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IT IS SO ORDERED.



John E. Hoffman, Jr.
John E. Hoffman, Jr.
United States Bankruptcy Judge

Dated: May 13, 2020

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

_____)	
In re:)	Chapter 11
)	
MURRAY ENERGY HOLDINGS CO., <i>et al.</i> , ¹)	Case No. 19-56885 (JEH)
)	
)	Judge John E. Hoffman, Jr.
)	
Debtors.)	(Jointly Administered)
_____)	

**AGREED ORDER ESTABLISHING PROCEDURES FOR TELEPHONIC AND/OR
VIRTUAL HEARING SCHEDULED FOR MAY 18, 2020, AS A RESULT OF THE
COVID-19 PANDEMIC [RELATED DOC. NO. 1318]**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”),
Murray Metallurgical Coal Holdings, LLC, and each of its subsidiaries (collectively, “Murray

¹ Due to the large number of Debtors in these chapter 11 cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. Such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.primeclerk.com/MurrayEnergy>. The location of Debtor Murray Energy Holdings Co.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 46226 National Road, St. Clairsville, Ohio 43950.

Met”), Andy R. Vara, the United States Trustee for Region 9 (“U.S. Trustee”), the Official Committee of Unsecured Creditors (the “UCC”), CONSOL Energy Inc., and various affiliated entities (collectively, “CONSOL”), the Ad Hoc Group of Superpriority Lenders (the “DIP Lenders”), the United Mine Workers of America (the “UMWA”), and Environmental Law & Policy Center, Ohio Environmental Council, and Ohio Citizens Action (collectively, the “Ohio Citizens Organizations”), and collectively with the Debtors, Murray Met, the U.S. Trustee, the UCC, CONSOL, the DIP Lenders, and the UMWA, the “Parties”, or, each individually, a “Party”), each by and through counsel, having agreed that pursuant to Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), the current COVID-19 pandemic provides for good cause and constitutes compelling circumstances, and as a result thereof, the Parties having further agreed to certain telephonic and virtual hearing procedures which shall provide appropriate safeguards in relation to the hearing on the following pending matter: (i) *Motion of CONSOL Energy Inc. and Affiliates for an Order Converting the Chapter 11 Cases to Chapter 7, or, in the Alternative, Directing the Appointment of an Examiner, or, in the Alternative, Appointing a Chapter 11 Trustee* (the “Conversion Motion”) [Docket No. 1318], and (ii) all responses and objections to the Conversion Motion filed by various parties in interest (collectively, the “Conversion Motion Objections”) [Docket Nos. 1454, 1474, 1475, 1476, 1477, 1478, and 1481], and the Court having reviewed the record and being fully advised,

IT IS HEREBY AGREED AND ORDERED that:

1. **Telephonic and Video Conferencing Solutions**. The hearing scheduled for Monday, May 18, 2020 at 10:00 a.m. prevailing Eastern Time shall take place virtually. The Court will be utilizing both CourtSolutions (for audio purposes) and Skype (for video purposes).

CourtSolutions can be accessed by calling (917) 746-7476 or visiting the website www.courtsolutions.com and the Skype link shall be provided to those Parties who have submitted a notice of intent to participate via Skype to the Court in accordance with Section 3 below. All counsel and witnesses shall conduct a pre-hearing test of Skype and, if possible, CourtSolutions, 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 Skype participants is ten (10), as opposed to CourtSolutions, which allows for unlimited participants. In an effort not to overburden the Skype 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 firm. Parties participating via Skype who wish to address a witness shall simultaneously be connected to CourtSolutions for audio purposes. Parties attending via Skype shall utilize the Skype link only during the matter for which they wish to be heard. Upon the conclusion of such matter, the party shall disconnect from the Skype link and may continue participation in the hearing through CourtSolutions. Similarly, witnesses shall utilize the Skype link only during the matters on which they are called to testify. Upon completion of their testimony and all cross-examination, the witness shall disconnect from the Skype link and may continue participation in the hearing through CourtSolutions. In order to limit the number of Skype participants to ten persons, if necessary, the Court will take a recess between matters in order to add or subtract individuals participating via Skype.

3. **Prior Notice of Intent to Skype.** All Parties wishing to attend the hearing via Skype shall provide notice to Hoffman282@ohsb.uscourts.gov via electronic mail no later than

4:00 p.m. prevailing Eastern Time on Wednesday, May 13, 2020. The Court will circulate the Skype link to all Parties participating via Skype prior to the hearing.

4. **Submission of Exhibits to Court.** Parties submitting exhibits related to the Conversion Motion and the Conversion Motion Objections shall send all exhibits to Hoffman282@ohsb.uscourts.gov via electronic mail in .pdf format no later than three-business days prior to the scheduled hearing. Such information shall be submitted to the Court separately from (and in addition to) the Exhibit Lists required to be filed with the court three-business days prior to the hearing pursuant to Section 52 of that certain *Second Amended Order Implementing Certain Notice and Case Management Procedures* [Docket No. 1103] (the “Case Management Order”).

5. **Form of Exhibits.** Each Party shall combine all of its exhibits into one .pdf document and each individual exhibit shall be bookmarked for easy 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 (i) filing exhibits on the court docket, and (ii) serving the exhibits on the Master Service List. Parties submitting exhibits need only email the exhibits to the other Parties to this Order 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 in relation to the Conversion Motion and/or the

Conversion Motion Objections 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 prior to 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.

Such information may be filed with the Court separately from (or incorporated within) the Witness Lists required to be filed with the Court three-business days prior to the hearing pursuant to Section 51 of the Case Management Order.

9. **Swearing In of Remote Witnesses.** All Remote Witnesses shall be sworn in over the telephone, Skype, or other 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 Court deputy in person in open court.

10. **Responsibility for Remote Witnesses.** The Party sponsoring the witness shall be responsible for ensuring that the CourtSolutions dial-in, Skype link, and all exhibits are supplied to the Remote Witness prior to the hearing and that the Remote Witness has been registered with CourtSolutions and Skype, as applicable.

SO ORDERED.

Copies to Default List.

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