



ADMINISTRATIVE PROCEDURES FOR ELECTRONIC CASE FILING

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ECF PROCEDURE 1 – DEFINITIONS

- 1.1 **Administrative Procedures.** Pursuant to LBR 9029-1(c), 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 _____”.
- 1.2 **Bankruptcy Court / Court.** The Bankruptcy Court for the Middle District of Tennessee.
- 1.3 **BNC.** The Bankruptcy Noticing Center (BNC) is the service tasked with managing the agreements between the Court and the parties for the parties to receive their notices electronically.
- 1.4 **Clerk.** The Clerk of Court for the Middle District of Tennessee Bankruptcy Court or any deputy clerk who is an employee of the Clerk.
- 1.5 **Docket Dictionary.** The list of possible docket entries offered by CM/ECF from which a filer or user selects the entry that best describes the document being filed.
- 1.6 **Docket Orders.** Text attached to a dated CM/ECF entry noted as an “Order” issued by a bankruptcy judge.
- 1.7 **E-Orders.** The electronic module used to file or submit proposed orders in CM/ECF.
- 1.8 **EESA.** The electronic module used to submit exhibits or evidence to be used in a trial, hearing, or contested matter on the motion docket.
- 1.9 **Electronic Case Filing System (CM/ECF or ECF).** The Bankruptcy Court’s computer-based system that files documents in electronic form and issues notices by e-mail to registered Filers and Users.
- 1.10 **ePOC.** The electronic module used to file proofs of claim. General ECF filing rights not required.
- 1.11 **Filing Agents.** An employee of an attorney or a trustee who has a registered Filing Agent account in PACER.
- 1.12 **Filer.** An individual described in ECF Procedure 3 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.
- 1.13 **Notice of Electronic Filing (NEF).** An email alert generated by the ECF system sent to Filers and Users who are parties in a case.

- 1.14 **PACER.** The Public Access to Court Electronic Records is the electronic public access service that allows Filers and Users to obtain case and docket information online from the federal courts and is available at: <https://pacer.uscourts.gov>
- 1.15 **PDF.** The portable document format (PDF) is a file format that captures all elements of a document as an electronic image that can be viewed, navigated, searched, printed, copied, or forwarded.
- 1.16 **User.** An individual described in ECF Procedure 3 registered for limited use of NextGen CM/ECF.

ECF PROCEDURE 2 – ECF MANDATORY FILING

- 2.1 **Scope of Electronic Filing.** The Bankruptcy Court for the Middle District of Tennessee is a mandatory ECF filing court. All cases and proceedings in the Bankruptcy Court are assigned to ECF. The ECF file is the Court’s official file.
- 2.2 **Paper Filing.** Only in limited circumstances will paper be accepted by the Clerk. The following documents shall be filed in paper form:
- documents under seal in compliance with LBR 9018-1;
 - documents filed by *pro se* individual debtors and creditors who have elected not to register and file electronically under ECF Procedure 3.2.2;
 - documents filed during a period of suspension or deactivation of a Filer’s or User’s privileges under ECF Procedure 3.10; and
 - the initial motion requesting waiver of the ECF filing requirements, filed by entities who are not full access Filers.
- 2.3 **Duties of the Clerk.** Allowable forms of paper filing will be scanned by the Clerk’s staff and docketed in PDF format. Any scanned papers will be discarded unless the return of the documents is requested. The request must be made at the time the paper documents are provided to the Clerk for filing. If a return of documents request is made by mail, the requestor shall provide a self-addressed, stamped envelope with sufficient postage amount to effectuate the return of documents. If no self-addressed, stamped envelope with sufficient postage amount is provided, the Clerk shall discard the document(s) as appropriate.

ECF PROCEDURE 3 – REGISTRATION, CONSENT TO ELECTRONIC NOTICE AND SERVICE, AND WAIVER OF NOTICE AND SERVICE BY OTHER MEANS

3.1 **Registration, Role-Types, and Filing Access Rights.** With the exception of ePOC, individuals must register through <https://pacer.uscourts.gov> to file documents electronically with the court. Below is a list of role-types and access rights assigned to Filers and Users in ECF.

