

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

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

SECOND GENERAL ORDER

This order is issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19). This order, like the General Order issued on March 16, 2020 (the “First General Order”), is intended to provide guidance to the public and the bar regarding the United States Bankruptcy Court for the District of Maine’s operations during the Covered Period. *The Covered Period, as defined in the First General Order, is hereby extended through and including May 19, 2020. The period may be further extended by the Court if circumstances warrant.*

In Part I, this order provides a rule of construction that will apply to the phrase “first date set for the meeting of creditors” (and other similar phrases) as used in certain parts of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) in light of actions recently taken by the United States Trustee. In Part II, this order describes certain modifications to the operations of the Clerk’s office during the Covered Period. Part III of this order provides that, unless otherwise ordered by the Court, any notice of a hearing scheduled to occur during the Covered Period must clarify that the hearing is strictly telephonic and provide information that would allow interested parties to participate in the hearing telephonically.

Part I:

On March 16, 2020, the United States Trustee issued a notice (the “UST Notice”) continuing all in-person section 341 meetings scheduled through April 10, 2020 in all chapter 7, 12, and 13 cases pending in the District of Maine. A copy of the UST Notice is attached hereto.

Under 11 U.S.C. § 105(a), in order to carry out the provisions of the Bankruptcy Code during this time of national emergency, it is hereby ORDERED as follows:

1. The phrase “first date set for the meeting of creditors” as used in the Bankruptcy Rules shall be the rescheduled date of all meetings of creditors continued by the UST Notice (the “Rescheduled First Meeting Date”).
2. The deadlines that run from the “first date set for the meeting of creditors” under Bankruptcy Rules 1007(c), 1017(e), 1019(1)(B), 2002(h), 2015.3(b), 4002(b)(3) and (4), 4004(a), 4007(c), 4008(a), and 5009(b) shall be calculated from the Rescheduled First Meeting Date.
3. The deadlines under Bankruptcy Rule 2003(a) for holding section 341 meetings are extended to the extent necessary to accommodate the postponement of the section 341 meetings described in the UST Notice.
4. For purposes of 11 U.S.C. § 521(a)(2)(B), the phrase “the first date set for the meeting of creditors” shall be the Rescheduled First Meeting Date.

5. For purposes of 11 U.S.C. § 704(b)(1)(A), the phrase “the date of the first meeting of creditors” shall be the Rescheduled First Meeting Date.
6. For purposes of 11 U.S.C. § 1308(a) and (b)(1), the phrase “the date on which the meeting of the creditors is first scheduled to be held” shall be the Rescheduled First Meeting Date.

Part II:

1. Effective **March 30, 2020**, and continuing for the duration of the Covered Period, the Clerk’s office intake window will be closed to the public for in-person filings. While the intake window is closed, 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).
2. During the Covered Period, the Clerk’s office will continue to process mail and accept documents filed electronically through the CM/ECF system.
3. Self-represented parties without access to CM/ECF wishing to file documents should first call the appropriate Clerk’s office location: Portland (207) 780-3482 and Bangor (207) 945-0348. 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.
4. 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

Part III:

1. As set forth in the First General Order, unless otherwise ordered by the Court, all hearings during the Covered Period shall be strictly telephonic; in-person appearances are prohibited unless specifically authorized by the presiding judge.
2. Notwithstanding any Local Rule or prescribed Local Form, unless otherwise ordered by the Court, any notice of a hearing scheduled to occur during the Covered Period must clarify that the hearing is strictly telephonic and provide information that will allow interested parties to participate in the hearing telephonically. For example, to comply with this provision, a notice of hearing could 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 date prior to the hearing.

SO ORDERED.

Date: March 27, 2020

/s/ Peter G. Cary
Peter G. Cary, Chief Judge
United States Bankruptcy Court

/s/ Michael A. Fagone
Michael A. Fagone, Judge
United States Bankruptcy Court

**NOTICE FROM THE UNITED STATES TRUSTEE CONTINUING
ALL IN-PERSON SECTION 341 MEETINGS THROUGH APRIL 10, 2020
IN THE DISTRICTS OF MAINE, MASSACHUSETTS, NEW HAMPSHIRE AND
RHODE ISLAND**

Effective immediately, all in-person chapter 7, 12, and 13 section 341 meetings scheduled through April 10, 2020, are hereby continued until a later date to be determined. Section 341 meetings may not proceed during this period except through telephonic or other alternative means not requiring personal appearance by debtors. Appropriate notice will be provided to parties in accordance with bankruptcy law and rules for any telephonic meetings scheduled during this period.

Meetings already scheduled as telephonic meetings may proceed as scheduled.