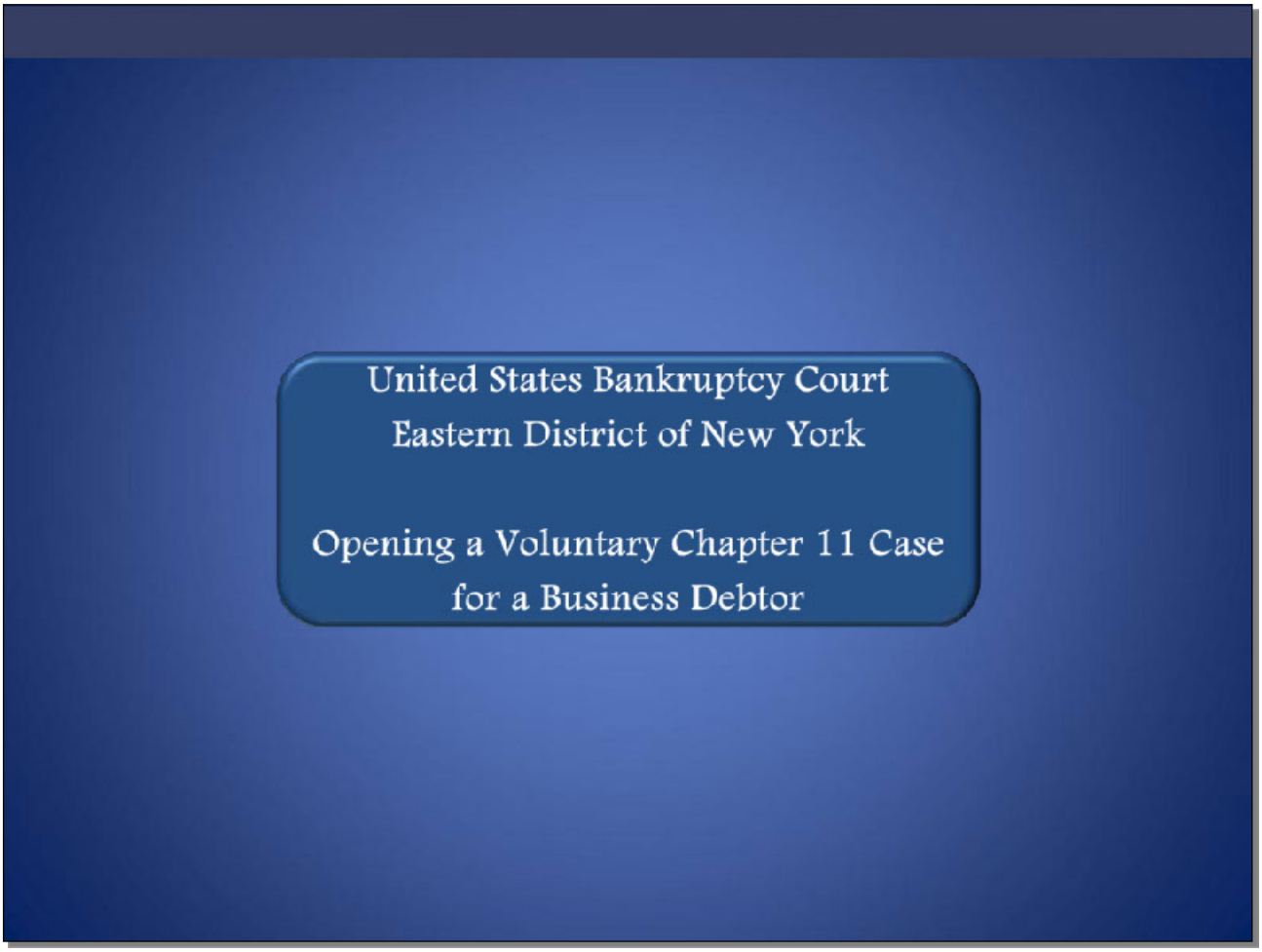
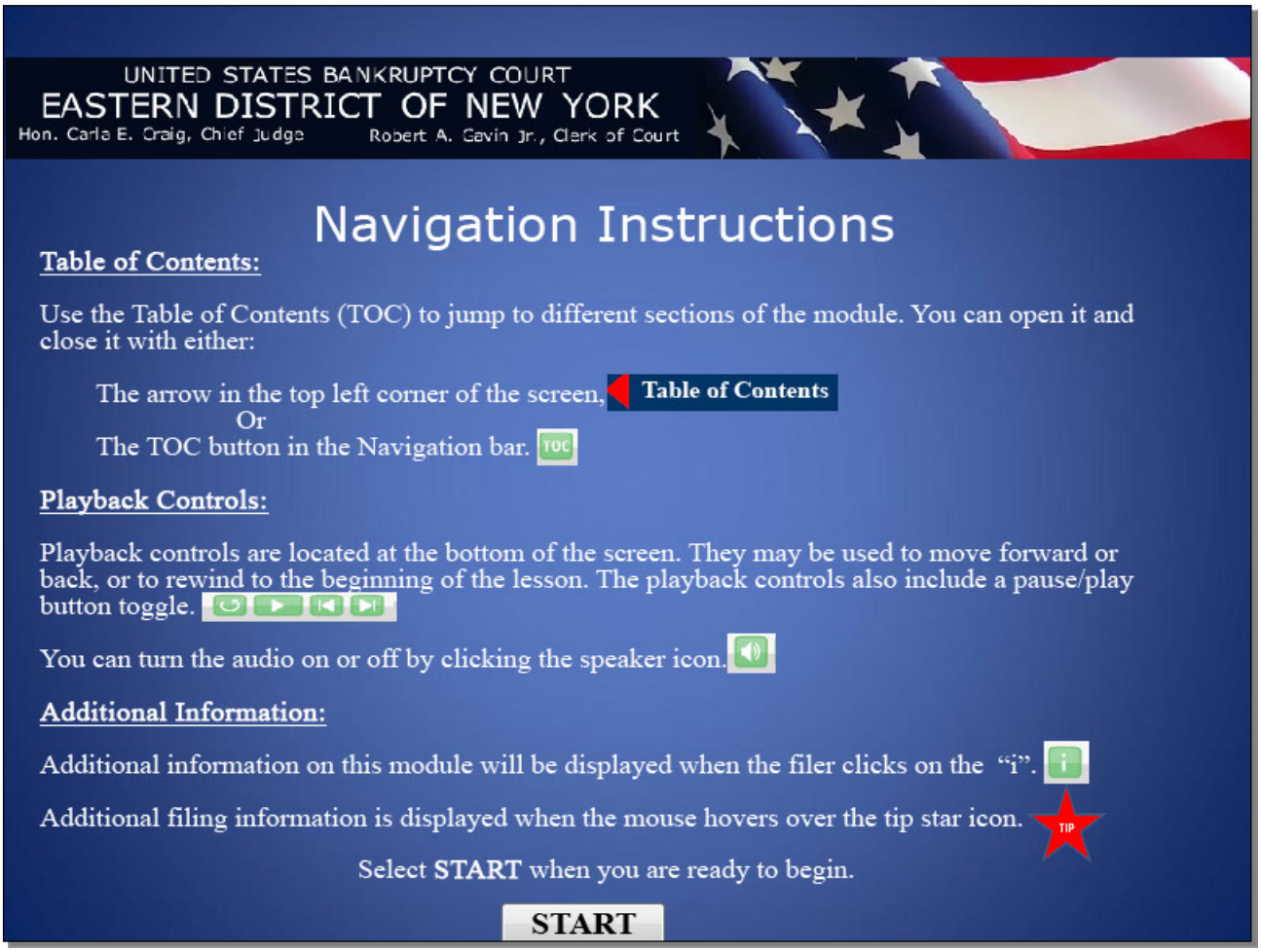
Slide 1 - Welcome

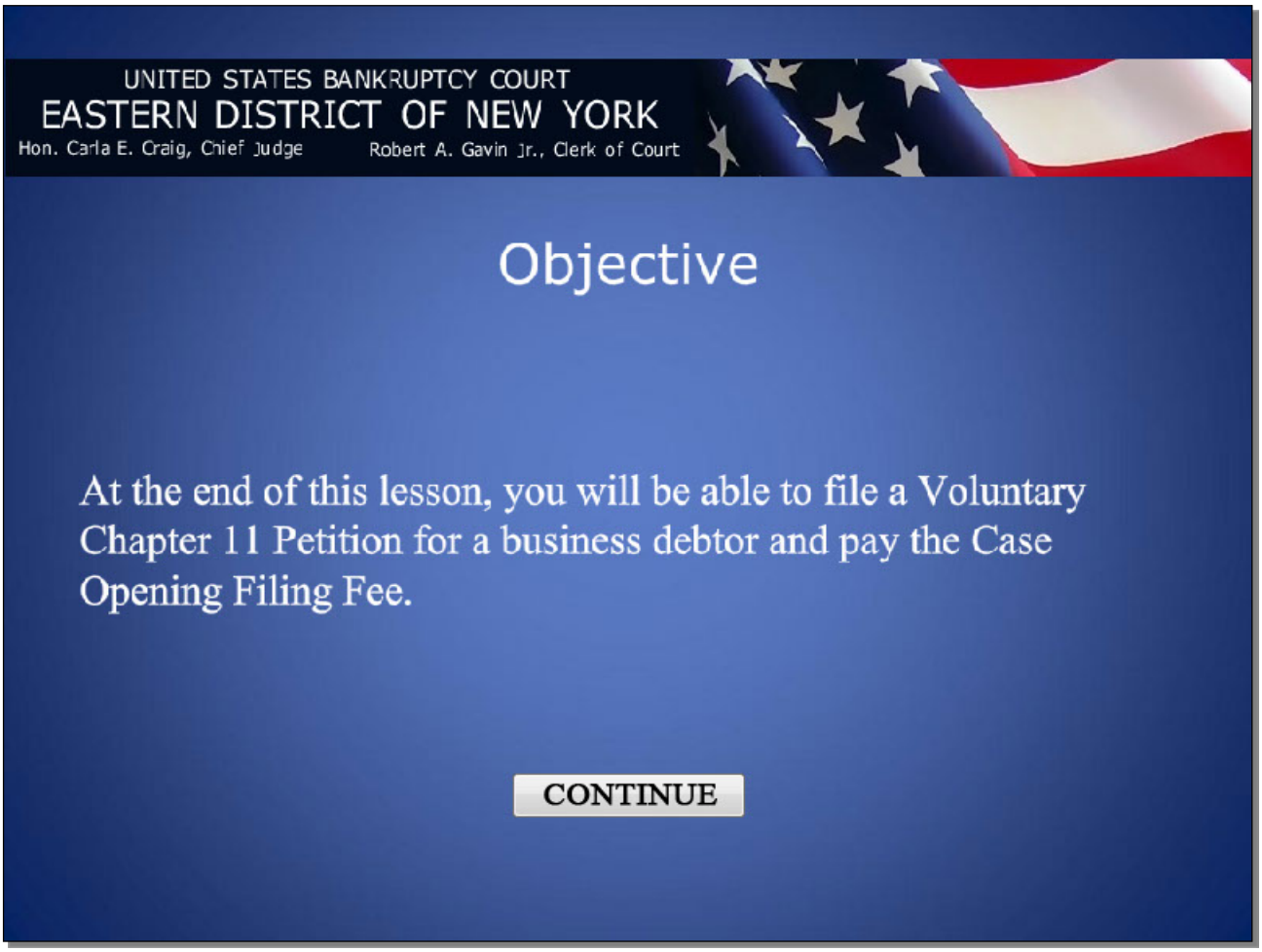


Welcome to the United States Bankruptcy Court Eastern District of New York's lesson on Opening a Voluntary Chapter 11 Case for a Business Debtor such as a Corporation or Partnership.

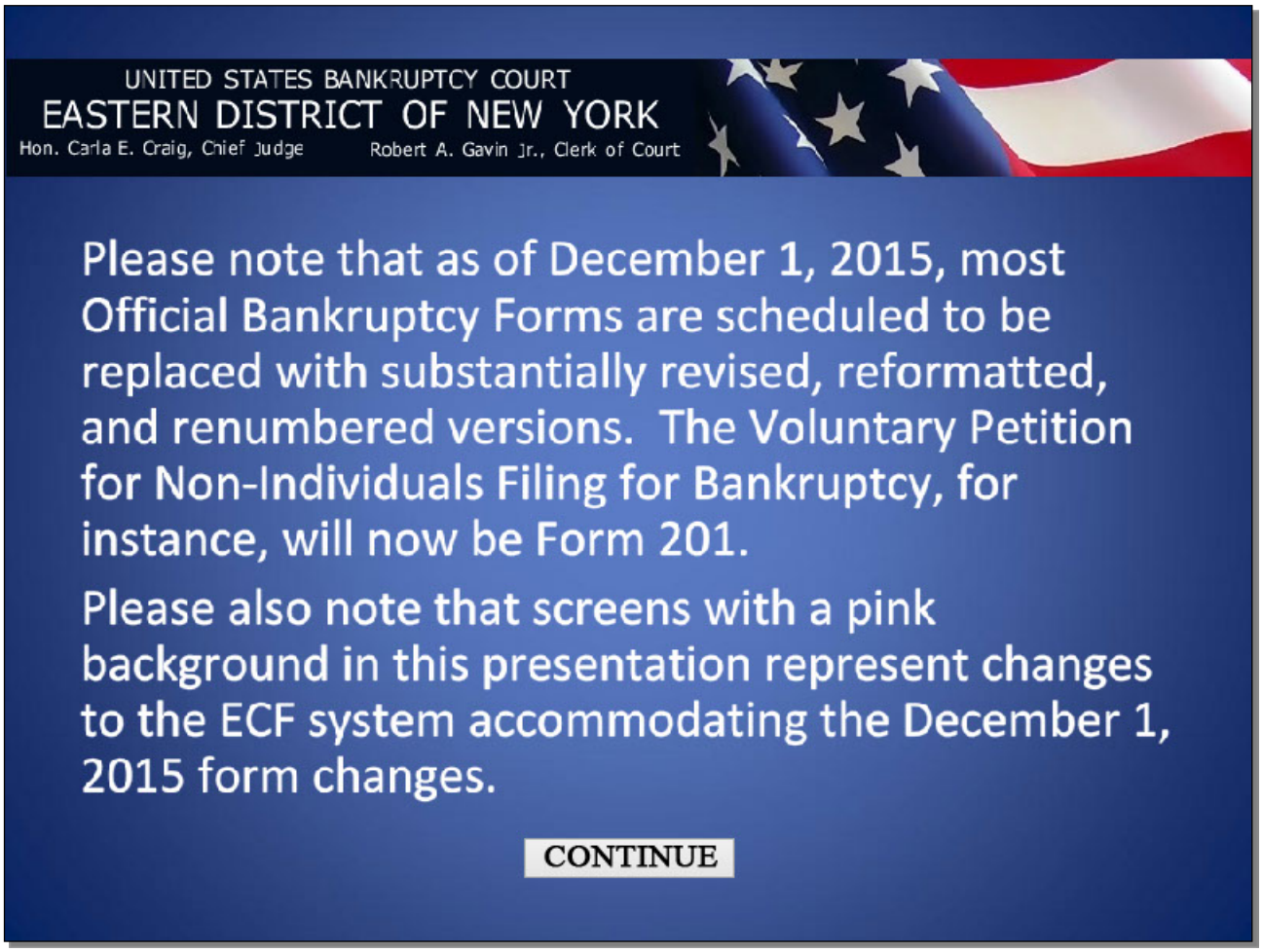
Slide 2 - Navigation Instructions



Slide 3 - Objective



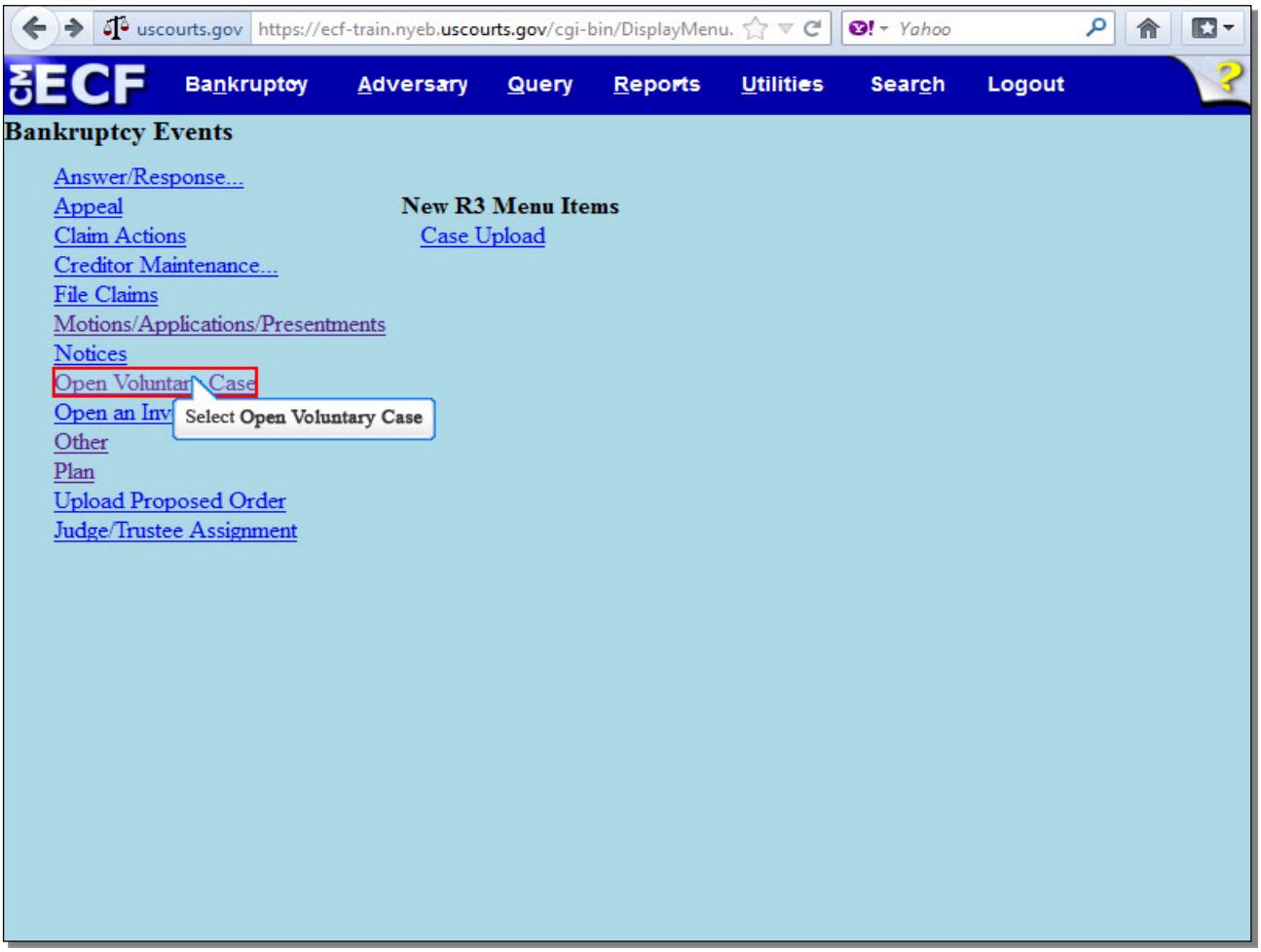
Slide 4 – Form Changes



Slide 5 - ECF Main Menu

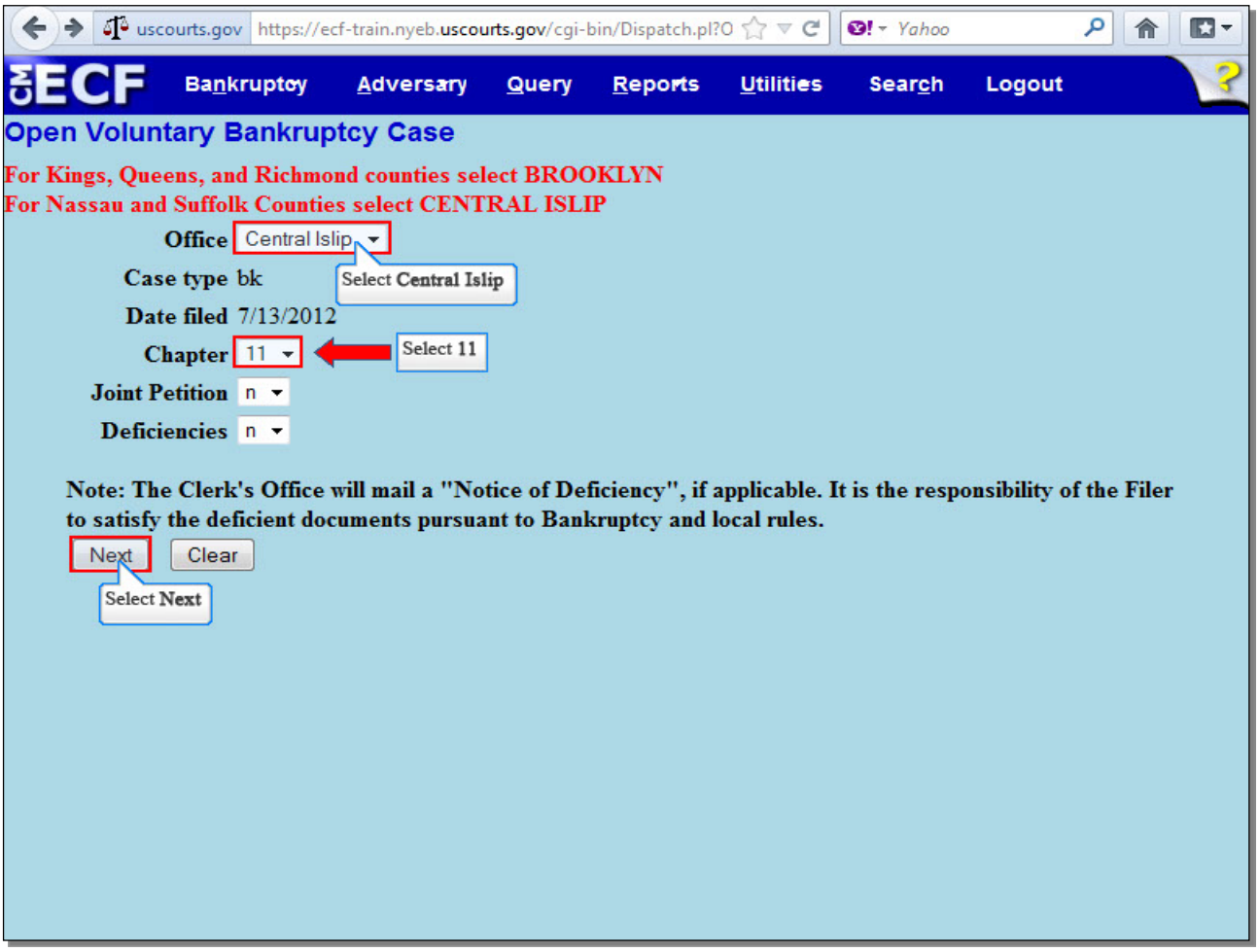
After successfully logging in to CM/ECF, select **Bankruptcy**.

Slide 6 - Bankruptcy Events



From the list of **Bankruptcy Events**, select **Open Voluntary Case**.

Slide 7 - Open Voluntary Bankruptcy Case



The initial screen in the process of opening a new bankruptcy case displays. Office assignment is generally based on the Chapter 11 Debtor's county of residence or business. The **Office** field defaults to **Brooklyn**. For this lesson, select the drop down arrow to change the **Office** to **Central Islip**.

The **Case type** field defaults to **bk** for bankruptcy and cannot be changed.

The **Date filed** field is hard coded and cannot be changed.

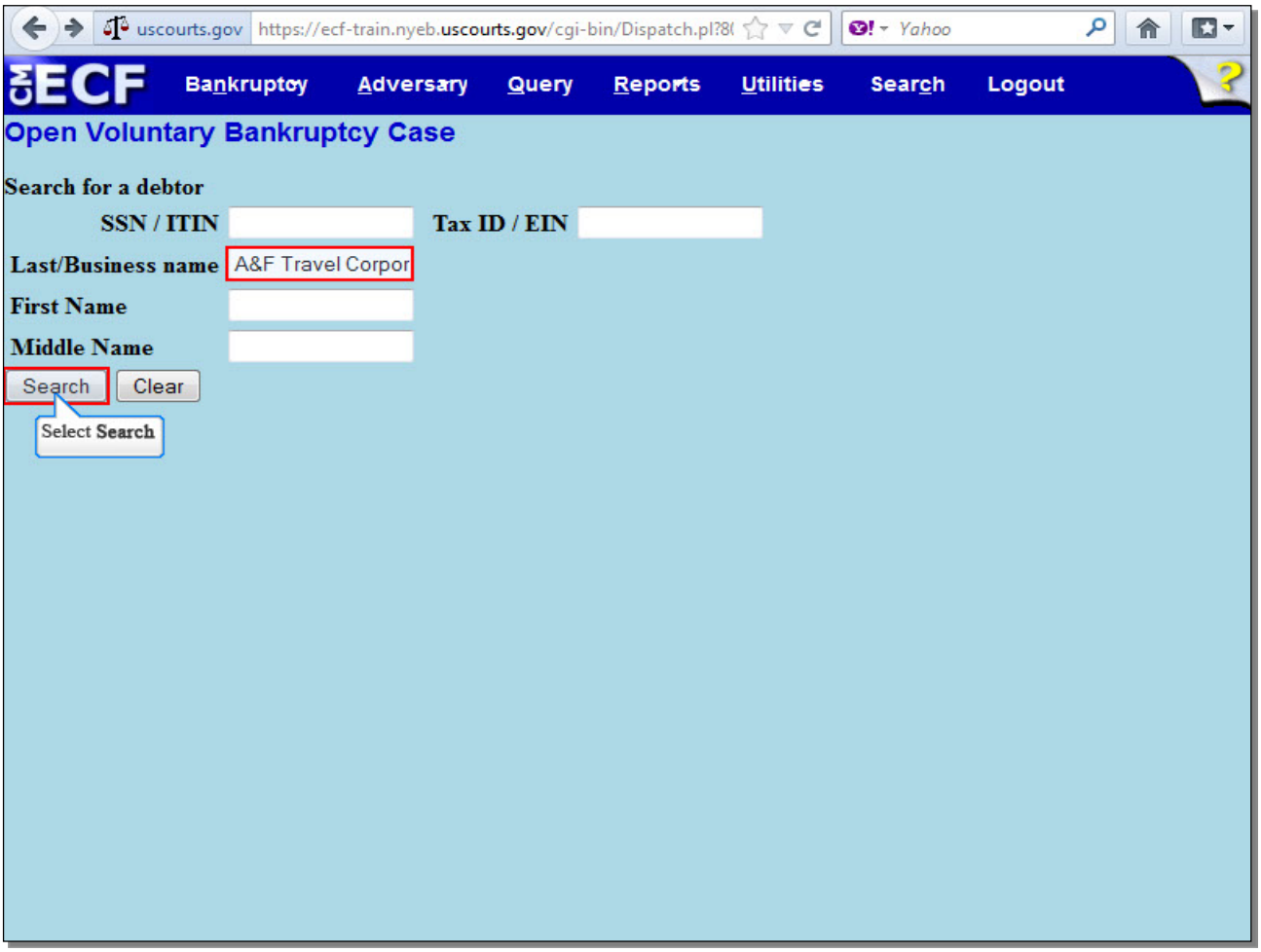
Select the drop down arrow next to **Chapter** and select **11**, for a Chapter 11 case.

