

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

**ELECTRONIC FILING PROCEDURES**



*[2/23/04]*

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## **1. Administrative Order of the Court**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
**In the Matter of:**

**Mandatory Filing of Documents  
by Electronic Means**

**ADMINISTRATIVE ORDER**

-----X  
**Whereas**, the court having established, by General Order dated December 26, 2002, electronic filing procedures applicable to all bankruptcy cases and adversary proceedings filed on or after January 1, 2003, and

**Whereas**, it being in the court's interest to ensure compliance with such procedures by the practicing bar without any undue delay, it is

**ORDERED**, that effective October 1, 2003, any document (other than a proof of claim) filed by an attorney in a case which has been assigned to the court's Electronic Case Filing System shall be filed electronically, either over the Internet or on diskette in PDF format, and it is further

**ORDERED**, that the Clerk is hereby authorized to reject for filing any document not submitted in accordance with the foregoing specifications. Mandatory filing of all documents over the Internet will become effective as of a date to be determined by the court.

S/\_\_\_\_\_  
Conrad B. Duberstein  
Chief U.S. Bankruptcy Judge

Dated: Brooklyn, New York  
June 4, 2003

## **2. General Order of the Court**

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

***Revised***

Electronic Filing Procedures  
*Applicable to All Bankruptcy  
Cases and Adversary Proceedings  
Filed On or After January 1, 2003*

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 #462, dated August 24, 2001, the court established 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 the 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, 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 Local Rule of Bankruptcy Procedure (“LRBP”) 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 the 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:

1. The Electronic Filing Procedures, attached as Exhibit 1 to this order, are approved by the court.
2. 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.
3. 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.
4. The initials of the attorney’s first and last names and the last four digits of the social security number of the attorney who is signing an electronically filed document in accordance with Part II(i) of the Electronic Filing Procedures, shall constitute the signature of that attorney for purposes of FRBP 9011 and LRBP 9011-1.
5. The electronic filing of a document in accordance with the Electronic Filing Procedures 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.

6. 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.

7. 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.

8. The original of this order shall be filed in accordance with the Electronic Filing Procedures.

9. Amendments to this order or the Electronic Filing Procedures may be entered from time to time in keeping with the needs of the court.

10. This order shall become effective on January 1, 2003, and shall apply to all bankruptcy cases and adversary proceedings filed on or after such effective date. Only proofs of claim are to be filed in paper form.

Dated: Brooklyn, New York  
December 26, 2002

*/s/ Conrad B. Duberstein*

CONRAD B. DUBERSTEIN  
Chief United States Bankruptcy Judge

EXHIBIT 1

**REVISED**  
ADMINISTRATIVE PROCEDURES  
FOR ELECTRONICALLY FILED CASES

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

Exhibit to General Order

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## ADMINISTRATIVE PROCEDURES

### 1. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. Designation of Cases. All bankruptcy cases and adversary proceedings filed on or after January 1, 2003 shall be assigned to the Electronic Case Filing System.

B. Passwords. Each attorney admitted to practice in this court shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of documents in accordance with the System. Application for a password is governed by paragraphs I.C.1 and 2.

C. Registration.

i. To register to use the System, attorneys must submit a password application, in the form attached. A duplicate copy of the attached form may be used.

ii. Completed password applications are to be mailed or delivered to the Office of the Clerk, United States Bankruptcy Court, Eastern District of New York, Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722, Attn: Electronic Case Filing System Registration.

3. Upon registering, attorneys will receive an envelope from the Office of the Clerk, clearly marked "Personal and Confidential," containing the attorney's assigned

System password. Attorneys may request an alternative means of delivery of the password by telephoning the Office of the Clerk.

4. Attorneys may find it desirable to change their court assigned password periodically. This can be done by following instructions in the CM/ECF Attorney Manual, available at the court's Web site at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov). In the event an attorney believes that the security of an existing password has been compromised and a threat to the System exists, the attorney shall give immediate telephonic notice to the Clerk of Court, Chief Deputy Clerk or Systems Department Manager, confirmed by facsimile, to prevent access to the System through use of that password.

