

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
: :
BANKRUPTCY PRACTICE ORDER :
AND FORMS FOR THE MIDDLE :
DISTRICT OF PENNSYLVANIA :
("B.P.O.") :
AND :
ADMINISTRATIVE PROCEDURES :
FOR FILING, SIGNING AND :
VERIFYING PLEADINGS AND :
PAPERS BY ELECTRONIC MEANS :
: **MISC. NO. 5:04-mp-50007-JJT (District-wide)**

ORDER

IT IS HEREBY ORDERED that the Bankruptcy Practice Order and Forms for the Middle District of Pennsylvania adopted by Order filed to Miscellaneous No. 03-05 (District-wide) executed on March 27, 2003, be, and hereby is, amended by including therein a fourth amendment to ¶ 5005(a)(2) (*Filing by Electronic Means*). Attached hereto are the affected paragraphs with the amended portions either highlighted or stricken.

IT IS FURTHER ORDERED that the foregoing amendment to the Bankruptcy Practice Order and Forms for the Middle District of Pennsylvania shall take effect September 1, 2004, and shall govern all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings in bankruptcy cases now pending.

Dated, this 18th day of August, 2004.



John J. Thomas, Bankruptcy Judge

This electronic order is signed and filed on the same date.

FILING AND TRANSMITTAL OF PAPERS

*¶ **5005(a)(2)** *Filing by Electronic Means.*

¶ **5005(a)(2)-1** (a) Scope. Pursuant to Federal Rules of Bankruptcy Procedure 5005(a)(2), the Court hereby assigns to the electronic filing system all Certificates of Service filed by the Bankruptcy Noticing Center (BNC), or its designee, ~~and~~ all filings by the U.S. Trustee, the presiding case trustee and their counsel, **and all filings by registered attorneys and limited users** as well as service effected by those entities.

Effective immediately, the official record of the aforesaid filings shall be the electronic data transmitted to the Clerk's office from those entities or the image scanned by the Clerk's office. Furthermore, in those cases where the Certificate of Service by the BNC references an attachment that has not been theretofore filed with the Clerk, that attachment shall be considered the official record of that document.

Documents scanned by the Clerk's office shall be received and stored in such a manner as may be convenient to the Clerk, until further Order of Court.

(b) Access, Eligibility, Registration, Passwords.

1. Access: Anyone wishing to view documents and court dockets on the System from a location other than the Clerk's Office must have an account on the Public Access to Court Electronic Records (PACER) system. A PACER account may be established at <http://pacer.psc.uscourts.gov> or by link to WebPacer from the Court's PACER website at <http://pacer.pamb.uscourts.gov>.

2. Filing: Each **attorney user** desiring to file pleadings electronically must have a PACER account and must complete and sign an CM/ECF Attorney Registration Form and a Credit Card Blanket Authorization Form (except for attorneys representing the federal government). The forms are available on the Court's website and at the Office of the Clerk. Registration requirements include the user's name, address, telephone number and Internet e-mail address. Upon approval of the Credit Card Blanket Authorization Form and either (i) successful completion of the training on the System or (ii) ~~a certification by the attorney~~ **proof that the attorney user has completed the CM/ECF training is authorized to file electronically** in another jurisdiction and the successful completion of a proficiency examination administered by the Clerk, a login and password shall be assigned. ~~An attorney~~ **A user** receiving a password shall thereafter be identified as a Filing User.

3. Passwords:

(i) Filing Users agree to protect the security of their passwords and shall immediately notify the Clerk if they learn their

password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision. If appropriate, arrangements will be made for the issuance of a new password.

(ii) A Filing User may withdraw from participation in the Electronic Filing System by providing the Clerk's office with written notice stating the reasons for withdrawing from the System.

(c) Consequences of Electronic Filing. Electronic transmission of a document to the Electronic Filing System consistent with these rules/orders, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and local practice of this Court, and entry on the docket kept by the Clerk under F.R.B.P. 5003. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the documents as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court. Filing a document electronically does not alter the filing deadline for that document. Unless otherwise authorized by the Court, filing must be completed before midnight local time where the Court is located in order to be considered filed that day.

