
CHAPTER 7

• TRUSTEE EVENTS •



The CM EVENTS and INSTRUCTIONS

Revised March 21, 2011

CHAPTER 7 TRUSTEE EVENTS

The Chapter 7 trustee events for the §341 meeting disposition require the inclusion of data elements specific to each chapter 7 no asset or asset case and have variable text depending upon the situation the trustee determines for that case. The docket entry produced by CM/ECF is a virtual (text only) entry. There is not a PDF document associated with this event.

The docket events that you select will vary based on:

- ◆ If the case will be an asset or no asset case;
- ◆ If the §341 meeting was concluded as to the debtor and/or the joint debtor, if applicable;
- ◆ If the §341 meeting was continued as to the debtor and/or the joint debtor, if applicable;
- ◆ If the debtor(s) failed to appear at the §341 meeting and you are going to file a Motion to Dismiss.
- ◆ **To docket a Non Opposition to a pending Motion, see Page Number 9.**

Accessing the CM system:

1. At the Bankruptcy Court home page click on the PACER button.
2. Click on the hyperlink [Eastern District of California Official Case Records - PACER System](#) to login.
3. Use the login and password given to you by the court for docketing purposes (Each trustee will be assigned only one login, to be shared with staff, if any.) Leave the field for client code blank, but check box regarding understanding/complying with the redaction rules.

The following pages contain information on the events available for docketing and a description of when to use them.

❖ **Use these events when you have determined that the case is a no asset case:**

1. **Report of No Distribution, 341 Mtg Concluded:**

Select this event if the §341 meeting **was concluded** as to **all debtors**, you neither received nor paid any funds and you have determined that the case is a no asset case.

If one debtor has already been dismissed and you are advising the court that it is a no asset case as to the other debtor, use this event.

The docketing of this event will automatically trigger the generation of a Notice of Filing Report of No Distribution, Combined with Order Fixing Deadlines to Object Thereto.

2. **Report of No Distribution, 341 Mtg Concluded - Minimal Funds Collected:**

Select this event if the 341 meeting **was concluded** as to **all debtors**, any funds you received have been returned, and you have determined that the case is a no asset case.

If one debtor has already been dismissed and you are advising the court that it is a minimal funds case as to the other debtor, use this event.

The docketing of this event will automatically trigger the generation of a Notice of Filing Report of No Distribution, Combined with Order Fixing Deadlines to Object Thereto.

3. **Report of No Distribution, 341 Mtg Concluded - Dismissed, Converted or Reassigned, No Funds:**

Select this event if the case has either been dismissed, converted or reassigned and you did not receive or pay out any funds.

4. **Report of No Distribution, 341 Mtg Concluded - Dismissed, Converted or Reassigned, Minimal Funds Collected:**

Select this event if the case has either been dismissed, converted or reassigned and any funds you received have been returned.

- ❖ **Use these two new no distribution events when the “no funds” and “with funds” events do not apply. They have been made available through single case docketing to handle unusual situations that are not covered by the existing virtual text entries list above. This event requires a document to be attached:**

1. **Report of No Distribution - Add Hoc Minimal Funds:**

Select this event if the 341 meeting **was concluded** as to **all debtors**, any funds you received have been returned and you have determined that the case is a no asset case.

If one debtor has already been dismissed and you are advising the court that it is a no asset case as to the other debtor, use this event.

The docketing of this event will automatically trigger the generation of a Notice of Filing Report of No Distribution, Combined with Order Fixing Deadlines to Object Thereto.

2. **Report of No Distribution - Ad Hoc No Funds:**

Select this event if the §341 meeting **was concluded** as to **all debtors**, you neither received nor paid any funds and you have determined that the case is a no asset case.

If one debtor has already been dismissed and you are advising the court that it is a no asset case as to the other debtor, use this event.

The docketing of this event will automatically trigger the generation of a Notice of Filing Report of No Distribution, Combined with Order Fixing Deadlines to Object Thereto.

- ❖ **Use these events when you have determined that the case is an asset case:**

1. **Notice of Assets/341 Mtg Concluded:**

Use this choice if the 341 meeting **was concluded** as to **all debtors** and you have determined this is an asset case.

If one debtor has already been dismissed and you are advising the court that it is an asset case as to the other debtor, use this event.

The case managers will be electronically notified of your filing and will generate the Notice to File Proof of Claim Due to Possible Recovery of Assets, if applicable.

2. **Notice of Assets/341 Mtg Continued:**

Use this choice if the 341 meeting has been **continued for both debtors or continued for one debtor and concluded for the other debtor**, whichever applies, and you have determined this is an **asset** case.

The case managers will be electronically notified of your filing and will generate the Notice to File Proof of Claim Due to Possible Recovery of Assets, if applicable.

