

4273

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

PILOT PROGRAM FOR
COMPLEX LITIGATION AUTOMATED DOCKET

GENERAL ORDER

M-134

WHEREAS, the Office of the Clerk has suffered a severe reduction in staffing; and

WHEREAS, under 28 U.S.C. § 156(c), the Court may utilize facilities or services either on or off the Court's premises; and

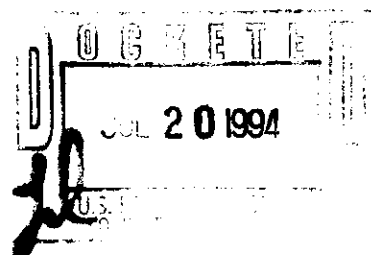
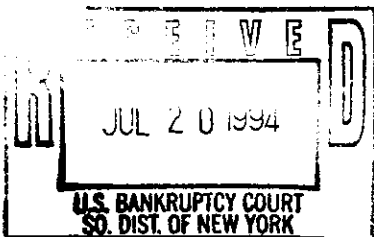
WHEREAS, under 28 U.S.C. § 156 (c), the costs of such services are not charged to the United States; and

WHEREAS, a proposal for a program for establishing electronic filing and service of pleading and papers known as Complex Litigation Automated Docket ("CLAD") has been reviewed, and the Court agrees to the pilot program;

NOW, THEREFORE, IT IS ORDERED that:

1. a. Initially, the following case is assigned to participate in CLAD and shall be bound by this General Order: In re R. H. Macy & Co., Inc., et. al, 92 B 40477 (BRL) (Jointly Administered).

b. The following representatives of Parties in Interest in the above-referenced cases shall (i) participate in the CLAD Bulletin Board Services ("CLAD BBS") for the electronic retrieval and filing of pleadings and



other documents in said cases and (ii) be entitled to
electronic service of notice of filings:

Weil, Gotshal & Manges
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New York, NY 10153
Attn: Harvey R. Miller, Esq.
Richard Krasnow, Esq.
Judy G.Z. Liu, Esq.

Otterbourg, Steindler,
Houston & Rosen, P.C.
230 Park Avenue
New York, NY 10169
Attn: Scott L. Hazan, Esq.
Glenn B. Rice, Esq.
Enid Stuart, Esq.
Brett H. Miller, Esq.
Debra SuDock, Esq.
Richard J. Rubin, Esq.

Kaye, Scholer, Fierman, Hays
& Handler
Attorneys for the 49 Stores
Bank Syndicate
425 Park Avenue
New York, NY 10022
Attn: Michael Crames, Esq.
Arthur Steinberg, Esq.

Shearman & Sterling
Attorneys for Citibank, N.A.
and Citicorp Real Estate, Inc.
153 East 53rd Street
New York, NY 10022
Attn: Douglas P. Bartner, Esq.
Julie Koshgarian, Esq.
R. Paul Wickes, Esq.
Ira E. Wiener, Esq.

Zalkin, Rodin & Goodman
Attorneys for Chemical Bank
750 Third Avenue
New York, NY 10022
Attn: Richard S. Toder, Esq.

Fried, Frank, Harris, Shriver
& Jacobs
One New York Plaza
New York, NY 10004
Attn: Herbert Minkel, Esq.

O'Melveny & Myers
153 East 53rd Street
New York, NY 10022
Attn: Joel B. Zweibel, Esq.

Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 10019
Attn: Chaim J. Fortgang, Esq.

Berlack, Israels & Liberman
120 West 45th Street
New York, NY 10036
Attn: Robert Miller, Esq.
Bari J. Mattes, Esq.

Jones, Day, Reavis & Pogue
599 Lexington Avenue
New York, NY 10022
Attn: Marc Kirschner, Esq.
Lawrence Gottesman, Esq.

Stroock, Stroock & Lavan
7 Hanover Square
New York, NY 10004
Attn: Daniel H. Golden, Esq.
Lisa Beckerman, Esq.

2. The attached Exhibit shall establish the "Administrative Procedures for Electronically Filed Cases" for CLAD ("CLAD Procedures"), including the procedure for distribution of a password to permit electronic filing of pleadings and other documents, and the CLAD Procedures be, and they hereby are, approved by the Court.

