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3 UNITED STATES BANKRUPTCY COURT
4 WESTERN DISTRICT OF WASHINGTON
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8 In re:

9 GENERAL ORDER NO. 2011-1

10 AMENDMENT TO THE
11 ADMINISTRATIVE PROCEDURES AND
12 TECHNICAL REQUIREMENTS FOR
13 FILING, SIGNING AND VERIFYING
14 PLEADINGS AND PAPERS BY
15 ELECTRONIC MEANS

16 This General Order amends General Order No. 2008-2, effective July 1, 2008, which
17 adopted Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by
18 Electronic Means (the “Administrative Procedures”) , ECF Technical Requirements, a
19 Participant Registration Form and a Limited Use Participant Registration Form. Many of the
20 provisions of the Administrative Procedures and the ECF Technical Requirements have since
21 been incorporated into Local Bankruptcy Rule 5005-1 and no longer need to be included in the
22 Administrative Procedures. In addition, updates to the court’s Electronic Case Filing System
23 necessitate revisions to the electronic filing procedures and registration forms.

24 Now, therefore, it is hereby ORDERED:

- 25 1. This General Order No. 2011-1 supercedes General Order No. 2008-2; and
26 2. The Administrative Procedures and Technical Requirements for Filing, Signing and
27 Verifying Pleadings and Papers by Electronic Means (the “Electronic Filing Procedures”)
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1 attached hereto as Exhibit 1, including the Participant Registration Form (Exhibit A) and
2 Limited Use Registration Form (Exhibit B) attached thereto, are approved and effective May 31,
3 2011.

4 DATED: May 31, 2011

5 FOR THE COURT:

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7 _____
8 The Honorable Paul B. Snyder
9 Chief Judge

10 Honorable Timothy W. Dore
11 Honorable Marc L. Barreca
12 Honorable Brian D. Lynch
13 Honorable Karen A. Overstreet

UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

**ADMINISTRATIVE PROCEDURES AND TECHNICAL REQUIREMENTS
FOR FILING, SIGNING AND VERIFYING PLEADINGS
AND PAPERS BY ELECTRONIC MEANS
(The “Electronic Filing Procedures”)
(Effective May 31, 2011)**

These Administrative Procedures and Technical Requirements for Filing, Signing and Verifying Pleadings and Papers by Electronic Means (the “Electronic Filing Procedures”), together with the Local Bankruptcy Rules of the Western District of Washington Bankruptcy Court (“LBR”) and General Orders of the court, govern the use of the court’s Electronic Case Filing System (“ECF”).

I. Participation and Registration for the ECF System.

A. Participation.

1. Attorneys and Trustees. Attorneys in good standing admitted to practice in the United States District Court, Western District of Washington, and each standing and panel trustee may participate in the ECF system (“Participating Attorney”).
2. Paralegals and Attorney Staff. Each paralegal or employee associated with a Participating Attorney may participate in the ECF system as a Filing Agent on behalf of a Participating Attorney.
3. Limited Use Accounts. Institutional creditors and other entities may participate in the ECF System on a limited basis for the purpose of filing proofs of claims, transfers of claims, withdrawal of claims, reaffirmation agreements, requests for special notice, and other privileges as may be added at the discretion of the Clerk of the Court.
4. Other. Other individuals wishing to participate in the ECF system may do so only upon the express approval of the Chief Bankruptcy Judge. Requests for permission to participate must be submitted in writing.

B. Registration. LBR 5005-1 mandates ECF registration for attorneys and trustees for the purpose of filing papers electronically.

1. Each participant shall complete a registration form and submit it to the Clerk of the Court by fax, mail or email to the court's ECF Help Desk address. Note that Limited Use Accounts must complete the Limited Use Participant Registration Form. The registration forms are attached hereto as Exhibits A and B and may be updated from time to time.
2. Upon approval of the registration materials, the Clerk of the Court will issue the participant an ECF login and password. Notification of the login and password will be e-mailed to the primary and alternate e-mail addresses noted on the registration form. Upon receipt of the login and password, the participant must access the account to establish a personalized password, verify contact information, and establish preferences for email notification.
 - a. Each participant receives a unique password that is used to log in to the ECF System. For an attorney, the use of that unique participant password constitutes the attorney's signature for purposes of Fed.R.Bankr.P. 9011 on any document or pleadings filed electronically using that password. In addition, as set forth below, an attorney's signature is deemed attached to any document filed by a Filing Agent associated with that attorney.
 - b. A registered attorney may create Filing Agent accounts that are associated with the attorney's account. Each Filing Agent will have its own password and login. The use of the Filing Agent's login and password shall constitute the signature of the authorizing attorney for purposes of Fed.R.Bankr.P. 9011 on any document or pleadings filed electronically by the Filing Agent.
3. Each ECF participant is responsible for keeping his/her primary and alternate e-mail addresses current with the court through the Maintain User Account Function in ECF. Information about Maintain User Account is available on ECF and on the court's website: www.wawb.uscourts.gov. When an attorney moves, relocates to a different firm, has a change in any contact information or changes an associated Filing Agent **it is the attorney's responsibility to maintain current information in ECF.**
4. Once a participant receives a password for use of the ECF System the participant will receive all future notices from the court by electronic notice only.

