

1
2 UNITED STATES BANKRUPTCY COURT
3 WESTERN DISTRICT OF WASHINGTON
4

5 In re:

6
7 ADMINISTRATIVE PROCEDURES FOR
8 ELECTRONIC CASE FILING

GENERAL ORDER NO. 2008-2

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

13 WHEREAS on July 1, 2008, the Court adopted the Amended Local Bankruptcy Rules for
14 the Western District of Washington pursuant to General Order No. 2008-1 including Local Rule
15 5005-1 (Electronic Case Filing), which incorporates electronic case filing requirements
16 previously contained in General Order No. 3 (Provisions for Electronic Case Filing) and General
17 Order No. 4 (Mandatory Electronic Filing); and

18 WHEREAS in order to address privacy concerns, changes in procedures for electronic
19 case filing (ECF), changes in ECF training and procedures for e-mails returned to the Clerk's
20 Office, the Court has authorized changes to its ECF administrative procedures as set forth in this
21 order.

22 NOW, THEREFORE, it is hereby ordered:

23 1. This General Order supersedes General Order No. 3, dated May 21, 2004, which
24 adopted Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by
25 Electronic Means (the "Administrative Procedures") and ECF Technical Requirements.

26 2. The Administrative Procedures attached hereto as Exhibit A, including the ECF
27 Technical Requirements attached thereto, are approved and effective July 1, 2008.

28 3. The Participant Registration Form attached hereto as Exhibit B and the Limited

GENERAL ORDER NO. 2008-2

Use Participant Registration Form attached hereto as Exhibit C are approved and effective July 1, 2008.

DATED: July 1, 2008.

FOR THE COURT:



The Honorable Karen A. Overstreet
Chief Judge

Honorable Samuel J. Steiner
Honorable Thomas T. Glover
Honorable Philip H. Brandt
Honorable Paul B. Snyder

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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

(Effective July 1, 2008)

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 Local Rule W.D. Wash, Bankr. 5005-1 making ECF registration mandatory for attorneys, trustees and examiners.***

B. REGISTRATION.

1. Each participant shall submit a registration form as may be approved by the Court from time to time. All registration forms shall be mailed or faxed to the Clerk of the Court.
2. Each participant registering for the ECF System will receive a letter from the Clerk of the Court containing the participant's assigned login and password. Letters advising registrants of their login and password will either be e-mailed to the primary and alternate e-mail addresses noted on the registration form or mailed to the participant at the address provided in the registration form.
3. 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.
4. Participants in the ECF System 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.

5. Pursuant to the Local Rule W.D. Wash Bankr. Rule 5005-1, registration by attorneys, trustees and examiners in this Court's ECF System for the purpose of electronic service of pleadings and other papers is mandatory, 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. 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.

A plaintiff filing an adversary complaint electronically will receive, electronically, 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)(E) 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. Once a party has received a password for use of the ECF System, they will receive only electronic notice from the Court and will no longer receive any notice by mail.

3. Subject to subparagraph 6 below, Pursuant to Fed.R.Civ.P.5(b)(2)(E), 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-ECF 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-ECF 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. 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 pursuant to Local Rule W.D. Wash. Bankr. 5005-1(d)(2).
3. A stipulation or other document requiring the signature of more than one party shall be electronically filed pursuant to Local Rule W.D. Wash. Bankr. 5005-1(d)(3).

E. ORDERS.

Proposed orders and original orders that are ready for the judges' signature shall be submitted electronically pursuant to Local Rule W.D. Wash. Bankr. 5005-1(e).

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 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."

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 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. 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 five 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. 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: July 1, 2008

ECF TECHNICAL REQUIREMENTS
(Attachment to Administrative Procedures For Filing, Signing and
Verifying Pleadings and Papers by Electronic Means)
Effective July 1, 2008

1. Each participant in the Electronic Case Files System (ECF) must complete an ECF System Participant Registration Form, which requires a participant to provide the court with his/her primary e-mail address. If needed, additional e-mail addresses may be included on this form requesting that other individuals within the firm receive duplicate notifications of case activity. All ECF participants will receive a Notice of Electronic Filing of any pleadings filed in the cases in which he/she has appeared.
2. ECF participants are responsible for keeping his/her primary and alternate e-mail addresses current with the Court. Requests to update primary and alternate e-mail addresses should be sent to the ECF Help Desk at ECFHelp_Seattle@wawb.uscourts.gov or ECFHelp_Tacoma@wawb.uscourts.gov. This request should include the attorney's name, bar identification number, a designation of whether the e-mail address is a primary or alternate e-mail address, and the new e-mail address.
3. A participant shall notify the Court immediately if the participant is having difficulty with his/her Internet Service Provider (ISP) and shall provide the Court with a temporary e-mail address while he/she works with the ISP to resolve the problem. **IF THE COURT IS NOTIFIED OF THIS PROBLEM** it will hold Notice of Electronic Filing e-mails to the primary e-mail address on the account and re-send those e-mails when advised that the problem has been resolved.
4. If the Court has not been notified by the user of any delivery problems and e-mail sent to the user's primary e-mail account is returned, the Court will make one additional attempt at delivery to that primary address. If that second delivery is returned, the Notice of Electronic Filing will be deleted. The Court will then delete that primary e-mail address from the account and lock out that user until a new primary e-mail address is furnished. The Notice of Electronic Filing will not be recreated for the attorney. The attorney will have to use Electronic Notice Summary to generate missing e-mail notifications. PACER charges will accrue.
5. Whenever e-mail messages directed to any additional e-mail addresses are returned to the Court twice within the same week, the alternate e-mail addresses will be removed from the participant's account. The participant will need to contact the Court to re-establish new additional e-mail addresses for the account.
6. When an attorney relocates or moves from one firm to another, the court requires a new ECF Participant Registration Form. A new ECF account will be created for this attorney which includes his/her new firm name, address, telephone number, primary and alternate

