



UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK ECF NEWSLETTER

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TIP OF THE MONTH

Filing Amended Schedules

March 2016 Tip of the Month deals with Amended Schedules A-J.

When amending Schedule **D, E/F**, pursuant to LBR 1009-1(a) you are required to file the following documents:

- Affidavit LBR 1009-1(a) with a description of the changes being made to the original Schedule
- Amended Schedule(s)
- Supplemental List of Creditors with only the name and address of the amended creditors
- Verification of the List of Creditors
- The required fee for amending Schedules D, E/F

When filing Amended Schedule **D, E/F** in CM/ECF, select the event found under **Bankruptcy – Other - Amended Schedule(s), Statement and Affidavit LR 1009-1a) (Fee Due)**.

When filing Amended Schedule **A/B, C, G-J** in CM/ECF, pursuant to LBR 1009-1(a), select the event found under **Bankruptcy - Other - Amended Schedule(s), Statement and Affidavit LR 1009-1a) (No Fee Due)**.

NOTICE OF COURTROOM CHANGE FOR JUDGE SCARCELLA

Effective April 4, 2016, Judge Louis A. Scarcella will be holding calendar **in Courtroom 970** on the 9th floor, which would include all matters previously noticed for Courtroom 760. Parties filing motions to be heard before Judge Scarcella are directed to reference Courtroom 970 in all future notices as applicable.

PENDING CHANGES IN THE BANKRUPTCY FORMS

Effective April 1, 2016: Revised Dollar Amounts in Official Forms 106C, 107, 122A-2, 122C-2, 201, 207, 410, Director's Forms 2000 and 2830, and Certain Instructions

Please note that automatic adjustments will be made on April 1, 2016, to dollar amounts stated in various provisions of the Bankruptcy Code, one provision in Title 28, seven Official Bankruptcy Forms which contain adjusted dollar amounts, the Instructions for Individual and Non-Individual Debtors, two Director's Forms which include dollar amounts, and one set of instructions for a Director's Form which includes a dollar amount. The adjustments will apply to cases filed on or after April 1, 2016. Additional information can be found at <http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms>.

Means Testing

As a result of the automatic adjustment to certain dollar amounts, the Means Testing information has been updated for cases filed on and after April 1, 2016. For more information, click this link: http://www.nyeb.uscourts.gov/sites/nyeb/files/Means_Testing_April_2016.pdf

UPDATED ADMINISTRATIVE ORDER #559

Administrative Order #559: Electronic Means for Filing, Signing and Verification of Documents was updated. Click this link for the updated order.
http://www.nyeb.uscourts.gov/sites/nyeb/files/ord_559.pdf

ELECTRONIC COURT NOTICING AVAILABLE TO DEBTORS (DeBN)

Effective April 1, 2016, individual debtors, with or without attorney representation, may request to receive court-generated orders and notices electronically via their email addresses. This new, voluntary, and free program is called Debtor Electronic Bankruptcy Noticing (DeBN). To participate in this program, debtors must activate a DeBN account by completing a **Debtor's Electronic Bankruptcy Noticing Request (DeBN)** consent form which the attorney will upload and file on the court's docket. Attorneys are encouraged to enroll their clients in this cost-cutting initiative. Once a DeBN account has been activated, the debtor will begin receiving court generated orders and notices filed on their cases at the email address provided. To access DeBN form click the link: http://www.nyeb.uscourts.gov/sites/nyeb/files/DeBN_Form.pdf

NEW AND REVISED EVENTS

***New* - Refiled Petition Re: Forms Modernization 2015 (Pgs. 1-4)** - In the event the petition must be refiled, a new event has been added to accommodate Official Form 201 - Voluntary Petition for Non-Individuals Filing for Bankruptcy. All four pages must be refiled.

***New* - Debtor Electronic Bankruptcy Noticing Request** - To receive court generated notices and orders by email from the Bankruptcy Noticing Center (BNC).

***New* - Debtor Electronic Bankruptcy Notice Update** - To update email address, to advise the court of a new case filed after enrolling in DeBN, or to request reactivation of a disabled DeBN account.

***New* - Debtor Electronic Bankruptcy Noticing Deactivation Request** - To terminate DeBN account. Debtor will receive from here on service of court generated notices and orders from the United States mail.

***Revised* - Notice of Change of Debtor's Address** - To add the question if the debtor has a DeBN account.

***Revised* - Motion Approving Loan Modification** - To add the questions pertaining to the creditor's name and loan numbers.

Revised - The Order Scheduling Conference (Ch. 11) was removed from the events list and replaced by the order **Scheduling Initial Case Management Conference (All Judges)**. All judges in Central Islip and Brooklyn will use this order when scheduling Chapter 11 conferences. Click on this link to view a sample of the order:

http://www.nyeb.uscourts.gov/sites/nyeb/files/Chapter_11_case_management_order.pdf

***Revised* - Motion to Redact** replaces Motion to Restrict which was deleted from the CM/ECF docketing events.

RETENTION ORDERS

Judge Grossman will not sign orders retaining counsel or special counsel to Chapter 7 trustees without a hearing before the Court. All Chapter 7 trustees must file a motion to retain counsel or special counsel on notice to the Office of the United States Trustee, and a hearing shall be held on each motion.

