

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

ADMINISTRATIVE ORDER NO. 1

OFFICIAL RECORD OF THE COURT

IMPLEMENTATION OF ELECTRONIC FILING PROCEDURES

WHEREAS, Fed. R. Civ. P. 5(e) and Fed. R. Bankr. P. 5005(a)(2), 7005, 8008, 9011 and 9029 provide that a court may establish practices and procedures for the filing, signing and verification of documents by electronic means; and

WHEREAS, recommendations regarding amendments to the Local Rules of this court for filing, signing and verifying documents by electronic means have been tendered to the court by the court's Advisory Committee on the Local Rules; and

WHEREAS, proposed Administrative Procedures for Electronic Case Files (ECF Procedures) based upon those recommendations have been reviewed by the court; and

WHEREAS, the ECF Procedures are consistent with and further the responsibility of the clerk for the control of the court's docket pursuant to Fed. R. Bankr. P 5003 and 5005, including safeguarding the integrity of the court's docket, pursuant to the provisions of the Case Management/Electronic Case Files (CM/ECF) system of the United States Courts; and

WHEREAS, the ECF Procedures provide a means for the signature on documents through a secure mechanism for the creation and issuance of individual passwords; and

WHEREAS, the ECF Procedures provide adequate means for the filing, review and retrieval of documents by parties who are not able to access CM/ECF; it is therefore

ORDERED that:

1. The ECF Procedures attached hereto as Exhibit A are approved.
2. Individuals who qualify under the ECF Procedures as Filing Users should file documents in an electronic format in those cases and adversary proceedings assigned to the Electronic Filing System.
3. The use of a Filing User's password to file a document electronically constitutes the signature of that individual 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 provision of the

Federal Rules of Bankruptcy Procedure, and the Local Rules.

4. Each individual who obtains a password for electronic filing is responsible for its security and use. No attorney, law firm or other person may knowingly permit or cause to permit a Filing User's password to be utilized by anyone other than the individual to whom it is assigned, or to an authorized member, employee or agent of the Filing User.

5. The request for and receipt of a CM/ECF password from the court constitutes a request for electronic service under Fed. R. Bankr. P. 9036 of all notices, orders, decrees and judgments issued by the court and of all papers filed by Filing Users in connection with cases and adversary proceedings assigned to the Electronic Filing System, and except as otherwise provided in the ECF Procedures, constitutes an express waiver of the right to receive notice and service from the court or Filing Users conventionally for the time period set forth in the ECF Procedures.

6. The electronic filing of a document in accordance with the ECF Procedures constitutes entry of that document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

7. All orders, decrees, judgments and proceedings of the court must, in accordance with the ECF Procedures, be entered on the docket kept pursuant to Fed. R. Bankr. P. 5003 and for the purposes of Fed. R. Bankr. P. 9021.

8. To the extent that this order or the ECF Procedures are inconsistent with the Local Rules of Practice of the United States Bankruptcy Court for the District of Utah promulgated February 24, 1997, this order and the ECF Procedures have precedence.

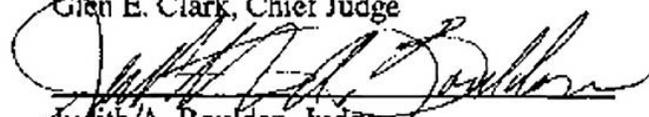
9. This order or the ECF Procedures may be amended or superseded by amendments to the Local Rules of Practice of the United States Bankruptcy court for the District of Utah as the court deems necessary.

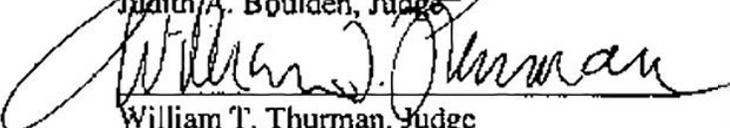
10. This order will become effective on July 29, 2002.

Dated: July 29, 2002.

BY THE COURT:


Glen E. Clark, Chief Judge


Judith A. Boulden, Judge


William T. Thurman, Judge