3.2 **Full Access Rights (Filers).** Individuals provided full ECF access rights to electronically file documents.

3.2.1 Attorney, Trustee, and Examiner Filers. Attorneys (as defined pursuant to LBR 2090-1), case trustees, and examiners are provided with full ECF access rights to electronically file documents. Attorneys are assigned attorney or bankruptcy ECF docket dictionary events, and case trustees and examiners are assigned trustee/examiner ECF docket dictionary events.

3.2.1.1 Filing Agents – Access Rights Dependent on Filer. Attorneys, trustees, and the U.S. Trustees may create a filer type known as a “Filing Agent” under their account in ECF. The Filing Agent files documents on behalf of the attorney, trustee, or U.S. Trustee and is provided access filing rights by the Filer. A filing agent is linked to the attorney’s, trustee’s or U.S. Trustee’s ECF account. It will be the name of the attorney, trustee, or U.S. Trustee that will appear as part of the docket entry text in ECF. Employees of attorneys, trustees, or the U.S. Trustee must register for their own individual PACER account. Filing Agents will not be approved by the Clerk unless an association is made with an attorney, a trustee, or the U.S. Trustee.

3.2.2 Pro Se Filers. Individual debtors or creditors who are entitled to appear *pro se* in a particular case or adversary proceeding (without an attorney representing them) are registered as Parties during PACER registration. *Pro se* debtors and creditors entitled to represent themselves are provided full access rights to electronically file documents in ECF. These full access participants are not given rights to create filing agent accounts in ECF.

3.3 **Limited Access Rights (Users).** Individuals provided limited ECF access rights relevant to their roll in the cases and proceedings before the court to electronically file documents. These rolls also have full query access in the ECF system.

3.3.1 Creditors or Creditor Representatives – Limited Access Rights. ECF creditors or creditor representatives are Limited Access Filers. Creditors are provided ECF filing access

to a restricted number of creditor docket dictionary events. Creditor access allows for the filing of (1) creditor requests for notice and/or notice of appearance, (2) proofs of claim and claim related documents, (3) transfers or withdrawals of claim, (4) reaffirmation agreements, (5) notices of post-petition mortgage fees, expenses and charges, (6) notices of mortgage payment change, and (7) responses to notice of final cure payment under Fed. R. Bankr. P 3002.1.

3.3.2 Personal Financial Management Course Providers. Personal Financial Management Course Providers are registered as Limited Access Filers. This status allows Personal Financial Course Providers limited access to file financial management course completion certificates.

3.3.3 Transcriber. Transcriber and transcription preparers, approved by the Clerk, are registered as Limited Access Filers. These Filers are provided access to ECF transcriber docket dictionary events for the filing and docketing of documents related to the preparation and filing of transcripts.

3.3.4 Auditor. Auditors and audit firms approved by the Executive Office of the United States Trustee are registered as Limited Access Filers. These Filers are provided access to ECF auditor docket dictionary events.

3.4 Primary Email Account. At the time an ECF account is created, the Filer or User's primary email account is designated as the notice email for purposes of electronic notice and service. In order to evidence that an NEF was delivered, the primary email will be noted on the record.

3.5 Active Email Account. Filers and Users shall always maintain an updated, active primary email account to enable proper NEF notice and service. Filers and Users must replace an inactive primary email account with an active primary email account to ensure continued notice and service.

3.6 Passwords and Multi-factor Authentication (MFA). Once an individual registers and creates a PACER account, all password and MFA issues are addressed by PACER at <https://pacer.uscourts.gov>. The Clerk cannot address password or MFA problems or issues on PACER accounts.

3.7 Password Security. A Filer or User 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 shall immediately notify PACER at <https://pacer.uscourts.gov>. 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.

3.8 Consent to Electronic Notice and Service and Waiver of Notice and Service by Other Means. Under Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Bankr. P. 9036, registration as a Filer

or User constitutes a written request for, and consent to, electronic notice and electronic service in the form of an NEF from ECF of all filed documents to which the registered Filer or User is entitled in that case or proceeding. A Filer or User waives notice or service by personal service, by first-class mail, or by any other means of conventional delivery described in Fed. R. Bankr. P. 2002, 7004, or 7005. This consent and waiver do not apply to:

- service of the motion commencing a contested matter under Fed. R. Bankr. P. 9014;
- service of the summons and complaint in an adversary proceeding under Fed. R. Bankr. P. 7004; and
- service of an involuntary petition or petition commencing ancillary case under Fed. R. Bankr. P. 1010.

