

4.0

Filing a New Case

One of the benefits of Electronic Case Filing user permissions is the ability to file a new case electronically via the internet and receive a case number upon completion of your filing. This section will outline the steps involved in filing a new case in ECF.

Some attorneys use software to prepare new cases for filing, so some of the steps outlined in this section will differ, depending on the software you may be using. Be sure that whatever software you are using adheres to filing requirements.

This chapter will cover:

- Open a New Bankruptcy Case
- Open an Involuntary Case
- Open a new Adversary Proceeding
- Filing a Statement of Social Security Number (B21)
- Means Test

4.1

Open a New Bankruptcy Case

The majority of firms filing today use some form of bankruptcy software to open their bankruptcy cases. Because of the large number of programs, we will not look at any of them. You as a e-filer will need to look at the documentation that came with your software to see how it interacts with the ECF system.

The following procedure is the steps to take when opening a new bankruptcy case using the ECF system. You will have needed to have created all documentation prior to this and have converted it to the PDF format.

A **Statement of Social Security Number**, using Form B21, will be filed as a separate event. The means test documentation is also filed as a separate event. These events and Amended Statement of SS can be found in the Other Category and Debtor Events.

Reference:

- **Section 2.1 Creating the Pleading**
- **Section 2.3 Converting a Document to PDF**
- **Section 2.6 Attaching a PDF Document**
- **Section 3.1 Searching for a Party**
- **Section 3.2 Creating a Party**
- **Section 8.1 Paying Fees Over the Internet**

STEP 1 Select Open a BK Case from the Bankruptcy menu option.

STEP 2 On the first screen you will select the case chapter and whether the case is a joint filing (see Figure 1). Click [Next].

STEP 3 You will receive the party search window. Refer to section 3.1 for searching for a party and section 3.2 for creating a party. Remember that you must create a new party because you have opened a new bankruptcy case.

NOTE: JOINT DEBTOR: If you have selected “Y” for the Joint Debtor, you will need to search for and create another party for the “joint debtor”. Beware that there is a checkbox, on the screen to select/create the joint party, that refers to the previous party’s address information (figure 2). If your joint debtors co-habitat, leave the checkbox there, if they do not co-habitat, remove the check. Also remember to use **Debtor** and not Joint Debtor.

STEP 4 Click Next on the page informing you of the assigned divisional office.

STEP 5 Select the Type of Debtor and fill in the remaining fields appropriately in figure 3. You will need to include a split/transfer date if either of those events occur.

- **Fee Status** field: When you are filing a case in installments, you must complete an Application to Pay in Installments. Installment cases filed electronically can have only two payments on the appli-



Open New Bankruptcy Case

Case type

Date filed 3/25/2005

Chapter

- 11
- 12
- 13
- 304
- 7
- 9

Joint Petition

Deficiencies

The District of Utah does not use the Deficiency field, so you would leave it defaulted to "n".

Figure 1

Search for a party(joint debtor)

SSN Tax Id

Last/Business name

Party search results

Marin, Samuel C.

Copy previous party's address

TRAIN database

Figure 2

Type of debtor Individual Corporation Partnership Clearing Bank
 Railroad Stockbroker Commodity Broker Other

Fee status

Nature of debt

Voluntary

Origin

Date split/transfer

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

TRAIN database

Figure 3

Section 4.1: Open a New Bankruptcy Case

caution. The installment amounts are required as follows. These amounts must be entered in the fee field discussed in Step 6:

Chapter	1st Installment	2nd Installment
Chapter 7	\$137.00	\$137.00
Chapter 13	\$ 94.50	\$ 94.50
Chapter 11	\$519.50	\$519.50

When filing an IFP case, select **FEE NOT PAID**. Do Not Select the IFP FILING FEE WAIVED. The court will make changes internally later as needed. If the IFP is denied, you will receive a fees due notice.

