

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA

IN RE:

HURRICANE LAURA

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GENERAL ORDER 2020-7

GENERAL ORDER CONCERNING HURRICANE LAURA

Hurricane Laura caused extensive, and in some areas catastrophic, damage to Southwest Louisiana. As a result, the Edwin F. Hunter, Jr. U.S. Courthouse in Lake Charles and many offices, businesses and homes in the area are inaccessible, and these conditions are likely to persist for some time. Indeed, the Federal Courthouse in Lake Charles will likely be inaccessible for many months. The Court also recognizes that many attorneys in the Lake Charles area do not have access to their files and may have to recreate those files, and many users of CM/ECF do not have access to their computers, servers and other equipment necessary to access and use the Court's electronic filing system. The Court further recognizes that many Chapter 13 debtors affected by Hurricane Laura in the Lake Charles area may be unable to make required plan payments to the Chapter 13 Trustee. The Court also recognizes that many consumer debtors in all divisions of the Western District of Louisiana may be eligible for emergency grants, loans and other assistance, while others will be entitled to insurance proceeds, and that these debtors will need to access these resources without undue delay. The Court has determined that these circumstances should not serve as the basis for any adverse actions or effects against any party in a bankruptcy case or adversary proceeding in the United States Bankruptcy Court for the Western District of Louisiana. In view of these realities, it is therefore **ORDERED**:

1. **Inaccessibility of Lake Charles clerk's office.** For cases assigned to the Lake Charles Division of this Court, and for purposes of Bankruptcy Rule 9006(a)(3) only, the Clerk's Office and the CM/ECF filing system are declared to be inaccessible from Thursday, August 27, 2020 until further order of this Court. Self-represented parties in cases assigned to the Lake Charles Division are granted an extension of time within which to file papers in person through and including November 30, 2020.
2. **Waiver of PACER fees.** In order to assist attorneys in the recreation of case records, PACER users with offices located in the Louisiana parishes

served by the Lake Charles Division of this Court are exempt from the payment of PACER fees to access the court records of the United States Bankruptcy Court for the Western District of Louisiana for the period from Thursday, August 27, 2020 through Friday, October 30, 2020.

3. **Continuance of Lake Charles hearing dates.**

- a. *September 10, 2020 hearings.* All hearings currently set in the Lake Charles Division for Thursday, September 10, 2020 are hereby continued to the same time on Thursday, October 8, 2020.
- b. *September 24, 2020 hearings.* All hearings currently set in the Lake Charles Division for Thursday, September 24, 2020 are hereby continued to the same time on Thursday, October 22, 2020.

4. **Relocation of Lake Charles hearings.** Due to COVID-19, the Court has been conducting all hearings in bankruptcy cases and adversary proceedings pending in the Lake Charles Division by telephone or video. The Court anticipates continuing this practice indefinitely. However, in those cases where the parties request or require an in-person hearing, all such hearings will be conducted in Lafayette, Louisiana indefinitely. The parties must contact the Court (Judge Kolwe) to schedule in-person hearings for matters pending in the Lakes Charles Division.

5. **Chapter 13 plan payments and related matters.**

- a. *Suspension of filing Motions to Dismiss.* It is customary for the Chapter 13 Trustee to file motions to dismiss Chapter 13 cases if a debtor's payments are in arrears. This practice should be suspended through November 30, 2020 for all cases pending in the Lake Charles Division.
- b. *Payment default.* If a debtor is unable to make required plan payments to the Chapter 13 Trustee because the debtor was substantially and adversely affected by Hurricane Laura, the Court discourages the filing of motions seeking a suspension of payments. Rather, the Court will consider the appropriate method of addressing those missed payments at a hearing on a motion to modify the Chapter 13 plan. The Court encourages motions to modify plans for missed plan payments for the period August 27, 2020 through Friday, November 20, 2020 be filed no later than Friday, December 11, 2020.

