

ECF PROCEDURE 1

DEFINITIONS

(a) Administrative Procedures. Pursuant to LBR 9029-1c, these are the Administrative Procedures for Electronic Case Filing adopted by the Bankruptcy Court for the Middle District of Tennessee. Cite these procedures as “ECF Procedure _____”. The most current version of these Procedures is available on the court’s web site: < www.tnmb.uscourts.gov >.

(b) Conventional Filing. Paper filing is referred to as Conventional Filing.

(c) Docket Dictionary. The list of possible docket entries offered by ECF from which a Filer or User selects the entry that best describes the document being filed.

(d) Electronic Case Filing. The Bankruptcy Court’s computer-based system that files documents in electronic form and issues notices by e-mail is known as the Electronic Case Filing system or ECF.

(e) Filer. An individual described in ECF Procedure 4(a) registered to use ECF without limitation. Filers typically will be attorneys who need a wide range of Docket Dictionary options to use all aspects of ECF.

(f) User. An entity described in ECF Procedure 4(b) registered for limited use of ECF. Users typically will be creditors using ECF to file proofs of claims and related documents. **Consenting Users** are Users that have agreed to receive electronic notice under ECF Procedure 4(f).

ECF PROCEDURE 2 EFFECTIVE DATE FOR ELECTRONIC FILING

Effective at 8:00 A.M., CDT, October 4, 2004, all pending and future cases and adversary proceedings in the Bankruptcy Court for the Middle District of Tennessee are assigned to ECF. After 8:00 A.M. on October 4, 2004, the Clerk of the Bankruptcy Court will accept only documents filed in compliance with these Procedures unless, upon motion, an order authorizes Conventional Filing or Conventional Filing is authorized by ECF Procedure 3. After 8:00 A.M. on October 4, 2004, the Clerk's office is not authorized to refuse a filing not in compliance with these Procedures; however, the Clerk's office is authorized to impose registration and training requirements on any entity that files a document not in compliance with these Procedures.

ECF PROCEDURE 3 CONTINUED USE OF CONVENTIONAL FILING

The following documents shall be filed conventionally:

- (a) documents under seal in compliance with ECF Procedure 10;
- (b) documents filed by *pro se* individual debtors who have elected not to register and file electronically under ECF Procedure 4(a);
- (c) documents filed by an individual other than a debtor, who is entitled to appear *pro se* in a particular case or adversary proceeding, and who elects not to file electronically under ECF Procedure 4(b);
- (d) documents filed during a period of suspension or revocation of a Filer's or User's privileges under ECF Procedure 4(h); and
- (e) motions for relief from ECF filing requirements, filed by entities who are not Filers or Users.

**ECF PROCEDURE 4 REGISTRATION, WAIVER OF NOTICE AND SERVICE
AND CONSENT TO ELECTRONIC NOTICE AND
SERVICE**

(a) Registration Procedure for Filers. The following individuals are eligible and shall register as Filers in ECF by submitting an ECF Form No. 1:

- (1) attorneys admitted to practice before the United States District Court for the Middle District of Tennessee;
- (2) attorneys who must have permission to appear *pro hac vice* in the Bankruptcy Court for the Middle District of Tennessee under LBR 2090-1b(1);
- (3) case trustees and examiners;
- (4) government attorneys permitted to appear under LBR 2090-1b(3); and
- (5) a *pro se* individual debtor who elects to file electronically.

To register as a Filer, an individual must complete ECF Form No. 1. Filers and members of a Filer's staff are strongly encouraged to participate in ECF training offered by the Clerk of the Bankruptcy Court for the Middle District of Tennessee. Members of a Filer's staff will not receive a separate login and password.

(b) Registration Procedure for Users. The following entities are eligible and shall register as Users in ECF by submitting an ECF Form No. 2:

- (1) entities authorized to file proofs of claim;
- (2) entities authorized to file reaffirmation agreements;
- (3) entities authorized to file notices of transferred claims;
- (4) a child support creditor or an entity authorized to appear on behalf of a child support creditor; and
- (5) an individual entitled to appear *pro se* in a particular case or adversary proceeding, other than an individual debtor, who elects to file electronically.

To register as a User, an entity must complete ECF Form No. 2. Users and members of a User's staff are strongly encouraged to participate in ECF training offered by the Clerk of the

Bankruptcy Court for the Middle District of Tennessee. Members of a User's staff will not receive a separate login and password. The password issued to a User will permit limited use of ECF as determined by the Clerk.

