**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF FLORIDA**

**MIAMI DIVISION**

**In re:**

**MANUEL FERNANDEZ, JR., Case No. 20-12545-BKC-LMI**

 **Chapter 13**

 **Debtor.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/**

**ORDER SETTING EVIDENTIARY HEARING BY VIDEO CONFERENCE AND ESTABLISHING RELATED DEADLINES**

**[short form]**

 To expedite and facilitate the evidentiary hearing of *\_\_\_\_\_\_\_\_\_\_\_\_\_*(ECF #\_\_\_) (the “Motion”) and \_\_\_\_\_\_\_\_\_\_\_ (ECF #\_\_), the Court ORDERS as follows:

1. **EVIDENTIARY HEARING; SERVICE**. The Court will hold an evidentiary hearing on the Motion by video conference on **\_\_\_\_\_\_\_\_\_\_\_commencing at \_\_\_\_\_\_ \_.m.** The Court has reserved \_\_\_\_\_\_\_\_\_\_\_ for this matter. The movant shall serve a copy of this order on all appropriate parties and file a certificate of service thereof as required by this Court’s local rules.
2. **VIDEO CONFERENCE**. The Court is presently closed to in-person hearings as a result of the dangers presented by the COVID-19 pandemic. The evidentiary hearing will take place by video conference using the services of Zoom Video Communications, Inc. Refer to the instructions under Judge Isicoff’s name on the Court’s website, www.flsb.uscourts.gov. To register for the video conference, go to [insert registration link].
3. **PRIOR NOTICE OF INTENT TO PARTICIPATE; LIMIT ON PARTICIPATION BY VIDEO; TELEPHONE PARTICIPATION**. All parties wishing to participate in the hearing by video conference shall register no later than **4:00 p.m. prevailing Eastern Time on \_\_\_\_\_\_\_\_\_\_\_\_**. The parties are encouraged to limit video conference participation to those who are necessary to the presentation of this matter. If the number of parties wishing to participate in the video conference, in the Court’s view, exceeds the number which would permit the efficient, stable, and reliable transmission of the evidentiary hearing by video conference, the Court may require that certain parties be permitted to participate in the evidentiary hearing only by telephone. The Court will provide to each party participating by telephone separate dial-in instructions, which may be used with any telephone equipment.
4. **MEDIATION**. Pursuant to Local Rule 9019-2, the Court may order the assignment of this contested matter to mediation or judicial settlement conference at any time, upon the request of a party or *sua sponte*.
5. **WITNESS LISTS.** No later than seven days before the evidentiary hearing, all parties must exchange and file with the Court witness lists identifying all fact and expert witnesses each party intends to call at the evidentiary hearing (other than rebuttal or impeachment witnesses).
6. **SUBMISSION AND EXCHANGE OF EXHIBITS.** Exhibits must be submitted and exchanged in accordance with Interim Local Rule 9070-1 (adopted by Administrative Order 2020-09), **which requires all parties to upload exhibits through CM/ECF, with some exceptions where any party is not represented by counsel**.
7. **OBJECTIONS TO EXHIBITS**. The parties will meet and confer (by telephone or video conference) to resolve, to the extent possible, any objections to exhibits. Any unresolved objections (other than objections to relevancy) will be addressed at the beginning of the evidentiary hearing.

1. **REMOTE WITNESS TESTIMONY**. In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), for good cause and in compelling circumstances a witness may be permitted to testify by contemporaneous transmission from a location other than the courtroom. The Court finds that the public danger presented by the COVID-19 pandemic merits application of this rule with regard to all witnesses who may testify in this matter. Refer to the instructions regarding use of Remote Witness Testimony under Judge Isicoff’s name on the Court’s website, www.flsb.uscourts.gov. However, due to the COVID-19 pandemic, it is NOT necessary to file a motion seeking permission to use remote witness testimony.

**RESPONSIBILITY FOR REMOTE WITNESSES**: The party sponsoring each remote witness shall be responsible for ensuring that the remote witness has obtained the password-protected link to the video conference, the remote witness has obtained all exhibits prior to the hearing, the remote witness has registered with Zoom, and the remote witness has the technological capability of participate in the video conference hearing via Zoom.

1. **CONDUCT DURING VIDEO EVIDENTIARY HEARING**. Other than the attorneys questioning a witness on direct examination or cross-examination, no person shall communicate with a witness during his or her testimony unless specifically authorized by the Court.
2. **FINAL ARGUMENT**. At the conclusion of the evidentiary hearing, in lieu of final argument, the Court may request that each party file a proposed memorandum opinion with findings of fact and conclusions of law.

1. **SETTLEMENT**. If the contested matter is settled, the parties shall submit to the Court a stipulation approved by all parties and a motion for approval of the same prior to the date of the evidentiary hearing. If a stipulation and motion are not submitted to the Court, all parties shall be prepared to proceed with the evidentiary hearing. If the contested matter is removed from the calendar based upon the announcement of a settlement, the contested matter will not be reset for hearing if the parties fail to consummate the settlement. In such event, the Court will consider only a motion to enforce the settlement, unless the sole reason the settlement is not consummated is that the Court did not approve the settlement, in which case the matter will be reset for hearing at a later date.
2. **SANCTIONS**. Failure to appear at the evidentiary hearing or to comply with any provision of this order may result in appropriate sanctions, including the award of attorney’s fees, striking of papers, exclusion of exhibits or witnesses, or the granting or denial of the Motion.
3. **CONTINUANCES**. Continuances of the evidentiary hearing or any deadlines set forth in this order must be requested by written motion. Any request for continuance or amendment to this order shall state the reasons why the party or parties seek a continuance.

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Copy to:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq.