



# THE BANKRUPTCY ADVISOR



Volume 5, Issue 5

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December 2007



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## Procedural Changes Related to Statements of Current Monthly Income Effective December 3, 2007

Effective December 3, debtors are no longer *required* to file the Form 22 as a separate PDF document apart from the Voluntary Petition and schedules. The Form 22A, Form 22B and Form 22C (Statements of Current Monthly Income) can be combined with the petition and schedules or can be filed separately.

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## New Policy on Availability of Transcripts

The Judicial Conference has adopted a new policy regarding the electronic availability of court transcripts. This policy was recently implemented in the Northern District of Florida.

Under the policy, transcripts ordered by a party or by the court will be filed electronically with the Clerk’s Office, however, the clerk’s office will be prohibited from providing paper or electronic copies of the transcripts until 90 days from the date the transcripts were filed. Individuals wishing to purchase a copy of the transcript within the 90 day period must contact the court reporter directly.

After the 90 day period, transcripts will be available for public access through the PACER system and can be viewed, downloaded or printed from PACER.

The new policy is designed to comply with the E-Government Act of 2002 while giving court reporters exclusivity over their work product for a period of time. It also enables attorneys and parties time to take appropriate action to redact information contained in transcripts pursuant to privacy regulations.

Additional information on redaction of transcripts will be coming soon.

## ***New Paperless Event!***

### **Withdrawal of Document (Paperless)**

This event is now in the following locations in ECF for your use:

Bankruptcy > Other Miscellaneous Documents >  
Bankruptcy > Most Commonly Used >  
Adversary > Notices & Other Miscellaneous >

***Please be aware that this event may NOT be used to withdraw claims. Use of this event in an attempt to withdraw a claim will result in a Submission Error.***

**REJECTED EMAIL**

If you have moved, if you change internet providers or get a new e-mail address, please be sure to update your information in ECF and in your new email account. We receive many rejected e-mails every day from closed or invalid accounts or accounts that have spam guards to which we have not been added as a safe address. This means you may not be receiving notifications on case activity or that the information provided to others through our system may not be correct!

Additionally, pursuant to the *Fourth Amended Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* § I.C.6, if any of the information on your original ECF Registration form changes, e.g., mailing address, e-mail address, etc., you must submit an Amended Registration to the Court.

Your assistance in keeping our records accurate is greatly appreciated!

## **STREAMLINED PROCEDURE FOR STRICT COMPLIANCE ORDERS**

In order to minimize the number of hearings on Motions to Dismiss for failure to make Plan payments, the Trustee has implemented an alternate procedure. This procedure would in effect allow the Debtor(s) the negative notice period plus the standard 30 days in the Strict Compliance Order to cure any defaults. The procedure is as follows:

1. The Debtor(s) is in default in Plan payments.
2. The Trustee would file a Motion for Entry of Strict Compliance Order for default in Plan payments (with a list of the receipts attached) and notice of time to object to entry of the Order.
3. The request will be circulated via negative notice (period of 30 days to object).
4. If the Debtor(s) does not object to the entry of the Strict Compliance Order, the Order would be entered with the standard provision allowing the Debtor(s) 30 days to cure default.
5. If the Debtor(s) does object to the entry of the Order within the negative notice period, a hearing will be scheduled on the request for entry of the Order and the response thereto.

We believe this will eliminate unnecessary hearings and make the system more efficient while still protecting the Debtor(s)' rights.

**LEIGH D. HART, CHAPTER 13 TRUSTEE**

## CHAPTER 13 ANNUAL STATEMENTS and RELATED MOTIONS TO MODIFY PLAN

By Melissa McClure, Director of Court Operations

In an effort to assist practitioners with preparing and filing Chapter 13 annual statements pursuant to 11 U.S.C. § 521(f) and any plan modifications that may result from increases reported on the annual statement, the court has worked in tandem with Leigh Hart, Chapter 13 Trustee, to develop standardized, local fillable forms designed to expedite the process.

The forms are located on our website, under the forms tab > National and Local Forms. There you will find fillable Local Form(s) 22 (LF 22), Annual Statement, and LF 22a, the Annual Statement Worksheet. The worksheet will walk you through the process for providing the information required on the annual statement. The worksheet was created by the Trustee's office for ease in collecting the information required by 11 U.S.C 521 (f). Separate sections for income, expenses and a summary are provided for your use in calculating the net effect of the annual statement and for determining if a motion to modify chapter 13 plan is required due to a substantial increase in income. After completing both forms, save in PDF format and file both as a single document using the "Chapter 13 Annual Statement" event located in the Miscellaneous/Other Documents section on the court's ECF system.

