

United States Bankruptcy Court

Western District of Tennessee

~~WESTERN DISTRICT OF TENNESSEE~~

~~Administrative Procedures Manual- Exhibit to Standing Order; Miscell. No. 08-0003~~ —

Electronic Case Filing Guidelines – as of ,2017

~~AMENDED GUIDELINES FOR ELECTRONIC FILING~~

Guideline No. 1 - ECF System Access

After completion of training prescribed by the Court, attorneys admitted to practice before this Court, the U.S. Trustee and his assistants, private trustees and others as the Court deems appropriate (collectively ~~““Filing Users””~~ and individually, each a ~~““Filing User””~~), must register as filing users of the ~~Court’s~~ Electronic Filing System by filling out and returning this ~~Court’s~~ application for ECF system access (ECF Guidelines Form 1).

A Filing User ~~continuing~~~~who continues~~ to make numerous docketing errors that compromise the integrity of the Court docket ~~may,~~ will be temporarily de-certified and required to ~~complete~~attend retraining. Re-certification must occur within (60) sixty days of being notified by the Court of the need for retraining. While waiting to be re-certified, documents will be filed by such attorney(s) ~~(~~or the staff persons thereof) via ~~diskette or~~ CD/DVD in PDF format. If not re-certified within (60) sixty days of notification, an exception for not filing ECF should be sought from the Court. (Refer to Guideline No. 3, Corrective Entries)

No Filing User or other person may knowingly permit or cause to permit a Filing ~~User’s~~ User’s ECF account to be used by anyone other than an agent of the Filing User authorized to use such ECF account.

Guideline No. 2 - ECF Limited Use Account

The following items can be electronically filed using an ECF Limited Use Account:

Claims (includes Speed Claims)

Additional Individual Creditors to each case

-Assignment/Transfer of Claim

~~Notice of Appearance & Request for Notice~~ Notice of Change of Address For Creditor

Reaffirmation Agreement (complete form, amended/corrected OR additional Parts)

~~Reaffirmation Agreement (without Debtor Attorney Signature)~~ Request for Notice (Not for Attorney Filer)

Request That Party Be Removed From Electronic Notification

Response to Notice of Final Cure Payment Rule 3002.1
Withdrawal

Revised July 14, 2008

Withdrawal of Claim

No individual with an ECF Limited Use Account or other person may knowingly permit or cause to permit a Filing ~~User's~~ ECF Limited Use Account to be used by anyone other than an agent of the Filing User authorized to use such ECF Limited Use Account.

Guideline No. 3 - Corrective Entries

Corrective entries will be applied to filings considered deficient. A notice of corrective entry related to the deficient filing will be docketed to the case and will provide e-mail notification of the deficiency to interested parties. -In some cases, corrective entries will replace the issuance of a deficiency notice served by the Bankruptcy Noticing Center. -In some situations, however, to ensure that any party responsible for curing the deficiency receives notice, a deficiency notice will be docketed to the applicable case and mailed to interested parties.

Guideline No. 4 - Method of Filing and Payment of Fees

Fees due for the filing of documents through the Internet shall be paid through the U.S. Treasury Internet credit card program, in accordance with the procedures established by the Clerk. -It is the ECF ~~user's~~ responsibility to maintain a credit limit adequate to cover all filing fees due.

All fees are due at the time of filing on the system except for new petitions where the application to pay the filing fee in installments has been filed at the same time as the original petition. Users must settle their on-line accounts for any outstanding fees by midnight (Central Standard Time) on the day of filing. If fees are not received in a timely manner, the ECF system will automatically disable access for registered ECF Users with filing fees outstanding. -The registered ECF User whose access to the ECF system has been disabled will be able to login to the system, but will not be able to view or file any documents until he or she pays the outstanding fees. -Once the outstanding fees are paid, the registered ECF ~~User's~~ system access to file and view electronic documents will be reinstated.

Guideline No. 5 - Signature Upon or Attestation of All Documents

Debtors.- The signatures of a debtor or joint debtors upon all verifications or unsworn declarations accompanying petitions, statements, schedules, and amendments thereto shall be made upon the documents filed electronically of record on the docket of the Court or, if the declaration, verification, etc., is on ~~diskette or~~ CD/DVD in PDF format, by means of a signature designation:
"/s/(name of signatory)."-

Creditors. - The signatures of creditors upon the verification or unsworn declaration shall be made upon the claims filed electronically of record on the docket or claims register or on ~~diskette or CD/DVD~~ in PDF format by means of a signature designation: “/s/(name of signatory).”

