

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND**

**SUSPENSION OF LOCAL RULE 5005-4(j) AND ESTABLISHMENT OF PROCEDURES FOR  
ADMISSION OF DIRECT EVIDENCE THROUGH DECLARATIONS OR AFFIDAVITS DUE  
TO COVID 19 VIRUS PANDEMIC**

**GENERAL ORDER 20-005**

In recognition of recommendations by the CDC and other public health agencies that social distancing measures are the most effective way to prevent the rapid spread of COVID-19, this Court has entered [General Order 20-003](#) closing the Rhode Island Bankruptcy Court to the public, **effective Wednesday, March 25, 2020**. Due to the uncertainties of the course of the pandemic, this temporary order shall remain in effect until rescinded by the Court. For the safety and well-being of the public, including members of the bankruptcy bar and case participants and consistent with such necessary and essential social distancing protocols, there is good cause for entry of this Order. Therefore,

IT IS ORDERED:

1. For all documents that require an original signature under [Local Rule 5005-4](#) or otherwise, the Court hereby suspends any requirement that a registered user secure the signer's original signature prior to filing or electronically filing such documents **on the condition that**, prior to filing, the registered user has verified with the signer that the signer has received the entire document(s) to be signed, communicated with the signer regarding the substance and purpose of the signed document(s), and
  - a. obtained the signer's digital signature via any commercially available digital signature software that provides signature authentication, and will maintain a copy of the digitally signed document(s) in the case file; or
  - b. obtained express written permission (including electronic mail) from the signer to affix the signer's signature to the document(s), and will maintain a hard copy thereof in the file; or
  - c. obtained in his or her possession at the time of filing an image format or other facsimile of the entire signed document(s), including the signature page(s) received electronically (including by electronic mail or facsimile) from the signer, and will maintain a hard copy thereof in the file.
2. The filing of the document(s) with an electronic signature constitutes a certification by the registered user under Bankruptcy Rule 9011, the applicable Rhode Island Rules of Professional Conduct, and this Order that the registered user either has obtained the signer's original signature or has complied with paragraph 1 of this Order. On written request (including electronic transmission) by any party in interest, the registered user shall promptly provide evidence to the requesting party of compliance with the terms of this Order.
3. For all contested matters and pursuant to the authority granted to the Court under Fed. R. Evid. 611, direct evidence may be offered by declaration(s) complying with 28 U.S.C. § 1746 to the extent that the declaration(s) contain 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 shall be signed in compliance with this Order. Any such declaration must be filed with the Court at least three (3) business

days prior to the scheduled hearing, and the time under Fed. R. Bankr. P. 9006(d) is hereby reduced pursuant to Fed. R. Bankr. P. 9006(c)(1) to be consistent herewith. 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.

4. Due to the fluidity of the situation surrounding COVID-19, the Court may alter or amend the provisions of this Order as necessary or appropriate to achieve the goal of protecting the health and safety of the public and Court personnel, while at the same time continuing to fulfill the Court's mission and its duties to the public.

SO ORDERED.

Date: March 23, 2020

/s/ Diane Finkle  
United States Bankruptcy Court