

# United States Bankruptcy Court Northern District of Florida



*Tenth Amended*

## Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means

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Pursuant to Standing Order No. 11

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## I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

### A. Designation of cases

1. The court shall designate which cases shall be assigned to the Electronic Case Filing System (“System” or “ECF”). The conversion to the System took place on November 12, 2003, and cases on the System can be accessed through [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov).

### B. Passwords

1. All attorneys, filing agents, and limited use filers are required to use a court-provided login and password to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a login and password is governed by [Paragraph I.C.](#)
2. No attorney or filing agent shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.
3. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless that person is an authorized employee of that attorney’s law firm.
4. Your password can be reset using a link available through [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov) if it has been forgotten or compromised. Contact the Clerk’s Office if you receive a message that your account has been locked. For security purposes, passwords will not be provided over the telephone. If a password must be reissued, information will be sent electronically to the primary email address for the account.

### C. User Registration and Responsibilities

1. Each attorney or limited filer desiring to file pleadings or other papers electronically (“e-file”) must:
  - a. Complete System training. This requirement can be met by having attended a court-provided CM/ECF training seminar, completing the Court’s online training module, or by already being a registered CM/ECF user in another U.S. Bankruptcy or U.S. District Court.
  - b. Register online for an account through the Court’s website ([www.flnb.uscourts.gov](http://www.flnb.uscourts.gov)) agreeing to abide by the Court’s requirements.

Further instructions are provided through the CM/ECF Registration Program software. You will be required to provide the Court with a current email address for use with the System and to comply with [Paragraph II.D.](#)

- c. Agree to keep your contact information current by using the “Maintain My ECF Account” link found in CM/ECF.
2. Once registered, you are required to:
    - a. Maintain all applicable user account information on the System including your current address, telephone numbers, and email address(es). If there is evidence that a user account is not being maintained as required, it may be deactivated by the Court.
    - b. Notify the Court of any changes in user status or changes in firm affiliation so that updates to applicable case- and user-related information can be made.
  3. Limited filing is available for the following list of filers:
    - a. Attorneys appearing *pro hac vice*;
    - b. Individuals authorized to prepare and file a Proof of Claim(s) and related attachments/supplements;
    - c. Individuals authorized to appear on behalf of a child support creditor;
    - d. Individuals authorized to file *Applications for Payment of Unclaimed Funds*;
    - e. Individuals authorized to submit *Reaffirmation Agreements*; and
  4. Withdrawing from Participation
    - a. Filers may withdraw from participation in the System by providing the Court with written notice of such withdrawal. Upon receipt, and if no order is required to be entered by the Court, the Clerk’s Office will immediately cancel the account and will delete the user’s name from any applicable electronic service list. **IMPORTANT NOTE: An order is required for an attorney to withdraw if the attorney has filed a case or has made an appearance for a party. See [Local Rule 2090-1D.](#)**

## II. Filing and Service of Documents

### A. Filing

1. All petitions, motions, pleadings, memoranda of law, or other documents, except for creditor matrices and orders, are to be converted into portable document format (.PDF) and filed directly on the System (otherwise known as e-filing). Exceptions may be directed or approved by the Court on a case by case basis. Creditor matrices are to be filed in a similar manner, but in text (.TXT) format. Information regarding the formatting of orders can be found in [Paragraph II.F](#) and on the Court's website at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov).
2. Judicial waiver will be required for counsel to file documents in hard copy format. If hard copies are submitted without a waiver, the Clerk's Office will proceed with steps to possibly strike the document.
3. For corporate entities that file more than 20 Proof of Claims in a calendar year, a judicial waiver *will be required* to file documents in hard copy format. If hard copies are submitted without a waiver, the Clerk's Office will proceed with steps to possibly strike the document.
4. Pleadings or other papers presented for filing by unregistered attorneys and/or parties via compact disk (CD) must contain a scanned or electronic copy of all original signatures. All CDs will be scanned for viruses. Infected disks will not be returned to the filer and will be destroyed.
5. Parties not represented by counsel (known as *pro se* parties) may file documents in hard copy format *except for those entities that fall under [Paragraph II.A.3](#)*. These documents will be scanned into .PDF format by the Clerk's Office and docketed into the System. Paper documents will be discarded once processed without further notice, except for those under [Paragraph II.H](#).
6. Emergency or expedited motions must be accompanied by a "Statement of Need for Emergency Hearing".
  - a. See the Court's website at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov) for additional information concerning emergency matters.
  - b. Parties and attorneys are *not* permitted to contact the presiding judge or members of chambers staff concerning emergency or other matters as that action would constitute *ex parte* communication.