Other Parties; Other Persons; Attorneys: The signatures of all other parties, persons, entities, and of all attorneys upon verifications, unsworn declarations, and affidavits shall be made upon the documents ~~of record to be~~ filed electronically ~~of record~~ on the docket of the court or on ~~diskette or CD/DVD~~ in PDF format by means of a signature designation: “/s/(name of signatory).”

No Digital Signatures: Digital signatures are not permitted. The electronic signature designation shall be the conformed “/s/(name of signatory).” A corrective entry will be sent to the filer if a digital signature is used.

The electronic signature of the attorney filer must match the filing party appearing on the case docket sheet. If this information does not match, a corrective entry will be applied and the filing party will be required to re-file the document in question to ensure that the filing attorney name reflected on the docket entry and the associated PDF are the same.

Guideline No. 6 - Maintaining Original Documents Containing Original Signatures

Attorneys practicing before this Court shall maintain all pages of any petitions, statements, schedules, amendments, verifications, declarations, or affidavits that contain original signatures for five (5) years after the case or proceeding is closed. Original reaffirmation agreements may be maintained by the creditor or debtor at the ~~parties' option.~~ ~~A reaffirmation shall be filed as a text searchable PDF file. See Guideline 21. A scanned reaffirmation will be accepted if filed pursuant to Guideline 21.~~ Exhibits to reaffirmations should not be filed, unless requested by the Court, except that exhibits will be accepted in pro se cases. - See Guideline 8.

Guideline No. 7 - Filing Proofs of Claim and Interests

~~All proofs~~ of claims, proofs of interest and supporting documentation for each ~~may~~ ~~must~~ be filed electronically with the ~~Clerk's~~ Clerk's Office. Those who have an occasional or infrequent need ~~if the claimant files more than ten (10) of these items per month.~~ In order to file ~~access the~~ claims may accomplish this through use of Web Claim which is available at <http://www.tnwb.uscourts.gov/https://ecf.tnwb.uscourts.gov/cgi-bin/tnWebClaims.pl>. Those subscribers with ~~filing modules, creditors must request an ECF~~ limited user access are required to accomplish this through use of Speed Claim (See Guideline No. 2 ~~use~~ account from the Clerk's Office. When filing electronically, the Court's approved B10 form (available at www.tnwb.uscourts.gov) must be used if the claimant does not take advantage of the Speed Claim feature within ECF. Once a claimant receives an ECF Limited Use account, you are required to file proof of claims or interests electronically even in the event you have less than ten (10) claims per month they must be filed electronically.

~~If~~ **Account**). The current Official Form 410 is required, which is automatically created and attached as a pdf image when ~~claimants file fewer than ten (10) proofs of claim or interests per month, the claimants may continue to file with the Clerk's Office~~ using Speed Claim or Web Claim. Supporting documentation, may be included when utilizing either available electronic filing feature. The form is also available in fillable format ~~the standard claims form (B10). After filing with the Clerk's Office the claims forms will be scanned and the relevant claim information entered~~

~~into the appropriate case's claims register. These paper based claims and interests may be filed at <http://www.tnwb.uscourts.gov/TNW/ProofsOfClaim.aspx> the Clerk's Office Monday through Friday, 8:30 a.m. to 4:00 p.m., with the exception of holidays, weekends, and posted closings.~~

In cases filed with over 1,000 creditors, the Court may require the debtor to retain a claims agent.

Guideline No. 8 - Filing and Transmitting Documents

~~Unless otherwise noted, documents~~ Documents may be filed electronically via the internet from remote locations twenty-four (24) hours per day, seven (7) days per week.

A pro se debtor(s), without legal representation, seeking to file a petition, schedules, statements, amendments, pleadings, affidavits, and other documents which are required to contain original signatures, or which require verification under FED. R. BANKR. P. 1008, or an unsworn declaration as provided in 28 U.S.C. §§1746, must submit these documents to the ~~Clerk's~~ Clerk's Office with the full ~~debtor's (s')~~ debtor's (s') signature. ~~These documents will be processed by the Clerk's~~ Clerk's Office, and shall be maintained according to procedures established by the Clerk of Court. ~~The pro se debtor(s) will be responsible for appropriate noticing in accordance with Federal Rules of Bankruptcy Procedure or Local Bankruptcy Rules.~~

Guideline No. 9 Amendments To Schedules and Mailing Lists

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~~If~~ the debtor becomes aware of the need to amend schedules which include additional parties requiring notice by the court, the filer is expected to accomplish this by filing the affected schedule(s), as amended, or by filing a motion to add, correct or delete creditors which specifically note the creditors and specific action to be taken for each.

