

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**501 I Street, Suite 3-200**  
**Sacramento CA, 95814-7303**

**Chambers of**  
**FREDRICK E. CLEMENT**  
**Chief Bankruptcy Judge**

**916-930-4540**

October 6, 2022

re: Certificate of Service, EDC 7-005 (revised)

An Open Letter to the Bar:

In July 2022, the court adopted local rules limiting notice and implementing alternate methods of notice, e.g., electronic service. We also adopted a standardized Certificate of Service, EDC Form 7-005. As of November 1, 2022, use of that form will be mandatory for attorneys and trustees.

Some segments of the bankruptcy community regularly employ third party service companies to assist them with service/notice. Those segments felt that the mandatory Certificate of Service, EDC Form 7-005, was not user friendly with respect to third party service companies. The problem associated with third party service is that no one person, either at the law firm or the third-party service company, has personal knowledge of all sections of EDC Form 7-005. For example, a law firm would have personal knowledge of the limited noticing rules applied, i.e., EDC Form 7-005 § 3, but not which parties in interest were served by the third-party service company, i.e., EDC Form 7-005 § 6, and vice-versa.

Just this week, in response to those concerns, we have adopted a revised standardized Certificate of Service, EDC Form 7-005. General Order 22-04. It is transmitted with this letter. This form is for use in all cases and adversaries without regard to whether the party undertaking service and notice performs the task wholly in house or employs a third-party service company. The primary change is the addition of Section 7 (“Who Accomplished Service”) of EDC Form 7-005.

Fortunately, new Section 7 of EDC Form 7-005 is fairly intuitive. Attorneys and trustees whose offices perform service and noticing internally, the attorney/trustee (or staff member) should complete EDC Form 7-500 §§ 1-7(A), sign the form, and then file it. Where an attorney/trustee and a third-party vendor work collaboratively to accomplish service, (1) the attorney/trustee (or staff member) should complete EDC Form 7-005 §§ 1-6 and, if applicable, § 7A; and (2) the third-party service company should complete EDC Form 7-005 § 7B only. Both the attorney/trustee and the third-party service company must sign the Certificate of Service and the attorney/trustee should file it with the court.

In late winter or early spring 2023, I plan to solicit comments from the bar and trustees about our new rules and standardized Certificate of Service. I hope to learn what is working and what isn’t working. I also plan to inquire how we can improve these rules and this form.

**Name:** An Open Letter to the Bar

**Subject:** Certificate of Service, EDC 7-005 (revised)

**Date:** October 6, 2022

**Page:** 2

Thank you for your support and continued assistance as we work through these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fredrick E. Clement", with a stylized flourish at the end.

Fredrick E. Clement