3.9 Final Approval of Registration and Granting of Access. On behalf of the Bankruptcy Court for the Middle District of Tennessee, the Clerk reserves final approval to grant access rights to any PACER account. Any individual or entity failing to comply or refusing to comply with ECF Procedure 3 will be denied registration with the Bankruptcy Court.

3.10 Deactivation and Suspension of ECF Filing Privileges.

3.10.1 Deactivation and Suspension of ECF Filing Privileges by Filer or User. Although a Filer or User may seek deactivation of an account from PACER, the Clerk will determine whether an ECF account will be deactivated. If a Filer or User has made an appearance in a case, proceeding, or contested matter, a Motion to Withdraw from ECF and court order is required before the Bankruptcy Court will allow the ECF account to be deactivated. A Filer or User will not be granted a Motion to Withdraw from ECF if they are actively involved in a case, proceeding, or contested matter.

3.10.2 Deactivation and Suspension of ECF Filing Privileges by Clerk or Court. Upon motion of a party in interest, and after notice and a hearing, the court may, for cause, suspend or deactivate participation in ECF of any Filer or User. Cause includes substantial or repetitious failure to use ECF correctly or to follow these administrative procedures. When circumstances indicate misuse, abuse of, potential risk or harm to ECF, the Clerk may, without prior notice, disable the ECF account of any Filer or User. Upon disabling of the ECF account, the Clerk will promptly notify the Filer or User of the account's deactivation by filing a "Clerk's Notice of Deactivation of ECF Account." Within 7 days of the Clerk's notification of the account's deactivation, the Filer or User may respond by filing a "Response to Clerk's Notice of Deactivation of ECF Account," and request opportunity for a hearing.

ECF PROCEDURE 4 – CONSEQUENCES OF ELECTRONIC FILING

- 4.1 **Filing and Entry on Docket.** A document is filed and entered on the docket under Fed. R. Bankr. P. 5003 when the electronic transmission of the document is received by ECF.
- 4.2 **Official Record.** The official record of a document filed through ECF is the electronic recording of the document.
- 4.3 **Date and Time of Filing.** A document received through ECF is deemed filed on the date and time stated on the NEF generated by ECF.
- 4.4 **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 Central Time (CT).
- 4.5 **Docket Entry for ECF Document.** Filers and Users are responsible for choosing the correct docket entry from the Docket Dictionary provided by ECF. Filers and Users assume all risks associated with the selection of an inappropriate or mistaken docket entry including, but not limited to, the possibility that the resulting NEF will be defective, or no action is taken by the Bankruptcy Court or the Clerk with respect to the document.
- 4.6 **Corrections.** Filers and Users are responsible for identifying and correcting all 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.
- 4.7 **Payment of Fees.** Fees imposed by 28 U.S.C. § 1930 and the *Bankruptcy Fee Compendium* which are required to be paid at the time of filing must be collected by the Clerk at the time of the filing. Fees will not be due immediately if an order granting a waiver of the fees or installment payments is entered, or fees are deferred because the filing is on behalf of a Chapter 7 trustee or a professional employed by a Chapter 7 trustee. Fees not paid by an ECF Filer or User within 3 business days of the filing that generated the fee will result in a Filer or User's ECF account being suspended until such time as all fees due are paid in full. Repeated failure to promptly pay fees may result in deactivation of ECF use. The Clerk will establish the manner and method for payment of fees.

ECF PROCEDURE 5 – SIGNATURES

- 5.1 **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

transmission is the equivalent of a signed paper for all purposes, including, without limitation, Fed. R. Bankr. P. 9011.

- 5.2 [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 Bankruptcy Court.
- 5.3 [Form of Electronic Signature - 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, appropriate attorney identification number(s) (if applicable), address, voice 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.