- Amended Schedules should clearly note any addresses being added or corrected.
- Schedules or motions which list added creditors, in most cases, will be assessed a required fee.
- For deletion of a creditor party, a motion *must* be filed. This cannot be accomplished by the filing of an amended schedule alone.
- Rule 1009, requires a notice of amendment be given to the trustee and to any entity affected thereby, when an amendment is made to the voluntary petition, lists, schedules or statements.
- In situations where a considerable number of creditors are involved, the Clerk's Office may require that added and/or corrected creditor names and addresses be provided as a mailing list (matrix) in compliance with Local Rule 1007-1 to ensure creditors are uploaded in an expedient manner and are in position to receive court related orders and notices.
- Creditors cannot be added to a case through the filing of a notice of change of address.

Guideline No. 10 - Certificate of Service

Electronic transmission of the ~~““Notice of Electronic Filing””~~ constitutes the certificate of service or notice of the filed document; in accordance with Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules upon all parties who have consented in writing to electronic service of documents or notice.

Parties who have received either ECF system access or ECF limited use access will receive service of documents and any docket activity electronically pursuant to FED. R. BANKR. P. 9036, where service of documents is otherwise permitted by first class mail. In so doing, the Filers agree to maintain at least one and preferably two current and active e-mail addresses to receive electronic notification in ECF and from the Bankruptcy Noticing Center.

Parties who have not consented in writing to electronic service of documents or notice must be served with a paper copy of any electronically filed pleading or other document. Filers may be required in some instances to separately serve e-mail notice to the U. S. Trustee, and/or Trustee according to FED. R. BANKR. P. 9034.

Guideline No. ~~1140~~ - Proposed Orders: Method of Submission

~~A.~~A. Submission of Orders in Electronic Format. All orders proposed for consideration by the Court shall be submitted in electronic format by ECF (or on CD/DVD ~~or diskette~~, if approved by the

court) with the conformed signature (“~~“/s/~~ John Q. Attorney”~~”~~) of the person submitting the order.

The first four inches on the first page of such orders must be completely blank to permit the addition of the ~~judge’s~~ signature and court seal.

B. B. Proposed Orders in Chapter 13 Cases. Proposed orders in Chapter 13 cases must be sent to the designated e-mail address of the assigned Chapter 13 trustee in order to ensure approval by the trustee before final submission to the Court~~;~~ by the Chapter 13 trustee.

~~C.~~ **C. Judicial Signatures.**- When an order is ready for entry, a judge shall cause his or her signature to be attached to the order. An order entered upon the docket with an electronic signature shall have the same force and effect as a paper order bearing the ~~judge’s~~ handwritten signature.

D.

~~D.~~ **Service of Orders.** -Upon entry on the ~~Court’s~~ electronic docket, the bankruptcy Court Clerk may serve (either electronically or by mail, or both) a copy of the order as finally entered upon those persons designated in the certificate of service, or the clerk may serve an entered order upon the person filing the order with direction for that person to serve all others designated in the certificate of service.

Guideline No. ~~1211~~ - Sealed Documents

Documents approved by the Court to be filed under seal must be filed on CD/DVD in PDF format. - An electronic motion should be filed with the Court~~;~~ unless prohibited by law.- Once the proposed Order is approved and filed by the Court, a copy of the approved Order should be placed on top of the documents under seal and filed conventionally with the ~~Clerk’s~~ Office.- The document(s) will not become part of the electronic record. Upon instructions from the judge, the ~~Clerk’s~~ Office will note the record(s) appropriately.

Guideline No. ~~13 -12-~~ Privacy Concerns, Official Form 21 - Statement of Social Security Number

Official Form ~~12124~~, Statement of Social Security Number, should always reflect the full Social Security Number (“~~“SSN”~~”) of each debtor in a case and shall be filed using a non-public docket entry which is not viewable to the public. -A PDF associated with any other docket entry which reflects a SSN, should reflect the first five digits as redacted. -The last four digits of the SSN will ~~be seen by to anyone viewing the Court docket sheet.~~
be seen by anyone viewing the Court docket sheet.

~~A special procedure exists for the purpose of amending Official Form 21, to ensure that the associated PDF is not viewable to the public. Any filing party that is unsure of how to accomplish amending Official Form 21 to ensure that the full SSN is not viewable to the public should contact the Clerk's Office for filing instructions.~~

Guideline No. 1413 - Required Attachments and Exhibits to Pleadings

Filers should submit all required exhibits and/or attachments to pleadings in electronic format unless the attachment to the pleading exceeds ~~forty (40)~~~~twenty (20)~~ pages or ~~fifteen (15)~~~~two (2)~~ megabytes in file size per attachment, or if the attachments cannot be converted to electronic format.

