

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**

To open a new bankruptcy case, click on the Open a BK Case hyperlink under the bankruptcy events.

STEP 1 Select the Chapter and whether the case will have a Joint Petition. Disregard the Deficiencies option, since the court deals with deficiencies separate from the ECF system. If you do have deficiencies, the court will inform you of those deficiencies. Click on Next.

STEP 2 You will now need to add your debtor or debtors to the case. Refer to Sections 3.:1 Searching for a Party and 3.2: Creating a Party.

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.

STEP 3 You will receive a page indicating the divisional office that the case is assigned to (in Utah, all cases are assigned to Salt Lake City). Click on Next.

STEP 4 Fill out the statistical information for this new case.

For the FEE STATUS:

- Selecting PAID will bill you the full amount of the filing fee, which you will pay by credit card.
- Selecting INSTALLMENTS requires you to enter the first half of the payment being made at the time of this fil-

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

Figure 1

Figure 2

Figure 3

ing. You will pay for the first half by credit card at the end of this filing.

- Select **FEE NOT PAID** when filing an IFP case. The court will make adjustments as needed upon approval of the IFP waiver. If the waiver is denied, you will then receive a fees due notice and the filing fee will need to be paid.
- **DO NOT USE** the **IFP FILING FEE WAIVED** option.

For the Asset Notice:

- With a Chapter 7 case, the Asset Notice field will always be N. Even if there are assets to this case, set the field to N and then if the trustee determines that there are assets, the trustee will then change the asset status.
- With a Chapter 13 case, the Asset Notice will always be Y.

After filling out this page click on Next.

Section 4.1: Open a New Bankruptcy Case

STEP 5 If you selected a chapter 7 case back on **STEP 1**, then you will receive the chapter 7 means test page, asking if the presumption of abuse arises with this case. Select yes or no according to what has been determined from the chapter 7 means test (Form B22 A). If you have not filled out this form at this time and/or if you are unsure at this time, select unknown and be aware that you will need to file the appropriate forms at a later and timely manner.

STEP 6 You will be notified of the fee owed at the end of this filing. If you have selected installments on the fee status, then you will have an editable fee box with the full amount of the filing fee inserted by default. **YOU MUST CHANGE THE FEE TO THE CORRECT INSTALLMENT FEE PAYMENT (SEE THE BLUE AND RED TEXT)**. If you do not change the fee amount, you will be charged the full amount of the filing fee.

STEP 7 You will need to fill out the Summary of Schedules screen. This information is found on Schedules, Form 22 (Means Test), Form 6 Summary of Schedules and Summary of Statistical Liabilities

SUMMARY OF SCHEDULES			
Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.			
NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
Average Income (from Schedule I, Line 16)			<input type="text"/>
Average Expenses (from Schedule I, Line 18)			<input type="text"/>

If you are not filing the schedules with the petition you may by pass this section of the screen and enter the figures when filing the statement and schedules.

STEP 8 At the bottom of the summary of schedules is the document upload field. CM/ECF requires a PDF document to support the electronic filing that you are performing. This document is the same documents that you would have printed to paper and then brought into the clerk’s office and filed at the counter. Now, you are simply printing to an electronic file and will upload the document to support the filing. Refer to Section 2.6 Attaching a PDF Document.

STEP 9 You will get a warning concerning submitting this screen commits this transaction, and that is the only item on the page -- disregard this warning and click on next.

Total Dischargeable Debt (Computed)
 Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.

Select the pdf document (for example: CA199cv501-21.pdf).

Filename

Attachments to Document: No Yes

This is the last page prior to submitting your filing to the court (figure 1). Up to this point, the only thing that you have submitted at this time are any parties that you created for this case. You may use the browser’s back button to review previous pages to ensure that they have been filled out correctly and contain the desired information. If you make no changes to the pages, you can then use the browser’s forward button to return to this page. If you make a change to a page, you will then need to use the **Next** button at the bottom of each page until you return back to this page. Once you are satisfied with this filing, click on the **Next** button to submit and commit this filing.