If a plan modification to increase distribution to creditors is required, we have developed LF 23, Motion to Modify Chapter 13 Plan (due to changes in income or expenses) for your convenience in filing. After inserting the necessary information in the blanks, you can simply save your information in PDF format and file using the "Modify Plan (Post confirmation) Due to Annual Statement" event located in the Motion/Application section on the court's ECF system. The motion does not need to be served on, or circulated to creditors, and no proposed form of order needs to be submitted. The court will enter its own form of order which grants the motion to modify, approves the plan modification and authorizes the attorney for the debtor to collect an additional fee of \$200.00 for the filing and approval of the modification.

The development of these forms is yet another way for the Clerk's office to provide the best service possible. There are other forms in the development stage which will simplify the filing process in several areas. Please let us know if you have suggestions you would like us to consider.

### PLEASE TAKE NOTE...

Bank of America, the former lockbox provider for the U.S. Trustee Payment Center, has stated that effective December 1, 2007, they will no longer forward mail to the new address. All mail sent to the former lockbox address in Atlanta will be returned to sender. Failure to use the correct address could add several days to the payment receipt date, increasing the possibility of an interest assessment.

Please use the Wachovia lockbox address listed here for all payment activities:

**U.S. Trustee Payment Center**  
**P.O. Box 70937**  
**Charlotte, NC 28272-0937**

### "CourtCall" Telephonic Hearings Now Available!

As we told you in the September issue of *The Bankruptcy Advisor*, the CourtCall telephonic hearing service was to become available November 5 for hearings before Judge Killian. We are up and running and have nothing but positive reviews of the service!

Remember, there are certain types of hearings that may not be heard by telephonic hearing, such as trials, stay hearings and evidentiary hearings.

For a complete list of "cans" and "cannots," please review the "Notice re: Telephonic Appearance Procedure for U.S. Bankruptcy Judge Lewis M. Killian, Jr. Effective November 5, 2007" available on our website at [http://www.flnb.uscourts.gov/documents/court\\_info/telephonic\\_appearance\\_procedures.pdf](http://www.flnb.uscourts.gov/documents/court_info/telephonic_appearance_procedures.pdf).



## FROM THE BENCH

**By: Lewis M. Killian, Jr.**  
United States Bankruptcy Judge

### PROGRESS ON THE MORTGAGE SERVICING FRONT?

Everyone who deals with consumer bankruptcies shares the frustration of dealing with mortgage servicers. It is frequently difficult, if not impossible to obtain understandable accountings for payments that have been made. Payments may be returned or simply held in suspense and not applied. Unexplained charges may be added to the accounts. It is often difficult to actually speak to someone with knowledge of the account and with the authority to negotiate for the servicer. Now, there is hope on the horizon for some meaningful changes in the system.

In early 2005, the National Association of Chapter 13 Trustees (NAACT) formed a committee in conjunction with the mortgage servicing industry with the goal of improving the bankruptcy system as it pertains to issues involving home mortgages in bankruptcy. The committee is comprised of mortgage servicers, their attorneys, Chapter 13 trustees, and other interested parties.

The committee was broken out in various subcommittees to work on discrete issues such as the proper application of payments, post petition fees and costs, proof of claim attachments, trustee payment vouchers and communication between the mortgage industry and other stakeholders (i.e., debtors and their counsel). Out of their meetings, the committee has proposed a list of best practices which, if implemented, would go a long way towards solving many of the problems we see on a regular basis in dealing with mortgage issues.

In general, the proposed best practices would standardize and improve the flow of information regarding the status of home mortgages during bankruptcy proceedings and they would make the information provided to debtors actually useful. Payment histories would have to be readily available in an understandable form. Debtors and the trustee would receive timely notices of any changes in their payments and provide annual escrow analyses to the debtors. Servicers would be required to have available for debtor's counsel a contact for working with the debtor regarding loss mitigation. This contact would have the authority to negotiate with the debtor's counsel without going through the servicer's attorney.