- **Asset Notice** field: If you are filing a **chapter 7**, the **Asset Notice field will be always N** on this screen. **Chapter 13** you must **change to Y**. Click on [Next] to continue to next screen.

STEP 6 If you selected the installment option, it will be necessary to enter the payment amount required (shown on previous screen). If you do not change the fee field to match your installment application, the total amount will be charged to your card.

If you selected PAID on the information page (figure 3), disregard this fee page and understand that you will pay the full amount. Click on Next.

STEP 7 Browse for your PDF using the procedure outlined in section 2.6: Attaching a PDF Document. Click on [Next].

STEP 8 Review the **Final Docket Text** screen before submitting the case. Up to this point, you can use the browser's back and forth buttons to review your filing, because it has not been sent to the court yet. If you make changes to any item on any of the pages as you review them, you will need to then use the Next button on the bottom of the page to advance back to the final docket text screen.

By clicking on the [Next] button in Figure 4, the case will be sent to the court's database.

You will get two items after submitting your filing: the Fee Payment window; and the Notice of Electronic Filing.

Fee Payment Window. The fee payment options will appear in the pop-up window. Refer to Section 8.1 for paying your fees online.

Notice of Electronic Filing. The notice of electronic filing is a notice that a bankruptcy case has been filed with the court. The notice can be divided into two sections. The top portion of the notice (figure 5) lists the time and date that the case was opened. It also displays the case number as a hyperlink. Clicking on this hyperlink will take you to the docket sheet via PACER — you will need to log in to PACER to access the docket sheet. The uploaded document is also presented as a link. Again, clicking on this hyperlink will take you to PACER and to the uploaded document.

The docket text is also displayed, just below the case and document hyperlink.

The bottom portion of the notice (figure 6) contains two items of importance. The first item is a list of people who will receive electronic notice of this event. These parties are registered ECF users. The second item is a list of parties to the case who are not ECF registered users. These individuals will need to be noticed the way they have been in the past, whether the court sends them notice or if you have been sending notice.

The individuals on these two lists are party counsel and trustees. They are not members on the matrix.

Upon completion of filing the case, and receiving the new case number, you would then go back to the Bankruptcy menu option and continue to file the other documents needed to support your filing, such as the Statement and Schedules and the Chapter 13 plan (if needed), Means Test, etc.

