

NOTICE TO THE BAR
INTRA-DISTRICT TRANSFERS TO SYRACUSE DIVISION
December 7, 2006

The Clerk's Office has begun the process of transferring pending cases to the Syracuse Divisional Office. Details of the process are listed below.

Correction to Notice dated November 30, 2006

The notice dated November 30, 2006 was incorrect in that it did not include *Franklin* county as a county that will be assigned to Chief U.S. Judge Stephen D. Gerling once the new Judge is appointed.

Transfer of Pending Cases in Tioga, Tompkins, Oswego, Onondaga, Cayuga and Cortland.

On December 4, 2006, the Clerk's Office began transferring pending cases in the counties listed above to Syracuse. Cases with hearings scheduled in December and January will be transferred after the initially scheduled hearing date has passed. A few cases with pending hearings have already been transferred.

Transfer of Cases with Pending Confirmation Hearing

Cases with hearings scheduled in December and January will be transferred after the initially scheduled hearing date has passed. A few cases with pending hearings have already been transferred.

New Motions Filed in Tompkins or Tioga County

Any new motions filed in cases where the debtor resides in Tompkins or Tioga County must now be made returnable in Syracuse, N.Y.

Order of Transfer and Change in Case Number

For statistical purposes the Administrative Office of U.S. Courts requires the assignment of a new case number when cases are transferred within a district. Cases that are transferred to the Syracuse Division will be assigned a new case number and the original case number will be closed. Transferred cases will have an order of intra-district transfer docketed to the original case and the caption of the order will show the original case number and the new case number. The order of transfer will be noticed to all parties and creditors.

Transfer of Cases with Pending Default Motions and Attorney's Responsibility to Re-Notice

If your case is transferred to the Syracuse office *before* the return date on your motion, you are required to file and serve an amended notice of default hearing. The amended notice of default hearing must be captioned with the new case number, filed on the new case and must be returnable in Syracuse, NY on the next available Syracuse motion term. *Pending default motions that remain filed under the old case will not be acted upon.*

Orders Submitted after Motion Date and After a Case has been Transferred

All orders submitted after a case has been transferred must show the new case number in the caption and must be filed on the new case. Orders submitted with the old case number will not be acted upon.

Filing Documents on a Transferred and Closed Case

When an order of transfer is entered on a case, the Clerk's Office will copy the existing docket entries and claims to the new case number and then close the old case. If pleadings, claims or any other documents are filed on a transferred and closed case, a Transferred Case Error Notice will be generated and the Clerk's Office will take no action on your filed document. **Please file all documents on the new case and be sure the document contains the new case number.**

Filing Documents on the Newly Assigned Case

You may find that once the Order of Transfer has been entered in an affected Utica case that the new case with the Syracuse number may not have been copied immediately. There is a small amount of time between the time of the entry of the Order of transfer and the time the new case has been copied. If you need to file something that has a *filing deadline* and the case has not been copied, please contact the Court's help desk at 315-266-1118.

Reference list on the Internet

A list of the original case numbers and their corresponding new case number will be posted on the Court's internet site (www.nynb.uscourts.gov)

New Notices

There are two new notices that will be generated from the Clerks Office.

- Notice Regarding Transferred Cases and Default Motions- This will be generated when an order of transfer has been entered. Any default motion that has been filed on the original case will need to be re-noticed on the new case for the correct date time and location. (See above information *re: Transfer of Cases with Pending Default Motions and Attorney's Responsibility to Re-Notice*)
- Transferred Case Error Notice - This notice will be generated if any document is filed on a transferred and/or closed case.

Examples of the Notices are also attached to this email.

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

In re _____)
[Set forth here all names including married, maiden, and trade)
names used by debtor within last 8 years.])
Debtor) New Case No.)
) Previous Case No.)
Employer's Tax Identification No(s). [if any] _____)
Last four digits of Social Security No(s): _____) Chapter

**NOTICE REGARDING TRANSFERRED CASES
AND DEFAULT MOTIONS**

You are hereby notified of your need to take additional action if you have pending default motions filed on this case.

If your case is transferred to the Syracuse office *before* the return date on your motion, you are required to file and serve an amended notice of default hearing.

The amended notice of default hearing must be captioned with the new case number, filed on the new case and must be returnable in Syracuse, NY on the next available Syracuse motion term.

All orders submitted after a case has been transferred must show the new case number in the caption and must be filed on the new case. Orders submitted with the old case number will not be acted upon.

Date:

RICHARD G. ZEH, SR.
Clerk of Court

By: _____
Deputy Clerk