The best practices are currently in the proposal stage and the committee will be working with the NCBJ to address any concerns the judiciary has regarding them and to insure that they are consistent with the bankruptcy code and rules. The ultimate goal will be to develop uniform practices nationally which will make the system operate more efficiently while accomplishing the objective of keeping people in their homes.

On an interim basis while we are waiting for a global solution, a number of courts have adopted procedures designed to improve the flow of information from the mortgage servicers through administrative or standing orders. I am currently considering, and, absent widespread objection from the bar, intend to implement a standing order consistent with the one adopted by the District of Vermont earlier this year (<http://www.vtb.uscourts.gov/issues/ord07-07.pdf>). I would request that members of the bar review this order and submit any objections or suggestions for change to [flnb\\_so\\_comments@flnb.uscourts.gov](mailto:flnb_so_comments@flnb.uscourts.gov) not later than January 13, 2008. Hopefully this will make the Chapter 13 process more effective and efficient for everybody concerned. 🙏

## ECF Essentials: New Filing Events

With the statistical reporting standards we are now required to maintain per the BAPCPA, and the elimination of many of our “generic” filing events, your input has been invaluable in helping to shape our CM/ECF system to fit the needs of our users. If you cannot locate the event you need to file a document, give us a call and we’ll see if we can direct you to an existing event or we possibly can create a new one for you.

Event Name	Docket Text	Locating the Event
Acknowledgement of Service	Acknowledgement of Service	Adversary > Notices & Other Miscellaneous >
Amended Petition (Official Form 1 only)	Amended Petition ( <i>reason amended provided by filer</i> )	Bankruptcy > Other Misc Documents >
Delay Closing of Case	Motion to Delay Closing of Case	Bankruptcy > Motions / Applications >
Document filed under seal	Document filed under seal <i>The docket text of this event cannot be modified by the filer. The entry may subsequently be clarified at the direction of the Court.</i>	Adversary > Notices & Other Misc > Bankruptcy > Other Misc Documents >
Operating Report - Chapter 12	Chapter 12 Operating Report for Filing Period <i>provided by filer</i>	Bankruptcy > Operating Reports (All Chapters) > Bankruptcy > Other Misc Documents >
Sever Causes of Action	Motion to Sever Causes of Action	Adversary > Motions & Applications >
Subpoena to Appear	Subpoena to Appear	Adversary > Complaint & Summons on Existing AP Cases >
Withdrawal of Document (Paperless) <b>NOTE: This event cannot be used to withdraw claims</b>	Withdrawal of Document ( <i>reason withdrawn provided by filer</i> ) re: <i>linked document being withdrawn</i>	Bankruptcy > Most Commonly Used > Bankruptcy > Other Misc Documents >
Waive	Motion to Waive	Bankruptcy > Motions / Applications >
Writ of Garnishment	Writ of Garnishment	Adversary > Complaint & Summons on Existing AP Cases >



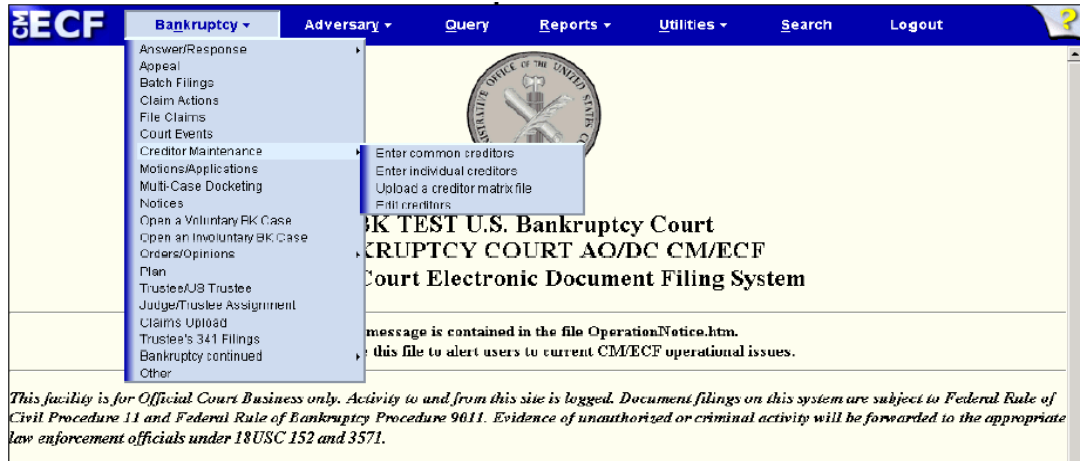
**Schedule  
Change**

At the request of the Office of the U.S. Trustee, 341 meetings set for cases filed in the **Pensacola Division** on or after December 9, 2007, will be scheduled at 15 minute intervals instead of the current 30 minute intervals. This new schedule will be effective for meetings starting in February, 2008.

