

EXHIBIT 1

REVISED ADMINISTRATIVE PROCEDURES  
FOR ELECTRONICALLY FILED CASES

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

January 19, 2001

Exhibit to General Order #M-242

Revised on August 23, 2001

TABLE OF CONTENTS

I.	REGISTRATION FOR THE ELECTRONIC FILING SYSTEM . . . .	1
A.	Passwords . . . . .	1
B.	Registration . . . . .	1
II.	ELECTRONIC FILING AND SERVICE OF DOCUMENTS . . . . .	2
A.	Filing . . . . .	2
B.	Service . . . . .	4
C.	Signatures; Affidavits of Service . . . . .	6
III.	DOCUMENTS FILED UNDER SEAL . . . . .	7
A.	Motion . . . . .	7
B.	Order . . . . .	7
C.	Copies . . . . .	8
D.	Clerk's Responsibility . . . . .	8
IV.	PUBLIC ACCESS TO THE SYSTEM DOCKET . . . . .	8
A.	Internet Access . . . . .	8
B.	Access at the Court . . . . .	9
C.	Conventional Copies and Certified Copies . . . .	9
D.	Access Charges . . . . .	10

REVISED ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. 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 documents in accordance with the System.

Registration for a password is governed by paragraph I.B.

B. Registration.

1. A registration form, in the form attached, shall be submitted for each attorney. A duplicate copy of the attached form may be used.

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: Electronic Case Filing System Registration.

3. Each attorney registering for the System will receive an envelope, clearly marked "Personal and Confidential," and containing the attorney's assigned System password from the Office of the Clerk. Any attorney may

request an alternative means for receiving a password by telephoning the Office of the Clerk to arrange for retrieval of the attorney's password.

4. Attorneys may find it desirable to change their Court assigned passwords periodically. Attorneys may modify their password or other account information such as name and address by using the Account Maintenance option from the Utilities menu once they are logged into the System.

## II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

### A. Filing.

1. Except as expressly provided in paragraph III, below, all motions, pleadings, memoranda of law, or other documents required to be filed with the Court in connection with a case shall be electronically filed on the System.

2. All documents that form part of the motion or 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 must be filed separately and shown as a related document to the motion.

3. Persons filing documents that reference exhibits not prepared in electronically produced text shall scan and electronically file only 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 the exhibits pursuant to these Revised Electronic Filing Procedures 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.

4. Title of Docket Entries. The person electronically filing a document is responsible for designating a title for the document using one of the main

categories provided in the system, e.g., motion, application, etc.

5. Fees Payable to the Clerk. An application for authorization to pay filing fees by credit card may be made with the financial officer of the Office of the Clerk.

B. Service.

1. General Rule: Except as otherwise provided in the next paragraph, all documents required to be served shall be served in paper (i.e., "hard copy") form in the manner mandated by the applicable law and rules.

2. Consent to Electronic Service: Whenever service is required to be made on a person who has requested, or is deemed to have requested, electronic notice in accordance with FRBP 9036 or the annexed order, the service may be made by serving the "Notice of Electronic Filing" generated by the System by hand, facsimile or e-mail in the first instance, or by overnight mail if service by hand, facsimile or e-mail service is impracticable.

3. Notwithstanding the preceding paragraph,

conventional service of documents in hard copy shall be required in the following circumstances:

(a) Service is required to be made in accordance with FRCP 4, FRCP 45, FRBP 7004 or FRBP 9016.

(b) The FRBP, LRBP or an order of the Court requires delivery or service upon an agency of the United States, including the United States Attorney, the United States Trustee, or chambers.

(c) Notice is required under FRBP 2002(a)(1).

(d) The attorneys for the debtor, or the debtor pro se, shall upon the commencement of a case, serve the petition, schedules and statement of affairs on the United States Trustee and the trustee assigned to the case.

4. Orders. All signed orders (including, without limitation, orders to show cause) shall be filed electronically by the Court. To facilitate the review, execution and filing of a proposed order, the person presenting the proposed order shall provide the presiding judge with a 3.5 inch floppy disk containing the proposed order in word processing (not PDF) format, together with any document to be electronically

filed in connection therewith. The presiding judge shall also be provided with a hard copy of all such documents.

C. Signatures; Affidavits of Service.

1. Every petition, pleading, motion and other paper served or filed in accordance with the Revised Electronic Filing Procedures shall identify the initials and last four digits of the social security number of the attorney signing such pleading or other document. Additionally, the electronically filed document shall indicate an "electronic signature," e.g., "s/Jane Doe".

2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, stipulations and other documents which must contain original signatures, documents requiring verification under FRBP 1008, and unsworn declarations under 28 U.S.C. § 1746, shall be filed electronically and bear "electronic signatures." The hard copy of the originally executed document shall be maintained by the filer for the later of two years or the entry of a



final order terminating the case or proceeding to which the document relates.

### III. DOCUMENTS FILED UNDER SEAL

A. Motion. A motion to file documents under seal (but not the documents themselves) shall be filed electronically. If the motion itself contains confidential information, the movant shall serve and file electronically a redacted version clearly marked as such, and submit an unredacted version in camera. If requested by the Court, the movant shall deliver hard copies of the documents proposed to be filed under seal to the presiding judge for in camera review.

B. Order. The order of the Court determining the motion shall be filed electronically by the Court.

C. Copies. If the Court grants the motion, in whole or in part, the movant shall deliver the following to the Clerk of Court or Chief Deputy Clerk of the Court:

1. a hard copy of the documents to be filed under seal (the "sealed documents") and

2. a 3.5 inch floppy disk containing the sealed documents and the sealing order. The disk shall be

submitted in an envelope or disk mailer, clearly labeled with the case name and number, and if applicable, the document number assigned to the sealed document.

3. Hard copies of the sealing order shall be attached to the hard copy of the sealed documents and to the 3.5 inch disk.

D. Clerk's Responsibilities. Unless otherwise ordered by the Court, the Clerk of the Court shall file any documents ordered to be filed under seal conventionally and not electronically.

#### IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access. Any person or organization may access the System at the Court's Internet site at: [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov). As of July 1, 2001 a password obtained from the Public Access to Electronic Court Records Center ("PACER") will be required by all users of the System to retrieve docket sheets and documents. (See D. below and the Court's web site for further information.) Information posted

on the System shall not be downloaded for uses inconsistent with the privacy concerns of debtors and third parties.

B. Access at the Court. Access to the documents filed on the System and to the System docket is available, without obtaining a password, 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, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, New York, during business hours Monday through Friday. The fee for copying and certification shall be in accordance with 28 U.S.C. § 1930.

D. Access Charges. Charges required by the Judicial Conference of the United States, as set out in 28 U.S.C. § 1930, for the usage of the electronic access to the Court's records, are assessed in accordance with the fees and procedures established by the Administrative Office of the United States Courts.