

# ECF Informer

ISSUE 19

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## NEW CM/ECF EVENTS

There have been several new events created over the past few months, and some further explanation may be of benefit to efilers.

- ◆ **Notice and Opportunity for Hearing** - An event created to accommodate procedural changes in the calendaring system for this district. An important aspect of using this event is to make sure your header in your image matches the event used. If the "Opportunity" event is used, the header of your image should have the "opportunity" language in it.
- ◆ **Motion to Object/Deny to Discharge (Previous Filings)**- This event can only be used by the United States Trustee's office, and can only be used when they are objecting to discharge because of previous filings making the debtor(s) ineligible for a discharge in the instant case. They are allowed to object through filing a motion instead of an adversarial proceeding.
- ◆ **Attorney's Request for No Future Notice** - This can be used by anyone in a case (other than the attorney for debtor) to withdraw from the case in order to no longer receive email notifications in that case. It is a text-only event.
- ◆ **Motion to Value Mortgage Lien - Section 506(a)** - This event was created soon after the Judges agreed to allow litigants to file these pleadings in motion format instead of filing an adversarial proceeding. These motions are filed in Chapter 13 cases.
- ◆ **Clerk's Notice of Set Hearing** - This is a text-only event that will be docketed when an opportunity for hearing has not been objected to, but the chambers wishes the hearing to be held. When an efiler notices this event being used, he/she should appear at the hearing the event is linked to.

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## TEXT ONLY NOTICES

The Clerk's office notifies attorneys when particular pleadings are needed to be filed, or if fees are due for certain documents that have been filed. Recently, the Clerk's office has started to use "text-only" entries for two notices: Clerk's Notice of No Provided Social Security Number/Statement and Clerk's Notice of Fees Due.

You will no longer receive a mailed notice concerning the above notices; it will be electronically sent to you by virtue of an entry made on the docket. In the case of the Clerk's Notice of Fees Due, the deadline by which you should pay the fee will also be in the text notice. Incidentally, when paying a fee that has been sent to you by this method, the event code "Electronically Paid fee" is the optimal method to make the payment that is due. Finally, please recall that the event code "Debtor's Statement of Social Security Number" is not available to the public, yet still needs to be filed.

## **NEW CM/ECF EVENTS CONTINUED FROM PAGE ONE**

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- ◆ **Chapter 11 Ballot** - Ballots can now be filed electronically. This event is **not to be confused with** a related event, Chapter 11 Ballot Register and Report of Balloting, which is used to file numerous ballots that have been filed directly with the plan proponent.
- ◆ **Trustee/USTR's Recommendation of NO DISMISSAL** - new event used exclusively by the case trustee or the United States Trustee. This event is used to indicate that although the debtor may not have appeared, or completed other requirements, the trustee or UST are recommending that the case NOT be dismissed per local rule.
- ◆ **Motion to Restrict Public Access and Declaration** - This is an extremely UNIQUE event, and should be used only after completing the Captivate tutorial on our website. This is a "text-only" motion that has an image attached to it! The image is that of the original pleading or Proof/Claim that needs to be restricted, but in redacted format (the sensitive information has been "blacked out"). The "declaration" is simply a statement indicating that the image offered is an exact duplicate, other than the redacted portion of the document. Once this is filed, a text order granting the restricting is entered, and the case administration clerk restricts public access to the original document. An efiler can use this event to restrict access to a document originally filed by another party. The event also asks for the reason for the motion
- ◆ **Notice of Pre-confirmation Amend./Mod. and/or Rescheduled Hearing of Chapter 13 Plan, and 2) Motion to Continue Chapter 13 Plan Confirmation Hearing** - These two new events were created to facilitate the change in procedures in regard to Chapter 13 practice surrounding confirmations. Efilers should use the motion to continue whenever they wish to request a continuance of their confirmation hearing. The event asks for a number of days requested. It does NOT require a pending order be submitted. The Notice of Pre-confirmation ... event can be used whenever an efiler needs to notify all creditors of a new confirmation date, and/or there has been a proposed amendment to the plan. It can also be used when NO amendment is suggested, yet a new date has been allowed. What is specifically unique about this event is that a date (of confirmation) should appear somewhere on the image of the pleading, but the date does NOT have to be inputted in the entry ( the date has already been "captured" by virtue of the original 341 meeting notice, or any orders continuing the confirmation that have been granted).