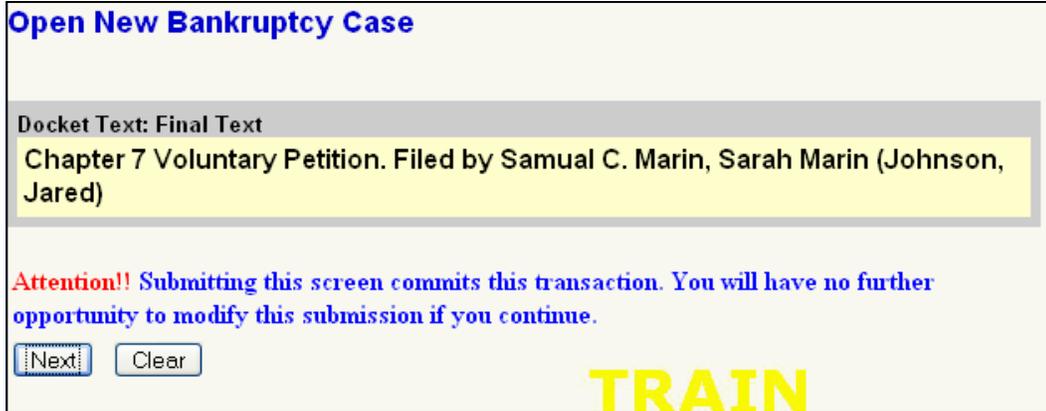


Figure 4

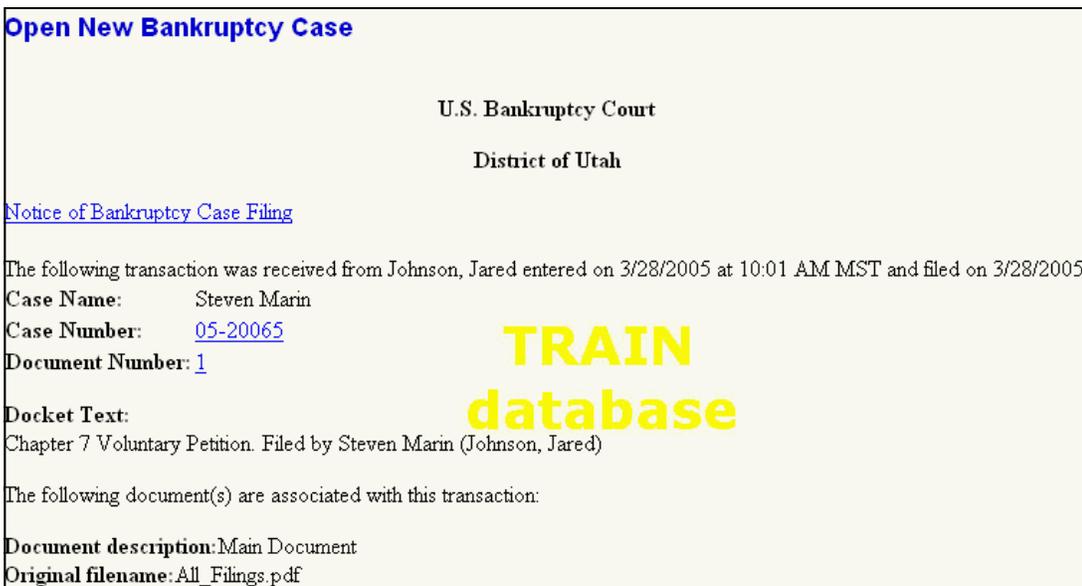


Figure 5

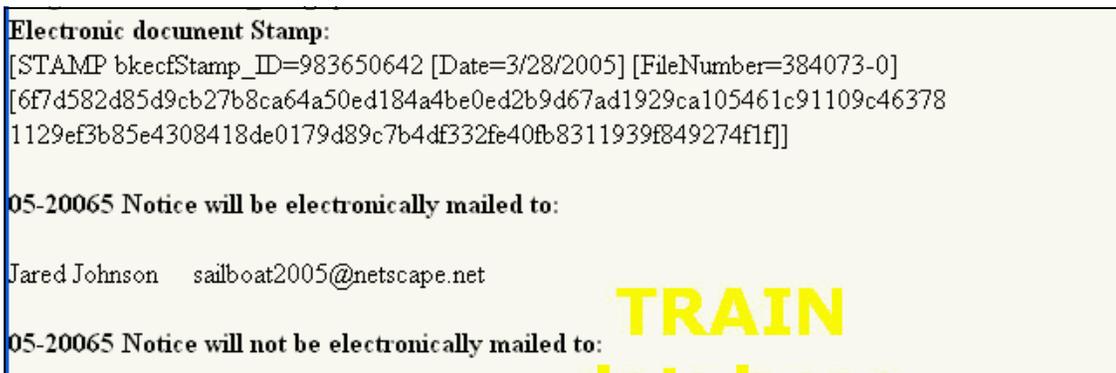


Figure 6

4.2

Open An Involuntary Case

An involuntary petition is filed by creditors (at least three) against an alleged debtor to force that party into bankruptcy under either chapter 7 or chapter 11. Neither a list of creditors nor a customary schedules are required when the petition is filed.

