	
_____	)	

**ORDER**  
**ESTABLISHING PROCEDURES FOR HEARING SCHEDULED FOR OCTOBER 22, 2020**

A hearing has been scheduled in this case on October 22, 2020 at 9:30 a.m. in the United States Bankruptcy Court to consider the Motion for Entry of Order Approving Sale of Assets and Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 408). The Court has determined that the hearing (the “Pending Proceeding”) shall take place both virtually and in person, using the procedures and technologies described in the paragraphs below, on October 22, 2020, at 9:30 a.m EST.

Given the significance of the Pending Proceeding to the Debtors, affected patients, and the surrounding community, the Court has determined it appropriate to allow for *limited* in-person appearances. Therefore, the Pending Proceeding will be conducted both virtually and in person at the U.S. Bankruptcy Court, 601 W. 4th

<sup>1</sup> The Debtors are Randolph Hospital, Inc., d/b/a Randolph Health, Case No. 20-10247; Randolph Specialty Group Practice, Case No. 20-10248; MRI of Asheboro, LLC d/b/a Randolph MRI Center, Case No. 20-10249.

Street, Winston-Salem, NC 27101. Upon a written notice as described below, and subject to a maximum capacity as determined by the Court, parties or their counsel will be allowed to attend the Pending Proceeding in person, provided they comply with the Court's guidelines and directives regarding COVID-19.

Under Federal Rule of Civil Procedure 43(a) made applicable by Federal Rule of Bankruptcy Procedure 9017 and Federal Rule of Evidence 611, the current COVID-19 pandemic provides for good cause and constitutes compelling circumstances for the admission of evidence in the Pending Proceeding through virtual means as set forth herein. As a result, the Court determines that the following hearing procedures shall provide appropriate safeguards in relation to the hearing on the Pending Proceeding on October 22, 2020.

Accordingly, IT IS HEREBY ORDERED that:

1. **Procedures for Attending the Hearing in Person.** The following procedures shall govern in-person attendance at the Pending Proceeding. Access to the courtroom is limited to those parties that fully comply with the requirements of subparagraphs (a)–(b) below:
  - a. **Requests to Attend.** Any individual wishing to attend the Pending Proceeding in-person must provide notice, either directly or through counsel, to [Virtual\\_Court\\_James@ncmb.uscourts.gov](mailto:Virtual_Court_James@ncmb.uscourts.gov) no later than 12:00 p.m. on October 20, 2020. In that notice, individuals should also specify whether they will appear as counsel, in a pro se capacity, or as a potential witness. Determinations on whether a requesting party will be permitted to attend the Pending Proceeding in person are subject to the discretion of the Court and will be limited to those parties deemed to have an important role at the hearing. Persons who wish to merely observe the Pending Proceeding are not permitted in the courtroom.
  - b. **Compliance with Court Procedures.** All parties requesting to attend the Pending Proceeding in person must review and comply with the Amended Standing Order Regarding Entrance and

Hearing Protocols for the Exigent Circumstances Created by COVID-19 dated September 3, 2020 (Attachment “A”). Those parties must also review and comply with the attached In-Person Hearing Guidelines and Information (Attachment “B”), which details current safety protocols for in-person hearings and requires parties who wish to attend an in-person hearing to: (1) pass a temperature scan, and (2) pass a health screening assessment (Attachment “C”).

2. **Additional Audio and Video Technologies for Hearing.** In addition to the limited appearances in person, the Pending Proceeding shall also take place virtually using both the telephonic and videoconferencing means described below. Virtual participants will be connected with the courtroom through the combination of these technologies but will not be physically present in the courtroom. The Court will utilize (a) the AT&T Teleconferencing Service (AT&T) for courtroom audio and (b) Zoom for Government for video.
  - a. **Audio.** AT&T can be accessed by calling (866) 434-5269 and entering access code 2732206#. It is strongly encouraged that all participants accessing the hearing through AT&T utilize either a headset or handset. Participants should only call through a landline and should refrain from using cellphones. The Court reserves the right to mute or disconnect any virtual participant whose faulty connection and/or audio quality disrupts the hearing or renders the communication incomprehensible.
  - b. **Video.** The Zoom for Government link shall be provided to those parties who have submitted a notice of intent to participate in accordance with Paragraph 3 below.
3. **Procedures for Attending the Hearing Virtually.** Any individual wishing to attend the hearing virtually must provide notice, either directly or through counsel, to [Virtual\\_Court\\_James@ncmb.uscourts.gov](mailto:Virtual_Court_James@ncmb.uscourts.gov)

