

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

GENERAL ORDER

GUIDELINES FOR ELECTRONIC CASE FILING

Federal Rule of Civil Procedure 83 and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9006(f), 9011, 9022, 9029, and 9036 authorize this Court to establish practices and procedures for the filing, signing, maintaining, and verification of pleadings and documents by electronic means.

THE COURT THEREFORE ORDERS:

The Clerk of the Court for the United States Bankruptcy Court for the Western District of Oklahoma (Court) is hereby authorized to establish and promulgate Electronic Case Filing Guidelines (ECF Guidelines), including procedures for the registration of attorneys and for the distribution of passwords to permit electronic filing and notice of pleadings and other documents. ECF Guidelines shall be made available to the public in paper form at the Clerk's office and by posting the Guidelines on the Court's web site, www.okwb.uscourts.gov.

1. SCOPE OF ELECTRONIC FILING

- A. All cases and adversary proceedings filed or pending in the Court shall be, and by this order are, assigned to the Electronic Case Filing System (ECF System).
- B. The official file in the Court shall be the electronic file. Pleadings and documents not filed electronically will be scanned into the ECF system and will be accessible only electronically.
- C. The term, CM/ECF, refers to the Court's Case Management/Electronic Case Filing System that permits pleadings and documents to be filed with the Court Clerk in electronic format.

2. REGISTERED PARTICIPANTS

- A. A Registered Participant is an attorney certified to file electronically on the CM/ECF system in the Bankruptcy Court for the Western District of Oklahoma.
- B. Unless exempted, a Registered Participant is encouraged to file documents with the Court electronically. The use of ECF will become mandatory on July 1, 2006 at which time all filings must be made electronically, unless otherwise permitted by order of the Court or by these Guidelines.
- C. Trustees and attorneys who file paper pleadings and/or documents with the Court after July 1, 2006, may be issued an order to appear in court and to show cause why the pleadings and/or documents cannot be filed electronically.

3. LIMITED PARTICIPANTS

- A. A Limited Participant is an electronic filer who is authorized by the Court Clerk to file electronically only proofs of claim, transfers of claim, withdrawals of claim, requests for service of notice, reaffirmation agreements, withdrawals of documents, ballots, and any other purpose authorized by the Court Clerk.
- B. Limited Participants must comply with the requirements established by the Court Clerk for registration as a Limited Participant and must maintain the security of their login and password. Electronic filing privileges of a Limited Registrant may be withdrawn if the Limited Registrant misuses the system.

4. ELECTRONIC FILING OF DOCUMENTS

- A. The electronic transmission of a document to the Court in a manner consistent with the ECF Guidelines, or the docketing of an event on the system consistent with these rules, coupled with the Court's return transmission of a "Notification of Electronic Filing" shall constitute the filing of a pleading or document for all purposes of the Federal Rules of Bankruptcy Procedure and

the Court's local rules, and constitutes entry of the pleading, document, or event onto the Court's docket for purposes of Rule 5003 of the Federal Rules of Bankruptcy Procedure.

- B. The official record of a pleading or document filed electronically, or a paper pleading or document filed, scanned, imaged, and filed electronically, is the electronic recording of the pleading or document as stored by the Court Clerk. The filer is bound by the document as filed or the event as docketed.
- C. The electronic document stamp, reflecting the date and time of filing, that appears on the Notice of Electronic Filing or other electronic document shall be the file stamp by the Court Clerk for all purposes. Documents are considered filed only when the submit button is activated and not at the time that docketing is initiated.
- D. Electronically filed documents must comply with all Local Bankruptcy Rules of the Court.
- E. Pleadings filed electronically must comply with all filing and service deadlines in accordance with the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, local rules, and other applicable law. Attorneys relying on the Notice of Electronic Filing to effect service must allow an extra day if filing after 4:00 PM. The deadline for filing, unless otherwise specifically set, is midnight of the due date, Central Time.
- F. A certificate of service must be included with all documents filed electronically indicating that service was effected through Electronic Notice for Registered Participants and indicating how service was effected on other parties.
- G. A Public Access to Court Electronic Records (PACER) account is not required to file pleadings and documents with the Court Clerk. Registered Participants who have appeared in a case or who have registered as an interested party will receive one free viewing of any document filed in that case. A PACER account is required to view all other documents.