❖ **Use this event when you wish to conclude or continue the §341 meeting but have not yet determined if it is an asset or no asset case:**

341 Mtg Continued and/or 341 Mtg Concluded:

Use this event if the 341 meeting has been continued and/or concluded for the debtor, joint debtor or both debtors, whichever applies, and the trustee cannot determine at this time if the case is an asset or no asset.

❖ **Use these events when the debtor(s) failed to appear at the first meeting of creditors and you wish to file a Motion to Dismiss:**

Effective August 9, 2010, the bankruptcy court ceased issuing Orders to Show Cause for the debtor's failure to appear at the §341(a) meeting in Chapter 7 cases.

Effective January 4, 2011, this new two-step process is to be used if the debtor and/or joint debtor, if applicable, failed to appear at the §341(a) meeting and you want to file and notice a Motion to Dismiss.

1. **341 Mtg Continued/Trustee's Motion to Dismiss:**

When the debtor/joint debtor fail to appear at the §341(a) meeting, the meeting will always be continued. This event indicates the date the meeting was held, who appeared or didn't appear and the continued date of the §341(a) meeting. You must always enter a Docket Control Number (DCN).

This event produces the Trustee's Motion to Dismiss for Failure to Appear at §341(a) Meeting of Creditors.

To docket this event:

- a. Select Docketing from the main menu;
- b. Select Chapter 7 Trustee Events;
- c. Enter the case number;
- d. Highlight to select 341 Mtg Continued/Trustee's Motion to Dismiss;
- e. On an otherwise blank screen, click NEXT;
- f. Highlight the trustee's name;
- g. This screen is requesting three types of information. You must fill in all of the requested information or the system will not let you proceed:
 - i. Enter the Docket Control Number (DCN) of your motion. To create your DCN, take the first letters of your first, middle and last name and, if this is your first motion in this case, put a dash one after it. For example, if John J. Smith filed this motion and this was his first motion in this case, the DCN would be JJS-1. If this was his second motion in this case, the DCN would be JJS-2.
 - ii. The Sec. 341(a) Meeting was held on (mm/dd/yy): (Enter the date of the last scheduled Sec. 341(a) meeting.)
 - iii. If the case is a joint case, select which debtor(s) DID NOT appear at the Sec. 341(a) meeting. Mark the correct answer - Debtor, Joint Debtor or Both Debtors. If the case is not a joint case, you will not receive this prompt.
- h. If the debtor(s) is/are represented by counsel, you will be prompted to indicate if counsel appeared.
- i. Schedule the continued §341(a) Meeting. When scheduling this meeting, remember it must be scheduled for a date after

the date you have chosen for the possible hearing on the Trustee's Motion to Dismiss.

- j. This is the confirmation screen for the continued meeting. If the date or time are incorrect, return to the previous screen to enter the correct information.
- k. On an otherwise blank screen, click NEXT.
- l. **This is the "point of no return" screen.** If you find you have made an error, do NOT click on the NEXT button. Clicking on Docketing in the blue bar at the top will abort the event, or use the BACK button on your browser to return to previous screens. If the information is incorrect, you must use the Back button to return to the screen where the information was entered in the boxes and make the changes there. If you simply edit the docket text in this window, it will take effect for this screen only and the information on the Trustee's Motion to Dismiss will be incorrect. If the docket text information is correct, click NEXT.
- m. The last screen titled *Notice of Electronic Filing* displays the docket text again and the document number will be blank.

2. **Notice of Trustee's Motion to Dismiss for Failure to Appear:**

This event triggers the generation of a Notice of Trustee's Motion to Dismiss for Failure to Appear at §341(a) Meeting of Creditors.

Since this event is different from any event you have previously docketed, I am providing step-by-step instructions below:

- a. Select Docketing from the main menu;
- b. Select Chapter 7 Trustee Events;
- c. Enter the case number;
- d. Highlight to select Notice of Trustee's Motion to Dismiss for Failure to Appear;
- e. On an otherwise blank screen, click NEXT;
- f. On the *Select the Party* screen, highlight your name and click NEXT.