Disregard the **Joint Petition** field.

The Deficiencies field defaults to **n** for no and should not be changed. The Clerk's Office mails a Notice of Deficiency when required documents are not filed with the Petition. It is the responsibility of the filer to satisfy the deficient document pursuant to LBR 1002-(1) c.

Select **Next** to continue.

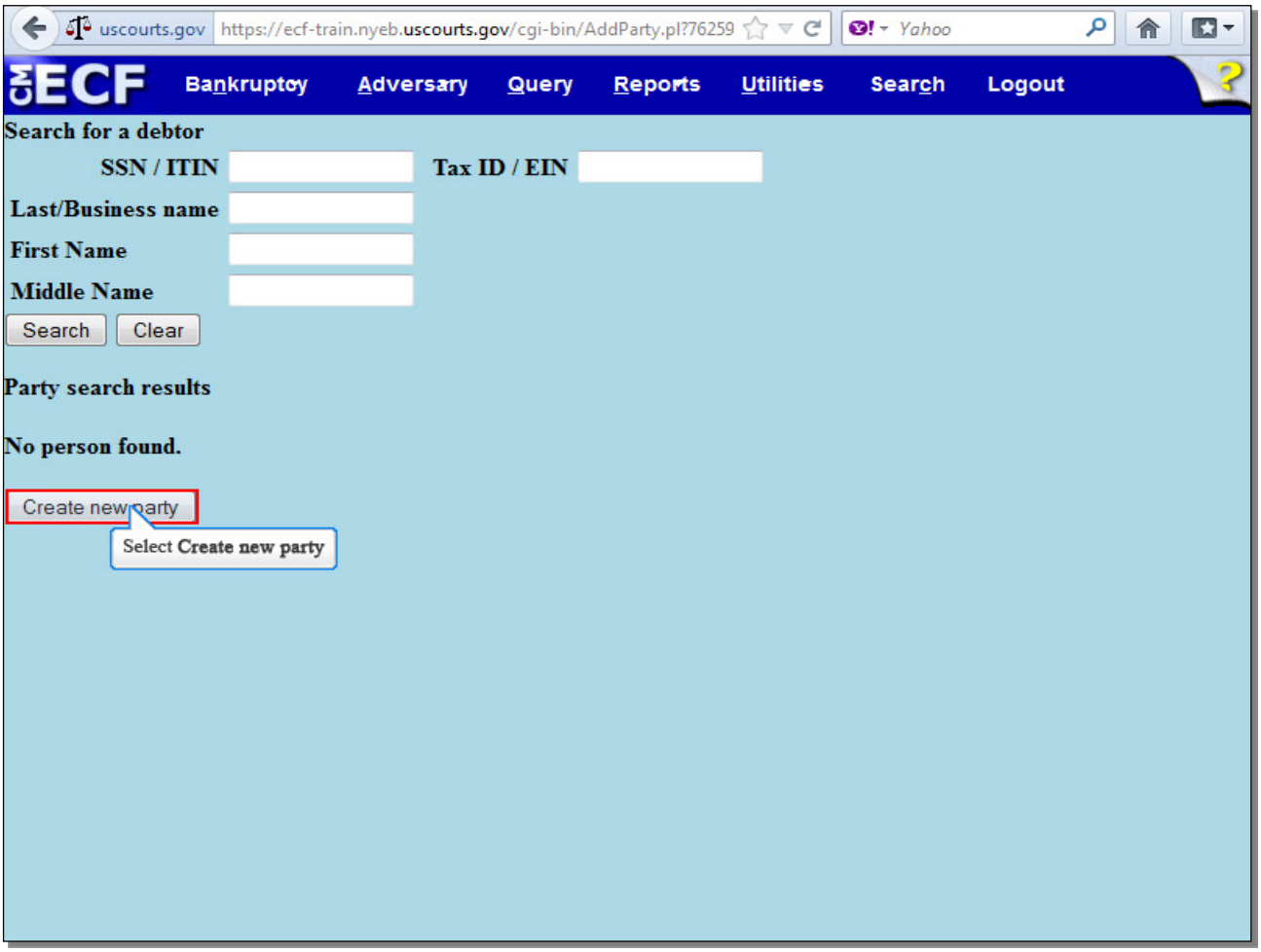
Slide 8 - Search for a Debtor



This screen is used to search for an existing debtor record within the Court's CM/ECF database. A search for prior records should be conducted to avoid creating duplicate profiles in the electronic database. You have the option to search by Tax ID / EIN number, or by using the name fields. Here, we will search for the business name. Enter the name of the business in the **Last/Business name** field, and select **Search**.

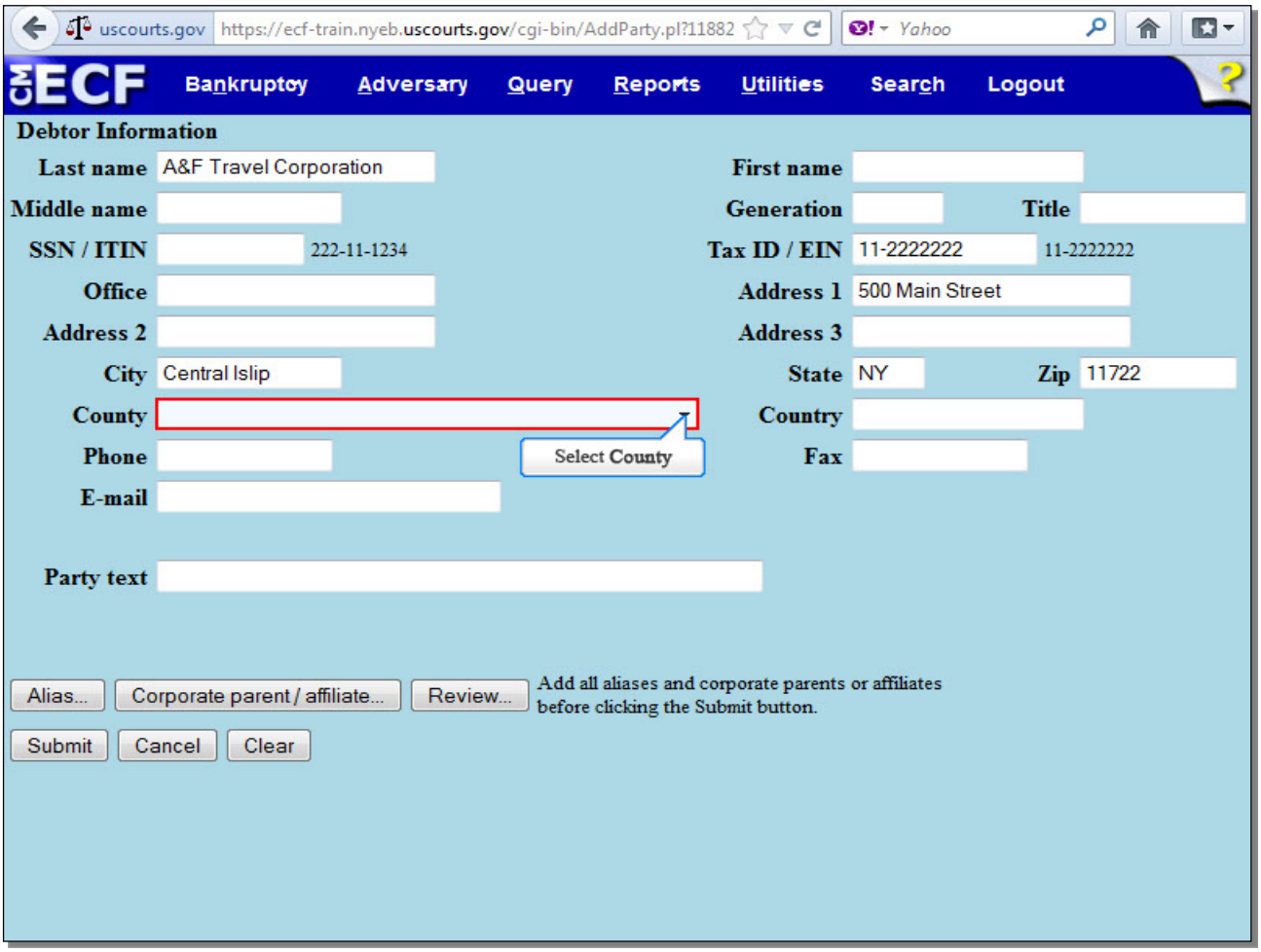
TIP: When entering a business name in the **Last/Business name** field, you may enter the first few letters to broaden the scope of the search.

Slide 9 - Search for a Debtor (Cont'd)



When the **Party search results** displays **No person found**, as they do here, select **Create new party** to add debtor's profile. When the debtor is listed in the CM/ECF system, the name appears in the **Party search results**. Select the name if it is identical to the name on the petition. In this case, select **Create new party**.

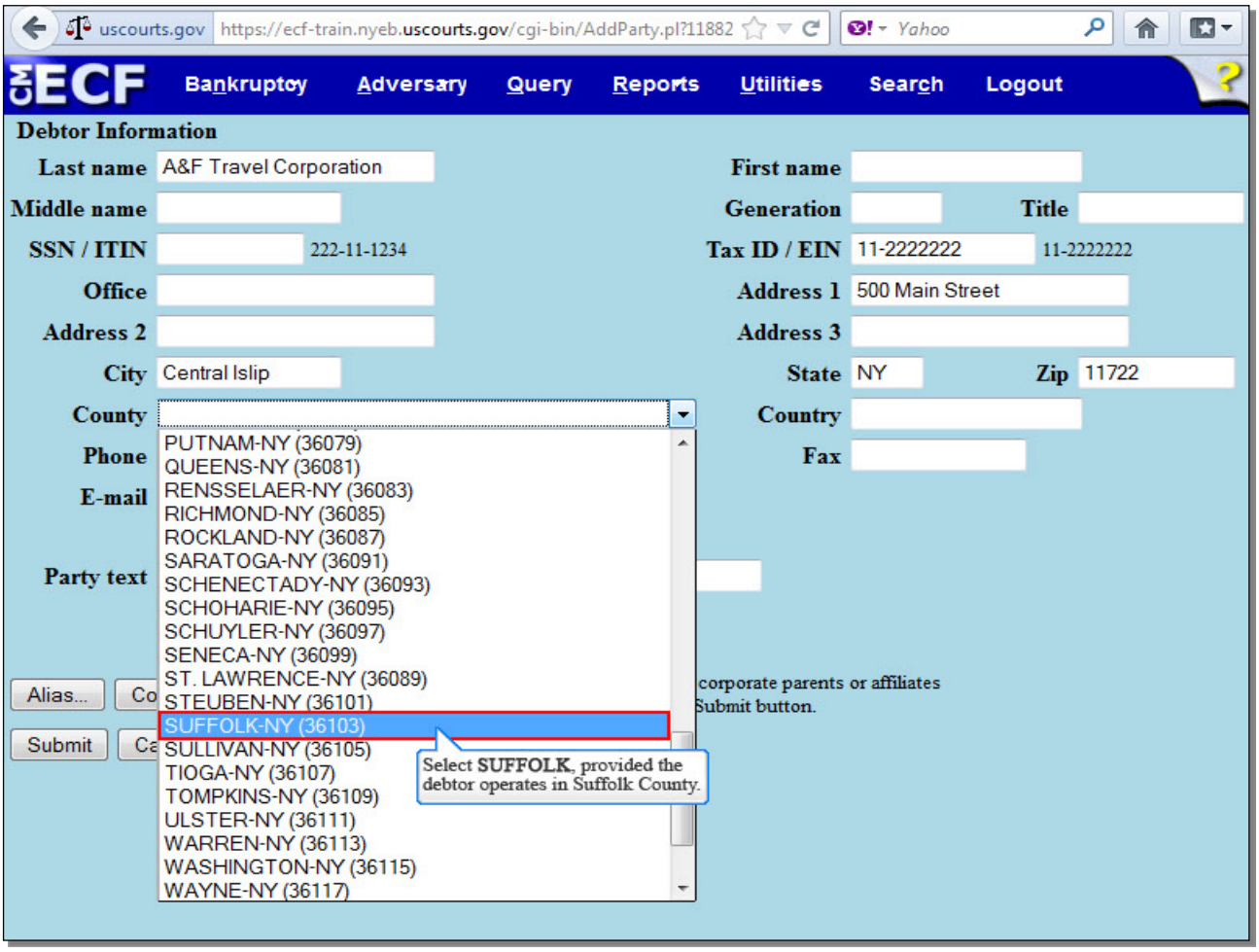
Slide 10 - Debtor Information



The information used on the previous **Search for a debtor** screen populates the **Debtor Information** screen to create a party of record in the CM/ECF database. As we are filing for a business and not an individual, you may disregard the **Middle name**, **Generation**, **Title**, and **SSN/ITIN** fields. The Debtor's complete **Tax ID / EIN** should be typed in the field box using the format shown. The **Office** field must remain blank. Enter the debtor's complete mailing address, using the **Address 2** and **Address 3** fields if needed. Keep in mind that the address entered in the **Debtor Information** screen will be the address used for noticing.

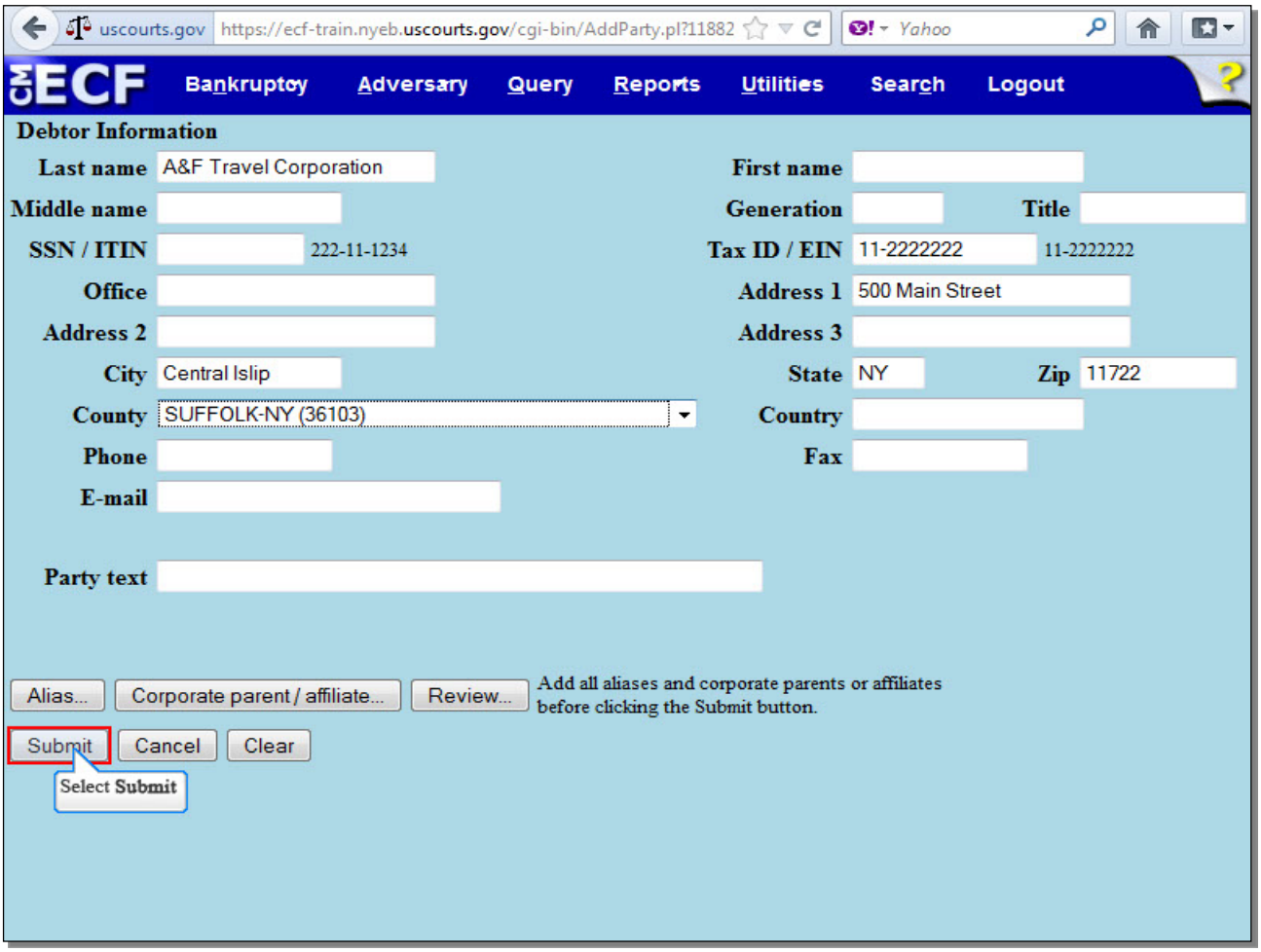
The **County** field, which contains the business debtor's county of record, is a required field. Select the drop-down arrow to view a list of options, and scroll down until you see the debtor's county.

Slide 10 - Debtor Information



In our example we selected Suffolk County as the county that corresponds with the debtor's address of Central Islip, NY.

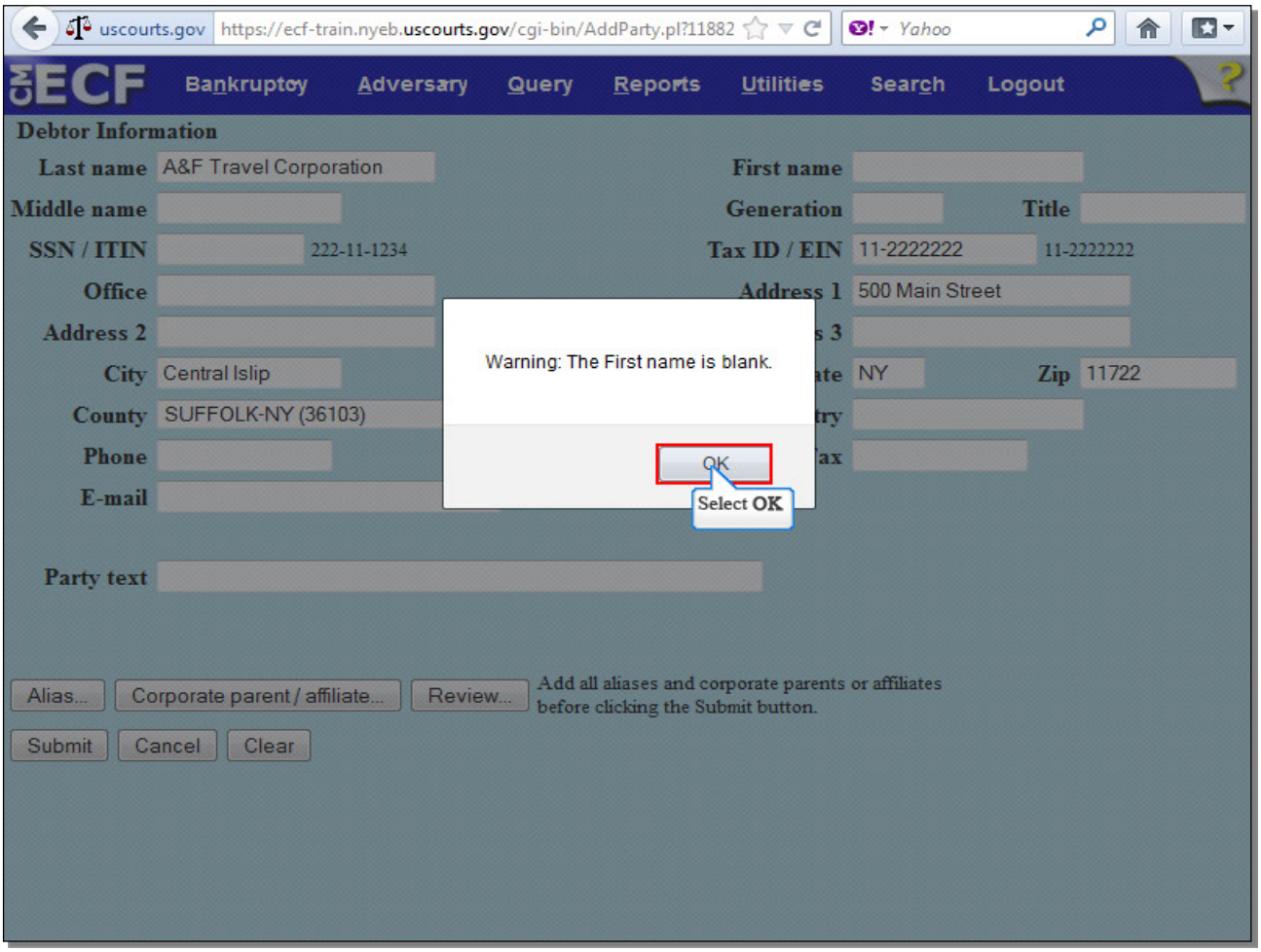
Slide 10 - Debtor Information (Cont'd)



If the **Country** is NOT the USA, enter the name of the country. **Phone**, **Fax**, and **E-mail** fields are not required for debtors. **Party text** should be used only to further identify the type of corporation, for example, "A New York Corporation" or "Guardian of the State." **Party text** may also be used for extra-long names. The **Alias** button should be used to add other names the debtor has used in the last eight years. The **Corporate Parent/affiliate** should be used if the debtor has a corporate parent or affiliate. The **Review** button allows the filer to verify specific party types added to the case. The **Clear** button erases all information from the Debtor Information screen. The **Cancel** button takes the filer back to the **Search for a debtor** screen.

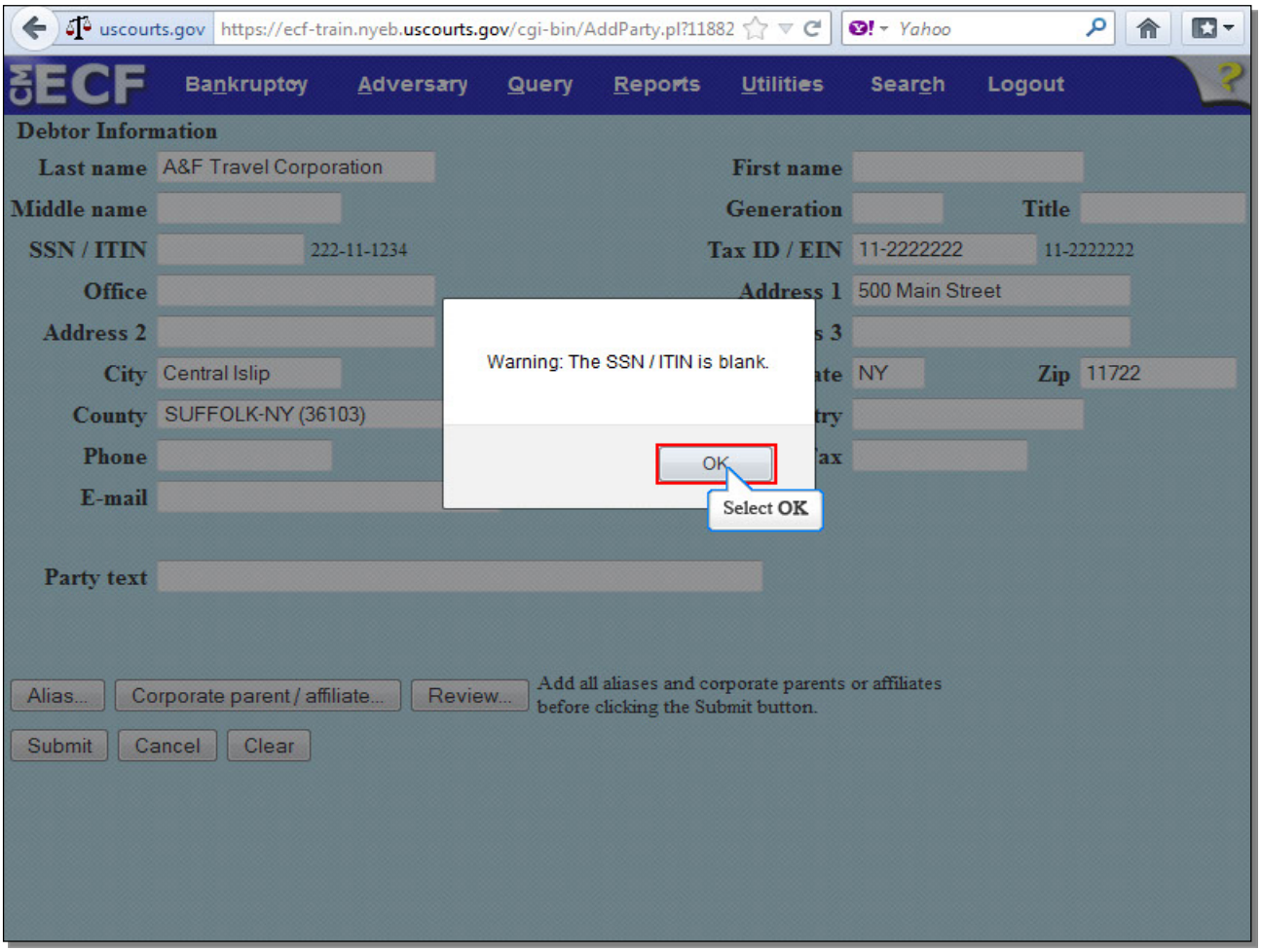
Review the information entered on the **Debtor Information** screen, and select **Submit** to continue.