3. With respect to the electronic filing of pleadings and other documents on CLAD BBS, the filing party shall identify the initials and last four digits of the social security number of the attorney signing such pleading or other document, which shall constitute a signature of the responsible attorney under Rule 9011 of the Federal Rules of Bankruptcy Procedure; and the original signature of the attorney approving said pleading or other document shall be maintained in that attorney's files.

4. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.

5. No person shall knowingly utilize or cause another person to utilize the password of another without permission of the holder of the password.

6. Only the attorneys designated above may file with, and retrieve pleadings or other documents from, the CLAD BBS. Only attorneys who have filed a Notice of

Appearance in a case assigned to CLAD may retrieve pleadings or other documents in that case from the CLAD Private Database (as set forth in the CLAD Procedures).

7. The electronic filing of a pleading or other document in accordance with CLAD Procedures shall constitute docketing of that pleading or other document.


8. The Office of the Clerk by Deputy Clerks of the Court will enter all orders, decrees, judgments, and proceedings of the court into CLAD which shall constitute official docketing of the order, decree, judgment or proceeding for all purposes.

9. Each person, including the Office of the Clerk, electronically filing a pleading or other document with CLAD shall serve, in the manner provided for below, the "Notice of Electronic Filing" or "Notice of Electronic-Conventional Filing" (as appropriate) generated by CLAD and shall serve such notice on all attorneys entitled to electronic notice of filings. Such service shall be made by hand or facsimile, in the first instance, or by overnight mail if hand delivery or facsimile service is impracticable, which shall constitute service of the pleading or document in accordance with the CLAD Procedures. The Office of the Clerk may use regular mail when facsimile service is impracticable. The filing party shall not be required to

serve any other documents in connection with such filing (except as otherwise provided for in the CLAD Procedures for conventionally filed pleadings or other documents) on any party entitled to electronic notice, including the pleading or other document filed by that party.

10. The original of this Order shall be filed in accordance with the CLAD procedures by the Clerk of the Court and conventionally with the Clerk of the Court.

Dated: July 20, 1994
New York, New York



Chief United States Bankruptcy Judge
Southern District of New York

COMPLEX LITIGATION AUTOMATED DOCKET ("CLAD")

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

"Administrative Procedures for Electronically Filed Cases"

July 1994
Exhibit to General Order # _____

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CLAD ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE CLAD BULLETIN BOARD SERVICE ("CLAD BBS") AND THE CLAD PRIVATE DATABASE¹

A. Designation of Cases. The Court shall (i) select those cases which shall be assigned to CLAD and (ii) designate those parties entitled to file and retrieve pleadings and other documents on the CLAD BBS in each such case. Cases shall be assigned to, and parties shall be designated to participate in, CLAD BBS pursuant to an order of the Court authorizing same in each such case.

B. Passwords. Access to the CLAD BBS or the CLAD Private Database requires a password, which may be obtained as follows:

1. Each party entitled to participate in CLAD BBS cases for the electronic retrieval and filing of pleadings and other documents in accordance with an order of the Court shall be entitled to one CLAD BBS password for each attorney in each such case and each adversary proceeding in such case. The CLAD BBS password will permit the attorney to file pleadings and other documents with, and retrieve pleadings and other documents from, the CLAD BBS.

1. CLAD Private Database is a database for the purposes of retrieving documents filed on CLAD only. No documents may be filed in the CLAD Private Database.

2. Any person or organization, other than those referred to in paragraph I.B.1., above, may apply to the Office of the Clerk, United States Bankruptcy Court for the Southern District of New York for registered access to the CLAD Private Database. Registration under this subparagraph will entitle the registrant to retrieval, but not filing, privileges for CLAD cases subject to the limitations and fees imposed by the vendor.

C. Registration.

1. The attached registration form shall be used for registration under either paragraph I.B.1. for the CLAD BBS or paragraph I.B.2. for the CLAD Private Database. Additional forms are available from the Office of the Clerk.

