#### U.S. BANKRUPTCY COURT MIDDLE DISTRICT OF TENNESSEE

The slides in this presentation show the process of submitting electronic evidence using the submission application developed by the USBC-MDTN. It is a step-by-step tutorial of its use.

EESA: HOW-TO SUBMIT ELECTRONIC EVIDENCE

#### MANDATORY USE OF ELECTRONIC EVIDENCE APPLICATION (EESA)

- On August 1, 2012, the U.S. Bankruptcy Court for the Middle District of Tennessee made the submission of evidence electronically mandatory for all evidence used in trial, hearing or at the motion docket.
- Electronic evidence must be submitted using the "Electronic Evidence Submission Application," known as "EESA."
- The EESA application is accessed through CM/ECF.
- In conjunction with EESA, the Court approved procedures known as "E-Evidence Procedures" (cited as "EEP"). The EEP can be found on the Court's web site at \_\_\_\_\_\_ under the Local Rules tab.

#### Things to Know

- EESA is intended to be intuitive for those accustomed to using the paperless, filing system known as CM/ECF.
- Similar to loading documents for filing to CM/ECF, the EESA application will require that any and all documentary evidence be converted to one of the allowable formats listed in EEP, § 3, found at <u>now tomb uscourts.gov</u>.
- EESA will prompt the user to "Browse" for the exhibit(s) and attach them.
- Make sure all exhibits are converted and saved on your computer or laptop before submitting those exhibits. Otherwise, EESA will not accept unknown formats, i.e., WordPerfect or Word documents, without conversion of documents in those formats.
- PLEASE make sure to read the EEP as the procedures indicate how documents should be named before submitting any electronic exhibits. Failure to use correct naming conventions will give you an error message and not allow you to continue and submit exhibits.

## Logging in EESA

- If you are unfamiliar with CM/ECF or PACER, go to
- Find "Online Services" on the Court's web site

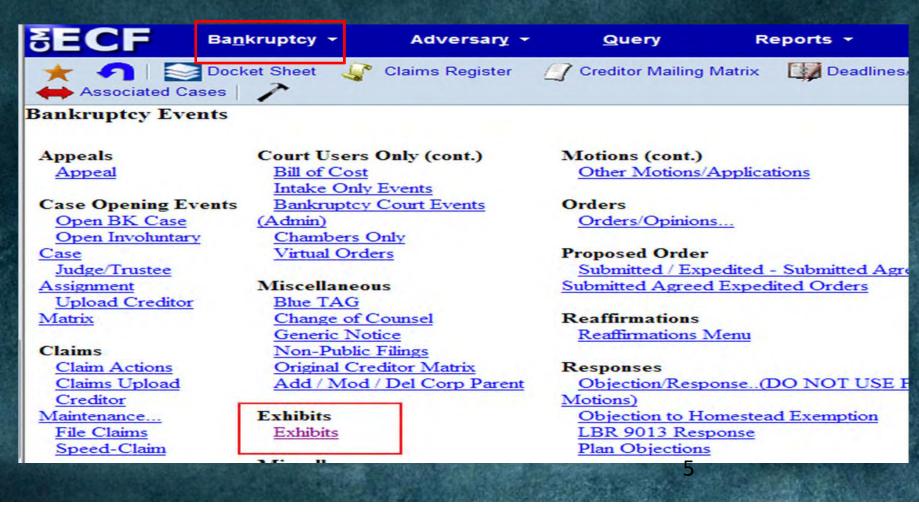
ONLINE SERVICES

CM/ECF / PACER

- Click on CMECF/PACER
- The CM/ECF Filer or PACER login screen appears.
- Input your CM/ECF login and password to obtain access to the CM/ECF event screen.

#### STEP 1: Where do I find EESA?

You can always find EESA by clicking on the Bankruptcy tab shown below. This tab will take you to the CM/ECF events. The EESA application is under "Exhibits." This is the tab to use for ALL exhibit submission.