## 2. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

### a. Filing.

i. All motions, pleadings, memoranda of law, or other documents required to be filed with the court in connection with a case, other than proofs of claim and certain exceptions specified in paragraph III below, shall be electronically filed on the System. Within 24 hours of the electronic filing, a hard copy shall be provided to chambers, which copy is to be marked "Chambers Copy" in the top center of the title page. The hard copy is to be filed with the Office of the Clerk, to the attention of the appropriate judge's chambers. The date and time of

the *electronic* filing shall be the official date and time of filing of the document.

2. Attorneys who do not file electronically will be required to submit all filings to the court on diskette in PDF format.

3. 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 docket 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.

4. 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. 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 at any time. Opposing parties may file additional excerpts if they believe that they are germane.

5. 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.

6. Payment of Filing Fees. An application for authorization to pay filing fees by credit card will be made as part of the attorney's password application form.

7. Electronic Filing in Non-Electronic Case. Documents filed electronically in a non-electronic case will be purged from the database, with the associated docket event annotated "Entered in Error." The filer will be required to resubmit the document to the court in paper form. The document will be deemed officially filed as of the date and time of the court's receipt of the filing in paper form.

b. Service.

i. 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 7 of the court's 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 e-mail 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) Service made in accordance with FRCP 4, FRCP 45, FRBP 7004 or FRBP 9016.

(b) Service made upon an agency of the United States, including the United States Attorney, the United States Trustee, or chambers, in accordance with the FRBP, LRBP or an order of the court.

(c) Notice served pursuant to FRBP 2002(a)(1).

(d) Upon the commencement of a case, service by counsel for the debtor of the petition, schedules and statement of affairs on the United States Trustee, all applicable governmental agencies and the trustee assigned to the case, where applicable.

4. Orders. All signed orders (including, without limitation, orders to show cause) shall be filed electronically by the court. To facilitate the review, execution and filing of a proposed order, the person presenting the proposed order shall provide the presiding judge with a 3.5 inch floppy disk containing the proposed order (in word processing, *not* PDF format), together with any document to be electronically filed in connection therewith (in PDF format). Simultaneously, the presiding judge shall also be provided with a

chambers copy of all such documents.

5. Notice of Electronic Filing Procedure, Adversary Proceedings. Upon issuance by the Office of the Clerk of the Summons and Notice of Pretrial Conference, the attorney for the plaintiff shall serve same along with a Notice of Electronic Filing Procedure 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 the Electronic Filing Procedures shall include by way of signature the initials of the filing attorney's first and last name followed by the last four digits of the attorney's social security number. Additionally, an "electronic signature" in the form "s/Jane Doe" shall be included in every electronically filed document.

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." 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." The hard copy of the manually executed document shall be maintained by the Clerk until the entry of a final order terminating the case or proceeding to which the document relates.

### III. DOCUMENTS FILED UNDER SEAL

A. Motion. A motion to file documents under seal (but not the documents themselves) shall be filed electronically. If the motion itself contains confidential information, the movant shall serve and file electronically a redacted version clearly marked as such, and submit an unredacted version in camera. If requested by the court, the movant shall deliver hard copies of the documents proposed to be filed under seal to the presiding judge for in camera review.

B. Order. The order of the court determining the motion shall be filed electronically by the court.

C. Copies. If the court grants the motion, in whole or in part, the movant shall deliver the following to the Clerk of the Court or Chief Deputy Clerk of the Court:

1. a hard copy of the documents to be filed under seal (the "sealed documents") and

2. a 3.5 inch floppy disk containing the sealed documents and the sealing

order. The disk shall be submitted in an envelope or disk mailer, clearly labeled with the case name and number, and if applicable, the document number assigned to the sealed document.

3. Hard copies of the sealing order shall be attached to the hard copy of the sealed documents and to the 3.5 inch disk.

D. Clerk's Responsibilities. Unless otherwise ordered by the court, the Clerk of the Court shall file any documents ordered to be filed under seal conventionally and not electronically.

#### IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access. Any person or organization may access the System at the court's Internet site at: [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov). Access to the System through the Internet site will be available using a password to retrieve the docket sheet and documents in a "read only" format. With the introduction of Electronic Case Filing, "Version 1," a password obtained from the Public Access to Electronic Court Records Center ("PACER") will be required by all users of the System. (See D. below and the court's web site for further information.) Information posted on the System shall not be downloaded for uses inconsistent with the privacy concerns of debtors and third parties.