## CM/ECF V3.2 - A Look at Things to Come

There is a new version of CM/ECF on the horizon with many additional features that we're sure you're going to love! The target release is Spring 2008. We'll keep you updated on the progress, but in the meantime, here's a sneak preview of what's in store...

*New drop-down menus (clicking on the menu options will still take you to the screens you're familiar with though)*



*Finally... an event search! As you type the keyword(s) of what you are searching for (e.g., "stay") all events containing that word will appear in the list on the left. No more searching from menu to menu!*



### Help Desk Hints... DEBTOR SIGNATURES

**Amended Plans:** The debtor(s) must sign the original plan, but amended plans do not require original signatures.

**Annual Statements:** Schedules I and J can be used as worksheets and are not required to be signed if used as such.

## LIONS, TIGERS AND... BANKRUPTCY JUDGES?

It wasn't hard to find "big game" at the 2007 Association of Bankruptcy Judicial Assistants' Educational Conference held at the Sheraton Safari Hotel & Suites on October 9 - 13 in Lake Buena Vista, Florida. Our agenda was packed with bankruptcy judges and attorneys and as hoped, we had one of the highest attendances with over 120 judicial assistants, CBA's, paralegals and legal assistants from law firms around the country. Along with the educational rewards, "trophies" in the form of door prizes were given away throughout the week thanks to the generous donations of many of our law firms.



Our "safari" adventure began on October 9<sup>th</sup> and 10<sup>th</sup> with the Certified Bankruptcy Assistant review course and exam for non-legal support staff. **ADRIENNE BROWN** of Thomas B. Woodward's office, **MEGAN HERRING** in Eric Haugdahl's office, and **PATRICIA HOCKING** from Allen Turnage's office, were several of the 50 attendees who sat through *Legal Ethics* taught by the **Hon. Karen Jennemann**, (MD/FL); *Legal Research* taught by **Tamara Blenkhorn, Esq.**, an FSU instructor; *Bankruptcy Code and Rules* presented by the **Hon. Catherine P. McEwen** (MD/FL); and *Grammar Usage & Writing* by **Claude Lightfoot, Jr., Esq.**, Chapter 7 Trustee (ED/LA). All three of these ladies also took and passed the certification exam and now proudly carry the title of Certified Bankruptcy Assistant. Should they so choose, they now have the option of joining the ABA as associate members. Congratulations Adrienne, Megan and Tricia!

For those interested in a more advanced adventure, the general education session on Thursday, October 11<sup>th</sup>, took us on an expedition with **Lee Ann Bennett**, Clerk, (MD/FL), with the assistance of some of her staff leading us through the jungles of BAPCPA and CM/ECF. Guided by the **Hon. Brian Tester**, Bankruptcy Judge, (D/PR), and **Cynthia Burnette**, Asst. U.S. Trustee in Tampa, we then trudged deeper through murky waters of Credit Counseling and how the new requirements are affecting the courts and law firms. Presentations by Bankruptcy Judges **Laurel Isicoff**, (SD/FL), **Elizabeth Stong**, (ED/NY), and **Shelley Rucker, Esq.**, an attorney with the law firm of Miller & Martin, PLLC in Chattanooga, Tennessee, enlightened us on the purpose of, and differences between, each court's chambers procedures and local rules. The **Hon. Jerry Brown**, Bankruptcy Judge (ED/LA), **Claude Lightfoot, Jr., Esq.**, and **James Stohlanske, Esq.**, with the law firm of Clark, Partington, & Hart, shared the post-storm effects on Louisiana and Florida and the importance of having a disaster plan in place. We finished off our day's safari with a panel discussion by the **Hon. Paul M. Glenn**, Bankruptcy Judge (MD/FL), **Hon. Jerry Brown** (ED/LA) and **William Rule** from the Bankruptcy Judges Division in the Administrative Office on the current and future prediction of bankruptcy filings.

