

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

**COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY COVID-19**

SEVENTH GENERAL ORDER

This order is issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19) and is intended to provide guidance to the public and the bar regarding the operations of the United States Bankruptcy Court for the District of Maine during the ongoing pandemic. This order supersedes the First, Second, Third, Fourth, Fifth, and Sixth General Orders issued in March through August of 2020.

The Centers for Disease Control and Prevention (the “CDC”), the Maine Department of Health and Human Services and other health authorities continue to advise people to take precautions to reduce the possibility of exposure to the COVID-19 virus and to slow the spread of the disease. In particular, the authorities recommend that people keep physical distance between themselves and others, that employers take steps to minimize exposure between employees and the public, and that people consider the public health and safety when scheduling public events.

In keeping with these recommendations, and in order to reduce the size of public gatherings and unnecessary travel, the Court prescribes the following procedures. These procedures will remain in effect until rescinded.

1. Telephonic Hearings.

- A. Unless otherwise ordered by the Court, all hearings will take place telephonically. In-person appearances are prohibited unless specifically authorized by the presiding judge.
- B. Parties intending to enter an appearance during a telephonic hearing are directed to register with CourtCall at 1-866-582-6878, no later than 3:00 p.m. on the last business day prior to the hearing. Any member of the public wishing to observe a hearing must contact the Clerk’s office for instructions on how to utilize a conference call service. During this time, the Court’s prohibition on the use of cell phones for telephonic participation (whether through CourtCall or otherwise) is lifted.
- C. Notwithstanding any Local Rule or prescribed Local Form, any notice of a hearing that will take place telephonically must include sufficient information regarding participation in the hearing. For example, a notice of hearing might provide as follows:

The United States Bankruptcy Court will conduct a TELEPHONIC hearing on [matter], a copy of which accompanies this notice, on [date] at [time].

In-person appearances are generally not allowed at this time due to restrictions related to COVID-19. Those wishing to participate in the hearing are required to register with CourtCall at 1-866-582-6878, no later than 3:00 p.m. the last business day prior to the hearing.

2. Other Hearings.

- A. The Court may permit certain hearings, including but not limited to contested evidentiary hearings or trials where witnesses testify, to occur in a courtroom or via videoconference. In the event of a hearing or trial by videoconference, the Court will issue an order governing the proceeding prior to the hearing.
- B. In the event of a hearing or trial occurring in a courtroom, the following rules and procedures will apply:

- i. **Building Access.**

- a. All persons seeking entry to the bankruptcy courtrooms in the District of Maine must comply with the following orders, while they remain in effect: (i) General Order 2020-7 of the United States District Court for the District of Maine, a copy of which is attached hereto as Appendix A; and (ii) General Order 2020-13 of the United States District Court for the District of Maine (as amended on November 3, 2020), a copy of which is attached hereto as Appendix B.
 - b. Prior to admission to a bankruptcy courtroom, all persons, including counsel and witnesses, must provide a telephone number where they can be reached by Court staff, and must answer screening questions related to the health guidelines outlined in General Order 2020-13.

- ii. **Courtroom Preparation.**

- a. Before a hearing or a trial occurring in a courtroom, the Court will arrange for a cleaning of the courtroom, the attorney conference rooms, and the overflow rooms in accordance with guidelines issued by the CDC. The cleaning will include tables, laptops, chairs, the lectern, the witness stand, and the seating in the gallery.
 - b. Seating in the gallery will be arranged to facilitate appropriate distancing, with closed rows and a limited number of persons allowed to sit in open rows.
 - c. A plexiglass shield has been installed between the bench and the witness stand in the Portland courtroom. There is also a plexiglass shield near the witness stand in the Bangor courtroom.

iii. **Courtroom Occupancy.**

- a. The number of persons in the courtrooms at any point during an in-person proceeding will be limited to 10 in Bangor and 15 in Portland. In the event that additional persons wish to participate or observe the proceeding, those persons may be directed to overflow rooms where they will be able to watch and hear the trial. Participants will be allowed to enter the courtroom at such time as their participation is necessary and the number of persons in the courtroom allows. Capacity of the overflow rooms will be limited in accordance with CDC guidelines.
- b. In general, parties will be limited to one lawyer per party in the courtroom during a trial. This limitation may be relaxed by the presiding judge on a case-by-case basis.
- c. All persons in the courtrooms, the overflow rooms, and attorney conference rooms must wear a mask or face covering at all times, except when examining a witness, testifying or addressing the Court, or as otherwise permitted by the Court.
- d. At all times during an in-person proceeding, all persons must maintain a distance of at least six feet between themselves and all other persons (unless such persons are members of the same household).
- e. In general, attorneys and pro se parties may not use the lectern but must instead address the Court and examine witnesses while standing at counsel tables. Notwithstanding the foregoing, counsel and pro se parties may stand at the lectern to operate the Court's electronic evidence presentation system. In such event, the lectern and the system controls will be cleaned after one attorney or pro se party finishes using them and before use by another attorney or pro se party.
- f. Hand sanitizer, disinfectant wipes, and non-latex gloves will be made available, and a face mask will be provided to anyone without one.
- g. In the event that more than one witness testifies, the Court will recess between witnesses to permit the witness stand and the microphone to be cleaned in accordance with CDC guidelines.
- h. The Court will provide bottled water for witnesses but will not provide pitchers of water on counsel tables. Instead, attorneys are permitted to bring water into the courtroom in personally owned containers. No other beverages are permitted in the courtroom.

