

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

Version 3, effective September 1, 2004

I. SCOPE

A. DESIGNATION OF CASES. Effective September 1, 2004, all pleadings and claims filed by attorneys shall be filed electronically using the Court's electronic filing system ("System"). Attorneys who file paper documents with the Court after August 31, 2004, may be issued an order to show cause. Any party not represented by an attorney may file documents on paper. Parties who file proofs of claim and/or reaffirmation agreements may file electronically as described in B2 below. If paper documents are filed, the Clerk shall scan and upload images to the System. Images entered on the System from December 1, 2003 will be the official Court record.

B. PASSWORDS.

1. Each attorney admitted to practice in the Northern District of Oklahoma who has successfully completed training shall be entitled to one System password from the Bankruptcy Court. The password permits the attorney to electronically file pleadings and other papers in accordance with the System. Registration for a password is governed by Paragraph II and will be accomplished by completing and submitting Form A. (All forms are available at www.oknb.uscourts.gov.)
2. The following filers may obtain a Limited Use Password by completing and submitting Form B:
 - Attorneys appearing *Pro Hac Vice*;

- Individuals authorized to prepare and file proofs of claim; and
- Individuals authorized to file reaffirmation agreements.

Other parties interested in a Limited Use Password may contact the Clerk.

- C. If these Administrative Procedures conflict with the Court's Local Rules, the Administrative Procedures will prevail.

II. REGISTRATION FOR THE SYSTEM.

- A. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form, attached hereto as Form A, attend the training required by the Court, and prove competence on the System. Registration for training may be accomplished only on the Court's website. Attorneys who have attended training for CM/ECF and are registered in another district will be allowed to register with this Court without further training. Persons wishing to register using Form B may follow the same procedures. Limited use passwords may or may not be issued to users without formal training, depending on their intended use of the System. Contact the CM/ECF Help Desk with questions.
- B. All signed original Registration Forms shall be mailed or delivered to the United States Bankruptcy Court for the Northern District of Oklahoma, Attn: CM/ECF Help Desk, 224 South Boulder Avenue, Room 105, Tulsa, Oklahoma 74103.
- C. Upon certification of requirements stated in Paragraph IIA, the Clerk will send the registering attorney an Internet e-mail message with the login and password for the System to ensure that the Clerk's Office has the correct e-mail address for the attorney. Alternatively, the attorney may pick up the login and password or have the information mailed.

- D. Once registered, an attorney may withdraw from participating in the System by written notice of withdrawal to the CM/ECF Help Desk. Upon receipt, the Clerk will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. Withdrawal from the System will effectively terminate the attorney's ability to practice in this Court.
- E. Registered participants will be responsible for maintaining current registration information on the System, e.g., mailing address, e-mail address, etc. as shown in training.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. Registered participants shall file electronically all petitions, motions, pleadings, briefs, memoranda of law, claims or other documents required to be filed with the Court in connection with a case. Lists of creditors not uploaded concurrently with a petition must be uploaded to the System or received in the Clerk's Office on diskette within 48 hours of the filing of the petition.
2. The maximum size of a document filed on the System shall not exceed two megabytes (2 MB). A good reference for scanned documents is a maximum of twenty (20) pages. A document that exceeds 2 MB may be incorporated by attaching the document in parts and listing the document title and the beginning and ending page numbers or some other identifier. Multiple attachments are allowed.
3. Documents filed on the System may include hypertext links to citations and

other reference materials.

4. Except as otherwise provided in Paragraph IV.C, the Clerk shall not maintain a paper case file in any case or proceeding filed on or after December 1, 2003. The official Court record shall be an electronic file maintained on the System. Paper documents filed in this Court will be maintained in a daily file.
5. In order to request emergency or expedited consideration, the movant shall contact the courtroom deputy by phone as soon as possible after filing the item for which expedited treatment is requested. Compliance with Local Rule 9006 is required.
6. If all the information from the adversary cover sheet is captured when an Adversary Proceeding is opened on the System, an adversary cover sheet is not required.
7. If a pleading is to be filed in a case which is not on the Court's System, i.e. a motion to reopen a case closed in 1986, the filer will need to call the CM/ECF Help Desk to have that case opened in the System before filing the pleading.

