

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA



In re:

OKLAHOMA JAZZ HALL OF FAME,
INC.,

Debtor.

Case No. 21-10047-M

Chapter 11

**ORDER SETTING SALE HEARING BY VIDEO CONFERENCE
AND ESTABLISHING RELATED DEADLINES**

THIS ORDER relates to the Notice of Sale Hearing (the “Sale Hearing Notice”), at Docket No. 61. The Court orders as follows:

IT IS HEREBY ORDERED that an evidentiary hearing to consider the proposed sale described in the Sale Hearing Notice (the “Sale Hearing”) shall be held on **Thursday, June 10, 2021, commencing at 10:00 AM, Central Daylight Time**. The Court has allocated one day for the Sale Hearing.

To expedite and facilitate the evidentiary hearing in this matter, the Court further ORDERS as follows:

- 1. MOVANT IS RESPONSIBLE FOR GIVING NOTICE OF THIS HEARING TO ALL PARTIES IN INTEREST AS REQUIRED BY RULE OR STATUTE.** Additional notice need not be given to parties in interest who have received this notice electronically.
- 2. VIDEO CONFERENCE.** The Court is closed to in-person hearings as a result of the dangers presented by the COVID-19 pandemic. The Sale Hearing will take place by video conference using the services of Zoom Video Communications, Inc. (“Zoom”). **To the extent the Sale Hearing Notice states that the Sale Hearing will take place before the Court in person, this Order supersedes the Sale Hearing Notice.** Participants in the Sale Hearing will be connected with the courtroom using these technologies but will not be physically present in

the courtroom. The Court will provide a password-protected link for the Zoom video conference to those approved persons who have submitted to the Court a notice of intent to participate in accordance with Paragraph 3 of this Order. All counsel and witnesses shall conduct a pre-hearing test of Zoom using the same equipment that they intend to use during the hearing. *See* Paragraph 9. Parties should refer to Judge Michael's Policies and Procedures regarding Zoom Video Conferences, located at <https://www.oknb.uscourts.gov/zoom-video-conferences-tlm>.

3. **PRIOR NOTICE OF INTENT TO PARTICIPATE; LIMIT ON PARTICIPATION BY VIDEO; TELEPHONE PARTICIPATION.** No later than Tuesday, June 8, 2021, at 12:00 PM, Central Daylight Time, any parties wishing to participate in the hearing shall provide to the courtroom deputy [Adam_Bode@oknb.uscourts.gov] a complete list of all video conference participants, with the participants' email addresses and a telephone number at which the participant can be reached during the hearing in the event of an interruption in the audio or video feed. The parties are encouraged to limit video conference participation to those who are necessary to the presentation of this contested matter. If the number of persons wishing to participate in the video conference, in the Court's view, exceeds the number that would permit the efficient, stable, and reliable transmission of the Sale Hearing by video conference, the Court may require that certain persons be permitted to participate in the Sale Hearing only by telephone. The Court will provide to each person participating by telephone separate dial-in instructions, which may be used with any telephone equipment.
4. **PUBLIC ACCESS.** The Sale Hearing scheduled by this Order is a public matter. The general public is invited to listen to the hearing by telephone. No later than Tuesday, June 8, 2021, at 12:00 PM, Central Daylight Time, any person wishing to listen to the hearing by telephone may contact Adam Bode by electronic mail at Adam_Bode@oknb.uscourts.gov to obtain dial-in instructions.