Slide 10 - Debtor Information (Cont'd)



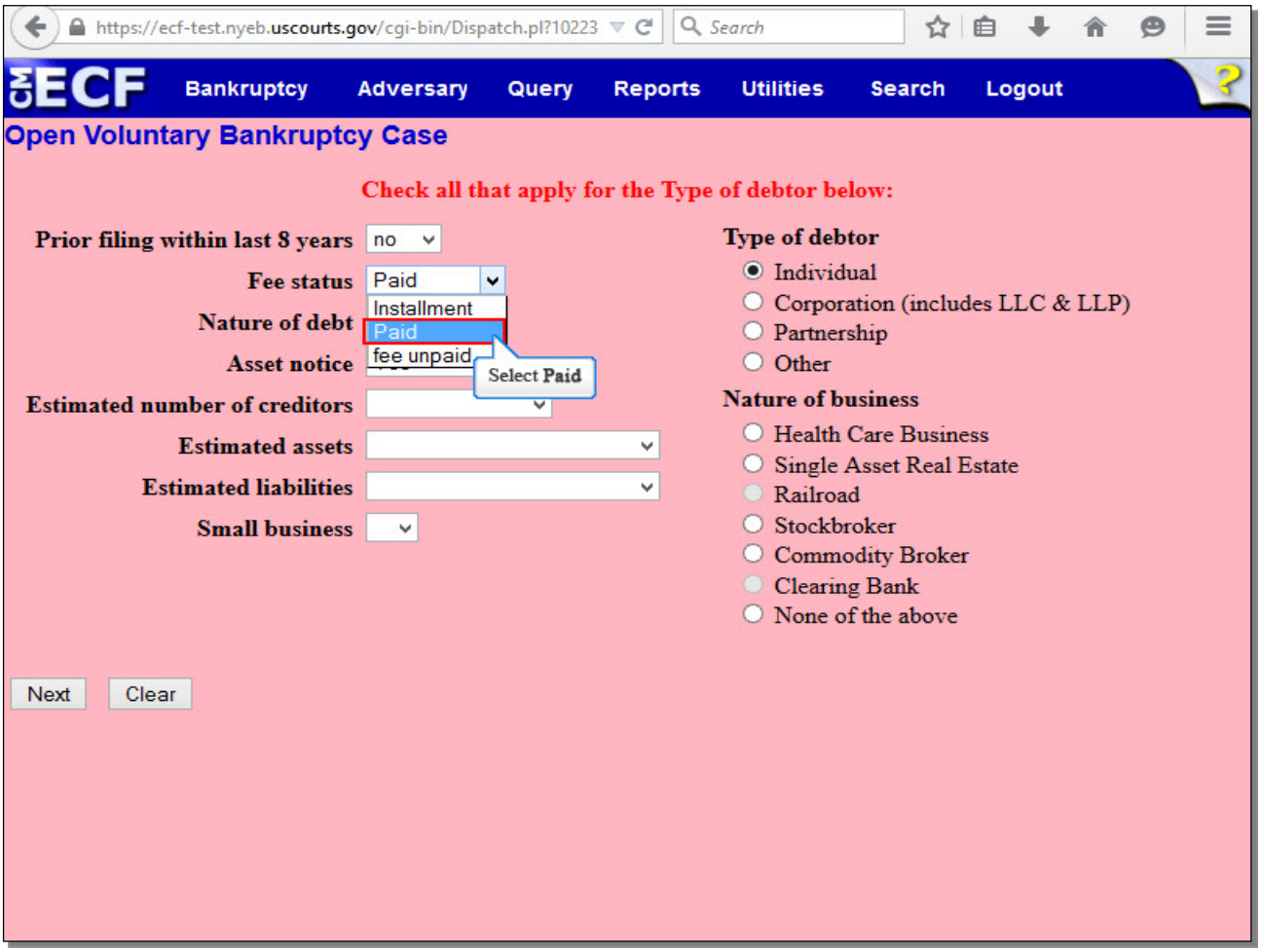
Select **OK** to continue.

Slide 10 - Debtor Information (Cont'd)



Select **OK** to continue.

Slide 11 - Statistical and Report Data (SARD)

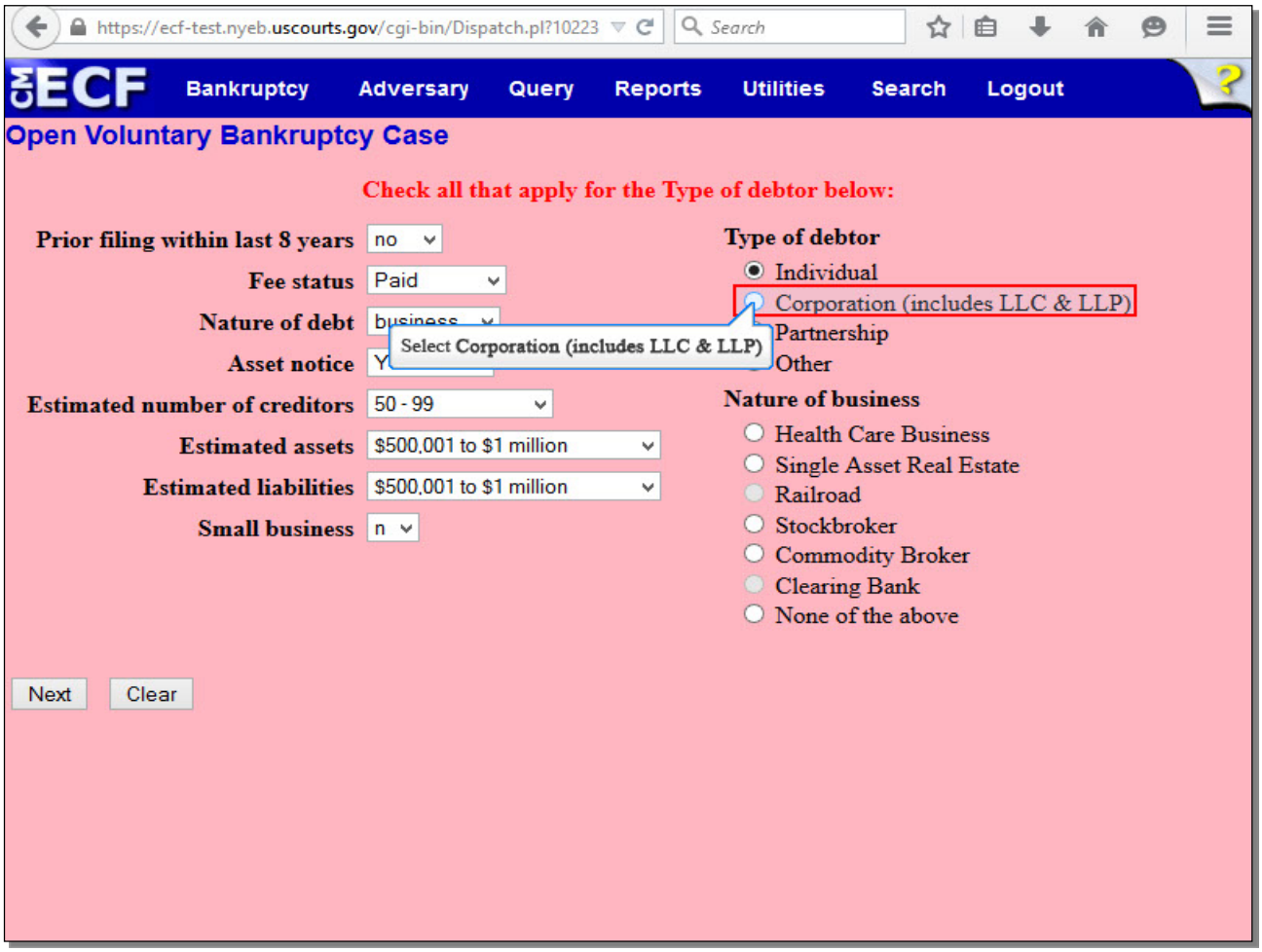


This screen is known as the Statistical and Report Data (SARD) screen.

The field for **Prior filing within last 8 years** defaults to **no**. The drop down arrow should be selected to change the option to **yes** if the debtor previously filed bankruptcy within the last 8 years. We selected **no** as our option.

Select **Paid,** as you must pay the filing fee in full.

Slide 12 - Statistical and Report Data (SARD) (Cont'd)



Select **business** as the Nature of Debt.

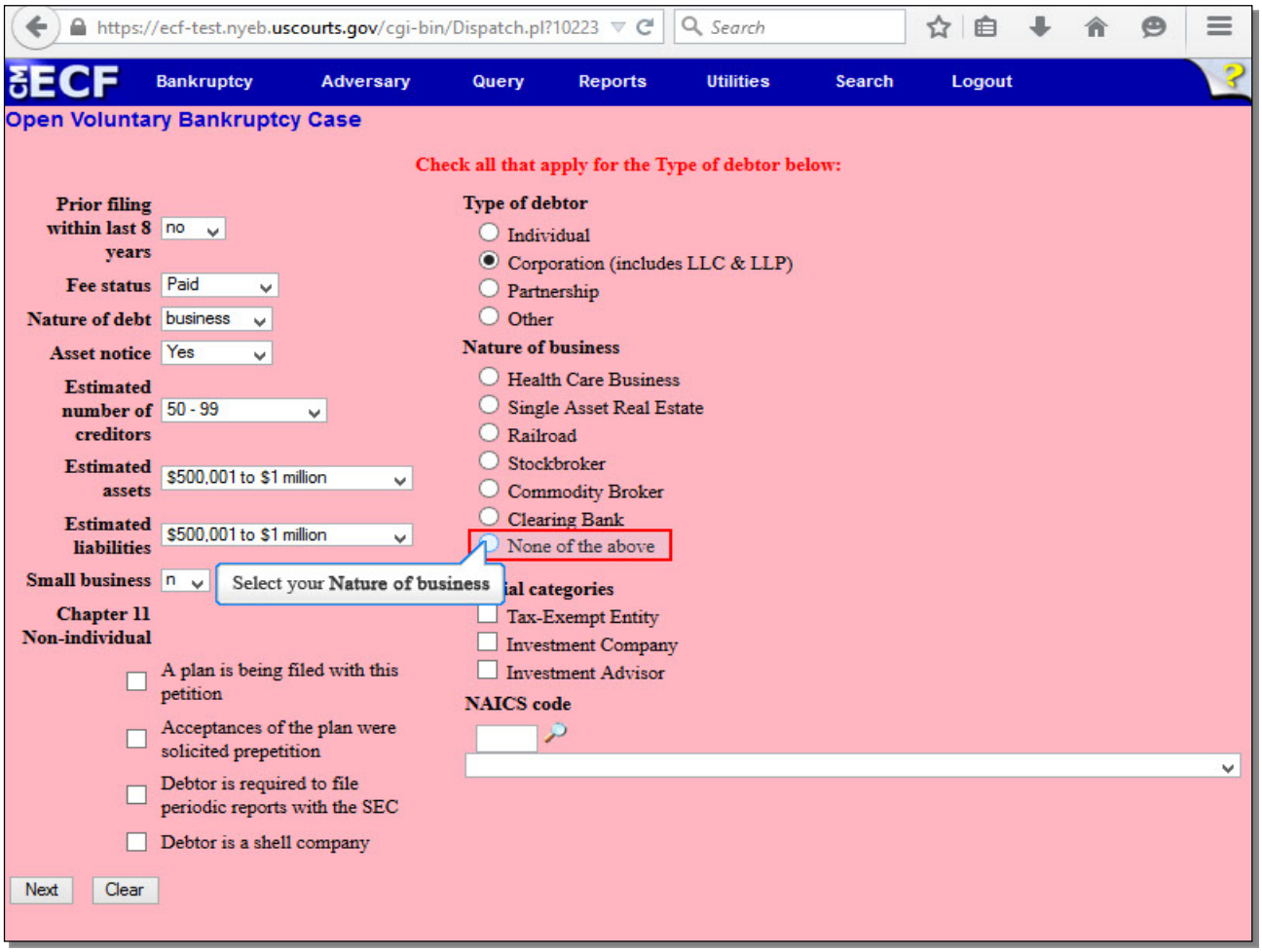
The **Asset notice** field has three options: **No**, **Unknown**, and **Yes**, and the default entry in this field is controlled by the chapter you entered on the initial case opening screen. For a Chapter 11 case, the Asset notice field reads **Yes** and should not be changed.

The **Estimated number of creditors**, **Estimated assets**, and **Estimated liabilities** fields must be completed according to the information on the Petition.

Our debtor is not a **Small business**, so leave that field at the default option of **n** for no.

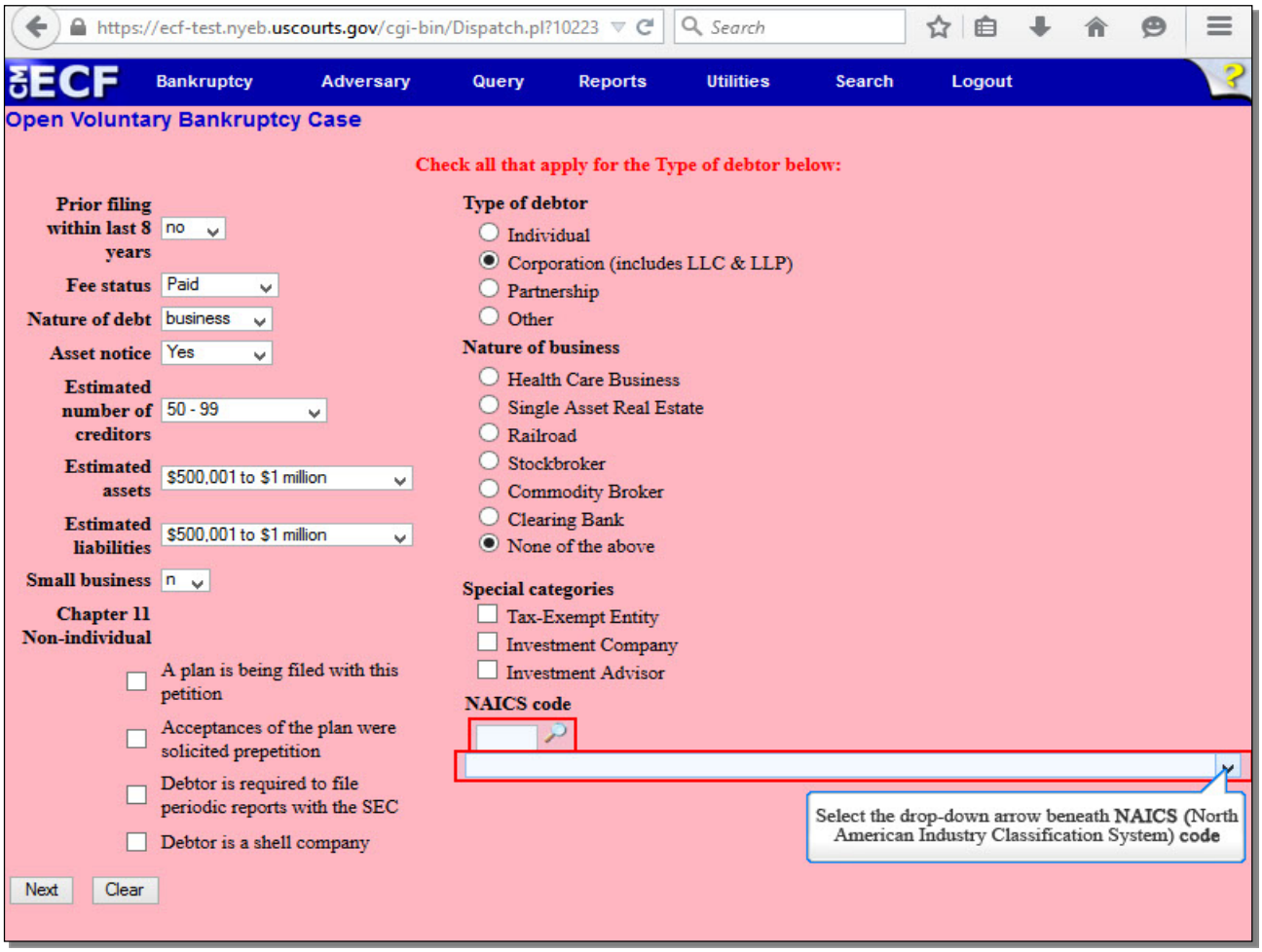
For **Type of debtor**, select **Corporation (includes LLC & LLP)**.

Slide 13 - Statistical and Report Data (SARD) (Cont'd)



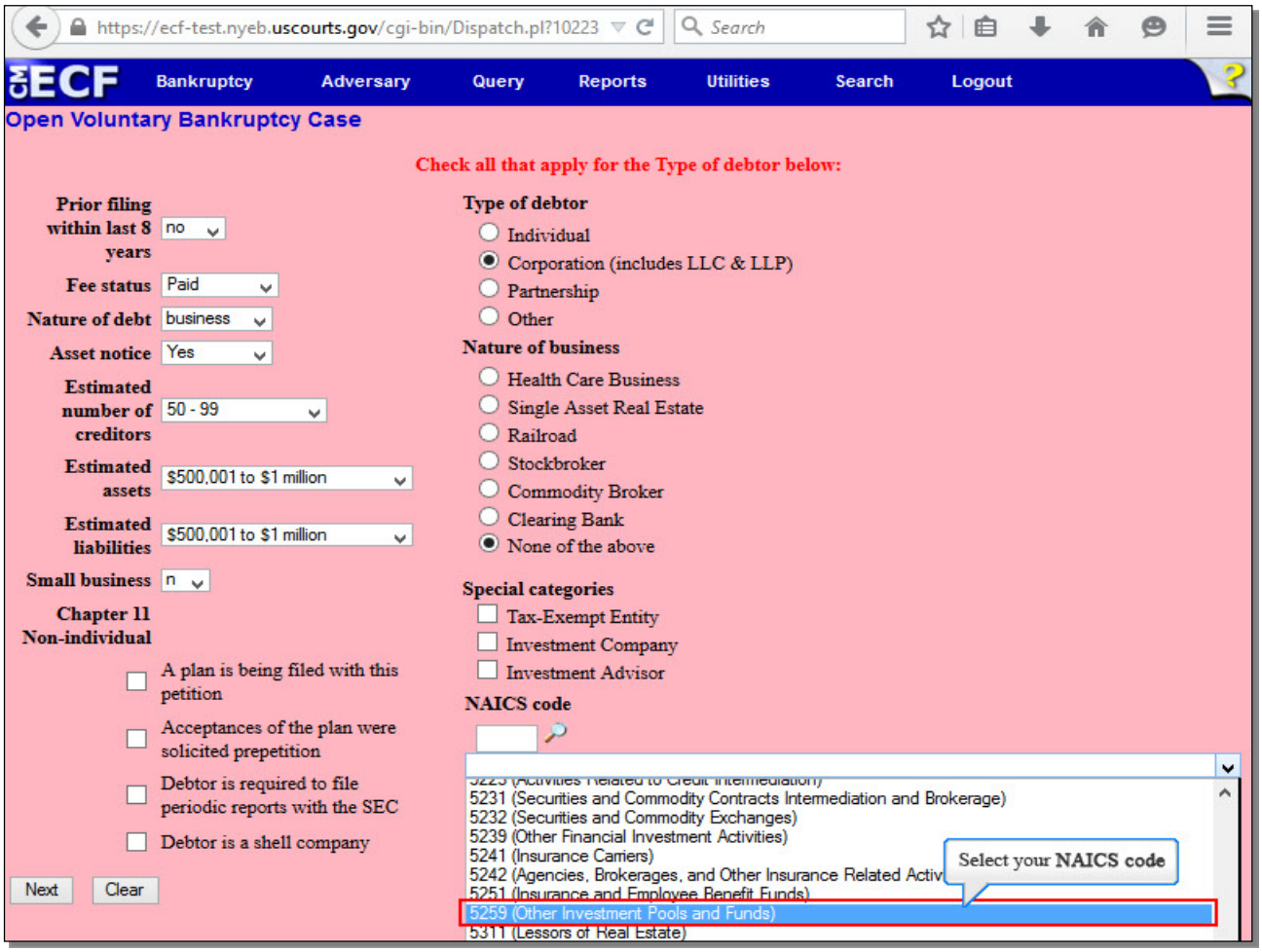
Once you have selected **Corporation (includes LLC & LLP)** as your **Type of debtor**, options for **Special categories** and **NAICS** (North American Industry Classification System) **code** will appear automatically. Before selecting those options, however, select your **Nature of business**, which in this case will be **None of the above**.

Slide 14 - Statistical and Report Data (SARD) (Cont'd)



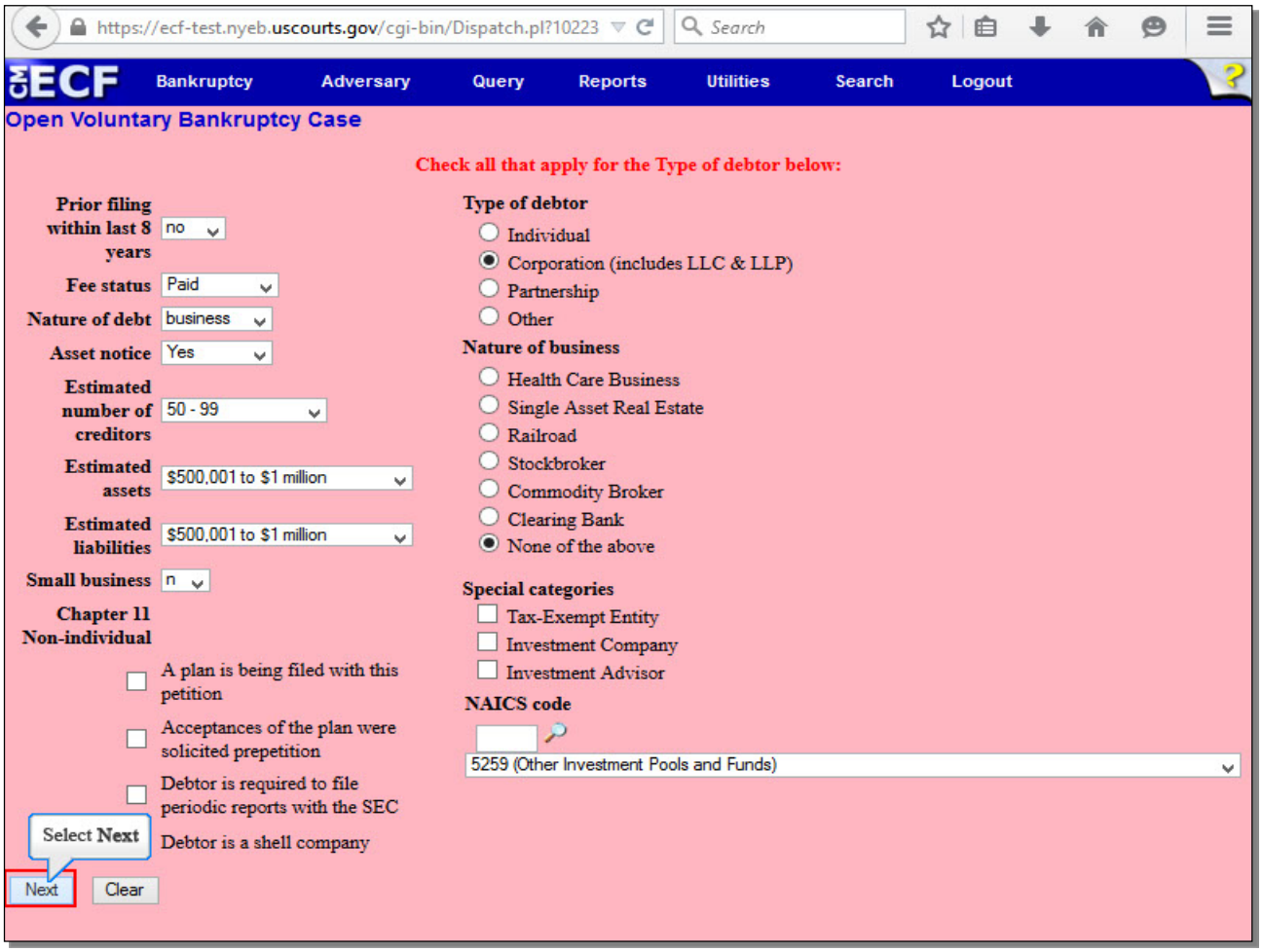
Select any of the **Special categories** if they apply to the debtor. Input your **NAICS code** in the corresponding box if you know the code, or select the drop-down arrow to see a list of all available codes.

