ADMINISTRATIVE PROCEDURES FOR ELECTRONIC CASE FILES

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH

July 29, 2002
Exhibit A to
IMPLEMENTATION OF ELECTRONIC FILING PROCEDURES ORDER

TABLE OF CONTENTS

I. **Eligibility and Registration of Filing Users, and Withdrawal from the ECF System** 4
- A. Eligibility 4
  - 1. Represented Parties 4
  - 2. Unrepresented Parties 4
  - 3. Non-Filing Users 4
- B. Registration 4
  - 1. Registration Form 4
  - 2. Registration Submission 4
  - 3. Training 5
  - 4. Log-in and Password 5
  - 5. Security 5
  - 6. Authorized Use of Log-In and Password 5
- C. Termination of Authority to File Electronically and Withdrawal as a Filing User. 5
  - 1. Temporary Suspension 5
  - 2. Termination 5
  - 3. Withdrawal 5
  - 4. Registration Expiration 5

II. **Electronic Filing** 6
- A. Filing 6
  - 1. Case Assignment to Electronic Filing System 6
  - 2. When Electronic Filing is Required 6
  - 3. Waiver of Paper Format 6
  - 4. Copies 6
  - 5. Attachments and Exhibits 6
  - 6. Accuracy of Docket Entries 6
  - 7. Technical Failures 7
- B. Consequences of Electronic Filing 7
  - 1. Filing, Entry on the Docket, and Official Record 7
  - 2. Waiver and Consent 7
  - 3. Signatures 7
    - (a) Unauthorized use 7
    - (b) Multi-signature documents 7
  - 4. Official Record 7
  - 5. Retention Requirements 8
  - 6. Deadlines 8
- C. Service of Documents by Electronic Means 8
  - 1. Service or Notice 8

2. Automatic Notice of Electronic Filing 8
3. Conventional Service 8
(a) Fed. R. Civ. P. 4 or 45, or Fed. R. Bankr. P. 7004 8
(b) Service upon an agency of the United States 9
D. Orders and Judgments 9
1. Documents Requiring a Judge's Signature 9
2. Entry of Court Orders 9
3. Notice of Orders and Judgments 9
4. Service of Judgment and Order 9

III. Public Access 9
A. Access 9
B. Sealed or Impounded Papers 9
C. Access Charges 10

IV. Electronic Filing User Registration Form 11
A. Attorney 11
B. Unrepresented Party 14

ADMINISTRATIVE PROCEDURES FOR ELECTRONIC CASE FILES (ECF PROCEDURES)

I. Eligibility and Registration of Filing Users, and Withdrawal from the ECF System

A. Eligibility.

1. Represented Parties. Attorneys admitted to the bar of this court (including those admitted under Local Rule 2090-1(b)), United States trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and individuals as the court deems appropriate, may register as Filing Users of the court's Electronic Filing System. No entities, such as law firms or corporations, may be Filing Users. Registration is in a form prescribed by the clerk as set forth in subsection IV (A) herein, and requires the Filing User's name, address, telephone number, Internet e-mail address and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court.

2. Unrepresented Parties. A party to a pending case or proceeding who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for the purposes of the case or proceeding. Registration is in a form prescribed by the clerk as set forth in subsection IV (B) and requires identification of the case or proceeding as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the case or proceeding, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's prior registration as a Filing User upon the attorney's appearance.

3. Non-Filing Users. Notwithstanding the foregoing, attorneys and others who are not Filing Users are not required to electronically file papers in a case or proceeding assigned to the Electronic Filing System.

B. Registration.

1. Registration Form. A registration form in substantial conformity to the Electronic Filing User Registration Form attached hereto in subsection IV must be submitted for each Filing User and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the Filing User, if an attorney, is admitted to practice in the District of Utah.

2. Registration Submission. All registration forms must be mailed or delivered to the Clerk, U. S. Bankruptcy Court, District of Utah, 350 South Main Street, Salt

Lake City, Utah 84101, Attention: ECF System Registration.

3. Training. Each Filing User registering for CM/ECF must enroll in and complete a CM/ECF Filing User Training program conducted by the clerk. Filing Users may enroll one or more assistants or staff persons in the CM/ECF Filing User Training program as well. Selection and scheduling of applicants for CM/ECF training will be determined by the clerk. The clerk will use his discretion in a fair and nondiscriminatory manner to ensure that all registrants are treated fairly.

4. Log-in and Password. Once registered under subsection I (B)(1) and (2) and training under subsection I (B) (3) is complete, the Filing User will receive notification of a user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this subsection.