B. Access at the Court. Documents filed on the System and case dockets are

available for viewing in the Office of the Clerk during regular business hours. No password is required.

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 Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, New York, or the United States Bankruptcy Court, 75 Clinton Street, Brooklyn, New York 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.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
ELECTRONIC CASE FILING SYSTEM  
ATTORNEY PASSWORD APPLICATION**

LIVE SYSTEM

I, \_\_\_\_\_, swear or affirm that I am a member in good standing of the Bar of the State of \_\_\_\_\_. By submitting this application and receiving a password, I agree to adhere to the court's order authorizing electronic case filing, any supplements and/or amendments thereto and the rules promulgated for the court's ELECTRONIC CASE FILING (ECF) SYSTEM. I am providing the following information as a condition of receiving my password:

Attorney Code (first & last name initials/last 4 digits of social security #): \_\_\_\_\_

Attorney Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ FAX #: \_\_\_\_\_

Internet E-Mail Address for Service: \_\_\_\_\_

Class Training Completion Date: \_\_\_\_\_

I have read and understand the following rules:

1. I will employ the Electronic Case Filing System for cases filed in the United States Bankruptcy Court for the Eastern District of New York.
2. I will meet all hardware and software requirements disseminated by the court for system use. I understand that the current minimum requirements for filing documents are: a personal computer running a standard Windows platform (Windows 98/Me/NT/2000/XP); an Internet provider using Point to Point Protocol (PPP) for dial-up service, or offering DSL or cable service; Netscape Navigator 4.7x or higher or Microsoft Internet Explorer 5.5 or higher; Adobe Acrobat 4.01 or higher [to convert word processor format documents to portable document format (PDF)]; and a document scanner.
3. Each use of my password for filing documents will meet the requirements of Fed. R. Civ. P. 11, Fed. R. Bankr. P. 9011 and Local Bankruptcy Rule 9011-1. I understand that the use of my password together with my electronic signature constitutes my signature on the document being submitted. If I submit a document for another party, I understand it is my responsibility to maintain a copy of that document bearing the signer's signature in my records.
4. I agree to protect and secure the confidentiality of my password. Therefore, if I have reason to believe that my password has been compromised, it is my responsibility to immediately notify the court in writing. Moreover, it is also my responsibility to immediately inform the court of any change in my firm affiliation, addresses, telephone, fax or E-mail address.

5. I understand that the issuance of a password to me constitutes a waiver of conventional service pursuant to the court's Electronic Filing Procedures General Order. I agree to accept a Notice of Electronic Filing by hand, facsimile, first class mail or authorized e-mail in lieu of conventional service. Moreover, I will use the automatic E-mail notification feature of the Electronic Case Filing System wherever feasible.
6. Notwithstanding No. 5 herein, conventional (paper) service is required in all non-electronic filings as well as on the United States and its agencies, and on foreign, state or local governments, in full compliance with Rules 2002(j) and 7004(b)(4), (5) and (6) of the Federal Rules of Bankruptcy Procedure and Rule 4(i) and (j) of the Federal Rules of Civil Procedure.
7. In compliance with the Electronic Filing Procedures General Order, I understand that if documents being submitted electronically have lengthy exhibits, the filing of relevant excerpts of the exhibits is preferred and permitted without prejudice to my right to file additional excerpts or the complete exhibit with the court at any time.
8. In compliance with the Electronic Filing Procedures General Order, once I receive my password, I will make every reasonable effort to file documents electronically. If I am unable to file electronically, documents will be submitted to the court on diskette in PDF format. Paper filings received at the court will be scanned by the delivering party.
9. I understand that receipt of a password and access to the ECF Filing System is contingent upon my completing the Eastern District Bankruptcy Court Attorney Password Application, the Credit Card Blanket Authorization Form and the court training class, and therefore authorizing the court to bill my firm for any transactions requiring a fee consistent with the ECF Filing System and the Rules established by this Court.
10. I understand that until an interactive credit card process exists for the ECF Filing System which will allow for the entry of my credit card information upon docketing of a fee related filing, that my credit card will be automatically charged the applicable filing fee by the court after the filing.