2. All registration forms shall be mailed or delivered to the Office of the Clerk, United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004-1408, Attn: CLAD/Viola Mathews. Each registration form shall be accompanied by a self-addressed envelope.

3. Attorneys applying for registration and password for the CLAD BBS shall receive a telephone call from the Office of the Clerk indicating that the envelope containing the CLAD BBS password or passwords is available for pick-up. Out of state attorneys applying for

registration for the CLAD BBS may contact the Office of the Clerk to arrange for office delivery.

4. Attorneys applying for registration for the CLAD Private Database must include a self-addressed, stamped envelope with the registration form sent to the Office of the Clerk.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing.

1. Except as expressly provided for in paragraph III.A., below, all motions, pleadings, memoranda of law, or other documents required to be filed with the Court in connection with a case assigned to CLAD shall be electronically filed on the CLAD BBS by those parties designated by the Court to file documents electronically.

2. All documents relating to the motion, application or other matter that are being filed at the same time by the same party may be electronically filed together under one docket number, e.g., the motion, affidavit and supporting memorandum of law.

B. Service.

1. After a pleading or other document is electronically filed, the party shall serve the "Notice of Electronic Filing" or the "Notice of Electronic-Conventional Filing" (as appropriate) generated by CLAD, on those parties

entitled to electronic notice, by hand or facsimile in the first instance, or by overnight mail if hand or facsimile service is impracticable. In addition, a paper copy of the electronically filed pleading or other document shall be (i) delivered, by hand or overnight mail, to the chambers of the presiding judge in the case assigned to CLAD together with a copy of the "Notice of Electronic Filing" or the "Notice of Electronic-Conventional Filing" (as appropriate), and (ii) served on those parties not entitled to electronic notice but nevertheless entitled to notice of said pleading or other document in accordance with, and shall be served in the manner provided for in, the Federal Rules of Bankruptcy Procedure except as otherwise provided by the order of the Court.

2. Except as provided for in Paragraph III.B., below, for conventionally filed documents, the filing party shall not be required to serve any pleading or other documents (other than the "Notice of Electronic Filing" or the "Notice of Electronic-Conventional Filing" (as appropriate) generated by CLAD) on any party entitled to electronic notice.

C. Signatures; Affidavits of Service.

1. Original signatures on pleadings, affidavits, and other documents filed electronically shall not be filed

with the Office of the Clerk. Each party electronically filing a pleading or other documents on the CLAD BBS (whether or not in conjunction with a conventional filing of a document related thereto) shall maintain in his or her files the original signature on the original paper copy of said pleading or other document. However, the pleading or other document electronically filed shall indicate a conformed signature, e.g., "s/Jane Doe".

2. Affidavits of service shall no longer be filed with the Office of the Clerk and shall not be filed with the CLAD BBS. Each party electronically filing a pleading or other document on the CLAD BBS (whether or not in conjunction with a conventional filing of a document related thereto) shall maintain such affidavits of service in his or her files.

D. Fees.

1. Fees Payable to CLAD. A twenty dollar (\$20.00) filing fee shall be payable to CLAD for each docket number obtained in connection with an electronic filing on the CLAD BBS. In addition, a twenty cents per page (20¢/page) fee (the "Downloading Fee") shall be payable to CLAD for each document retrieved from CLAD; provided, however, that the Downloading Fee shall be waived for the first retrieval of a pleading or other document from the CLAD BBS

by any party entitled to notice and service of such pleading or other document in accordance with the Federal Rules of Bankruptcy Procedure or as otherwise provided by order of the Court.

2. Fees Payable to the Clerk. For filings that require a fee to be paid to the Office of the Clerk, authorization for credit card payment may be made with the financial officer of the Office of the Clerk.

E. Orders. All signed orders (including, without limitation, notice of proposed orders, orders to show cause, etc.) shall be filed electronically by the presiding judge in a case assigned to CLAD. In order to facilitate such filing, the party presenting the proposed order shall provide the presiding judge with a 3.5 inch floppy disk containing the proposed order, together with any document to be electronically filed in connection therewith. Said party shall also provide the presiding judge with a paper copy of all such documents. Said party shall further coordinate with the presiding judge's chambers to facilitate the filing of conventional documents, if any, related to said order. The Office of the Clerk through deputy clerks of Court (normally but not limited to the courtroom deputy for the judge assigned to the case) will make the appropriate entry on CLAD to facilitate the docketing on an order.