(c) Password. After processing the registration form, each Filer or User will be issued a password. The password will be sent by e-mail to ensure that the Filer or User has a properly functioning e-mail address. That e-mail address will then be used by ECF for effecting notice and service.

(d) Password Security. All Filers and Users shall protect the confidentiality of their password. If there is any reason to believe the security of a password has been compromised, the Filer or User should immediately notify the Clerk of the Bankruptcy Court by telephone at (615) 736-5590, ext. 155. A Filer or User may be subject to civil liability, court sanctions or other consequences for failure to take reasonable steps to maintain the confidentiality of an ECF password. No Filer or User may knowingly permit a password to be used by anyone other than an agent specifically authorized by the Filer or User.

(e) Filers: Waiver and Consent to Electronic Notice and Service. Except as provided in this paragraph, registration as a Filer constitutes waiver of the right to notice or service by personal service, by first-class mail or by any other means of conventional delivery described in Bankruptcy Rules 2002, 7004 or 7005. Under Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and Bankruptcy Rule 9036, registration as a Filer constitutes a written request for, and consent to electronic notice and electronic service in the form of a "Notice of Electronic Filing" from ECF of all filed documents to which the Filer is entitled. This consent and waiver **does not apply** to:

- (1) service of the motion commencing a contested matter under Bankruptcy Rule 9014;
- (2) service of the summons and complaint in an adversary proceeding under Bankruptcy Rule 7004; and
- (3) service of an involuntary petition or petition commencing ancillary case under Bankruptcy Rule 1010.

(f) Users: Optional Waiver and Consent to Electronic Notice and Service. Registration as a User permits a User to waive on a case-by-case basis the right to notice or service by personal service, by first-class mail or by any other means of conventional delivery described in Bankruptcy Rules 2002, 7004 or 7005. After registration as a User, when filing a document in a particular case or adversary proceeding, the User can go to the "Creditor Utilities" menu and select the event option, "Creditor Acceptance of Electronic Notice." Under Rule 5(b)(2)(D) of the Federal Rules of Civil

Procedure and Bankruptcy Rule 9036, exercising this option constitutes a written request for, and consent to electronic notice and electronic service in the form of a “Notice of Electronic Filing” from ECF of all filed documents to which the User is entitled in that case or adversary proceeding. This consent and waiver **does not apply** to:

- (1) service of the motion commencing a contested matter under Bankruptcy Rule 9014;
- (2) service of the summons and complaint in an adversary proceeding under Bankruptcy Rule 7004; and
- (3) service of an involuntary petition or petition commencing ancillary case under Bankruptcy Rule 1010.

Users are encouraged to always exercise the option to receive notice and service electronically.

(g) Withdrawal as Filer or User. A Filer or User must file a motion to withdraw from ECF. A court order is required to authorize withdrawal from ECF.

(h) Suspension or Revocation. Upon motion of any party in interest, and after notice and a hearing, the court may, for cause, suspend or revoke participation in ECF by any Filer or User. Cause includes substantial or repetitious failure to use ECF correctly or to follow these Administrative Procedures. When circumstances indicate potential risk or harm to ECF, the Clerk may, without prior notice, temporarily suspend participation in ECF by any Filer or User, promptly followed by notice and opportunity for hearing.

ECF PROCEDURE 5 CONSEQUENCES OF ELECTRONIC FILING

(a) Filing and Entry on Docket. A document is filed for all purposes and is entered on the docket under Bankruptcy Rule 5003 when the electronic transmission of the document to ECF, consistent with these Procedures, is received by the court.

(b) Official Record. The official record of a document filed through ECF is the electronic recording of the document as stored by the court.

(c) Date and Time of Filing. Except for documents previously filed conventionally, a document received through ECF is deemed filed on the date and time stated on the Notice of Electronic Filing generated by ECF.

(d) Filing Deadline and ECF Day. Filing a document electronically through ECF does not change the filing deadline for that document. Filing must be completed before midnight local time at Nashville, Tennessee, to be considered timely filed that day. When there is a right or requirement to do some act or undertake some proceedings within a prescribed period after service, the additional three days created by Bankruptcy Rule 9006(f) shall apply notwithstanding that service was effected by transmission of a “Notice of Electronic Filing” by ECF.

(e) Docket Entry for ECF Document. Filers and Users are responsible for choosing the appropriate docket entry from the Docket Dictionary provided by ECF for each document filed through ECF. Filers and Users assume all risks associated with the selection of an inappropriate or mistaken docket entry, including the possibility that the resulting Notice of Electronic Filing will be defective.

