

# UNITED STATES BANKRUPTCY COURT

## EASTERN DISTRICT OF NEW YORK

### ECF NEWSLETTER



*Our mission is to provide an opportunity for debtors to receive a fresh economic start and for creditors to be paid in accordance with the law, and to promote public confidence in the judiciary, by serving the public and all of our constituencies in the fair and just resolution of cases within our jurisdiction.*

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## Brown Bag Mediation Program

The United States Bankruptcy Court, Eastern District of New York Chapter 11 Lawyers' Advisory Subcommittee on Mediation will host a [virtual brown bag lunch webinar](#) on **July 27, 2022, from 12:30 p.m. – 2:00 p.m.** entitled "When and How a Case is Sent – A Quick Case Study." The objective of the webinar is to explore in a brief vignette style, with some discussion overlay, how and when disputes can be sent to Mediation. The panel members will explore some of the concerns and questions that parties may work through in considering Mediation as an option to resolve a pending dispute. Some of the Judges in our District will share the considerations they give in raising Mediation as an option and the mechanics of the referral process. We hope that this continued exploration of Mediation as a tool will better educate practitioners on considering it as an option to assist their clients.

### Opening Remarks:

- Chief Judge Alan Trust, United States Bankruptcy Court, Eastern District of New York.

### Panelists:

- Judge Elizabeth Stong, United States Bankruptcy Court, EDNY.
- Judge Louis Scarcella, United States Bankruptcy Court, EDNY.
- Leslie Berkoff, Esq., Moritt Hock & Hamroff LLP.
- Mickee Hennessy, Esq., Westerman Ball Ederer Miller Zucker & Sharfstein, LLP.
- Lori Schwartz, Esq., Robinson Brog Leinwand Greene Genovese & Gluck P.C.
- Andrew Thaler, Esq., Thaler Law Firm PLLC.

The program will be held on the Zoom video and audio conference platform. Meeting invitation details will be sent two days before the program to those who register.

## Email Updates From the United States Courts

### [Email Updates from the United States Courts](#)

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## Bankruptcy Threshold Adjustment and Technical Corrections Act (BTATC) Act

On June 21, 2022, the [“Bankruptcy Threshold Adjustment and Technical Corrections Act” \(BTATC\) \(Pub. L. No. 117-151\)](#) was signed into law by the President. The new law has a direct impact on the bankruptcy system and the administration of bankruptcy cases. The BTATC includes three major provisions:

- 1) Extends for two years the increase of the amount of debt (up to \$7,500,000) allowed to be carried by debtors to qualify for small business reorganization under subchapter V (applies retroactively to cases commenced on or after March 27, 2022, and with respect to a case that was commenced on or after March 27, 2020, and before June 21, 2022, is pending on June 21, 2022),
- 2) Increases, for two years, the debt limit for individuals filing for bankruptcy under Chapter 13 (to less than \$2,750,000) and allows both secured and unsecured debt to count towards this single limit (effective June 21, 2022), and
- 3) Provides technical amendments to the BAIA (to 28 U.S.C. § 589(a) specifically), which are effective as of October 1, 2021.

Additionally, the BTATC reinstates the definition of “debtor” for determining eligibility to proceed under subchapter V chapter 11 that was in effect from March 27, 2020 to March 27, 2022. As a result, Line 13 of [Official Form 101](#), and Line 8 of [Official Form 201](#), have been updated to reflect the change.

## New Chapter 7 Trustee Payments Set to Begin

United States Court Judiciary News, Published on June 17, 2022

Bankruptcy courts will begin processing [the new chapter 7 trustee payment](#), an additional \$60 per case, to eligible chapter 7 bankruptcy trustees for applicable cases, such as chapter 7 cases filed on or after January 12, 2021, through September 30, 2021, or chapter 11, 12, or 13 cases filed on or after January 12, 2021, that are subsequently converted to chapter 7, on or before September 30, 2021.

To receive the additional payment, eligible chapter 7 trustees must certify they have rendered services pursuant to the [regulations](#) via the filing of a “Trustee Services Rendered Pursuant to 330(e)” event in an individual bankruptcy court’s Case Management/Electronic Case Files (CM/ECF) system. Trustees should allow time for their local bankruptcy court clerk’s office to process payments before inquiring about payment status.

In accordance with the [Bankruptcy Administration Improvement Act of 2020](#), chapter 7 trustees are eligible to receive additional payment if they render services in cases filed:

- under chapter 7 on or after January 12, 2021, to the end of fiscal year 2026;
- or originally filed under chapter 11, 12, or 13, on or after January 12, 2021, and subsequently converted to chapter 7 on or before the end of fiscal year 2026.

Subsequent annual payments will be issued after the end of each applicable fiscal year. Amounts available for payment are determined annually based on the available balance in the United States Trustee System Fund and the case count of new chapter 7 filings and cases converted to chapter 7 during that fiscal year.