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney Applicant Signature

Please return to:

United States Bankruptcy Court  
290 Federal Plaza  
P.O. Box 9013  
Central Islip, New York 11722-9013

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FOR COURT OFFICE USE ONLY:

Date application received: \_\_\_/\_\_\_/\_\_\_

Date access permitted: \_\_\_/\_\_\_/\_\_\_

Date reviewed for compliance: \_\_\_/\_\_\_/\_\_\_

Authorized by: \_\_\_\_\_

**United States Bankruptcy Court  
Eastern District of New York**

**Credit Card Blanket Authorization Form**

I hereby authorize the United States Bankruptcy Court for the Eastern District of New York to charge the main credit card or the alternate credit card listed below for payment of fees, costs, and expenses which are incurred by myself or any member or employee of the law firm, partnership, or professional corporations stated below. I certify that I am authorized to sign this form on behalf of my law firm.

(Please indicate which card is to be the main card and the alternate card)

____ MasterCard No. _____	Exp. Date: _____
____ Visa Card No. _____	Exp. Date: _____
____ Discover Card No. _____	Exp. Date: _____
____ American Express No. _____	Exp. Date: _____
____ Diners Club No. _____	Exp. Date: _____

**Credit Cardholder's Name:** \_\_\_\_\_

**NAMES OF INDIVIDUALS AUTHORIZED TO USE ACCOUNT NUMBERS LISTED ABOVE FOR PAYMENT OF FEES, COSTS, AND EXPENSES:**


**Cardholder's Mailing Address:** \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Law Firm Name:** \_\_\_\_\_

(Or name of sole practitioner)

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

This form will be kept on file in the clerk's office and will remain in effect until specifically revoked in writing. It is the responsibility of the law firm/company named above to submit a new form and notify the court of any changes to authorized users, a new expiration date when a credit card has been renewed, or if a card has been revoked, cancelled, or stolen.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

\* Note: The card indicated above as the main card will be used for all transactions with this court unless otherwise specified by the authorized user.

### **3. Instructions for Submission of Pleadings on Computer Disk**

# United States Bankruptcy Court Eastern District of New York

## Instructions for Submission of Pleadings on Computer Disk

Effective **January 1, 2003**, the following guidelines apply to the submission of pleadings in any case which has been assigned to the court's Electronic Filing System (all bankruptcy cases and adversary proceedings filed on or after January 1, 2003, and all Chapter 11 cases and related proceedings filed on or after April 1, 2002). If you are unable to file pleadings electronically via the Internet, you must submit pleadings on a computer disk pursuant to the court's Revised General Order on Electronic Filing Procedures.

### ***Disk Type:***

Must be a 3-½" disk in Microsoft-compatible format, in any density up to 1.44 MB.

### ***Disk File Requirements:***

1. The pleading (except orders and summonses - see below) must be in Portable Document Format (PDF). *(PDF is a proprietary, open standard from the Adobe Corporation. If you need to purchase Adobe Acrobat Software, please visit the Adobe Web site at [www.adobe.com](http://www.adobe.com). Please note that the free Acrobat Reader does not give you the ability to convert documents to PDF).*
2. More than one pleading (except orders) may be submitted on a disk as long as they all apply to the same case. Orders/pleadings for separate cases must be on separate disks.
3. Each disk should be in a sealed envelope with the following information (where known) on the disk label and outside of the envelope: case name, case number, attorney name, attorney phone number, judge initials, type and title of the document. *(To avoid possible damage to the disk, do not use a ballpoint pen to write on a disk label; use a felt-tip pen or write lightly in pencil.)*
4. The file must be located in the disk's root directory and named as stated in Exhibit A below.

### ***Chambers Copy***

Any pleading submitted by disk must be accompanied by a paper chambers copy, clearly marked as such.

