UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN AND EASTERN DIVISIONS

In re

ADOPTION OF ELECTRONIC CASE FILING AND IMPLEMENTATION OF ELECTRONIC CASE AND PROCEEDING FILING PROCEDURES.

Miscell. No. 03-0006

AMENDED STANDING ORDER RE "ECF"

Effective upon assignment of a login and password to the Electronic Case Filing system by January 12, 2004, by virtue of F. R. CIV. P. 5(e) and FED. R. BANKR. P. 5005(a)(2), this Court shall begin accepting all cases, proceedings, pleadings, motions, memoranda of law and any other documents filed with this Court using the Electronic Case Filing System ("ECF") in a manner consistent with technical standards, if any, established by the Judicial Conference of the United States and this Standing Order. Signatures and verification of signatures shall be obtained in a manner consistent with FED. R. BANKR. P. 9011 and Item Nos. 2 and 9 of the rules and procedures as outlined herein.

Exceptions to the foregoing shall include:

- On or after January 12, 2004, documents filed by an attorney who is not yet a participant of ECF shall be filed on diskette or CD in PDF format, rather than on paper. (See Item No. 2 of the procedures outlined below and Guideline 9 of the Guidelines for Electronic Filing attached hereto.)

- Unless otherwise ordered by the Court, documents filed by any *pro se* debtor, *pro se* creditor or *pro se* litigant (See Guideline 7 of the Guidelines for Electronic Filing attached hereto.)

- Documents filed under seal. (See Guideline 10 of the Guidelines for Electronic Filing attached hereto.)

To implement this system, the Court herewith adopts the rules and procedures set forth below:

1. The Administrative Procedures Manual/Guidelines for Electronic Filing (attached hereto as "Attachment A") has been presented to this Court, and is hereby approved in its current form and as may be amended from time to time.

2. The electronic filing of a petition, pleading, motion, claim, or any other document by an attorney or party who is a registered participant in the Electronic Case Filing system, or filing by diskette or CD in pdf format by a party not participating in ECF, shall constitute the signature of that attorney or party under FED. R. BANKR. P. 9011(a) and other applicable rules.

3. No filing user or other person shall knowingly permit or cause to permit a Filing User's password to be used by anyone other than an agent of the Filing User authorized to use such log-in and password.

4. The electronic filing of a pleading or any other document in accordance with the Guidelines shall constitute entry of that pleading or other document on the docket maintained by the Clerk of Court in accordance with F. R. CIV. P. 79 and FED. R. BANKR. P. 5003 and 5005.

5. The Office of the Clerk shall enter all court orders, decrees, judgments, and amendments, if any, in accordance with the Guidelines, which shall constitute entry of the order, decree, judgment or proceeding on the docket maintained by the Clerk under F. R. CIV. P. 58 and FED. R. BANKR. P. 9021.

   a. Whenever a pleading, motion, or any other document is filed electronically in accordance with the Guidelines, the ECF system will provide a "Notice of Electronic Filing," by electronic means at the time of filing, or shortly thereafter. If a petition is filed with an incorrect social security number, the attorney of record will be responsible for serving the credit bureaus with the correction.

   b. Subject to the requirements for notice by the filing party (see Guideline 9, 17 and 18), the Court shall serve the pleading or any other document upon all persons entitled to notice or service in accordance with the applicable rules, which include electronic service (eMail), fax, first class mail, or hand-delivered.

   c. If the intended recipient of a notice, pleading, electronic filing, or other document is a registered participant in the Electronic Case Filing System, service by electronic means of the Notice of Filing shall be the equivalent of service of the pleadings or other document(s) by first class mail, postage prepaid.

6. Participation in the Electronic Case Filing System by receipt of a password provided by the Court shall constitute a request for service and notice by electronic means pursuant to F. R. CIV. P. 5(b)(2)(D) and FED. R. BANKR. P. 9036. Participants in the Electronic Case Filing System, by possessing a password from the Court, agree to receive notice and service by electronic means and that electronic notice constitutes proper service, both from the Court and from other ECF participants and further agree that service by traditional means, i.e. Bankruptcy Noticing Center, may be discontinued at a later time chosen by the Court.

7. Any order filed and signed electronically and hence without the original signature of a judge shall have the same force and effect as if the judge had affixed his/her signature to a paper copy of the order.

8. Attorneys practicing before this Court shall maintain in their records all pages of documents, electronically filed with the court, that contain original signatures of the debtor or joint debtor for five (5) years after the case or adversary proceeding is closed, in accordance with Guideline No. 5 for electronic filing. Original

reaffirmation agreements may be maintained by the creditor or debtor at the parties option.

9. Tendered orders submitted to the court shall be submitted electronically in a manner consistent with Guideline 9 of the Guidelines for Electronic Filing attached hereto.

10. In the event of critical situations such as failure of the electronic filing system, the Clerk may elect to temporarily accept filings via diskette or CD in PDF format at the intake counter, or, in the event of after hours filing, via the drop box.

11. If the Clerk's Office or Judge deems it necessary to electronically scan a paper document into the Court's electronic filing system, the electronically scanned document shall then constitute the official record of the Court. Once scanned, the paper document will be discarded unless a request for the return of such document, along with a self-addressed envelope with first class postage, is provided by the party filer.

12. Nothing contained in this Standing Order is intended or shall be construed to alter or modify any party's duties and responsibilities under the provisions of the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure.

Based on the foregoing,

IT IS SO ORDERED this 22d day of December ,2003,

effective December 22, 2003.

BY THE COURT

Chief Judge David S. Kennedy

Date: 12-22-03

Judge William Houston Brown

Date: 12-22-03

Judge G. Harvey Boswell

Date: December 19 2003

Judge Jennie D. Latta

Date: 12-22-03