iv. **Attorney Conference Rooms.**

- a. Conference rooms may be made available to the parties during an in-person proceeding, but rooms will be assigned to specific parties during the proceeding and the number of persons allowed in each room will be limited depending on the size of the room.
- b. Hand sanitizer, disinfectant wipes, and non-latex gloves will be made available in all conference rooms.

3. **Access to the Clerk's Office.**

- A. The Clerk's office intake window remains closed to the public for in-person filings. While the intake window is closed, the Clerk's office will continue to process mail and accept documents filed electronically through the CM/ECF system. Clerk's office staff will be working during regular business hours and will be available to assist the public by email and telephone. The Portland office can be reached at (207) 780-3482, and the Bangor office can be reached at (207) 945-0348. Staff can also be reached by email at the addresses found on the Court's website (www.meb.uscourts.gov).
- B. Self-represented parties without access to CM/ECF wishing to file documents should first call the appropriate Clerk's office location, in either Portland or Bangor. Clerk's office personnel will determine the best way for documents to be delivered for filing. Any document filed under a method permitted by the Clerk's office will be promptly entered on the docket in the applicable case or proceeding. However, any document filed under this paragraph after 4:00 p.m. on any business day may be docketed and deemed filed the following business day.
- C. While the Clerk's office intake window is closed to the public, self-represented parties must make payments due to the Clerk's office by mail. **Do not send cash.** Please use postal money orders or a cashier's check made out to: Clerk, U.S. Bankruptcy Court. Mail your payment to the appropriate Clerk's office location:

Portland:

U.S. Bankruptcy Court
District of Maine
537 Congress Street, 2nd Floor
Portland, ME 04101

Bangor:

U.S. Bankruptcy Court
District of Maine
202 Harlow Street, 3rd Floor
Bangor, ME 04401

Due to the fluidity of the situation, the Court may alter or amend this order as may be necessary to achieve the stated goal of protecting the public health while, at the same time, continuing to fulfill the Court's mission.

SO ORDERED.

Date: November 5, 2020

/s/ Peter G. Cary

Peter G. Cary, Chief Judge
United States Bankruptcy Court



Michael A. Fagone, Judge
United States Bankruptcy Court

**United States District Court
District of Maine**

In Re:)	
)	
COURT OPERATIONS UNDER)	
THE EXIGENT CIRCUMSTANCES)	
CREATED BY THE COVID-19)	GENERAL ORDER 2020-7
CORONAVIRUS & RELATED)	
PANDEMIC PRECAUTIONS:)	
THE USE OF FACE COVERINGS)	
OR MASKS IN COURT FACILITIES)	

GENERAL ORDER

This General Order is the seventh general order issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine (March 2020)*.¹ This General Order requires the use of face coverings or masks in the District's courthouses. Accordingly, as of June 1, 2020, there will be four General Orders in effect: General Order 2020-4, General Order 2020-5, General Order 2020-6, and General Order 2020-7.

The Court hereby adopts and incorporates the findings made in its previous General Orders as to the threat to public health and safety presented by the COVID-19 pandemic. The Court further finds that the national emergency declared by

¹ The first General Order continued all civil and criminal (grand and petit) jury selections and jury trials through April 30, 2020, subject to further extension. *See* General Order 2020-1 (D. Me. Mar. 13, 2020). The second General Order superseded and replaced the first General Order. *See* General Order 2020-2 (D. Me. Mar. 18, 2020). It addressed the scope of in-court operations and related matters including jury (grand and petit) matters, scheduling and deadlines in criminal and civil cases, and the availability of telephone conference and video teleconference proceedings. *See id.* The third General Order complemented the second General Order. *See* General Order 2020-3 (D. Me. Mar. 25, 2020). It provided for the use of telephonic hearings in criminal cases, including changes of plea and sentencing hearings in certain cases. *See id.* The fourth General Order partially superseded the second General Order and fully superseded the third General Order. *See* General Order 2020-4 (D. Me. Mar. 31, 2020). It authorizes telephone conferencing and video teleconferencing, under certain circumstances and with the consent of the defendant, for various criminal case events during the COVID-19 pandemic. *See id.* The fifth General Order addresses the scope of in-court operations and related matters including jury (grand and petit) matters, scheduling and deadlines in criminal and civil cases, and the availability of telephone conference and video teleconference proceedings. *See* General Order 2020-5 (D. Me. Apr. 29, 2020). The sixth General Order addresses the Court's procedures for emergency requests for compassionate release pursuant to Section 603 of the First Step Act, 18 U.S.C. § 3582(c) and (d). *See* General Order 2020-6 (D. Me. May 11, 2020).