- H. All electronic documents, except the text upload of the creditor matrix, must be submitted in Portable Document Format (PDF).
- I. Pro se filers may present paper pleadings or documents for filing. The Court Clerk will scan the paper documents and file the documents in PDF format in ECF. The paper documents may be returned to the filer upon request or discarded.
- J. Paper copies of pleading or documents filed electronically shall be provided to Chambers upon request. A paper copy of any oversized pleading, brief, or document must be provided by the filer to Chambers within one business day of the electronic filing.

5. LOGINS AND PASSWORDS

- A. An attorney in good standing with this Court or an attorney appearing *pro hac vice* by order of the Court is eligible to become a Registered Participant with ECF. Registered participants will receive an ECF System login and password. To become a Registered Participant, an attorney must:
 - i. Complete the ECF registration documents and agree to all requirements for participation in the program; and,
 - ii. Maintain an email address; and,
 - iii. Utilize a credit card for the payment of filing fees assessed with electronic filings and pay filing fees promptly; and,
 - iv. Receive training by the Court, unless the Clerk is satisfied that the person has previously received adequate training in another district; and,
 - v. Receive a log-in and password from the Clerk's Office.

Training in District Court ECF shall not be sufficient to meet this Court's training requirement. Pro se parties and bankruptcy petition preparers will not be Registered Participants, unless permitted by the Court.

- B. Only the Registered Participant, another attorney in the Registered Participant's office, an employee of the Registered Participant, or the attorney's law office staff may use the Registered Participant's ECF login and password. The Registered Participant shall be responsible for any filings made using the Registered Participant's login and password.
- C. The Court may revoke, cancel, deactivate, or suspend, the login and password of a Registered or Limited Participant, and therefore the ability of the Registered Participant or Limited Registrant to electronically file pleadings and documents, and/or impose sanctions against a Registered Participant or Limited Participant under any of the following conditions:
- i. Misuse of the ECF System login and/or password;
 - ii. Failure to comply with the provisions of the agreement in the Attorney's Registration Form;
 - iii. Failure to adequately secure and protect the Registered Participant's login and password;
 - iv. Failure to comply with the provisions of the Administrative Guidelines for Electronic Filing;
 - v. Failure to maintain an email address capable of receiving emails from the Court;
 - vi. Return of three (3) or more emails from the Court to the Participant within a thirty (30) day period;
 - vii. Failure to pay filing fees for pleadings and documents filed electronically.
- D. If a Registered Participant believes that his or her user name and/or password have been compromised, the Registered Participant should change the password and notify the Court Clerk immediately.
- E. A Registered Participant who electronically files a document with the Court shall be deemed to have certified under penalty of perjury that he or she has personally reviewed the document, is in good standing with the Bar and all courts in which the attorney practices, and is authorized to appear in this Court.

- F. By registering to participate in CM/ECF, a Registered Participant consents, except as otherwise required by law or other court rule, to the electronic service of notice of documents pursuant to the electronic case filing system.
- G. A Registered Participant may withdraw from participation in the ECF System, for cause, only upon order of the Court. A motion to withdraw from the use of ECF by a Registered Participant must be presented to the Chief Judge. If the motion is granted, the Clerk will immediately cancel the Registered Participant's password and delete the Registered Participant from all applicable electronic notice lists. The filing of paper pleadings and documents will be permitted only upon specific court order.