no later than 12:00 p.m. on October 20, 2020. Instructions for accessing the hearing will then be provided, including separate links for each individual who will be attending. **Individuals who are participating virtually, and have complied with any applicable Standing Orders and/or Local Rules regarding pro hac vice admission, and wish to (1) make opening or closing statements or (2) question or cross-examine witnesses shall enable the video function on Zoom for Government only when speaking. At all other times, virtual participants shall disable the video function on Zoom for Government.** Any individual who anticipates technological limitations (e.g., slow internet connection, inability to access internet) that will prevent them from appearing by Zoom for Government must email the Court at [Virtual\\_Court\\_James@ncmb.uscourts.gov](mailto:Virtual_Court_James@ncmb.uscourts.gov), or call (336) 358-4000 for immediate assistance, no later than 12:00 p.m. on October 20, 2020.

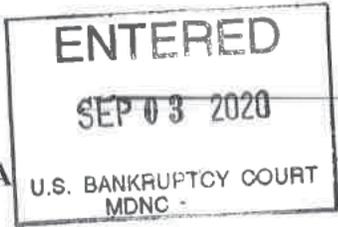
4. **Submission of Exhibits to Court.** All participating parties must adhere to the procedures for submitting exhibits described in this Order, regardless of whether those parties attend the Pending Proceeding in person or virtually. Parties represented by counsel shall file all exhibits on the docket in .pdf format format no later than 12:00 p.m. on October 19, 2020. Individuals representing themselves pro se (without an attorney's assistance) shall submit their exhibits to (i) [Virtual\\_Court\\_James@ncmb.uscourts.gov](mailto:Virtual_Court_James@ncmb.uscourts.gov), (ii) counsel for the Debtors, Rebecca Redwine, at [rredwine@hendrenmalone.com](mailto:rredwine@hendrenmalone.com), (iii) counsel for the Official Committee of Unsecured Creditors, Andrew Sherman, at [asherman@sillscummis.com](mailto:asherman@sillscummis.com), and (iv) the Assistant United States Bankruptcy Administrator, Robert Price, at [robert\\_e\\_price@ncmba.uscourts.gov](mailto:robert_e_price@ncmba.uscourts.gov). The filing of any exhibit shall not require the exhibit to be offered into evidence at the hearing, nor shall any proposed exhibit be considered as evidence unless offered and admitted at the hearing. All objections to any exhibits are preserved for the hearing.

Only those exhibits timely submitted may be offered at the hearing absent good cause, unless offered solely for rebuttal.

5. **Form of Exhibits.** Each party shall combine all its potential exhibits into one .pdf document beginning with a table of contents, and each individual exhibit shall be bookmarked for easy review by the Court. **A party calling a witness should arrange for that witness to have an individual binder of all exhibits, with numbering corresponding to that used in the .pdf document, that the party intends to use in examining that witness.**
6. **Rebuttal Exhibits.** Any document that may be used solely for impeachment or rebuttal at the hearing should not be included in the PDF file(s) or witness binders described in Paragraph 5. If counsel uses a document solely for impeachment or rebuttal at the hearing, counsel must be prepared to simultaneously email a .pdf copy of the document to the Court and opposing counsel during the hearing. **The party introducing the rebuttal exhibit should also prepare, in advance, a printed copy of the rebuttal exhibit within clear plastic sheet covers for the witness that is to be examined.**
7. **Witness Testimony.** Any witness who is called to testify or subject to cross-examination must comply with the requirements described in paragraph 1 above. To maintain social distancing and adhere to the Court's In-Person Hearing Guidelines and Information, all witnesses attending the Pending Proceeding in person will enter the courtroom individually and separately from one another. Both before and after testifying, the witnesses shall observe the Pending Proceeding remotely from a dedicated overflow room.
8. **Courtroom Formalities.** Although conducted, in part, using telephonic and videoconferencing technology, the Pending Proceeding constitutes a court proceeding. No person shall record the audio or video of the hearing from any location or by any means. The audio recording created and

maintained by the Court shall constitute the official record of the hearing. Further, the formalities of a courtroom shall be observed. Parties appearing virtually shall dress appropriately, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court and its proceedings.