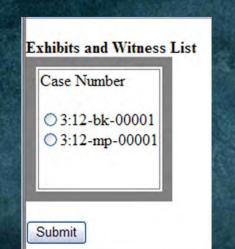


# Step 2: Starting the submission process

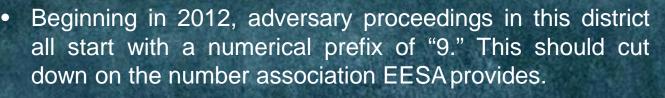
SECF	Ba <u>n</u> kruptcy
* 1	Docket Sheet
Associated	Cases /

#### Exhibits and Witness List

Case Nu	mber	
Submit		

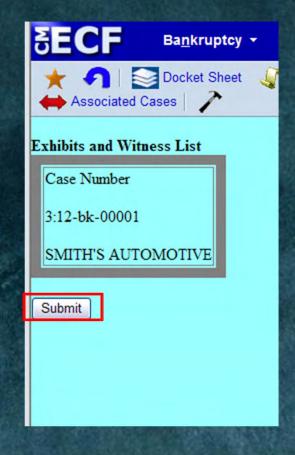


- Type in the main case, adversary proceeding or miscellaneous proceeding.
- Do not worry about including a "bk," "ap," or "mp," in the number when typing the identifying number into the box. EESA will find numbers that have similar associations.
  - It is up to you to pick the correct case (bk), adversary (ap) or miscellaneous proceeding (mp) association when EESA populates similar numbers for you.



6

#### Step 3: Is this the correct association?



- EESA will associate the number you have provided with the case number, adversary proceeding number or miscellaneous proceeding number.
- If it is not associating the correct number, check your number.
- If the correct case or parties show up (i.e., Doe v. Doe or John D. Doe), then click on the "Submit" button in the application to continue the submission process.

#### Step 4: Which bubble do I click?

Is this the first time you are submitting evidence for this case, adversary proceeding or miscellaneous proceeding?

Do you want to Submit my party's exhibit file(s)

PLEASE PICK ME!!!

Scenario 1: Use the first option, or first bubble, when you have never submitted evidence in the case or proceeding

#### OR

Scenario 2: You have submitted evidence in the case or proceeding but now you are submitting evidence for a completely different matter, trial, hearing or contested matter on the motion docket. **EXAMPLES** for second scenario described:

First time submission ► Creditor ABC files objection to chapter 13 plan in case number 3:12-bk-00012 and submits evidence for contested confirmation.

Second time submission ► Creditor ABC then files motion for relief from stay, debtor objects ► final hearing going forward. Creditor submits evidence using first bubble since exhibits are being submitted for a completely different matter and purpose.

#### Step 4 Continued: Which bubble do I click?

Are you submitting evidence for the second time in the same case.?

• Pick the second bubble whenever you are:

- Amending your original exhibit list in the SAME CASE/AP/MP and it is in the SAME HEARING TYPE and SAME DESCRIPTION.
- What does that mean? You are either adding exhibits to your original submitted exhibit list, deleting exhibits from your original submitted exhibit list, re-numbering or lettering exhibits in your original exhibit list because you have made a naming convention mistake or you decided to delete exhibits or add some additional exhibits to your original exhibit list.

Do you want to 🛇 Submit my party's exhibit file(s) or 🛇 View/Edit or Submit additional exhibit file(s) or 🛇 Access to Submitted Exhibits or

You really should pick me ...

#### Step 4 Continued: Which bubble do I click? Examples of when to use 2<sup>nd</sup> option/bubble

**Example 1:** Case no. 3:08-bk-10003 set for January 8, 2013 at 9:00 a.m. Exhibits listed under Hearing Type (Motion" with Description (Relief from Stay filed by FSB, LLC on 203 Industrial Drive, Somewhere, USA."