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System shall generate and e-mail a "Notice of Electronic Filing" to the filing party and any other registered party who has requested electronic notice in that case or proceeding.
 - If the recipient is a registered participant in the System, the Clerk's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of

service of the pleading or other paper by first class mail, postage prepaid, except when service must be provided in the manner required for a summons and complaint. (See Bankruptcy Rules 7004 and 9014.)

2. A party entitled to service who is not a registered participant in the System is entitled to a paper copy of any electronically filed pleading or paper. The filing party must serve the non-registered party with the pleading or paper according to the Federal Rules of Bankruptcy Procedure. In such cases, a copy of the “Notice of Electronic Filing” shall serve as the file stamp of the Court and shall accompany the pleading being served.
3. If a party is required to serve notice of a “Text Entry” such as a text order to parties who are not registered participants in the System, the party shall send a copy of the “Notice of Electronic Filing” to such parties.
4. When a party files a pleading electronically and a certificate of service is required, one of two scenarios may take place. If service to all entitled parties was accomplished electronically by the System, the “Notice of Electronic Filing” generated by the System will suffice as proof of service. If a paper copy is served on any party, a certificate of service which identifies those parties and the address where notice was sent must be filed. If the certificate of service is not filed with the original pleading when it is entered on the System, the filer must use the “Refer to existing event” feature when filing the certificate of service in order to relate it to the pleading that was served.

In such event, neither a copy of the pleading nor the “Notice of Electronic Filing” need be attached.

5. For purposes of Local Rule 9013(b), a copy of the pleading together with the “Notice of Electronic Filing” shall constitute a file-stamped copy of the pleading. See III. B.(2)
6. The Court will automatically issue a summons after a complaint is filed. There is no need for a filer to send copies of a summons to the Court for certification. The summons will be e-mailed to the filing attorney for completion and service. Proof of service of a summons shall be filed with the “Summons Returned” event under Adversary/Complaint & Summons.

C. SIGNATURES.

1. Petitions, lists, schedules and statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Bankruptcy Rule 1008 or an unsworn declaration, as provided in 28 U.S.C. § 1746, may be filed electronically.
2. The attorney or other party electronically filing a document shall maintain the original signed document filed in a bankruptcy case for at least one year after the case is closed. The System provides notice of case closing. In adversary proceedings, the attorney or other party shall maintain the original signed documents filed in the proceeding until after the proceeding is concluded and all time periods for appeals have expired. Upon request, the original document shall be provided to other parties or to the Court for review. (Bankruptcy Rule 9011 applies.)
3. The pleading or other document electronically filed shall indicate a signature,

e.g., “s/ Jane Doe.” The filing attorney shall indicate a signature on each signature line by inserting “s/ Jane Doe” on those lines. For example, there are several lines on a new petition where an attorney may apply a signature. The attorney must indicate with “s/ Jane Doe” on every signature line that the attorney wants to indicate as signed.

4. The following procedure applies when a stipulation or other document requires two or more signatures:

a. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the original signatures of all parties on the document.

A document may be signed in counterparts. (Bankruptcy Rule 9011 applies.)

b. The filing attorney then shall file the document electronically, indicating the signatories, e.g., “s/ Jane Doe,” etc.

c. The filing attorney shall maintain the original signed document filed in a bankruptcy case for at least one year after the case is closed. The System provides notice of case closing. In adversary proceedings, the filing attorney shall maintain the original signed documents filed in the proceeding until after the proceeding is concluded and all time periods for appeals have expired. Upon request, the original signed document shall be provided to other parties or to the Court for review.