5. Security. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Filing Users should also change their assigned passwords periodically and may do so by using the menu option on the CM/ECF system.

6. Authorized Use of Log-In and Password. The individual named in the CM/ECF Electronic Filing User Registration Form remains the official recipient of the Filing User's password. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

C. Termination of Authority to File Electronically and Withdrawal as a Filing User.

1. Temporary Suspension. The court may temporarily suspend a Filing User's use of the Electronic Filing System for cause without notice and a hearing.

2. Termination. After notice and a hearing, the court may terminate a Filing User's use of the Electronic Filing System for cause, including abuse of the Electronic Filing System or failure to comply with these ECF Procedures, and impose such sanctions as are appropriate.

3. Withdrawal. Once registered, a Filing User may withdraw from participation in the Electronic Filing System by providing the clerk with written notice of the withdrawal.

4. Registration Expiration. The court may give Filing Users notice that if they do not renew their registration within 60 days of the date of the notice, their passwords will expire and their ability to utilize the Electronic Filing System will terminate.

II. Electronic Filing

A. Filing.

1. Case Assignment to Electronic Filing System. The court will designate which cases and proceedings will be assigned to the Electronic Filing System.

2. When Electronic Filing is Required. Except as expressly provided or in exceptional circumstances, a Filing User should file all petitions, motions, memoranda of law, or other pleadings and documents required to be filed in connection with a case or proceeding assigned to the Electronic Filing System electronically. Notwithstanding the foregoing, attorneys and others who are not Filing Users are not required to electronically file papers in a case or proceeding assigned to the Electronic Filing System.

3. Waiver of Paper Format. Pursuant to Fed. R. Bankr. P. 5005(a)(2), a document filed by electronic means in accordance with this Administrative Order No. 1 and these ECF Procedures constitutes a written paper for the purpose of applying the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure made applicable by the Federal Rules of Bankruptcy Procedure, and § 107 of Title 11, United States Code, except as otherwise provided by these procedures. Filing Users who file documents electronically pursuant to these ECF procedures are excused from the provisions of Local Rule 5005-3(a) requiring that said documents be in paper form.

4. Copies. Except as otherwise provided by these ECF Procedures, Filing Users are excused from providing copies of papers listed in Local Rule 5005-1(b)(2) that are filed electronically. When filing motions, applications, notices, objections, requests for hearing, and other documents electronically pursuant to these ECF Procedures, Filing Users are excused from providing copies to the clerk as required by L.R. 9013-1(e) unless the document exceeds 10 pages in length.

5. Attachments and Exhibits. Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or to file the complete document conventionally. Responding parties may timely file additional excerpts electronically or complete documents conventionally that they believe are germane.

6. Accuracy of Docket Entries. Filing Users are responsible for designating a title for the electronically filed document using one of the options provided in the system, e.g., motion, application, etc., and for accurately entering the information required by the ECF

System.

7. Technical Failures. A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

B. Consequences of Electronic Filing.

1. Filing, Entry on the Docket, and Official Record. Electronic transmission of a document to the Electronic Filing System consistent with these ECF Procedures, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

2. Waiver and Consent. Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes: (i) waiver of the right to receive notice by first class mail and consent to receive notice electronically; (ii) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004, and (iii) consent to abide by the court's posted usage protocols. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

3. Signatures. The user log-in and password required to present documents on the Electronic Filing System serve as the Filing User's signature for all purposes, including 18 U.S.C. § 151 *et seq.*, 28 U.S.C. § 1746, all sections of the Bankruptcy Code, Fed. R. Bankr. P. 9011 and all other provisions of the Federal Rules of Bankruptcy Procedure, and the Local Rules. Each document presented electronically should indicate that is has been electronically filed, and it must include a caption in compliance with Local Rule 9004-1(a). The name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear in the signature block.

(a) Unauthorized use. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

(b) Multi-signature documents. Documents requiring signatures of more than 1 party must be electronically filed either by: (i) submitting a scanned document containing all necessary signatures; (ii) representing the consent of the other parties on the document; (iii) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by those parties no later than 1 business day after filing the document; or (iv) in any other manner approved by the court on a case by case basis.

4. Official Record. When a document has been filed electronically, the

official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

5. Retention Requirements. Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until 5 years after all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.

6. Deadlines. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.

C. Service of Documents by Electronic Means.

1. Service or Notice. A Filing User who electronically files a pleading or other document must transmit a "Notice of Electronic Filing" to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and the Local Rules. The "Notice of Electronic Filing" must be transmitted by e-mail, hand, facsimile, contract carrier, or by first-class mail postage prepaid. Electronic transmission of the "Notice of Electronic Filing" constitutes service or notice of the filed document. A Filing User may use the court's Electronic Filing System to effectuate service on those parties who have consented to electronic service. Parties who have not consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document. Service or notice must be made according to the Federal Rules of Bankruptcy Procedure and the Local Rules. Persons who wish to receive electronic notice should register as a Filing User.