Date Submitted Exhibits first submitted on December 23, 2012

Additional exhibits added December 26, 2012

**Submitted Exhibits** 

1.Deed of Trust.pdf 2.Promissory Note.pdf

3.Proof of Claim number 2.pdf 4.Service Charge Summary.pdf

**Example 2:** Adversary proceeding no. 1:12-ap-90000, *Doe v. Smith*, trial on March 14, 2013 at 9:00 a.m., CR 1, Nashville, TN. <u>First time submission</u> 10 exhibits were submitted by Defendant *Smith* on February 18, 2013; identified as exhibits "A" though "J." <u>Second time submission</u> February 21, 2013, *Smith* wants to delete exhibits marked "B" and "H" on EESA, rename and resubmit exhibits as "A" through "H" so exhibits are sequential.

#### Step 4 Continued: Which bubble do I click?

What if I am submitting evidence for the same case, but different hearing type and different description?

 Pick first bubble again. Why? You have completely different exhibits or exhibits are being used for a completely different purpose.

Do you want to 🕑 Submit my party's exhibit file(s) or 🔘 View/Edit or Submit additional exhibit file(s) or

#### Scenario

- Chapter 11 case no, 3:13-bk-00012.
- Global order set on first day motions for January 22, 2013, at 10:00 a.m. Creditor 123, LLC files objection to Cash Collateral and Post-petition Lending. Exhibits A – C for objection filed.
- Creditor 123, LLC files Motion for Relief from Stay on 101 Industrial Drive, Anywhere USA. Final hearing on relief stay is contested.

You would use the first bubble to submit exhibits underlying cash collateral objection and use the first bubble again when submitting exhibits for relief stay matter. Same case but different hearing types and descriptions.

## Step 5: Fill in Information

EESA users must fill in the following information:

Date(mm/dd/yyyy):
 Time(hh:mm): AM 
 AM 
 Hearing Judge: Lundin, Keith M

Type in the date of the trial, hearing or contested matter already scheduled on the docket or pretrial order.

#### Type in the time set by the Court.

Pick the right judge. Pick the judge originally assigned to the case, unless judge reassignment is noted on the docket.

Hearing Type: Motion

4.

There are 4 hearing types: Motions Objection/Response Trial Confirmation Choose the correct type of action.

12

#### Step 5 Continued – Fill in Information

5.

Description (100 characters maximum):

Next

Provide a description that makes it easy to identify the exhibit description when compared to what document has been filed on CM/ECF. The description should be different enough so that exhibits can be readily distinguishable amongst multiple, like descriptions set on the same day.

**Example 1**: Two relief stay motions filed in the same case. The final hearing date has the same attorney representing the same creditor on the same date. Both motions are contested. Motion for relief from stay #1 is given a description of: "Motion for Relief from Stay filed by ABC Mortgage, Inc. on 123 Maple Street, Somewhere, USA." Motion for relief from stay #2 is given a description of: "Motion for Relief from Stay filed by ABC Mortgage, Inc. on 123 Maple Street, Somewhere, USA." Motion for relief from stay #2 is given a description of: "Motion for Relief from Stay filed by ABC Mortgage, Inc. on 101 Main Street, Beach Town, USA." Contested motions are distinguishable.

**Example 2**: One objection to confirmation of a chapter 13 case. Multiple objections to confirmation filed in same case, at same time and date. Creditor 1's description: "Objection to Confirmation of Chapter 13 Plan filed by \$\$\$ Cash Financial, LLC." Creditor 2's description: "Objection to Confirmation of Chapter 13 Plan filed by Joe Jones Auto Mart." Objections to confirmation are distinguishable.

## Step 6 – Identify Role Type

What is the role of the party for whom you are submitting exhibit(s) ? O Plaintiff O Defendant O Movant O Respondent O U.S Trustee O Multiple

- Check the bubble that most appropriately identifies your role in the case, adversary proceeding or miscellaneous proceeding.
- The "Multiple" bubble is for times when you represent more than one party. For example, more than one plaintiff or defendant; multiple creditors in a chapter 11 case, etc.

### Step 7 – Party Names

EESA allows for shortening of a party's name.