6. SIGNATURES AND VERIFIED PLEADINGS

- A. The user log-in and password required to file documents electronically serve as the Registered Participant's signature on all electronic documents filed with the court.
- B. The electronic filing of a document electronically signed by the Registered Participant shall be deemed signed by the Registered Participant for purposes of Rule 9011 of the Federal Rules of Bankruptcy Procedure, any other provision of the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and/or any other applicable rule, statute, or purpose for which a signature is required in connection with proceedings before the Court.
- C. Each document shall bear the typed name of the person purporting to have signed the document as prescribed in the Style Guide. The document must also bear the name, address, telephone number, email address, and Bar Association number of the attorney filing the document. The name of the Registered Participant under whose log-in and password the document is submitted must be preceded by and "s/" (or in substantially the same format) and typed in the space where the signature would otherwise appear.

- D. The Registered Participant must designate a title for the pleading or document by selecting the appropriate event title from the events provided in CM/ECF. With the exception of pleadings specifically listed in 11 A. (supra), each request for court action must be separately plead and docketed.
- E. The electronic filing of a document electronically signed by someone other than the Registered Participant, including but not limited to the petition, statement of financial affairs, and schedules of assets and liabilities, shall be deemed a certification by the Registered Participant that he or she has the document in question, bearing the person's original signature, in his or her physical possession. The Registered Participant must produce the original signed document on request of the Court or a trustee.
- F. Documents requiring the signatures of more than one party must be electronically filed by:
 - i. Submitting a scanned document bearing all necessary signatures; or,
 - ii. Representing the consent of other parties in the document; or,
 - iii. 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 (3) business days after filing; or,
 - iv. In any other manner provided in ECF Guidelines, the Federal Rules of Bankruptcy Procedure, or local court rules.
- G. The Court may prescribe additional procedures for designating that a document filed electronically with the Court has been signed.

7. EXHIBITS AND ATTACHMENTS

- A. Subject to compliance with the Local Rules of this Court, an exhibit or attachment longer than twenty-five (25) pages may be

filed if created from a word processing, or text, file and converted to a PDF. Due to document size, exhibits or attachments created by scanning or imaging must be filed in two (2) MB chunks (about twenty-five [25] page attachments).

- B. Color or oversized documents may exceed the document size limitation and may not be filed electronically.
- C. Care should be taken to ensure that documents and exhibits are correctly scanned and attached to docketing events in CM/ECF.
- D. A Registered Participant must submit as exhibits or attachments only excerpts of referenced materials that are directly germane to the matter under consideration by the Court. Excerpted materials should be clearly and prominently identified. A Registered Participant who files excerpted material as an exhibit or attachment under this rule does so without prejudice to his or her right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe to be directly germane.
- E. A PDF of the cover sheet for an adversary case is a document required to be filed under CM/ECF. The cover sheet should be included as the last page of the complaint and not as a separate document.
- F. A Chapter 13 Plan will be mailed to all creditors by the Court Clerk if the Plan is filed with the Chapter 13 petition. If the Plan is not filed with the Chapter 13 petition, the Registered Participant shall mail the Plan to the creditors.

8. DOCUMENTS FILED UNDER SEAL

A Registered Participant's motion to file a document under seal must be filed electronically unless prohibited by law. Documents ordered to be placed under seal must be delivered to the Clerk conventionally in paper form, and not electronically, unless specifically authorized by the Court. A paper copy of the order authorizing the filing under

seal must be delivered to the Clerk with the documents that the Registered Participant wishes to be filed under seal.

9. PERSONALLY IDENTIFIABLE INFORMATION

The filer shall be responsible to redact all personally identifiable information appearing in income tax returns or other documents if the income tax return or document is filed with the Court Clerk as ordered by the Court or as prescribed by law.

10. RETENTION REQUIREMENTS

Electronically filed pleadings and documents requiring original signatures, other than the signature of the Registered Participant, must be maintained in paper form by the Registered Participant until one (1) year after all time periods for appeals from any ruling or decision in the bankruptcy case and adversary proceeding(s) have expired. On request of the Court or a Trustee assigned to the case, the Registered Participant must provide original documents for review.

