

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
: First Amendment to
: General Order #M-182
ELECTRONIC MEANS FOR FILING, : Re: Electronic Case Filing
SIGNING, AND VERIFICATION OF : Procedures
DOCUMENTS :
: M-193
:
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WHEREAS, by General Order #M-182, entered *nunc pro tunc* to November 25, 1996 and dated June 26, 1997, the Court adopted Electronic Case Filing Procedures for filing, signing and verifying documents by electronic means;

WHEREAS the Court has reviewed the operation of the Electronic Case Filing Procedures since its implementation and has considered refinements suggested by the Judges of the Court, the Clerk and staff of the Clerk's Office, the Administrative Office of the United States Courts and members of the Bar;

WHEREAS many documents are accompanied by lengthy exhibits originally produced in hard copy (paper) format, the conversion of which to electronically produced imaged format and from that format to Portable Document Format (PDF), for uploading into the Electronic Case Filing System is cumbersome

and time consuming for filing and retrieving; and

WHEREAS in most instances, only certain portions of lengthy exhibits are relevant to matters before the court; and

WHEREAS, the Court has considered how best to ensure the smooth operation of the Electronic Case Filing System while simultaneously safeguarding the right of parties in interest to put before the Court all information relevant to cases and controversies;

NOW, THEREFORE, IT IS ORDERED that:

1. General Order #M-182 is hereby amended by adding the following two paragraphs:

“14. Persons filing documents that reference exhibits not submitted in electronically produced text format shall only annex excerpts of the exhibits that are directly germane to the matter under consideration by the Court. Such exhibits must be clearly and prominently identified as excerpts, and the complete exhibit must be made available forthwith to counsel and the Court on request (and must be available in the Courtroom at any hearing pertaining to the matter). Persons filing excerpts of exhibits pursuant to this Order do so without prejudice to their right to file additional excerpts or the complete exhibit with the Court at any time. Opposing parties may file additional excerpts if they believe that they are germane.

“15. The Clerk of Court shall promulgate Administrative Procedures consistent with the Order.”

2. This Order amending General Order # M-182, dated June 26, 1997, but entered *nunc pro tunc* to November 25, 1996 shall be filed in accordance with the Electronic Case Filing Procedures.

3. This Order shall be immediately effective.

Dated: May 1, 1998

/s/Tina L. Brozman
Chief Judge United States Bankruptcy Court
Southern District of New York

**Electronic Means for Filing, Signing and
Verification of Documents**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

**"Administrative Procedures for the
Electronic Case Filing System"**

June 26, 1997

Exhibit to General Order #M-182

Revised May 1, 1998

TABLE OF CONTENTS

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM.1
A. Designation of Cases 1
B. Passwords 1
C. Registration 1

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS 2
A. Filing 2
B. Service 3
C. Signatures; Affidavits of Service 4
D. Fees Payable to the Clerk 4
E. Orders 4
F. Exhibits 4
G. Title of Docket Entries 5

III. CONVENTIONAL FILINGS OF DOCUMENTS 5
A. Conventional Filings 5
B. Service of Conventional or 3.5 Inch Disk Filings 6

IV. PUBLIC ACCESS TO THE SYSTEM7
A. Internet Access Without a Password 7
B. Public Access at the Court 7
C. Conventional Copies and Certified Copies. 7

ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM (the "System")

A. Designation of Cases. The Court shall designate which cases shall be assigned to the Electronic Case Filing System.

B. Passwords. Each attorney admitted to practice in this Court shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the System. Registration for a password is governed by paragraph I.C.

C. Registration.

1. A registration form, in the form attached, shall be submitted for each attorney. The form may be duplicated.

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, Att: Electronic Case Filing System Registration.

3. Each attorney registering for the System will receive telephonic notice from the Office of the Clerk indicating that an envelope containing the attorney's assigned System password is available for pickup at the Office of the Clerk. Only the attorney or an authorized representative may pick up the envelope. Out of state attorneys applying for registration may communicate with the Office of the Clerk to arrange for delivery of the System password.