Why shorten a name? The electronic admission stamp resides on the top, right-hand side of an admitted exhibit. If your party name is very long, the exhibit stamp will cut-off the name.

For purpose of marking exhibits only, do you wish to shorten your party's name? $ullet$ Yes $igtrianglet$ No				
Shortened party name:	hint: After enter sh			

- Clicking on the "yes" option will provide you the option of shortening your party's name.
- Clicking on the "no" option will take you to the next line item.

#### Step 8 – Exchanging Exhibits

Do you wish to grant access to your exhibits to any other attorney? O Yes O No

 Clicking on the "yes" option will populate a list of attorneys who have made appearances in an adversary proceeding or a case.

Do you wish to grant access to your exhibits to any other attorney? •Yes ONo Rights to view these exhibits shall be granted to whom: Vicki Counts US TRUSTEE daoatty einatty sdtatty

Please select file to submit:

Submit Exhibit File

 By checking the square in front of each attorney name you are providing those attorneys, or parties, access rights to view any and all exhibits you have submitted in the adversary proceeding or case. This is the exchange component of EESA.

Browse.

16

 If you do not want to exchange exhibits, then click the "no" option, which will then take you to the next option on EESA.

**NOTE:** EESA provides parties options to the exchange process. EESA is not a substitute for, nor does it replace, what is expected from attorneys under the FeD. R. EVIDENCE, FED, R. CIV. P., TITLE 11 OF THE U.S. CODE, FED. R. BANKR. P., LOCAL RULES FOR THE BANKRUPTCY COURT MIDDLE DISTRICT OF TENNESSEE or other applicable laws.

# Step 9 – Choosing & Naming the Exhibit File to Be Submitted

Do you wish to grant access to your exhibits to any other attorney? •Yes ONo Rights to view these exhibits shall be granted to whom: Vicki Counts US TRUSTEE daoatty ejnatty sdtatty

Please select file to submit:

Submit Exhibit File

- EESA works similar to CM/ECF in "Browse" mode.
- Convert exhibits to an allowable format (PDF, PNG, GIF, JPG/JPEG, WMV, MP3, PPT/PPTX). Allowable formats can be compressed into ZIP files for submission. <u>See</u>, EEP 3 for allowable conversion extensions.
- Make sure the exhibits follow the naming conventions and protocols in *EEP 4.3* and *EEP, Appendix 2*.
- Save exhibits on your computer or lap top.

Browse

## Step 10 – Attaching the Exhibit File

Please select file to submit: C:\Documents and Settings\teresa\Desktop\1.LOAN AGREEMENT.pdf

- Click on the "Browse" button to attach the saved exhibit file(s).
- Search on your computer or lap top (or other device) where you place the saved exhibit or exhibits.
- Once you have found the drive on your computer or lap top (or other device) where the exhibit or exhibits have been saved, then click (or double-click) on the exhibit file.
- The exhibit file or exhibit files should attach as shown above. If exhibit files where saved in ZIP format then the files will upload and show in listing when
   [Submit Exhibit File] button is clicked.

Browse

# Step 10 Continued – Attaching the Exhibit File

Please select file to submit:	
Submit Exhibit File	
These files have been submitted by tcaatty for Party: tca	atty
Exhibit file(s)	
1.LOAN AGREEMENT.pdf	
2.DEED OF TRUST.pdf	
Next	

- Submitted exhibit(s) should appear as they do in the listing above.
- An error message will appear if the proper naming convention has not been used.
- If the naming convention is incorrect, EESA will not allow you to view exhibits when you go to the viewing or edit side of the application. It will appear as if no or some of your exhibits have not been uploaded.

Warning

While not an exhaustive list, the exhibit application will not "read" or recognize the following characters if used as part of an exhibit's naming convention: [@\$%^&\*()<>{}[]'",/\]:;?