Slide 15 - Statistical and Report Data (SARD) (Cont'd)



Select your proper **NAICS code**.

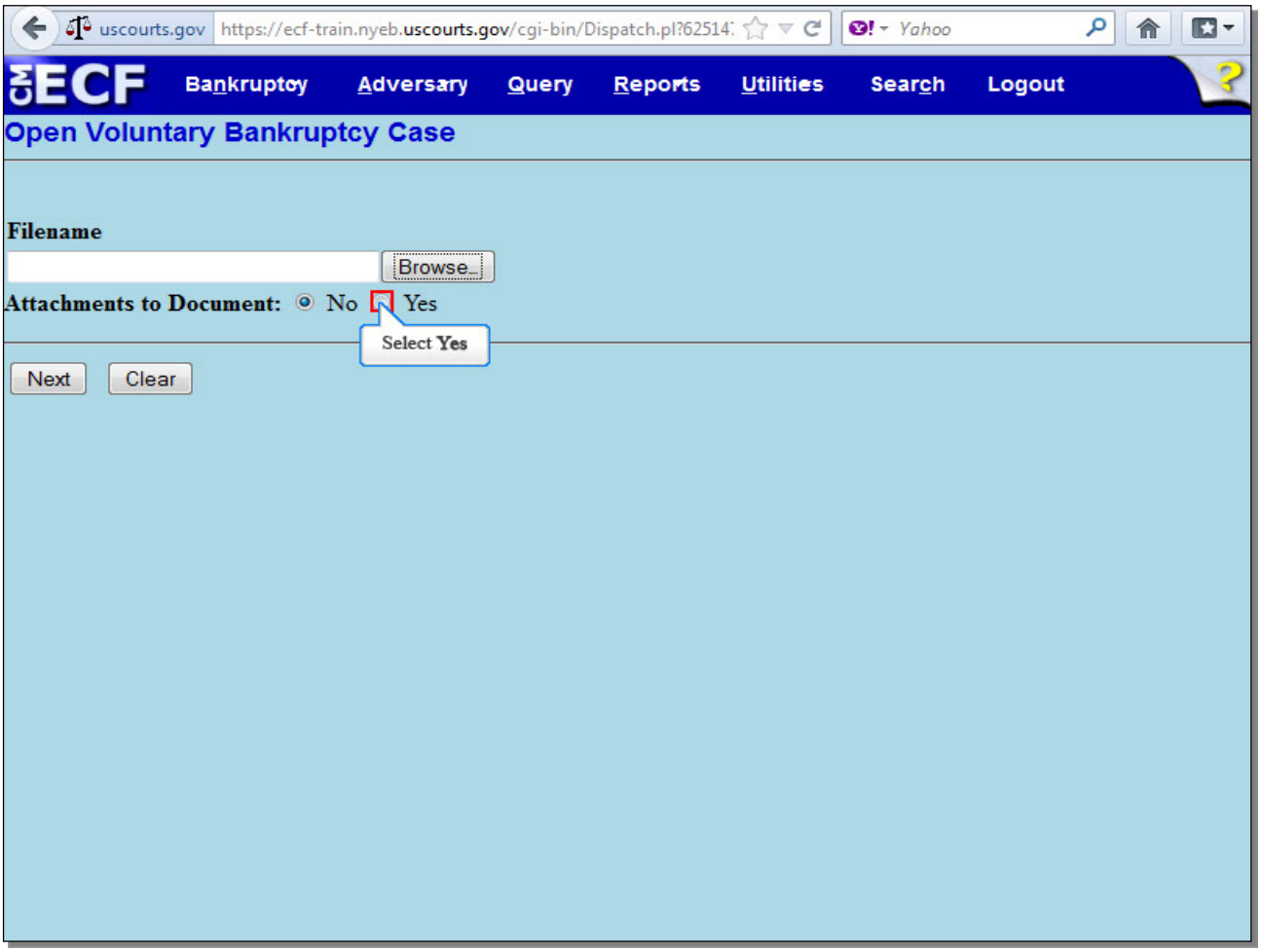
Slide 16 - Statistical and Report Data (SARD) (Cont'd)



More options pertaining to a **Chapter 11 Non-individual** case appear when you select **Corporation (includes LLC & LLP)** as the **Type of debtor**. In this instance, none of these options pertain to our case, so do not check any of the boxes.

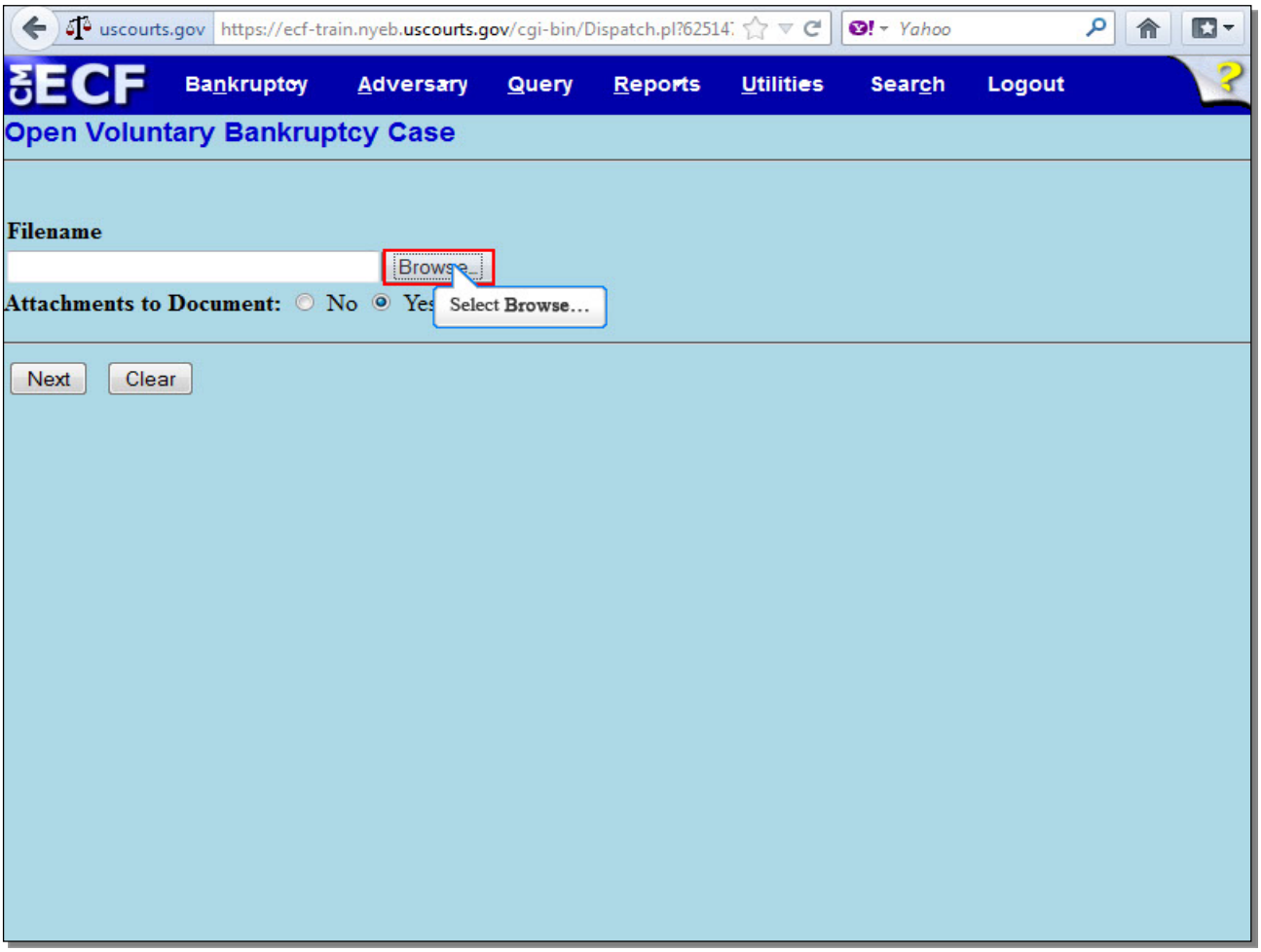
The Statistical and Report Data screen is now complete. Select **Next** to continue

Slide 17 - Upload Petition



On this screen, it is recommended that you select the radio button next to **Yes** prior to selecting **Browse...** if you know you will be uploading attachments to the main document, such as the Statement LR 1073-2(b) or the Disclosure of Compensation of Attorney for Debtor. Since there will be additional attachments in this lesson, select **Yes**.

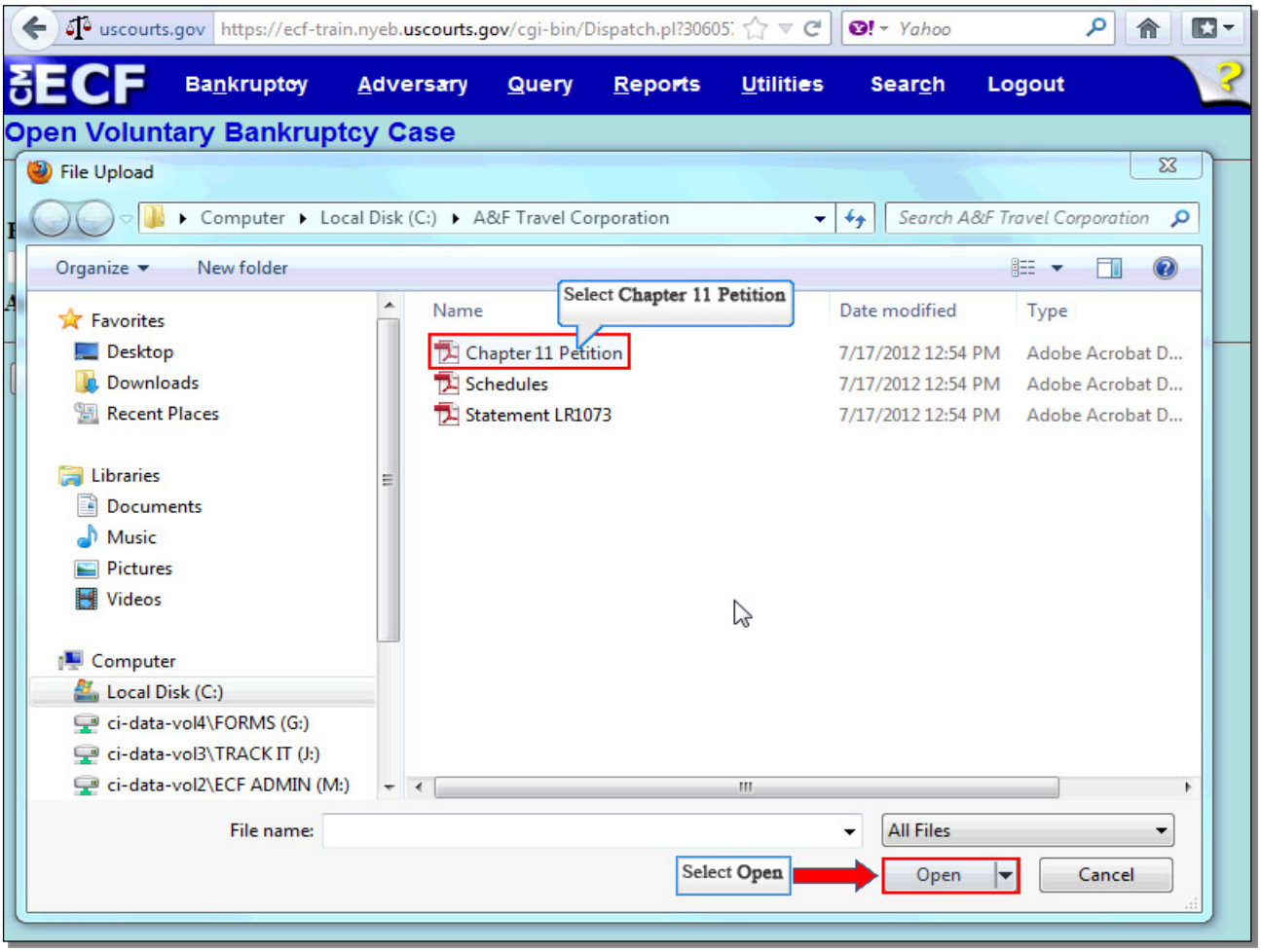
Slide 18 - Upload Petition (Cont'd)



Select **Browse…** to upload the complete petition with schedules, statements and list of creditors in PDF.

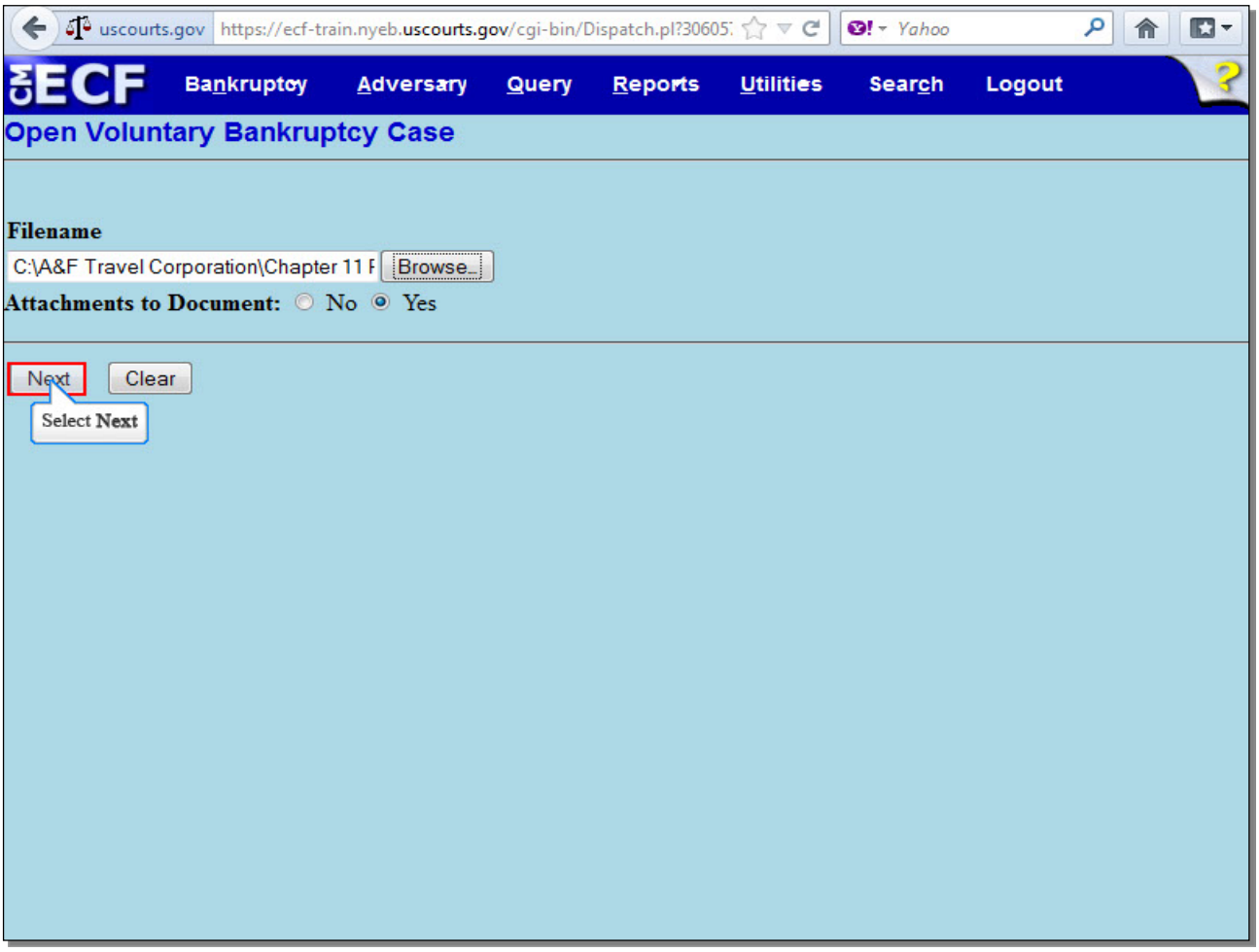
TIP: Unless you are filing a deficient (skeleton or bare bones) Petition, upload all Schedules, Statements and List of Creditors as one file. Do not upload these pages individually.

Slide 19 - Upload Petition (Cont'd)



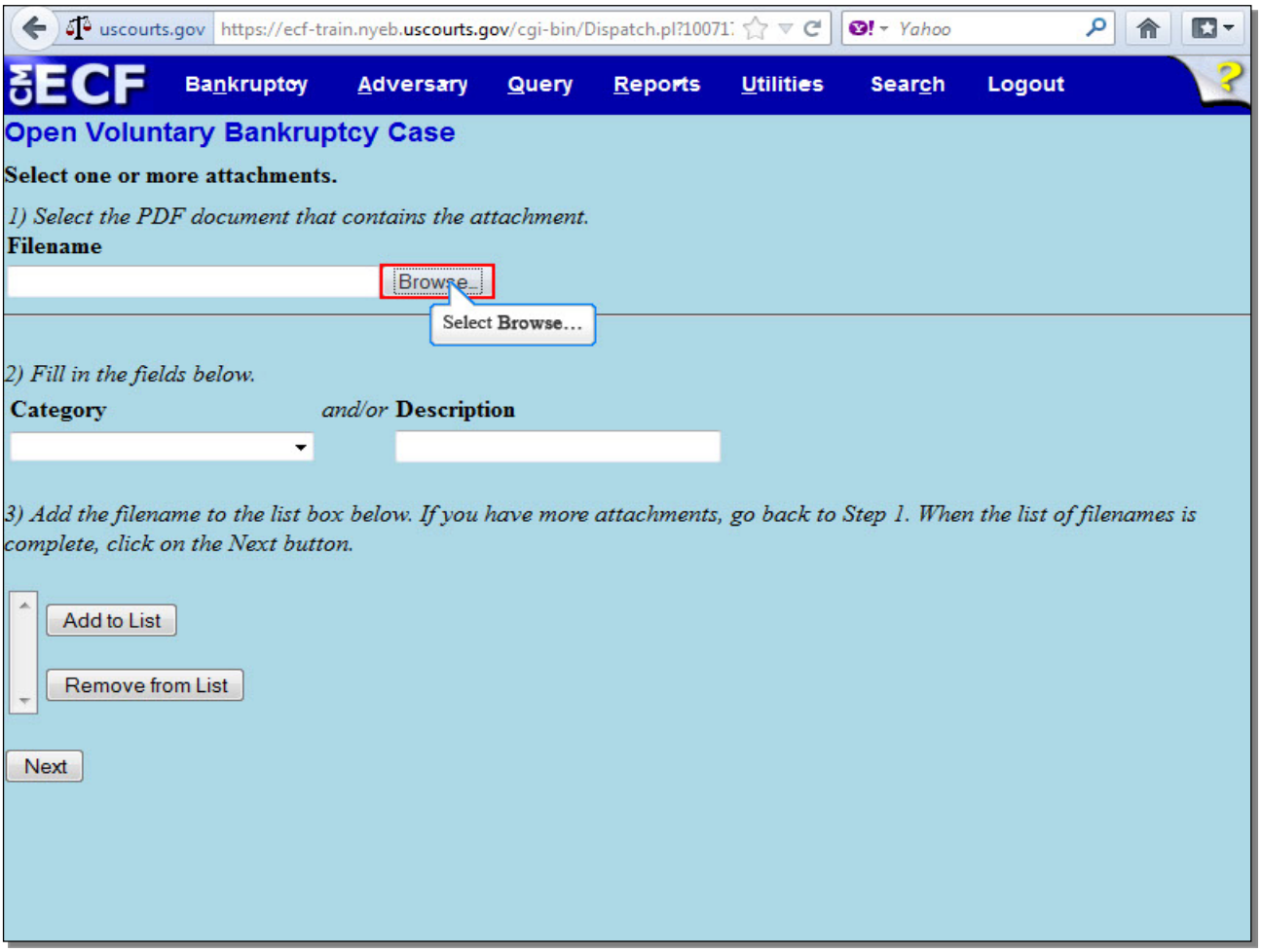
The **File Upload** screen appears. Select the **Chapter 11 Petition**. It is highly recommended that you first right click to open and view any file you are uploading to confirm that it is the correct document. Select **Open** to upload the Chapter 11 Petition.

Slide 20 - Upload Petition (Cont'd)



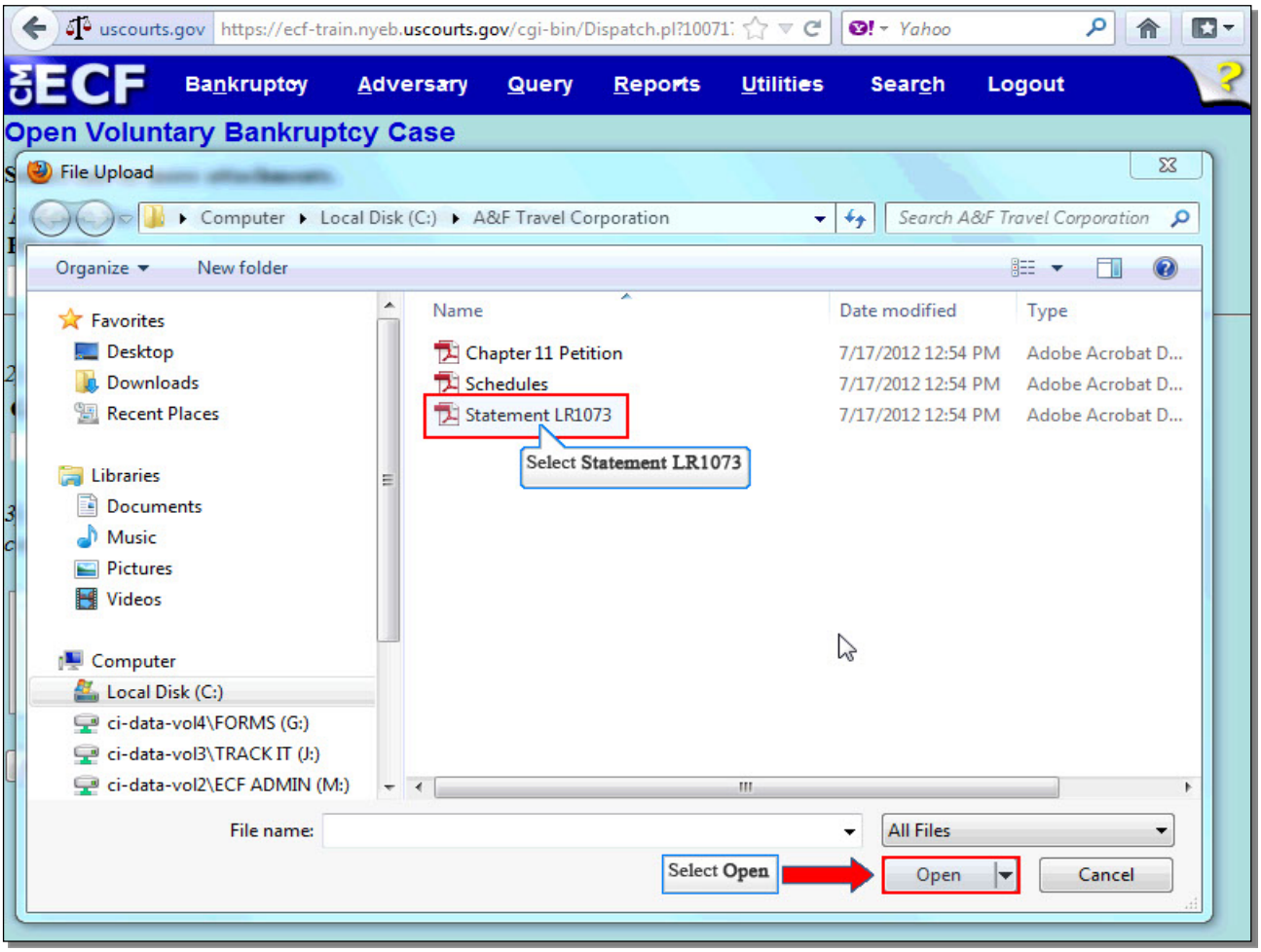
The complete filename displays in the **Filename** field. Since we indicated that we were going to add attachments, select **Next** to continue.