The alleged debtor is served a summons which must be answered within 20 days of service of the summons. If and when a judge enters an order for relief, the trustee will be assigned and the 341 meeting of creditors and appropriate deadlines will be set. The case continues as a typical bankruptcy case under either chapter 7 or 11

Reference:

- **Section 3.1 Searching for a Party**
- **Section 3.2 Creating a Party**
- **Section 4.1 Opening a New Bankruptcy Case**
- **Section 8.1 Paying Fees Over the Internet**

STEP 1 Select Open an Involuntary Case under the Bankruptcy menu option.

STEP 2 Enter chapter and joint petition information in the first screen.

STEP 3 You will now need to add all of the petitioning creditors to the case. You will need to “create” each of the petitioning creditors’ record. Search for and create a new party per section 3.1 and 3.2. Remember, you will need to create a new party because this is a new case. You do not need to add mailing information for the creditors. The role is set to “Petitioning Creditor”.

STEP 4 You will now need to create the debtor’s party record per section 3.1 and 3.2. When you are done adding the party, click on the End party selection.

STEP 5 You are notified of the divisional office. Click on Next.

STEP 6 You will be notified to change the Voluntary field from Voluntary to Involuntary (figure 1). This is changed on the next page (figure 2). Fill out the page in figure 2 with the appropriate information. Click on next to proceed.

STEP 7 Select the type of petition being filed (figure 3). Be aware that you will be billed a fee for the filing. The amount of the fee is displayed on the next page. Click next to proceed.

STEP 8 The final page contains the docket text (figure 4). Clicking on Next will give you the Notice of Electronic Notice, as described in section 4.1.

Open an Involuntary Case

Change the Voluntary field to INVOLUNTARY on the next screen.

Figure 1

Open an Involuntary Case

Type of debtor Individual Corporation Partnership Clearing Bank
 Railroad Stockbroker Commodity Broker Other

Fee status Asset notice
 Nature of debt Estimated number of creditors
 Voluntary Estimated assets
 Origin Estimated debts
 Date split/transfer

TRAIN database

Figure 2

Select event

Involuntary Petition (Chapter 11) (court user)
 Involuntary Petition (Chapter 7)(court user)
 Involuntary Petition (Chapter 11)(attorney user) (FEE)
Involuntary Petition (Chapter 7)(attorney user) (FEE)

Figure 3

Figure 4

Docket Text: Final Text

Chapter 7 Involuntary Petition. Filed by (Johnson, Jared)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

4.3

Open a New Adversary Proceeding

There are a number of differences with between opening a new bankruptcy case and a new adversary case. The creation of parties, and the inputting of the case information. The Notice of Electronic filing will comprise of three sections.

Reference:

- Section 2.1 Creating the Pleading
- Section 2.3 Converting a Document to PDF
- Section 2.6 Attaching a PDF Document
- Section 2.7 Additional Attachments
- Section 3.1 Searching for a Party
- Section 3.2 Creating a Party
- Section 3.3 Adding a Party
- Section 8.1 Paying Fees Over the Internet

PLEASE NOTE

You will not create a new party if you are opening a new adversary proceeding and are **representing a trustee**. You will need to search for the trustee's account and then select that name from the list.

STEP 1 Select Open an AP Case under the Adversary menu option. The first screen will default to Case type ap and y for a Complaint. To file an adversary case click [Next] and continue.

STEP 2 Enter the main bankruptcy case number, to which this adversary case is related, in the Lead case number field. The Association type will default to Adversary. Click on the [Next] button.

STEP 3 Search for and create the new case parties per sections 3.1 and 3.2. You will create both the plaintiff and the defendant for the case. Remember the exception to creating a party when representing a Trustee (per section 3.3). **You will not include mailing address information for either party**. All case notifications will come through the plaintiff and defendant counsels. You will need to add the attorney for the plaintiff. Do not include an attorney for the defendant. You are not sure that the attorney handling the bankruptcy will be the attorney handling the adversary case. When you are done creating the parties to the case, click on End Party Selection.