Visit the [Bankruptcy Administration Improvement Act Chapter 7 Trustee Payments](#) page for additional information about the payment process and eligibility requirements.

## Updated Means Test Information

### Census Bureau and IRS Data

*From [United States Trustee Program Web Site](#)*

**Cases Filed on or After May 15, 2022**

The [information](#) provided is applicable to Official Bankruptcy Forms 122A-1 (Chapter 7 Statement of Your Current Monthly Income), 122A-2 (Chapter 7 Means Test Calculation), 122C-1 (Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period), and 122C-2 (Chapter 13 Calculation of Your Disposable Income). Debtors completing these forms are required to enter income and expense information and then make calculations using the entered information. Some of the information needed to complete the forms comes from the Census Bureau and the Internal Revenue Service (IRS).

## Reminders From the Chambers of Judges Scarcella and Mazer-Marino

### Motions for Loss Mitigation

Judge Louis A. Scarcella will no longer consider motions for loss mitigation filed after June 30, 2022.

### eCourt Appearances

This is a reminder that all attorneys must sign in for each virtual or in-person appearance in Court using the [eCourt Appearances](#) program. Further details pertaining to the eCourt Appearances program for Judge Mazer-Marino can be found on the Court's website.

### Notice of Hearing

This is a reminder that all parties filing a motion for a hearing before Judge Mazer-Marino should include instructions for eCourt Appearances. Judge Mazer-Marino's form, [Notice of Hearing](#), posted on the Court's website, includes the instructions.

## BANKRUPTCY CASE FILING STATISTICS

### January – June 2022

• Chapter 7.....	4,231
• Chapter 9.....	0
• Chapter 11.....	215
• Chapter 12.....	0
• Chapter 13.....	1,328
• Chapter 15.....	1
<b>Total Cases Filed.....</b>	<b>5,775</b>
<b>Total Adversary Proceedings.....</b>	<b>475</b>

## Bankruptcy Filings Continue Steady Drop

Published May 17, 2022, by the United States Court Judiciary News

[Bankruptcy filings continued a steep two-year-long fall](#) that coincided with the start of the Coronavirus (COVID-19). Filings fell 16.5 percent for the 12-month period ending March 31, 2022. According to statistics released by the Administrative Office of the U.S. Courts, the March 2022 annual bankruptcy filings totaled 395,373, compared with 473,349 cases in the previous year.

Filings fell both for businesses and non-business bankruptcies, compared with the year ending March 2021. Non-business filings fell by a total of 15.7 percent, while business filings fell 33.9 percent.

This year's 12-month filing total for the quarter ending March 31 is slightly more than half of the total reported in March 2020, when the pandemic began. That year's 12-month total was 764,282.

<b>Business and Non-Business Filings Years Ending March 31, 2018-2022</b>			
<b>Year</b>	<b>Business</b>	<b>Non-Business</b>	<b>Total</b>
<b>2022</b>	<b>13,160</b>	<b>382,213</b>	<b>395,373</b>
2021	19,911	453,438	473,349
2020	23,114	741,168	764,282
2019	22,157	750,489	772,646
2018	23,106	765,722	779,828

<b>Total Bankruptcy Filings by Chapter Years Ending March 31, 2018-2022</b>				
<b>Year</b>	<b>Chapter 7</b>	<b>Chapter 11</b>	<b>Chapter 12</b>	<b>Chapter 13</b>
<b>2022</b>	<b>265,071</b>	<b>4,333</b>	<b>228</b>	<b>125,655</b>
2021	345,224	7,832	487	119,502
2020	479,211	6,938	627	277,353
2019	477,106	6,891	509	288,039
2018	480,933	7,735	499	290,566

## 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  
(347) 394-1700  
Help Desk: (347) 394-1700, press 6

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United States Bankruptcy Court  
Eastern District of New York  
Alfonse M. D'Amato United States Courthouse  
Federal Plaza, Room 290  
Central Islip, NY 11722  
(631) 712-6200  
Help Desk: (631) 712-6200, press 6

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- The Voice Case Information System (VCIS) - 866-222-8029.
- The Court's website address is: <http://www.nyeb.uscourts.gov/>
- Sign up to receive E-Mail alerts via GovDelivery when "News and Announcements" and "Written Decisions and Opinions" are updated on the Court's website. For more information click on <https://www.nyeb.uscourts.gov/email-updates>.
- Email your non-emergency procedural questions to: [ECF\\_Helpdesk@nyeb.uscourts.gov](mailto:ECF_Helpdesk@nyeb.uscourts.gov).
- Visit the [ECF Newsletter Archive](#) to access previous editions of the ECF newsletter.
- 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](mailto:Margaret_Clarke@nyeb.uscourts.gov) letting me know how we can help.
- Contact [Margaret\\_Clarke@nyeb.uscourts.gov](mailto:Margaret_Clarke@nyeb.uscourts.gov) with your suggestions, articles, and topics for the newsletter.