Slide 21 - Additional Attachments



Here, we will attach the Statement Pursuant to Local Rule 1073-2(b). Select **Browse...**

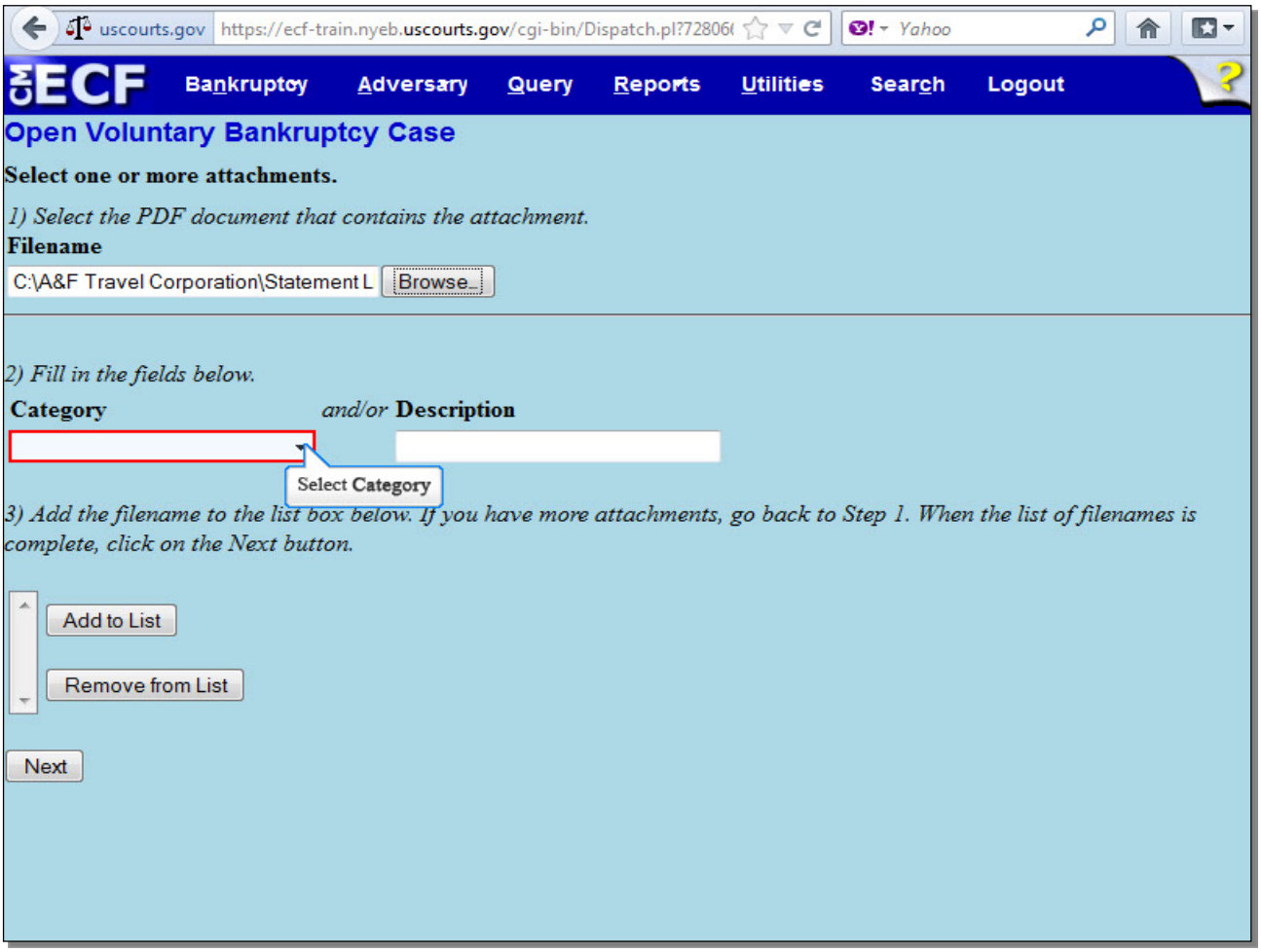
Slide 22 - Additional Attachments (Cont'd)



Select the **Statement LR1073**, and then select **Open** to upload the Statement LR1073.

TIP: It is highly recommended that you first right click to open and view any file you are uploading to confirm that it is the correct document.

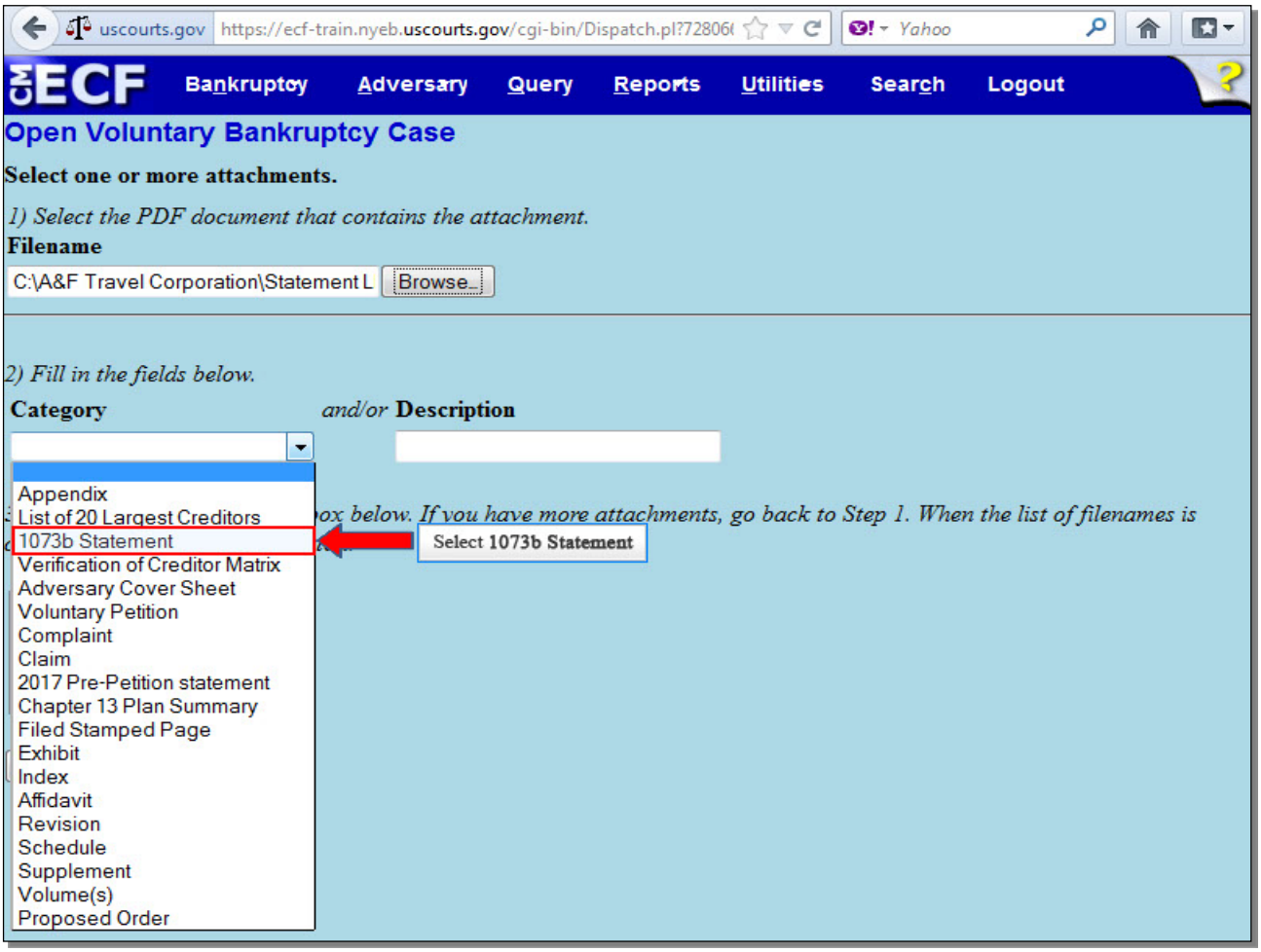
Slide 23 - Additional Attachments (Cont'd)



The complete filename displays in the **Filename** field.

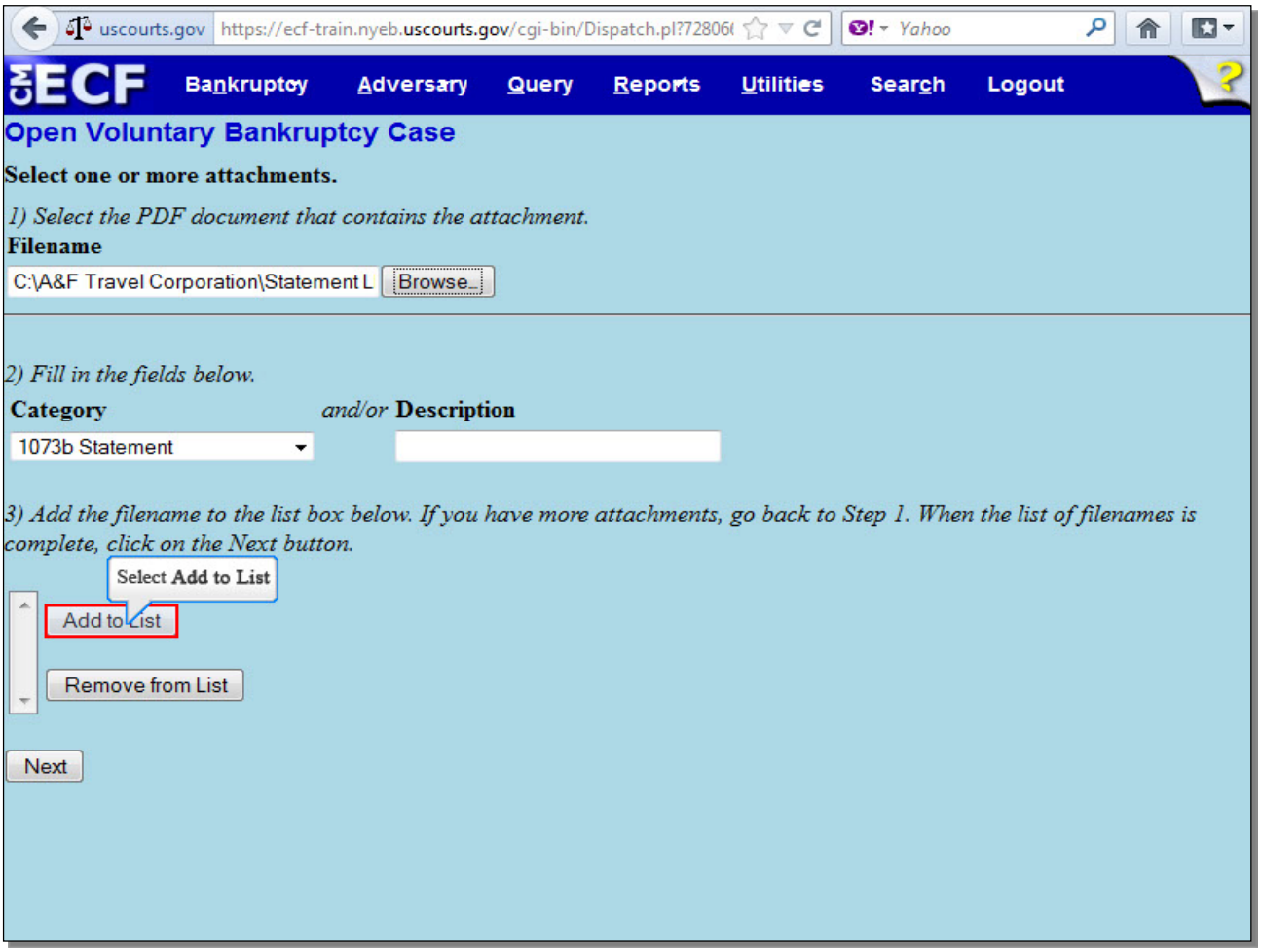
The next step in adding an attachment is to name it. Select the drop down arrow to view a list of categories.

Slide 23 - Additional Attachments (Cont'd)



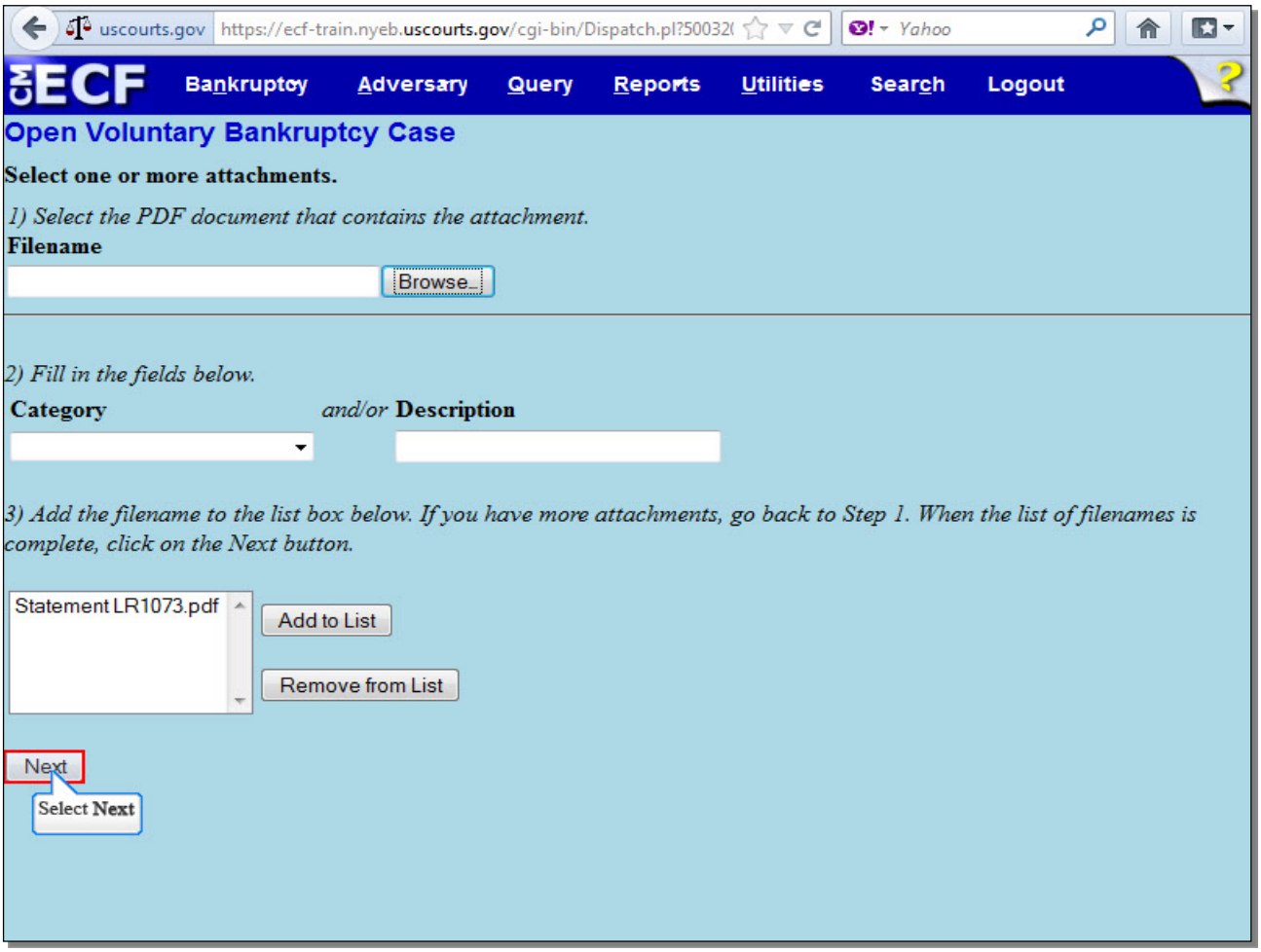
A list of categories appears. **Select 1073b Statement** from the **Category** list. If the category for your attachment is not listed in the **Category** list, you can enter a brief description in the **Description** field, or you may use this **Description** field to further describe a chosen **Category**, such as an **Exhibit**.

Slide 23 - Additional Attachments (Cont'd)



Select **Add to List** to add the attachment to the **Add to List** box.

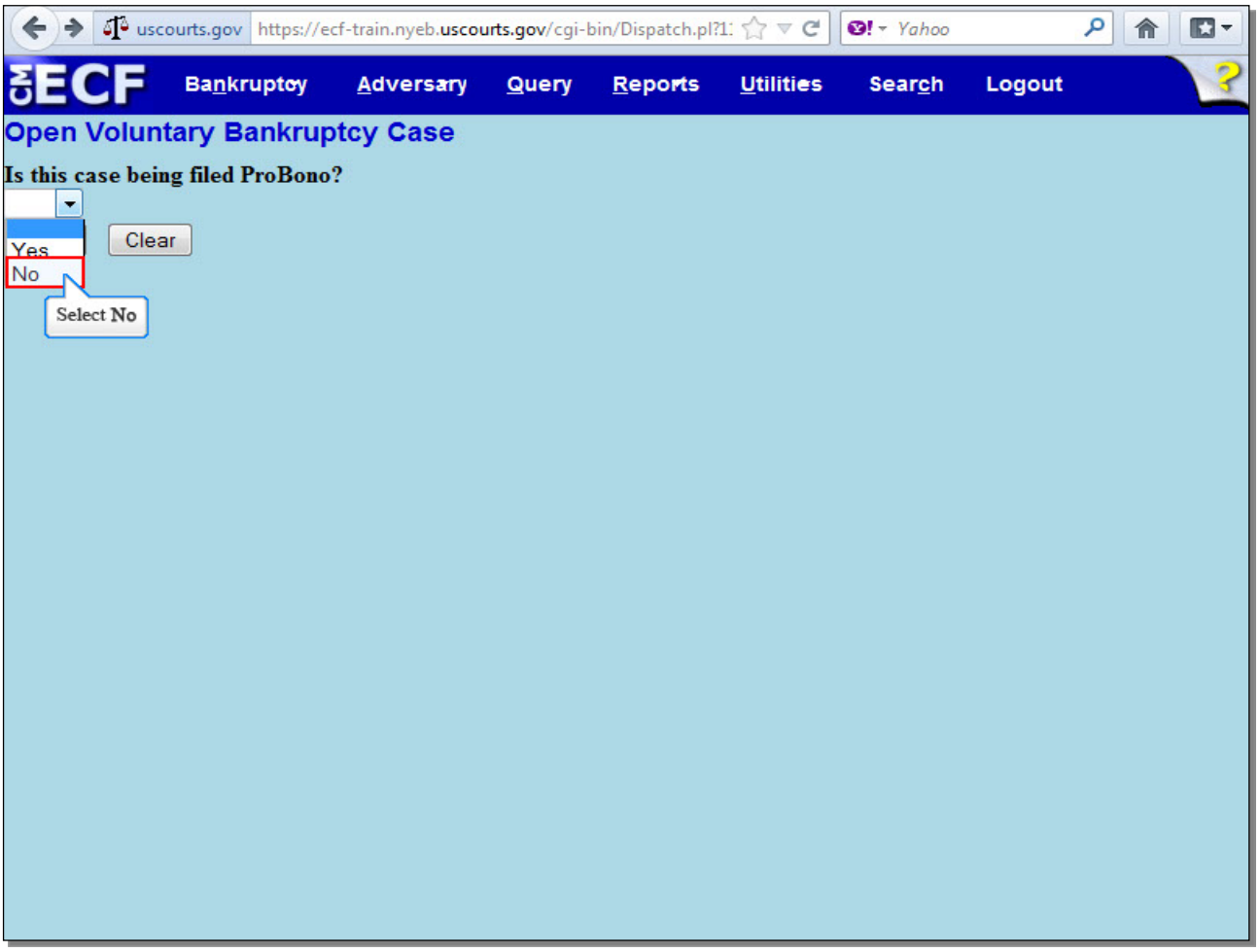
Slide 23 - Additional Attachments (Cont'd)



If you have more attachments, select **Browse...** and repeat the process of adding additional attachments (Slides 15-17) until all attachments are listed and properly identified. In this lesson, we have no more additional attachments. Select **Next** to continue.

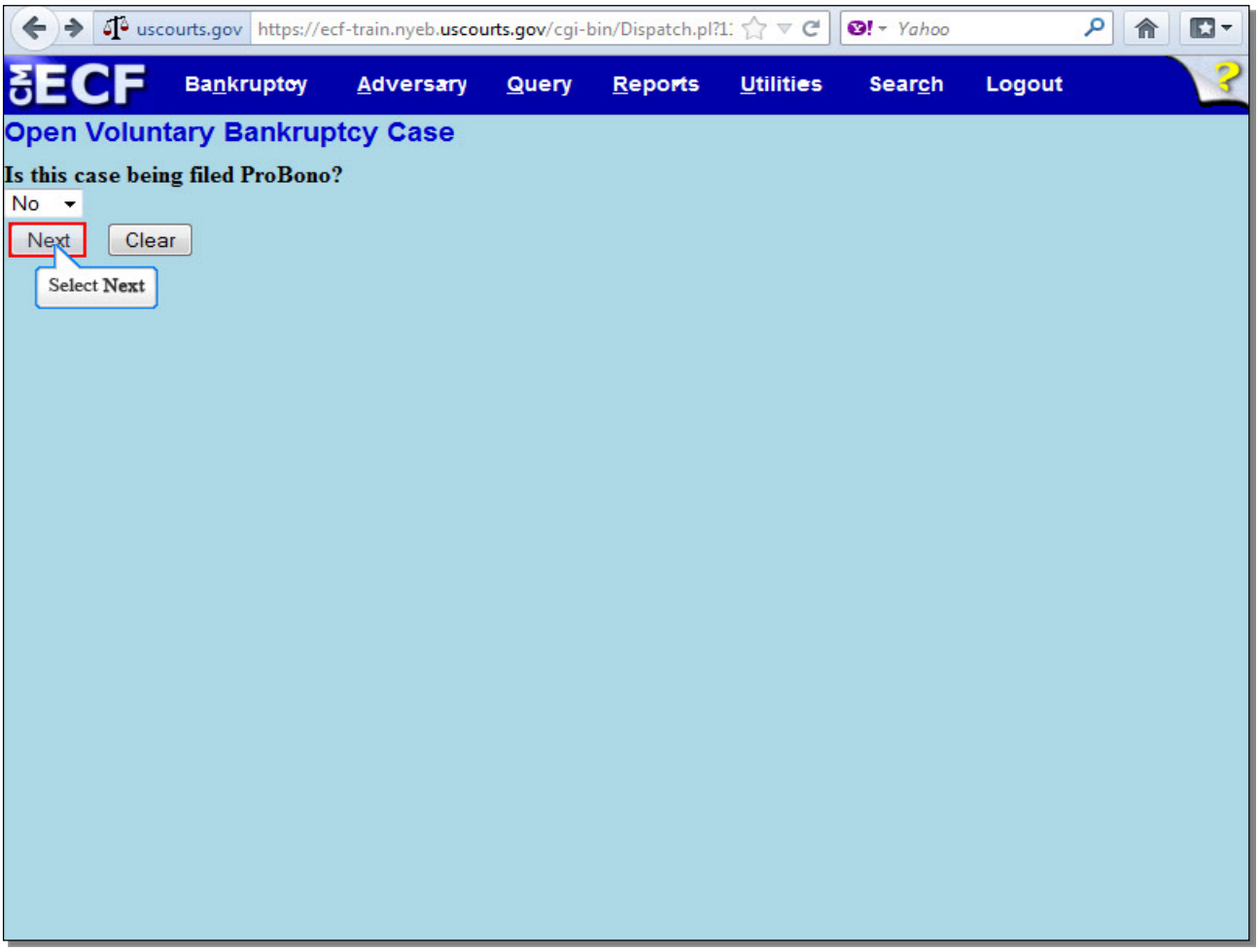
TIP: Local Rule forms can be docketed separately as a single docket entry.

Slide 24 - ProBono?



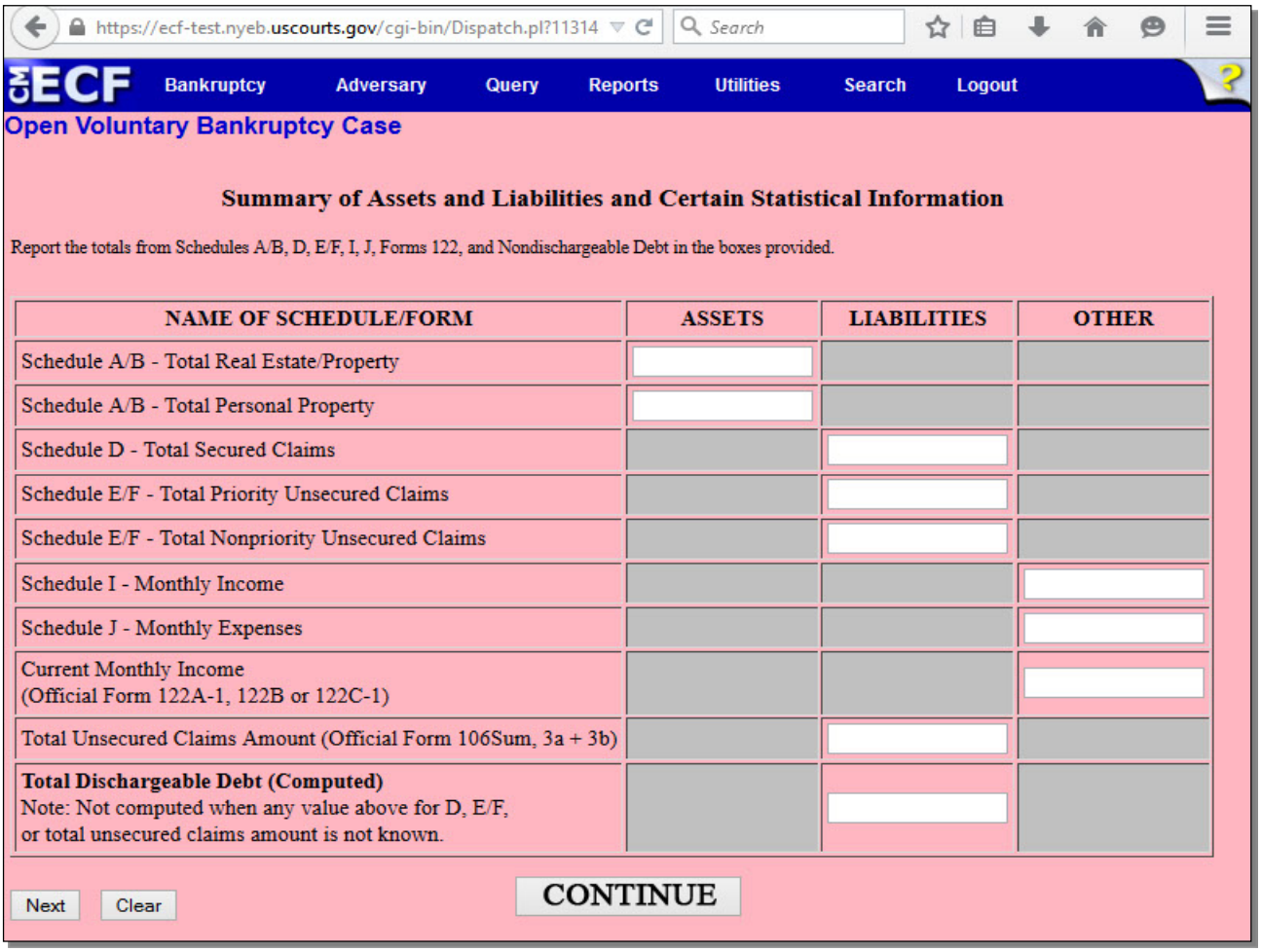
Is this case being filed ProBono? In this example, it is not, so select **No**.