4. Attorneys may find it desirable to change their Court assigned passwords periodically. This can be done by contacting the Office of the Clerk, Systems

Department, Technical Help Desk at (212)668-2870, ext. 3522. In the event an attorney believes that the security of an existing password has been compromised and a threat to the System exists, the attorney shall give immediate notice by telephonic means to the Clerk of Court, Chief Deputy Clerk or Systems Department Manager and confirm by facsimile in order to prevent access to the System by use of that password.

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 the System shall be electronically filed on the System.

2. All documents that form part of a pleading and which are being filed at the same time and by the same party may be electronically filed together under one docket number, *e.g.*, the motion and a supporting affidavit, with the exception of a memorandum of law. A memorandum of law should be filed separately and shown as a related document to the motion.

3. As provided in Paragraph 9 of the General Order for Electronic Case Filing Procedures dated June 26, 1997 and any amendments thereto, paper copies of notices mandated by FRBP 2002 (a)(1)(4)(5)(7) and (8) and (b)(1) and (2) will be required unless and until notice is requested by the recipient to be given electronically pursuant to FRBP 9036. Notice pursuant to FRBP 2002 (a)(2)(3) and (6) may be served in accordance with

paragraph II.B.1 hereof. If the recipient requests notice electronically pursuant to FRBP 9036, it may be served in accordance with paragraph II.B.1.

B. Service.

1. Each person electronically filing a pleading, order, decree, judgment or other document shall serve the "Notice of Electronic Case Filing" generated by the System on those parties entitled to electronic notice, by hand, facsimile or E-mail in the first instance, or by overnight mail if hand, facsimile or E-mail service is impracticable, which shall constitute service under the System. 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, together with a copy of the "Notice of Electronic Case Filing" unless and until the judge assigned to the case orders otherwise, and (ii) served on those parties not designated or able to receive electronic notice but nevertheless entitled to notice of said pleading or other document in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules of Bankruptcy Procedure except as otherwise provided by order of the Court. If such service of a paper copy is to be made, it shall be done in the manner provided in the Federal Rules of Bankruptcy Procedure and the Local Rules of Bankruptcy Procedure.

2. Except as provided in Paragraph III.B., below, for paper documents or documents filed on a 3.5 inch disk, the filing party shall not be required to serve any pleading or other documents (other than the "Notice of Electronic Case Filing" generated by the System) on any party entitled to electronic notice.

C. Signatures; Affidavits of Service. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically with originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, *e.g.*, "s/Jane Doe."

D. Fees Payable to the Clerk. For filings that require a fee, application for authorization of credit card payment may be made with the Financial Officer of the Office of the Clerk.

E. Orders. All signed orders (including, without limitation, orders to show cause) shall be filed electronically by the presiding judge in the case. In order to facilitate such filing, the party presenting the proposed order shall provide the presiding judge with a 3.5 inch 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. The Office of the Clerk will make the appropriate entry on the System to facilitate the docketing of an order.

The disk submitted with the Chambers Copy of the proposed order shall be in an envelope or disk mailer, clearly labeled, indicating the case number and the document number of the motion or application to which the order refers.

F. Exhibits. Motions should be filed in electronically produced text format on the System. Exhibits should be attached to the motion and if originally produced in hard copy (paper) format and not in electronically produced text format, shall only annex

excerpts of the exhibits that are directly germane to the matter under consideration by the Court pursuant to the Amendment to General Order #M-182, dated May 1, 1998. Such exhibits must be clearly and prominently identified as excerpts, and the complete exhibit must be made available forthwith to counsel and the Court on request (and must be available in the Courtroom at any hearing pertaining to the matter). Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete exhibit with the Court at any time. Opposing parties may file additional excerpts if they believe that they are germane.

If the entire exhibit is deemed germane to the motion being submitted and the exhibit is in a format that must be electronically imaged, the attorney shall make every effort to electronically image the document(s), including utilization of the Court's facilities.

G. Title of Docket Entries. The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the main categories provided in the system, *e.g.* motion, application, etc.

