



ELECTRONIC EVIDENCE PROCEDURES

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CONTENTS:

1.	SCOPE AND APPLICATION	2
2.	DEFINITIONS.....	3
3.	ELECTRONIC FORMATTING REQUIREMENTS	5
4.	DOCUMENT MANAGEMENT PROTOCOL (DMP)	6
5.	ELECTRONIC EVIDENCE DISPOSAL.....	9
6.	REDACTION	9
7.	EQUIPMENT	9

1. SCOPE AND APPLICATION

1.1 E-Evidence (EEP).

The United States Bankruptcy Court for the Middle District of Tennessee (“Court”) has approved procedures for electronic submission of evidence through CM/ECF in advance of a trial, hearing, or contested matter on the motion docket. Cite these procedures as “E-Evidence Procedures” or “EEP”.

1.2 CM/ECF Exhibit Submission Requirement.

Electronic Evidence as defined in § 2.2 below (for use in any trial, hearing or contested matter on the motion docket) shall be submitted using the “Electronic Evidence Submission Application” (EESA) available through CM/ECF at <https://ecf.tnmb.uscourts.gov>. An active CM/ECF account with full access is required to use EESA. These EEP apply in all cases, contested matters and proceedings. Except as provided herein, evidence will not be accepted by the Court or Clerk of Court other than through EESA.

1.3 CM/ECF Exhibit Limitations (Physical Objects, Original Documents, Oversized Documents).

Evidence that is impractical or impossible to submit in electronic format — such as physical objects, original documents (when required), and oversized documents not capable of conversion to a format listed in § 3 below — are not subject to EEP.

1.4 Training and Courtroom Availability.

The court will provide EESA information/guidance at <http://www.tnmb.uscourts.gov>. In advance of any trial, hearing, or contested matter on the motion docket at which the party plans on presenting evidence, counsel is encouraged to contact the Clerk of Court for any mock evidence presentation practice. The Clerk’s office will provide technical assistance with respect to EEP to any party in advance of trial, hearing, or contested matter on the motion docket but not at or during a trial, hearing, or contested matter on the motion docket unless instructed to do so by the Court.

1.5 Failure to Submit Evidence in Compliance with EEP.

If a party fails to submit evidence in compliance with EEP, upon request of any other party the Court may:

- Prohibit the non-complying party from using the evidence at the trial, hearing, or contested matter on the motion docket unless the failure was substantially justified or is harmless; and
- After an opportunity to be heard, impose other appropriate sanctions (including but not limited to, payment of reasonable expenses or attorney’s fees caused by the failure).

1.6 Effective Date.

The revised EEP is effective February 27, 2026.

2. DEFINITIONS

2.1 CM/ECF (Case Management/Electronic Case Files).

CM/ECF is the case management and electronic court filing system for most of the United States Federal Courts.

2.2 Electronic Evidence

Includes, but is not limited to, documents, diagrams, charts, photographs, excel spreadsheets, audio files, video files, e-mails, texts, and PowerPoints that are electronically submitted for use at a trial, hearing, or motion docket.

2.3 Filer

An individual described in ECF Procedure 3.2 registered to use ECF without limitation.

2.4 GIF

Short for Graphics Interchange Format, GIF is a file format for storing graphical images up to 256 colors. It uses LZW compression which is a lossless compression method. For images containing text, GIF tends to be better than JPEG/JPG because the files tend to be smaller, and JPEG/JPG files usually have some degree of compression which can make text blurry. However, GIF is not recommended for detailed photographs or scanned documents with text, for those PDF or PNG is recommended.

2.5 JPEG/JPG

Short for Joint Photographic Experts Group, JPEG is a commonly used method of lossy compression for digital photography (image). The degree of compression can be adjusted, allowing a selectable tradeoff between storage size and image quality. JPEG typically achieves 10:1 compression with little perceptible loss in image quality. JPEG compression is used in several image file formats and is the most common image format used by digital cameras and other photographic image capture devices.