Slide 24 - ProBono? (Cont'd)



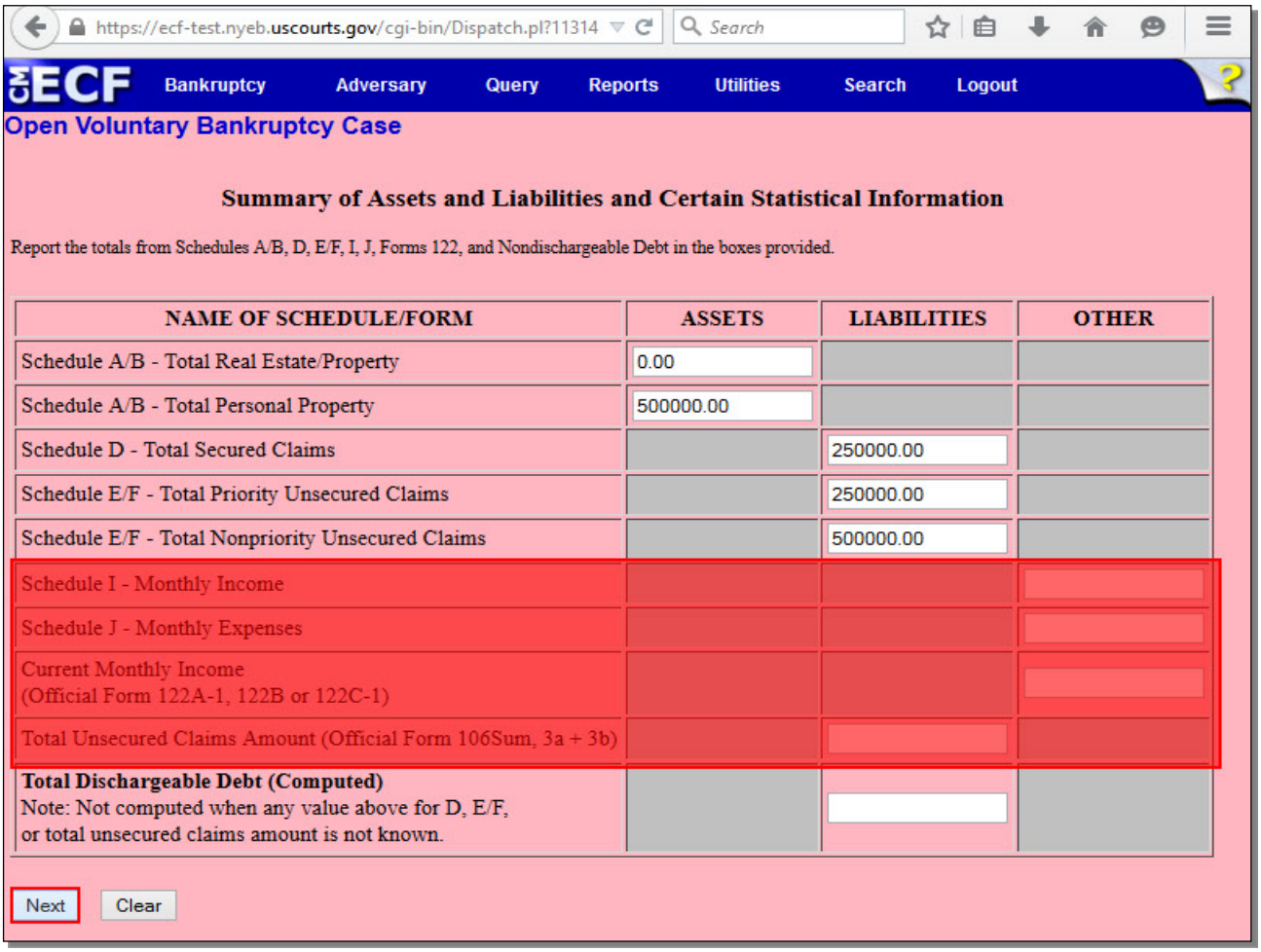
Select **Next** to continue.

Slide 25 - Summary of Assets and Liabilities and Certain Statistical Information



The **Summary of Assets and Liabilities and Certain Statistical Information** page appears and must be completed. Select **Continue**.

Slide 26 - Summary of Assets and Liabilities and Certain Statistical Information (Cont'd)



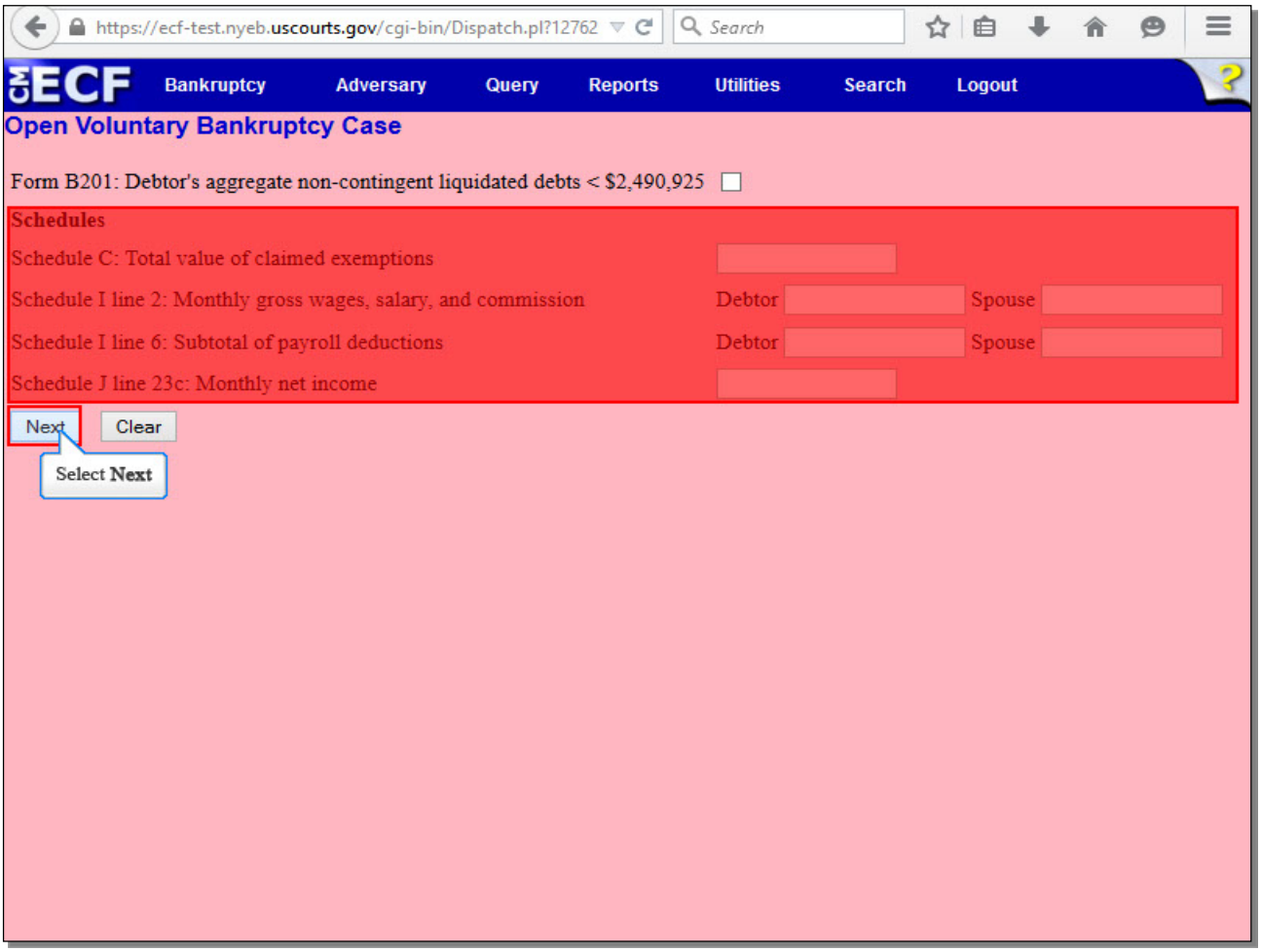
In a Chapter 11 Business Case, filers are required to input totals from Schedules **A/B**, **D**, and **E/F**.

Totals from Schedules **I** and **J**, **Current Monthly Income** from Form 122A-1, 122B or 122C-1, and the **Total Unsecured Claims Amount** are only required for **Individual Type of debtor**.

Do not leave a field blank unless the Schedule is not included in the initial filing. We have entered the information required in these fields.

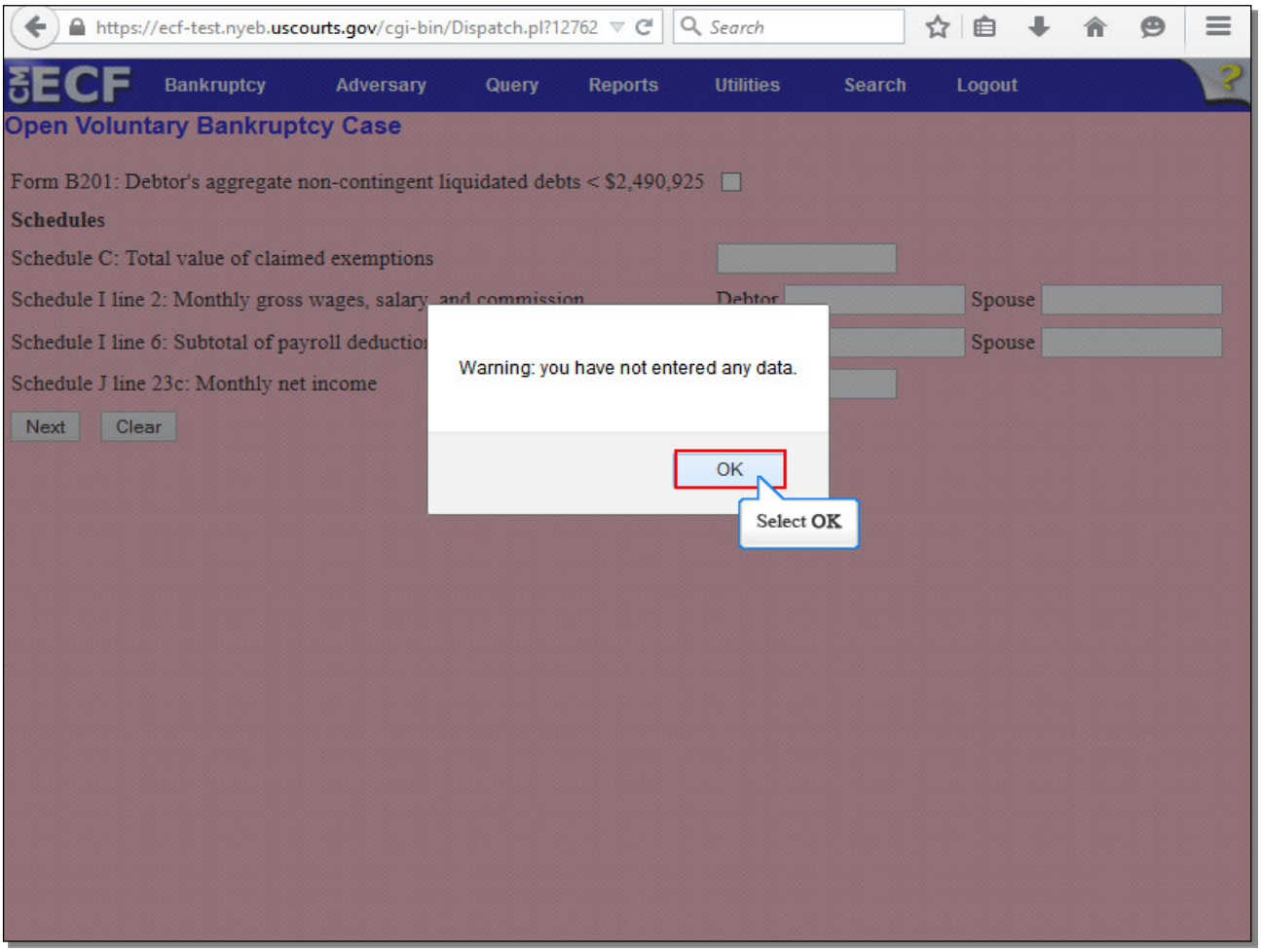
Select **Next** to continue.

Slide 27 - U.S. Trustee Information



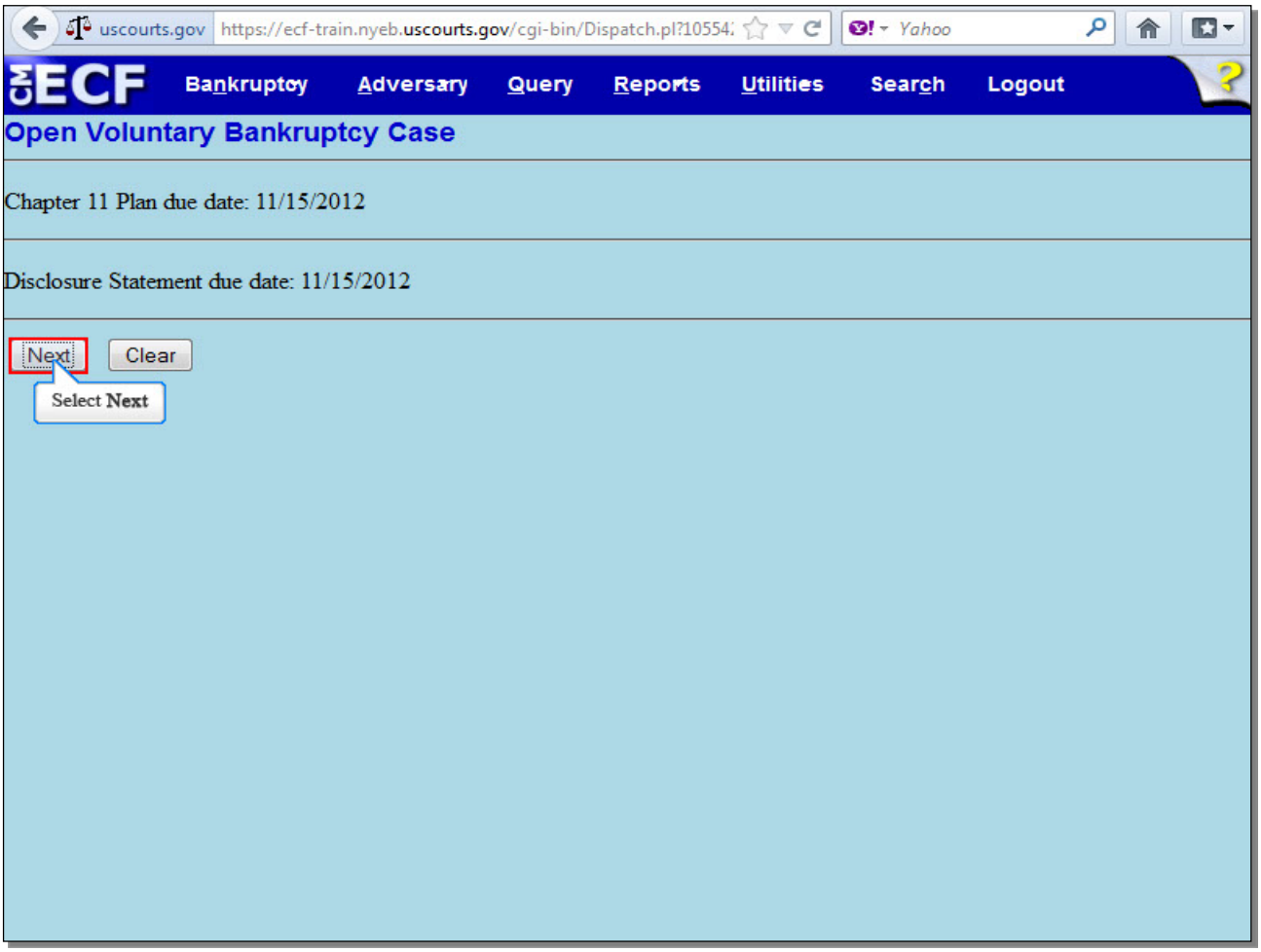
This screen is used to collect data used by the Office of the United States Trustee. If the Debtor's aggregate non-contingent liquidated debts are less than $2,490,925.00, place a check in the box. Leave the boxes on this screen blank, as information from Schedules C, I, and J are only required for **Individual Type of debtor**. Select **Next** to continue.

Slide 28 - U.S. Trustee Information (Cont'd)



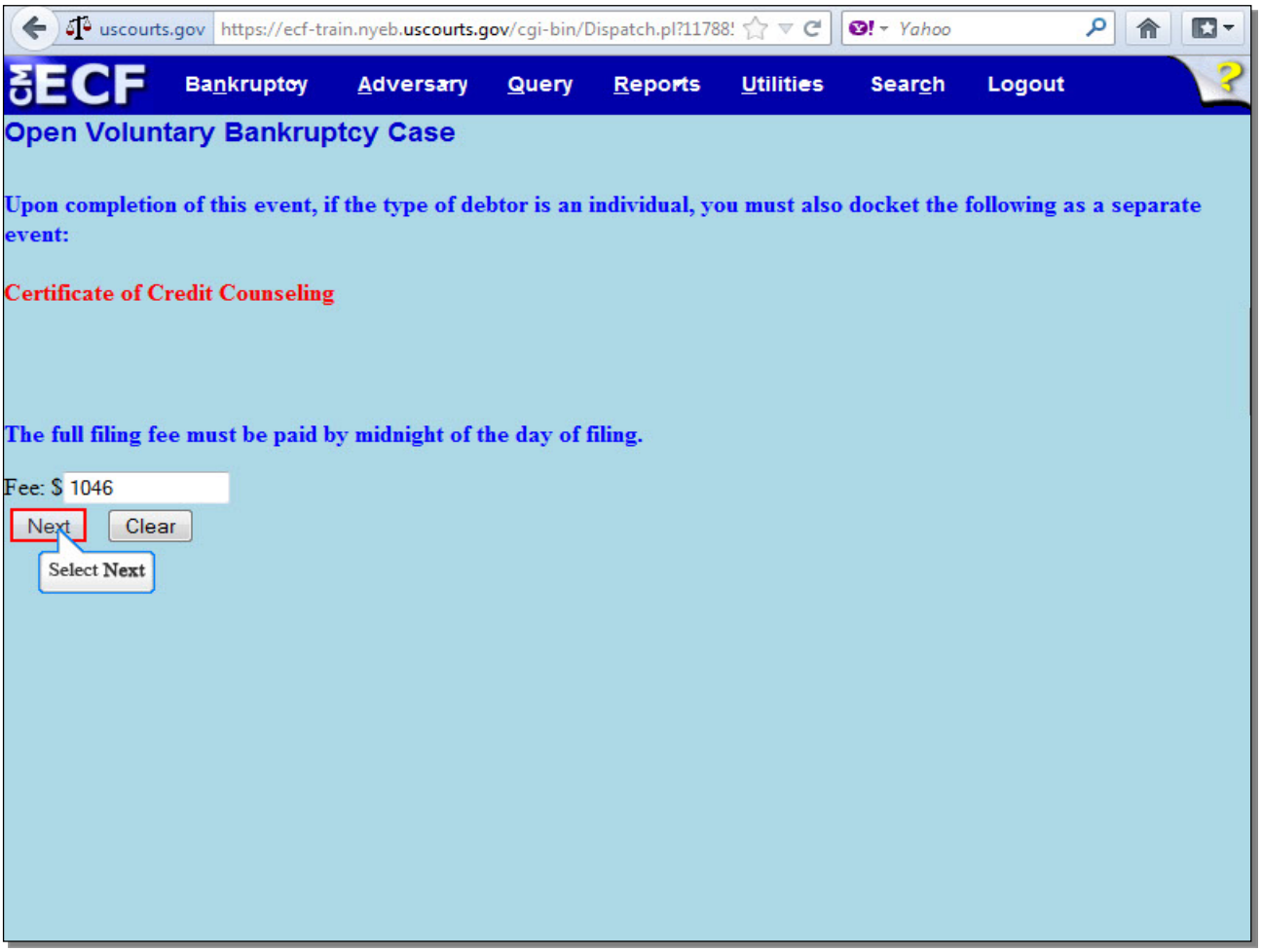
Select **OK** to continue.

Slide 29 - Plan / Disclosure Statement Due Dates



This screen automatically generates due dates for the debtor's exclusivity period to file the **Chapter 11 Plan** and **Disclosure Statement.** The dates are hard coded and cannot be changed. Select **Next** to continue.

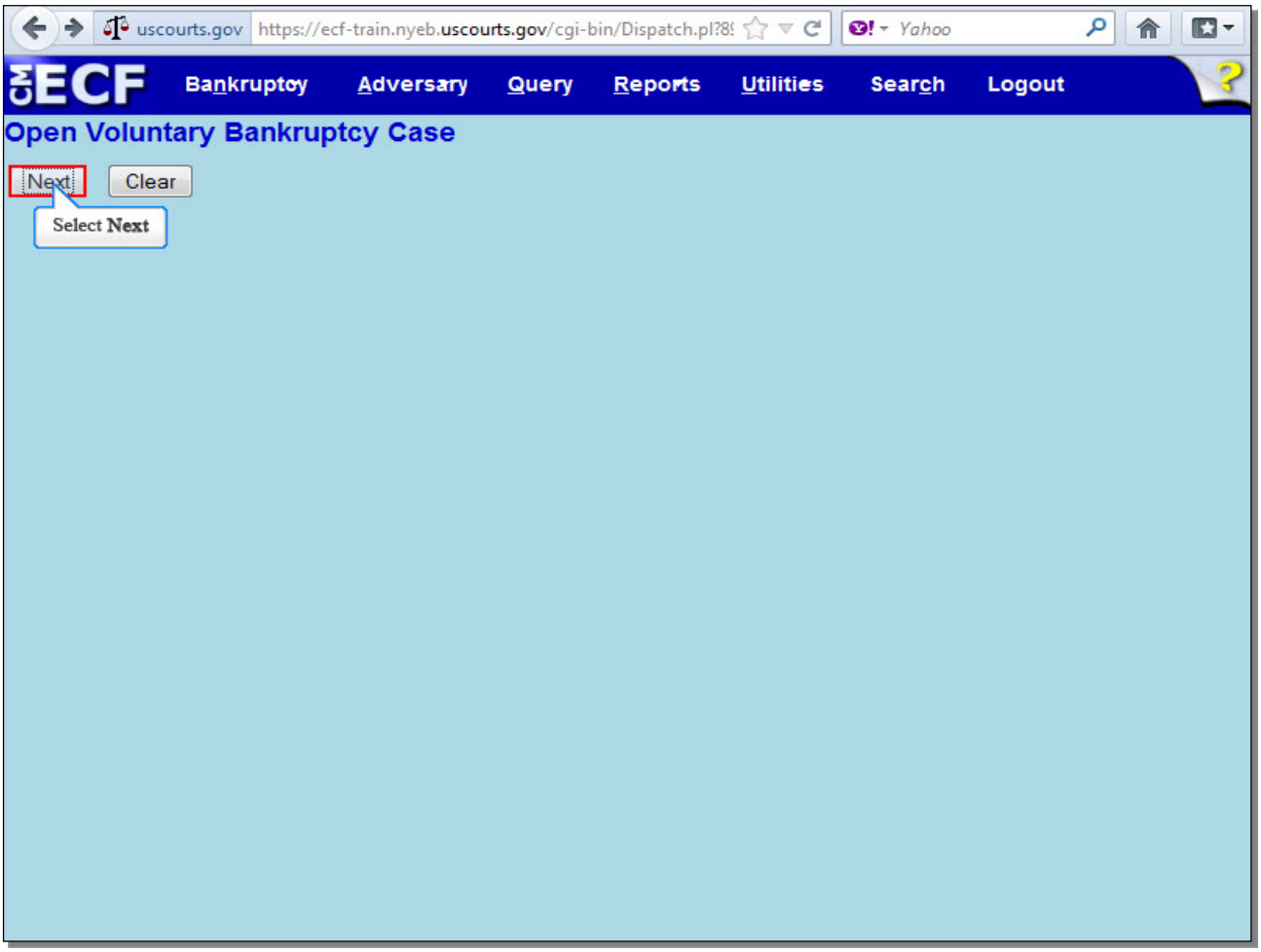
Slide 30 - Filing Fee



Ignore the message concerning the Certificate of Credit Counseling, as it only applies to **Individual Type of debtor**. The fee displayed is for a Chapter 11 filing and should not be changed. Please be aware that the full filing fee must be paid by midnight of the day of filing. Select **Next** to continue.