ECF PROCEDURE 6 – NOTICE AND SERVICE ON FILERS, USERS, AND OTHERS

- 6.1 [Notice and Service on Filers and Users](#). As set out in ECF Procedure 3, registration of a PACER account is expressed consent to receive service and notice of documents by electronic means from the Bankruptcy Court and other Filers and Users in all cases.
- 6.2 [Effect of NEF](#). Transmission from the Bankruptcy Court to a Filer or User of the NEF of any document constitutes notice and service of the filed document upon that Filer or User for all purposes, except that paper copies must be served in accordance with Fed. R. Bankr. P. 7004 with respect to: motions commencing a contested matter under Fed. R. Bankr. P. 9014; the summons and complaint in an adversary proceeding; and an involuntary petition or petition commencing ancillary case under Fed. R. Bankr. P. 1010.
- 6.3 [ECF Transmission of Document\(s\)](#). Notice and service of a document filed through ECF is complete upon electronic confirmation of transmission by the NEF consistent with Fed. R. Bankr. P. 9036.
- 6.4 [Notice or Service on Others](#). Any entity not registered as a Filer or User that has not consented to electronic notice and service shall be given notice and shall be served according to the conventional delivery methods required by the Federal Bankruptcy Rules and the Local Rules for the Bankruptcy Court for the Middle District of Tennessee.
- 6.5 [Certificate of Service](#). ECF will generate and docket a "BNC Certificate of Notice" with respect to notice and/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. LBR 9075-1 has a specific Certificate of Service form that must accompany or be linked (related) in CM/ECF with the associated request.

ECF PROCEDURE 7 – COURT ORDERS

7.1 **Entry of Orders.** The Clerk’s electronic filing of orders, decrees, memoranda, opinions, and judgments in ECF, constitutes entry on the docket for purposes of Fed. R. Bankr. P. 5003 and 9021.

7.2 **Docket Orders.** The court may issue docket orders as text only. Docket orders will not include a separate document signed by a judge. A docket order has the same force and effect as if a judge had affixed a signature to a paper copy of the order and entered it on ECF. If relief is granted to a moving party in the form of a docket order and the moving party is required to notice and/or serve the docket order, the moving party shall be required to file a certificate of service reflecting mailing of the text order pursuant to LBR 9013-3 and include in the certificate of service, or as an attachment to the certificate of service, a copy of the text of the docket order served.

7.3 **Notice to Filers and Users.** Immediately upon entry of an order or judgment, an NEF is transmitted to all Filers and Users who are parties and to all Filers and Users who represent parties. Electronic transmission of the NEF constitutes the notice required by Fed. R. Bankr. P. 9022.

7.4 **Uploading or Submitting Proposed Orders.** Whenever required by the Federal Bankruptcy Rules or by the Local Rules for the United States Bankruptcy Court for the Middle District of Tennessee, the party responsible for uploading or submitting an order for signature to the Bankruptcy Court shall upload the proposed order electronically as a separate document using the E-Orders module in CM/ECF, unless directed otherwise by the Bankruptcy Court. Proposed Orders shall meet PDF profile standards, proposed order format, and be in PDF format.

If a proposed order is submitted to the Clerk for uploading because the filer has met one of the paper filing conditions in ECF Procedure 2.2, the document submitted to the Clerk must comply with ECF Procedure 7.5.

7.5 **Proposed Order Format.** In addition to the requirements in LBR 9072-1, 5005-3, and 9075-1(e), proposed orders must comply with the following criteria when uploaded to the E-Orders module in CM/ECF:

- Unless the court requires otherwise, all orders shall be prepared and uploaded for entry by the attorney for the prevailing party.

- All orders uploaded for entry must provide “Approved for Entry” as part of the signature block as defined in ECF Procedure 5.3 of the attorney (or party) preparing the order.
- The top portion of the first page of the document must have a four-inch margin. The remainder of the document must have one-inch margins.