2.6 MPEG/MP3

Short for Moving Picture Experts Group, M-PEGs are a set of standards established for the compression of digital video and audio data into a very small file (about one-twelfth the size of the original file) while preserving the original level of sound quality when it is played. There are various forms of MPEGs: MPEG-1, MPEG-2 and MPEG-4. MPEG-1 Audio Layer III or MPEG-2 Audio Layer III are commonly referred to as MP3s. MP3 is a standard technology and format for compressing a sound sequence file (identified with the file

name suffix of ".mp3"), which is available for downloading from several websites. Many Windows users will find that they have an MP3-player built into their operating system.

2.7 PACER (Public Access to Court Electronic Records)

PACER is the electronic public access service that allows users to obtain case and docket information online from federal appellate courts, district courts, bankruptcy courts, and the PACER Case Locator. Currently, PACER cannot be used to upload exhibits or present evidence in EESA.

2.8 PDF/.pdf

Short for Portable Document Format, the PDF was originally developed by Adobe Systems. 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. PDF files can be viewed using Adobe Acrobat Reader, which is a free software application provided by Adobe Systems, Adobe Capture or similar products. These files can also be viewed in most web browsers.

2.9 PNG

Short for Portable Network Graphics, PNG is an extensible file format for the lossless, portable, well-compressed storage of raster images. Indexed-color, grayscale, and true color images are supported, plus an optional alpha channel for transparency. Sample depths range from 1 to 16 bits per component (up to 48-bit images for RGB, or 64-bit for RGBA).

2.10 PPT/PPTX

A presentation file created by Microsoft PowerPoint, PPT/PPTX is a program used to create slide show presentations using text, images, formatting, animations, drawn objects, and other media. It is commonly used in business meetings, marketing applications, and academic classroom settings. In contrast to PPT files, which store all presentation data in a single binary file, PPTX files are created using the Open XML format, which stores documents as a collection of separate files in a compressed ZIP package. The file types include XML document properties, images, macros, charts, and other media files.

2.11 Thumb Drive

A small, portable, solid state hard drive that can be inserted into a USB port for storage and retrieval of data. Also known as a flash memory drive, jump drive, pen drive, and USB drive.

2.12 Windows Media Video (WMV)

A video compression format for several Microsoft technologies based on MPEG-4. While there are several versions, the most recent and high-quality version is version 9. Version 9 is the most common of the WMV codecs used for streaming videos.

2.13 Zip Files (.zip or .zipx)

Single files, also known as "archives," that contain one or more compressed files. ZIP files make it easy to keep related files together and make transporting, e-mailing, downloading, and storing data and software faster and more efficient. The ZIP format is the most popular compression format used in the Windows environment, and WinZip is the most popular compression utility. ZIP files are the only method to upload a folder of multiple documents in EESA. Other folders used in electronic document storage will not be accepted.

3. ELECTRONIC FORMATTING REQUIREMENTS

3.1 Court Authorized Electronic Evidence Formats 3.1 Court Authorized Electronic Evidence Formats

All electronic evidence must be submitted in one of the following allowable formats:

- PDF
- PNG, GIF, JPG/JPEG
- WMV
- MP3
- PPT/PPTX

Any of the allowable formats can be compressed into a ZIP file if the ZIP file does not exceed 50MB. See, § 3.2.

ZIP files are the only electronic "folders" the EESA application will recognize or read; conventional operating-system folders cannot be uploaded. Users may upload multiple individual files directly or compress related files into a single ZIP file before upload.

It is the responsibility of the party submitting evidence to ensure the file format is compatible with EESA

3.2 File Size

The maximum file size for files uploaded to EESA is currently 35 Megabytes (MB). Exhibit files may be compressed in ZIP format only. EESA will not accept, upload, or "read" multiple electronic exhibits in folders unless those exhibits are compressed in a ZIP folder format.

