

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 30, 2024

Re: Certificate of Service
Form EDC 7-005
Revised

An Open Letter to the Bar:

As you know from my letters of July 10, and August 26, 2024, we have been working to simplify and shorten the standardized Certificate of Service, EDC Form 7-005. I am pleased to inform you that we have completed that work and are now rolling out, for use, that form. Revised EDC Form 7-005 is transmitted with this letter.

EDC Form 7-005 is now a caption page plus two additional pages, rather than a caption and three pages. You will notice three key changes.

Notice to Attorneys and Trustees

Effective immediately, where notice is being given under Rule 5 of the Federal Rules of Civil Procedure there is no need to send notice to attorneys and/or trustees or to list attorneys on the Certificate of Service. Fed. R. Civ. P. 5(d)(1)(B). Why? Because the Clerk of the Court will automatically do so, for you, by way of the “Notice of Electronic Filing” to all attorneys and trustees in the case. Fed. R. Bankr. P. 9036; LBR 9036-1.

Where service is under Federal Rule of Bankruptcy Procedure 7004, the party effecting service must undertake service in the manner required by that rule. The Notice of Electronic filing is not sufficient service under Rule 7004.

Consistent with this new practice, we have revised the standardized Certificate of Service EDC Form 7-005 to remove § 6B(1) “Electronic Service on Registered Users of the Court’s Electronic Filing System” as unnecessary. Likewise, there is no longer a need to attach the official list of registered users of the court’s electronic-filing system, *viz.*, Attachment 6B1.

In keeping with that, in the next weeks, the Clerk of the Court will remove, as unnecessary, the “Matrix of Registered Users of the Electronic Filing System” from the website.

Name: Open Letter to the Bar

Subject: Certificate of Service, Form EDC 7-005, Revised

Date: October 30, 2024

Page: 2

Notice to Request for Notice Parties

Likewise, effective immediately, there is no need to send notice to any person, whether an attorney or pro se, requesting notice or to list those persons on the Certificate of Service. Why? Because the Clerk of the Court will automatically do so, for you, by way of the "Notice of Electronic Filing" to all attorneys and trustees in the case. Fed. R. Bankr. P. 9036; LBR 9036-1. See LBR 2018-1.

Consistent with this new practice, we have revised the standardized Certificate of Service EDC Form 7-005 to remove § 6B(2)(B) "Request for Special Notice List." as unnecessary. Likewise, there is no need to attach the official list of special notice parties, viz., Attachment 6B3.

In keeping with that, in the next weeks, the Clerk of the Court will remove, as unnecessary, the "List of Entities Requesting Special Notice" from the website.

Third Party Service Providers

Finally, there is no longer any need for a third-party service company to sign the Certificate of Service, EDC Form 7-005. And consistent with that we have eliminated Section 7 "Who Accomplished Service." As a bench, we have approved a representation of an attorney or staff member that is otherwise signing the Certificate of Service, EDC Form 7-005 that they have used a third-party service company and have in their possession a copy of whatever form that company uses. The new form reads as follows:

"☐ I have used a third-party service company, i.e., _____, to assist me in effecting service. I have in my possession a signed certificate of service from that company and will produce that certificate of service on demand."

In Summary

In aggregate, these changes streamline and simplify notice under Rule 5. Much of the job of noticing will be shifted to the Clerk of the Court, which will do so via the Notice of Electronic Filing that you have been receiving for years. Where Rule 5 notice alone is required and where only attorneys and trustees are being noticed, a moving party in a case or adversary proceeding need not even file a Certificate of Service. LBR 9014-1(e).

Thanks to Federal Rule of Bankruptcy Procedure 9036 and Federal Rule of Civil Procedure 5(d)(1)(B), Rule 5 notice and the certificate of service that memorializes that will be applicable only to notice to creditors and other parties in interest, not attorneys or trustees.

I do hope these changes will address many of the concerns the bar has raised with respect to the standardized Certificate of Service, EDC Form 7-005.

Sincerely,



Fredrick E. Clement
Chief Judge, U.S. Bankruptcy Court