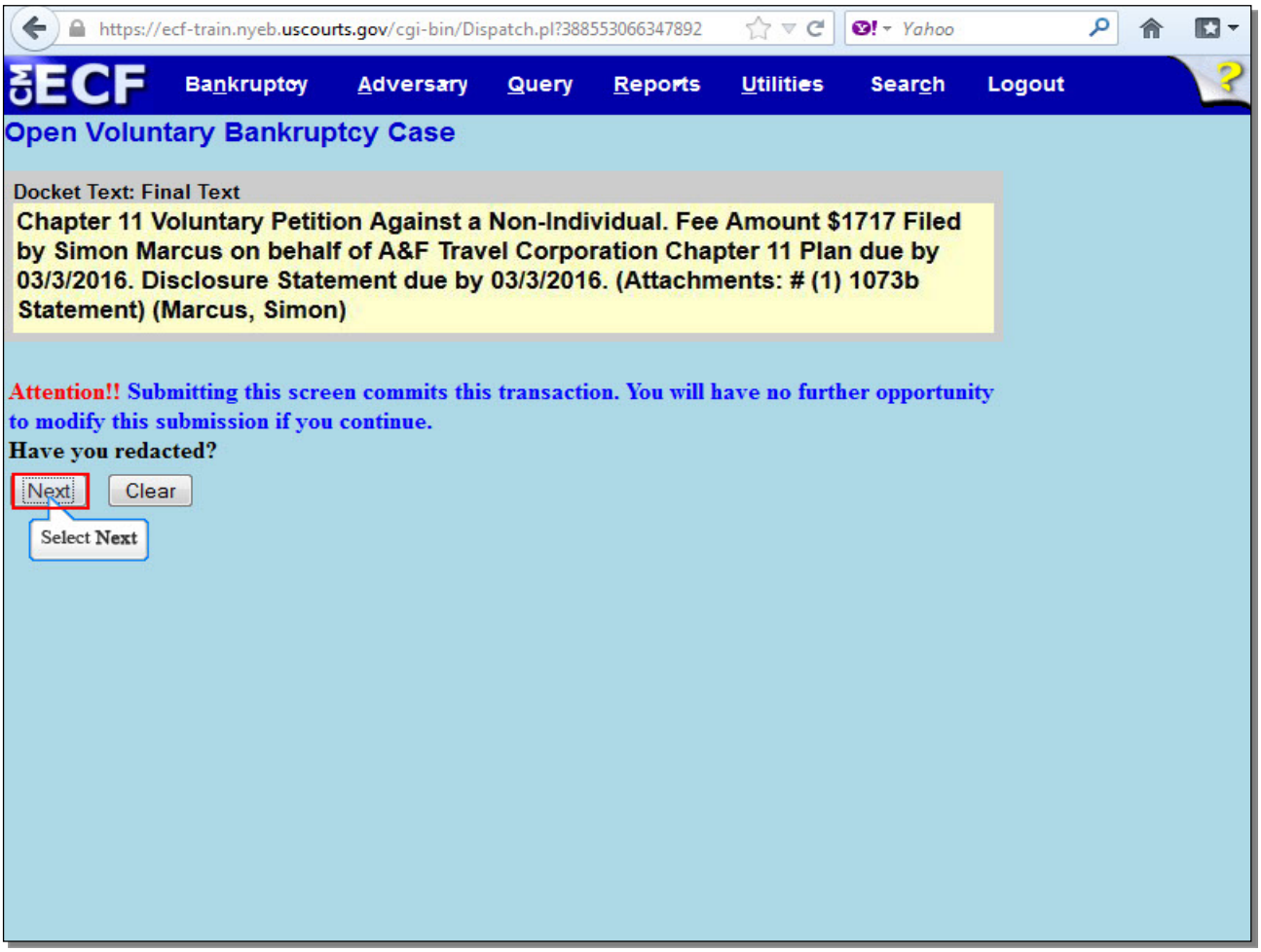
TIP: The current fee for a Chapter 11 case is $1,717.00 and may be subject to changes by the Judicial Conference in the future (subsequent changes in fees may not be reflected in this presentation. See Fee Schedule).

Slide 31 – Filing Fee (Cont'd)



Select **Next** to continue.

Slide 32 - Final Docket Text

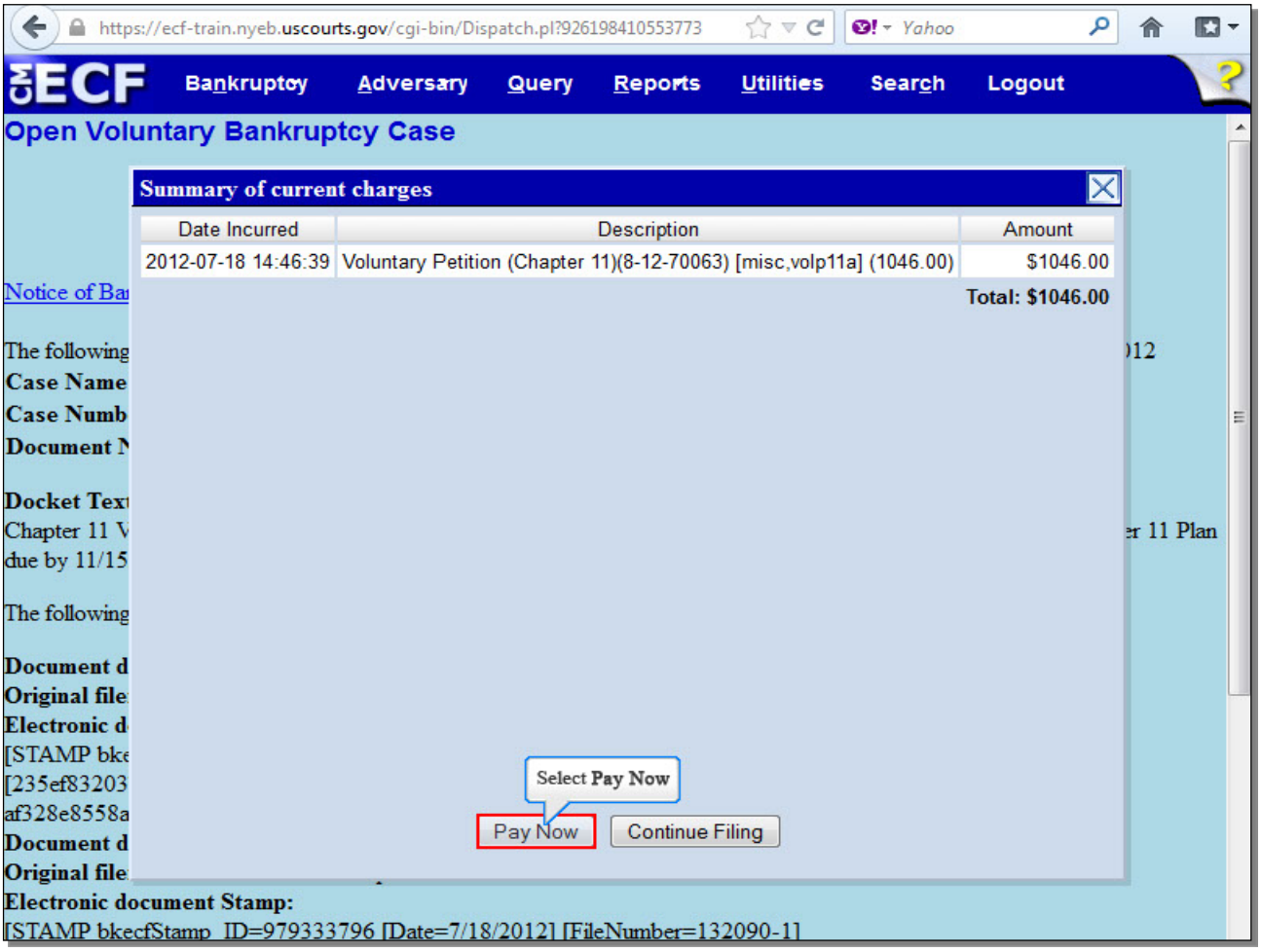


Review the Final **Docket Text** before submitting. By selecting **Next**, the filer commits the transaction and will have no further opportunity to modify the submission.

Have you redacted? This question refers to the filer's uploaded documents and not the data entries. This is a final reminder to comply with the Redaction Requirements (Fed. R. Bankr. P. 9037). The Electronic Case Filing system does not redact the content of any document uploaded by the filer.

Select **Next** to continue.

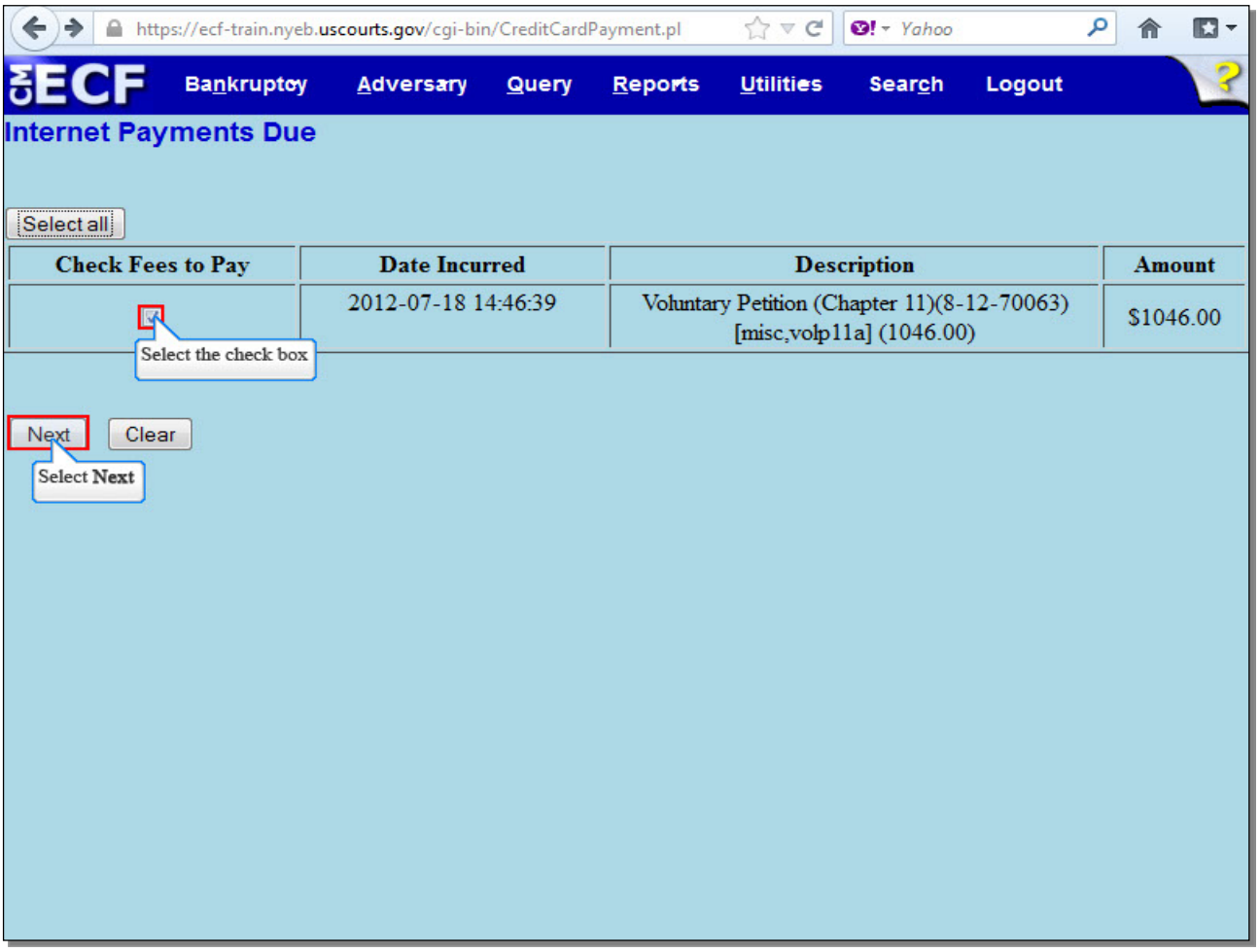
Slide 33 - Summary of Current Charges



The **Summary of current charges** appears with the **Notice of Electronic Filing** in the background. If the **Summary of current charges** did not appear, go to the ECF menu bar and select **Utilities**, then select **Internet Payment Due** to make a payment. If you have more filings that require a fee, it is recommended that you select **Continue Filing**. For this lesson, select **Pay Now**.

TIP: If you select **Continue Filing**, the **Notice of Electronic Filing** will appear once you have filed the Petition and selected **Continue Filing**. If you select **Pay Now**, you will not be able to see the **Notice of Electronic Filing** on ECF, but will still receive it via e-mail.

Slide 34 - Internet Payments Due

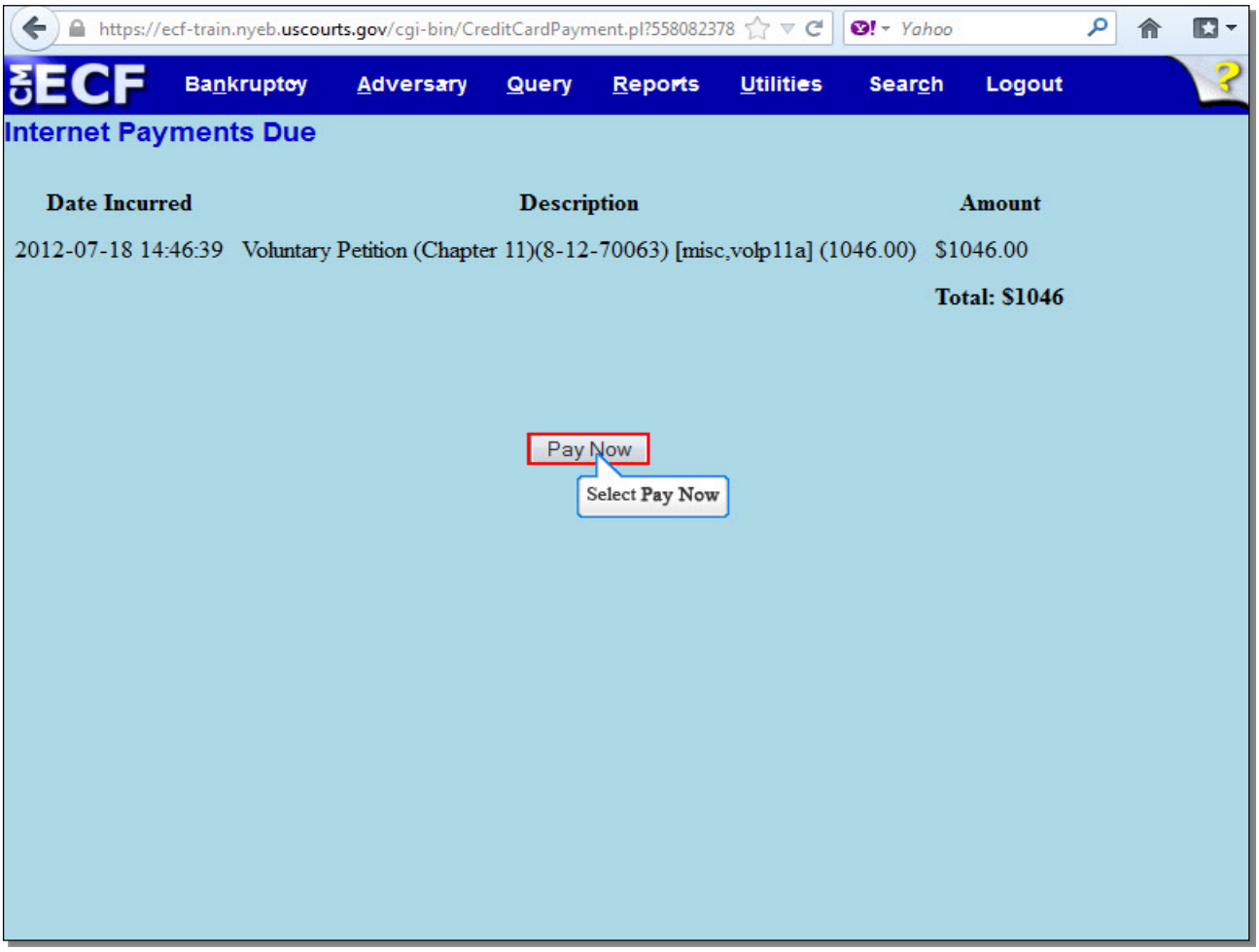


On the **Internet Payments Due** screen, the outstanding fee is displayed, along with a check box for the fee.

You can **Select all** to pay the fee, or place a check in the box next to the desired fee. For this lesson, we will place a check in the box to pay the fee incurred.

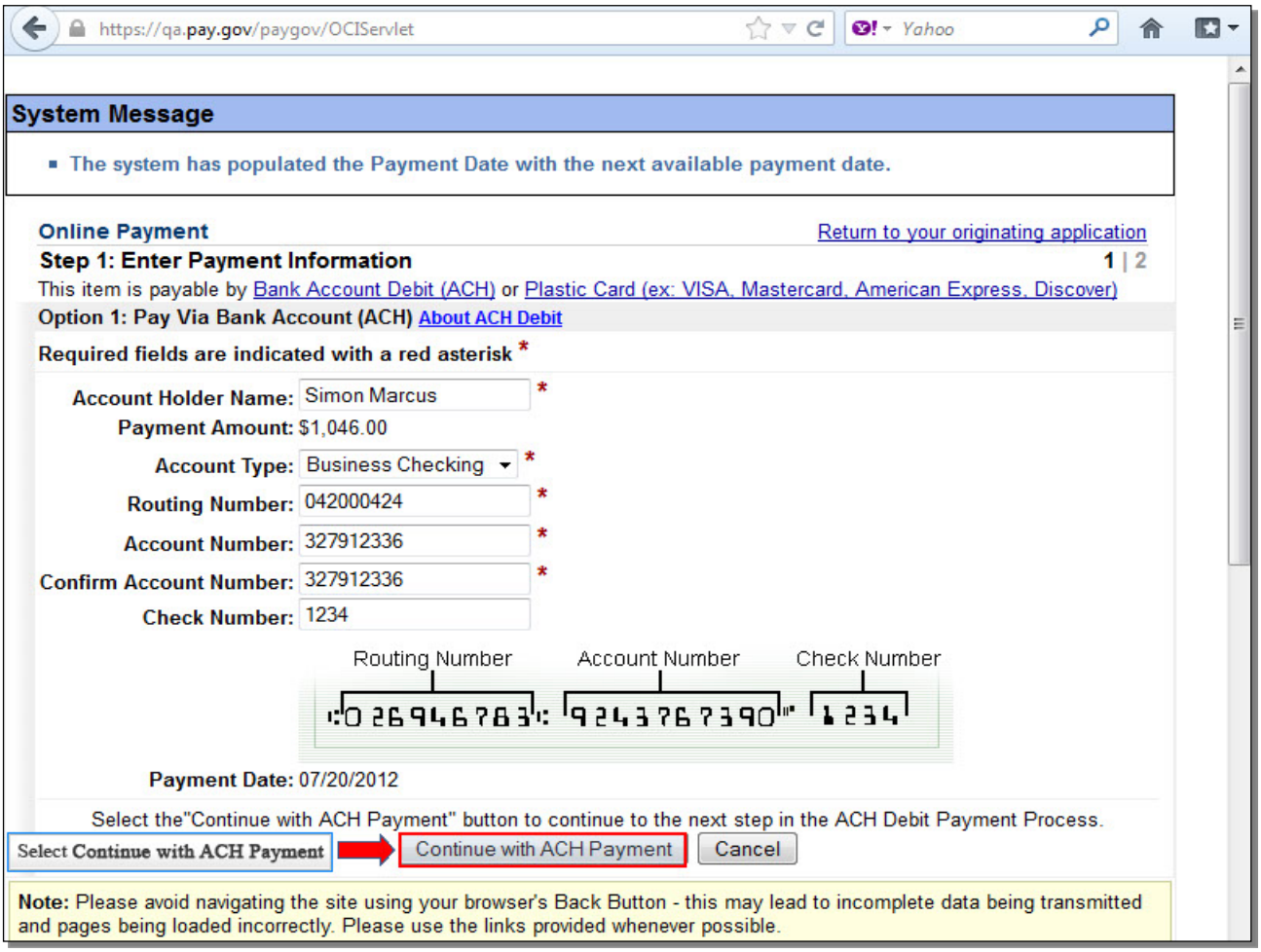
Select **Next** to continue.

Slide 35 – Pay Now



Select **Pay Now** to open a panel that allows payment.

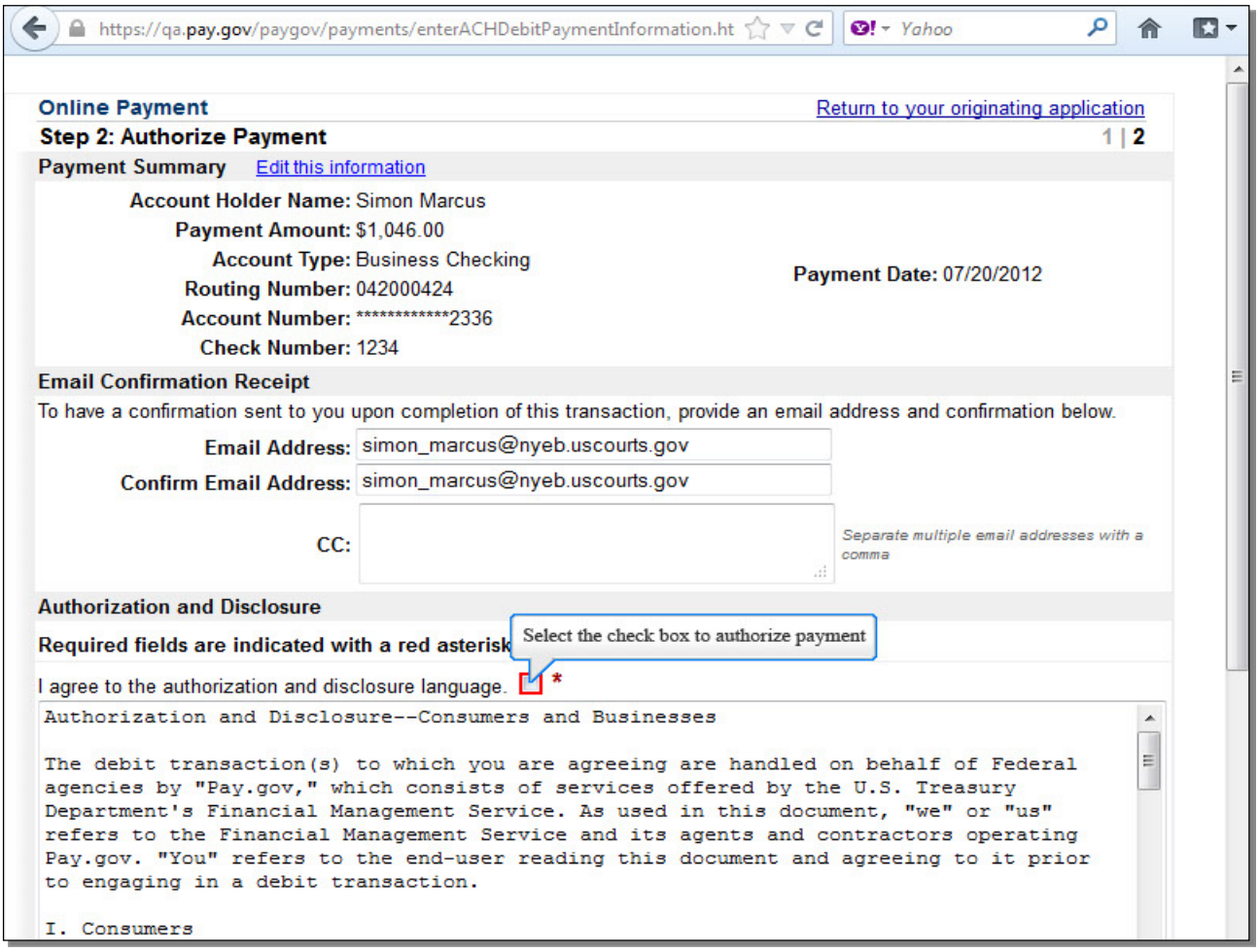
Slide 36 - Debit Option



Filers paying filing fees over the Internet have the option of paying fees either by credit card or by Bank Account Debit. The first option presented is having fees debited directly from your bank account through an Automated Clearing House debit.

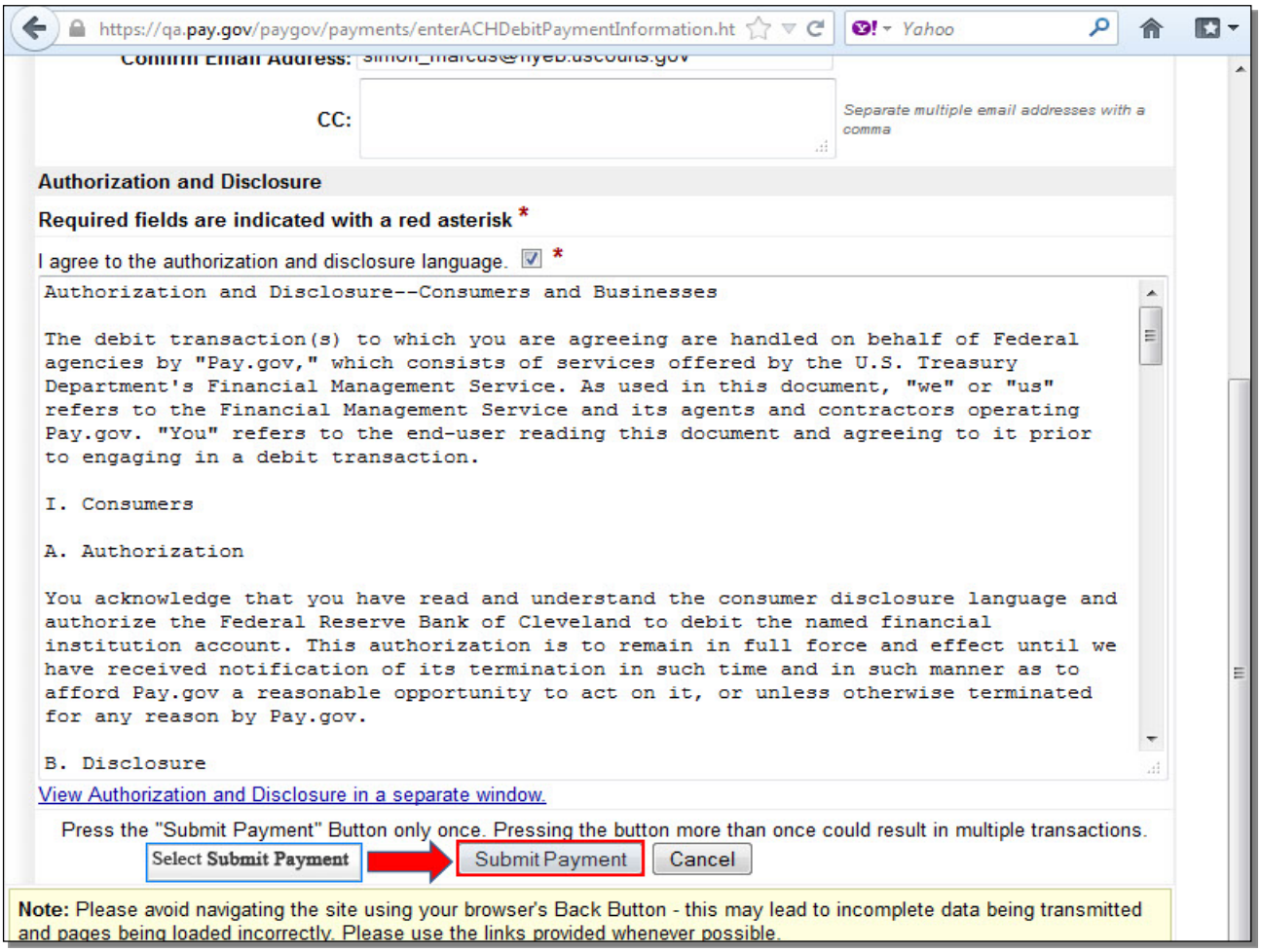
If you were paying by the bank account debit option, you would enter the required information and select **Continue with ACH Payment**.