### ***Documents Which May Not Be Filed Electronically (Paper Filing Required):***

- *All proofs of claim*
- *Pleadings in any Chapter 7 or Chapter 13 case filed before January 1, 2003, or in any adversary proceeding filed prior to January 1, 2003, other than those related to ECF Chapter 11 cases (i.e., Chapter 11 cases filed on or after April 1, 2002)*
- *Pleadings in any Chapter 11 case or related proceeding filed before April 1, 2002*

### ***Bankruptcy Filings***

When filing a petition, four (4) files should be included on the disk, as follows:\*

- 1) Petition.pdf      2) Verification.pdf      3) 1073.pdf      4) Matrix.txt

\*If your bankruptcy software creates a single file which incorporates the verification and 1073 statement, you may submit a disk containing two (2) files, the petition and the matrix.

### ***Adversary Filings***

When filing a complaint, three (3) files should be included on the disk, as follows:

- 1) Complaint.pdf      2) CoverSheet.pdf      3) Summons (in word processing format)

## **Orders**

Orders must be submitted with a paper original and a copy on disk; the copy on disk should be in word processing format (e.g., MS Word or WordPerfect).

## **Returning Disk:**

Disks will not be returned.

## **Computer Virus Protection:**

The court has computer software which scans disks for viruses in order to prevent possible damage to court records as well as affording protection to those who request the return of disks from the court. Since new strains of computer viruses are regularly created, the court subscribes to a virus detection update service which allows us to detect the most recent computer viruses. All computer users are strongly urged to ensure that safeguards exist in their offices to detect and eradicate current and future computer viruses. You should also be aware that whatever virus detection software you use, must be updated regularly because old software will not detect new viruses. **Submission of a computer disk with a virus will be subject to appropriate court action.**

## **Exhibit A-Naming of File on Disk**

Each document on a disk must have a file name. The file name will consist of the case number followed by a 1 - 3 letter code corresponding to the document (see example below).

Document codes are as follows:

<u>DOCUMENT</u>	<u>CODE</u>	<u>DOCUMENT</u>	<u>CODE</u>
ADVERSARY/COMPLAINT	CMP	NOTICE OF APPEARANCE	NQ
AFFIDAVIT/AFFIRMATION	AF	OBJECTION	OBJ
ANSWER	ANS	OPERATING REPORT	OP
APPEAL	AP	ORDER	O
APPLICATION	APL	PETITION	PET
CERTIFICATE OF MAILING	CM	PLANS (ALL)	PLN
CERTIFICATE OF SERVICE	CS	REAFFIRMATION	RF
CROSS APPEAL	CRA	REPORTS	RP
DESIGNATION	DSG	RESPONSE	R
DISCLOSURE STATEMENT	DS	SCHEDULES	SCH
EXHIBIT	EX	STIPULATION	STP
JUDGMENT	JU	SUMMONS	SUM
LETTERS	LTR	TRANSCRIPT	TS
MATRIX	MTX	TRANSFER OF CLAIM	TRF
MEMORANDUM	MEM	TRUSTEE REPORTS (ALL)	TRP
MOTION	M	ALL OTHERS NOT ON LIST	#
NOTICES	NTC		

Example: If your pleading is a **motion** in case number **02-12345**, the file name on the disk would be:

**0212345m.pdf\***

\*Always convert your file to pdf before submitting to the court (unless it is an order).

## **4. Instructions for Preparation of Creditor Matrix**

# United States Bankruptcy Court Eastern District of New York

## Instructions For Submission Of The Creditor Matrix On Computer Disk

Effective **January 1, 2003**, the following guidelines must be followed in all bankruptcy filings other than those made over the Internet. Submitting the list of creditors on a computer disk allows the court to more efficiently process cases.

### ***Disk Type:***

Must be a 3-1/2" disk in Windows compatible format in any density up to 1.44 MB.

### ***Disk File Requirements:***

1. The creditor list may be submitted as an attachment to the petition (if the petition is being submitted on disk), or as a separate file.
2. If there is a separate creditor list, the file must be located in the disk's root directory and named **matrix.txt**
3. The file must be saved in a "pure text" format (ASCII Dos Text), not the word processor's document format.
4. The disk should be in a sealed envelope, with the names of the debtor and the debtor's attorney listed on the outside of the envelope.

### ***Paper Copy:***

A paper copy of the matrix must be submitted with each filing.

### ***File Content:***

The list should include creditors *only*. Because the court has software which automatically adds the debtor, joint debtor, debtor's attorney, case trustee and US Trustee to the case record, these parties should **NOT** be included on the creditor list.

