

**SO ORDERED**

MAY 27, 2020 AT 12:30 PM



Nancy V. Alquist  
NANCY V. ALQUIST  
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at Baltimore**

In re:  The Law Offices of Jonathan S. Resnick, LLC,  The Law Offices of Perry A. Resnick, LLC, and  The Law Offices of Jonathan S. Resnick, PLLC,	Case No. 20-12822-NVA Chapter 11  Case No. 20-14188-NVA Chapter 11  Case No. 20-14188-NVA Chapter 11  (Jointly administered under Case No. 20-12822-NVA)
Zvi Guttmann, Trustee,  v.  The Law Offices of Jonathan S. Resnick, LLC, The Law Offices of Perry A. Resnick, LLC, The Law Offices of Jonathan S. Resnick, PLLC, Jonathan S Resnick, Perry A. Resnick, David B. Cohen, Joy Wise, and Cindy Tokarski,	CONTESTED MATTER

**ORDER SCHEDULING REMOTE HEARING ON  
CHAPTER 11 TRUSTEE'S EMERGENCY MOTION FOR ORDER (A) DESIGNATING  
RESPONDENTS PURSUANT TO RULE 9001(5), (B) COMPELLING DEBTORS AND**

**THOSE ACTING FOR OR IN CONCERT WITH THEM TO TURN OVER RECORDED INFORMATION TO TRUSTEE, (C) DIRECTING AN ACCOUNTING, AND (D) ENJOINING DEBTORS AND THOSE ACTING FOR OR IN CONCERT WITH THEM FROM FURTHER VIOLATING THE AUTOMATIC STAY [ECF 139]**  
**AND**  
**ESTABLISHING PROTOCOL FOR CONDUCT OF REMOTE HEARING**

This matter is before the Court pursuant to the Emergency Motion for Order (A) Designating Respondents Pursuant to Rule 9001(5), (B) Compelling Debtors and Those Acting For or In Concert With Them to Turn Over Recorded Information to Trustee, (C) Directing an Accounting, and (D) Enjoining Debtors and Those Acting For or In Concert With Them From Further Violating the Automatic Stay [ECF 139] filed in the above-captioned case. At the time of entry of this Order, the Governor of the State of Maryland has declared a state of emergency in response to the spread of the novel coronavirus known as COVID-19. The Centers for Disease Control and Prevention and other public health authorities have advised taking precautions to reduce the possibility of exposure to the virus by limiting public contact to essential matters. Accordingly, it is, by the United States Bankruptcy Court for the District of Maryland,

**ORDERED**, that a remote hearing held by video-conference and/or audio (when used collectively, “Remote Hearing”) shall be held at the date and time stamped above; and it is further, **ORDERED**, that the following Protocols shall govern the conduct of and participation at the Remote Hearing.<sup>1</sup>

**PROTOCOLS**

Attorneys, witnesses, and parties that need to participate in the Remote Hearing, shall participate by video-conference. Individuals who wish to attend the hearing, but will not otherwise participate, may join the hearing by audio **only**.

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<sup>1</sup> Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017) permits witness testimony remotely for good cause in compelling circumstances and with appropriate safeguards. In light of the current exigent circumstances concerning COVID-19, to the extent that witness testimony is requested for the Remote Hearing, the Court finds that good cause is present here under Rule 43(a) and Rule 9017.

**Any person who wishes to participate in or attend the Remote Hearing must register at <https://usbcmd.wufoo.com/forms/z1t9dcdo11c2n5v/> at least 24 hours before the scheduled Remote Hearing.**

The information to join the Remote Hearing will be provided to registered participants by the Courtroom Deputy approximately three (3) hours prior to the Remote Hearing.

**I. Audio Participation**

Individuals listening to the Remote Hearing by audio must call in at least 15 minutes prior to the scheduled start time.

**II. Video Participation**

The Remote Hearing will be held using the Court's Zoom for Government platform ("Zoom"). Prior to the Remote Hearing, all parties shall familiarize themselves with Zoom, ensure that they have Zoom downloaded on the device that they will use to attend the hearing, and ensure that the device they will use is charged or that they have access to an electrical outlet.