If the attachment to the pleading exceeds ~~forty (40)~~~~twenty (20)~~ pages or ~~fifteen (15)~~~~two (2)~~ megabytes in file size or cannot be converted to electronic format, the filer shall attach a summary of the exhibit or attachment only to the document that is filed electronically. -In this event, the filer shall retain the original of the exhibit until the finality of an order entered on the relevant pleading; or the -specific order of the Court concerning the exhibit, but the Filer shall not forward ~~to the Court~~ the original ~~to the Court~~ unless the Court so directs.

If a hearing is required, or if the Court otherwise orders, the Filer shall provide the complete exhibit or attachment to the Court in such format as the Court directs and in the time frame directed by the Court. -Exhibits introduced into evidence in relation to any contested matter shall continue to be governed by local bankruptcy rules.

In all cases or proceedings the Filer shall provide the opposing party or the objecting party with a complete set of the exhibits and/or attachments.

Guideline No. 1514 - Filing of Ballots in Chapter 9 and Chapter 11 Cases-

Ballots shall be filed with the attorney of record for the Chapter 9 or a Chapter 11 plan proponent or such other person as the Court may direct, but shall not be filed with the Clerk of Court. The attorney or other designated person shall, within the time prescribed by Local Rule, provide to the Clerk of Court a statement attesting to the total ballot count electronically.

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**Guideline No. 16+5 - Depositions, Interrogatories, Request for Admissions and Request for
-Production of Documents-**

These documents and any responses thereto, shall not be filed with the ~~Courteourt~~ unless directed by order to do so.

Guideline No. 17+6 - Public Access to Court Electronic Records (PACER)

The public will have access to electronic case records at the U. S. Bankruptcy Court in both Memphis and Jackson via public terminals provided at the ~~Clerk's~~Clerk's Office locations; at no charge, during regular business hours.

Although any person can retrieve and view electronically filed documents within the system and access information from it without charge at the ~~Clerk's~~Clerk's Office(s), electronic access to the system for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (PACER) system and, in accordance with the ruling of the Judicial

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Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets.

The public may access the electronic filing system through the ~~court's~~ ECF login page, <https://ecf.tnwb.uscourts.gov>. A PACER login and password is required to access the electronic filing system. The login and password ~~may~~ be obtained through the PACER website, www.pacer.gov. ~~An individual with~~ ~~www.pacer.psc.uscourts.gov~~. ~~A person who has~~ PACER access may retrieve docket sheets and documents. Only an attorney who has been issued ECF system access or an entity which has been issued ECF- limited use access may file documents electronically.

Guideline No. 1817 - Technical Failure

A Filing User whose filing is made untimely as ~~the~~ result of a technical failure may seek appropriate relief from the Court.

Guideline No. 1918 - Motion Practice and Service of Motions

A. Submission of Motions, Applications and Objections. -All motions, applications and objections shall be submitted in electronic format via ECF, (or on CD/DVD ~~or diskette~~, if approved by the Court) with the conformed signature ("~~/s/~~ Jane Q. Attorney") of the attorney for the movant or applicant, or, if unrepresented, the conformed signature of the moving party or applicant.

B. Service of Motions, Applications and Objections. - Motions, applications and objections may be served by the moving party, applicant, or attorney by any means including mail, e-mail, fax or hand delivery, unless the Federal Rules of Bankruptcy Procedure specify the manner of **Service**. ~~service~~. See FED. R. BANKR. P. 7004.

Guideline No. 2019 - Adversary Proceeding Practice

All complaints, summons and returns of service of process shall be filed with the Court in electronic ~~format~~. ~~form~~. If a filing party initiates the filing of a new adversary proceeding in conjunction with the filing of a new bankruptcy case, a judge must be assigned to the associated bankruptcy case by the filing party before the new adversary proceeding can be opened in ECF.

Guideline No. 2120 - Forms

The Clerk of Court shall make available ~~for download~~, copies of all forms referenced by these Amended Guidelines for Electronic Filing ~~for download~~. The address of the ~~Courts~~ ~~Court's~~ web

site is www.tnwb.uscourts.gov. All Official Bankruptcy Forms are found at <http://www.uscourts.gov/forms/bankruptcy-forms> ~~www.tnwb.uscourts.gov~~.