### ***Creditor Format:***

1. Must be typed in Courier 12 point font (10cpi).
2. Lists should be typed in a single column.
3. Creditors must be listed in alphabetical order.
4. Each name and address must consist of no more than 5 (five) total lines of single spaced type.
5. Creditor records should be separated by one blank line.
6. ZIP codes must be located on the same line as the city and state, which should be the last line of the address.
7. If you use ZIP +4 format, place a hyphen between the fifth and the sixth numbers.
8. Each line must not exceed 40 characters.
9. If "attention" lines are used, they should appear as the second line of the address, not the last line.
10. No headers, footers, page numbers, account numbers or other extraneous marks should be used.
11. Only the first letter of a name/word should be capitalized. Do *not* capitalize entire lines.

### ***Disk Label Requirement:***

Do not write on a disk label with a ballpoint pen, because the disk may be damaged. Use a felt-tip pen or write lightly in pencil. The following information should be included on each disk submitted:

1. Name of submitting firm or practitioner
2. Debtor's full name
3. The total number of creditors listed

### ***Adding Creditors***

When adding creditors, submit a disk containing *only* the creditors to be added; do *not* include previously listed creditors.

***Returning Disk:***

Disks will not be returned.

***Limitations:***

If the list contains more than 1000 creditors, please bring this to the attention of the Intake Coordinator.

***Example Instructions for Microsoft Word or WordPerfect for Windows:***

After the matrix has been typed, place a formatted diskette in the floppy (A) drive and select the following items from the menu bar at the top of the window:

File

Save As

Save File as Type: *(select one of the following types)*

MS-DOS Text or ASCII (DOS) Text

File Name: (enter matrix.txt in the box below this item)

Drives:

A: (or whatever is appropriate for your PC)

Ok (left click the button one time with the mouse to complete saving the file)

***Computer Virus Protection:***

The court has computer software which scans disks for viruses in order to prevent possible damage to court records. Since new strains of computer viruses are regularly created, the court subscribes to a virus detection update service which allows us to detect the most recent computer viruses. All computer users are strongly urged to ensure that safeguards exist in their offices to detect and eradicate current and future computer viruses. You should also be aware that regardless of which virus detection software you use, the software must be updated regularly to enable it to detect new viruses. **Submission of a computer disk with a virus will be subject to appropriate court action.**

## **5. ECF Training Registration Form**

# REGISTRATION FORM - ECF TRAINING

US Bankruptcy Court - Eastern District of New York

## CM/ECF Skills Checklist

Use this checklist to determine whether you are ready to receive training in the CM/ECF system. If you answer "No" to any of the questions below, you should seek out the appropriate training *before* you sign up.

### Step 1 - Do you have the skills you will need to operate the CM/ECF System?

1. I know how to use Windows-based word processing software (like Corel WordPerfect or Microsoft Word) or Windows-based bankruptcy forms software to create documents like motions, orders, and/or other case filings.  Yes  No
2. I know how to access the Internet *and* how to use an Internet Browser (like Netscape Navigator or Microsoft Internet Explorer) from my office computer.  Yes  No
- 3) Specifically, when using a Browser, I can do all of the following:  Yes  No
  - < use the *Forward* and *Backward* buttons
  - < set up bookmarks (like the court's Web site)
  - < download files
  - < use hyperlinks
4. I know how to use my office e-mail system to send messages to people outside of my office.  Yes  No

### Step 2 - Complete the form to schedule training:

- Location:**  Brooklyn Courthouse (7<sup>th</sup> Floor Training Room)  
 Central Islip Courthouse (1<sup>st</sup> Floor Training Room)

**Training Date Requested:** \_\_\_\_\_

**Participant's Name(s):** \_\_\_\_\_

Please specify

(A)ttorney or

(S)upport Staff

**Firm Name:** \_\_\_\_\_

**Firm Address:** \_\_\_\_\_

Phone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

E-mail \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

*If you have questions about the skills you will need to use the CM/ECF system, please contact Simone Carter at the following email address: [Simone\\_Carter@nyeb.uscourts.gov](mailto:Simone_Carter@nyeb.uscourts.gov). Completed forms can be forwarded to Simone's attention via email, regular mail (U.S. Bankruptcy Court, 290 Federal Plaza, P.O. Box 9013, Central Islip, NY 11722-9013) or fax (631-712-6209).*