## **SUMMONS IN AN INVOLUNTARY CASE**

The Clerk's Office is currently unable to automatically issue the summons in an involuntary case at the time it is filed electronically.. A docket entry "Involuntary Summons Issued" will be manually docketed the following day by the case administration clerk and the summons will be sent to the attorney and/or petitioning creditor(s) who filed the case. Alternatively, a filled-out summons may be brought into the Clerk's Office and will be issued at the front counter. ***Please be aware that this procedure differs from how a summons can be received in an adversary case.***

## NOTICE OF CONTINUED CONFIRMATION HEARING

The Notice of Pre-confirmation Amendment/Modification of Chapter 13 Plan event was created to be used pre-confirmation to provide notice of either an amended chapter 13 plan or a motion to modify a chapter 13 plan. This event is also to be used when docketing a notice of continued confirmation hearing when no amended plan has been filed or an amended plan does not need to be noticed. A generic notice, notice of hearing, or notice and opportunity for hearing docket event should not be used when docketing a Notice of Continued Confirmation Hearing. In order to make it more clear this is the correct event to use when noticing a continued confirmation hearing, the name of this event has now been modified to **“Notice of Pre-confirmation Amend./Mod. and/or Rescheduled Hearing of Chapter 13 Plan.”** The event can be found under the Debtor Events or Notices categories. If this event is used for notices of continued confirmation hearing, the image should include the time and date obtained from the Court’s order granting motion to continue confirmation hearing. This event will not require entering hearing data. The image or pleading filed in connection with this event is essentially Local Form 9013-1, Notice of Hearing.

## LINKS TO NOTICES OF ELECTRONIC FILING (NEF)

Immediately after filing a document with the court, an automatic receipt is provided to the electronic filer. This is known as the Notice of Electronic Filing or NEF. If this information is not saved initially, this receipt can also be accessed at a later time. The receipt includes parties who received automatic electronic notification of the filing, as well as the time of submission. This valuable information is available on the docket, but the appropriate selection must be made before it will appear on the report.

In the middle section of the search criteria screen, on the docket report (see Figure 1), there are check boxes to allow the user to add options to the data output. Under the bolded **“Include:”** option, is a box for **“Links to Notices of Electronic Filing”**. Selecting this box will add radio buttons next to the document number (see Figure 2), on the report. Clicking on the radio button will reproduce the original NEF receipt.



Figure 1

01/24/2011	<input type="radio"/> 6	Reaffirmation Agreement Between Union (Crockett, Kent) (EOD: 01/24/2011)
01/24/2011	<input type="radio"/> 5	Notice of Hearing (related document) Filed by Ford Motor Credit . Hearing at US Bankruptcy Court. (Crockett, Kent) (EOD: 01/24/2011)
01/24/2011	<input type="radio"/> 4	Motion for Relief From Stay . Request for \$150, Description of Property, 2 (Crockett, Kent) (EOD: 01/24/2011)
01/24/2011	<input type="radio"/> 3	Statement of Financial Affairs and Schedule of Assets and Liabilities (EOD: 01/24/2011)
01/24/2011	<input type="radio"/> 2	Debtor's Statement of Social Security (EOD: 01/24/2011)
01/24/2011	<input type="radio"/> 1	Chapter 7 Voluntary Petition Filed (EOD: 01/24/2011)

Figure 2

**TIP:** This information can also be very useful just prior to filing a document, such as a Notice of Opportunity for Hearing. Access to this list is available under the Utilities menu option, by selecting Mailings > Mailing Info for a Case.

## NEW CASE MATRIX UPLOAD

Please use caution when opening a new bankruptcy case and specifically when uploading your creditor matrix. Some Bankruptcy software programs have a “one touch” filing feature which will automatically upload a creditor matrix. This feature works great when the filer has prepared the matrix, however, this feature may cause an unnecessary fee if the filer has not prepared the complete matrix. Because the one touch feature will automatically upload a creditor matrix, any additions to that matrix after the initial filing are considered an amendment and will incur a \$26.00 fee. Filers should familiarize themselves with their software programs to avoid incurring unnecessary bankruptcy filing fees.