This is the Notice of Electronic Filing (figure 2). This notifies everyone that a bankruptcy case has been filed. Along with this page will come up a pop-up window informing you that a fee is owed and will need to be paid (see section 6.2). On the NEF, you will find the date and time of when the event was filed. The case number is given as a hyperlink, which will take you to PACER and then the docket sheet for the case. If you click on the document number hyperlink, you will be taken to PACER and then to the submitted document.

Two items of importance are located at the bottom of the NEF page. The first is a listing of all registered ECF users who are parties to the case. All ECF users in the case will receive E-notification of all events which occur within the case. This constitutes legal notification for registered ECF users.

The second item is a listing of non-ECF registered parties who will need to be noticed manually.

You will now need to upload the other documents need to support this new case, such as the Statement and Schedules, the Means Test, the Chapter 13 Plan if needed, etc.

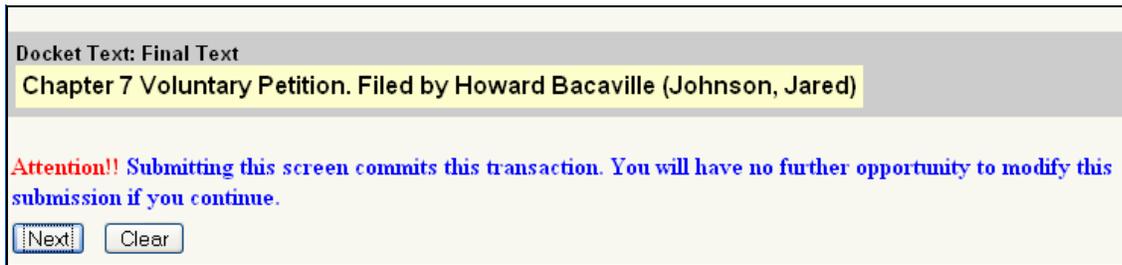


Figure 1

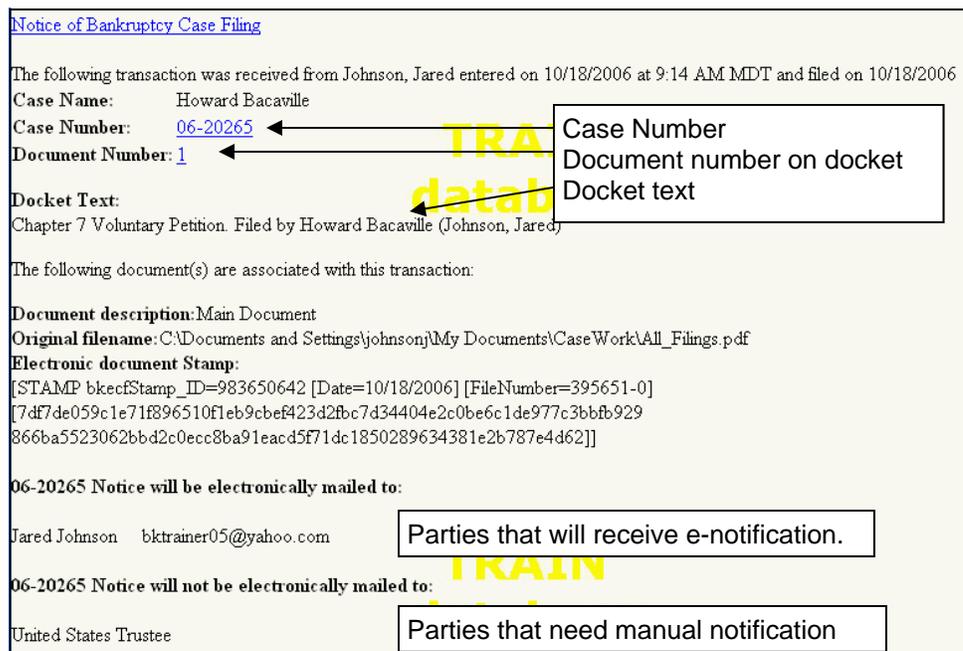


Figure 2

4.2

Case Upload

Case upload allows you to upload case information to the CM/ECF system without having to use a third-party bankruptcy program, and without having to go through the open a bankruptcy case hyperlink within CM/ECF.