**END OF DOCUMENT**



**ATTACHMENT A**

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

**IN RE: )  
ENTRANCE AND HEARING PROTOCOLS ) AMENDED  
FOR THE EXIGENT CIRCUMSTANCES ) STANDING ORDER  
CREATED BY COVID-19 )**

The United States Bankruptcy Court for the Middle District of North Carolina continues to monitor the severity of the Coronavirus (COVID-19) outbreak, including directives and executive orders issued by the President of the United States and Governor of North Carolina, North Carolina’s progression with respect to the Governor’s phases of reopening, guidance issued by the Centers for Disease Control and Prevention, and the Federal Judiciary COVID-19 Recovery Guidelines. To the greatest extent possible, the Court will continue to conduct proceedings telephonically or via videoconference. However, as conditions permit, judges may conduct proceedings in open court. Whether a matter is set for hearing in open court will be left to the discretion of the individual judge. The following guidelines are intended to address such open court proceedings, as well as to address general entrance protocols for courthouse buildings.

1. Those seeking entry to courthouse buildings should first conduct a health self-assessment, including taking their temperature. If an individual's temperature is greater than 100.4 or if an individual is exhibiting other signs of COVID-19 infection per CDC guidance (including cough, shortness of breath, difficulty breathing, chills, sore throat, or loss of taste or smell), the individual should stay home.
2. All entrants to courthouse buildings must comply with Standing Order 12 of the United States District Court, as amended from time to time (“Standing Order 12”). Individuals who are unable to enter the buildings as a result of Standing Order 12 should contact the

courtroom deputy for the judge assigned to their case if it is set for hearing in open court and they are required or wish to attend. Either an alternative method of appearance will be arranged, or the hearing will be rescheduled.

3. Vulnerable individuals, or those aged 65 or older and people of all ages with (or living with those with) underlying medical conditions, may contact the courtroom deputy for the judge assigned to their case if it is set for hearing in open court to request an alternative method of appearance.
4. For the protection of everyone, all entrants to courthouse buildings with official court business or an interest therein or for the purposes of providing products or services for the Court, such as vendors, Court Security Officers, and other contractors, are required to: (a) wear a mask that is effective to reduce the spread of the COVID-19 virus (e.g. N95, medical, or cloth mask that covers both nose and mouth and is in fact worn so as to cover both nose and mouth) while present (whether sitting, standing, or moving) in any public spaces, including, without limitation, courtrooms and security checkpoints, and (b) observe social distancing (6 feet or more) to the greatest extent practicable. *A face shield may be worn in addition to a mask but not as a substitute for a mask. A mask with an exhaust valve/vent is not an effective mask and may not be worn to satisfy the provisions of this paragraph.* An effective mask will be provided for any *pro se* party who does not have one.
5. Counsel, parties, and participants shall wear a mask that is effective to reduce the spread of the COVID-19 virus (e.g. N95, medical, or cloth mask that covers both nose and mouth and is in fact worn so as to cover both nose and mouth) during court proceedings, unless directed by the Court otherwise. *A face shield may be worn in addition to a mask*

*but not as a substitute for a mask. A mask with an exhaust valve/vent is not an effective mask and may not be worn to satisfy the provisions of this paragraph.*

6. Those who refuse to comply with the mandates of paragraphs 4 and 5 of this order shall be promptly escorted from the premises.
7. Any matter set for hearing in open court will be scheduled at a specific, individual time to reduce occupancy of the courthouse to the lowest degree possible. Counsel, parties, and attendees are strongly encouraged to arrive timely only for those cases in which they are personally involved or interested. The Court may limit the number of individuals in the courtroom gallery.
8. If at any time during an open court hearing counsel or a party requires a private consultation, they will be permitted to do so by meeting in an adjacent conference room where social distancing may be observed or by any other means the Court considers adequate to reduce any health risk.
9. All appropriate areas of the courtroom, including at a minimum the surfaces in and around counsel table and the gallery previously occupied by any spectator, will be cleaned and sanitized between hearings. To the extent possible, disinfectant wipes and/or hand sanitizer will be available at counsel tables in the courtroom. Anyone may bring an appropriate self-use supply of hand sanitizer or wipes into the courtroom.

**SO ORDERED.**

This the 03 day of September 2020.

  
\_\_\_\_\_  
Lena Mansori James, Chief Judge  
FOR THE COURT

**ATTACHMENT B**



**IN-PERSON HEARING GUIDELINES AND INFORMATION**

Please read and familiarize yourself with this document prior to your arrival for an in-person hearing with the United States Bankruptcy Court for the Middle District of North Carolina.