**PLEASE NOTE:** Only attorneys who complete training will be issued passwords to use the system.



## **6. Request for Waiver of Required Training**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

**REQUEST FOR WAIVER OF REQUIRED  
ELECTRONIC CASE FILING COURSE**

Electronically filed documents constitute the official records in CM/ECF cases. To ensure the integrity of such records, it is imperative that practitioners understand how to properly use the CM/ECF system. To assist the Bar, the court will authorize the waiver of the required Electronic Case Filing course for practitioners who have received suitable training in another district.

I, \_\_\_\_\_, affirm that I am a member of the bar in good standing of the State of \_\_\_\_\_, and further affirm as follows:

1. I have previously taken an approved Electronic Filing training course administered by a United States Bankruptcy Court (*CLE certificate attached*).

Date of Training: \_\_\_\_\_

Location: \_\_\_\_\_

2. I am presently docketing (or have previously docketed) into the Electronic Case Filing program in the following court.

Court: \_\_\_\_\_

Case Number(s): \_\_\_\_\_

Document No(s): \_\_\_\_\_

3. I have logged onto the Web site of the United States Bankruptcy Court for the Eastern District of New York at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov), and have reviewed and developed an understanding of the following, which shall be referred to preparatory to filing electronically: Local Rules, Chambers Rules, ECF General Order, ECF Attorney Training Manual, ECF Frequently Asked Questions and the list of ECF Differences Between EDNY and SDNY.

4. I have completed and submitted the Attorney Password Application.

**WHEREFORE**, I request a waiver of the Electronic Case Filing training course ordinarily required in the United States Bankruptcy Court for the Eastern District of New York.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Printed Name/Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **7. Service of Petition**

## **SERVICE OF PETITION**

Upon filing of a case, the debtor is responsible for serving a copy of the petition on certain parties, as specified below.

Please note that the debtor **MUST** also bring a signed copy of the petition to the first meeting of creditors.

- In **ALL cases**, a copy of the petition must be served on the United States Trustee, as follows:

### **BROOKLYN CASES:**

Office of the United States Trustee  
33 Whitehall Street, 22<sup>nd</sup> Floor  
New York, NY 10004

### **CENTRAL ISLIP CASES:**

Office of the United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza  
Central Islip, NY 11722

- In **Chapter 7 and Chapter 13 cases**, a copy of the petition must be served on the trustee appointed in the case. The Notice of Meeting of Creditors issued by the court will specify the name and mailing address of the trustee. A complete listing of Chapter 7 Panel Trustees and Chapter 13 Standing Trustees for this district may also be found on the [General Info Guide](#) page of the court's Web site at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov).

- In **Chapter 11 cases ONLY**, a copy of the petition must be served on the following parties:

Internal Revenue Service  
10 MetroTech Center  
625 Fulton Street  
Brooklyn, NY 11201

Securities and Exchange Commission  
Northeast Regional Office  
Woolworth Building  
233 Broadway  
New York, NY 10279

## **8. Report of Attorney Code**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

**Report of Attorney Code**

All papers filed in the Eastern District of New York must contain the filing attorney's code. The code, in lower case letters, must be placed in the upper right corner of each document filed. Papers filed by attorneys acting in their role as panel trustee in a case must contain a separate trustee code. The application of this code to your filings will improve the processing of petitions and other documents and allow the court to better serve all concerned.

Format of the code is as follows:

1. Attorney - First initial of first name, first initial of last name, and last 4 digits of your social security number. For example - John Smith 012-34-5678 would be - **js5678**
  
2. Trustee - The letter **t**, first initial of first name, first initial of last name, and last 4 digits of your social security number. For example - John Smith 012-34-5678 would be - **tjs5678**

If you have not previously reported your code, please refer to the above instructions and complete the following as soon as possible. Please do *not* submit this form if you have previously reported your code to the court. Complete section 2 only if you serve as a panel trustee in this district.

Thank you for your cooperation.

