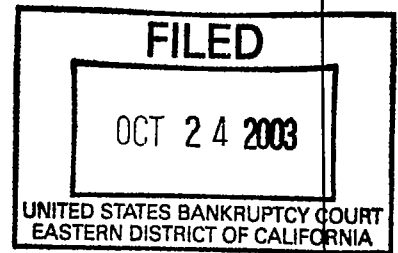


1 UNITED STATES BANKRUPTCY COURT  
2 EASTERN DISTRICT OF CALIFORNIA



3  
4 In re )  
5 FILING, SIGNING, AND VERIFYING ) GENERAL ORDER 03-04  
6 DOCUMENTS BY ELECTRONIC )  
7 MEANS )

8 **WHEREAS** Rules 5(e) and 83 of the Federal Rules of Civil Procedure and Rules  
9 5005(a)(2), 7005(e), 9029 and 9036 of the Federal Rules of Bankruptcy Procedure (F. R.  
10 Bankr. P.) authorize courts to establish practices and procedures for the filing, signing, and  
11 verification of documents by electronic means; and

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

14 **IT IS ORDERED** that:

15 **1. Electronic Filing Authorized**

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

21 **2. Official Record**

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

26 **3. User Eligibility, Registration, and Passwords**

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

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

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

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

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

#### 15 **4. Unauthorized Use of Password Prohibited**

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

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

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

#### 27 **5. Filing of Paper Documents**

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

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

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

9 **6. Exhibits**

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

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

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

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

26 **8. Time of Electronic Filing**

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

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

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

6 **9. Effect of Electronic Filing**

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

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

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

19 d. When a document has been filed electronically, the official record is the  
20 electronic recording of the document as stored by the court, and the filing party is bound by  
21 the document as filed.

22 **10. Signatures**

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

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

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

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

- 10 i. Submitting a scanned copy of the originally signed document;
- 11 ii. Attaching a scanned copy of the signature page(s) to the electronic  
12 document; or
- 13 iii. Through the use of "/s/ Name" in the signature block where the  
14 signatures would otherwise appear. Electronically filed documents on  
15 which "/s/ Name" is used to indicate the signatures of persons other  
16 than the electronic filer shall be subject to the retention requirements  
17 set forth below.

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

## 21 **11. Retention Requirements**

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

1 **12. Service**

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

5 **13. Sealed Documents**

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

10 **14. Technical Failure**

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

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

15 **15. Electronic Document Requirements**

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

20 b. All electronically filed documents shall be prepared in strict compliance with  
21 L.B.R. 9004(1) and the current *Revised Guidelines for the Preparation of Documents* (EDC  
22 2-901) except the total number of pages shall not be noted in the upper left-hand corner on  
23 the first page of electronically filed documents as required by Guideline 3(l).

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

26 **16. Public Access**

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

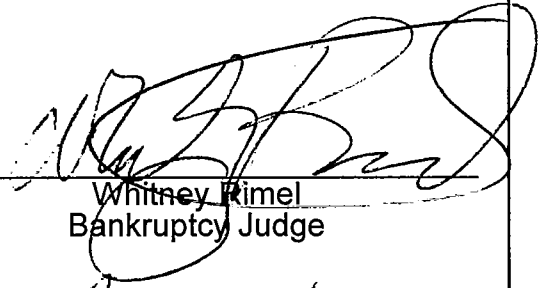
1 ([www.caeb.uscourts.gov](http://www.caeb.uscourts.gov)) through the Public Access to Court Electronic Records (e-  
2 CalWebPACER) information system. Any e-CalWebPACER subscriber may read,  
3 download, store, and print the full content of electronic documents.<sup>1</sup>

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

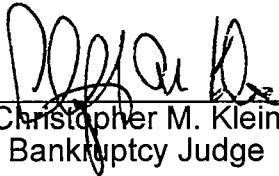
6 Dated: October 24, 2003

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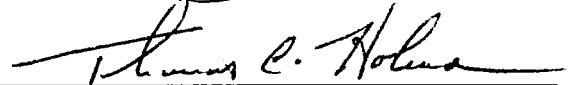
11 Michael S. McManus  
12 Chief Bankruptcy Judge

13 

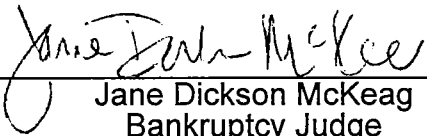
14 Whitney Rimel  
15 Bankruptcy Judge

16 

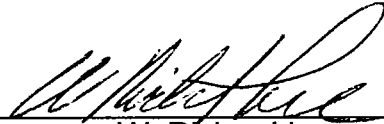
17 Christopher M. Klein  
18 Bankruptcy Judge

19 

20 Thomas C. Holman  
21 Bankruptcy Judge

22 

23 Jane Dickson McKeag  
24 Bankruptcy Judge

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26 W. Richard Lee  
27 Bankruptcy Judge

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<sup>1</sup> A login and password are required to access the e-CalWebPACER system. E-CalWebPACER subscribers are charged a fee for access to case information.