STEP 4 Fill out the information on this page as appropriate (figure 1). Understand that the monetary demand is in Thousands. If your demand is \$15,000.00, then enter 15, not 15000. 15000 is actually 15-million to the ECF system, so be aware of that. When you are done with this case, click on Next.

STEP 5 Be aware of the following instruction: **TYPE WAIVE IN THE RECEIPT FIELD IF THE DEBTOR IS THE PLAINTIFF. TYPE DEFER IN THE RECEIPT FIELD IF THE TRUSTEE IS THE PLAINTIFF**. If these two situations do not apply to you, then disregard the above notice and understand that you will be billed the filing fee.

STEP 6 Upload the supporting documentation per section 2.6 and attach any additional attachments per section 2.7. Click on Next to proceed.

STEP 7 This is the docket text screen for the case (figure 2). You can add to this text field as needed to help clarify what is being filed. Enter text here sparingly. Do not add comments or anything not necessary. Remember, this is a legal notice in a public record. Do not remove the name in the parentheses, and do not add an additional name. You can add a “client number” if you like to enable you to track billing information for a case.

Review the **Final Docket Text** screen before submitting the case. Up to this point, you can use the browser’s back and forth buttons to review your filing, because it has not been sent to the court yet. If you make changes to any item on any of the pages as you review them, you will need to then use the Next button on the bottom of the page to advance back to the final docket text screen.

By clicking on the [Next] button, in figure 2, the case will be sent to the court’s database.

You will get two items after submitting your filing: the Fee Payment window; and the Notice of Electronic Filing.

Fee Payment Window. The fee payment options will appear in the pop-up window. Refer to Section 8.1



Party code: 3 U.S. not a Party
 Nature of suit: 454 (Recover Money/Property)
 Origin: 1 Original Proceeding
 Transfer date:
 Rule 23 (class action): n
 Jury demand: None
 Demand (\$000): 15 | \$15,000.00
 [Next] [Clear]

Figure 1

Figure 2

Open Adversary Case

454 (Recover Money/Property): Complaint by Jared Johnson , PacWeb Architects LLC on behalf of PacWeb Architects LLC against Joseph T Dunder . Fee Amount \$150. (Johnson, Jared/65)

↑
Entered Client Code

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

[Next] [Clear]

Section 4.3: Open a New Adversary Case

for paying your fees online.

Notice of Electronic Filing. This notice of electronic filing is a three part notice.

The top part of the notice (figure 3) is the notice of electronic filing that an adversary case has been filed with the court. The notice can be divided into two sections. The top portion of the notice (figure 5) lists the time and date that the case was opened. It also displays the case number as a hyperlink. Clicking on this hyperlink will take you to the docket sheet via PACER — you will need to log in to PACER to access the docket sheet. The uploaded document is also presented as a link. Again, clicking on this hyperlink will take you to PACER and to the uploaded document.

The docket text is also displayed, just below the case and document hyperlink.

The bottom portion of the notice (figure 6) contains two items of importance. The first item is a list of people who will receive electronic notice of this event. These parties are registered ECF users. The second item is a list of parties to the case who are not ECF registered users. These individuals will need to be noticed the way they have been in the past, whether the court sends them notice or if you have been sending notice.

The individuals on these two lists are party counsel and trustees. They are not members on the matrix.

The second part of the notice (figure 4) is the Summons for the adversary case. Clicking on the hyperlink will bring up the summons as a PDF document and you can save it and/or print it off to be served. The same time constraints exist for this summons as they would for any other summons. If you allow this summons to expire, you can use the Request for Reissuance of Summons under Adversary Events > Notices/Other events

The bottom part of the notice (figure 5) is the notice to the bankruptcy case that an adversary case has been filed in the case. This is the only notice within the bankruptcy case of any of the adversary case's filings.

Issuance of a Summons

Upon completion of an adversary case, the Report of Electronic Mailing will now include an additional section for the summons. The user may select the Summons Issued hyperlink that has been added to the Report of Electronic Filing upon completion of a new adversary case, or the summons entry that is entered on the adversary case docket, to access the issued summons.