III. CONVENTIONAL FILING OF DOCUMENTS

A. Conventional Filings. The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court; however, they should also be presented on a 3.5 inch disk in an envelope or disk mailer, clearly labeled with the case name, number and document number of the document to which the submitted document refers, if applicable:

1. Petitions to commence a case under the Bankruptcy Code;
2. Complaints initiating adversary proceedings;

3. Document(s) to be filed under seal. However, a motion to file documents under seal shall be filed electronically. 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 paper copy of the order shall be attached to the document(s) under seal and be delivered to the Clerk of Court or Chief Deputy Clerk of the Court. The document to be filed under seal should also be submitted on a 3.5 inch disk so that it can be electronically filed if an order is entered unsealing the document; and

4. Attorneys submitting exhibits shall comply with the procedures set out in paragraph II.F. herein and if compliance with that paragraph is not possible, exhibits to filed documents, such as leases, notes and the like, which are not available in an electronically produced text format should be submitted in an electronically produced imaged format and filed using Portable Document Format (PDF). If a previously filed document or an exhibit to a previously filed document is referenced as an exhibit, the document shall be referred to as an existing document by indicating "yes" in the box designated for that purpose. (See the attached copy of the appropriate screen from the System).

B. Service of Conventional or 3.5 Inch Disk Filings. Pleadings or other documents which are filed conventionally or on a 3.5 inch disk, rather than 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 and the Local Rules of Bankruptcy Procedure except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access Without a Password. Any person or organization, other than those referred to in paragraph I.B.1., may access the System at the Court's Internet site at: www.nysb.uscourts.gov. Access to the System through the Internet site without using a password allows retrieval of the docket sheet and documents in a "read only" format.

B. Public Access at the Court. Access by the public to the documents filed in the System and to the System docket is available in the Office of the Clerk for viewing during regular business hours, Monday through Friday.

C. Conventional Copies and Certified Copies. Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, One Bowling Green, New York, New York during business hours Monday through Friday. The fee for copying and certification is in accordance with 28 U.S.C. § 1930.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
ELECTRONIC CASE FILING SYSTEM
REGISTRATION FORM**

LIVE SYSTEM

This form shall be used to register for an account on the Court's Electronic Case Filing System (the "System). Registered attorneys will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the System. The following information is required for registration:

First/Middle/Last Name: _____

Social Security # _____

Bar ID# (if applicable): _____

Firm Name: _____

Firm Address: _____

Firm Federal ID#: _____

Voice Phone Number: _____

FAX Number: _____

Internet E-Mail Address: _____

(For Service)

By submitting this registration form, the undersigned agrees to abide by the following rules:

- 1) This System is for use only in cases permitted by the United States Bankruptcy Court for the Southern District of New York. It may be used to file and view electronically filed documents, docket sheets, and notices.

- 2) At this time, the requirements for filing, viewing, and retrieving case documents are: a personal computer (486 minimum) running a standard platform such as Windows, Windows 95, or Macintosh, an Internet provider using Point to Point Protocol (PPP),

Netscape Navigator software version 3.0, and Adobe Acrobat Pro software to convert documents from a word processor format to a portable document format (PDF).

3) Federal Rule of Civil Procedure 11, Federal Rule of Bankruptcy Procedure 9011 and Local Rule of Bankruptcy Procedure 9011-1.

Every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party.

An attorney's password issued by the court combined with the user's identification, serves as and constitutes the attorney's signature. Therefore, an attorney must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the Court. This should include the resignation or reassignment of the person with authority to use the password. The Court will immediately delete that password from the electronic filing system and issue a new password.

4) An attorney's registration constitutes a waiver in law of conventional service of documents, including notice under FRBP 2002 and service under FRBP 7004. The attorney agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized E-mail.

Please return to : MIS Department, Att: Electronic Case Filing Registration
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Applicant 's Signature

Initial of First & Last Name

Last 4 Digits SS#

Notary

The following are additional data elements related to this docket entry; please fill them in as appropriate. If no data elements appear simply press the next button to continue with this filing.

Does this filing refer to an existing document in this case? (If yes, click on the box)

NOTE: If the event you are docketing is an answer/response, you will be prompted on a subsequent screen for its related motion. Therefore, do not click on this box to establish a relationship to the motion you are answering.

Date document filed (mandatory)

5/5/1998

Response Due Date

Enter a Response due date [optional field]

5/10/1998

Presentment Information

Enter a presentment time [optional field]

10:00 AM PM

Enter a presentment date [optional field]

5/11/1998

Location

Courtroom 723 (TLB) ▼
