



THE DOCKET ELECTRIC

CM/ECF NEWSLETTER FOR THE NORTHERN DISTRICT OF OKLAHOMA

MARCH 2006

BANKRUPTCY COURT

The focus of this month's newsletter is filing tips. Topics include Service in an Adversary, Motion to Amend, Debtor's Rebuttal of the Statement of Presumed Abuse, Corporate Affiliate Disclosure, Request for Entry of Order and what to file in a Case Conversion under BAP/CPA. If there is a topic you would like to see covered in a future newsletter please email the CM/ECF help desk at cmecf@oknb.uscourts.gov.

Judge Rasure's Policy Regarding Disclosure of Corporate Affiliations



Disclosures of corporate affiliations shall be made in a *separate pleading* to be filed concurrently with the first pleading filed by an entity in a case or proceeding.

Failure to comply with this policy will result in the issuance of a deficiency notice. Failure to timely cure a deficiency notice may result in a pleading being stricken without further notice.

[Click here for more information](#)

To file a disclosure, click on Bankruptcy → Miscellaneous/ Other → Corporate Affiliate Disclosure Statement.

Service In An Adversary

Bankruptcy Rule 7004 (b)(9) states that until a case is dismissed or closed, a copy of the summons and complaint must be mailed to the debtor at the address shown on the petition and, if the debtor is represented by an attorney, to the attorney at the attorney's address.



When an adversary is commenced and the debtor is the defendant, the debtor's attorney must be served to comply with this rule.

FEE INCREASE APRIL 9th

There will be a fee increase on April 9th.

Chapter 7 will increase from \$274 to \$299.

Chapter 13 will increase from \$189 to \$274.

There are other fee increases anticipated; however, the above figures are the only ones available at the time of publication.

Please refer to the Court's ECF login page to obtain a copy of the current fee schedule.
<https://ecf.oknb.uscourts.gov/>

Training Opportunities

CM/ECF Training will be held
at the Court
from 1:00 pm to 4:00 pm on

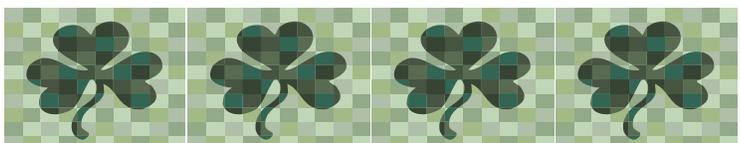
- March 22 - Creditor Attorneys & Staff
- April 5 - Debtor Attorneys & Staff
- April 19 - Creditor Attorneys & Staff
- May 3 - Debtor Attorneys & Staff
- May 17 - Creditor Attorneys & Staff

Please register online at
<http://www.oknb.uscourts.gov/cmreg/>

BROWN BAG LUNCH

The United States Trustee's Office is planning to hold another Brown Bag Lunch in the month of April.

Prior to establishing a date, attorneys are asked to submit suggested questions, issues and topics of discussion. This will be used to develop the dialog for the day. Please email proposed topics to cmecf@oknb.uscourts.gov



Viewing this newsletter online? Check out the hyperlinked articles!

MARCH INFO POINT WHAT TO FILE IN A CONVERSION

The implementation of BAP/CPA changed the filing requirements of a case conversion. **11 USC §348 Effect of Conversion** "...constitutes an order for relief under the chapter to which the case is converted."

Therefore when an individual debtor converts to a:

Chapter 11 or Chapter 13, a **Form B 22B or B 22C Statement of Current Monthly Income**, applicable to the chapter converted to, should be filed within 15 days of conversion.

Chapter 7, a **Form B 22A Statement of Current Monthly Income and Means Test Calculation** and a **Statement of Intention of Consumer Debts** should be filed within 15 days of conversion.

When dealing with a case that was filed before BAP/CPA, attorneys are reminded that those cases continue to be administrated under the old law (prior to 10/17/2006).



TIP OF THE MONTH

Need help finding the correct docket event in CM/ECF? Click on Utilities → Find Menu and type in a word or phrase from the title of the document to be filed.

REBUTTAL OF PRESUMED ABUSE

Debtor's Rebuttal of Statement of Presumed Abuse may be filed as a response to the Trustee's Statement of Presumed Abuse under 707 (b).

The debtor may file a response/rebuttal to the U.S. Trustee's Statement of Presumed Abuse under 707 (b) by clicking on Bankruptcy → Miscellaneous/Other → Rebuttal by Debtor to Presumption of Abuse.

11 USC §707 (b)(2)(B)(i) states that the presumption of abuse may ONLY be rebutted by demonstrating special circumstances, such as a serious medical condition or a call or order to active duty in the Armed Forces.

AMENDING MOTIONS

When a motion has been filed, and then must be amended, this is accomplished by using the same docket event as the original motion with the prefix Amended (or First Amended, Second Amended etc.) added from the drop down list located on the **Docket Text: Modify As Appropriate** page.

A party may need to request leave of the court to amend or supplement a pleading in an Adversary. See BK Rule 7015. To file a Motion to Amend, click on Adversary → Motions → Amend.

Witness and Exhibit Lists

Exhibits which counsel may move for admission at the hearing should **not** be electronically filed. Two copies of pre-marked exhibits shall be submitted to, **but not filed with**, the Clerk at least three days prior to the hearing. Witness Lists and Exhibit Lists should be filed and should comply with Local Rule 9004(d) which states:

(d) When a document is signed by an attorney, the attorney's full name, state bar number, address, telephone number, facsimile number (if applicable), and name of party or parties represented shall be shown on the document beneath the signature line.

Filing A Request For Entry of an Order

Version 3 of the Administrative Procedures give detailed instructions on filing a Request for Entry of an Order (111.E).

Version 3 of the Administrative Procedures - [Click Here](#)

File the Request for Entry of Order in CM/ECF → Bankruptcy → Miscellaneous/Other → Request for Entry of Order.

Once the request is filed, email the proposed order in WordPerfect 10 or Microsoft Word format to the Judges' chambers. The email addresses are provided below for your convenience:

[Judge Michael](mailto:michael.orders@oknb.uscourts.gov)
michael.orders@oknb.uscourts.gov

[Judge Rasure](mailto:rasure.orders@oknb.uscourts.gov)
rasure.orders@oknb.uscourts.gov

[Judge Michael's Policy on Order Format click here](#)