ECF PROCEDURE 8 – FILING FORMAT REQUIREMENTS

- 8.1 **PDF Requirement.** All documents transmitted to ECF shall meet PDF-A profile standards and be electronically generated text in PDF format so that the text of the document may be searched and copied, except as provided in subsection 8.2 below.
- 8.2 **Exhibits.** The Court requires parties to submit their evidence electronically using the EESA system. Refer to information and Electronic Evidence Procedures posted on www.tnmb.uscourts.gov/electronic-evidence-submission-application-eesa for exhibit submission using ECF.
- 8.3 **File Size Limitations.** Each transmission to ECF shall not exceed 35 MB. Filings which exceed the maximum PDF file size shall be broken into smaller files by the Filer or User and transmitted to ECF in multiple transmissions as attachments to the primary filing.
- 8.4 **Scanned Material.** An electronic image of text or other material in PDF format produced by a scanning or imaging process. Scanning for ECF purposes, should be black and white and should be 300 x 300 dpi or higher.
- 8.5 **ECF Filing Format.** All documents (whether in PDF format or paper) must meet the following requirements for filing or uploading in CM/ECF:
- The paper size of the document must be 8 ½” x 11”
 - All papers must be clearly legible in 12-point font with one-inch margins throughout the document, except for proposed orders which require a four-inch margin at the top of the first page
 - All pages must be sequentially numbered at the bottom with sufficient room to allow imbedding of the CM/ECF docket entry footer
 - Any proposed order must also comply with the formatting requirements of ECF Procedure 7.5
 - Paper (non-electronic) filings will only be accepted by the Clerk if the submitting party falls within one of the exceptions listed in ECF Procedure 2.2

ECF PROCEDURE 9 – TECHNICAL FAILURE AND INTERRUPTION OF CM/ECF SERVICES

- 9.1 **Technical Failure.** A Filer or User whose ECF filing, notice or service is untimely or otherwise defective because of technical failure must seek redress from the Bankruptcy Court by filing a motion through ECF.
- 9.2 **Interruption of ECF Service.** Due to system maintenance, upgrades, security patches, and other technical issues, the CM/ECF system may not be operational during certain time periods. When an interruption of service is known to the Bankruptcy Court, a notice will be posted on the Court’s website and on the ECF splash page when Filers and Users access ECF. If there is a prolonged period of maintenance in ECF, in addition to the foregoing, an email blast will be sent to all Filers and Users who have valid, active, current notification emails linked to their PACER accounts.

ECF PROCEDURE 10 – PUBLIC ACCESS

- 10.1 **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.
- 10.2 **Internet Access.** Internet access to documents in ECF is available through the 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 PACER’s web site at www.pacer.uscourts.gov.
- 10.3 **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, unless an outside copy service has been designated in the case. Registered CM/ECF Filers and Users may also obtain certified copies in PDF format of electronically filed documents by email using the Request for a Certified Copy (Email Delivery) event in ECF.

ECF PROCEDURE 11 – SEPARATE FILINGS

- 11.1 **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. If the plan is not filed as a separate docket entry when the petition is filed, the plan proponent is responsible for mailing the plan to creditors in the case.

11.2 **Motions.** The following motions and applications shall include only one request for relief and shall be filed as separate docket events in ECF:

- Motions to Reopen a Case;
- Motions to Waive Fees;
- Motions to Pay Fees in Installments;
- Motions for Relief from Automatic Stay under LBR 4001-1(a); and
- Any other motions or applications which require a fee.

ECF PROCEDURE 12 – PERSONALLY IDENTIFIABLE INFORMATION

12.1 **Redaction responsibility.** The Clerk is not responsible for redacting or restricting personally identifiable information contained in any document filed on ECF. Personally identifiable information shall be redacted by a Filer or User prior to filing any document.

12.2 **Disclosed Information in a Single Case or Proceeding.** If personally identifiable information has been disclosed in a bankruptcy case or proceeding, a Filer or User may file a motion in accordance with Fed. R. Bankr. P. 9037 to have the offending or affected document(s) restricted by the Clerk.

12.3 **Disclosed Information in Multiple Cases or Proceedings.** If personally identifiable information has been disclosed in more than one bankruptcy case or proceeding, a Filer or User may file a miscellaneous proceeding in accordance with Fed. R. Bankr. P. 9037 to have the offending or affected document(s) restricted by the Clerk.