D. FEES PAYABLE TO THE CLERK. Fees required for filing electronically will be

satisfied by the filing party entering a credit card number (or debit card approved for use on credit card systems) on the secure payment module in the System. Card numbers will not be maintained by the Court in any form on the System or in the Clerk's Office. **All fees must be paid on the calendar day on which the transaction requiring a fee occurs.**

E. ORDERS. The Clerk's Office will electronically file all orders and notices.

1. ORDERS SUBMITTED ON REQUEST FOR ENTRY.

- a. The Court will file orders granting or denying motions. An order may be in the form of a text-only docket entry "order," which shall constitute the evidence of an order concerning the matter. Under certain conditions, a party may be requested by the Court to submit a proposed order to the Court. In all instances, except as noted in III. E. 1.(d) and III. E. 2. below, attorneys seeking entry of an order must file a Request for Entry of Order pursuant to Local Rule 9013. In lieu of attaching the original motion to the Request for Entry of Order, the "Refer to existing event" feature shall be used to reference the motion.
- b. Attorneys may request that the Court include specific language in an order by e-mailing the specific language to the Court immediately after the Request for Entry of Order is submitted through the System.
- c. The following e-mail addresses and telephone numbers have been established for contacting the Court and the electronic submission of

specific language and proposed orders approved for submission to the Court.

Judge Michael

Telephone: Judy Johnson 918-699-4065

E-mail: michael.orders@oknb.uscourts.gov

Judge Rasure

Telephone: Brenda Nickels 918-699-4085

E-mail: rasure.orders@oknb.uscourts.gov

d. Registered parties shall submit pre-trial orders to the Court electronically to the appropriate email address set forth in subparagraph (c) above. Submission of the proposed pre-trial order constitutes a representation by the party submitting the proposed pre-trial order that the order has been agreed to by all counsel involved in the adversary proceeding or contested matter for which the pre-trial order has been submitted.

e. Electronically submitted proposed orders shall not be combined with the application. The application or motion must be entered on the docket prior to submitting a proposed order to the Court. **DO NOT ATTEMPT TO FILE A PLEADING WHICH CONTAINS AN ORDER IN THE BODY OF THE PLEADING.**

2. ORDERS SUBMITTED ON MOTION. Proposed orders which may be ruled on ex parte by a judge may be submitted to chambers via email as described above upon the filing of the related motion.

3. All proposed orders must be submitted in a format compatible with WordPerfect 10 or Microsoft Word.
 4. All signed orders shall be filed electronically by Court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and the order had been entered on the docket in a conventional manner.
 5. The Chapter 13 Trustee may send selected proposed orders to the Court electronically for signature and docketing. Such orders should be sent via email to a designated address and shall be in WordPerfect or Microsoft Word format.
- F. TITLE OF ENTRIES. An attorney who electronically files a pleading or other document shall be responsible for designating the appropriate entry title for the document by selecting one of the event categories presented by the System.
- G. CORRECTING DOCUMENTS FILED IN ERROR.
1. Once a document is submitted to the Court and becomes part of the case docket, only the Clerk's Office can make changes to the docket entry.
 2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number. If an error is detected after an item is on the docket, **DO NOT ATTEMPT TO RE-FILE THE DOCUMENT.**
 3. As soon as possible after an error is discovered, contact the CM/ECF Help Desk at 918-699-4072. Be sure to have the case number and document

number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. You will be advised *if* you need to re-file the document. The System will not permit you to make changes to a document(s) or docket entry once the transaction has been accepted.

4. If an error regarding a fee occurs, do not pay the fee until after speaking with someone at the CM/ECF Help Desk. For example: if you file a Motion for Relief from Stay and Motion to Abandon and do not change the default fee of \$150 for each part, a fee of \$300 will be registered. In this case, do not pay the fee until it can be corrected to \$150 total.

H. TECHNICAL FAILURES.

1. A filing party whose filing is made untimely as the result of a technical failure of the System may seek appropriate relief from the Court.
2. Failures of the filer's equipment or service, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, shall not constitute a technical failure of the System. In the event of such a failure, a party may seek appropriate relief from the Court. As an alternative, the filer may use the 24-hour drop box at the south end of the Federal Building.

