

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Electronic Means for Filing, Signing and  
Verification of Documents

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GENERAL ORDER No. 559  
**Amended March 18, 2016**  
Electronic Filing Procedures  
*Applicable to All Bankruptcy  
Cases and Adversary Proceedings*

WHEREAS, Federal Rule of Civil Procedure (“FRCP”) 83 and Federal Rules of Bankruptcy Procedure (“FRBP”) 5005(a)(2) and 9029 authorize this Court to establish practices and procedures for the filing, signing and verification of documents by electronic means; and

WHEREAS, by General Order No. 462, dated August 24, 2001, the Court established such practices and procedures; and

WHEREAS, by General Order No. 473, dated December 26, 2002, the Court revised such practices and procedures; and

WHEREAS, by General Order No. 559, dated April 23, 2010, the Court further revised such practices and procedures; and

WHEREAS, a proposal as to the adoption of Revised Administrative Procedures for Filing, Signing and Verifying Documents by Electronic Means (“Electronic Filing Procedures”) has been reviewed by the Court; and

WHEREAS, the Electronic Filing Procedures are consistent with and enhance the responsibility of the Clerk of Court in the control of the Court’s docket under FRBP 5003 and 5005, including safeguarding the integrity of the Court’s docket; and

WHEREAS, the Electronic Filing Procedures do not impose fees inconsistent with the present fee structure adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. §§ 1913, 1914, 1926 and 1930; and

WHEREAS, the Electronic Filing Procedures allow for the obtaining of a password by attorneys and limited users, which password identifies the party filing electronically; and

WHEREAS, the Electronic Filing Procedures provide for the signing of electronically filed documents in a manner consistent with terms set forth in E.D.N.Y. LBR 9011-1(b); and

WHEREAS, the Electronic Filing Procedures make adequate provision for the filing, review and retrieval of documents by parties who are not able to access the Electronic Filing System (the "System") from a remote location; and

WHEREAS, the Electronic Filing Procedures do not impair the ability of the Clerk of Court to discharge statistical reporting responsibilities both to the Court and the Administrative Office of the United States Courts; and

WHEREAS, the Electronic Filing Procedures are consistent with the notice requirements of FRBP 2002;

NOW, THEREFORE, IT IS ORDERED that:

The Electronic Filing Procedures, attached as Exhibit 1 to this Order, are approved by the Court.

1. Electronic files, consisting of the images of documents filed in cases or proceedings and documents filed by electronic means, are designated as and shall constitute the official record of the Court together with the other records kept by the Court.
2. No attorney or other person shall knowingly permit or cause to permit the attorney's password to be utilized by anyone other than an authorized member or employee of the attorney's law firm.
3. The signing of documents filed electronically shall conform to E.D.N.Y. LBR 9011-1(b).
4. The electronic filing of a document in accordance with the Electronic Filing Procedures together with the transmission of a Notice of Electronic Filing (NEF) from the Court shall constitute entry of that document on the docket kept by the Clerk under FRBP 5003, and shall be deemed accepted for filing by the Clerk's office.
5. The Office of the Clerk shall enter all applicable orders, decrees, judgments and proceedings of the Court in accordance with the Electronic Filing Procedures, which shall constitute entry of the order, decree,

judgment or proceeding on the docket kept by the Clerk under FRBP 5003 and for purposes of FRBP 9021.

6. The request for and receipt of a System password from the Court shall constitute a request for electronic service by the attorney receiving the password pursuant to FRBP 9036, and except as otherwise provided in the Electronic Filing Procedures, a waiver by such attorney of the right to receive notice and service conventionally.
7. The original of this order shall be filed in accordance with the Electronic Filing Procedures.
8. Amendments to this order or the Electronic Filing Procedures may be entered from time to time in keeping with the needs of the Court.
9. This order shall become effective immediately, shall apply to all bankruptcy cases and adversary proceedings pending on or after the effective date, and shall supersede Revised General Order No. 559 dated April 23, 2010.