Information, such as the lead case, plaintiff, defendant, address of the clerk's office and attorney for plaintiff, is extracted from the case and inserted on the summons form. The second page of the summons is provided for return of service. The user simply prints the summons to be served.

The **answer deadline for the automatic summons is calculated from the date the adversary case is filed.** If service is not provided within the deadline period, use the Request for Reissuance of Summons under Adversary Notices/Other. The court will then go in to ECF and update the original summons. You will then need to go back to the "original" summons on the docket sheet (document 2) and reprint it. This can take some time to occur, since you are filing a request, and the court must then update the system manually.

SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk

Clerk, U.S. Bankruptcy Court
District of Utah
Frank E. Moss Courthouse
350 South Main Street #301, Salt Lake City

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney

mmbaty

If you make a motion, your time to answer is governed by Federal Rule of Bankruptcy Procedure 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGEMENT BY THE BANKRUPTCY COURT AND JUDGEMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

 Date Issued: 10/26/2003

L. M. A. S. M. L.

Notice of Electronic Filing

The following transaction was received from Johnson, Jared entered on 3/29/2005 at 10:39 AM MST and filed on 3/29/2005

Case Name: PacWeb Architects LLC v. Dunder
Case Number: [05-02069](#)
Document Number: [1](#)

Docket Text:
 454 (Recover Money/Property):Complaint by Jared Johnson , PacWeb Architects LLC on behalf of PacWeb Architects LLC against Joseph T Dunder . Fee Amount \$150. (Johnson, Jared/65)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: All Filings.pdf
Electronic document Stamp:
 [STAMP bkecfStamp_ID=983650642 [Date=3/29/2005] [FileNumber=384087-0]
 [6df1134e1e44588a22290c3ee8b746aca55ac8883e6e51b0f9fa002968a05017aa13f
 45d7b10bda2f03f92cf30782667998d1274b862305d35c6142fb4e3edc2]]

05-02069 Notice will be electronically mailed to:

Figure 3

District of Utah

Notice of Electronic Filing

The following transaction was received from Johnson, Jared entered on 3/29/2005 at 10:39 AM MST and filed on 3/29/2005

Case Name: PacWeb Architects LLC v. Dunder
Case Number: [05-02069](#)
Document Number: [2](#)

Docket Text:
[Summons Issued](#) Summons Issued (Johnson, Jared)

The following document(s) are associated with this transaction:

05-02069 Notice will be electronically mailed to:

Jared Johnson sailboat2005@netscape.net

05-02069 Notice will not be electronically mailed to:

Figure 4

Notice of Electronic Filing

The following transaction was received from Johnson, Jared entered on 3/29/2005 at 10:39 AM MST and filed on 3/29/2005

Case Name: John D. Doe and Jane H. Doe
Case Number: [05-20025](#)
Document Number:

Docket Text:
 Complaint by Jared Johnson , PacWeb Architects LLC on behalf of PacWeb Architects LLC against Joseph T Dunder
[05-02069](#); Nature of Suit(s): 454 (Recover Money/Property) , Fee Amount \$ 150. Filed by Jared Johnson , PacWeb Architects LLC on behalf of PacWeb Architects LLC . (Johnson, Jared)

The following document(s) are associated with this transaction:

05-20025 Notice will be electronically mailed to:

Kevin R. Anderson tr brenda_dowler@utb.uscourts.gov
 Jared Johnson sailboat2005@netscape.net

Figure 5

4.4

Statement of Social Security Number (B21)

This form provides the court with the debtor(s) social security number and is a private event. The Statement of Social Security Number should be filed with the initial petition opening the bankruptcy case.