2. Automatic Notice of Electronic Filing. The CM/ECF system automatically generates a Notice of Electronic Filing at the time a document is filed with the system. The Notice of Electronic Filing indicates the time of filing, the name of the party and Filing User filing the document, the type of document, and the text of the docket entry. It also contains an electronic link (hyperlink) to the filed document, allowing anyone receiving the Notice of Electronic Filing by e-mail to retrieve the document automatically. The CM/ECF system automatically sends this Notice of Electronic Filing to all Filing Users participating in the case.

3. Conventional Service. Notwithstanding a Filing User's waiver and consent as set forth in subsection II(B)(2), conventional service of documents in hard copy is required in the following instances:

(a) Fed. R. Civ. P. 4 or 45, or Fed. R. Bankr. P. 7004. Hard copy service must be made in accordance with Fed. R. Civ. P. 4 or 45, or Fed. R. Bankr. P. 7004, including service of the summons and complaint.

(b) Service upon an agency of the United States. Hard copy service must be made upon an agency of the United States, including the United States Attorney or the United States Trustee, except for those agencies who file a consent to service by electronic means pursuant to Fed. R. Civ. P. 5(b).

D. Orders and Judgments.

1. Documents Requiring a Judge's Signature. A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such form as the court requires.

2. Entry of Court Orders. All orders, decrees, judgments, and proceedings of the court, including orders submitted in open court, will be filed in accordance with the Local Rules, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021. All signed orders will be entered electronically by the court or court personnel. Any order that has been electronically signed by a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

3. Notice of Orders and Judgments. Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notices required by Fed. R. Bankr. P. 9022. The clerk must give notice to the person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

4. Service of Judgment and Order. A Filing User must attach a Designation of Parties to be Served to any order, decree, judgment or other paper that must be served after signing by the court. The Designation of Parties to be Served must list the service address of all parties to be served, and indicate whether the service is to be by electronic means or by mailing a paper copy thereof.

III. Public Access

A. Access. A person may review at the clerk's office filings that have not been sealed by the court. A person also may access case information at the court's Internet site, www.utb.uscourts.gov, by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Only a Filing User may file documents electronically. A Filing User may utilize computers located at the clerk's office to file papers electronically.

B. Sealed or Impounded Papers. Papers ordered sealed or impounded by the court are not public records within the meaning of these ECF Procedures. Papers ordered sealed must

be filed conventionally, and not electronically, unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of papers under seal may be filed electronically unless prohibited by law. A copy of the order must be attached to the papers under seal and be delivered to the clerk.

C. Access Charges. Electronic access fees are payable in accordance with the fees and procedures established by the Judicial Conference of the United States pursuant to 28 USC §1930(b).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH
ELECTRONIC CASE FILING (ECF) SYSTEM

IV. Electronic Filing User Registration Form

A. Attorney

An attorney who desires to register as a Filing User for an account on the court's ECF System must provide the information requested below:

Name:_____

Bar ID# and State:_____

Firm Name:_____

Firm Address: _____

_____

_____

Firm Federal Tax ID#:_____

Voice Phone Number: _____

FAX Number:_____

E-Mail Address:_____

Send Electronic Notice in the following format (check one):

☐ HTML for Netscape, ISP mail service, i.e, AOL, Hotmail, Yahoo, etc.

☐ Text for cc:mail, Groupwise, Outlook, Outlook Express, Other (please list)

Applicant agrees to maintain the accuracy of the above information by using the menu options on the CM/ECF System.

By submitting this registration form, applicant agrees to the following:

A. Federal Rule of Bankruptcy Procedure 9011 requires that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to a Filing User identifies that person to the court each time he or she logs on to the ECF system. The use of a Filing User's password constitutes the signature of the Filing User for the purposes of Fed. R. Bankr. P. 9011 on any document or pleading filed electronically using that Filing User's password. Therefore, a Filing User must protect and secure the password issued by the court. After the password is first issued by the court, Applicant agrees to change the password on a regular basis, or as needed, to ensure its security. Applicant agrees to immediately notify the clerk if misuse of a password is suspected.

B. By this registration, applicant agrees to adhere to Administrative Order No. 1 Dated July 29, 2002 and the ECF Procedures attached thereto and referenced therein.

