

United States Bankruptcy Court

Western District of Tennessee

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

Electronic Case Filing Guidelines – as of ,2017

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 to make numerous docketing errors that compromise the integrity of the Court docket may be temporarily de-certified and required to complete 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 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 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 Change of Address For Creditor
Reaffirmation Agreement (complete form, amended/corrected OR additional Parts)
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

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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,

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verification, etc., is on 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 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 filed electronically on the docket of the court or on 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. 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 - Proofs of Claim

Proofs of claims, proofs of interest and supporting documentation for each may be filed electronically with the Clerk's Office. Those who have an occasional or infrequent need to file 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 limited user access are required to accomplish this through use of Speed Claim (See **Guideline No. 2 - ECF Limited Use Account**). The current Official Form 410 is required, which is automatically created and attached as a pdf image when using Speed Claim or Web

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Claim. Supporting documentation, may be included when utilizing either available electronic filing feature. The form is also available in fillable format at <http://www.tnwb.uscourts.gov/TNW/ProofsOfClaim.aspx>

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 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 Office with the full debtor's (s') signature. These documents will be processed by the 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

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.

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- 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. 11 - Proposed Orders: Method of Submission

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, 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. 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. 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. 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

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the person filing the order with direction for that person to serve all others designated in the certificate of service.

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

Official Form 121, 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 anyone viewing the Court docket sheet.

Guideline No. 14 - 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) pages or fifteen (15) 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) pages or fifteen (15) 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 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

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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. 15 - 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.

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

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

Guideline No. 17 - 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 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 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 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 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.

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Guideline No. 18 - Technical Failure

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

Guideline No. 19 - 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 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. *See* FED. R. BANKR. P. 7004.

Guideline No. 20 - Adversary Proceeding Practice

All complaints, summons and returns of service of process shall be filed with the Court in electronic format. 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. 21 - Forms

The Clerk of Court shall make available copies of all forms referenced by these Amended Guidelines for Electronic Filing for download. The address of the Courts web site is www.tnwb.uscourts.gov. All Official Bankruptcy Forms are found at <http://www.uscourts.gov/forms/bankruptcy-forms>

Guideline No. 22 – 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. 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 which are filed by pro se debtors will be scanned and inserted into a case file in the Clerk's Office.

B. The court prefers that documents submitted by external filers contain a conformed signature as specified in Guideline No. 5 or scanned facsimiles of signatures on attachments/exhibits as specified in Guideline No. 14.

C. The Court requests the following fonts (or close approximations) be used within PDF documents:

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

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. (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.

Guideline No. 23 – Submitting Pay Advices and Tax Returns

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.)

Proposed