UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

FILED
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EASTERN DISTRICT OF CALIFORNIA

In re FILING, SIGNING, AND VERIFYING DOCUMENTS BY ELECTRONIC MEANS	GENERAL ORDER 03-04

WHEREAS Rules 5(e) and 83 of the Federal Rules of Civil Procedure and Rules 5005(a)(2), 7005(e), 9029 and 9036 of the Federal Rules of Bankruptcy Procedure (F. R. Bankr. P.) authorize courts to establish practices and procedures for the filing, signing, and verification of documents by electronic means; and

WHEREAS the court has developed an electronic filing system for the filing, signing, and verification of documents by electronic means;

IT IS ORDERED that:

1. Electronic Filing Authorized

Effective November 3, 2003, all eligible documents in cases and proceedings where the official record of the Court is the electronic record maintained by the Clerk of Court, may be filed, signed, and verified by electronic means using the court's electronic filing system. A current list of ineligible documents, if any, shall be posted in the electronic filing system "Help" section.

2. Official Record

Except as otherwise ordered, the electronic record maintained by the Clerk is the official record of the Court for all eligible documents filed in chapter 7 cases and related proceedings on or after January 2, 2003, and for all eligible documents filed in chapter 13 cases and related proceedings on or after July 1, 2003.

3. User Eligibility, Registration, and Passwords

a. Attorneys admitted to the bar of this court (including those admitted *pro hac vice*) and currently in good standing, attorneys exempt from admission to the bar of this court

(including attorneys authorized to represent the United States and attorneys representing child support creditors as authorized by P.L. 103-394, section 304(g)), U. S. Trustees and their assistants, standing trustees, panel trustees, and others as the Clerk deems appropriate, shall be eligible to receive a log-in username and password to access the electronic filing system.

b. To obtain a log-in username and password, each user must complete the registration form and user agreement prescribed by the Clerk. The form shall require the user's Internet e-mail address.

c. A log-in username and password combination to access the electronic filing system will be assigned to each registered user. The Court reserves the right to change the assigned electronic filing system log-in username periodically.

d. All registered users shall maintain a current and active e-mail address and shall promptly advise the Clerk of Court of any changes to the information provided during registration.

4. Unauthorized Use of Password Prohibited

a. No person may use a log-in username and password without the permission of the registered user to whom they were issued. Registered users agree to protect the security and confidentiality of their usernames and passwords and to prevent their disclosure to any person other than the registered user's authorized agent.

b. No person shall knowingly use or cause another person to use a registered user's password unless such person is an authorized member or employee of the registered user's law firm or organization, or other authorized individual empowered to act on behalf of the registered user.

c. If a registered user believes the security of his or her password has been compromised, the registered user shall notify the Clerk's Office Automation Help Desk immediately to cancel that password.

5. Filing of Paper Documents

a. All registered users of the electronic filing system are expected to file all

eligible documents electronically in cases and proceedings authorized for electronic filing.

b. Once registered, a user may withdraw from participation in the electronic filing system by providing the Clerk's Office with written notice of the withdrawal. Furthermore, the court can suspend a registered user from the electronic filing system for cause, and this suspension shall be effective upon entry of the Court's order. Upon entry of the order, the Clerk's Office will withdraw the registered user from the electronic filing system, eliminate the registered user's password, and delete the registered user's name from any applicable electronic service list.

6. Exhibits

a. Registered users shall submit in electronic form all documents referenced as exhibits unless the Court orders conventional filing.

b. A registered user may submit as an exhibit only those excerpts of the referenced document that are directly germane to the matter under consideration by the Court. Excerpted material shall be clearly and prominently identified as such. Responding parties may timely file additional excerpts they believe are directly germane or the complete document. Users filing excerpts of documents as exhibits under this General Order do so without prejudice to their right to timely file additional excerpts or the complete document, and shall promptly file the full text of the document(s) electronically and provide paper copies to responding parties if requested to do so by the Court or a responding party.

7. Amendments to Petitions, Statements, Schedules, and Lists

The amended or new information on electronically filed amendments to the bankruptcy petition, statements, schedules, and lists shall be identified by underlining or, in the case of statements of financial affairs or schedules, by typing an "A" to the right of the amended information. No other method of differentiating or otherwise drawing attention to the amended information is permitted.

8. Time of Electronic Filing

a. Documents will be deemed filed as of the date and time stated on the confirmation of submission sent by the court unless the date falls on a weekend or federal

holiday. In this instance, the document will be deemed filed at the beginning of business the first business day following the weekend or holiday.

b. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local (Sacramento, California) time on a business day in order to be considered filed that day.