President Donald J. Trump and the state of emergency declared by Maine Governor Janet T. Mills remain in effect.

The Centers for Disease Control and Prevention and other public health authorities have advised taking precautions to slow the spread of COVID-19, including recommending the use of face coverings or masks in public settings. Accordingly, to protect public health and safety, it is hereby ordered that:

A. Face Coverings and Masks

1. All persons seeking entry to, or occupying, the Edward T. Gignoux Courthouse in Portland, the United States Bankruptcy Court in Portland, or the third floor of the Margaret Chase Smith Federal Building in Bangor must wear a face covering or mask.
2. The Court will provide masks to its employees and those visitors entering the courthouses who do not have a mask.
3. Face coverings and masks are not required for children under age 2, anyone who has trouble breathing or related medical conditions, or anyone who is unable to remove the mask without assistance. A person who cannot wear a face covering or mask because of a medical condition is not required to produce medical documentation of the condition, except that the Court may require such documentation from an employee in accordance with state and federal law.
4. Face coverings and masks must cover the nose and mouth; fit snugly but comfortably against the side of the face; be secured with ties or ear loops; have multiple layers of fabric; allow for breathing without restriction; and either be disposable or be able to be laundered and machine dried without damage or change to its shape.
5. If the Court is unable to provide a mask for any reason, the employee or visitor will be asked to contact the office to be visited by telephone to explore alternatives to entering the Courthouse.
6. Face coverings and masks must be worn in publicly accessible areas such as court security screening entrances, hallways, courtrooms, conference rooms, and elevators, as well as in any area where at least six feet of social

distancing cannot be maintained. If the wearer is a court employee who is alone in a private office, cubicle, or workspace where at least six feet of physical distance from other persons can be maintained, the wearer may temporarily remove the mask.

7. This General Order does not address or control the wearing of face coverings or masks within a courtroom during a judicial proceeding.

B. Effectiveness; Termination. This General Order takes effect at 11:59 p.m. on June 1, 2020 and shall remain in effect until 11:59 p.m. on December 31, 2020, unless terminated sooner.

SO ORDERED.

Dated: June 1, 2020

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

United States District Court
District of Maine

In Re:)	
)	
COURT OPERATIONS UNDER)	
THE EXIGENT CIRCUMSTANCES)	
CREATED BY THE COVID-19)	GENERAL ORDER 2020-13
CORONAVIRUS & RELATED)	[Amended, November 3, 2020]
PANDEMIC PRECAUTIONS:)	
COURTHOUSE ENTRANCE)	
PROTOCOLS)	

GENERAL ORDER RE: ENTRANCE PROTOCOLS

In the interest of public health and safety, and after the consideration of the public health guidelines regarding COVID-19 issued by the U.S. Centers for Disease Control and Prevention and the State of Maine, the following protocols apply to all persons, other than court employees, entering the Edward T. Gignoux Courthouse in Portland, the U.S. Probation and Pretrial Services Offices in Bangor and Portland, the United States Bankruptcy Court in Portland, and the U.S. District Court or the U.S. Bankruptcy Court located on the third floor of the Margaret Chase Smith Federal Building in Bangor.

Entrance Protocols

Every person must comply with the requirements established in this Order. Persons who will not or cannot comply with these protocols will be directed to call or speak with one of the points of contact identified in this Order.

1. You may be asked to answer questions related to the health guidelines in this Order.

2. You may not enter if you:

- Are unwilling to comply with the protocols or to participate in any screening questions outlined in this Order.
- Have been advised to self-quarantine by any doctor, hospital, or health agency within the last 14 days.
- Have been diagnosed with COVID-19 or have been told to presume that you have COVID-19 by a health professional within the last 14 days.
- Have had contact in the last 14 days with someone who has been diagnosed with COVID-19 or have been told that they have to presume they have COVID-19 by a health professional, unless the diagnosis was more than 14 days ago, and they have been symptom-free for the past 72 hours.
- Have a temperature of 100.4 or higher.
- Have had a cough, shortness of breath, fever, chills, muscle pain, headache, sore throat, loss of taste or smell, sinus congestion, or extreme fatigue within the last 14 days, unless the symptoms are attributable to another known condition.
- Reside with someone who has had a cough, shortness of breath, fever, chills, muscle pain, headache, sore throat, loss of taste or smell, sinus congestion, or extreme fatigue within the last 14 days, unless the symptoms are attributable to another known condition.