- c. Suspension of wage deductions. Debtors substantially and adversely affected by Hurricane Laura, and who need their wages for recovery efforts, may contact the Chapter 13 Trustee and request a suspension of wage deductions becoming due for all periods through November 30, 2020. All missed payments will be dealt with as set forth above with regards to payment defaults.
 - d. Agreed orders conditioning the automatic stay. If an agreed order conditioning the automatic stay contains default provisions mandating that a debtor must make all payments due to the Chapter 13 Trustee and failure to make a payment to the Chapter 13 Trustee is due to Hurricane Laura's substantial and adverse effect on a debtor, missed payments for the period from August 27, 2020 through November 30, 2020 will be a default only if the Court so determines after notice and a hearing.
 - e. Payments must continue if able. Debtors who can maintain their Chapter 13 plan payments must do so.
6. **Extension of automatic stay under § 362(c).** Any temporary stay imposed under 11 U.S.C. § 362(c) is extended through October 31, 2020.
7. **Insurance proceeds, gifts, grants, in-kind contributions and other assistance to victims of Hurricane Laura.**
- a. Receipt of assistance; disclosure. A debtor substantially and adversely affected by Hurricane Laura may receive insurance proceeds, gifts, grants, or in-kind contributions if the debtor has no legal obligation to repay the insurance proceeds, gifts, grants, or in-kind contributions without prior Court approval. If a debtor receives such assistance, the debtor shall include a disclosure setting forth the type and amount of assistance received with any proposed plan or plan modification.
 - b. Use of assistance. Insurance proceeds, gifts, grants, or in-kind contributions may be used to replace or repair the debtor's real or personal property without further Court order. If there is an additional loss payee, this Order does not affect the debtor's obligation to obtain appropriate approvals, if any, from the additional loss payee, including without limitation approval to substitute collateral. If required, debtors may seek emergency relief to effectuate any required approvals. Additionally, if the insurance proceeds will be used to reduce or eliminate secured debt being

administered by the Chapter 13 trustee under Sections 3.1, 3.2 or 3.3 of this District's form Chapter 13 plan, the debtor must file a modified plan reflecting this use within 30 days of receipt of the proceeds; provided, however, for Chapter 13 cases pending in the Lake Charles Division, the debtor is encouraged to file the amended plan by December 11, 2020, unless the proceeds are received after November 30, 2020, in which case the debtor shall file the amended plan within 30 days of receipt of the proceeds.

8. **Loans.**


- a. *Conditions under which Court approval is not required.* Debtors substantially and adversely affected by Hurricane Laura may receive a loan without Court approval only under the following conditions:
 - i. If the proceeds of the loan are to be received from an agency of the United States, the State of Louisiana, or a political subdivision of the State of Louisiana; or
 - ii. If repayment of the loan is guaranteed by an agency of the United States, the State of Louisiana, or a political subdivision of the State of Louisiana; or
 - iii. If the loan has been approved by the Chapter 13 Trustee under 11 U.S.C. § 1305(c).
- b. *Court approval required.* Except as provided in Section 8.a of this General Order, advanced Court approval will be required for all loans to victims of Hurricane Laura.
- c. *Disclosure of loan proceeds.* If a debtor receives a loan that does not require prior Court approval under this Section 8, the debtor shall include a disclosure setting forth the source, the amount of the loan received, and repayment terms with any proposed plan or plan modification.

9. **Applicability.** This order applies to the various divisions of this Court as follows:

- a. *Lake Charles Division.* The entirety of this Order applies to all cases and proceedings pending in the Lake Charles Division of the United States Bankruptcy Court for the Western District of Louisiana.

- b. Lafayette, Alexandria, Shreveport and Monroe Divisions. This Order shall have no application to the Lafayette, Alexandria, Shreveport and Monroe Divisions of the United States Bankruptcy Court for the Western District of Louisiana except that Sections 7 and 8 of this Order shall apply to those Divisions.

DATED: September 2, 2020



JOHN W. KOLWE
UNITED STATES BANKRUPTCY JUDGE