9. Effect of Electronic Filing

a. A document filed using the court's electronic filing system constitutes a written document or a written paper for the purpose of applying the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure made applicable by the Federal Rules of Bankruptcy Procedure, section 107 of the Bankruptcy Code, and the Local Bankruptcy Rules of this Court.

b. Electronic submission of a document to the electronic filing system consistent with this General Order, together with confirmation of submission from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of this Court.

c. Entry of the filing on the electronic case management system by Clerk's Office staff shall constitute entry of that filing on the docket maintained by the Clerk's Office pursuant to Fed. R. Bankr. P. 5003.

d. 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 document as filed.

10. Signatures

a. Electronically filed documents must include a signature block that sets forth the electronic filer's name, complete mailing address, telephone number, e-mail address, and state bar identification number, if any.

b. Signature of the Electronic Filer: The log-in username and password required to access the electronic filing system shall serve as the electronic filer's signature on all electronic documents filed with the court. They shall also serve as a signature, with the same

force and effect as a written signature, for purposes of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of this Court, including Fed. R. Bankr. P. 9011 and L.B.R. 9004-1(c), and for any other purpose for which a signature is required in connection with proceedings before the Court. Unless the electronically filed document has been scanned and shows the user's original signature, the signature of the electronic filer under whose username and password the document was submitted shall be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

c. Signatures of Other Persons: Signatures of persons other than the electronic filer may be indicated by either:

i. Submitting a scanned copy of the originally signed document;

ii. Attaching a scanned copy of the signature page(s) to the electronic document; or

iii. Through the use of "/s/ Name" in the signature block where the signatures would otherwise appear. Electronically filed documents on which "/s/ Name" is used to indicate the signatures of persons other than the electronic filer shall be subject to the retention requirements set forth below.

d. The use of "/s/ Name"on documents constitutes the electronic filer's representation that an originally signed copy of the document exists and is in the filer's possession at the time of filing.

11. Retention Requirements

When "/s/ Name" is used in an electronically filed document to indicate the required signatures of persons other than that of the electronic filer, the electronic filer shall retain the originally signed document in paper form for no less than three (3) years following the closing of the case. On request of the Court, the electronic filer shall produce the originally signed document(s) for review. The failure to do so may result in the imposition of sanctions on the Court's own motion, or upon the motion of the case trustee, U.S. Trustee, U.S. Attorney, or other party.

12. Service

The filer of an electronic document is responsible for serving that document on all entities entitled to receive it. Proof of service, in the form of a certificate of service, shall be filed for all electronically filed documents.

13. Sealed Documents

Requests to file documents under seal and documents ordered sealed shall be filed conventionally, and not electronically, unless specifically authorized by the Court. A paper copy of the order sealing documents shall be attached to the documents under seal and delivered to the Clerk's Office. The Clerk will maintain sealed documents in paper format.

14. Technical Failure

a. Technical failure shall not alter the filing party's responsibility to comply with all applicable filing deadlines.

b. An electronic filer whose filing is made untimely as the result of a documented, technical failure of the court's computer system may seek appropriate relief from the Court.

15. Electronic Document Requirements

a. All electronic filings must be submitted as portable document format (PDF) documents. PDF document images shall be scanned at 300 dots per inch (dpi) resolution using black and white or text scanning mode only. Grayscale or color PDF document images shall not be filed electronically.

b. All electronically filed documents shall be prepared in strict compliance with L.B.R. 9004(1) and the current *Revised Guidelines for the Preparation of Documents* (EDC 2-901) <u>except</u> the total number of pages shall <u>not</u> be noted in the upper left-hand corner on the first page of electronically filed documents as required by Guideline 3(l).

c. The number of pages in a document shall not exceed 999 without prior authorization from the Clerk's Office Electronic Filing System Administrator.

16. Public Access

a. Electronic case files may be accessed by the general public from any Clerk's Office lobby terminal and are available on the Internet from the court's Internet web site

(www.caeb.uscourts.gov) through the Public Access to Court Electronic Records (e-CalWebPACER) information system. Any e-CalWebPACER subscriber may read, download, store, and print the full content of electronic documents.[1]

b. Information available on e-CalWebPACER shall not be downloaded for uses inconsistent with the privacy concerns of any person.

Dated: October 24, 2003

Michael S. McManus
Chief Bankruptcy Judge

Whitney Rimel
Bankruptcy Judge

Christopher M. Klein
Bankruptcy Judge

Thomas C. Holman
Bankruptcy Judge

Jane Dickson McKeag
Bankruptcy Judge

W. Richard Lee
Bankruptcy Judge

[1] A login and password are required to access the e-CalWebPACER system. E-CalWebPACER subscribers are charged a fee for access to case information.