11. MOTIONS

A. With the exception of the following motions, all motions filed shall include only one request for relief:

- i. Motions for Relief from Stay and Abandonment;
- ii. Motions for Relief from Stay, Abandonment, and Adequate Protection;
- iii. Motions from Relief for Stay and Adequate Protection;
- iv. Motions to Dismiss or Convert;
- v. Motions for Relief from Stay or to Abandon or to Dismiss; and
- vi. Motions to Modify Chapter 13 Plan and Request for Attorney Fees.

B. Motions not listed in section A that include multiple requests for relief must be filed and docketed separately.

- C. Motions and/or applications shall be filed and docketed separately from notices of hearing.

12. ORDERS

- A. The Court's electronic filing of orders, decrees, memoranda, opinions, and judgments shall constitute entry on the Court's docket for purposes of Rules 5003 and 9021 of the Federal Rules of Bankruptcy Procedure.
- B. Registered Participants submitting documents for Court approval must submit the documents in the format required by the judge.
- C. Judges will determine how proposed orders are submitted. The procedure shall be posted on the Court's web site. Judges may sign orders manually, may sign by electronic means permitted by Rule 5005(a)(2) of the Federal Rules of Bankruptcy Procedure, or judges may use docket text orders.
- D. An order filed electronically without judicial signature or with a facsimile of a judge's signature has the same force and effect as if the judge had affixed his or her signature to a paper copy of the order and entered the order manually on the docket.
- E. The Court may issue certain orders as text only. Text orders will not include a separate document signed by a judge. A text order has the same force and effect as if a judge had affixed his or her signature to a paper copy of the order and entered the order manually on the docket. The moving party shall be required to print the text order, mail it to any party who did not receive electronic notice of the order, and to docket a certificate of service reflecting mailing of the order.

13. NOTICE OF ELECTRONIC FILING AND SERVICE

- A. When a document is filed electronically, a Notification of Electronic Filing (NEF) is automatically generated by the ECF System. The Notification is sent electronically to the attorney

filing the document and to Registered Participants attorneys appearing in the case in which the document is filed.

- B. Transmission of the Notification of Electronic Filing by the Clerk to a Registered Participant shall constitute effective service of all papers and notices governed by Rule 7005 of the Federal Rules of Bankruptcy Procedure (incorporating Rule 5 of the Federal Rules of Civil Procedure), Rule 9022 of the Federal Rules of Bankruptcy Procedure, and all paper and notices governed by Rule 9014(b) of the Federal Rules of Bankruptcy Procedure, except as otherwise provided by law. Attorneys may wish to save the Notice of Electronic Filing for proof of service.
- C. Service of initiating pleadings on a party to a proceeding, such as the summons and complaint in an adversary proceeding or an involuntary bankruptcy proceeding must be made as provided by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, statute, Local Rule, or other applicable law. The Return of Service of Summons or, as applicable, the Certificate of Service, may be made electronically.
- D. To enable proper service via the transmission of the Notice of Electronic Filing in pending cases, Registered Participants shall not withdraw their email address from any case and shall not deactivate their email accounts while involved in any adversary proceeding or other contested matter without giving prior notification of a new email address to the Court Clerk's Office.
- E. Parties who are not Registered Participants in CM/ECF shall receive a paper notice in accordance with applicable law.
- F. A Certificate of Service, specifying on whom the pleading or document was filed, the date of service, and the means of service, is required for all pleadings.
- G. Pleadings and documents may be rejected for filing by the Court Clerk or by the Bankruptcy Noticing Center (BNC) if the pleading or document does not conform to the requirements of these Guidelines for Electronic Filing or with the Style Guide.

H. Pleadings and/or documents that are returned to the Court as undeliverable, either by electronic or mail delivery, may be forwarded by the Court to the filer for additional service. If returned to the filer for additional service, the filer must redirect service of the pleading or document to the intended party or must file with the Court an affidavit stating the reasons for the failure of service.

