

1 UNITED STATES BANKRUPTCY COURT
2 WESTERN DISTRICT OF WASHINGTON

3 In re)
4) BANKRUPTCY
5 PROVISIONS FOR) GENERAL ORDER NO. 3
6 ELECTRONIC CASE FILING)
7 (ECF)) **(Amended 11/8/04)**

8 Federal Rules of Civil Procedure 5(e) and 83 and Federal
9 Rules of Bankruptcy Procedure 5005(a)(2), 9011, and 9029
10 authorize this Court to establish practices and procedures for
11 the filing, signing, and verification of pleadings and papers by
12 electronic means; and

13 Pursuant to General Order No. 4, the Court made registration
14 in the CM/ECF system mandatory for attorneys, trustees and
15 examiners appearing in this Court effective 1 October 2004, and
16 made filing through the CM/ECF system mandatory for attorneys,
17 trustees and examiners appearing in this Court effective
18 1 November 2004; therefore,

19 IT IS ORDERED that:

- 20 1. The Court has adopted electronic case filing consistent with
21 technical standards, if any, that the Judicial Conference of
22 the United States establishes. The Clerk of the Court may
23 accept documents for filing, establish electronic service
24 requirements, issue notices, serve orders and otherwise
25 specify practices and procedures in electronic case
26 management consistent with the Administrative Procedures for
27 Filing, Signing and Verifying Pleadings and Papers by
28 Electronic Means approved by the Court through general
orders.

- 1 2. The document attached as Exhibit A (Administrative
2 Procedures for Filing, Signing and Verifying Pleadings and
3 Papers by Electronic Means dated 8 November 2004 and at
4 times referred to as "Electronic Filing Procedures") is
5 hereby approved by the Court.
- 6 3. No participant shall permit his/her password to be utilized
7 by anyone other than an authorized employee of his/her
8 office. Only the participant or an authorized employee of
9 the participant's office may use the participant's password.
- 10 4. a. The electronic filing of a petition, pleading, motion or
11 other paper by the participant or an authorized employee of
12 the participant's office in the ECF System shall constitute
13 the signature of that participant under Fed.R.Bankr.P. 9011
14 and shall bind the party or parties represented by that
15 participant.
- 16 b. The *DECLARATION RE: ELECTRONIC FILING*, Local Rules W.D.
17 Wash. Bankr. Form 6, is no longer required. Official Form
18 No. 21, Statement of Social Security Number, which is
19 required in every case, may be filed electronically.
- 20 c. If the debtor is unable to pay the filing fee except in
21 installments, and if the petition is filed electronically,
22 the debtor must electronically file an Application to Pay
23 Filing Fees in Installments (Official Form No. 3) at the
24 time of the filing of the petition.
- 25 5. The electronic filing of a pleading or other paper in
26 accordance with the Electronic Filing Procedures is entry of
27 that pleading or other paper on the docket kept by the Clerk
28 of the Court under Fed.R.Bankr.P. 5003.

1 6. The Court shall enter all orders, decrees, judgments, and
2 proceedings of the Court in accordance with the Electronic
3 Filing Procedures, which is entry of the order, decree,
4 judgment, or proceeding on the docket kept by the Clerk of
5 the Court.

6 7. Participation in the ECF System by receipt of a password
7 from the Clerk of the Court is consent to the electronic
8 service of pleadings and other papers as set forth in
9 paragraph 8 of this Order.

10 8. a. Whenever a pleading or other paper is filed
11 electronically in accordance with the Electronic Filing
12 Procedures, the filing party will be automatically sent a
13 Notice of Electronic Filing by electronic means at the time
14 of docketing. All other parties in the case who are ECF
15 participants will be sent the Notice of Electronic Filing by
16 electronic means either at the time of filing or on a daily
17 basis. Pursuant to Fed.R.Civ.P.5(b)(2)(D), receipt of the
18 Notice of Electronic Filing generated by the Court's
19 electronic case filing system is the equivalent of service
20 of the pleading identified in the notice on persons who have
21 consented to electronic service.

22 b. The request for and receipt of a password from the Court
23 for use of the ECF System is a request for electronic
24 service pursuant to Fed.R.Bankr.P.9036, 7005, and
25 Fed.R.Civ.P.5(b)(2)(D); provided that, notwithstanding
26 Fed.R.Bankr.P.9036, in accordance with
27 Fed.R.Civ.P.5(b)(2)(D) and Fed.R.Civ.P.5(b)(3), service by
28 electronic means is complete on transmission unless the

1 party making service learns that the attempted service did
2 not reach the person to be served. A party may make service
3 pursuant to Fed.R.Civ.P.5(b) through the Court's
4 transmission facilities.