- To the greatest extent possible, please minimize the number of personal belongings and other items you seek to bring with you to court.
- All individuals who wish to attend an in-person hearing must: (1) pass a temperature scan (produce a reading of <100.4), and (2) pass a health screening assessment. The assessment should be filled out not more than 24 hours prior to your arrival at a courthouse facility. The last page of the assessment must be given to the intake deputy on duty upon passage through security. Additional pages of the assessment will not be accepted.
- All persons present in the courtroom should maintain a six-foot distance from other persons at all times. These distances will be marked at counsel tables and throughout the courtroom.
- All persons present in the courtroom must wear a mask that is effective to reduce the spread of the COVID-19 virus, covering their mouth and nose at all times, unless otherwise directed by the Court.
- Disinfectant wipes, hand sanitizer, and/or disinfectant spray and gloves will be available on the bench, counsel tables, witness stand, and other locations throughout the courtroom.
- Courtroom surfaces will be cleaned before and after the hearing.
- If more than one witness will be providing testimony, the witness stand will be cleaned between witnesses.
- If more than one individual will be addressing the Court from any of the counsel tables, the table(s) will be cleaned between speakers.
- Microphone covers will be replaced if more than one person will be using the same microphone. Each speaker is responsible for removing his or her cover before the next speaker approaches.
- Plexiglass barriers will be placed throughout the courtroom to minimize the spread of germs.
- No water will be provided on the bench or counsel tables. Those appearing for an in-person hearing may bring in their own water in a secure container.
- All counsel may remain seated while addressing the Court, speaking clearly into their individual microphones.

**ATTACHMENT C**



**HEALTH SCREENING ASSESSMENT**

**1. Do you have any of the following life-threatening symptoms?**

- Bluish lips or face
- Severe and constant pain or pressure in the chest
- Extreme difficulty breathing (such as gasping for air, being unable to walk without catching your breath; severe wheezing, nostrils flaring)
- New disorientation (acting confused)
- Unconsciousness or difficulty waking up
- Slurred speech or difficulty speaking (new or worsening)
- New or worsening seizures
- Signs of low blood pressure (too weak to stand, dizziness, lightheaded, feeling cold, pale, clammy skin)
- Dehydration (dry lips and mouth, not urinating much, sunken eyes)

**YES**

**NO**

[ ]

[ ]

**IF YOU ANSWERED “YES”, YOU MAY NEED IMMEDIATE MEDICAL ASSISTANCE AND SHOULD DISCONTINUE THIS ASSESSMENT.**

**2. Are you or a member of your household awaiting COVID-19 test results, or have you or a member of your household been advised to self-isolate for COVID-19?**

**YES**                      **NO**  
[ ]                              [ ]

**3. Have you experienced any symptoms of COVID-19 within the past 14 days that are not explained by allergies or an underlying condition? Symptoms include:**

- Fever (100.4 degrees or higher, without the use of fever-reducing medications),
- Chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

**YES**                      **NO**  
[ ]                              [ ]

**4. Have you had close contact with anyone experiencing any of the above-listed symptoms that are not explained by allergies or an underlying condition; anyone who has been tested for COVID-19; anyone who has been diagnosed with COVID-19; or anyone who has been advised to self-isolate due to COVID-19 within the past 14 days? Note: close contact is defined as being less than 6 feet apart from the symptomatic individual for more than 15 minutes.**

**YES**                      **NO**  
[ ]                              [ ]

5. If you have tested positive for COVID-19, are you still within the recommended self-isolation period per CDC guidelines? <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html> (If you do not have access to a computer, please seek guidance from your attorney or request assistance from the Clerk’s Office at 336-358-4000.)

YES	NO	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**If you answered “YES” in response to any of the above-listed questions, STOP HERE. IMMEDIATELY contact your attorney or the courtroom deputy for the hearing at-issue. If you do not know the courtroom deputy for the hearing at-issue, contact the Clerk’s Office at 336-358-4000.**

**If you answered “NO” or “N/A” in response to questions 1 through 5, you must sign and date the next page and bring it with you on the day of the hearing.**

By signing below, I hereby certify that I answered “NO” or “N/A” to questions 1 through 5 of the Health Screening Assessment for the United States Bankruptcy Court for the Middle District of North Carolina.

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date