(f) Corrections. Filers and Users are responsible for identifying and correcting inappropriate or mistaken entries in ECF. The Docket Dictionary provided by ECF contains docketing entries to be used by Filers or Users to correct prior docketing errors. The Clerk’s office is not required to notify a Filer or User of a mistake in a docket entry. Filers and Users are at all times responsible for correcting their own mistakes. Consistent with ECF Procedure 4(h), failure to identify and correct errors in the use of ECF is cause for suspension or revocation of participation in ECF.

(g) Payment of Fees. All fees required for any use of ECF must be paid within three (3) business days of the filing that generated the fee, except when an order for installment payments of a filing fee allows otherwise. Transmission to ECF of any document is a certification by the Filer or User that all filing fees have or will be paid. Failure to promptly pay fees will result in suspension or revocation of ECF use. Filers who are attorneys may pay fees by credit card for ECF filings on terms and conditions to be established by the Clerk. Credit cards are not authorized for payment of fees by Users, or with respect to Conventional Filings.

ECF PROCEDURE 6 SIGNATURES

(a) Electronic Filing is Signature. The transmission by a Filer or User to ECF of any document constitutes any required signature of that Filer or User on that document. The Filer or User need not manually sign any transmitted document. The transmission is the equivalent of a signed paper for all purposes, including, without limitation, Rule 9011 of the Federal Rules of Bankruptcy Procedure.

(b) Electronic Filing is Certification. The transmission by a Filer or User to ECF of any document constitutes certification by the Filer or User that all persons represented to have signed the document have actually signed the document or authorized their signatures to be affixed to the document prior to electronic filing with the court.

(c) Form of Electronic Signature.

- (1) Required Information for Filers and Users.** A document transmitted to ECF shall include a signature block setting forth the Filer's or User's name, address, voice phone number, fax phone number, e-mail address and firm affiliation (if applicable), preceded by a signature line on which is typed "/s/ [Filer's or User's name]." This signature block should be located where the Filer's or User's signature would normally appear in a signed document. Scanned, graphic, imaged or embedded signatures for Filers or Users are not permitted.
- (2) Required Information for Other Entities.** A document transmitted to ECF containing signatures for entities who are not Filers or Users shall either (a) show each signature as it appears in the original signed document, or (b) bear a signature line on which is typed "/s/ [name of signing entity]" located where the signature would normally appear in a signed document, accompanied by the signature block information stated in subsection (c)(1) above.
- (3) Attorney/Party Signatures.** A document containing signatures of more than one entity or counsel shall contain the signature block information recited in subsections (c)(1) and/or (c)(2) above for each signing attorney or party. The Filer or User who transmits the document to ECF, certifies, consistent with subparagraph (b) above, that all required signatures or consents have been obtained.

ECF PROCEDURE 7 NOTICE AND SERVICE ON FILERS, USERS AND OTHERS

(a) Notice or Service on Filers and Users. Pursuant to the consent of the Filer or User in ECF Form No. 1 and ECF Form No. 2 and ECF Procedures 4(e) and 4(f):

- (1) Transmission from the court to a Filer or to a Consenting User (*see* ECF Procedure 4(f)) of the “Notice of Electronic Filing” of any document constitutes notice and service of the filed document upon that Filer or Consenting User for all purposes, except that paper copies must be served in accordance with Bankruptcy Rule 7004 with respect to: the motion commencing a contested matter under Bankruptcy Rule 9014; the summons and complaint in an adversary proceeding; and, an involuntary petition or petition commencing ancillary case under Bankruptcy Rule 1010;
- (2) Notice and/or service of a document filed through ECF is complete upon electronic confirmation of transmission by ECF of the “Notice of Electronic Filing” consistent with Bankruptcy Rule 9036.

(b) Notice or Service on Others. Any entity not registered as a Filer and any User that has not consented to electronic notice and service under ECF Procedure 4(f) shall be given notice and shall be served according to the conventional delivery methods required by the Bankruptcy Rules and the Local Rules for the Bankruptcy Court for the Middle District of Tennessee.

(c) Certificate of Service. ECF will generate and docket a certificate of service with respect to notice or service effected by electronic means through ECF. LBR 9013-3 continues to govern the filing and content of a certificate of service with respect to notice or service on any entity that is not a Filer or Consenting User.