5 c. The filing party shall serve the pleading or other paper
6 upon all non-participants entitled to notice or service in
7 accordance with the applicable rules.

8 d. Notwithstanding the foregoing provisions of this
9 paragraph 8, conventional service of documents in hard copy
10 is required in accordance with Fed.R.Civ.P.4,
11 Fed.R.Civ.P.45, Fed.R.Bankr.P.7004, Fed.R.Bankr.P.9014(b),
12 and Fed.R.Bankr.P.9016, any order for conventional service
13 issued by the Court, or where otherwise specifically
14 required by the Federal Rules of Civil Procedure or the
15 Federal Rules of Bankruptcy Procedure.

16 9. In conjunction with the transition to electronic filing,
17 Local Rule W.D. Wash. Bankr. 2083-1 is hereby *amended* to
18 read as follows: **"All proofs of claim shall be filed with**
19 **the Clerk of the Court. The Chapter 13 Trustees shall**
20 **promptly forward to the Clerk of the Court any original**
21 **proofs of claim received by them in error; provided that the**
22 **Chapter 13 Trustees shall not be responsible for the**
23 **timeliness of the filing of a proof of claim where the filer**
24 **has failed to timely file the original with the Clerk of the**
25 **Court."**

26 10. The original of this order shall be posted on the Court's
27 website and maintained conventionally with the Clerk of the
28 Court. Amendments to this order or the Electronic Filing

1 Procedures may be entered from time to time in keeping with
2 the needs of the Court.

3 11. This Order shall take effect on 8 November 2004, and shall
4 apply to all cases and proceedings pending on the effective
5 date. This Order amends Bankruptcy General Order No. 3
6 dated 21 May 2001.

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8 Dated: 8 November 2004.

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10 FOR THE COURT:

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13 HON. PHILIP H. BRANDT
14 Chief Judge,
15 U.S. Bankruptcy Court
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EXHIBIT A

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON

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

I. REGISTRATION FOR THE ELECTRONIC CASE FILING (ECF) SYSTEM

A. PARTICIPANTS.

Each attorney admitted to practice in this Court and each standing and panel trustee shall be eligible to receive one or more passwords for the ECF System to permit the person to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the Electronic Filing Procedures. Other parties may be eligible to receive a password only upon the express approval of the Chief Bankruptcy Judge. Registration for a password is governed by Paragraph I.B. **See also General Order No. 4, making ECF registration mandatory as of 1 October 2004 and ECF filing mandatory as of 1 November 2004 for attorneys, trustees and examiners.**

B. REGISTRATION.

1. A registration form, in the form attached, shall be submitted for each participant. The attached form may be duplicated for use.
2. All registration forms shall be mailed or delivered to the Clerk of the Court.
3. Each participant registering for the ECF System will receive telephonic notice from the Clerk of the Court indicating that an envelope containing the participant's assigned password is available for pick-up from the Clerk of the Court. Only the participant or an authorized representative may pick up the envelope. Out-of-state attorneys and attorneys in outlying areas applying for registration may communicate with the Clerk of the Court to arrange for delivery of the password.
4. Once registered, a participant may withdraw from participation in the ECF System by providing the Clerk of the Court with written notice of such withdrawal. Upon receipt, the Clerk of the Court will immediately cancel the participant's password and will delete the participant from any applicable electronic service list.
5. Participants in CM/ECF shall pay all filing fees by credit card or debit card at the time of filing through the system's credit card module or, in the

alternative, pay the fees at the Clerk's Office by the close of business on the same day.

6. Pursuant to General Order No. 4, Western District Wash. Bankruptcy, Registration by attorneys, trustees and examineers in this Court's CM/ECF system for the purpose of electronic service of pleadings and other papers shall be mandatory as of 1 October 2004, and electronic filing through CM/ECF shall be mandatory for all attorneys, trustees and examiners as of 1 November 2004, except as otherwise ordered by the Court.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. Except as expressly provided in Paragraph III.A. below and in exceptional circumstances which prevent a participant from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the Court shall be electronically filed on the ECF System. Notwithstanding the foregoing, parties and attorneys who are not participants in the ECF System are not required to electronically file pleadings and other papers in a case assigned to the ECF System. Proof of Claim forms may be filed electronically or in conventional paper form.
2. Participants filing petitions, schedules, statements, lists, and amendments thereto using these Electronic Filing Procedures shall be excused from providing copies required by Local Rule W.D. Wash. Bankr. 1007-1(a) and Local Rule W.D. Wash. Bankr.1009-1(b). Except as provided in subparagraph 3 below, participants filing motions shall be excused from providing copies as required by Local Rule W.D. Wash. Bankr. 9013-1(d)(4).
3. Except as otherwise ordered by the Court, when the motion, response, memorandum, objection or reply, together with its supporting documents, exceeds 25 pages in length, the filing participant shall provide chambers copies in accordance with Local rule W.D. Wash. Bankr. 9013-1(d)(4).

