



INTERIM ADMINISTRATIVE PROCEDURES FOR ELECTRONIC CASE FILING

February 14, 2022

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 Attorney Filer.** An individual described in ECF Procedure 3 registered to use NextGen CM/ECF without limitation.
- 1.3 Bankruptcy Court.** The Bankruptcy Court for the Middle District of Tennessee.
- 1.4 Clerk.** The Clerk of Court for the Middle District of Tennessee Bankruptcy Court.
- 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 Filing Agents.** An employee of an attorney or a trustee who has a registered Filing Agent account in PACER.
- 1.8 NextGen Electronic Case Filing (NextGen CM/ECF).** 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 (ECF) or NextGen CM/ECF. The two terms are used interchangeably.
- 1.9 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.
- 1.10 Non-Attorney Filer (User).** An individual described in ECF Procedure 3 registered for limited use of NextGen CM/ECF. A Non-Attorney Filer is also referred to as a User. Users

are *pro se* filers, transcribers/transcriptionists, interested parties, filing agents, case trustees, the U.S. Trustee, a child support creditor or an entity authorized to appear on behalf of a child support creditor, an individual entitled to appear *pro se* in a particular case or adversary proceeding (other than an individual debtor who elects to file electronically), and creditors using ECF to file certain documents (proofs of claims and related documents, reaffirmation agreements, notices of transferred claims, notices of post-petition mortgage fees, expenses and charges, notices of mortgage payment change, responses to notice of final cure payment rule 3002.1).

1.11 Notice of Electronic Filing (NEF). A generated email alert generated by the ECF system sent to Filers and Users who are parties in a case.

1.12 PACER. Public Access to Court Electronic Records access is available at:
<https://pacer.uscourts.gov>

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 3.1;
- documents filed during a period of suspension or revocation of a Filer's or User's privileges under ECF Procedure 3.8; and
- the initial motion requesting waiver of the ECF filing requirements, filed by entities who are not Attorney Filers or Non-Attorney 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 filer requests return of the documents. 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).

ECF PROCEDURE 3 REGISTRATION, WAIVER OF NOTICE AND SERVICE, AND CONSENT TO ELECTRONIC NOTICE AND SERVICE

3.1 Registration, Role-Types and Filing Access Rights. With the exception of certain electronic applications deployed by the Bankruptcy Court (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.

3.1.2 Attorneys, Case Trustees, and Examiners – Full Access Rights (Filers). Attorneys (as defined pursuant to LBR 2090-1), case trustees and examiners are provided 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.

3.1.2.1 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 or trustees 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.

3.1.3 Pro Se Filers – Full Access Rights (Party). Individual debtors or creditors who are entitled to appear *pro se* in a particular case or adversary proceeding 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 registered participants are not given rights to create Agent accounts in ECF.

3.1.4 Creditors or Creditor Representatives – Limited Access Rights. ECF creditors or creditor representatives are Non-Attorney 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 rule 3002.1.

3.1.5 Personal Financial Management Course Providers – Limited Access Rights.

Personal Financial Management Course Providers are registered as Non-Attorney Filers. Non-Attorney Filers who are Personal Financial Course Providers are provided limited access to file financial management course completion certificates.

3.1.6 Transcriber – Limited Access Rights. Transcription preparers, approved by the Clerk, are registered as Non-Attorney Filers. These Non-Attorney Filers are provided ECF transcriber docket dictionary events for the filing and docketing of documents related to the preparation of transcripts.

3.1.7 Auditor – Limited Access Rights. Auditors and audit firms approved by the Executive Office of the United States Trustee are registered as Non-Attorney Filers. These Non-Attorney Filers are provided ECF auditor docket dictionary events.

3.2 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. A public email account is required in order to evidence that a “Notice of Electronic Filing” (“NEF”) was delivered.

3.3 Active Email Account. Attorney Filers and Non-Attorney Filers shall always maintain an updated, active primary email account to enable proper NEF notice and service. Attorney Filers and Non-Attorney Filers shall not delete an active primary email account from an ECF Account which otherwise prohibits or limits ECF notice and service.

3.4 Passwords. Once an individual registers and creates a PACER account, all password issues are addressed by PACER at <https://pacer.uscourts.gov>. The Clerk will no longer be able to address password problems or issues on or after February 14, 2022.

3.5 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.

3.6 Waiver of Notice, Service and Consent to Electronic Notice and Service. 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 Bankruptcy Rules 2002, 7004 or 7005. Under Rule 5(b)(2)(E)

of the Federal Rules of Civil Procedure and Bankruptcy Rule 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 Participant is entitled in that case or proceeding. This consent and waiver do not apply to:

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

See also, *PACER Attorney and Non-Attorney E-filing Terms and Conditions* regarding consent to service and notice of documents.

3.7 Final Approval of Registration/Account Creation. The Clerk reserves final approval rights of any registration or creation of PACER accounts for the Bankruptcy Court for the Middle District of Tennessee. Any individual or entity failing to comply or refusing to comply with ECF Procedure 3.1 will be denied registration with the Bankruptcy Court.

3.8 Deactivation from NextGen CM/ECF. Although A Filer or User, who is an attorney, *pro se* filer, trustee, examiner or party in a case or proceeding, may seek deactivation of an account from PACER, the Clerk will determine whether an 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.

3.9 Suspension or Revocation of ECF Filing Privileges. Upon motion of a party in interest, and after notice and a hearing, the court may, for cause, suspend or revoke 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 Bankruptcy Rule 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 ECF filing unless 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 deactivated until such time as all fees due are paid in full. Failure to promptly pay fees

will result in suspension or revocation 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, Rule 9011 of the Federal Rules of Bankruptcy Procedure.

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, 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. 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 in all cases.

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 Bankruptcy Rule 7004 with respect to: motions commencing a contested matters 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.

6.2 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 Bankruptcy Rule 9036.

6.3 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 Bankruptcy Rules and the Local Rules for the Bankruptcy Court for the Middle District of Tennessee.

6.4 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 that is not a Filer or Consenting User.

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 Bankruptcy Rules 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 or Users. Immediately upon entry of an order or judgment, an NEF is transmitted to all Filers Users who are parties and to all Filers and Users who represent parties. Electronic transmission of the NEF constitutes the notice required by Bankruptcy Rule 9022.

7.4 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 to the Bankruptcy Court shall transmit the proposed order electronically as a separate document through ECF. The party submitting a proposed order is responsible for selecting the correct 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 8

FILING FORMAT REQUIREMENTS

8.1 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.

8.2 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 8.3 below.

8.3 Exhibits. Refer to information and E-Evidence Procedures posted on www.tnmb.uscourts.gov/electronic-evidence-submission-application-eesa for submission of exhibits using ECF.

8.4 File Size Limitations. Each transmission to ECF shall not exceed the megabytes listed on the CM/ECF menu bar located on the CM/ECF logo, Court Information, Court Details. 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.

8.5 Scanning Recommendations. Scanning for ECF purposes, should be black and white, should be 300 x 300 “dpi” or higher.

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 as a result 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 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.

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 there is an outside copy service designated in the case).

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

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 in ECF as directed under Bankruptcy Rule 9037. A Filer or User filing a document containing personally identifiable information may file a miscellaneous proceeding pursuant to LBR 9037-1 to have a document(s) restricted by the Clerk.