Slide 37 - Debit Option (Cont'd)



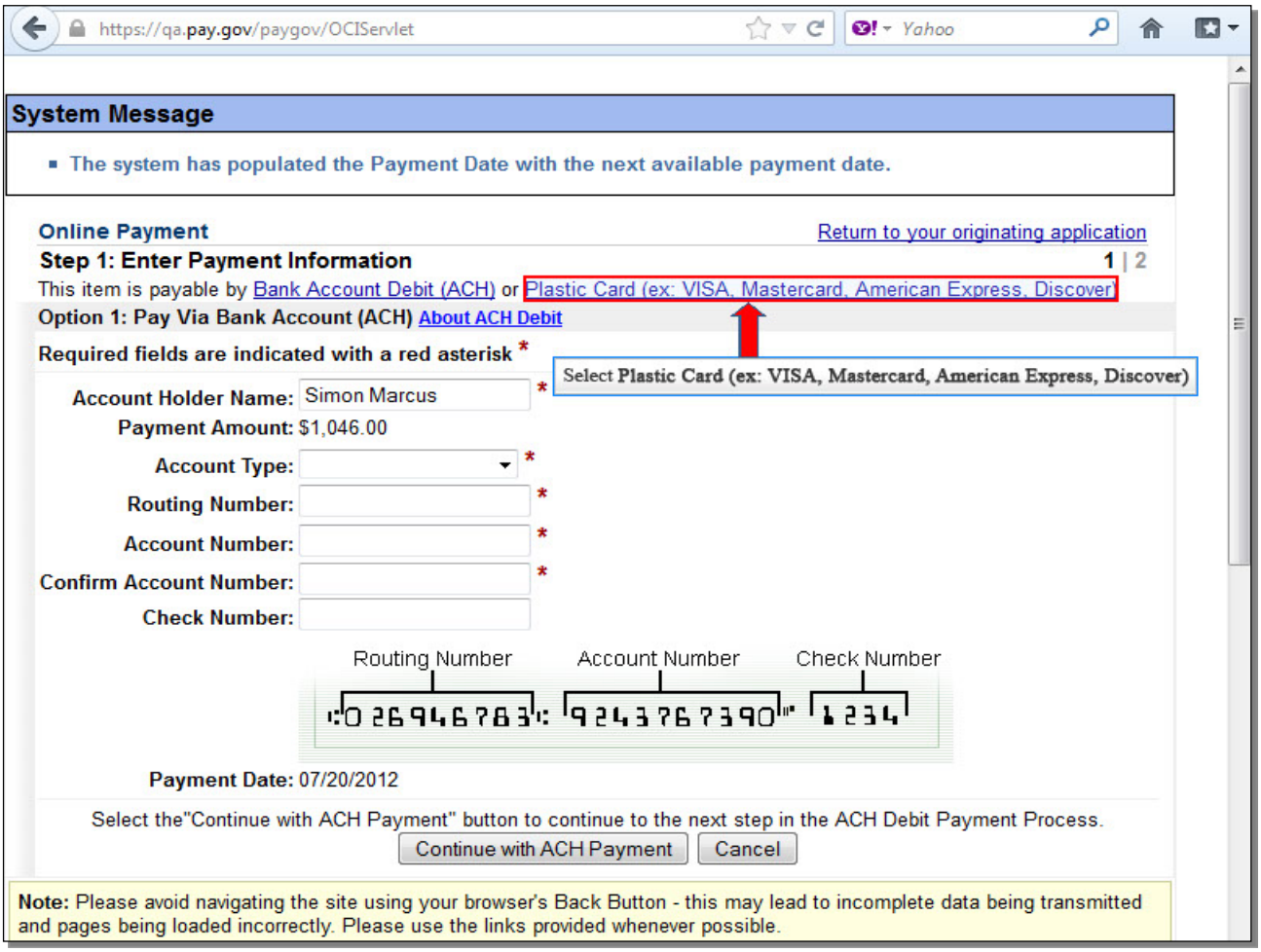
Review the payment summary for accuracy. Select **Edit this information** to make corrections. If you wish to cancel the transaction, select **Return to your originating application**. To receive confirmation upon completion of this transaction, you will have to provide an e-mail address. Read through the **Authorization and Disclosure** information and place a check in the box to authorize payment.

Slide 38 - Debit Option (Cont'd)



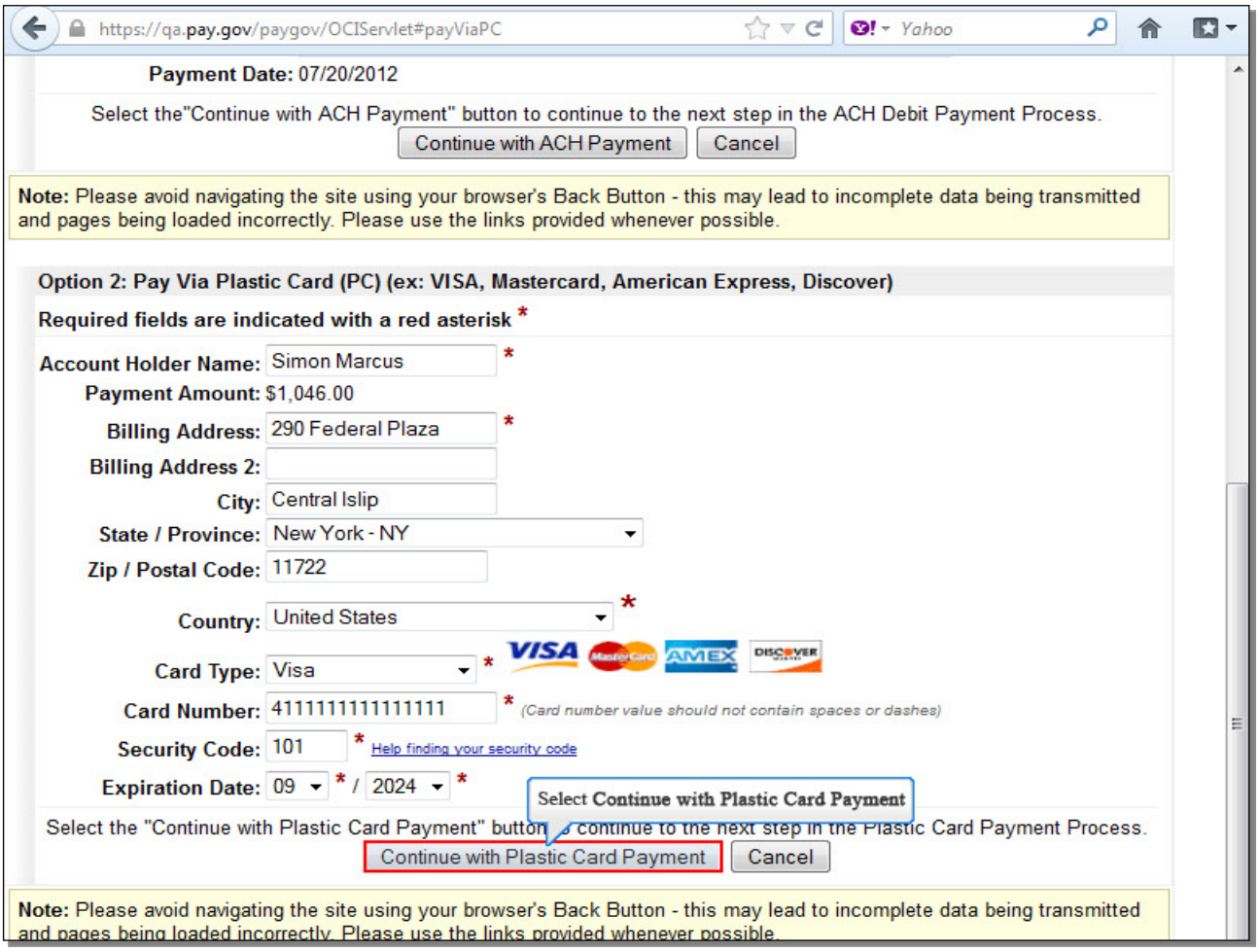
Select **Submit Payment** to submit your ACH Debit transaction.

Slide 39 - Credit Option



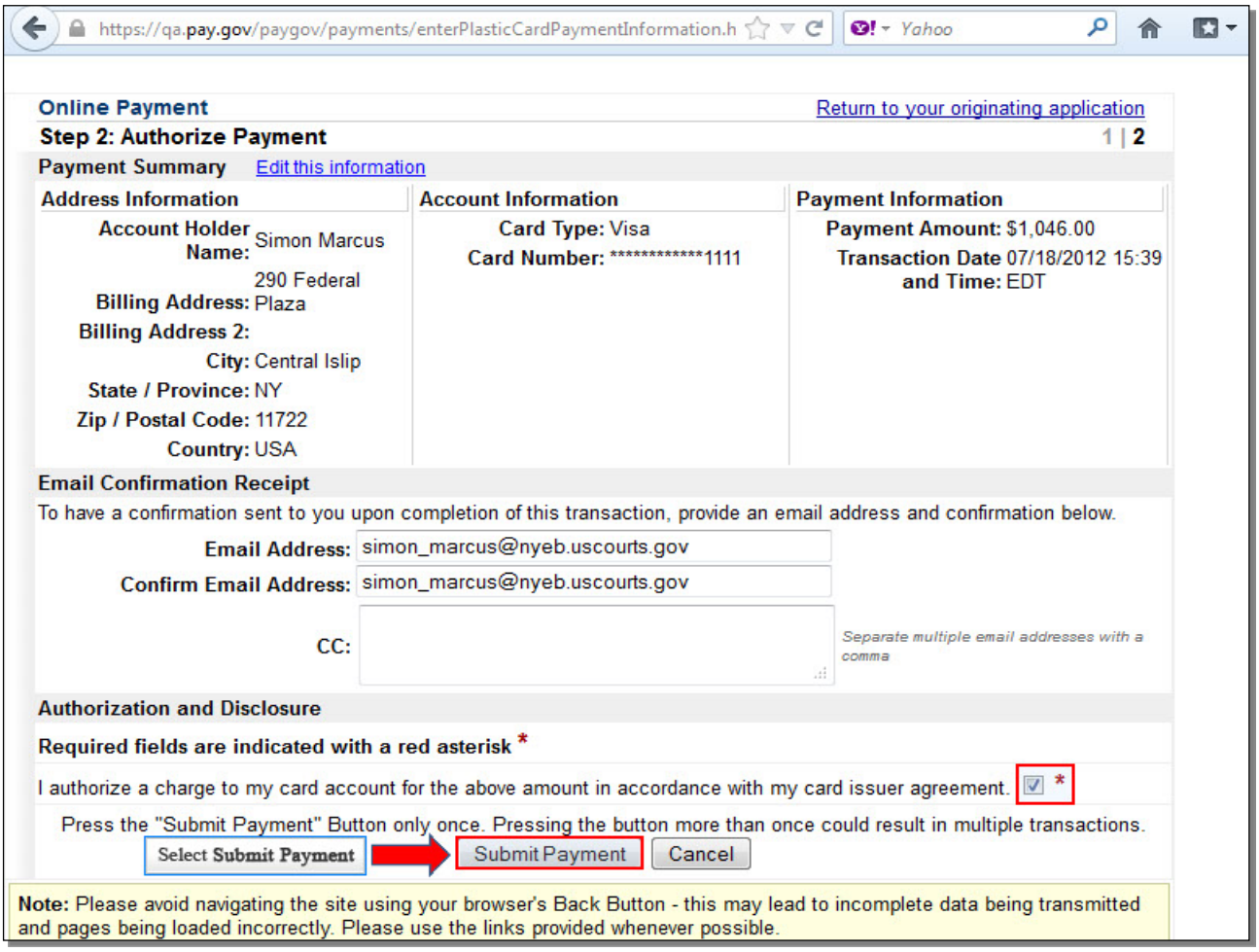
If you were instead paying by the credit card option, you would NOT enter the debit information on the first fee payment screen. Instead, you would select the **Plastic Card** option.

Slide 40 - Credit Option (Cont'd)



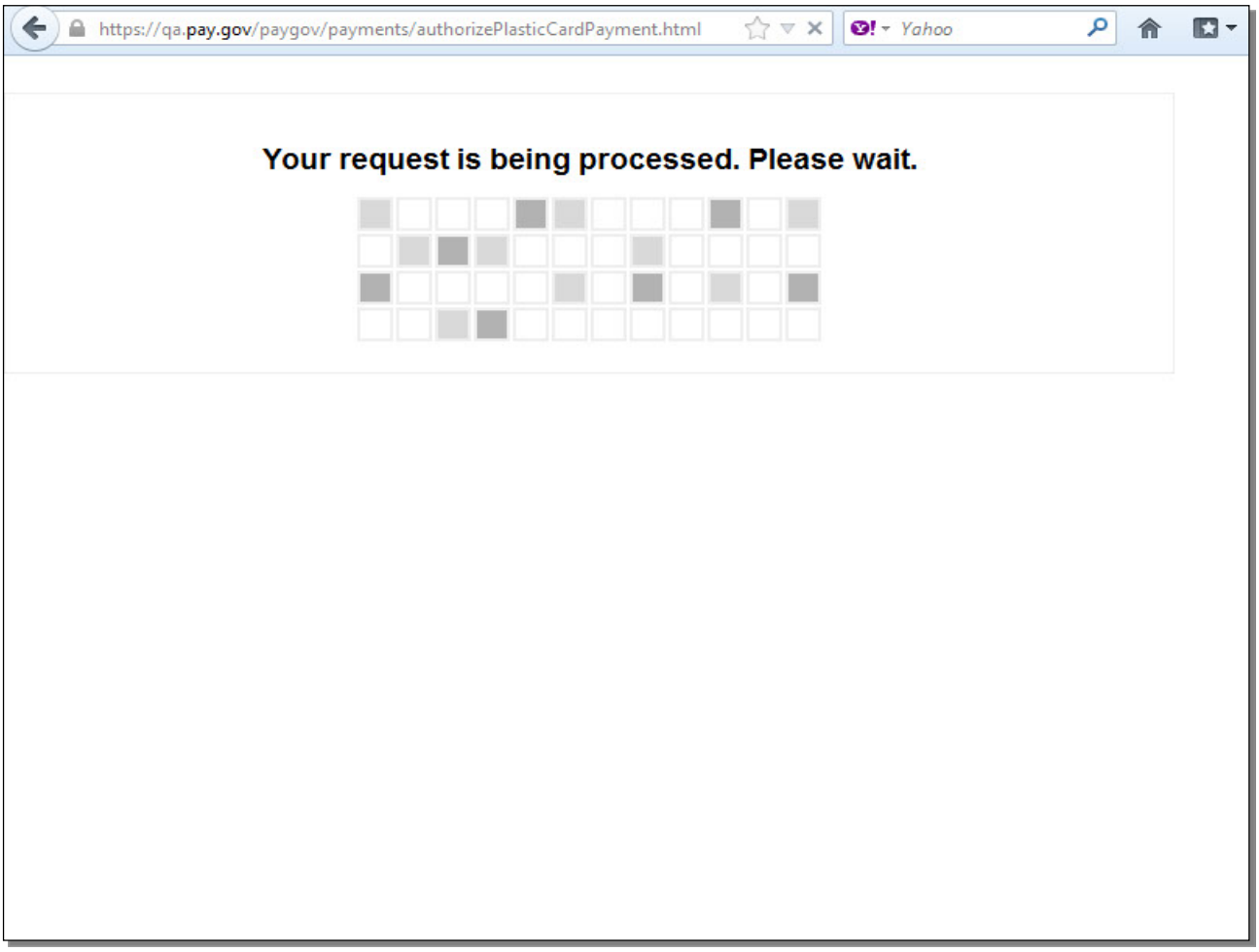
This second payment option is for those using a credit card. To make a payment with a credit card, you will be required to enter your credit card information, which we have already entered on this screen. Once you have entered the required information, select **Continue with Plastic Card Payment**.

Slide 41 - Credit Option (Cont'd)



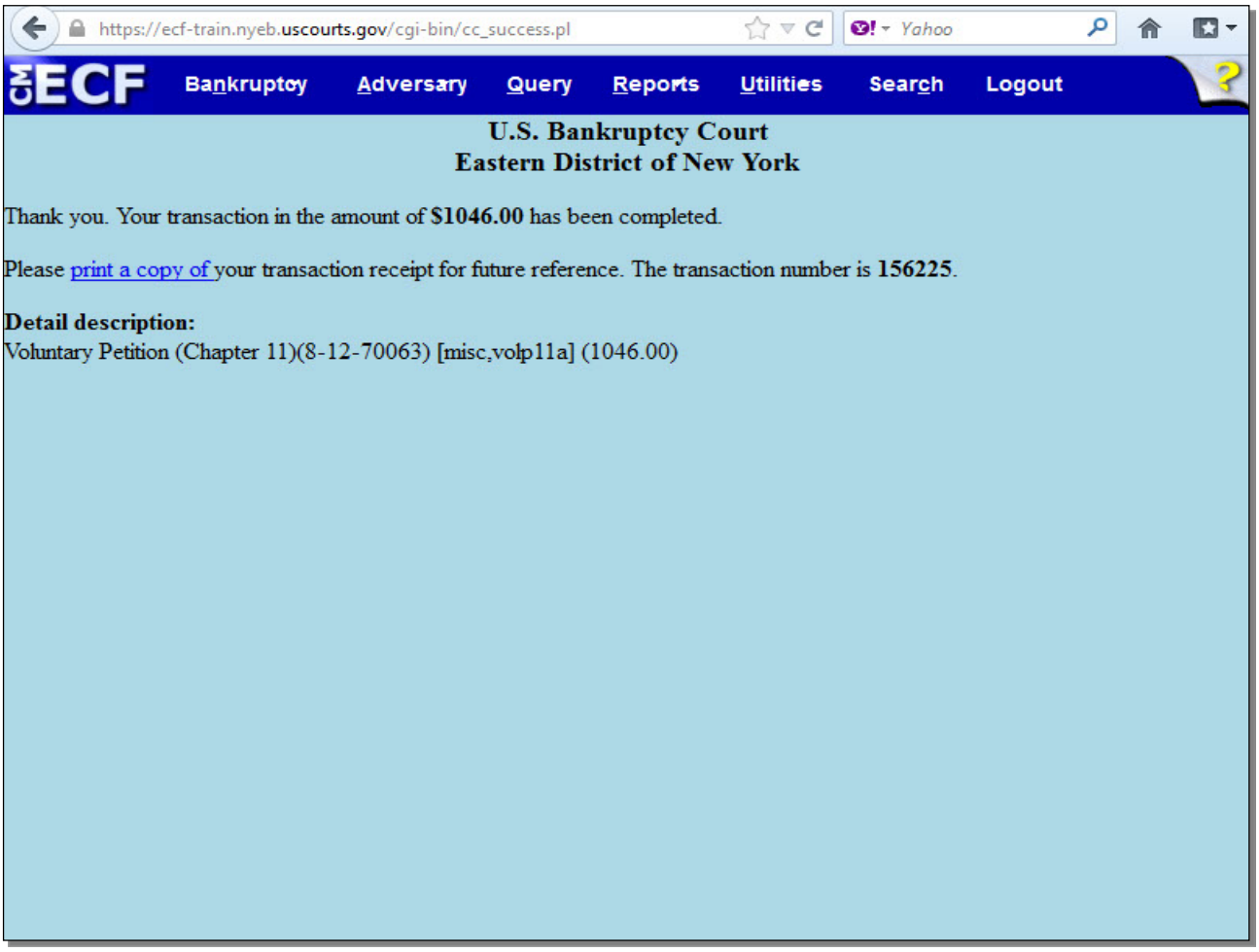
Review the Payment summary for accuracy. Select **Edit this information** to make corrections. If you wish to cancel the transaction, select **Return to your originating application**. To receive confirmation upon completion of this transaction, you will have to provide an email address. Place a check in the box to authorize the charge to the credit card, and select **Submit Payment** to submit your transaction.

Slide 42 – Fee being processed

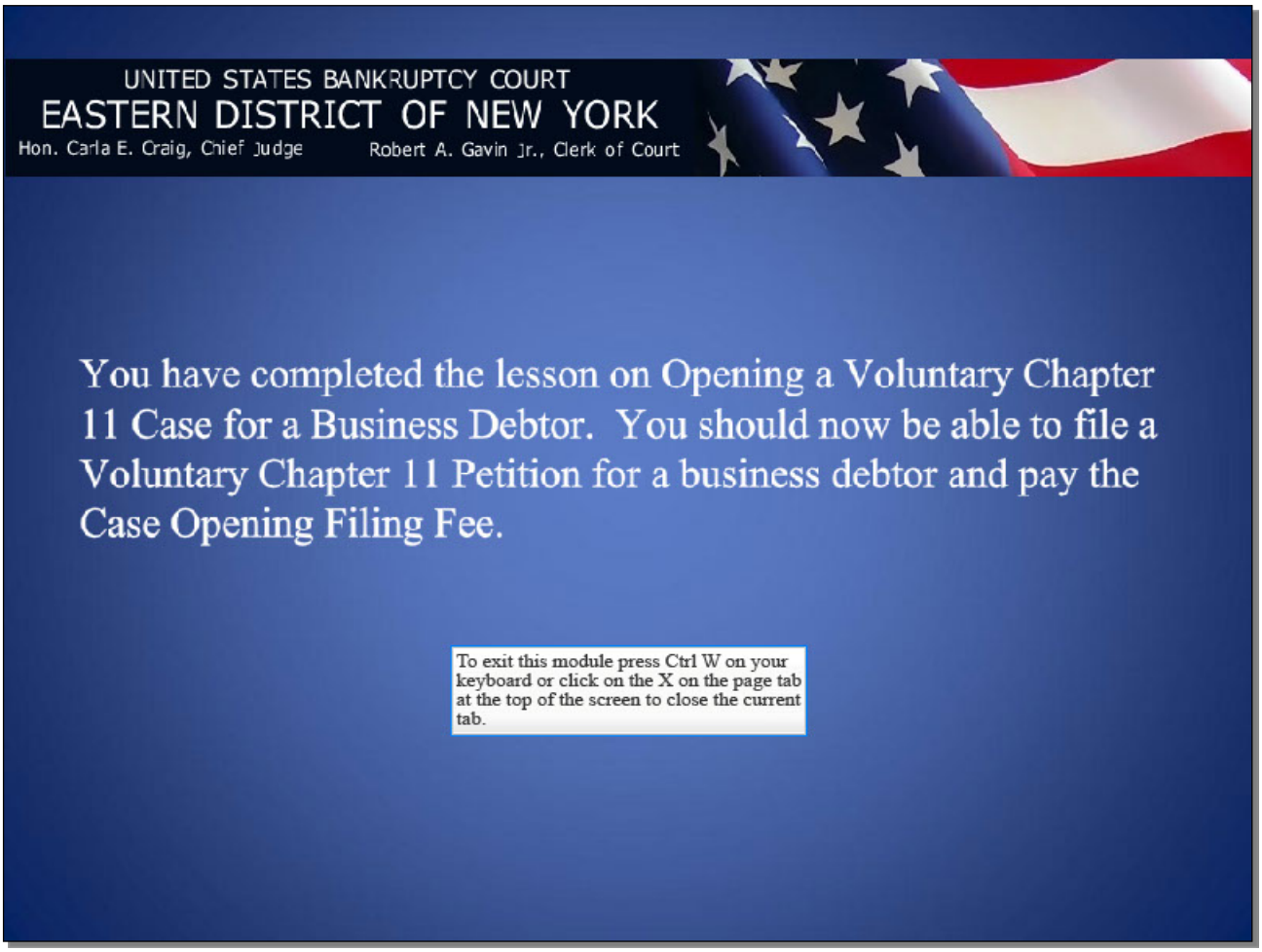


While the request is being processed, please wait. Navigating away from this page may lead to incomplete data being transmitted and pages being loaded incorrectly.

Slide 43 - Transaction Receipt



This receipt provides the amount paid, a transaction number for your records, and a detailed description of the documents filed that incurred a fee. This description also includes your case number, which you will need to make future filings on the case. You may print a copy of your transaction receipt for future reference.

TIP: You will receive this receipt whether you pay the fee by debit or by credit.

Slide 44 - Summary