

**CATEGORY 1: In addition to the matters that can currently be removed from the docket, the following are additional matters on which hearing cancellations can be docketed and on which orders can be submitted, subject to the noted applicable conditions:**

Confirmation Hearings for Chapter 13 Plans: After the deadline for objections expires but before the deadline for docketing hearing cancellations, if the Chapter 13 Trustee has filed a recommendation and any objections filed have been resolved, the Chapter 13 Trustee should docket a hearing cancellation. The Chapter 13 Trustee follow up with the submission of the confirmation order in the normal course. (\*Orders do not need to be submitted prior to the hearing date.\*)

For the following matters: after the deadline for objections expires but before the deadline for docketing hearing cancellations, if no objections were filed or any objections filed have been resolved, counsel for the debtor should docket a hearing cancellation. Counsel for the debtor should submit the order with the trustee's endorsement in the normal course. (\*Orders do not need to be submitted prior to the hearing date.\*)

- Motions to Approve Loan Modifications that do not seek nunc pro tunc relief
- Motions to Allow Late Claims
- Chapter 13 Motions to Vacate Dismissal
- Chapter 13 Motions to Reopen
- Motions to Extend Stay

Category 1(a) - Reaffirmation Agreements. In cases where the debtor filed bankruptcy with the assistance of counsel, the Court will not convene the hearing and will enter an appropriate order on the Reaffirmation Agreement, if counsel files a certification at or before 11:59 p.m. the day prior to the scheduled hearing, certifying that to the best of counsel's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances (1) the debtor is in possession of the property securing the debt to be reaffirmed, (2) the property is in good condition, (3) payments on the debt to be reaffirmed are current, and, if applicable, (4) the property is insured. No hearing cancellation should be filed.

**CATEGORY 2: Matters that will be rescheduled by the Court to a date at least 45 days in the future (Parties will not need to re-notice the hearings):**

Confirmation Hearings for Chapter 13 Plans where an objection remains pending: The Court will send a notice of rescheduled hearing after the deadline for docketing hearing cancellations expires.

The following matters will also be rescheduled by the Court. With the exception of hearings scheduled for the week of March 16, 2020, the notices of rescheduled hearing will be sent at least one week prior to the currently scheduled hearing date:

- Deficiency Hearings
- Orders Setting Hearing
- Notice of Final Cure Payment
- Any Motion seeking nunc pro tunc relief
- Reaffirmation agreements in cases where the debtor is proceeding *pro se*.
- Reaffirmation agreements in cases where counsel has not filed a certification in accordance with Category 1(a).

**CATEGORY 3: Matters on which hearings will be held; required appearances. The case Trustee and/or United States Trustee and/or his/her counsel will continue to appear in all matters as normal, as will counsel for the creditor in cases where the creditor is the moving or objecting party:**

For the following matters, the debtor(s) and if represented, their counsel, need to appear.

- Contested Motions to Dismiss
- Contested Motions to Approve Loan Modifications
- Contested Motions to Extend Stay
- Contested Chapter 13 Motions to Vacate Dismissal
- Contested Chapter 13 Motions to Reopen
- Contested Motions to Incur Debt
- Contested Motions to Sell
- Chapter 7 Motions to Vacate Dismissal
- Chapter 7 Motions to Reopen
- Motions to Impose Stay
- Motions for Relief from Stay
- Pretrial Conferences/Motions for Default Judgment

All other matters: the debtor(s) and if represented, their counsel, need to appear unless otherwise notified by the Court on a case by case basis.

**Bottom Line re: Confirmation Hearing Dockets**

Until further notice, there will not be chapter 13 confirmation hearings in Norfolk or Newport News. These hearings will either be cancelled by the trustee (CATEGORY 1) or continued by the Court (CATEGORY 2). Please make all efforts to get in touch with affected clients to make sure they do not appear.

### **Additional Notes:**

Beginning Monday, March 16, 2020, the Court will make the following changes to the Hearing Cancellation Module:

- To encourage settlement, the Court will extend the time within which to docket hearing cancellations through the Hearing Cancellation Module to 11:59 p.m. the day prior to the scheduled hearing.
- The Court will allow hearings on matters in CATEGORY 1 that cannot currently be cancelled to be cancelled via the Hearing Cancellation Module.

### **Setting Hearings on Newly Filed Ch. 13 Plans or Pleadings**

Chapter 13 plans and other pleadings should still be set for hearing in the ordinary course. Depending upon how long this protocol must remain in effect, such hearings may ultimately be cancelled or continued if they fall into CATEGORY 1 or CATEGORY 2.

### **COVID-19-Related Requests to Continue or Excuse Appearance:**

- For matters in CATEGORY 3, the Court will reschedule any hearing that requires the appearance of an individual who has symptoms such as fever, cough, shortness of breath or who has been or believes they have been exposed within the past 14 days to someone who has or may have COVID-19 coronavirus. (THIS WAS COMMUNICATED TO ALL CM/ECF USERS BY A LETTER FROM THE CLERK OF COURT DATED 3/12/2020).
  - If this is the case, please notify the Court as soon as possible. This notification may be made via telephone to the assigned judge's courtroom deputy.
- For other COVID-19 related motions for continuance, telephonic appearance, or excusal of appearance, the Court will be as accommodating as possible under the circumstances (e.g., individuals who are elderly, are immunocompromised, or have health conditions that place them at high risk for complications from the virus or who care for someone who is high risk, individuals who lack childcare for a minor child because their school or day care facility has closed due to COVID-19, etc.). Please be clear as to the reason for the request while maintaining the confidentiality of any specific health information that should not be in the public record.