Dated: Brooklyn, New York  
March 18, 2016

s/Carla E. Craig  
Hon. Carla E. Craig, Chief  
United States Bankruptcy Judge

EXHIBIT 1

**Amended March 18, 2016**  
ADMINISTRATIVE PROCEDURES  
FOR ELECTRONICALLY FILED CASES

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

Exhibit to General Order

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## REVISED ADMINISTRATIVE PROCEDURES

### I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

- A. Designation of Cases. All bankruptcy cases and adversary proceedings shall be assigned to the Electronic Case Filing System (the "System").
- B. Passwords. Each attorney and limited creditor ("Applicants") shall be entitled to one System password to permit them to participate in the electronic filing of documents in accordance with the System. Application for a password is governed by paragraphs I.C.1 and 2.
- C. Registration.
1. To register to use the System, Applicants must submit a password application, using the forms provided on the Court's website at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov). Please note that there are separate applications for attorneys and limited creditors.
  2. Completed applications are to be mailed or delivered to the Office of the Clerk, United States Bankruptcy Court, Eastern District of New York, Alphonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York 11722, Attn: Electronic Case Filing System Registration.
  3. Upon approval, Applicants will receive an e-mail from the Office of the Clerk containing their assigned System password.
  4. System account holders are advised to change their Court assigned password periodically by using the ECF Password Reset Program available on the Court's website at <https://ecf.nyeb.uscourts.gov/cgi-bin/lostPassword.pl>. In the event a System account holder believes that the security of an existing password has been compromised and a threat to the System exists, they shall give immediate telephonic notice to the Clerk of Court, Chief Deputy Clerk, Systems Manager or Assistant Systems Manager, confirmed by facsimile, to prevent access to the System through use of that password. Contact information for these individuals is available on the Court's website at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov).

## II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

### A. Filing.

1. All motions, pleadings, memoranda of law, or other documents required to be filed with the Court in connection with a case, with certain exceptions specified in paragraph III, below, shall be electronically filed on the System. For information regarding the filing of hard copies with chambers, please refer to the Judges' Procedures set forth on the Court's website. The date and time of the electronic filing shall be the official date and time of filing of the document.
2. Attorneys and Limited Creditors may file claims electronically on paper or PDF on diskette, CD, DVD or USB Flash Drive.
3. Creditors may also file claims without the requirement of a logon and password by using the Electronic Proof of Claim (ePOC) module located on the Court's website.
4. Attorneys who do not file electronically will be required to submit all filings to the Court in PDF on diskette, CD, DVD or USB Flash Drive in accordance with the Court's Administrative Order No. 476 dated June 4, 2003.
5. All documents that form part of a motion or pleading, and which are being filed at the same time and by the same party, may be electronically filed together under one document number, i.e., the motion and a supporting affidavit or application, with the exception of a memorandum of law. A memorandum of law must be filed separately and specified as related to the motion or pleading.
6. Persons filing documents that reference exhibits, which are not in electronic form shall scan and electronically file excerpts of the exhibits that are directly germane to the matter under consideration by the Court. Such filings must be clearly and prominently identified as excerpts, must not exceed twenty (20) pages, and state that the entire document is in the possession of the filing party and is available upon request. The entire exhibit must be made available forthwith to counsel and the Court on request, and must be available in the courtroom at any hearing pertaining to the matter. Persons filing excerpts of exhibits pursuant to these Procedures do so without prejudice to their right to file additional

excerpts or the entire exhibit with the Court consistent with the Court's Local Bankruptcy Rules and the Judges' Procedures. See, *E.D.N.Y. LBR 5005-1(b) (iv)*.

7. Title of Docket Entries. The person electronically filing a document is responsible for designating a title for the document using one of the main categories provided in the System, i.e., motion, application, etc.
8. Payment of Filing Fees. As part of the registration process, the attorneys affirm that they have a valid credit card or ACH debit card. All fee-related Internet filings will be paid through the Court's Internet credit card processing system known as Pay.gov, or by ACH debit card. These fees must be paid by midnight of the day of filing. Any failure to pay the fees due may result in revocation or suspension of the attorney's password.