For those hunters hungry for more adventure, Friday's session taught by **Dr. Michael Seigel**, a Senior Training Specialist with the Federal Judicial Center in Washington, DC, took us through uncharted territory by using our leadership compass in dealing with the people in our north, south, east and west.

Get your boots ready and mark your calendars **now** for next year's conference which will be held in San Antonio, Texas on September 23-26, 2008 at the Westin Riverwalk ([www.Westin.com/Riverwalk](http://www.Westin.com/Riverwalk).) While it's too early to book your room just yet as we are still in the negotiating stage, room rates will be \$139. As always, as soon as everything is finalized, information regarding the agenda, registration costs and forms will be posted on our website at [www.abja.org](http://www.abja.org) so start checking it around June. Please encourage and support your legal assistants to attend as I guarantee they will receive training they can't get anywhere else.

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Martie Kantor, CBA  
Judicial Assistant  
to Judge Killian



# THE CLERK'S CORNER

By Bill Blevins, Clerk of Court



Well, the “end of year/preparing for next year” activities have begun and the usual question of “how many cases do you think we will have?” is being asked around the office. The best answer I have at the time of writing this article (early Dec.) is that we will easily surpass the 2006 total of almost 2,100 as we are already past the 2,500 mark at the end of November and still climbing. Also, given the uncertainty with mortgages, the legislative changes being discussed, the comments from debtors’ attorneys, and the filings on Saturdays via ECF, my assumption is that 2008 too will end up much higher than 2007. As always, we will just have to wait and see.

## 2007

In preparing this article for the newsletter, I immediately thought of all the ways we have successfully worked together in 2007. The effort to do so was especially challenging this year due to the various new rulings under BAPCPA and the ever changing state of the mortgage and credit industry. But we did it, didn’t we! During my pondering on how we made so much collaborative progress, some of the “big” examples that came to mind were the:

1. Chapter 13 Form Plan and Related Items: While it may never be the “bees knees” to all, we were able to establish the plan and its related procedures based on your feedback and support and we will continue to work with you to update and revise it as is required.
2. Board of Advisors: Due to the diligent efforts of Kevin Davis, we were able to finally establish this board with two meetings this year. From the resulting conversations, suggestions have been and are being pursued to improve the system. If you are interested in finding out more about the workings of this group, please feel free to contact Kevin and he can fill you in.
3. Bar Sponsored Changes: Thanks to your hospitality, we were able to do a subsequent round of selected visits this summer to many offices and firms around the district as well as make another successful presentation at the Bar Seminar in October. From these discussions, I continued to see what dedicated attorneys we have working in the Northern District of Florida as well as the willingness to relay ideas and possible changes that we could make to help you serve your clients even better. I am pleased to report that we were able to make several ECF adjustments to accommodate such requests, several coming in the last couple of months (such as with the Form 23 - Financial Management Course and Form 22 - Current Monthly Income/Mean Test) and that we are researching more for 2008.

While this is only a cursory list of the progress we made together this year, I hope it substantiates our interest in working with you to better the process and as you will see below, our continued interest in doing so in 2008.

*(See “Clerk’s Corner” continued on page 9)*

(Clerk's Corner—continued from page 8)

## 2008

For 2008, we already have plenty in the works where we will be checking in, asking for feedback, and looking for suggestions. Even though we are not able to do everything that is requested due to system limitations, judicial preference, etc., we will try to do our best to either implement the ideas provided or let you know why they will not “fly.” To give you a heads up of what’s coming in 2008, here is an initial list of three areas already in the hopper:

1. Local Rules: With the Interim Federal Rules under BAPCPA expected to become final, we will need to review, re-vamp, and update our rules to align with them in context and name. A request to the Bar will probably be coming out sometime in the Spring.
2. Chapter 13 Related: These include possible decisions made on a Standing Order relating to mortgage lenders (see article by Judge Killian), mortgage payments being paid more through the plan, potential attorney fee adjustment discussions based on two years plus experience with BAPCPA, and related form plan revisions that will need to be agreed upon by the Judge.
3. Clerk’s Office Transitions: Based on a strategic plan being developed and finalized by our management team, we are looking to make some changes internally in how we operate to uphold our guiding principles of creating a workforce committed to service, aligning tasks with talent, and providing developmental opportunities to staff. The main goal of all of this is to take our customer service to a new, higher level. So, in the first quarter of 2008, we will look to try out our planned changes, do some testing, and attempt related shifts to see how well our plans may or may not work for the long term. As we get started, you will be hearing more for sure.