Guideline No. 22 -21- Submitted Document Technical Specifications

With the exception of creditor matrices, all electronic documents filed with the Court must be submitted as Portable Document Format (PDF) documents. -At the discretion of the Clerk of Court, the Court may issue a Show Cause hearing notice, a deficiency notice, or corrective entry if the document(s) do not adhere to the following specifications:

~~A. Original documents shall not be printed by the attorney for the filer and subsequently scanned before transmission to the Court. The Court requires documents to be saved as original PDF documents using common technical standards, so as to enable text-based searches by the Court or others. The sole exception is for required documents provided as exhibits or attachments which do not originate in the office of the Filing User. These documents may be scanned and electronically submitted to the Court so long as they do not exceed file size limitations specified within these Guidelines.~~

~~B. Each PDF document should be no more than fifteen (15) megabytes in size or forty (40) pages in length. Files larger than the specified size will be automatically rejected by the Court's filing system at the time of electronic filing. Paper documents~~

~~C. With the exception of scanned attachments or exhibits, each page of a PDF document should be no more than 30,920 bytes in size. The aggregate total size of a document filed with the Court should not exceed the number of total pages in the document multiplied by 30,920 bytes.~~

~~Documents greater than twenty pages~~ which are filed by pro se debtors will be scanned and inserted into a case file in the Clerk's Office.

~~D. B. The court prefers that documents~~ Documents submitted by external filers shall contain a conformed signature as specified in Guideline No. 5 or 5. Documents containing scanned facsimiles of signatures ~~and/or scanned documents (other than attachments/ or exhibits as specified in Guideline No. 1413) shall not be filed.~~

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~~E.—C. When using any software to create files in PDF format, the files must be saved in PDF 1.5 (or lower) compatibility mode to ensure compliance with Bankruptcy Noticing Center (BNC) specifications.~~

The Court requests ~~BNC supports~~ the following ~~non-embedded~~ fonts (or close approximations) be used within PDF documents:

~~F.~~ -Arial (Regular, Bold, Italic, and Bold Italic)
 -Courier (Regular, Bold, Oblique, and Bold Oblique)
 -Helvetica (Regular, Bold, Oblique, and Bold Oblique)
 -Time (Regular, Bold, Italic, and Bold Italic)
 -Times New Roman (Regular, Bold, Italic, and Bold Italic) ~~Symbol~~
 Symbol

D. Digital signature standards must **not** be used when preparing any PDF document for submission to the Court. The Court only recognizes a Filer's actual signature (in the case of paper-based filings), or electronic conformed signatures based upon login validation as an actual signature in all other instances. ~~Zapf Dingbats~~

~~The use of non-embedded fonts other than the ones specified will result in the inability of the noticing center to process the file. In such instances, the Clerk's Office will then issue a deficiency notice to the Filer so that a corrected document may then be served by the BNC. In some instances, orders that contain unsupported fonts and can not be served by the Court will be returned to~~(See Misc. 03-0004 "Standing Order Re ECF.")

In some instances, certain documents may contain hidden codes, incompatible characters or have other unspecified technical issues which may prevent their service by the Court. In these cases, the Court will notify the preparer with instructions to serve on all required parties and follow up by electronically filing a certificate of service to reflect the parties served.

~~The BNC will support embedded fonts other than the ones described above. However, the use of embedded fonts increases the size of the PDF file dramatically in some cases. It is the Filer's responsibility to ensure that if embedded fonts are used, the per page file-size limitations described within this Guideline are not exceeded. NOTE: Some fonts may not be embedded with documents due to licensing restrictions. The best solution is to use the supported non-embedded fonts described within this Guideline.~~

~~'Digital signature' standards must not be used when preparing any PDF document for submission to the Court. The Court only recognizes a Filer's actual signature (in the case of paper-based filings) or electronic conformed signatures based upon login validation as an actual signature in all other instances. (See Misc.~~

Guideline No. 23 – Submitting Pay Advices and Tax Returns

G. Payment advices and tax returns and coversheets that the debtor is required to make available under 11 U.S.C. § 521 (a)(1)(B)(iv) and § 11 U.S.C. § 521(e)(2)(A) are to be submitted to the court using only the special docketing events designed to restrict access to these documents to the case trustee, the United States Trustee, the Court, and the debtors' attorney. The docketing events are Pay Advices and Tax Returns (respectively) and are found in the Bankruptcy Menu, under Other (BK). Failure to use the proper event will result in the documents becoming available on the public docket. (See Standing Order 17-0001.)~~03-0004- "Standing Order Re ECF.")~~