3.2.1 Files in Excess of the Megabyte Limits

If an exhibit file or compressed ZIP file exceeds the Megabyte limits indicated, the file shall be provided to the courtroom deputy on a thumb drive/flash drive on or before the same deadline that other exhibit files are required to be submitted and uploaded through EESA. Unless some other method of delivery is agreed to, parties submitting files larger than the required MB must also provide the file(s) on a thumb drive/flash drive to all other parties due to receive them, and must comply with the requirements of § 4, below

3.2.2 Requirements to Submit Exhibits in Excess of the Megabyte Requirement in EESA via Thumb Drive

Before providing the courtroom deputy a thumb drive/flash drive as noted in § 3.2.1, the Party must produce/file a “place holder” exhibit in EESA by creating a PDF with the exhibit name and number matching the exhibit name and number in the thumb drive/flash drive. This will allow the court to upload/replace the exhibit(s) contained in the thumb drive/flash drive with the corresponding “place holder” exhibit file created in EESA.

3.3 Disabling of Security Features

Any security features in an exhibit file, such as passwords, locked editing, or similar features, must be disabled. This includes exhibits provided by thumb drive/flash drive as indicated in § 3.2.

4. DOCUMENT MANAGEMENT PROTOCOL (DMP)

4.1 Access to EESA

In any trial, hearing, or contested matter on the motion docket, all parties must provide access to exhibits using EESA’s exhibit exchange function.

4.2 Timing of Submission — Trials, Hearing, and Motion Dockets

Except as provided in a pretrial order, or excluded under these procedures, exhibits for a trial, hearing, or contested matter on the motion docket shall be submitted, as indicated below:

- Exhibit submission for trials is governed by pretrial orders.
- Hearing or Contested Matter on the Motion Dockets: 72 hours before the hearing or contested matter on the motion docket.
- Parties are to confer concerning the admissibility of electronic evidence in accordance with LBR 9014-1, and 48 hours before a scheduled trial, hearing, or contested matter on the motion docket should designate, in EESA, exhibits to be admitted by stipulation.
- Upon request, originals are to be made available for inspection.

4.3 Identifying Exhibits

4.3.1 Exhibit File Naming Conventions.

The file name of any electronic exhibit shall contain numbers and a brief description of the exhibit. Filers are responsible for providing the brief description in accordance with § 4.3.3 below. EESA will automatically assign an exhibit number when the filer's role is indicated during the upload process as detailed in § 4.3.2 below.

4.3.2 Numbering Exhibits.

EESA will automatically assign numbers to uploaded exhibits based upon the role of the party uploading them. Parties must select their correct role to ensure their exhibits are numbered correctly:

Movant and Plaintiff exhibits will be numbered in the 1000 series. For example: 1001, 1002, 1003 ... 1099 ... 1899, etc.

Respondent and Defendant exhibits will be numbered in the 2000 series. For example: 2001, 2002, 2003 ... 2099 ... 2899, etc.

Other parties to a contested matter or trial (Trustee or U.S. Trustee, for example) will be numbered in the 3000 series. For example: 3001, 3002, 3003 ... 3099 ... 3899, etc.

Multiple parties (more than three parties). When more than three parties are submitting exhibits in any hearing or contested matter on a motion docket, the parties should confer regarding the numbering scheme of those additional parties no later than 72 hours before the scheduled hearing time. The numbering scheme for multiple parties for a trial should be discussed at the pretrial conference and may be addressed in the Pretrial Order. Once decided, EESA will number the exhibits with the respective ascending four-digit numbering scheme. For example: 4001 (Party #4) ... 5001 (Party #5) ... 6001 (Party #6), etc.

4.3.3 Descriptive Exhibit Name.

The file name shall contain a brief description of the exhibit. The exhibit name should be descriptive enough for the court and parties to identify the exhibit being addressed in a trial, hearing, or contested matter. The Filer is responsible for any personally identifiable information in the descriptive exhibit name. The exhibit's descriptive file name appears on the exhibit list generated by the "Electronic Evidence Submission Application" (EESA), and should therefore not contain any personally identifiable information

The descriptive exhibit name may contain letters (ABC, abc), numbers (1, 2, 3), periods (.), spaces (a b c), hyphens (-), underscores (_), parentheses (()), brackets ([]), and apostrophes (').