- g. This screen is requesting five types of information. You must fill in all of the requested information or the system will not let you proceed:
- i. Enter the Docket Control Number (DCN) of your motion. To create your DCN, take the first letters of your first, middle and last name and, if this is your first motion in this case, put a dash one after it. For example, if John J. Smith filed this motion and this was his first motion in this case, the DCN would be JJS-1. If this was his second motion in this case, the DCN would be JJS-2.
 - ii. The Sec. 341(a) Meeting was held on (mm/dd/yy): (Enter the date of the last scheduled Sec. 341(a) meeting.)
 - iii. The hearing on the Motion to Dismiss will be scheduled for (mm/dd/yy) : (Enter the date that you want the motion to be heard if a Notice of Hearing is filed. The proposed hearing dates can be obtained by accessing the Self-Set Calendar on our website.)
 - iv. The hearing time: (00:00 a.m./p.m.): (Enter the time you want the motion to be heard if a Notice of Hearing is filed. The Self-Set Calendar will provide you with the appropriate hearing times.)
 - v. Click on the radio button next to the appropriate courtroom and department. To locate the department quickly, check the top of the screen. The department is listed next to the word 'Judge:'. For example, if the top of the screen shows: Judge: C, you would choose Sacramento Courtroom 35, Department C.
- h. If this is a joint case, this screen is prompting you to select which debtor DID NOT appear at the Sec. 341(a) meeting. Mark the correct answer - Debtor, Joint Debtor or Both Debtors. If this is not a joint case, you will not receive this prompt.
- i. On an otherwise blank screen, click NEXT.
- j. **This is the “point of no return” screen.** If you find you have made an error, do NOT click on the NEXT button. Clicking on Docketing in the blue bar at the top will abort the event, or use the BACK button on your browser to return to

previous screens. If the information is incorrect, you must use the Back button to return to the screen where the information was entered in the boxes and make the changes there. If you simply edit the docket text in this window, it will take effect for this screen only and the information on the Notice of Motion form will be incorrect. If the docket text information is correct, click NEXT.

- k. The last screen titled *Notice of Electronic Filing* displays the docket text again and the document number will be blank.

Beginning March 21, 2011, you will be able to docket a Non Opposition to a pending motion. Use this virtual event to advise the court that you have no opposition to a pending motion instead of preparing a Non Opposition and efilng it. **You will have to docket a Non Opposition in response to each motion (except combined motions) separately.**

To docket a Non Opposition to a pending motion, you will access the CM system through PACER:

1. After using your login and password given to you by the court for docketing purposes, click on Bankruptcy and the screen below appears. Because you are now docketing events other than your 341 meeting reports, this new menu screen has been created. To docket a Non Opposition, always click on the Response/Support Docket Entries.



2. Enter the Case Number.
3. Click on the words, 'Non Opposition'.
4. Highlight the trustee's name.
5. The next screen contains a chronological listing of all of the motions (pending and terminated) that have been filed in this case.

6. In the scenario below, Bank of America has filed a Motion for Relief from Stay and it is the only motion that has been filed so far. If you want to file a Non Opposition to the Motion for Relief from Stay, put a check in the checkbox next to the Motion/Application you are referring to. If the motion is not listed, do not continue docketing your Non Opposition.

Select the appropriate event(s) to which your event relates:

- 03/01/2011 [5](#) Motion/Application for Relief from Stay [ABC-1] Filed by Creditor Bank of America (Fee Paid \$150) (Gettler, Sandy)

NEXT

Clear

In the scenario below, Bank of America filed a **combined** Motion for Relief from Stay and Motion for Adequate Protection. As you can see, both motions have Number 5 and both of them have the same DCN (ABC-1). If you want to file a Non Opposition to the Motion for Relief from Stay and/or the Motion for Adequate Protection, put a check in the box next to both of them.

- 03/01/2011 [5](#) Motion/Application for Relief from Stay [ABC-1] Filed by Creditor Bank of America (Fee Paid \$150) (Gettler, Sandy)
- 03/01/2011 [5](#) Motion/Application for Adequate Protection [ABC-1] Filed by Creditor Bank of America (Gettler, Sandy)

NEXT

Clear

In the scenario below, there are two motions to choose from - the combined Motion for Relief from Stay and Motion for Adequate Protection (both Document #5 with DCN ABC-1) and a Motion to Compel Abandonment (Document #7 with DCN CB-1). If you want to file a Non Opposition to the Motion to Compel Abandonment, you put a check in the box next to the Number 7.

Select the appropriate event(s) to which your event relates:

- 03/01/2011 [5](#) Motion/Application for Relief from Stay [ABC-1] Filed by Creditor Bank of America (Fee Paid \$150) (Gettler, Sandy)
- 03/01/2011 [5](#) Motion/Application for Adequate Protection [ABC-1] Filed by Creditor Bank of America (Gettler, Sandy)
- 03/01/2011 [7](#) Motion/Application to Compel Abandonment [CB-1] Filed by Debtor Charlie Brown (Fee Paid \$150) (Gettler, Sandy)

NEXT

Clear

7. This is the “point of no return” screen.

I have three examples of the final docket text screens below - one for the Non Opposition to Motion for Relief from Stay, one for the Non Opposition to the Motion for Relief from Stay and Motion for Adequate Protection and one for the Non Opposition to the Motion to Compel Abandonment.