7. Additional requirements may be reviewed on the Court's website located at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov). Please make specific note of the information found at <http://www.flnb.uscourts.gov/filing-requirements/instructions-and-procedures-chambers>.

## B. Service

1. Participation in the System by a receipt of a court-issued login and password shall constitute a request for service and notice by electronic means pursuant to FRBP 9036. Registered participants of the System, by possessing a password from the Court, agree to receive notice and service by electronic means both from the Court and from other System participants, wherever located. Service by other means requires non-participation in the System, and judicial waiver is required under [Paragraph II.A.2](#).
2. Whenever a pleading or other paper is e-filed through the System in accordance with these procedures, the filer will cause the System to automatically generate and serve to electronic case participants a "Notice of Electronic Filing" (NEF) at the time of docketing. Such service will be considered the equivalent of service by first class mail, postage prepaid, *if and only if* the recipient of the NEF is a registered participant in the System. If not, then the filer must have obtain the service recipient's written agreement to accept electronic service in lieu of service by first class mail. The filer will also be responsible for carrying out the electronic service outside of the System.
3. For all remaining parties and non-registered participants, the filing attorney shall serve the pleading or other paper upon all entitled in accordance with applicable Rules and Court policies. (See [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov).)
4. **A Certificate of Service is required to be included with or filed subsequent to all pleadings and other documents filed through the System and must state the names of all parties served and the method of service, including a party's mailing address or email address if served electronically via NEF.** The following language is recommended for Certificate of Service purposes. Additional procedural instructions and a stand-alone Certificate of Service fillable PDF may be found on the [Court's website](#):

The following parties were served either by electronic or standard first class mail:

(Then show the name of each party to whom service was rendered together with their respective mailing address, email address, or fax number, as applicable.)

## IMPORTANT NOTE:

The Bankruptcy Noticing Center (BNC), established by the Administrative Office of the U.S. Courts (AOUSC), provides *the court* with a centralized service for preparing, producing, and sending documents by mail or electronic notification. Use of BNC services for the dissemination of pleadings or other papers by the public is not authorized, however, there are other noticing services available to you for a fee. The Clerk's Office does not recommend or endorse mail/noticing services and suggests that you contact your colleagues who may be utilizing this type of service for a recommendation.

### C. Signatures

1. Signatures for the e-filing of a petition, pleading, motion, claim, or other paper by an attorney or unrepresented party who is a registered participant of the System for FRBP 9011 and other applicable Rules are valid only when the filing is accompanied via their authorized System login, **and** the .PDF document filed contains either a scanned image of any original signature(s) or the text “/s/ user name” where an original signature should occur.
2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 may be e-filed by attorneys registered in the System. Applicable retention requirements can be found in [Paragraph II.L](#).

### D. Email Address in Pleadings

1. All registered System participants must include a working email address on all filed pleadings and other papers so that parties may communicate as needed on applicable case-related issues.

### E. Fees Payable to the Clerk

1. All fees are due at the time of filing on the System. Users must settle their online accounts for any outstanding fees by midnight Eastern Time on the day of filing. If fees are not received in a timely manner, steps will be taken to either strike the pleading or dismiss the case, whichever is applicable.

### F. Orders

1. All orders are to be submitted electronically via *ECF Central* or the “Proposed Order Submission” link on the System menu.

2. Order submissions must conform to the specifications maintained on the Court's website at [http://www.flnb.uscourts.gov/sites/default/files/filing\\_requirements/4-inst.pdf](http://www.flnb.uscourts.gov/sites/default/files/filing_requirements/4-inst.pdf).