B. Service.

1. General Rule. Except as otherwise provided in paragraph 2, below, all documents required to be served shall be served in paper (i.e., "hard copy") form in the manner mandated by the applicable law and rules.
2. Consent to Electronic Service. Whenever service is required to be made on a person who has requested, or is deemed to have requested, electronic notice in accordance with FRBP 9036 or paragraph 6 of the Court's Revised General Order on Electronic Filing Procedures, service may be made by serving the "Notice of Electronic Filing" generated by the System by hand, facsimile or email in the first instance, or by overnight mail if service by hand, facsimile or e-mail is impracticable.
3. Notwithstanding the foregoing, hard copies of documents or notices shall be served in the following circumstances:
  - (a) A summons and complaint under FRBP 7004; a subpoena under FRBP 9016; and, a motion initiating a contested matter under FRBP 9014.
  - (b) Service shall be made upon an agency of the United States, including the United States Attorney, or chambers, in accordance with the FRBP, E.D.N.Y. Local Bankruptcy Rules, an order of the Court, or the Judges' Procedures.



- (c) Notice served pursuant to FRBP 2002(a) (1).
  - (d) Upon the commencement of a case, service by counsel for the debtor, or by the debtor *pro se*, of the petition, schedules and statement of affairs on all applicable governmental agencies and the trustee assigned to the case, where applicable.
- 4. Orders. Attorney guidelines for submitting orders to the Court are posted on the Court's website.
- 5. Notice of Electronic Filing Procedure, Adversary Proceedings. Upon issuance by the Office of the Clerk of the Summons and Notice of Pretrial Conference, where applicable, the attorney for the plaintiff or the *pro se* party shall serve same along with a Notice of Electronic Filing upon all parties to the proceeding.
- C. Signatures; Affidavits of Service.
  - 1. Every petition, pleading, motion and other paper served or filed in accordance with these Procedures shall contain signatures that conform to E.D.N.Y. LBR 9011-1(b).
  - 2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, stipulations and other documents which must contain original signatures, documents requiring verification under FRBP 1008, and unsworn declarations under 28 U.S.C. § 1746, shall be filed electronically and bear "electronic signatures" that conform to E.D.N.Y. LBR 9011-1(b). The hard copy of the originally executed document, and/or original exhibits, shall be maintained by the filer for two years after the entry of a final order terminating the case or proceeding to which the document relates. On request of the Court, the filer must provide original documents for review.
  - 3. Every order and judgment signed by the judge shall be filed electronically by the Clerk's Office at the direction of the Court and bear an "electronic signature."
- D. Privacy Guidelines. Anyone filing documents with the Court shall comply with all guidelines pertaining to the privacy of individuals, including the provisions of Federal Rule of Bankruptcy Procedure 9037 and any guidelines implementing the E-Government Act of 2002. Among the privacy guidelines is the mandate to redact the first five digits of

individuals' Social Security Numbers in any document intended for filing with the Court.

### III. DOCUMENTS FILED UNDER SEAL

Documents filed under seal shall conform to E.D.N.Y. LBR 9018-1.

### IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

- A. PACER: Public Access to Court Electronic Records (PACER) is an electronic public access service that allows users to obtain case information via the Internet. All registered users will be charged a user fee. To register for the PACER System, or for more information, please visit the PACER Service Center at [www.pacer.gov](http://www.pacer.gov).
- B. Access at the Court. Documents filed on the System and case dockets are available for viewing in the Office of the Clerk, United States Bankruptcy Court, Eastern District of New York, Alphonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York, 11722 or the Conrad B. Duberstein United States Bankruptcy Courthouse, 271-C Cadman Plaza East, Brooklyn, New York 11201-1800 during regular business hours. No password is required to access documents at either of the Court's locations.
- C. Conventional Copies and Certified Copies. Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk, at Brooklyn or Long Island at the addresses noted above during regular business hours. Fees for copying and certification shall be in accordance with 28 U.S.C. § 1930.
- D. Access Charges. At such time as the Court implements charges required by the Judicial Conference of the United States, as set out in 28 U.S.C. § 1930, for the usage of electronic access to the Court's records, users of the System will be charged in accordance with the fees and procedures established by the Administrative Office of the United States Courts.