5. **MEDIA ACCESS.** If you are a member of the media and would like to observe the hearing, you may contact Adam Bode by electronic mail at Adam_Bode@oknb.uscourts.gov to obtain instructions regarding the hearing **no later than Tuesday, June 8, 2021, at 12:00 PM, Central Daylight Time.**
6. **ELECTRONIC SUBMISSION OF HEARING EXHIBITS AND WITNESS LISTS.**
This Order supersedes Local Rule 9070-1. **No later than Tuesday, June 8, 2021, at 12:00 PM, Central Daylight Time,** the parties **shall file with the Court** in the above captioned case:
1) a copy of each exhibit the parties may use at the hearing for any purposes, including for rebuttal or impeachment; and 2) a list of witnesses intended to be called at the hearing, including whether they will be designated as experts. Each parties' exhibits shall be named sequentially as follows, beginning with the number 1: e.g., PARTY_NAME_Ex_1, PARTY_NAME_Ex_2, PARTY_NAME_Ex_3, etc. The exhibit number should be visible at the bottom of each page of the exhibit. When an exhibit is comprised of multiple pages, each page shall be separately marked: e.g., PARTY_NAME_Ex_1-1, PARTY_NAME_Ex_1-2, etc.
Each party and witness participating in the hearing shall take the steps necessary to ensure that all electronic documents can be successfully opened and are readily available during the hearing. The exhibits so filed shall constitute the official exhibits in this matter.
7. **WITNESS TESTIMONY.** Any witness called to testify at the hearing shall testify by contemporaneous transmission from a different location into the courtroom.
 - a. All witnesses shall be placed under oath and their testimony shall have the same effect and be binding upon the witness in the same manner as if such witness was sworn and testified in open court.
 - b. Each witness shall provide their testimony from a quiet room and must situate themselves in such a manner as to be able to both view the video feed and be seen by the Court.

- c. **While the witness is sworn and testifying:** (i) no person may be present in the room from which the witness is testifying, (ii) the witness may not have in the room any documents except the exhibits submitted by the parties pursuant to Paragraph 6 above [and any declaration submitted in lieu of direct testimony], and (iii) may not communicate with any other person regarding the subject of their testimony, by electronic means or otherwise. If the witness or their counsel seek to communicate with one another, either shall openly request a recess for such purpose. If such request is granted by the Court, the witness and their counsel may privately confer “offline,” i.e., by telephonic means that are not transmitted to the other parties.
- d. It is counsel’s and/or the parties’ responsibility to ensure their witnesses possess complete copies of all marked exhibits for the Zoom video conference.
Exhibits will not be displayed during the hearing by the Court.
- e. If a witness has documents, other than exhibits, in their possession and control during their testimony, counsel sponsoring the witness must provide a list of such documents to the Court and opposing counsel at the start of the hearing.
- f. If any party wishes to sequester a witness for any reason, they must inform the courtroom deputy at the technical pre-hearing conference (*See* Paragraph 9).

8. **COURTROOM FORMALITIES.** Although conducted using telephonic and videoconferencing technologies, the hearing constitutes a court proceeding. **No person shall record—from any location or by any means—the audio or video of the hearing.** The audio recording created and maintained by the Court shall constitute the official record of the hearing. Further, the formalities of a courtroom shall be observed. Counsel and witnesses shall dress

appropriately, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court and its proceedings.

9. **TECHNICAL PRE-HEARING CONFERENCE.** On Wednesday, June 9, 2021, at 2:00 PM, Central Daylight Time, the Court will separately hold a technical pre-hearing conference, for the purpose of testing both the telephonic and video conference technologies. **All parties and witnesses that wish to participate in the hearing must participate in the technical pre-hearing conference.** All participants are admonished not to discuss the substance of the hearing at the technical pre-hearing conference, but instead limit their comments to the functionality of the technology and any procedural matters that relate to the technology. The Court will email each participant an invitation to the pre-hearing conference containing a link to the Zoomgov.com meeting. The email will contain a link for the video conference as well as a meeting number, meeting passcode, and security code. Parties are admonished not to share this information with non-participants to the conference. **The Court strongly encourages all participants to read the Court's guidelines for Zoom video conferences on its website in advance of the hearing.** See Paragraph 2.
10. **CONTINUANCES.** The above-referenced hearing may be continued from time to time without further notice other than an announcement of the continued date at the originally scheduled time. Requests for continuance must comply with Bankr. N.D. Okla. Local Rule 9006-1(B).

DATED this 10th day of May, 2021.

BY THE COURT:


TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY JUDGE