- I. PRIVACY. To address the privacy concerns created by Internet access to Court documents and in accordance with amendments to the Federal Rules of Bankruptcy Procedure, effective December 1, 2003¹, litigants shall modify or partially redact

¹Amended forms and rules may be found on the United States Courts website at www.uscourts.gov.

certain personal data identifiers appearing in pleadings or other papers filed with the Court. The data identifiers and appropriate modifications include:

- Minors' names: Use the minors' initials;
- Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four digits of the account number;
- Social Security numbers: Use only the last four digits in captions and forms as amended (may also redact first five digits from exhibits, etc.). [A Declaration of Social Security Number, Form B21, shall be completed and **maintained by the attorney** when filing electronically. **Form B21 will not be filed electronically.**]; and
- Dates of birth: Use only the year.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may (a) file an unredacted version of the document under seal, or (b) file a reference list under seal. The reference list shall contain the complete personal data identifiers and the redacted identifiers used in their place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as a right. The unredacted version of the document or the reference list shall be retained by the Court as part of the record. The Court will, however, require the filing party to file a redacted copy for the public file.

IV. MISCELLANEOUS FILING REQUIREMENTS

A. CHAPTER 12 AND 13 CONFIRMATION AND DISCHARGE ORDERS.

1. If, after a hearing, a Chapter 13 Plan is confirmed by the Court, the Court shall enter an Order Confirming Chapter 13 Plan.
2. In cases where a confirmation hearing has been held and an amended plan filed, if no timely objections to confirmation of the plan are filed and the Trustee is not aware of any impediments to confirmation, the Chapter 13 Trustee shall submit a proposed Order Confirming Chapter 13 Plan to the Court.
3. If a Chapter 12 Plan is confirmed by the Court after a hearing, the Court shall enter an Order Confirming the Plan.
4. If no timely objections to confirmation of a Chapter 12 Plan are filed of record and the Trustee is not aware of any impediments to confirmation, the Trustee shall file a "Consent to Confirmation." Upon the filing of such consent by the Trustee the Court shall enter a text-only order confirming the plan.
5. After the Debtor has made all payments required by a confirmed Chapter 12 or Chapter 13 Plan, if the Trustee is not aware of any impediments to entry of discharge, the Trustee shall file a Motion for Entry of Discharge or Motion for Entry of Early Discharge and the Court shall enter an Order of Discharge.

B. DOCUMENTS TO BE FILED UNDER SEAL. A motion to file document(s) under seal may be filed electronically; however, the actual document(s) to be filed under

seal shall be filed conventionally. The order of the Court authorizing the filing of such document(s) under seal will be entered electronically by the Clerk's Office and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Clerk's Office.

- C. PRO SE FILERS. Pro se filers shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute. These documents will be imaged by the Clerk, and the paper documents shall be maintained by the Clerk. Pro se filers shall file an electronic list of creditors in proper format.

V. PROOFS OF CLAIM.

- A. Registered participants shall file proofs of claim electronically.
- B. LIMITED USE PASSWORD. Proofs of claim also may be filed electronically by a person obtaining a limited use password from the Clerk's Office. Each participant must complete and sign an Application for Limited Use/Claim Password form (Form B).

VI. PUBLIC ACCESS TO THE SYSTEM

- A. PUBLIC ACCESS AT THE COURT. Access to the electronic docket and documents filed on the System shall be available to the public at no charge at the Clerk's Office during regular business hours. A fee for a paper copy of an electronic document is required in accordance with 28 U.S.C. § 1930.
- B. INTERNET ACCESS. Internet access to the System for viewing purposes is available to subscribers to the Public Access to Court Electronic Records ("PACER")

System. In accordance with the policy of the Judicial Conference of the United States, a user fee shall be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets. No fee is required to review calendars and similar general information. Information on such access is available at www.pacer.psc.uscourts.gov.

- C. **CONVENTIONAL COPIES AND CERTIFIED COPIES.** Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

United States Bankruptcy Court
Northern District of Oklahoma**ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM**

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system (System). Registered attorneys will have privileges to electronically submit documents to the System. In order to view and retrieve electronic docket sheets and documents available in the System, a user must obtain a PACER login and password from the PACER Service Center as explained below. Please provide the following:

First/Middle/Last Name: _____

Last Four Digits of Social Security Number: _____

Attorney Bar # and State: _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. The System is for use only in cases and proceedings in the United States Bankruptcy Court for the Northern District of Oklahoma. The System may be used to file and view electronic documents, docket sheets, notices, and other information.
2. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. An attorney's password combined with the user's identification (login) serves as and constitutes the attorney's signature. Therefore, an attorney must protect and secure the login and password after it is issued by the Court. If there is any reason to suspect the login has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the Court. The Clerk of Court will immediately delete the password from the System and issue a new password.
3. Pursuant to Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011, every pleading, motion and other paper (except creditor lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the System shall constitute the signature of that attorney

under Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011.