14. MATRICES

- A. Attorneys must file the matrix in PDF format with the petition. The matrix must also be uploaded to CM/ECF as a text document. Instructions for preparing the matrix as a text document are available on the Court's website. Failure to properly format a matrix may result in rejection of the matrix information.
- B. Attorneys and/or litigants shall ensure that addresses for creditors are correct. A creditor included on the matrix without an address will be stricken from the matrix by the Court Clerk and will not be provided notice until an amended matrix with the complete address is filed by the debtor and necessary filing fees are paid. The debtor, or the debtor's attorney, shall provide notice or service to any party for whom no address is included on the matrix.
- C. Attorneys and/or litigants who submit an incorrect address for a creditor shall be notified that the notice has been returned either by return mail or electronic notice. If a notice of incorrect address is received by the attorney and/or litigant, the attorney and/or litigant shall supply an amended notice within ten (10) days of receipt or shall file a notice with the Court that the address cannot be ascertained.

15. PROOFS OF CLAIMS

Proofs of Claim and supporting exhibits shall be filed electronically by Registered or Limited Participants. Exhibits in compliance with

the Guidelines for Electronic Filing and with the Style Guide may be filed in support of a Proof of Claim.

16. SOCIAL SECURITY NUMBERS

- A. With the exception of Form B-21, all filings shall reflect only the last four digits of any social security number or tax payer identification number.
- B. The B-21 shall be filed as a separate docketing event. It will not be available for viewing by the public.

17. QUALITY ASSURANCE

- A. Trustees, attorneys, and/or pro se litigants are required to ensure that pleadings or documents are quality assured before filing. The same standard of care as is observed in the filing of paper documents must be observed by trustees, attorneys, and/or pro se litigants in the electronic filing of pleadings or documents. Ensuring that matters are set for hearing on dockets of the judges shall be the responsibility of the party whose objection, response, or other action caused a hearing to be necessary or required.
- B. After a pleading or document has been submitted and filed electronically with the Court, the docket may be corrected only by the Court Clerk. If an error is made, correction can be made if the Court Clerk is notified immediately. Corrective entries may be made by the Court Clerk. The pleading or document should not be refiled without contacting the Court Clerk's office.
- C. If an error in docketing is discovered by the Court Clerk, notification of the correction will be provided to the filer.
- D. Filing fees paid in error may or may not be refunded by the Court. A Registered Participant must request refund of a filing fee paid in error by submitting a written request to the Court Clerk.

18. TECHNICAL FAILURE

- A. Any difficulty in accessing the ECF system and any other technical failure of the Court's ECF system should be reported to the ECF Help Desk immediately.
- B. A Registered Participant whose filing is made untimely as the result of a technical failure may seek appropriate relief from the assigned judge. If no case is pending, relief may be sought from the Chief Judge. The Court shall determine whether a technical failure has occurred on a case by case basis. Filing deadlines shall not otherwise be altered based upon a technical failure.
- C. If a filing cannot be timely filed as a result of a technical failure, the PDF pleading or document may be filed at the Office of the Court Clerk or, with prior permission, may be emailed to the Court Clerk by contacting the ECF Help Desk.

19. FEES

- A. If a filing requires that a fee be paid, the CM/ECF system will prompt the filing Registered Participant to enter a credit card number, expiration date, and the payment amount at the conclusion of the CM/ECF session. The credit card receipt will reflect the case number for which the fee was paid. Debit cards are not an acceptable form of payment.
- B. The login of an attorney who fails to pay filing fees by midnight on the day on which the fees are incurred shall be deactivated. An attorney may reactivate the login by paying all filing fees and notifying the Court Clerk. Additionally, cases in which filing fees have not been paid may be dismissed by the Court.

20. WAIVER

An attorney may file an Application for Waiver of Electronic Filing seeking an exemption from electronic filing requirements. An application must be presented to the Chief Judge and must allege

financial inability to access the equipment necessary to comply with these Guidelines. The application will be granted only for cause.

21. EFFECTIVE DATE

This order shall become effective on March 22, 2006.

Dated this _____ day of March, 2006.

IT IS SO ORDERED.

T. M. Weaver
Chief Bankruptcy Judge