e-mail addresses. The attorney shall provide the court with a listing of case numbers, names of debtors and the party that the attorney represents pursuant to Local Rule W.D. Wash. Bankr. 9011-1. The original account will be turned off, the e-mail address will be removed, and service of documents for cases associated to that account must be made by non-electronic means until a Withdrawal and Substitution of Counsel is filed.

7. Each participant must maintain an e-mail account with enough storage space to receive electronic notices from the Court. In general, an account with storage space of at least 100 MegaBytes is sufficient. The e-mail generated from the ECF System can be voluminous exceeding the size allocated for free e-mail accounts. If the size of a participant's e-mail account is not sufficient, e-mail notification of documents being served will fail. These failed e-mails are returned to the Court and **will be deleted from the system**. In order to determine what e-mails have been deleted, the participant will need to generate a listing of activity in their cases on a per day basis using Utilities/Electronic Notice Summary.
8. 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.
9. Due to the volume of e-mail messages from the ECF System, an ISP may view the e-mail as spam. To avoid ISP blocking of ECF messages as spam, the ISP account should permit all e-mails from ecfwebmaster@wawb.uscourts.gov, and IP addresses 208.27.203.128 and 208.27.111.128.

EXHIBIT B

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

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

Name: _____

Bar ID# and State: _____

Firm Name: _____

Complete Firm Address: _____

City, State, Zip Code: _____

Firm Federal Tax ID #: _____

Voice Phone Number: _____

FAX Number: _____

E-Mail Address: _____

Send Notice to These Additional E-Mail Addresses: _____

Send Electronic Notice (check one): Each Filing End of Day Summary

Send Electronic Notice in the following format (check one):

HTML for Netscape, ISP mail service, i.e, AOL, Hotmail, Yahoo, etc.

Text for cc:mail, Groupwise, Outlook, Outlook Express, Other (please list)

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

1. Federal Rule of Bankruptcy Procedure 9011 requires 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. The unique password(s) issued to a participant identifies that participant to the Court each time he or she logs on to the ECF System. The use of a participant's password constitutes the signature of the participant for purposes of Fed. R. Bankr. P. 9011 on any document or pleading filed electronically using that participant's password. Therefore, a participant must protect and secure the password issued by the Court. *See* Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means ("Administrative Procedures"), authorized by General Order No. 2008-2, as may be amended. If you have any reason to suspect your password has been compromised, it is your duty to notify the Court immediately. The Court will thereafter immediately delete that password from the ECF System and issue a new password.

2. By this registration, applicant consents to the electronic service of pleadings and other papers as set forth in the Administrative Procedures.
3. Applicant agrees that once registered as a participant, he or she must electronically file all documents, as provided in the Administrative Procedures and Local Bankruptcy Rules for the Western District of Washington, Rule 5005-1.
4. 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 Local Bankruptcy Rule 5005-1(d)(2).
5. Applicant agrees to comply with the ECF Technical Requirements attached hereto and as amended from time to time.

Date

Signature of Applicant

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

EXHIBIT C

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
Electronic Case Filing (ECF) System
Limited Use Participant Registration Form**

This form is to be used to register for LIMITED FILING PRIVILEGES for filing documents via the Internet into the ECF System. Limited filing privileges shall include the authorization to file proofs of claim, transfer of claims, withdrawal of claims, and reaffirmation agreements with the Clerk's Office. 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, 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/ Jane Doe”, 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 Internet shall be used exclusively by me and by any of my employees to whom I give authorization. I will not knowingly permit my login and password to be used by anyone who is not so authorized.
4. I will notify the court at ECFHelp_Seattle@wawb.uscourts.gov or ECFHelp_Tacoma@wawb.uscourts.gov to request a new password when an employee of mine who has been authorized to use my login and password no longer serves in such capacity.
5. I will notify the court at ECFHelp_Seattle@wawb.uscourts.gov or ECFHelp_Tacoma@wawb.uscourts.gov of any suspected compromise of my password.

6. I will abide by all requirements set forth in the Administrative Procedures for Filing Signing, and Verifying Pleadings and Papers by Electronic Means, adopted by General Order 2008-2, as may be subsequently amended.

Date

Signature of Applicant

Mail to: Mark Hatcher
Clerk of Court
U.S. Bankruptcy Court
700 Stewart Street, Room 6301
Seattle, WA 98101-1271

(Effective July 1, 2008)