F. Title of Docket Entries

1. The person electronically filing a pleading or other document will be responsible for designating that the title of the document falls within one of the categories contained in Schedule D hereto.

2. The title of a pleading or other document filed electronically **MUST** (i) identify the party filing said pleading or other document and (ii) be of sufficient detail to describe the subject matter of said pleading or other document.

CORRECT: Debtor's motion to sell nonresidential real property located in Block 11, Lot 6 New York City to Buy It, Inc.

INCORRECT: Motion to sell property

3. The title of a docket entry **MUST** identify all documents being electronically filed together under one docket number.

CORRECT: Debtor's Notice of Motion to Assume XYZ lease with Motion, Affidavit and Memorandum of Law in support thereof.

INCORRECT: Debtor's motion to assume XYZ lease

III. CONVENTIONAL FILING OF DOCUMENTS

A. Conventional Filings. The following documents shall be filed conventionally and shall not be filed electronically (except to the extent that the Office of the Clerk elects to do so):

1. Petitions to commence a case under the Bankruptcy Code, complaints initiating adversary proceedings, and schedules and statements required to be filed under section 521(1) of the Bankruptcy Code (11 U.S.C. § 521(1)) shall be filed conventionally.

2. A motion to file documents under seal shall be filed electronically. However, the document(s) to be filed under seal shall be filed conventionally. The order of the Court authorizing the filing of such document(s) under seal shall be filed electronically by the presiding judge and shall indicate that the motion to file documents under seal has been "so ordered" in accordance with Paragraph II.E., above. A copy of the order shall be attached to the document(s) under seal and be delivered to the Clerk or Chief Deputy Clerk of the Court.

3. Appendices and exhibits to motions, memoranda of law, or other documents that are not capable of conversion to a WordPerfect 5.1 or ASCII format shall be filed conventionally and are not required to be scanned or

converted into WordPerfect 5.1 or ASCII format. A cover page consisting of the "Notice of Electronic and Conventional Filing" containing the CLAD docket number. The Notice should identify the exhibit(s) and number for the document filed when applicable.

B. Services of Conventional Filings. Pleadings or other documents which are filed conventionally and are not filed electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure except as otherwise provided by the order of the Court.

C. Docket Numbers. With respect to any document conventionally filed under paragraph III.A.1., above, the Office of the Clerk will obtain a docket number from CLAD. Any pleading or other document filed conventionally under paragraphs III.A.2. and III.A.3., above, shall include the docket number generated by CLAD at the time that the "Notice of Electronic-Conventional Filing" is produced. The letters "A," "B," "C," etc. following the docket number (e.g., 1302-A) shall indicate that a conventional filing is being made in conjunction with an electronic filing. The "Notice of Electronic-Conventional Filing" shall be attached to the document to be filed conventionally with the Office of the Clerk, which will not accept a conventionally filed document

that does not have the "Notice of Electronic-Conventional Filing" prefixed thereto.

IV. TECHNICAL REQUIREMENTS

A. Document Format.

1. All pleadings and other documents which are filed electronically shall be filed in WordPerfect 5.1 format or in ASCII format. If a pleading or other document is filed in the WordPerfect 5.1 format, it shall be set up with the following initial style set up:

[T/B Mar:1"] [Pg Numbering: Top Right] [Just:Left] [Ln Height:0.167"] [Ln Spacing:2] [L/R Mar:1.25",1.25"] [Hyph Off] [W/O Off] [Font: Courier 10cpi]

After the initial style set up, the document may contain format codes for appropriate presentation (e.g., single space and block indent).

2. **DO NOT USE THE AUTOMATIC DATE CODE FEATURE IN ANY WORDPERFECT DOCUMENT FILED ELECTRONICALLY.**

3. Documents which are filed in the ASCII format will NOT contain page numbers when viewed electronically on CLAD. In addition, when ASCII documents are printed from a word processing software, the pagination will not be uniform. Therefore, it is recommended that all documents filed electronically be in the WordPerfect 5.1 format.