19

## Step 10- Admissibility Stipulated

Check if admissibility is stipulated	Date submitted	Delete All
	9/7/2012	Delete
	9/7/2012	Delete
	9/7/2012	Dele

- The "Check if admissibility is stipulated" box is intended to be used when parties have agreed to stipulate certain exhibits for purposes of admissibility.
- The "Check if admissibility is stipulated" section is **not intended** to pose a question to other parties asking them if they wish to stipulate for purposes of admissibility. It is an agreed upon fact to be provided to the Court at a trial, hearing or contested matter on the motion docket. Not a question.

## Step 11 – Exhibit Modification

These files have been submitted by tcaatty for Party: tcaatty	Date submitted	Delete All
Exhibit file(s)	9/7/2012	Delete
1.LOAN AGREEMENT.pdf	9/7/2012	Delete
2.DEED OF TRUST.pdf	9/7/2012	Delete
3.EMAIL FROM BANK OFFICER DENVING FOREBEARANCE.pdf	9/7/2012	Delete
4.LETTER FROM DEBTOR DATED.pdf	5//2012	Delete

- If an exhibit needs to be modified by deletion, it may be done at this time.
- There are two options: you may "Delete All" and start over by clicking on EESA's "Delete All" button, or delete a particular exhibit by clicking EESA's "Delete" button as shown above.
- When a particular exhibit is deleted, EESA **will not** renumber the exhibits for you. The Court will take the exhibit numeration or lettering as provided by the user. If you prefer to have consecutive or sequential numbering or lettering, you will need to Delete All, rename saved exhibits on your system and submit again. If not, the listing will show as

21

#### follows:

Exhibit file(s)

1.LOAN AGREEMENT.pdf

2.DEED OF TRUST.pdf

4.LETTER FROM DEBTOR DATED.pdf

## Step 12 – Saving & Downloading

View/Save	Exhibit file(s)	Admissibility is stipulated	Date Submitted
	1.LOAN AGREEMENT.pdf		9/7/2012
	2.DEED OF TRUST.pdf		9/7/2012
	4.LETTER FROM DEBTOR DATED.pdf		9/7/2012
Print Exhibit	list View/Save selected exhibit(s)	Complete Transaction and Logout Edit Listing	

- The "View/Save" box provides you:
  - The option to "Open" or "Save" all submitted exhibits at once OR –
  - You may click the individual box next to each exhibit for opening or saving of each exhibit separately.
- You also have the option of modifying (deleting, amending, etc.) your exhibit list by clicking on "Edit Listing." This option will take you back to the upload screens.
- If you are not interested in opening, saving , printing or editing any of the exhibits, you may proceed and click on the "Complete Transaction and Logout" button to finish the submission process. **Go to Step 13.**

#### Step 12 Continued – Saving & Downloading

View/Save	Exhibit file(s)
	1.LOAN AGREEMENT.pdf
	2.DEED_OF_TRUST.pdf
	4.LETTER FROM DEBTOR DATED.pdf
Print Exhibit	List View/Save selected exhibit(s) Complete Transaction and Logout Edit Listing

If you are interested in having exhibits saved or printed for your files, then click on EESA's "View/Save selected exhibit(s)" button. This option provides:

- the header indicating case name (case name shortened if this option was picked earlier), case number, adversary parties, adversary number, etc. showing on each uploaded exhibit page and
- the footer mirroring the naming convention provided by the EESA user with automatic page numbering for each exhibit on every uploaded exhibit page. Pages are numbered within each exhibit.

#### Step 12 Continued – Saving & Downloading

View/Save	Exhibit file(s)			Admissi
	1.LOAN AGREEMENT.pdf			1
	2.DEED OF TRUST.pdf			<b>V</b>
	4.LETTER FROM DEBTOR DATED.pdf		(	
Print Exhibit	List View/Save selected exhibit(s)	Complete Trar	File Download	
			Do you want to open or save this file?         Name: 3-12-bk-00001.zip         Type: Compressed (zipped) Folder, 77.8KB         From: ecf-train.tnmb.circ6.dcn         Open         Save         Call         Always ask before opening this type of file         While files from the Internet can be useful, some files can pharm your computer. If you do not trust the source, do not save this file. What's the risk?	