You will need to develop a debtor.txt file, which is a delimited text file containing all the required information needed by the CM/ECF system.

You will now need to combine all of your opening documents into one packet to be uploaded. This packet will consist of the opening petition and the statement of financial affairs and schedules. The Means Test will be uploaded as a separate filing event from the Case Upload.

Reference:

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

STEP 1 Click on the case upload hyperlink under the bankruptcy category.

STEP 2 You will have four fields allowing you to upload the required documents (figure 1). You will have to upload three documents: the **debtor text** file; the **petition in pdf** format; and the **creditor matrix** text. If you file a chapter 13, you will also need to upload the **bankruptcy plan in pdf** format.

Once you have attached each of the files needed to support your new case, click on the next button.

You will get the notice of electronic filing indicating that you have filed a bankruptcy case.

You will also get the Internet fees due pop-up window (Section 8.1). You may pay for the filing at this time, or continue to file and pay your fee later.

```
stat|none|4/10/2005|i||7|p|c|v||n|F|E|A||||n||y|999999999999.99|169.48|3426789|125.25|125.22|125.25|125.25|125.25|125.25|125.25|543873.34|debt|db|John||Covington||558-44-3254||2|495 Gonea Way||Santaquin|UT|84655|49049||n|
```

A debtor.txt file

Open New Bankruptcy Case

Case information
 c:\Debtor.txt

Petition
 c:\Petition.pdf

Creditor matrix
 c:\Creditor.txt

Chapter 13 plan (*chapter 13 only*)
 c:\Plan.pdf

TRAINING database

Figure 1

You can get further information on the Case Upload feature from the PACER Service Center website at:

http://pacer.psc.uscourts.gov/cmecf/developer/case_upload.html

The site has a formatting “tech” sheet in PDF which can be downloaded and used in the development of your debtor text files.

4.3

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 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 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 the chapter on the first screen.

STEP 3 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 petitioning creditor selection button.

STEP 4 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 search for the debtor first. Once you are done with the debtor, you will then search for the petitioning creditor(s) You do not need to add mailing information for the creditors. The role is set to "Petitioning Creditor".

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

STEP 6 Fill out the page in figure 1 with the appropriate information. Click on the Next button to proceed.

STEP 7 Upload the supporting documentation to the new case. Refer to Section 2.6 to attach your document.

STEP 8 The final page contains the docket text (figure 2). Clicking on Next will give you the Notice of Electronic Notice, as described in section 4.1.

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of business

- Health Care Business
- Single Asset Real Estate
- Railroad
- Stockbroker
- Commodity Broker
- Clearing Bank
- Other
- Tax-Exempt Entity

Figure 1

Figure 2

Docket Text: Final Text

Chapter 7 Involuntary Petition Filed by Re: Joe Crabby Filed by Petitioning Creditor(s): Northwest Mortgage (attorney Jared Johnson). (Johnson, Jared)

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

4.4

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

STEP 1 Select Open an Adversary Proceeding 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 the plaintiff first and then the defendant. **You do not need to 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 and the defendant. 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. You have the ability to select up to five natures of suit. *List the order of the natures with the most important listed at the top.* 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 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

Figure 1

Figure 2

Section 4.3: Open a New Adversary Case

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: 10/26/2008	

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

4.5

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.

4.6

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.

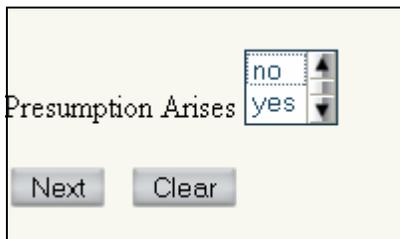
STEP 2 Select the party filing this certificate (debtor). Click on Next.

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