(d) Entry of Court Orders.

1. Proposed Orders: A proposed form of order shall be submitted with every motion and other pleading requesting relief that is filed electronically. Any such pleading shall include the proposed order as an exhibit. The title line shall clearly state that it is a "proposed" order. The purpose of including a proposed order as an exhibit is to afford notice to parties in interest of the scope of relief sought by the movant. The actual order to be considered by the Court shall be submitted in the manner outlined below.

2. Actual Orders: Moving parties submitting proposed orders electronically must separately submit, in a revisable word processing format such as pdf, Microsoft Word or Corel WordPerfect, an actual order for consideration by the Court for each pleading in which relief is requested. An Actual Order must be submitted by electronically attaching it to an e-mail addressed to a separate e-mail address established in the Clerk's Office for the receipt of Actual Orders. The subject line of each e-mail transmitting an Actual Order shall contain the information listed in the Administrative Procedures. Other than removal of the word "proposed," the Actual Order which is submitted must be identical to the proposed order.

(e) Attachments and Exhibits. A Filing User should submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this Rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

(f) Sealed Documents. Documents ordered to be placed under seal must be filed conventionally (in writing) and not electronically unless specifically authorized by the Court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the Clerk.

(g) Retention Requirements. Documents that are electronically filed and require original signatures or require verification under F.R.B.P. 1008 or contain an unsworn declaration under 28 U.S.C. 1746 must be maintained in paper form by the Filing User as follows:

1. Chapter 11 cases - 3 years after closing of the case or the applicable proceeding, whichever is later.
2. Chapter 12 and Chapter 13 cases - 2 years after closing of the case or the applicable proceeding, whichever is later.
3. Chapter 7 cases - 1 year after closing of the case or the applicable proceeding, whichever is later.
4. Adversary proceedings - 1 year after the closing of the main case or the applicable proceeding, whichever is later.

Upon request of the Court or any party in interest, the original documents must be provided to such parties or the Court for review. **All documents signed by others than the Filing User shall be filed electronically with an "s/Jane Doe" or as a scanned image.**

(h) Signatures.

1. Log-In as Signature: The Filing User log-in and password required to submit documents to the Electronic Filing System serve as Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of F.R.B.P. 9011, the Federal Rules of Civil Procedure, and any other purpose for which a signature is required in connection with proceedings before the Court.

2. Signature Block: Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's state bar registration number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

3. Authorized Use of Password. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

4. Multiple Signatures: Documents requiring signatures of more than one party must be electronically filed by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose

signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the Court.

(i) Service of Documents by Electronic Means.

1. A party may effect service under Fed.R.Civ.P. 5(b)(2)(D) through the court's transmission facilities; *i.e.* the CM/ECF system.

2. Since a Filing User is required to provide an Internet e-mail address, registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under F.R.B.P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under F.R.B.P. 9022.

3. Parties not deemed to have consented to electronic service are entitled to receive a paper copy of any electronically filed pleading or other document. Service of such paper copy must be made according to the Federal Rules of Civil Procedure and the local rules.

(j) Notice of Court Order and Judgments. Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk will transmit to Filing Users in the case or applicable proceeding, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by F.R.B.P. 9022. The Clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

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

(l) Public Access.

1. A person may review at the Clerk's office filings that have not been sealed by the Court. A person may also access the Electronic Filing System at the Court's Internet site <http://pacer.pamb.uscourts.gov> by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Only a Filing User who has complied with B.P.O. ¶ 5005(a)(2)-1(b)(2) may file documents.

2. The public will have electronic access in the Clerk's office for viewing documents and docket entries in the System during regular business hours, Monday through Friday.

¶ 5005(a)(2)-2 *Virtual Documents.* The Clerk of the Bankruptcy Court is authorized to designate specific types of pre-approved docket entries that, upon execution, will constitute the official record without reference to any other documentation.