- Choosing the "View/Save" option will automatically "check" all exhibits boxes.
- Notice a ZIP file was used in this example. When a ZIP file is used, it populates the exhibits sequentially as named by the EESA exhibit user.

#### Step 12 Continued – Saving & Downloading

File Edit View Favorites	Tools	Help							1	•
🌀 Back - 🕥 - 🏂	, os	earch 😥 Folders	Told	er Sync						
Address 1 C:\Documents and S	ettings	\teresa\Local Settings\Tem	porary Internet Fi	les\Content.i	IE5\LZY1JIQ	ы\3-12-b	k-0000	1[1].zip	¥ 🔁 0	50
	-	Name 🔺	Туре	Packe	Has	Size	R	Date		
Folder Tasks	8	1.LOAN AGREEM	Adobe Acrob	23 KB	No	28 KB	20%	9/7/2012 9:18 AM		
Extract all files		2.DEED OF TRUS	Adobe Acrob	24 KB	No	30 KB	19%	9/7/2012 9:18 AM		
		4.LETTER FROM	Adobe Acrob	10 KB	No	14 KB	31%	9/7/2012 9:18 AM		
Other Places	۲									
C LZY1JIGI										
My Documents										
S My Network Places										
Details	۲									

Once chosen, the "Save" option will provide you with this listing or view. You may now save your exhibits on your computer or lap top.

#### Step 12(a): Editing Newly Submitted Exhibits

If you decide at this point to go back and edit your submitted exhibits, then click on the "Edit Listing" tab to delete or amend the existing exhibit file(s) list ...

View/Save	Exhibit file(s)
	1.LOAN AGREEMENT.pdf
	2.DEED OF TRUST.pdf
	4.LETTER FROM DEBTOR DATED.pdf
Print Exhibit	List View/Save selected exhibit(s) Complete Transaction and Logout Edit Listing

Remember, you have not completed your transaction and logged out yet so it is very easy to edit exhibits at this point in time.

26

## Step 12(b): "Edit Listing"

- If you decided not to <u>Complete Transaction and Logout</u> and you clicked on <u>Edit Listing</u>, the screen below will be displayed.
- Here is another opportunity to delete or amend your existing exhibit file(s) listing.

Next	
What is the role of the party for whom you are submitting exhibit(s) ? OPlaintiff ODefendant Movant ORespondent OU.S Trustee OMultiple	
For purpose of marking exhibits only, do you wish to shorten your party	r's name? Oves ONo
Shortened party name: ABC Mortgage	hint: After enter short party name,
Do you wish to grant access to your exhibits to any other attorney? 👀	es ONo
Rights to view these exhibits shall be granted to whom: Vicki Counts US TRUSTEE daoatty ejnatty sdtatty	
Please select file to submit:	Browse
Submit Exhibit File	
These files have been submitted by tcaatty for Party: tcaatty	
Exhibit file(s)	Check if adr
1.LOAN AGREEMENT.pdf	
2.DEED OF TRUST.pdf	
4.LETTER FROM DEBTOR DATED.pdf	
Next	27

## Step 12(c): Printing the exhibit list

If you decide that your preference is just to print the exhibit list and then logout, select this

option:

View/Save selected exhibit(s)

d exhibit(s) Complete Transaction and Logout

United States Bankruptcy Court

Middle District of Tennessee

Case No.: 3:12-bk-00001

This option provides you with a printable list.

