




Frank W. Volk, Chief Judge
United States Bankruptcy Court
Southern District of West Virginia
Dated: June 19th, 2020

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In re:	)	
	)	
PANTHERA ENTERPRISES, LLC,	)	Case No. 19-bk-787
	)	
Debtor.	)	Chapter 11
_____	)	

**ORDER SCHEDULING EVIDENTIARY HEARING AND SETTING
FORTH HEARING REQUIREMENTS**

On June 10, 2020, the Court convened a telephonic hearing regarding several matters in the above-captioned case and adversary proceeding, including the United States Trustee's motion to dismiss [dckt. 112], and the joint motion by Panthera Training, LLC, and West Virginia Economic Development Authority to dismiss or convert the Debtor's Chapter 11 case [dckt. 132].

Based upon the representations of the parties at the June 10 hearing,

IT IS ORDERED that the above-listed matters be, and hereby are, set for an **EVIDENTIARY HEARING VIA VIDEOCONFERENCE** on Friday, July 17, 2020, at 10:00 a.m.

IT IS FURTHER ORDERED that counsel for parties intending to present evidence or witness testimony **MUST CONTACT THE COURT** by emailing Courtroom Deputy Lisa McNeil (Lisa.McNeil@wvnb.uscourts.gov) **NO LATER THAN 4:00 p.m. on JULY 6, 2020**, the following information: the name, telephone number, and email address of each attorney and witness participating in the conference. In that regard, the parties shall submit a joint witness

and exhibit list by that date, including the anticipated time necessary for direct and cross examination of each witness.

IT IS FURTHER ORDERED that:

1. **Telephonic and Video Conferencing Solutions.** The Court will be utilizing both AT&T Teleconferencing (for audio purposes) and Zoom for Government (“Zoom”) (for video purposes). AT&T Teleconferencing can be accessed by calling (888)273-3658 and providing access code: 1039652# when prompted and the Zoom link shall be provided to those parties who have submitted a notice of intent to participate via video conference to the Court in accordance with Section 3 below. **All counsel and witnesses shall conduct a pre-hearing test of Zoom using the same equipment that they will be using during the hearing.**

2. **Limit on Video Conferencing.** Due to video conferencing limitations, the optimal number of Zoom participants is eight (8), as opposed to AT&T Teleconferencing, which allows for unlimited participants. In an effort not to overburden the Zoom platform, video conference participants shall be limited to the witnesses, those parties that anticipate questioning or cross-examining witnesses and, when possible, should be limited to one attorney per party and law firm. Parties participating via Zoom who wish to address a witness shall simultaneously be connected to AT&T Teleconferencing for audio purposes. Similarly, witnesses shall utilize the Zoom link only when called to testify. Upon completion of testimony, witnesses shall disconnect from the Zoom link and may continue participation in the hearing through AT&T Teleconferencing. In order to limit the number of Zoom participants to eight persons, if necessary, the Court will take a recess as necessary in order to add or subtract individuals participating via Zoom.

3. **Prior Notice of Intent to Participate by Video Conference.** All Parties wishing to attend the hearing via video conference shall provide notice to

lisa_mcneil@wvnb.uscourts.gov via electronic mail no later than 4:00 p.m. prevailing Eastern Time on July 6, 2020. The Court will circulate the Zoom link to all parties participating via video conference prior to the hearing.

4. **Submission of Exhibits to Court.** Parties submitting exhibits related to the hearing shall send all exhibits to lisa_mcneil@wvnb.uscourts.gov via electronic mail in .pdf format no later than three-business days prior to the scheduled hearing.

5. **Form of Exhibits.** Each Party shall combine all of its exhibits into one .pdf document and each individual exhibit shall be bookmarked for review by the Court. All parties shall submit their exhibits to the Court separately.

6. **Filing and Service of Exhibits.** Parties submitting exhibits are excused from filing exhibits on the Court docket. Parties submitting exhibits need only email the exhibits to opposing counsel and the Court.

7. **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. Based on the foregoing, any witness called to testify or subject to cross-examination shall be permitted to testify by contemporaneous transmission from a different location ("Remote Witness").

8. **Requirements for Allowance of Remote Testimony; Additional Information.** As additional safeguards for the allowance of a Remote Witness, the Party sponsoring said Remote Witness shall file with the Court, no later than two-business days before the scheduled hearing, a document containing the following information:

- a. The name and title of the Remote Witness.
- b. The matter on which the Remote Witness will provide testimony.
- c. The location of the Remote Witness (city, state, country).

- d. The place from which the Remote Witness will testify (e.g. home, office – ***no addresses are required***).
- e. Whether anyone will be in the room with the Remote Witness during the testimony, and if so, who (name, title, relationship to the Remote Witness), and for what purpose.
- f. Whether the Remote Witness will have access to any documents other than exhibits that have been emailed to the Court and the parties, and if so, what documents.

9. **Swearing In of Remote Witnesses.** All Remote Witnesses shall be sworn in over the telephone or video conferencing solution, as applicable, and such testimony will have the same effect and be binding upon the Remote Witness in the same manner as if such Remote Witness was sworn in by the Courtroom Deputy in person in open court. To the extent there is an error or malfunction with the video conference, the Remote Witness may be sworn in and testify via telephone only.

10. **Responsibility for Remote Witnesses.** The party sponsoring the witness shall be responsible for ensuring that the AT&T Teleconference dial-in information, Zoom link, and all exhibits are supplied to the Remote Witness prior to the hearing and that the Remote Witness has been registered with Zoom, as applicable.

SO ORDERED.