#### G. Attachments to Pleadings and Proof(s) of Claim

1. If a filed document includes exhibits or attachments, then such exhibits or attachments are to be attached to the document submitted for filing. Filers submitting attachments electronically are required to complete the "Category" **and** "Description" fields for each uploaded file. The information in these fields aids the Court *significantly* in its review of the case file.
2. If the filed document is set for hearing, hard copies of the exhibits or attachments shall be introduced at the hearing for possible admission to the official record. See [Local Rule 9071-1\(E\)](#) for details.
3. Similarly, exhibits, attachments and/or supporting documentation for a Proof of Claim(s) are to be attached to the Proof of Claim when submitted for filing. The creditor must provide a copy of the original documentation to any party objecting to its claim. In the event of a hearing on an objection to the claim, the Proof of Claim along with all original exhibits, attachments and supporting documentation shall be introduced at the hearing for possible admission to the official record.
4. Exhibits and attachments that are not in proper format should be photographed so that they can be scanned or converted by the filer into portable document format (.PDF) for subsequent e-filing.

#### H. Documents Filed Under Seal

1. Motions to file documents under seal may be e-filed; however, the actual document(s) to be filed under seal must be presented on paper for the Court's consideration. If the motion is granted, then the Clerk will scan, e-file and seal the document(s) in the System, setting appropriate restrictions so that the document may not be viewed by anyone other than the judge assigned to the case. The original paper document(s) will be attached to a paper copy of the order, logged, and stored in a sealed document safe. If the motion is denied, the paper documents will be disposed of in accordance with the order or Court policy.

#### I. Title of Docket Entries

1. An attorney who e-files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court and reflected in the System.



## J. Correcting Errors in Electronic Filings

1. Electronic filings appear on the court docket immediately upon submission through the System. Notices of Electronic Filing (NEFs) are produced concurrently with document submission. If a document contains an error or is filed in error, corrective action may be required from the filer before the pleading will be considered by the Court.

- a. *Submission error.* If an action is required from the filer, the error notification will come in the form of a “*Submission Error Notification*” (SEN) entered on the docket by Clerk’s Office staff. This docket entry automatically generates an email notice to the registered user who filed the pleading.

**IMPORTANT:** This is the only notice you will receive advising you that corrective action is necessary.

The email will identify the nature of the error and will inform the filer if an action on their part is necessary in order for the filing to be considered by the Court as well as any applicable time frame in which the action needs to be taken.

- b. *Corrective entries.* Some errors can be corrected by Clerk’s Office staff making it unnecessary for the filer to take corrective action. In those instances, the Court will generally make the necessary corrections. To maintain the integrity of the court docket, any changes made by court staff will be noted on the docket with the text “*Corrective Entry.*” The entry will identify the nature of any changes made by the Clerk’s Office. It is not necessary for the filing party to take any additional action to correct the entry.

## K. Interrogatories

1. E-file a “Notice of Service of Interrogatories” only. Do not e-file the entire set of interrogatories. Upon request of the Court or party, the filer may be required to produce the interrogatories at issue in open court or at another location.

## L. Retention Requirements

1. E-filed Documents by registered users:
  - a. All petitions, lists, schedules, statements, pleadings, affidavits and other documents requiring verification under FRBP 1008 and an unsworn declaration as provided in 28 U.S.C. § 1746 must be retained with the original signatures by the attorney or other registered user who e-files such a document or other paper for four years after the closing of the case.

- b. With respect to e-filed petitions, the filing attorney shall retain an originally executed copy of Official Form 21 until four years after the closing of the case.

2. Pro Se Filings:

- a. The Court will retain *pro se* filings that must contain original signatures, that require verification under FRBP 1008, or unsworn declarations as provided in 28 U.S.C. § 1746 until four years after the closing of the case.
- b. The Court will retain the original Official Form 21 until four years after the closing of the case.

### III. Public Access at the Courthouse

#### A. Public Access at the Courthouse

1. Access to the electronic docket and documents filed in the System is available to the public at no charge through terminals located within District and Bankruptcy Court Clerk's Office Intake lobbies.
2. Assistance with bankruptcy cases is available at the two staffed Northern District of Florida Bankruptcy Court divisional offices located in Tallahassee and Pensacola. While Bankruptcy hearings are held in the Gainesville and Panama City divisions, Bankruptcy staff in those locations is unavailable.

