

Below is the Order of the Court.



Brian D. Lynch
U.S. Bankruptcy Judge
(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re:

AMENDING THE ADMINISTRATIVE
PROCEDURES AND TECHNICAL
REQUIREMENTS FOR ELECTRONIC
FILING

General Order No. 2019-2

Local Rule of Bankruptcy Procedure 5005-1(b) authorizes the Court to amend its Administrative Procedures and Technical Requirements for Electronic Filing (the "Electronic Filing Procedures") from time to time through general order. On February 4, 2019, the Court will implement the Next Generation of its CM/ECF Filing System ("NextGen"). The account registration procedures for NextGen differ significantly from the procedure outlined in the current Electronic Filing Procedures. NextGen will eliminate the need for local registration forms and requires registration through the Public Access to Court Electronic Records (PACER).

Now, therefore, it is hereby **ORDERED** that the Court adopts the Electronic Filing Procedures attached hereto as Exhibit A, effective February 4, 2019.

///End of Order///

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

**ADMINISTRATIVE PROCEDURES AND TECHNICAL REQUIREMENTS
FOR ELECTRONIC FILING
(The “Electronic Filing Procedures”)
(Effective February 4, 2019)**

These Administrative Procedures and Technical Requirements for Electronic Filing (the Electronic Filing Procedures”), together with the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules of the Western District of Washington Bankruptcy Court (“LBR”) and General Orders of the Court, govern the use of the Case Management/Electronic Case Filing system (“ECF”) in the Bankruptcy Court for the Western District of Washington (“Court”), both current and Next Generation versions.

I. Participation and Registration for Use of ECF.

A. Participation.

1. Attorneys and Trustees. Participation in ECF is mandatory for attorneys, panel trustees, and standing trustees appearing before the Court. Attorneys must be in good standing and admitted to practice in the United States District Court, Western District of Washington. See Fed. R. Bankr. P. 5005; Local Rules W.D. Wash., LCR 83.1.
2. Limited Participation for Other Entities. Out of state attorneys, paralegals, institutional creditors, mediators in The Honorable Thomas T. Glover Mediation Program, and Court-approved transcription service providers maybe eligible to participate in ECF 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.

B. Registration.

1. Each applicant for ECF participation must first obtain an account and login through PACER (Public Access to Court Electronic Records), then register through PACER for the appropriate type of Court access. See www.pacer.gov.

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2. Permission to file electronically in this Court is requested through PACER. PACER will alert the Court of the request. If the requested permission is granted by this Court, the filer will receive an email confirming activation of the filing privileges. Those with electronic filing privileges are referred to as an “ECF Participant.”
3. Each ECF Participant is responsible for maintaining current primary and alternate e-mail addresses and account information. The primary email address is maintained through the ECF Participant’s PACER account. The secondary email address is maintained through the ECF Participant’s ECF account. Court notification is not required.
4. Once authorized to file electronically in the Court, the ECF Participant will receive all future notices from the Court by electronic means only.

C. Security.

1. ECF Participants must protect and secure their PACER password. PACER recommends changing the password regularly to prevent unauthorized use of an account.
2. Sharing PACER account credentials with a third-party service provider or designating that provider as a secondary recipient of a Notice of Electronic Filing (NEF) could give the provider access to sealed case information and documents in violation of court order.

D. Revocation of ECF Filing Privileges. The Clerk of Court may terminate an ECF Participant’s electronic filing privileges in the W.D. Washington Bankruptcy Court under the following circumstances:

1. Upon the ECF Participant’s written request to withdraw from participation.
2. An order is entered by the U.S. District Court of the Western District of Washington suspending or terminating the attorney ECF Participant’s ability to practice; or
3. Upon order of the Chief Bankruptcy Judge.

II. **Payment of Filing Fees.**

- A. Filing Fees Paid Electronically. ECF Participants shall pay all filing fees at the time of filing using a credit card through Pay.gov or bank account debit (ACH).
- B. Installments. If the ECF Participant is filing a petition on behalf of a debtor who is unable to pay the filing fee except in installments, an Application to Pay Filing Fee in Installments must be filed with the petition and be accompanied by payment as established by local court rules.
- C. Filing Lock Out. An ECF Participant with fees that are delinquent for a period exceeding one business day may be locked out from further electronic filing until the fees are paid.

III. **Electronic Filing and Service.**

A. Filing.

- 1. The Local Rules of Bankruptcy Procedure govern the formatting requirements for documents filed electronically with the court, procedures for redaction of private personal identifiers, and procedures governing filing documents under seal. The Court's Local Rules also establish limited exceptions for documents to be filed conventionally on paper.
- 2. A document filed electronically in the ECF system becomes part of the permanent case record and, unless filed under seal, can be viewed by the public.

B. Summons. Summons in adversary proceedings are issued electronically to the ECF Participant who initiates the case. Service of the summons in accordance with Fed. R. Bankr. P. 7004 or LBR 7004-1 is required.

C. Service.

- 1. A paper is served on an ECF Participant by filing the paper with the Court's ECF system. See Fed. R. Civ. P. 5(b)(2)(E) and LBR 5005-1(c). Service on non-ECF Participants is addressed by LBR 5005-1(c)(3).
- 2. 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. Bankr. P. 9014(b), Fed. R. Bankr. P. 9016, as ordered 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 with the representation, by the ECF Participant, that evidence of service is being maintained at the office of the ECF Participant.

- D. Orders. All orders 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 in ECF. 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 Lien."
- F. Time. ECF Participants may file pleadings or other documents in ECF at any time for purposes of LBR 9013-1(d). See also Fed. R. Bankr. P. 5001(a).

IV. **Technical Failures.**

- A. ECF Technical Failure. An ECF Participant whose filing is untimely as the result of a technical failure of ECF may seek relief from the Court. The Court shall consider ECF to be subject to a technical failure if the system is unable to accept filings, either continuously or intermittently, for more than one hour on any given day. Known system outages will be posted on the court's web site.
- B. Failure of Participant's System. Problems on the ECF Participant's end shall not constitute a technical failure under these procedures, nor excuse an untimely filing. An ECF Participant who cannot file a document electronically because of a problem on the ECF Participant's end must file the document conventionally.

V. **Public Access to ECF.**

- A. Public Terminals in Clerk's Office. The Clerk of Court maintains computer terminals accessible to the public for the purpose of providing electronic access to ECF, including the electronic docket, during regular business hours, Monday through Friday. There is no charge for viewing documents electronically at the Clerk's Office.

B. Individual PACER account. Alternatively, a non-ECF Participant may establish a PACER account for the purpose of accessing, but not filing in, ECF. See www.PACER.gov Fees for accessing court information through PACER are set by the Judicial Conference of the United States and are listed on the PACER website. See 28 U.S.C.1930.

Effective February 4, 2019.