Edit Listing

In Re: SMITH'S AUTOMOTIVE Debtor

Print Exhibit List

Trial Date: 9/25/2012, Trial Time: 09:00 AM, Hearing judge: Lundin, Keith M, Motion for Relief from Stay filed by ABC Mortgage Company, Inc. on 123 Maple Blvd, Somewhere, USA

#### tcaatty'S Exhibit List

Exhibit File(s)	Admissibility Stipulated	Date Submitted
1.LOAN AGREEMENT.pdf	x	9/7/2012
2.DEED OF TRUST.pdf	x	9/7/2012
4.LETTER FROM DEBTOR DATED.pdf		9/7/2012

#### Step 13:

#### **Complete Transaction and Logout**

**Complete Transaction and Logout** 

Edit Listing

 If you are done and have no other editing functions, saving or printing functions to perform, then you can log out by choosing EESA's "Complete Transaction and Logout" button, seen below:

Completing your transaction and logging out does the following:

View/Save selected exhibit(s)

Print Exhibit List

- the parties who have been given viewing rights in EESA by you (exchange portion of the application) will get an email sent to them indicating that exhibits have been submitted by you. The email will list the bankruptcy case/number and adversary proceeding/AP number (if exhibits were submitted in the AP). EESA associates exhibits filed in an adversary proceeding with the main case number.
- The email will also prove a list of the exhibits submitted in an attached PDF.
- You will receive an email confirmation that the submitted exhibits notification email has left EESA.

# YOU ARE DONE!!!!!

HOW EASY WAS THAT?

30

## Exhibit Presentation

#### in Court Use Mode

When accessing exhibits in Court pick the third option or third bubble in EESA called "Access to Submitted Exhibits." 
 O<sub>Access to Submitted Exhibits</sub>

What do you mean you forgot the lap

top??!!!

- First, sign in to CM/ECF.
- Go to the "Bankruptcy" tab.
- Click on the "Exhibits" event.
- Click on the following option ►

Which trial/hearing do you wish to view ?

 The case and/or adversary proceeding number should display in red at the top right hand corner of EESA showing the correct case or AP for which exhibits were submitted.

#### Exhibit Presentation Continued: in Court Use Mode

Next ► click on the correct "Hearing Type."

Which trial/hearing do you wish to view ?	
	Select all
	Hearing Type: Motion. Hearing Description: Motion for Relief from Stay filed by ABC Mortg Somewhere, USA. Hearing/trial on 9/25/2012 at 09:00 AM. Hearing Judge: Lundin, Keith M
	Hearing Type: Motion. Hearing Description: Motion for Relief from Stay filed by ABC Mortg Somewhere, USA. Hearing/trial on 9/25/2012 at 09:00 AM. Hearing Judge: Lundin, Keith M
	Hearing Type: Motion. Hearing Description: Motion for Re;ief from Stay filed by ABC Mortg JSA. Hearing/trial on 9/25/2012 at 09:00 AM. Hearing Judge: Lundin, Keith M

- Click the "Select all" option (or box) if there are multiple parties on one matter being heard by the Court that day. The "Select all' option makes it easier for everyone to see all submitted exhibits, whether those exhibits were submitted by the movant, a respondent or an objecting party.
- Select the particular hearing type box when only one EESA user submitted exhibits. Click on the hearing type described earlier when in the EESA submission mode.
- Plug in your lap top or device to the cabling at the podium, or either counsel table. What you have on your lap top or device screen should display on the courtroom TV monitors.

#### WHERE TO FIND EVIDENCE ONCE IT HAS BEEN ADMITTED

 All evidence whether admitted or not by the court may be accessed by clicking on EESA's fourth button option:  POST-TRIAL, HEARING OR CONTESTED MATTER ON MOTION DOCKET

View admitted exhibits for Case: 3:12-bk-00001 ?

- Admitted exhibits will contain the Court's electronic admission stamp. Exhibits that have not been admitted will show no stamp.
- This option is available should parties need exhibits in the event of an appeal or any other reasons.



#### USBC-MDTN EESA CONTACTS

United States Bankruptcy Court Middle District of Tennessee

Main number ► 615-736-5584

To schedule a mock trial date and time for EESA, please call:

Teresa Azan, Court Clerk, Ext.4224

For EESA technical issues, please call the TNMB Systems Help Desk:

Ext. 4400.