Found: Bankruptcy/Debtor Events; Bankruptcy/Other

Reference:

- **Section 4.1 Open a New Bankruptcy Case**

Filing an Amended or Corrected Social Security Number

If there is an occasion that an external filer needs to amend or correct a Debtor's Statement of Social Security (B21), please DO NOT use the "amended document" code. Instead, use the code "Amended Statement of Social Security Number(s)".

The reason for this is that this code is image-restricted, but amended document is not image-restricted. In order to keep the SSN# protected from public scrutiny, it is necessary to use the image-restricted event code.

Also, if the SSN is corrected, the clerk's office will notify creditors (who are entitled to the full SSN#) with a form from the Bankruptcy Noticing Center that is returned with the SSN# redacted. This occurs only if the 341 has already been sent to all creditors.

4.5

Means Test

The means testing mechanism presumes abuse in individual cases if, after subjecting a petition to financial analysis, it is determined that the debtor could repay a threshold level of general unsecured debt. This computation is based in large part on two elements: 1) the debtor's current monthly income (generally, income from all sources, including contributions by others to household expenses but excluding Social Security benefits); and 2) allowed deductions, utilizing an IRS standard for expenses, as well as several other highly detailed expense standards.

In order to comply with the means test requirements, all individual debtors (individual chapter 7 consumer debtor, each individual debtor in a joint case, individual chapter 11 debtor, and all chapter 13 debtors) will complete the first three pages of the form entitled Statement of Current Monthly Income. If the debtor is filing under chapter 7, chapter 13 or individual chapter 11, and the debtor's income is above the state median, the debtor will need to complete a second three page form entitled Means Test/Disposable Income Calculation Form. 1 The petition will include a checkbox, to be completed by the debtor or debtor's attorney, which will indicate whether or not there is a presumption of abuse.

If the information filed by the debtor does not raise a presumption of abuse, the § 341 notice will be silent as to the presumption.

Use the form B22A for chapter 7 cases, B22B for chapter 11 cases and B22C for chapter 13 cases.

Found: Chapter 7 Means Test: Bankruptcy/Other; Bankruptcy/Debtor Events
Chapter 11 Statement of Current Monthly Income: Bankruptcy/Other
Chapter 13 Statement of Current Monthly and Disposable Income: Bankruptcy/Other; Bankruptcy/
Debtor Events

Reference:

- **Section 2.6 Attaching a PDF Document**

STEP 1 Select the event either under Bankruptcy/Other or Bankruptcy/Debtor Events. Enter the case number for the case using the YY-NNNNN format. Click on Next Select the appropriate means test according to the case from the list of events. Click on Next.

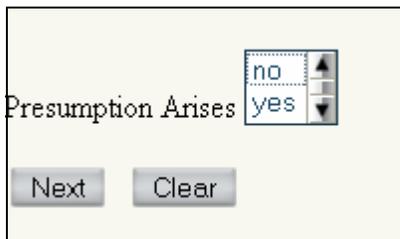
STEP 2 Select the party filing this certificate (debtor). Click on Next.

STEP 3 Attach the Certificate. Click on Next.

STEP 4 You will need to select whether there is a presumption of abuse (figure 1). Click on Next.

STEP 5 This is the last screen prior to committing your filing to the court. Up to this point, you can use the back and forward button on your browser to review your filing and then make corrections or changes as needed. Remember that if you make changes to a page, you must use the next button on the pages to advance back to the submission screen since a change to one page will affect follow-on pages. If you are satisfied with your filing, click on Next.

You will get the Notice of Electronic filing. This screen informs you that a filing has been made to the case, in this instance, a notice of appearance and request for notice. Clicking on the case number will launch pacer and then the docket sheet. The bottom of the sheet informs me who will receive e-notification and who will have to be noticed the old fashion way, by mail.



The image shows a screenshot of a web form. The form has a light yellow background. At the top left, the text "Presumption Arises" is displayed. To the right of this text is a dropdown menu with two options: "no" and "yes". Below the dropdown menu are two buttons: "Next" and "Clear".

Figure 1