File Name Examples:

Example of submitted plaintiff/movant exhibits: The plaintiff/movant submits two separate PDF files, with the following naming convention: “Deposition of Jane Doe” and “Agreement between Smith and ABC Corp.” EESA will generate an exhibit list from the submission of these files with the following filenames:

1001.Deposition of Jane Doe.pdf

1002.Agreement between Smith and ABC Corp.pdf

Example of submitted defendant/respondent exhibits: The defendant or respondent submits three separate files, one JPEG file and two PDF files, with the following naming convention: “Photo of 123 Maple Road Any City USA”; “Voluntary Petition”; and “Letter from Roger Smith dated October 3 2023.” EESA will generate an exhibit list from the submission of these files with the following filenames:

2001.Photo of 123 Maple Road Drive Any City USA.jpeg

2002.Voluntary petition.pdf

2003.Letter from Roger Smith dated October 3 2023.pdf

The filer will have the opportunity to arrange their submitted exhibits in a preferred order during the upload process before EESA assigns a number to the exhibit files.

4.4 Evidence Presentation: Trial, Hearing, or Contested Matter on the Motion Docket.

Each courtroom is equipped with one dedicated laptop for use by parties. Laptops are located on each lectern in the courtroom. Laptops shall not be removed from the lectern or the settings adjusted in any manner.

4.4.1. Evidence Presentation Procedures

Except as provided in § 4.4.2, these laptops shall be used based on the following procedures:

- All parties are to present evidence by use of thumb/flash drives.
- Thumb/flash drives shall contain all exhibits submitted in EESA by a party, and the naming conventions in the thumb drives must match those in EESA.
- Other than rebuttal evidence, no exhibit will be accepted for admission by the court if it is not contemporaneously found in EESA. Only exhibits uploaded to EESA will be admitted unless the court, for cause, makes an exception.

4.4.2 Efficiency of Use Exception.

Where evidence presentation is more efficient by use of a presenter’s laptop or other compatible device, a party may be permitted to use their own laptop or other compatible device with reasonable notice to the Clerk of Court by calling the appropriate courtroom deputy and notifying them accordingly at the following numbers:

Judge Mashburn	Courtroom 1	615-736-7682
Judge Walker	Courtroom 2	615-736-7681
Judge King	Courtroom 3	615-736-5469

No later than 2 business days from the scheduled trial, hearing, or motion docket, a presenter seeking permission to use a laptop or other device must call the respective courtroom deputy with the following information:

- Case number/adversary proceeding number
- Contested hearing(s) or trial date(s);
- Device type to be used (if applicable); and
- Contact person and telephone number.

The presenter seeking to use their own laptop may wish to take advantage of the Court's optional technical assistance offered under § 1.4 and schedule a time to verify their laptop is compatible with the Court's courtroom technology.

5. ELECTRONIC EVIDENCE DISPOSAL

Absent appellate review of an order or judgment, LBR 9070-1 controls disposition of all electronic evidence.

6. REDACTION

The Clerk of Court will not remove or redact any electronic evidence containing personally identifiable information, confidential information, or proprietary information. The Filer submitting electronic evidence or exhibit(s) is responsible for redaction of such information or limiting access to such information. See, Fed.R. Bankr. P. 9037.

7. EQUIPMENT

Except for courtrooms located in Columbia, Tennessee, and Cookeville, Tennessee, the Court provides audio-video presentation equipment, including a laptop computer as described in § 4.4.

Any additional equipment required to view and/or listen to electronic evidence is the responsibility of the party offering the evidence. Parties should confer in advance with the courtroom deputy concerning any evidence presentation which requires additional equipment a party intends to bring.