B. Hardware Requirements. To access CLAD, it is necessary to have a computer (i) operating under a DOS

operating system and (ii) equipped with a Hayes compatible modem with a speed up to 14,400 baud. Each attorney having access to the CLAD BBS for the purpose of filing and retrieving pleadings and other documents must have a computer equipped with a hard disk drive.

V. AVAILABILITY OF DOCUMENTS ELECTRONICALLY FILED

A. CLAD BBS. Documents filed electronically are immediately available for retrieval on the CLAD BBS.

B. CLAD Private Database. Documents filed electronically are also available for retrieval on the CLAD Private Database as follows:

1. Documents which are electronically filed by 7:30 a.m. will be available for viewing on CLAD by 11:00 a.m.;

2. Documents which are electronically filed by 11:00 a.m. will be available for viewing on CLAD by 3:00 p.m.;

3. Documents which are electronically filed by 3:00 p.m. will be available for viewing on CLAD by 5:00 p.m.;

4. Documents which are electronically filed by 5:00 p.m. will be available for viewing on CLAD by 7:00 p.m.;

5. Documents which are filed after 5:00 p.m. will be available for viewing on CLAD by 11:00 a.m. on the next business day.

VI. PUBLIC ACCESS TO THE CLAD DOCKET

A. The public will have electronic access to the documents filed in CLAD and the CLAD docket in the Office of the Clerk during the hours of 10 a.m. to 12 noon and 2 p.m. to 4 p.m., Monday through Thursday.

B. Copies of the documents will be available at the copy service in Room 505, Alexander Hamilton Custom House, One Bowling Green, New York, NY during business hours Monday through Friday. The fee for such copy will be made directly to the copy service.

SCHEDULE A-1 -- SAMPLE CLAD ELECTRONIC NOTICES

NOTICE OF ELECTRONIC FILING

Please take notice that the following pleading or document has been electronically filed by [name of party] in

[case number] [bankruptcy number]

on CLAD for the United States Bankruptcy Court for the Southern District of New York on [filing date] at [filing time]:

[document title]

Docket Number; [docket number]

Related to Docket Number: [related docket number]

Related Main Case: [related main case number]

Document type: [filing type]

Filed by: [filed by]

Receipt Number: [receipt number]

Approved by: [approving attorney id]

Adversary Proceeding Number: [adversary proceeding number]

Adversary Proceeding Name: [adversary proceeding name]

Return Date: [return date] Return Time: [return time]

Objections Due: [objection due date/time]

Signature of Counsel _____

SCHEDULE A-2

NOTICE OF ELECTRONIC-CONVENTIONAL FILING

Please take notice that the following [document type] has been electronically filed by [attorney name] for [party] in:

[main case name] [bankruptcy number]

on CLAD for the United States Bankruptcy Court for the Southern District of New York on [file date] at [file time]:

[title]

Docket Number: [docket number]

Related to Docket Number: [related docket number]

Attorney Bar No: [approving attorney id]

This [document type] is returnable on [hearing date] at [hearing time].

Objections to this [document type] are due [objection date] at [objection time].

In addition, pursuant to the Clerk's "CLAD Administrative Procedures", one or more conventional filing(s) will be made starting with docket number [docket number]-A.

SCHEDULE B -- REGISTRATION FORM

Complex Litigation Automated Docket (CLAD)
United States Bankruptcy Court
Southern District of New York

Authorization for Electronic Filing

Registration Information:

Attorney Name _____

Last 4 Digits SSN _____

Firm Name and Address _____

Phone No. _____

Facsimile No. _____

Are you a LEXIS/NEXIS subscriber
() Yes () No

Bill Group No. _____

Attorney Signature _____

Password _____

Authorization:

Date _____

Clerk _____

MEAD notice to Clerk and Registrant:

Date _____

MEAD Representative _____

SCHEDULE C -- LIST OF ABBREVIATIONS

[TO BE FAXED WHEN SUPPLIED]