3. If you have entered Maine from another State within the past 14 days:

- a. Pursuant to [Governor Janet T. Mill's Keep Maine Healthy Plan](#), many out-of-state travelers coming into Maine, and Maine residents returning to Maine, must either quarantine for 14 days or receive a negative COVID-19 test with a sample taken before their arrival in Maine and quarantine while awaiting their test results.
- b. The requirements of the *Keep Maine Healthy Plan* are available on-line at: <https://www.maine.gov/covid19/restartingmaine/keepmainehealthy>.
- c. If you are a Maine resident, or a visitor from another state, and traveled to or from a state or area not exempted from Maine's quarantine/negative test requirements, you may not enter the Court's facilities unless you:

- i. Have received a recent negative test for COVID-19 in accordance with the standards established by the *Keep Maine Healthy Plan*; or
 - ii. Have quarantined in accordance with standards established by the *Keep Maine Healthy Plan*; or
 - iii. Your entrance is related to your role in an in-court hearing, grand jury proceeding, or jury trial and has been pre-approved by the presiding judge (based on guidance from the CDC, the Maine CDC, and/or other authorities); or
 - iv. Your entrance has been pre-approved by the administrative head of the court unit or security agency you are visiting (based on guidance from the CDC, the Maine CDC, and/or other authorities).
4. Masks: You must wear a mask or face covering pursuant to General Order 2020-7. If you arrive without a mask, one will be provided to you.¹ You must wear your mask at all times unless otherwise directed by a Judge.
5. Hand Sanitizer: You must apply hand sanitizer upon entering the court's facilities. Hand sanitizer will be available at all courthouse entrances.
6. Social Distance: You must maintain at least six feet of distance between you and other persons at all times, unless otherwise directed by a Judge. Minor children may accompany adults and will not be expected to stay apart.
7. Cell Phones and Laptops: Unless you are a (1) member of the Court's bar, (2) law enforcement officer, (3) credentialed press person, or (4) U.S. Attorney's Office Victim Witness Coordinator, cell phones and laptops may not be brought into the courthouse without the prior permission of the Court. Permission may be requested by contacting the Clerk's office. If you arrive with a cell phone and cannot store it outside the courthouse, you will be required to label your phone with your name and phone number, and then place it in a clear plastic bag for storage. The phone will be deposited in a dedicated bin and will be made available to you when you exit the Courthouse.
8. Food and Drink: Food and drinks may not be brought into the Courthouse without prior approval of the Court.
9. If You Need Assistance: If you are scheduled or required to appear and you are unable to appear because of the restrictions in this Order, you are directed to contact the appropriate person(s) listed in the Points of Contact on page four of this Order.

¹ Face shields will be provided for those who cannot wear a mask. A Court Security Officer will contact the Clerk's Office if a shield is requested by a visitor.

Effectiveness: This General Order takes effect at 11:59 p.m. on November 3, 2020, and shall remain in effect until superseded by a future Order of the Court.

SO ORDERED.

Dated: November 3, 2020

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

Points of Contact

- If you are represented by the **Federal Public Defender**:
 - Portland: (207) 553-7070
 - Bangor: (207) 992-4111
- If you are represented by an attorney, **contact your attorney**.
- Anyone having business with the **U.S. Attorney's Office**:
 - Portland: (207) 780-3257
 - Bangor: (207) 945-0373
- Anyone having business with the **U.S. Marshals Service**:
 - Portland: (207) 780-3355
 - Bangor: (207) 945-0416
- If you are scheduled to meet with a **U.S. Probation or Pretrial Services Officer**:
 - Portland: (207) 780-3358
 - Bangor: (207) 945-0369
- If you are a **juror**, or if you have any other business with the District Court, an attorney, or a *pro se* party, please contact the **Clerk's Office**:
 - Proceedings in Portland: (207) 780-3356
 - Proceedings in Bangor: (207) 945-0575
- If you have business with the **United States Bankruptcy Court**, contact the U.S. Bankruptcy Court Clerk's Office:
 - Portland: (207) 780-3482
 - Bangor: (207) 945-0348

Note Regarding September 30, 2020, Amendment:

General Order 2020-13 was amended effective September 30, 2020, to clarify that the exemption addressed in Section 3.c. relates to all states identified in the most current listing of <https://www.maine.gov/covid19/restartingmaine/keepmainehealthy/faqs>.

Note Regarding November 3, 2020, Amendment:

General Order 2020-13 was amended effective November 3, 2020, to clarify that requirements associated with persons appearing at Court within 14 days of having entered Maine from another state are those set forth in the then-current version of the *Keep Maine Healthy Plan*.