Let me conclude by again stating my appreciation for your collaboration in 2007 and my wishes for more of the same in 2008. Holiday greetings and a happy New Year to you and yours! Oh, and back to where I started – my guess is 2,813 cases for the year.

### **Forms & Rules Changes Effective December 1 Means Test Changes Effective January 1**

As reported in the September issue of *The Bankruptcy Advisor*, new and amended Bankruptcy Rules and Official Bankruptcy Forms went into effect on December 1, 2007.

The new Bankruptcy Rules can be viewed by clicking here:  
<http://www.uscourts.gov/rules/newrules6.htm#proposed0805>

The new Official Bankruptcy Forms can be viewed by clicking here:  
<http://www.uscourts.gov/bankform/index.html>

**New “means tests” forms (Official Forms 22A, 22B & 22C) and IRS regulations regarding National Standards for Allowable Living Expenses & Local Standards for Transportation & Housing & Utilities Expenses take effect January 1, 2008 for cases filed on or after January 1, 2008.**

## Transfers of Claim Now Being Processed on Negative Notice

In October the Clerk's Office changed its procedure for processing transfers of claim other than for security.

Upon receipt of a Transfer of Claim Other than for Security, we now circulate a notice of transfer issuing a 20 day objection deadline to interested parties. If no objection to the transfer is received by the court, the transfer is processed without further notice.

### *Tips & Tricks*

*Did you know we will now accept the Certificate of Debtor Education in lieu of the Official Form 23? You must still file one and/or the other, however, before a discharge order can be entered.*

**United States Bankruptcy Court**  
Northern District of Florida

Lewis Killian, Jr. - Chief Bankruptcy Judge  
William Blevins - Clerk of Court

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### Welcome to Court Services

The Court Services & Public Affairs Division is committed to providing excellent customer service and product development for bankruptcy practitioners in the Northern District of Florida. Please contact us with your comments, ideas or suggestions.

**Kevin Davis**, Director of Court Services (850) 435-8473  
**Julie Gibson**, Court Services Specialist (850) 521-5014  
**Luke Adams**, Program Development Specialist (850) 521-5022

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[HelpCenter](#)  
[PublicCalendar](#)

**Help Desk**  
[HelpDesk@flnb.uscourts.gov](mailto:HelpDesk@flnb.uscourts.gov)  
1-888-765-1752  
[Ask Us a Question!](#)

## “For Our Attorneys” Now Access the Court Services Division via the Court’s Website

By the time you receive this publication, the newest addition to the FLNB website should be available - the “For Our Attys.” tab. This new page is dedicated to the services we offer to you as the Court Services division.

There are many new features available on this page that were not previously available on the website such as FAQ’s, a document search and the ability to subscribe to “*The Bankruptcy Advisor*” newsletter. Additionally, many items like the HelpCenter download, filing guidelines and the Attorney Manual are now on this page which will make them much easier to locate when you need them.

We hope you’ll like the new addition and welcome any comments or suggestions you may have!

**FLNB RESOURCES**

Rev. 07-07

**Tallahassee & Gainesville Divisions (Tallahassee)..... 850-521-5001**

**Proposed Orders..... TLH\_orders@flnb.uscourts.gov**

**Cases Ending In:**

- 00 - 20 Lisa Davis - Lisa\_Davis@flnb.uscourts.gov
- 21 - 60 Latonia Isom - Latonia\_Isom@flnb.uscourts.gov
- 61 - 99 Debra Cook - Debra\_A\_Cook@flnb.uscourts.gov

**Pensacola & Panama City Divisions (Pensacola)..... 850-435-8475**

**Proposed Orders..... PNS\_orders@flnb.uscourts.gov**

**Cases Ending In:**

- 00 - 30 Marsha Mirra - Marsha\_Mirra@flnb.uscourts.gov
- 31 - 65 Ann Kennington - Ann\_Kennington@flnb.uscourts.gov
- 66 - 99 Monica Broussard - Monica\_Broussard@flnb.uscourts.gov

The Clerk’s Office phones are answered from 9:00 a.m. until 4:00 p.m., local time, Monday through Friday, except federal holidays. Please feel free to call or email the Case Administrators with your questions.

**HELP DESK: CMECF\_helpdesk@flnb.uscourts.gov or 888-765-1752**

**New Case Filings By Month - 2007**