●	Creditor(s) uploaded (16 creditors).	(EOD: 04/18/2011)
● 3	BNC Certificate of Service Re: Deficiency Notice (related document(s):Chapter 13 Deficiencies) Service Date 04/17/2011. (A)	
●	<div style="border: 1px solid red; border-radius: 15px; padding: 5px; display: inline-block; color: red; font-weight: bold;">                 Because the original matrix has already been filed; this entry would incur a \$26 amended matrix fee.             </div>	
●	FILED: Chapter 13 Stmt of Current Monthly and Disposal of Debts, Proposed Repayment Plan, Payment Advices/Evidences of Payment, Statistical Summary of Certain Liabilities, Statement of Affairs and Schedules, Summary of Schedules, Prefiling Certificate of Credit Counseling, Incomplete Filings due by 4/28/2011. (ksh) (EOD: 04/15/2011)	
●	Meeting of Creditors & Notice of Appointment of Interim Trustee Kevin R. Anderson tr with 341(a) meeting to be held on 05/26/2011 at Fed Bldg Rm 5026, Ogden. Confirmation hearing to be held on 07/07/2011 at Fed Bldg Rm 6020, Ogden. (Please see the 341 notice for particulars). Proofs of Claim due by 08/24/2011. (EOD: 04/15/2011)	
●	Receipt of filing fee for Voluntary Petition (Chapter 13)(11-25364) [misc, volp13a] ( 274.00). Receipt number 9927596, amount 274.00. (EOD: 04/14/2011)	
● 2	Statement of Social Security Number Filed by (EOD: 04/14/2011)	(EOD: 04/14/2011)
●	Creditor(s) uploaded (1 creditors).	(EOD: 04/14/2011)
● 1	Chapter 13 Voluntary Petition Filed by (EOD: 04/14/2011)	

## NEW CASE FILING TIPS

From time to time an efiler will file a new case with the Means Test and Pay Advices incorporated into the same image as the original Voluntary Petition and, in many cases, the Statement of Affairs and Schedules. This may be a certain setting with bankruptcy software, and the problem can easily be rectified if the efiler will simply contact their vendor. The Clerk's office would strongly prefer that a Means Test and Pay Advices filed at the time of the case opening be docketed separately. The Means Test and Pay Advices are related to 521 issues, and should always be docketed by using the appropriate event code instead of simply being included in the voluntary petition. The Statement of Social Security Number MUST be filed separately from the petition as it is a document that is restricted to public viewing.

On the other hand, many efilers docket the Prefiling Counseling Certificate separately when opening a case. This is perfectly appropriate, but an efiler could simply include the certificate next to the signed and marked Exhibit D if they wish(?). Docketing the certificate separately is not necessary as far as the Clerk's office is concerned. The Clerk's office **would** certainly appreciate the certificate being filed as soon as possible, so as to avoid an Order to Show Cause having to be entered to compel the Prefiling Counseling Certificate being filed.



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## CLEARING INTERNET CACHE

In order to speed up web browsing, web browsers are designed to download web pages and store them locally on your machine in an area called "cache". When you visit the same page for a second time, the browser speeds up display time by loading the page locally from cache instead of downloading everything again. This sometimes results in less than current versions of web pages being displayed.

Also, these cache files aren't always automatically deleted and can cause computer lock-ups or unusual behavior. If you believe that you have a less than current version of a page or are experiencing problems with your computer, the cache is probably to blame. Please follow the steps below to clear the cache in your browser.

The directions vary depending on whether you use Firefox or Internet Explorer as your web browser.

### Internet Explorer (version 8.0)

- Click Tools from the menu bar located near the top of the screen by the URL address
- Select Internet Options.
- A dialogue box will appear with tabs, Click the General tab
- Under the Browsing History section, click on the Delete button.
- The Delete Browsing window will come up. Ensure that the following boxes have a green check mark: Preserve Favorites website data, Temporary Internet Files, Cookies, History
- Click Delete and wait for the cache to clear.
- Click OK
- Exit and re-launch the browser

### Firefox (version 3.6.18)

- Click **Tools** and select the option "**clear recent history..Ctrl+Shift+Del.**"
- The clear recent history window will appear.
- Select "Everything" from the Time range to clear pick list.
- Select browsing and download history, From & Search History, Cookies, Cache, and Active Logins from the list of items.
- Click Clear Now
- Exit and re-launch the browser.