Each party must connect to the Remote Hearing **at least 30 minutes prior** to the start time of the Remote Hearing. Each party and their counsel will remain in the waiting room until their matter is called by the Courtroom Deputy. After the Courtroom Deputy has called the case, the Court will take a roll of the parties participating by video-conference. At that time, counsel will enter their appearance. Each party who has connected to the Remote Hearing must announce their participation, providing their full name, affiliation, and the names of any other individuals watching or listening to the Remote Hearing through the participant's connection.

During the Remote Hearing, each participant must state his or her name prior to speaking. **All participants must mute their audio during the Remote Hearing, unless they are speaking or about to speak.** At the conclusion of their specific matter at the Remote Hearing, the party and their counsel will be excused and shall leave the Remote Hearing.

Witness testimony may be submitted by proffer, but the witness must attend and be prepared to testify. Witnesses should attend by video-conference. If a witness is unable to attend by video-conference, the attorney calling the witness must notify the Court at least 24 hours prior to the Remote Hearing and request permission for the witness to appear by audio.

The witness must be alone in a room during his or her testimony, with the exception, if appropriate, of the witness's attorney or court-approved translator. If the attorney or a translator will be present in the same room, the attorney presenting the witness must notify the Court at least 24 hours prior to the Remote Hearing. The witness may not be given assistance or "coached" in the substance of his or her testimony, whether via email, text messaging, notes, or any other form of assistance. The witness should be prepared to present a valid form of government issued photographic identification, such as a driver's license or passport, at the Remote Hearing. All participants appearing by videoconference must wear appropriate Courtroom attire and present themselves as if they were present in the physical Courtroom.

Participants should email the Court at hearings\_NVA@mdb.uscourts.gov if they experience any technical issues during the Remote Hearing, including if they are disconnected or cannot enter the Remote Hearing.

### **III. Evidentiary Remote Hearings**

#### **A. Stipulations**

The parties are ***strongly encouraged*** to stipulate to any uncontested facts and the admissibility of evidence and are directed to confer regarding such stipulations prior to the Remote Hearing. **At least 24 hours prior to the Remote Hearing**, the parties shall file a Stipulation of Uncontested Facts and the Admissibility of Exhibits. The stipulation must identify the exhibits and mark them in accordance with Section III(B) of these protocols.

If the parties are unable to stipulate to uncontested facts and/or the admissibility of exhibits, the parties must file a Line containing a certification that, despite a good faith conference, the parties were unable to stipulate to any uncontested facts and/or the admissibility of any exhibits. Such Line must be filed **at least 24 hours prior to the Remote Hearing**.

#### **B. Exhibits**

All exhibits must be clearly marked and organized as follows:

1. Exhibits offered jointly by the Parties shall be marked “Joint Exhibit \_\_\_”
2. Exhibits offered solely by a party shall be marked “[Party’s Name] \_\_\_”

Joint exhibits shall be submitted electronically to the Court by email to hearings\_NVA@mdb.uscourts.gov. To the extent there are any exhibits which the parties cannot agree to offer jointly, each party shall prepare and submit its exhibits to all counsel and to the Court (hearings\_NVA@mdb.uscourts.gov).

All exhibits – whether used in support of direct testimony (by way of affidavit or declaration) or during cross-examination – must be circulated to all parties and submitted to the Court (hearings\_NVA@mdb.uscourts.gov) **at least twenty-four hours prior to the Remote Hearing**. Further, every witness must have available to him/her all exhibits which have been submitted to the Court for the purposes of the Remote Hearing hearings\_NVA@mdb.uscourts.gov.

#### **C. Witnesses**

At least 24 hours prior to the Remote Hearing, any party wishing to call a witness must file a witness list and supply the following information for each witness:

1. Name and title
2. The location (of the witness (city, state, country)
3. The place from which the witness will testify (e.g., home, office – **no addresses**)

4. Whether anyone will be in the room with the witness during his/her testimony, and if so, who (name/title/relationship to witness) and for what purpose
5. Whether the witness will have any documents with him/her other than the exhibits filed with the Court in accordance with this protocol, and if so, what documents

Every witness must have available to him/her all exhibits which have been submitted to the Court for the purposes of the Remote Hearing.

**IV. Compliance**

Remote Hearings with multiple participants are only feasible when there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation from these protocols or the Court determines that an individual's conduct is inappropriate.

cc: Movant  
Respondents  
Debtors'  
Debtors' Counsel  
All Creditors  
United States Trustee

**END OF ORDER**