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[1] ATTORNEY: \_\_\_\_\_  
FIRM NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
TEL. NO.: \_\_\_\_\_  
ATTORNEY CODE: \_\_\_\_\_

---

[2] TRUSTEE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
TEL. NO.: \_\_\_\_\_  
TRUSTEE CODE: \_\_\_\_\_

---

**Please return this form to:**  
**Mr. Joseph P. Hurley, Clerk**  
**U. S. Bankruptcy Court**  
**Eastern District of New York**  
**75 Clinton Street**  
**Brooklyn, New York 11201**

OR

**Fax this form to:**  
**631-712-6209**

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature*

## **9. Procedure Re: Orders to Employ**

## **PROCEDURE RE: ORDERS TO EMPLOY**

### **Filing Electronically:**

Docket the application (do not include the order as an exhibit to the application), then follow the instructions for filing conventionally.

### **Filing Conventionally:**

Send the application & order to employ to the appropriate office of the U.S. Trustee for approval:

#### **Brooklyn Cases**

Office of the United States Trustee  
33 Whitehall Street, 22<sup>nd</sup> Floor  
New York, NY 10004

#### **Central Islip Cases**

Office of the United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza  
Central Islip, New York 11722

Include the following:

- 1) A hard copy of the order
- 2) A disk containing the following two files:
  - Application to Employ (in PDF format): e.g., **0212345apl(pdf)**
  - Order to Employ (in word processing format): e.g., **0212345o(wp)**

The disk should be enclosed in an envelope marked with the attorney's name, attorney's phone number and debtor's name. The same information should be entered on the disk label, along with the name of each file (e.g., **02-12345o** & **02-12345apl**).

### **Upon approval of the application, the U.S. Trustee will:**

- 1) Sign off on the hard copy of the order
- 2) Sign off on the order on the disk (s/)
- 3) Forward the hard copy of the order and the disk to the appropriate court office:

#### **Brooklyn Cases**

U.S. Bankruptcy Court  
75 Clinton Street  
Brooklyn, New York 11201

#### **Central Islip Cases**

U.S. Bankruptcy Court  
290 Federal Plaza  
P.O. Box 9013  
Central Islip, New York 11722-9013

## **10. Contact Information**

## **CONTACT INFORMATION**

### **HELPDESK-BROOKLYN**

718-330-2188, EXT. 218

### **HELPDESK-CENTRAL ISLIP**

631-712-6200, press 6

### **HELPDESK E-MAIL ADDRESS**

ECF\_Helpdesk@nyeb.uscourts.gov

### **SUMMONS E-MAIL ADDRESS**

BROOKLYN NYEB\_BRSummons@nyeb.uscourts.gov

CENTRAL ISLIP NYEB\_CISummons@nyeb.uscourts.gov

### **COURT'S INTERNET SITE**

<http://www.nyeb.uscourts.gov>

[http://www.nyeb.uscourts.gov/cm\\_ecf.htm](http://www.nyeb.uscourts.gov/cm_ecf.htm) (*Electronic Case Filing page*)

### **ECF LIVE DATABASE**

<https://ecf.nyeb.uscourts.gov>

### **ECF TRAINING DATABASE**

<https://ecf-train.nyeb.uscourts.gov>

### **PACER REGISTRATION**

A PACER login id and password are necessary for viewing and printing documents.

Call (800) 656-6856, or visit <http://pacer.psc.uscourts.gov>.

### **SOFTWARE PROVIDERS**

Following is a list of bankruptcy software providers (alphabetical by product name). Please note that by making this information available, the court is not endorsing or recommending any product. Additional providers may be found at [www.nyeb.uscourts.gov/faq's.htm#41](http://www.nyeb.uscourts.gov/faq's.htm#41).

Bankruptcy 2003 - [www.bankruptcysoftware.com](http://www.bankruptcysoftware.com)

Bankruptcy Plus - [www.cornerstone-computer.com](http://www.cornerstone-computer.com)

Blankrupter - [www.blumberg.com](http://www.blumberg.com)

Best Case - [www.bestcase.com](http://www.bestcase.com)

EZ Filing - [www.ezfilling.com](http://www.ezfilling.com)

Fresh\$tart\$even - [www.freshstart.com](http://www.freshstart.com)

Top Form - [www.bender.com](http://www.bender.com)