PROCEDURE GUIDELINES FOR PRE-PACKAGED AND PRE-NEGOTIATED CHAPTER 11 CASES

Procedure Guidelines for Pre-Packaged and Pre-Negotiated Chapter 11 Cases
Administrative Order 645: http://www.nyeb.uscourts.gov/sites/nyeb/files/general-ordes/ord_645_0.pdf

REVISED JUDGE'S PROCEDURE

Revised - With respect to adversary proceedings before Judge Scarcella, when filing a motion to dismiss, a motion for summary judgment or a motion for default judgment, the attorney or *pro se* party shall file the motion without a Notice of Hearing. The Court will issue a scheduling order. The Court will determine whether argument will be heard and, if so, will advise the parties.

NOTICE OF APPEARANCE

When filing a Notice of Appearance and Request for Notice, at the **Add Creditor(s)** screen, filer must type the full name of the creditor, the law firm or company name **and** the complete address of the creditor **as it appears on the Notice of Appearance and Request for Notice.** If the name is longer than the allowed space, continue the name on the next line. The **Creditor type** drop down box defaults to **Notice of Appearance** and must not be changed. Once you have typed the required information you may select **Next** to continue.

FILING STATISTICS

January - December 2015

Chapter 7	=	9,038
Chapter 9	=	0
Chapter 11	=	228
Chapter 12	=	3
Chapter 13	=	2,273
Chapter 15	=	0

Total Cases Filed January – December 2015 = 11,542
Total Adversary Proceedings Filed January – December 2015 = 610

January-February - 2016

Chapter 7	=	1,199
Chapter 9	=	0
Chapter 11	=	39
Chapter 12	=	0
Chapter 13	=	426
Chapter 15	=	0

Total Cases Filed January – February 2016 = 1,664
Total Adversary Proceedings Filed January-February 2016 = 87

QUARTERLY REMINDERS

Keeping Your ECF Account Current

Attorneys are responsible for keeping their information current regarding firm affiliation, address, telephone, fax and/or email. This information can be electronically updated by accessing your CM/ECF account under the Utilities menu and selecting “Maintain Your ECF Account.” Should you have reasons to believe that your password has been compromised, you must immediately notify the Court in writing.

Chapter 11 Lawyers’ Advisory Committee

The Chapter 11 Lawyers’ Advisory Committee was created to provide a forum for communication between the Court and the bar regarding Chapter 11 practice and procedure in the District. Also posted to the Court’s website are the Committee’s Mission Statement, Members List, By-Laws, and Minutes.

The Court has posted the minutes of the Committee meeting held October 7 to its website at <http://www.nyeb.uscourts.gov/chapter-11-lawyers%E2%80%99-advisory-committee>. Members of the Bar may contact the Committee via email at CH11LAC@nyeb.uscourts.gov.

New York State Standards of Civility

The Board of Judges for the United States Bankruptcy Court for the Eastern District of New York adopted the New York State Standards of Civility for the legal profession, as guidelines for practice in all cases and proceedings in this Court. For more information, click on the link: [.http://www.nyeb.uscourts.gov/sites/nyeb/files/ord_568.pdf](http://www.nyeb.uscourts.gov/sites/nyeb/files/ord_568.pdf).

Judge's Information

Before preparing and uploading motion papers, refer to the judge's procedures to make sure your papers are in compliance with the requirements of the assigned judge.

<http://www.nyeb.uscourts.gov/judges-information>

Noticing Matters Heard by Judge Lord

Parties noticing matters to be heard before Judge Lord are directed to reference Courtroom 2529 until further notice.

ELECTRONIC TRAINING CLASS SCHEDULE

The next Electronic Case Filing training classes for attorneys and their support staff will be held at the:

- Brooklyn Courthouse - Friday, April 29, 2016 from 9:30 a.m. to 12:30 p.m.
- Central Islip Courthouse - Friday, May 13, 2016 from 9:30 a.m. to 12:30 p.m.

Attendance is no longer required to receive an ECF password to docket. However, first time users of the ECF system are strongly encouraged to attend the training class with their support staff. **It is important that attendees be on time for class.** Those arriving late must go to the Clerk's Office on the second floor of the Bankruptcy Court in Central Islip and first floor in Brooklyn, to speak to the Public Information Clerk who will announce your arrival or escort you to the training room. Participants must register before attending the class. If you register for a class and must cancel, notify the Court as soon as possible.

The training room is in a secured area so attendees are asked to wait by the kiosk in the lobby area of the Central Islip and Brooklyn Courthouses.

The classroom training dates are also posted on the Court's website at:

<http://www.nyeb.uscourts.gov/ecf-training-class-schedule>

CONTACT INFORMATION

United States Bankruptcy Court
Eastern District of New York
Conrad B. Duberstein United States
Bankruptcy Courthouse
271-C Cadman Plaza East, Suite 1595
Brooklyn, NY 11201-1800

United States Bankruptcy Court
Eastern District of New York
Alfonse M. D'Amato United States
Courthouse
290 Federal Plaza
Central Islip, NY 11722

(347) 394-1700

Help Desk: (347) 394-1700 press 6

(631) 712-6200

Help Desk: (631) 712-6200 press 6

The Voice Case Information System (VCIS) - 866-222-8029

The Court's website address is: <http://www.nyeb.uscourts.gov/>

This newsletter and previous issues are available for online viewing. [Click here](#) to visit the ECF Newsletter Archive.

In order to cut down on the number of error emails sent to filers each year, we would like to hear from you as to how we can best assist in making docket entries consistent with the requirements of this Court. Send me an email at Margaret.Clarke@nyeb.uscourts.gov letting me know how we can help.

Contact Margaret.Clarke@nyeb.uscourts.gov with your suggestions, articles, and topics for the newsletter.