B. SUMMONS IN ADVERSARY PROCEEDINGS.

Plaintiffs filing an adversary complaint electronically are excused from the requirement to provide a summons and cover sheet set forth in Local Rule W.D. Wash. Bankr. 7004-2. The Clerk of the Court shall issue to the plaintiff a completed summons for each defendant. This paragraph does not excuse compliance with Fed.R.Bankr.P. 7004 or Local Rule W.D. Wash. Bankr. 7004-1.

C. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with

the Electronic Filing Procedures, the ECF System will automatically generate a Notice of Electronic Filing and transmit it to the filer by electronic means at the time of docketing. All other parties in the case who are ECF participants will automatically receive a Notice of Electronic Filing by electronic means either at the time of filing or on a daily basis.

2. The request for and receipt of a password from the Court for use of the ECF System shall constitute a request for electronic service pursuant to Fed.R.Bankr.P.9036 and 7005 and Fed.R.Civ.P.5(b)(2)(D); provided that, notwithstanding Fed.R.Bankr.P.9036, in accordance with Fed.R.Civ.P.5(b)(2)(D) and Fed.R.Civ.P.5(b)(3), service by electronic means is complete on transmission unless the party making service learns that the attempted service did not reach the person to be served. A party may make service pursuant to Fed.R.Civ.P.5(b) through the Court's transmission facilities.
3. Subject to subparagraph 6 below, Pursuant to Fed.R.Civ.P.5(b)(2)(D), receipt of the Notice of Electronic Filing generated by the Court's electronic case filing system shall be the equivalent of service of the pleading identified in the notice on persons who have consented to electronic service.
4. Service of a paper or pleading on the United States Trustee is deemed to have occurred whenever such pleading or paper is filed electronically in accordance with the Electronic Filing Procedures and no proof of service is required to be filed.
5. The filing party shall serve the pleading or other paper upon all non-participants entitled to notice or service in accordance with the applicable rules. Proof of service shall be filed with respect to service on all non-participants entitled to notice; however, the proof of service may be filed electronically in accordance with the Electronic Filing Procedures with the representation, by the filer, that evidence of service is being maintained at the office of the filer.
6. Notwithstanding the foregoing provisions related to electronic service, conventional service of documents in hard copy shall be required in accordance with Fed.R.Civ.P. 4, Fed.R.Civ.P. 45, Fed.R.Bankr.P. 7004, Fed.R.Civ.P. 9014(b), and Fed.R.Bankr.P. 9016, any order for conventional service issued by the Court, or where otherwise specifically required by the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure. Proof of service pursuant to this subparagraph 6 is required to be filed, however, the proof of service may be filed electronically in accordance with the Electronic Filing Procedures with the representation, by the filer, that evidence of service is being maintained at the office of the filer.

D. SIGNATURES; AFFIDAVITS.

1. The *DECLARATION RE: ELECTRONIC FILING, Local Rules W.D. Wash. Bankr. form 6*, requiring the originally executed signature of the debtor is no longer required to be filed with Petitions, lists, schedules and statements. Official Form 21, Statement of Social Security Number, which is required in every case, may be filed electronically. If the debtor is unable to pay the filing fee except in installments, and if the petition is filed electronically, the debtor must electronically file an Application to Pay Filing Fees in Installments (Official Form No. 3) at the time of the filing of the petition.
2. Pleadings, affidavits, and other documents that must contain original signatures or that require verification under Fed.R.Bankr.P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically. The original signed document shall be maintained by the attorney of record or the party originating the document for a period not less than 5 years. Upon request, the original document must be provided to other parties or the Court for review. The pleading or other document electronically filed shall indicate a signature; e.g., "/s/ Jane Doe."
3. A stipulation or other document requiring the signature of more than one party shall be electronically filed as follows: (i) the filer shall confirm that the content of the document is acceptable to all persons required to sign and shall obtain actual signatures of all parties to the document; (ii) the filer shall file the document electronically, indicating the signatories, e.g., "/s/ Jane Doe"; (iii) the filer shall retain the hard copy of the document containing the original signatures as set forth in Paragraph II.D.2., above. Fed. R. Bankr. P. 9011 shall apply to all signatories, not just the filing participant. In addition, the filing party, by filing the document in accordance with this provision, represents that all signatories indicated have approved the form of the document.