5. A registered participant may withdraw from participation in the ECF System by submitting a written notice of such intent to the Clerk of the Court. Upon receipt of such notice, the Clerk of the Court will immediately cancel the participant's password, close the participant's ECF account and delete the participant from all applicable electronic service lists.

C. Payment of Filing Fees. Participants in the ECF System shall pay all filing fees by credit card or bank account debit (ACH) at the time of filing through the ECF System's credit card or bank account debit (ACH) function. Alternative payment arrangements must be approved in advance by the Clerk of the Court.

1. If the debtor is unable to pay the filing fee except in installments, and if the petition is filed electronically, an Application to Pay Filing Fee in Installments (Official Form No. 3, as may be amended from time to time) must be filed at the time of the filing of the petition.

2. Note that a participant's ECF account may be temporarily locked for failure to pay outstanding fees for a period exceeding 5 days.

D. Revocation of ECF Registration and Participation. The Clerk of the Court may close a participant's ECF account and revoke all ECF use and privileges under the following circumstances:

1. The attorney ceases to be in good standing with the Washington State Bar Association;

2. An order is entered by the U.S. District Court of the Western District of Washington suspending the attorney's ability to practice; or

3. Upon order of the Chief Bankruptcy Judge.

II. Electronic Filing and Service.

A. Mandatory Electronic Filing.

1. All pleadings or other documents filed with the court shall be filed electronically through the ECF System except as specifically provided in LBR 5005-1(f) and LBR 5005-2, or Section II.B below.

a. Proof of Claim forms must be filed electronically by ECF Participants. (Non participants may file proof of claim forms conventionally.)

2. Individuals or entities not eligible to participate in the ECF System (see Section I.A above) may submit pleadings and other documents conventionally.
- B. Summons in Adversary Proceedings. When an adversary complaint is filed electronically, the ECF filer will electronically receive a completed summons for each defendant. Compliance with Fed.R.Bankr.P. 7004 or LBR 7004-1 is still required.
- C. Service.
1. Receipt of the Notice of Electronic Filing generated by the ECF System shall be the equivalent of service of the pleading identified in the notice on persons who have consented to electronic service. See Fed.R.Civ.P. 5(b)(2)(E).
 2. 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.
 3. 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 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. Orders. Proposed orders and original orders that are ready for the judges' signature shall be submitted electronically pursuant to LBR 5005-1(e).
- E. Title of Docket Entries and Pleadings. Pleadings or other documents are electronically filed using the categories and events listed on the ECF System. 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."

F. Technical Failures.

1. A participant whose filing is untimely as the result of a technical failure of the court's ECF System may seek appropriate relief from the court. The court shall consider its ECF System to be subject to a technical failure if the system 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. Problems on the filer's end shall 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.

G. Time. Participants may file pleadings or other documents in the ECF System at any time for purposes of LBR 9013-1(d). See also Fed.R.Bankr.P. 5001(a).

III. Public Access to the ECF System.

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. 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. The 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.

B. Public Access at the Court. The Bankruptcy Clerk's Office will maintain computer terminals accessible to the public to provide electronic access to the ECF System, including the electronic docket, during regular business hours Monday through Friday. There is no charge for viewing documents electronically at the Clerk's Office.

Effective May 31, 2011.