4. The registered attorney is responsible for any applicable fees required in conjunction with filings made using the assigned account and shall pay those fees on line using the credit card payment module of the System. Failure to do so may result in temporary loss of access to the System.
5. This registration constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Bankruptcy Rule 7005; (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Bankruptcy Rule 7005, except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Service as required by Bankruptcy Rule 9014 shall not be perfected by electronic notice.
6. A user accesses Court information via the Court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. Although electronic filing is accomplished through the System, all electronic public access to case file documents occurs through PACER. A PACER login is required in addition to the password issued by the Court. To register for PACER, a user must follow direction for registration available on the PACER web site (www.pacer.psc.uscourts.gov).
7. By this registration, the undersigned agrees to abide by all of the rules and regulations in the most recent General Order, *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* currently in effect and any changes or additions that may be made to such administrative procedures in the future.

**Please return to: U.S. Bankruptcy Court for the Northern District of Oklahoma
Attn: CM/ECF Help Desk
224 South Boulder Avenue, Room 105
Tulsa, OK 74103**

Date

Attorney Signature

Your login and password will be sent to you by the Clerk via e-mail. You may also arrange to pick up your login and password in person.

Other districts in which I am certified to file electronically using CM/ECF: _____

FORM B

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**APPLICATION FOR LIMITED USE/CLAIM PASSWORD
FOR ELECTRONIC CASE FILING SYSTEM**

NAME: _____

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER: _____

ADDRESS: _____

PHONE #: _____ FAX #: _____

E-MAIL ADDRESS: _____

BAR ID # (if applicable): _____ STATE OF _____

1. **Pro Hac Vice Application:** I affirm that I am admitted to practice in the United States Courts for the _____ District of _____ (applicable state), I have paid the appropriate *Pro Hac Vice* fee to the U.S. District Court for the Northern District of Oklahoma, and that the information set forth above is true and correct.
2. **Claims or Other Limited Use Application:** I affirm that I am authorized to prepare and file Proofs of Claim on behalf of _____, and/or am authorized to execute and submit Reaffirmation Agreements on behalf of _____.
3. I understand that use of my Limited Use password to file a document in the record of a bankruptcy case or proceeding will constitute my signature upon and my signing of any declarations, verifications, proofs of claim, notices of appearance, assignments of claims, reaffirmation agreements, or other papers or documents filed on the System, for all purposes authorized and required by law, including, without limitation, the United States Code, Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, Federal Rules of Criminal Procedure, Rules and Orders of this Court and any applicable non bankruptcy law.
4. I understand that it is my responsibility to maintain in my records all documents bearing the original signature of any signer on whose behalf I file the documents using my password, for a period of one year after the case or proceeding in which the papers are filed has been closed.
5. I understand that it is my responsibility to protect and secure the confidentiality of my password. If I believe that my password has been compromised, it is my responsibility to notify the Court by telephone immediately and also in writing.

6. I understand that it is my responsibility to notify the Court, immediately, of any change in my address, telephone number, fax number, or e-mail address.
7. Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment.
8. By this registration, the undersigned agrees to abide by all the rules and regulations in the most recent General Order, *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* currently in effect, and any changes or additions that may be made to such administrative procedures in the future.

**Please return to: U.S. Bankruptcy Court for the Northern District of Oklahoma
Attn.: CM/ECF Help Desk
224 South Boulder Avenue, Room 105
Tulsa, OK 74103**

Applicant Signature

Date

Your login and password will be sent to you by the Clerk via e-mail. You may also arrange to pick up your login and password in person.

Other districts in which I am certified to file electronically using CM/ECF: _____

APPROVED BY: _____

LOGIN/PASSWORD: _____ **DATE:** _____