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IT IS SO ORDERED.



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

Dated: April 11, 2020

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

In re:))	Chapter 11
MURRAY METALLURGICAL COAL HOLDINGS, LLC, <i>et al.</i> , ¹))	Case No. 20-10390 (JEH)
))	Judge John E. Hoffman, Jr.
Debtors.))	(Jointly Administered)

AGREED ORDER ESTABLISHING PROCEDURES FOR TELEPHONIC AND/OR VIRTUAL HEARING SCHEDULED FOR APRIL 14, 2020, AS A RESULT OF THE COVID-19 PANDEMIC [RELATED TO DOCKET NO. 361]

The above-captioned debtors and debtors in possession (collectively, the “Debtors”), the Official Committee of Unsecured Creditors (the “UCC”), the Ad Hoc Group of Prepetition Term Loan Lenders (the “Ad Hoc Group”), Murray Energy Holdings Co. and its affiliated debtors (the “Murray Energy Debtors”, and collectively with the Debtors, the UCC, the Ad Hoc Group, the

¹ The Debtors in these Chapter 11 cases, along with the last four (4) digits of each Debtor’s federal tax identification number, if applicable, are: Murray Metallurgical Coal Holdings, LLC (4633); Murray Eagle Mining, LLC (4268); Murray Alabama Minerals, LLC (4047); Murray Alabama Coal, LLC (3838); Murray Maple Eagle Coal, LLC (4435); and Murray Oak Grove Coal, LLC (4878). The Debtors’ primary business address is 46226 National Road, St. Clairsville, OH 43950.

Murray Energy Debtors, 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 *Motion of the Official Committee of Unsecured Creditors for Entry of an Order Granting it Standing and Authorizing it to Prosecute and Settle Certain Claims on Behalf of the Debtors’ Estates* [Docket No. 361] (the “UCC Standing Motion”), 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 Tuesday, April 14, 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 Saturday, April 11, 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 UCC Standing Motion shall send all exhibits to Hoffman282@ohsb.uscourts.gov via electronic mail in .pdf format no later than 4:00 p.m. prevailing Eastern Time on Saturday, April 11, 2020. 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 *Supplemental Order Implementing Certain Notice and Case Management Procedures* [Docket No. 317] (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 UCC Standing Motion 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 4:00 p.m. prevailing Eastern Time on Saturday, April 11, 2020, 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 no later than 4:00 p.m. prevailing Eastern Time on Saturday, April 11, 2020.

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. To the extent there is an error or malfunction with Skype or other video conferencing solution, 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 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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