If you find you have made an error, do NOT click on the NEXT button. Clicking on Docketing in the blue bar at the top will abort the event, or use the BACK button on your browser to return to previous screens. If the information is incorrect, you must use the Back button to return to the screen where the information was entered in the boxes and make the changes there. If you simply edit the docket text in this window, it will take effect for this screen only and the information on the Non Opposition will be incorrect. If the docket text information is correct, click NEXT.

****NOTE: When reading your final docket text, there should never be two different DCN's in the same docket text!!! See below for further directions.**

Docket Text: Final Text

The Chapter 7 Trustee has no opposition to the [5] Motion/Application for Relief from Stay [ABC-1] Filed by Trustee Thomas A. Aceituno (Aceituno, Thomas)

Attention!! Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

Have you redacted?

Docket Text: Final Text

The Chapter 7 Trustee has no opposition to the [5] Motion/Application for Relief from Stay [ABC-1], [5] Motion/Application for Adequate Protection [ABC-1] Filed by Trustee Thomas A. Aceituno (Aceituno, Thomas)

Attention!! Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

Have you redacted?

Docket Text: Final Text

The Chapter 7 Trustee has no opposition to the [7] Motion/Application to Compel Abandonment [CB-1] Filed by Trustee Thomas A. Aceituno (Gettler, Sandy)

Attention!! Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

8. The last screen titled *Notice of Electronic Filing* displays the docket text again and the document number will be blank.

****If you get to your “point of no return” screen and it contains two different DCN’s (example shown below), see Instruction Number 7 to fix your error. Do not accept your docket text!!!**

In the example below, the docket text is incorrect since it contains two different DCN’s - ABC-1 and CB-1. If you clicked NEXT on this screen, it would mess up the copy of the docket the Judges and chambers look at regarding their hearings.

To docket these two Non Oppositions correctly, you would need to docket a Non Opposition and choose the Motion for Relief from Stay (ABC-1) **and then go back in and docket another** Non Opposition choosing the Motion to Compel Abandonment (CB-1).

Docket Text: Final Text

The Chapter 7 Trustee has no opposition to the [5] Motion/Application for Relief from Stay [ABC-1], [7] Motion/Application to Compel Abandonment [CB-1] Filed by Trustee Thomas A. Aceituno (Gettler, Sandy)

Attention!! Clicking NEXT commits this transaction. Use your web browser BACK button to modify this entry.

Error messages and translations:

In an effort to avoid having incorrect docket entries, many checkpoints have been built into the Chapter 7 events. Error messages or warnings may display depending on what you are trying to docket. Here are some of them:

- **PLEASE VERIFY THE CASE NUMBER. THIS IS NOT A CHAPTER 7 CASE!!** If you accidentally enter a case number that is not for a Chapter 7 debtor, you will see this message and be prevented from proceeding any further with docketing to that case.
- **YOU MUST SELECT A LOCATION!!** This message will display if you neglected to select a meeting location on the scheduling screen. Use the back button on your browser to return to that screen and make a selection from the pick list.
- **DO NOT DOCKET THIS EVENT UNLESS THIS ACTION APPLIES TO BOTH DEBTORS!!** This message displays in 5 of the 8 available events if it is a joint case. These 5 events should not be used unless the event pertains to both debtors. You will not see this message if the case has a sole debtor.
- **ATTENTION: A NOTICE OF FILING REPORT OF NO DISTRIBUTION WILL BE GENERATED AND SENT OUT BY THE COURT UPON THE DOCKETING OF THIS EVENT.** This message displays in 2 events, the Report of No Distribution, 341 Mtg Concluded and Report of No Distribution, 341 Mtg Concluded (min funds). It is advising you that the Notice of Report of No Distribution will be automatically generated when you docket this event.
- **THIS CASE HAS BEEN DISMISSED! USE THE APPROPRIATE REPORT!!!** If the case has been previously dismissed, the system is advising you to use a Report of No Distribution which is for dismissed/converted cases.
- **A SELECTION IS REQUIRED!!** This message will display if you neglected to make on a selection on the previous screen. Use the back button on your browser to return to that screen and make a selection from the pick list.
- **Warning: The transaction you submitted has already been accepted and posted by this system. If your original submission contained an error ...** [this is a long warning message and not all of it is included here.] This is a warning you will see any time you have finished docketing an event (by clicking NEXT at the final docket text screen) and then used your browser Back button to return to the final docket text and clicked NEXT

again. This warning is common to all CM events and is meant to tell you that you cannot back up after the “point of no return” to fix something. There is nothing you need to do. Your original completed docket entry will be intact.