

**ECF *iler Update***

October 2013

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 **Court Operations during Government Shutdown**

The Court will continue to operate during the shutdown of the federal government. Court offices and CM/ECF will remain open for filing documents.

Because attorneys for the government have been furloughed and legal actions have been stayed in cases in which those attorneys appear, the issuance of discharges will be curtailed until the furlough has ended and a period of time equal to the length of the furlough has expired.

 **New Motion to Reopen Event**

A new combination event has been added to the CM/ECF dictionary, Bankruptcy > Applications/Motions > 9 Reopen and Enlarge Time to File Financial Management Certificate. This event **must** be used if the sole purpose of reopening a case is to file the Financial Management Course Certificate. The new event was implemented to remove any doubt about the validity of the underlying discharge since the certificate, if the time to file is not extended, is not being timely filed.

The reopening filing fee must be paid when filing this motion. Grounds to support the case reopening and enlargement of time to file the certificate must be stated in the motion.

An order reopening the case and enlarging the time in which to file the certificate must be uploaded for consideration by the assigned judge. The order should include the following:

1. The date that the certificate will be filed (which must be not more than ten days from the entry of the order); and
2. An acknowledgement that the case will be administratively closed without discharge if the certificate is not timely filed.

The judge will consider the order based upon the grounds provided. Further evidence or testimony may be required.

If the motion is approved, the financial management course certificate is filed, and no other impediment for issuance of the discharge exists, a discharge will be issued. The case will proceed to closing as required by law, rule, and court procedures.

This event should **NOT** be used to file a Certificate of Credit Counseling out of time.

### **Notices of Witnesses/Exhibit List**

If a Witness List and/or Exhibit List is filed as a part of another document, the Witness List and/or Exhibit List must be separately filed. File the underlying document. Next file the Witness List and/or Exhibit List using the event, Bankruptcy or Adversary > Notices or Other > Notice of Witnesses/Exhibit List.

### **Filing Fee Increases**

The Judicial Conference for the United States has authorized the following modifications to the Bankruptcy Fee Schedule effective 12/1/2013:

- For docketing a case on appeal or review, or docketing any other proceeding, **\$500**;

- For filing the following motions: **To sell property of the estate free and clear of liens under 11 U.S.C. § 363(f)**, \$176;
- For retrieval of **one box** of a records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, **\$64. For retrievals involving multiple boxes; \$39 for each additional box.**
- For a check paid into the court which is returned for lack of funds **any payment returned or denied for insufficient funds**, \$53.

### Filing Financial Management Course Certificates

Effective December 1, 2013, approved financial management course providers will be permitted to file certificates of completion of a course in personal financial management on behalf of debtors.

Attorneys may also file financial management course certificates using the event, Bankruptcy > Other > Financial Management Course.

### ePOC

The Electronic Proof of Claims (ePOC) is a program designed to streamline claims processing for all chapters by allowing creditors to file or amend a claim electronically. The ePOC program will automatically prepare the official Bankruptcy Proof of Claim (B10) form based on the information entered into the program. The program is now available in the Western District Bankruptcy Court.

A login and password are not required to use this service. ePOC may be accessed at <https://ecf.okwb.uscourts.gov/cgi-bin/autoFilingClaims.pl> or from the ePOC link on the Court's website, [www.okwb.uscourts.gov](http://www.okwb.uscourts.gov).

The name and complete address of the creditor must appear on the claim form. If an attorney is filing the claim on behalf of a creditor, the attorney should also enter his/her name and address. The name and title, if any, of the person authorized to file the claim is required to appear on the claim form.

The penalty for filing a fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 11 U.S.C. §§ 152 and 3571.