#### B. Internet Access

1. Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk's Offices, electronic access to the System for viewing purposes is otherwise limited to subscribers of the Public Access to Court Electronic Records (PACER) System. PACER information may be found at <https://www.pacer.gov/>.

#### C. Conventional and Certified Copies of Documents

1. Conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

## D. Privacy Provisions

1. In accordance with the E-Government Act of 2002, and its own policy regarding privacy and public access, the Judiciary Conference of the United States (JCUS), at its September 2003 session, promulgated Official Bankruptcy Form 21 (Official Form 21), Statement of Social Security Number(s). This form has been created to satisfy the requirement set forth in FRBP 1007(f) that a debtor must submit a verified statement of his or her Social Security number (SSN) along with the debtor's petition.
  - a. With respect to e-filed petitions, the debtor's signature declaring under penalty of perjury that information in the petition is true and correct shall apply to the debtor's SSN as e-filed with the petition.
  - b. With respect to petitions filed by electronic means on a computer disk, the debtor's attorney shall submit a copy of Official Form 21 as a separate paper document with the Clerk at the same time as the petition is filed.
  - c. Attorneys shall not file or submit any additional statements or verifications of the debtor's SSN.
  - d. With respect to petitions filed on paper by unrepresented (*pro se*) debtors, the debtor shall submit an original Official Form 21 as a separate paper document with the Clerk at the same time the petition is filed.
  - e. Originally executed copies of Official Form 21 will not be accessible to parties, the bar, or the public.
2. In order to protect personal privacy and other legitimate interests under FRBP 9037, parties shall refrain from including, or shall partial redact, the following personally identifiable information (PII) from all documents and pleadings filed with the Court, including attachments thereto, unless required by statute, FRBP, official bankruptcy forms, or otherwise ordered by the Court:
  - a. *Social Security Number (SSN)*. If an individual's SSN must be included in a pleading, only the last four digits of that number should be used except when submitting Official Form 21 on which the entire SSN should appear.
  - b. *Names of minor children*. If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Form 6, list the relationship and age of the debtor's dependents, i.e., "son, age 6".

- c. *Dates of birth.* If an individual's date of birth must be included in a pleading, only the year should be used.
3. The responsibility for redacting personal identifiers described above rests solely with legal counsel and parties filing documents with the Court. The Clerk's Office will not alter, review, or inspect any document for compliance with privacy rules and has no responsibility to do so.
4. If a document containing information in violation of FRBP 9037 happens to be filed, a "Motion for Protective Order to Restrict Remote Electronic Access and Provide for Redaction of Information" will need to be filed along with the proposed order and applicable fees. (See [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov) for fee information.) Upon entry of the order, access to the original document will be restricted. The filer may then file an amended document in which the private information has been properly redacted.

## IV. Definitions and Abbreviations Used in this Document

### A. Definitions

1. ECF Central
  - a. Software designed to allow attorneys to submit proposed orders.
2. E-file or E-filing
  - a. The act of filing pleadings or other papers electronically through the System.
3. *Pro Se*
  - a. A Latin phrase meaning "for oneself" or "on one's own behalf". Applied here, it refers to parties proceeding without an attorney.
4. System
  - a. The electronic case filing system software known as Case Management/Electronic Case Files, CM/ECF, ECF or the System.

### B. Abbreviations

1. BNC
  - a. **B**ankruptcy **N**oticing **C**enter
2. NEF
  - a. **N**otice of **E**lectronic **F**iling
3. PACER

- a. A system called “**P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords” that allows registered users to access System (CM/ECF) databases across the country and review public documents and docket reports for a fee.
4. PII
- a. **P**ersonally **I**dentifiable **I**nformation – Information such as Social Security numbers, dates of birth, and financial account information that uniquely identifies you or aspects of your financial life.
5. SEN
- a. **S**ubmission **E**rror **N**otification – the only the notice you will receive advising you that corrective action is necessary concerning an issue with your e-filing.
6. SSN
- a. **S**ocial **S**ecurity **N**umber