ECF PROCEDURE 8 COURT ORDERS

(a) Entry of Orders. The Clerk shall enter all orders and judgments in ECF, which shall constitute entry on the docket for purposes of Bankruptcy Rules 5003 and 9021. The entry on the docket of an order bearing the electronic signature of the court shall have the same force and effect as if manually signed and docketed as a Conventional Filing.

(b) Notice to Filers or Users. Immediately upon entry of an order or judgment, the Clerk shall electronically transmit a Notice of Electronic Filing to all Filers and Consenting Users who are parties and to all Filers and Consenting Users who represent parties. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Bankruptcy Rule 9022.

(c) Notice to Others. Immediately upon entry of an order or judgment, the Clerk or the party or counsel responsible for giving notice, shall give notice to parties who are not Filers or Consenting Users and who are not represented by a Filer or Consenting User by conventional means in accordance with Bankruptcy Rule 9022 and LBR 9013-1.

(d) Submission of Proposed Orders. Whenever required by the Bankruptcy Rules or by the Local Rules for the United States Bankruptcy Court for the Middle District of Tennessee, the party responsible for submitting an order for signature by the court shall transmit the proposed order electronically as a separate document through ECF. The party submitting a proposed order is responsible for selecting the appropriate docket entry for a “Submitted Order” from the Docket Dictionary, and is responsible for linking the Submitted Order to the motion or other prior docket entry(ies) to which it relates. Submitted Orders shall be transmitted to ECF in PDF format as described in ECF Procedure No. 9.

ECF PROCEDURE 9 FILING FORMAT REQUIREMENTS

(a) Definitions. “Electronically generated text” is text generated by printing to Portable Document Format (PDF) from the original word processing file, so that the text of the document may be searched and copied. “Scanned material” is an electronic image of text or other material in PDF format produced by a scanning or imaging process.

(b) PDF Requirement. All documents transmitted to ECF shall be electronically generated text in PDF format so that the text of the document may be searched and copied, except as provided in subsection (c) below.

(c) Attachments, Exhibits and Other Documents. All attachments, exhibits and other documents not available as electronically generated text shall be transmitted to ECF as scanned material in PDF format.

(d) File Size Limitations. Each transmission to ECF shall not exceed 2.5 megabytes total file size. Filings which exceed 2.5 megabytes shall be broken into smaller files and transmitted to ECF in multiple transmissions as attachments to the primary filing.

(e) Scanning Recommendations. Scanning for ECF purposes, should be black and white, should not exceed 200 x 200 “dpi,” and scans produced by optical character reader are not recommended.

ECF PROCEDURE 10 DOCUMENTS UNDER SEAL

A motion to file a document under seal under LBR 9018-1 shall be filed electronically through ECF. The motion itself shall not contain confidential or privileged information. Any proposed order authorizing the filing of a document under seal shall be filed electronically through ECF. A document ordered to be filed under seal shall be filed with the Clerk in paper form accompanied by a paper copy of the court order authorizing the filing under seal.

ECF PROCEDURE 11 TECHNICAL FAILURE

A Filer or User whose ECF filing, notice or service is untimely or otherwise defective as a result of technical failure may seek redress from the Bankruptcy Court by filing a motion through ECF.

ECF PROCEDURE 12 PUBLIC ACCESS

(a) Public Access at the Court. The public may view all documents in ECF at no charge at the Office of the Bankruptcy Court Clerk, 701 Broadway, Nashville, Tennessee, during regular business hours.

(b) Internet Access. Internet access to ECF is available through the Public Access to Court Electronic Records (PACER) system. User fees are charged for accessing bankruptcy court records through PACER. Information regarding subscribing to PACER and the fees charged by PACER is available through the Bankruptcy Court's web site at: < www.tnmb.uscourts.gov >.

(c) Copies and Certified Copies. Paper copies and certified paper copies of electronically filed documents may be purchased at the Office of the Bankruptcy Court Clerk in Nashville, Tennessee (unless there is an outside copy service designated in the case).

ECF PROCEDURE 13 SPECIAL ECF PROCEDURES IN CHAPTER 13 CASES

(a) Separate Filing of Plan. The plan in a Chapter 13 case shall be filed as a separate document with its own docket entry from the Docket Dictionary.

(b) Account Numbers. Although not required to do so, debtors in Chapter 13 cases are encouraged to include full account numbers for each creditor in electronically filed schedules. These account numbers are used for notice purposes and on checks issued to creditors by the Chapter 13 trustee.