Exhibit A to Electronic Filing Procedures

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
ELECTRONIC CASE FILING (ECF) SYSTEM
PARTICIPANT REGISTRATION FORM**

To register for an account on the Court's ECF System, please provide the information requested below:

Name: _____

Bar ID# and State: _____

Firm Name: _____

Firm Address : _____

City, State, Zip Code: _____

Firm Federal Tax ID #: _____

Voice Phone Number: _____

FAX Number: _____

E-Mail Address (Primary): _____

E- Mail Address (Alternate): _____

By submitting this registration form, the undersigned applicant agrees to the following:

1. Fed.R.Bankr.P. 9011 and LBR 5005-1(d) require that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. On pleadings and other documents filed electronically that signature shall be indicated by "/s/". The unique password issued to an ECF participant identifies that participant to the court upon each login to the ECF System.

a. The filing of a pleading or document by use of the attorney's ECF password constitutes the attorney's signature for purposes of Fed.R.Bankr.P. 9011 and LBR

5005-1. Further, the filing of a pleading or document by a Filing Agent associated with the attorney participant constitutes the signature of the associated attorney for the purposes of Fed.R.Bankr.P. 9011 and LBR 5005-1.

2. A participant must protect and secure the password issued by the court. If there is any reason to suspect a password has been compromised, it is the participant's duty to notify the court immediately. The court will thereafter immediately delete that password from the ECF System and issue a new password.

3. By this registration, the applicant, consents to the electronic service of pleadings and other papers as set forth in the Electronic Filing Procedures and Local Bankruptcy Rules.

4. Applicant agrees that once registered as a participant, he or she must electronically file all documents as provided in the Electronic Filing Procedures and Local Bankruptcy Rules for the Western District of Washington.

5. Applicant understands that originals of all electronically filed pleadings, affidavits, and other documents that contain original signatures or require verification under Fed.R.Bankr.P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be maintained by the attorney of record or the party originating the document in accordance with LBR 5005-1(d)(2).

6. Applicant agrees to comply with the court's Electronic Filing Procedures, as amended from time to time.

7. Technical Requirements.

a. Each participant is responsible for maintaining their ECF account and ensuring their email address is current. The participant must maintain an e-mail account with enough storage space to receive electronic notices from the court. Note that failed e-mails are returned to the court and will be deleted from the system. The participating attorney will have to use Electronic Notice Summary to generate any missing e-mail notifications; PACER charges will accrue.

b. ECF System generated e-mail is sent by ecfwebmaster@wawb.uscourts.gov. **Do not reply to this e-mail address.** Instead, participants who have questions about an e-mail should contact the Seattle ECF Help Desk at ECFHelp_Seattle@wawb.uscourts.gov or the Tacoma ECF Help Desk at ECFHelp_Tacoma@wawb.uscourts.gov.

c. Due to the volume of e-mail messages from the ECF System, your Internet Service Provider (ISP) may view the e-mail as spam. To avoid ISP blocking of ECF messages, the ISP account should be set to permit all e-mails from ecfwebmaster@wawb.uscourts.gov, and IP addresses 199.107.16.128 and 206.18.112.128 (as amended from time to time and posted on the court's website).

Date

Signature of Applicant

Registration can be submitted by fax: 206-370-5386

or by mail to: Mark Hatcher, Clerk of the Court
United States Bankruptcy Court
United States Courthouse
700 Stewart Street, Rm. 6301
Seattle, WA 98101-1271

Exhibit B to Electronic Filing Procedures

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
Electronic Case Filing System**

Limited Use Participant Registration Form

This form is to be used to register for an account with **limited filing privileges** on the court's Electronic Case Filing System (ECF). Limited filing privileges shall include the authorization to file proofs of claim, transfer of claims, withdrawal of claims, and reaffirmation agreements through ECF. Additional privileges may be added at the discretion of the Clerk of the Court.

Agency/Company: _____

Name of Contact/User: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

By submitting this registration form, the undersigned applicant agrees to the following:

1. Signatures on proof of claims, transfer of claims or withdrawal of claims shall be electronically signed with an "/s/", or if the claim is an imaged (scanned) copy, a digital copy of the original signature.
2. Reaffirmation agreements shall contain an imaged (scanned) digital copy of the original signature of the debtor(s).
3. The login and password for filing via the ECF System shall be used exclusively by the applicant.
4. I will notify the court at ECFHelp_Seattle@wawb.uscourts.gov of any suspected compromise of my password.
5. I will abide by all requirements set forth in the Administrative Procedures and Technical Requirements for Filing Signing, and Verifying Pleadings and

Papers by Electronic Means, adopted by General Order 2011-1, as may be subsequently amended.

Date

Signature of Applicant

Registration can be submitted by fax to: 206-370-5386

or by mail to:

Mark Hatcher, Clerk of the Court
United States Bankruptcy Court
United States Courthouse
700 Stewart Street, Rm. 6301
Seattle, WA 98101-1271