C. Applicant expressly consents to the electronic service of pleadings and other papers as set forth in paragraphs II (C) (1) and (2) of the ECF Procedures dated July 29, 2002.

D. Applicant expressly consents to receive notice and service of pleadings and other papers by electronic means from the court and other Filing Users in all cases. Applicant must maintain the accuracy of the configuration of the CM/ECF Filing User account to ensure the receipt of electronic notice.

E. Applicant agrees that this registration will be placed of record with the clerk's office for review by the court and all other Filing Users.

F. Applicant agrees that prior to receiving a login and password to electronically file documents, he or she must enroll in and satisfactorily complete a CM/ECF Filing User Training program conducted by the clerk.

G. Applicant understands that originals of all electronically filed pleadings, affidavits, and other documents that contain original signatures or require verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be maintained by the attorney of record or the party originating the document for 5 years after all time periods for appeals expire.

H. Applicant understands that the court may revoke a Filing User's password and, therefore, his or her authority and ability to electronically file documents for cause, including failure to comply with any provisions of this agreement, failure to adequately protect his or her Filing User password, failure to comply with the provisions of Administrative Order No. 1 Dated July 29, 2002, or the ECF Procedures attached thereto, failure to pay any fees

required for documents electronically filed, or other misuse of the electronic case filing system.

_____ _____

Date Signature of Applicant

Please return to:

Frank E. Moss, U.S. Courthouse
350 South Main Street, #301
Salt Lake City, Utah 84101

For Clerk's Office Use Only:

Date Approved _____

CM/ECF User login name _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH
ELECTRONIC CASE FILING (ECF) SYSTEM

IV. Electronic Filing User Registration Form
B. Unrepresented Party

An unrepresented party who desires to register as a Filing User for an account on the court's ECF System must provide the information requested below:

Name:_____

Address: _____

_____

_____

Firm name and address, if applicable:_____

_____

_____

Case No:_____

Adversary Proceeding No. _____

Voice Phone Number: _____

FAX Number:_____

E-Mail Address:_____

Send Electronic Notice in the following format (check one):

☐ HTML for Netscape, ISP mail service, i.e, AOL, Hotmail, Yahoo, etc.

☐ Text for cc:mail, Groupwise, Outlook, Outlook Express, Other (please list)

Applicant agrees to maintain the accuracy of the above information by using the menu options on the CM/ECF System.

By submitting this registration form, applicant agrees to the following:

A. Federal Rule of Bankruptcy Procedure 9011 requires that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to a Filing User identifies that person to the court each time he or she logs on to the ECF system. The use of a Filing User's password constitutes the signature of the Filing User for the purposes of Fed. R. Bankr. P. 9011 on any document or pleading filed electronically using that Filing User's password. Therefore, a Filing User must protect and secure the password issued by the court. After the password is first issued by the court, Applicant agrees to change the password on a regular basis, or as needed, to ensure its security. Applicant agrees to immediately notify the clerk if misuse of a password is suspected.

B. By this registration, applicant agrees to adhere to Administrative Order No. 1 Dated July 29, 2002, and the ECF Procedures attached thereto and referenced therein.

C. Applicant expressly consents to the electronic service of pleadings and other papers as set forth in paragraphs II (C) (1) and (2) of the ECF Procedures dated July 29, 2002.

D. Applicant expressly consents to receive notice and service of pleadings and other papers by electronic means from the court and other Filing Users in all cases. Applicant must maintain the accuracy of the configuration of the CM/ECF Filing User account to ensure the receipt of electronic notice.

E. Applicant agrees that this registration will be placed of record with the clerk's office for review by the court and all other Filing Users.

F. Applicant agrees that prior to receiving a login and password to electronically file documents, he or she must enroll in and satisfactorily complete a CM/ECF Filing User Training program conducted by the clerk.

G. Applicant understands that originals of all electronically filed pleadings, affidavits, and other documents that contain original signatures or require verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be maintained by the attorney of record or the party originating the document for 5 years after all time periods for appeals expire.

H. Applicant understands that the court may revoke a Filing User's password and, therefore, his or her authority and ability to electronically file documents for cause, including failure

to comply with any provisions of this agreement, failure to adequately protect his or her Filing User password, failure to comply with the provisions of Administrative Order No. 1 Dated July 29, 2002 or the ECF Procedures attached thereto, failure to pay any fees required for documents electronically filed, or other misuse of the electronic case filing system.

_____ _____

Date Signature of Applicant

Please return to:

Frank E. Moss, U.S. Courthouse
350 South Main Street, #301
Salt Lake City, Utah 84101

For Clerk's Office Use Only:

Date Approved _____

CM/ECF User login name _____