E. ORDERS.

1. Proposed orders submitted in accordance with Local Rule W.D. Wash. Bankr. 9013-1(d)(1) and 9013-1(i) (1) shall be submitted electronically as an attachment to the motion.
2. Original orders that are ready for the judge's signature, including orders submitted pursuant to Local Rules W.D. Wash. Bankr. 9013-1(f)(2) and 9013-1(g)(2), may be submitted electronically by filing the order as a "received unsigned order," according to the procedure set forth in the *Electronic Case Filing Participant Guide*.
3. Received unsigned orders filed in accordance with this rule should include the words "*ex parte*" in the title if they are being submitted without notice in accordance with Local Rule W.D. Wash. Bankr. 9013-1(g).

F. TITLE OF DOCKET ENTRIES AND PLEADINGS.

The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the categories contained in the *Electronic Case Filing Participant Guide*. Every pleading filed in response to or subsequent to a motion or other initial pleading shall be linked to the initial pleading by including in the title of the subsequent pleading the same title as used in the initial pleading, e.g., a response to a Motion for Avoidance of Lien shall be entitled "Response to Motion for Avoidance of a Lien."

G. TIME.

1. All references to time contained in the Electronic Filing Procedures are to Pacific Standard or Daylight Saving Time, whichever is in effect.
2. Pleadings or other documents can be filed in the ECF System by participants at any time for purposes of Local Rule W.D. Wash. Bankr. 9013-1(d).

H. TECHNICAL FAILURES.

1. On the Part of the Court. A party whose filing is untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the Court. The Court shall consider its CM/ECF site to be subject to a technical failure if the site is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any given day. Known systems outages will be posted on the Court's web site.
2. On the Part of the Filer. Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under these procedures, nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

III. CONVENTIONAL FILING OF DOCUMENTS

A. CONVENTIONAL FILINGS.

The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:

1. Documents to be Filed under Seal. A motion to file document(s) under seal shall be filed electronically; however, the actual document(s) to be filed

under seal shall be filed conventionally. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Clerk of the Court.

2. Trial Exhibits. Exhibits for trials and evidentiary hearings shall be submitted in accordance with existing rules or as ordered by the Court.
3. Lengthy Documents. When documents that exceed 50 pages, including exhibits, are filed in paper form, the filer shall provide an electronic PDF version of the document on a 3.5 inch disk or CD-Rom disk at the time of filing. If the PDF file is more than two megabytes in size, it must be separated into two-megabyte segments. Each PDF file shall be clearly labeled to identify the sequence of documents to be filed.
4. Proofs of Claim. Notwithstanding the provisions of Local Rule W.D. Wash. Bankr. 2083-1, all claims filed in paper form in chapter 13 cases must be filed with the Clerk of the Court; the Chapter 13 Trustees shall promptly forward to the Clerk of the Court any proofs of claim received by them.

B. SERVICE OF CONVENTIONAL OR 3.5 INCH DISK FILINGS.

Pleadings or other documents that are filed conventionally or on a 3.5 inch disk or on a CD-Rom disk rather than electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Western District of Washington except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. PACER.

1. PACER (Public Access to Court Electronic Records) provides Internet access to Court dockets and images. This system requires users to establish a PACER account and register for a login and password. Registration can be completed via telephone by calling the PACER Service Center at (800) 676-6856 or (210) 301-6440. Parties may register for PACER on-line at <http://pacer.psc.uscourts.gov>.
2. A per page user's fee is charged for accessing Court information through PACER. That fee is set by the Judicial Conference of the United States. There is no charge, other than fees set forth in 28 U.S.C. § 1930, for filing documents.

3. Participants who have set up automatic electronic notification in a case will not be charged for one-time retrieval, downloading or viewing of that document when accessing the document directly from the e-mail notification.

B. PUBLIC ACCESS AT THE COURT.

The public will have electronic access to the electronic docket and documents filed in the ECF System at the Office of the Clerk of the Court, for viewing at no charge, during regular business hours Monday through Friday.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES.

Conventional copies and certified copies of electronically filed documents may be purchased at the United States Bankruptcy Court, Office of the Clerk of the Court, United States Courthouse, 700 Stewart St., Room 6301, Seattle, WA 98101 or 1717 Pacific Avenue, Suite 2100, Tacoma, WA 98402. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

DATED: 8 November 2004.