

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

IN RE:)
)
PRESENTATION OF EVIDENCE) GENERAL ORDER 23-0002
DURING VIRTUAL HEARINGS)
)

ORDER

This order replaces General Order 20-0004, titled Evidence at Telephonic Hearings, which is hereby RESCINDED.

The Court orders as follows regarding the presentation of evidence during hearings conducted by AT&T Teleconference (“Telephone”), Zoom.gov videoconference (“Zoom”) or a hybrid of in-person hearing and Zoom (“Hybrid”) (collectively, a “Virtual Hearing”):

1. Exhibits: Parties seeking to present exhibits during a Virtual Hearing shall:

a) As soon as practicable after the setting of the hearing, advise the Courtroom Deputy by email of the intent to submit exhibits (as provided for within the Communication and Courtroom Procedures section of the Judges’ Info page on the Court’s website); and

b) **At least one (1) business day before the scheduled hearing**, email pre-marked copies of the exhibits in PDF form, listing the case name and number in the subject line, to the Courtroom Deputy and all participating parties.

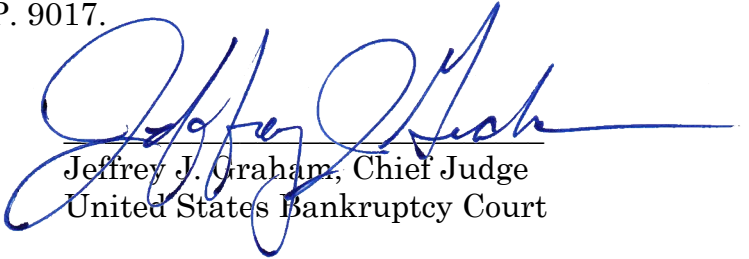
The submission of an exhibit to the Court by email in advance of a hearing does not result in its admission; the relevant Federal Rules of Bankruptcy Procedure, Federal Rules of Civil Procedure and/or Federal Rules of Evidence shall be followed to establish the necessary evidentiary foundation for the exhibit’s admission. Failure to follow these provisions may result in the exclusion of an exhibit’s admission into evidence, even if otherwise admissible.

2. Declarations: Direct evidence may be offered by a declaration complying with 28 U.S.C. § 1746 to the extent that the declaration contains admissible evidence from a competent witness with personal knowledge. Objections to the admissibility of the evidence in the declaration and the competency of the witness shall be preserved. Such declarations may be signed in compliance with General Order 20-0002, which is hereby expanded to include non-debtor declarants. To the extent that any party

in interest wishes to cross-examine the declarant, the Court will determine appropriate procedures on a case-by-case basis.

3. Testimony. The Court may accept live testimony during a Virtual Hearing if it is in the best interests of all parties or necessary for the administration of the case, and the Court finds that good cause and compelling circumstances exist in such circumstances to permit live testimony by Telephone, Zoom or Hybrid pursuant to Fed. R. Civ. P. 43(a) and Fed. R. Bankr. P. 9017.

January 23, 2023



Jeffrey J. Graham, Chief Judge
United States Bankruptcy Court